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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

SENATE—*Thursday, June 18, 2009*

The Senate met at 9:45 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God in whom we live and move and have our being, we need You every hour, in joy and in pain, in prosperity and in adversity, in success and in failure, in the moment of prayer and in the hours of toil.

To the human strivings of our Senators, add Your divine strength. Restrain and correct them when they do wrong and confirm and strengthen them when they do right. Guide them by Your spirit and support them by Your grace. Then in quietness and confidence may they leave the consequences to Your unerring judgment, remembering that Your judgments are ''true and righteous altogether.''

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following Leader remarks, the Senate will be in a period of morning business for up to 1 hour. Senators will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes and the minority will control the final 30 minutes.

Following morning business, the Senate will proceed to consideration of the concurrent resolution relating to an apology for slavery. There will be up to an hour for debate, equally divided and controlled between the two leaders or their designees prior to a vote. We do expect that vote to be a voice vote.

Upon disposition of the concurrent resolution, the Senate will resume consideration of the conference report to accompany H.R. 2346, the emergency supplemental appropriations bill. We hope to reach an agreement that will allow us to vote on motions to waive points of order and a time for a vote on adoption of the conference report. But if we are unable to reach an agreement, there will be a cloture vote on the conference report tomorrow morning.

We will resume consideration of the travel bill upon disposition of the supplemental conference report.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, Americans certainly want health care reform. There is no dispute about that. People are frustrated with the high cost of care, and many are worried about losing the health care coverage they already have. Some can't afford care or have to choose between basic necessities and the treatments they need. These are some of the things that are wrong with the current system, and they need to be fixed.

But while all of us recognize that serious reform is needed, we should also recognize the necessity of getting it right. Before we rush to pass just anything in the name of reform, such as the bill introduced in the HELP Committee this week, Americans have a right to ask some very basic questions: How much will it cost? How will we pay for it? What will this mean for me and for my family?

As to the first question, Americans have good reason to be concerned about what the bill would cost. The Congressional Budget Office estimates that just a portion—just a portion—of the HELP Committee bill would spend $1.3 trillion over 10 years. That doesn't even include major portions of the final proposal, including a massive expansion of Medicaid, which will cost untold billions of dollars. These are staggering amounts of money for taxpayers to contemplate, which is why it is troubling to a lot of people when we see committee members in such a rush to pass this legislation before the Congressional Budget Office even has a chance to fully estimate its cost. On something as important to the American people as health care reform, cost and effectiveness should be a higher priority than speed.

But even if we decided this bill was the right reform, another question

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

arises: How would we pay for it? Most people don't walk onto a car lot, pick out the most expensive model, buy it, and then figure out how they are going to pay for it. Even if they wanted to, the car salesman wouldn't let them. We need to take the same approach here.

The proposal we have seen is full of creative new ways to spend taxpayer dollars, but it offers little in the way of offsetting the cost of the overall bill. We will have to either charge the money to the national credit card or, more likely, raise taxes on working families—in other words, more spending, higher taxes, and even more debt. So far, some of the taxes under discussion include a tax on soft drinks and juice boxes, the creation of a new tax on jobs, and new limits on charitable donations. But this would just be the beginning. The HELP Committee bill would be hugely expensive by any reckoning, and no one has a plan to pay for it. This isn't a very good start as far as health reform is concerned.

Americans are also right to wonder how these changes would affect the family budget. Will the HELP Committee's so-called reforms raise the health insurance costs for millions of families and businesses at a time when they are already struggling? This isn't a scare tactic or a theoretical question. Not only does the CBO estimate suggest the final bill is far too expensive, but we also have the example of States that have tried some of the proposals it suggests. Shouldn't we look at the experience of these States to determine whether we want to replicate these proposals nationwide?

Take Kentucky, for example. Many of the same concepts embraced by the HELP Committee bill were tried 15 years ago in my State—with disastrous results. Instead of reforms that were promised, Kentuckians were left with higher expenses and fewer choices for health coverage. Instead of more affordable care, one report estimates that 850,000 Kentuckians faced dramatically higher premiums. Instead of increased competition, about 50 insurance companies stopped offering individual insurance, leaving only a handful of private insurers and a government-run plan that wasn't affordable for taxpayers. After years of failure, many of these so-called reforms were repealed but not without significant damage to the Commonwealth. While the market has rebounded some, Kentucky's small businesses and families tell me that a lack of competition in the health care market continues to keep prices high. Shouldn't this experience figure into our consideration?

When it comes to our approach on legislation as costly as health care, we should learn from our experience with the stimulus. Democrats rushed that bill on the grounds that we needed it to jump-start the ailing economy. Yet a few months later we are already hearing outrageous stories of abuse and the unemployment rate actually continues to rise.

When it comes to specific proposals within any so-called health care reform bill, we should learn from the experience of Kentucky. We should not be rushed into enacting so-called reforms that cost taxpayers trillions and could increase premiums to consumers.

Americans indeed want reform, but they want us to do it right. They do not want a blind rush to spend trillions of dollars they and their grandchildren will have to pay for through higher taxes and even more debt.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE REFORM

Mr. REID. Madam President, if you will indulge me, it appears appropriate and necessary to briefly summarize the sorry state of health care in America today.

Nearly 50 million people in the greatest country and the largest economy the world has ever seen lack the fundamental ability to stay healthy or care for a loved one. Nine million of those people are children. Eight million fewer people who in 2003 had health insurance through their jobs can say the same today. Among those between 18 and 64, the State of Nevada has the second highest rate of uninsured citizens. Health care costs an average family more than twice what it did at the start of this decade. Half of all Americans who file for foreclosure do so because they can't afford both a house and their health care. More than half of all Americans who file for bankruptcy do so because health care is too expensive. More than half of all Americans skip doctor visits or treatments they need to stay healthy because it is too expensive.

Those fortunate enough to have health care pay a hidden tax just to cover those who don't. If your family has insurance, you pay at least $1,000 more for it than you would need to if other families had their insurance. If you are like about everybody I know and not in absolutely perfect health—if you have a history of anything from heart disease, to high cholesterol, to hay fever—your insurance company can force you to pay exorbitant rates or deny you coverage altogether. Insurance companies call these preexisting conditions. Everyone else calls them tragedies.

I know I am not telling the American people anything they do not already know. They know it better than any statistics can say. They struggle with these challenges every morning when they wake up and when they go to bed at night, second-guessing the agonizing decisions they made that day about what to sacrifice to stay healthy.

I said I thought it would be appropriate to go back to the basics for the benefit of our Republican colleagues. Their lack of interest in an open and candid debate, their lack of interest in coming to the negotiating table with productive proposals makes it painfully evident they need to be reminded of the reality of this crisis.

By any measure, these are serious problems, and serious problems deserve serious efforts by serious legislators to develop serious solutions. Our Republican colleagues think things are just fine the way they are. Why shouldn't they? They like the status quo. They are the ones who created the status quo. In fact, this is hard to comprehend. Just yesterday, the Republican leader in the House of Representatives said the following: ''I think we all understand that we've got the best health care system in the world.'' When we have 50 million people with no health insurance, is that the best health care system in the world? When we have 9 million children with no health insurance, is that the best health care system in the world? Is it the best health care system in the world when today there are 8 million people fewer than in 2003 who have health insurance through their jobs? Is it the best health care system in the world when people between 18 and 64 in the State of Nevada have the second highest rate of uninsured citizens? I don't think so. Is it the best health care system in the world when the health care cost for the average family is more than twice what it was at the beginning of this decade? Is it the best health care in the world when more than half of all Americans skip the doctor visits they need or the treatments they need because they cannot afford them?

The Republican leader in the House of Representatives is saying, ''I think we all understand that we've got the best health care system in the world.'' I think he better go back and check that out. He said that to a room of reporters. I doubt he would say the same with a straight face to the millions of Americans who have to skip routine medical checkups or live just one accident or illness away from bankruptcy or wonder if they will live long enough to fight through the redtape. We have heard President Obama talk about the death of his mother and how she fought as strongly as she could to get the health care she needed. She lost that battle.

What about the Republicans in the Senate? We talked about the Republican leader in the House. How have they approached the crisis? I am sorry to say they have only subscribed to more of the same stalling strategy that the American people are tired of. Republicans have introduced 400 amendments to the health care bill that is in the HELP Committee, 400 amendments,

and they say they have more to come. Here is a sample of some of their serious amendments: two amendments would force doctors to spy on each other, multiple amendments just to change the names of sections in the bill, and many amendments that simply would give greedy insurance companies the ability to deny coverage whenever they feel like it. Each of the 400 amendments says something different, but in truth they all say the same thing—no. They are designed to slow the process to a halt.

I am not making this up. Look at this newspaper today, Rollcall: ''Senate GOP Still Saying 'No.' '' Listen to what the story says. This is more than just a headline.

Though Senate Democrats have handed them defeat after legislative defeat this year, Republicans say they plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible. ''Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win it—so that their people back home know that they're voting for this junk, [said one Republican Senator]. And we're going to see it on everything.''

The stalling on everything. How is that for moving this country out of the problems we have? ''They plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible.''

Republicans waste the time of the American people in the morning and in the afternoon complain that government is inefficient. What do I mean? We have wasted the whole week with 60 hours of wasted time on two postcloture time blocks. It is just as they said, they are just stalling for time. During that period of time, we could have moved to appropriations bills, we could have moved to many things.

I have Senators come to me. There is a bipartisan bill—Senator KERRY has worked with Senator KYL—dealing with Pakistan. It is essential that we do that. But because of what is going on here on the Senate floor with Republicans stalling, we can't get to that. I have been asked by Democrats and Republicans to do something about drug importation. We don't have time to go to it because of the stalling. The Senate GOP is still just saying no. They complain about the government being inefficient? The only inefficiency I see in Washington today is the Republican caucus in the House and the Senate.

Again, our health care system is in serious distress, and serious problems deserve serious efforts by serious legislators to develop serious solutions. That is why we are committed to lowering the high cost of health care, ensuring every American has access to quality, affordable care, and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care for the millions who have none. I don't think doing nothing is an option because the cost of doing nothing is far too great. We must pass health care reform this year.

As we said at the start of this Congress, the start of the work period, and the start of this debate, we will continue doing the best work with Republicans—we will work with them. They have a place at the negotiating table, and they should take it. We will work hard to do a bipartisan bill. But in order for this bipartisan process to work, Republicans must demonstrate an interest in legislating, not this:

Though Senate Democrats have handed them defeat after legislative defeat this year, Republicans say they plan to continue trying to slow down the Democratic agenda on the Senate floor as much as possible. ''Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win it . . .''

I hope the American people who are watching talk to their Republican Representatives in the House and their Senators and say this isn't right.

Despite what we have seen in recent days, such cooperation is not out of the realm of possibility. Here is an example of what it looks like when Republicans and Democrats work together with each other instead of against each other and against the interests of the American people. Yesterday, Wednesday, a group called the Bipartisan Policy Center proposed a thoughtful and thorough plan for stemming this country's health care crisis. The group is led by three former Senate majority leaders—I have worked with all of them—Bob Dole from Kansas, Howard Baker from Tennessee, and Tom Daschle from South Dakota. I would mention about Tom Daschle, I think most people recognize he is a man who knows more about health care than just about anybody in America today. He has written a book, among other things. Together, Tom Daschle, a Democrat, and Senators Dole and Baker, Republicans, served a combined 80 years in the Congress. They know a thing or two about working across the aisle and getting things done. They know our job is public service, not lipservice. I may not agree with every part of their plan, but that is not the point. The point is, they have a goodfaith effort. They have avoided the temptation to distract each other with misrepresentations and misinformation about the real problem. They have put people ahead of partisanship and were able to find common ground.

I encourage Republicans in Congress to read the Bipartisan Policy Center's report. Even if they do not support its conclusions, I hope they take to heart its authors' motivations. Baker, Dole, and Daschle—serious problems deserve serious efforts by serious legislators to develop serious solutions. The time for partisan games is long over. It is time to get serious about fixing our health care.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Jersey is recognized.

THE RECOVERY ACT

Mr. MENENDEZ. Madam President, this February, Congress passed and the President signed a historic recovery package, setting the stage for the creation of 3½ million jobs and making critical investments to strengthen the 21st-century economy. We all agree that legislation has not ended the most serious economic crisis since the Great Depression. Americans know what this administration inherited and the time it will take to get out of it. Hundreds of thousands of Americans continue to lose their jobs every month, quality health care is still far from affordable for far too many, and we still have a dangerous dependence on foreign oil that threatens our safety, our wallets, and our planet at the same time.

But the optimism we feel is real. Quick action on our part has contributed to bringing the economy back from the brink of absolute collapse. There are green shoots in this economy, and the Recovery Act has fertilized them. It has cut taxes for working Americans; it has made education more affordable; it has jump-started urgent investments that will make our commutes faster and our air cleaner, investments such as repairing crumbling bridges and highways and building high-speed transit and light rail, investments that will pay off over the course of generations. The hundreds of thousands of Americans who are going to work this morning because of the Recovery Act can tell us in no uncertain terms that the legislation is working. It is creating jobs, making responsible investments, helping workers damaged by this crisis.

But in the face of these tremendous efforts, some are questioning the effectiveness of these investments. They

have decided to attack the entire recovery process by jumping to conclusions, distorting the facts, and spreading outright falsehoods—all because of their failed George Bush-style ideology that created this crisis in the first place.

There have been some who have commissioned their own report, a report which picked a conclusion first and then attempted to seek out facts later. The old saying goes, if the only tool you have is a hammer, everything starts to look like a nail. That is the case here. The radical conservative ideology that led to this report is like a steam hammer that its operators would like to use at all times, even if it means bashing away at the foundation of economic growth we are trying to build.

I notice this report did not mention any projects from my home State of New Jersey, and I guess, because the conclusion they wanted to draw was failure, that would make sense not to include projects in New Jersey because, in fact, if you look at the issue of how New Jersey is handling this among many other States in the Nation, you would have to take issue with the thousands of New Jerseyans who will owe their jobs to this act.

The report would have to take issue with an immediate tax cut for the average working family of up to $800, money that helped New Jerseyans pay their bills and support their families, or the over 1.5 million New Jerseyans who avoided the alternative minimum tax as a result of that law as well—more money in their pockets, less money going to the government.

You would have to take issue with the college students and parents of college students in New Jersey who are finding their term bills just a little easier to pay because of the increased Pell grants in the Recovery Act. In addition to higher education, it would have to take issue with all the ways public elementary and secondary schools are being improved with $957 million in funding that they would not otherwise have for critical needs ranging from up-to-date textbooks to better technology in the classroom.

It would have to take on all the teachers, police, and firefighters who have been able to keep their jobs and the individuals with disabilities who are now getting the support they need at school—made possible by the Recovery Act.

The Recovery Act was intended to create jobs fast, pump money into the economy quickly. How well has it done that in New Jersey? I saw firsthand how the funding created 250 construction and engineering jobs improving Route 46 in Lodi. It is a project that is going to reduce traffic congestion, cut down on the time it takes to commute, make it easier to do business, and protect the roadway against flooding so parents can feel just a little safer as they drive their kids in heavy rain.

I saw firsthand that the Recovery Act finally let us break ground on the Mass Transit Tunnel under the Hudson River that will ultimately create 6,000 jobs for several years and, at the end of the day, when that project is finished, over 50,000 permanent jobs. I met children who will be the future riders of that train and whose parents and neighbors are employed in its design, planning, and construction as we speak. In terms of infrastructure, you can see these results statewide.

The Recovery Act required our State Department of Transportation to get enough projects ready for bidding so that 50 percent of that funding could be set aside within 120 days to get people to work. New Jersey met that requirement and plans to allocate the funding for all of its projects by the end of this month. The Recovery Act has been a lifeline for New Jersey and, for that matter, for millions of people across the country.

I could not agree more that accountability is crucial. We understand that every dollar in the Recovery Act belongs to the American taxpayer. They deserve assurances that their money is being invested wisely. We have to ensure unprecedented transparency, oversight, and accountability so Americans can see not only how their money is being spent but also the results of their investments.

That is why this act is being personally overseen by the Vice President of the United States. And it is why the Act provides for so much transparency, such as a Web site with all of the information about it readily available to the public. Ironically, the fact that there is so much transparency is the reason an individual Senator can issue a report about it at all, and it is the reason we can figure out so easily that many of the assertions in that report are wrong.

Accountability means making sure our investments are smart and making corrections as need be. What accountability does not mean is attacking the job that hard-working men and women are doing, that the legislation made possible, because your ideology does not square with the facts.

That is not accounting, that is undermining. Frankly, after 8 years of undermining, the American people are ready to build up this country again. And with the Recovery Act, with health care reform, so not only those nearly 50 million Americans who have no health care coverage in the greatest Nation in all of the world, but at the same time millions more who are one paycheck away from losing it, and so many who have health insurance, but have told me that, in fact, after listening to their insurance company and following all of the rules, they still get denied for claims of coverage they need.

That is part of the reform we seek. With additional steps to make us energy independent, we are going to, in essence, rebuild this country. That is the process of saying ''yes'' to America, not ''no'' to America.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 10 minutes as in morning business on the Republican side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WASHINGTON TAKEOVER

Mr. ALEXANDER. Madam President, I just finished reading an excellent address by the Secretary of Education, Arne Duncan. Secretary Duncan made this to the National Governors Association. He said this:

> I am continually struck by the profound wisdom underlying the American political system. The genius of our system is that much of our power that shapes our future was wisely distributed to the States instead of being confined in Washington.

Continuing, he says:

> Our best ideas have always come from State and local governments, which are the real hothouses of innovation in America.

Secretary Duncan says:

> On so many issues: energy efficiency, mass transit, public safety, housing, economic development, [and then he goes on to say] education, it is the States that are often leading the way, sometimes with Federal help and sometimes without.

That is indeed the American way. That is my comment. The American way was recognized by President Lincoln who honored the importance of States. He argued for a limited Federal Government. He used the limited Federal Government to confer opportunities through the Transcontinental Railway, the Land Grant Colleges, the Homestead Act, instead of a ''Washington knows best'' command and control sort of Federal Government.

It has been our tradition to rely on decentralism of government and a free market to build our country, and it has given us the best colleges and universities, and a standard of living that produces 25 percent of all of the money in the world for just 5 percent of the people in the world, the Americans who live here.

Unfortunately, the wisdom that Secretary Duncan expressed seems to lie almost exclusively in the Department

of Education in this administration. It is an oasis of common sense, because at an astonishing rate, almost everything else in Washington seems to think that Washington knows best.

I was visited by a European auto executive the other day who said to me jokingly: Well, I am glad to be in the new American automotive capital: Washington, DC. It is not only America's automotive headquarters, it is becoming America's banking center and it is becoming America's insurance center.

Unfortunately, even in education, Washington, DC is now about to become America's student loan center for 15 million students, because the administration believes Washington knows best. Instead of having 2,000 banks make 15 million loans, we are going to have the U.S. Department of Education make the Secretary the banker of the year.

And now, we are discussing in the HELP Committee and in the Finance Committee a brazen takeover representing 16 percent of our economy which would say: Washington knows best about our health care system. Washington will become America's health care center as well.

The health care bill we are discussing in the HELP Committee, of which I am a member, would expand one failed government program, Medicaid, and create a new one, a new government insurance program, a so-called public option.

Those who support the public option—this includes our President—feel very strongly about it, and they speak eloquently about it. They say things such as one Senator said yesterday at our hearing, we need to ''keep the insurance companies honest.'' That is why we need a government-run insurance program. We need some ''good old-fashioned competition,'' so they said, and, ''we need to keep prices in check.'' They say that is why we need a government-run health insurance program.

Well, if that is the argument, perhaps we ought to start doing that with every sector of the economy, starting with automobiles. Why not buy the rest of General Motors—we already own 60 percent of it—and let's create a government car, and let's keep what is left of the American automobile industry honest by doing that. Let's have some good old-fashioned competition to keep prices in check.

We could own the car company, we could regulate the car company, we could subsidize the car company. And we could create a car that we knew is exactly the right size, the right color, that got 50 miles a gallon, that ran on ethanol, that had a solar panel, and that had a windmill on top. That would be the government car.

To be fair to the American communities across the country, because we would want to be, we could mandate that equal numbers of parts for the government car could be made in every congressional district and no one could buy an electric battery made in South Korea, even if it was the best battery in the world and would make the Chevy Volt an instant success.

We could have a board of directors on our government car company of 120 Members of the Congress or Senate. All of us, great car experts, right? We know how to build cars and trucks, how to design them, how to build them, how to sell them. And there are 120 of us who are the chairman or ranking member of some committee or subcommittee that has the authority to call the head of the car company into Washington, presumably driving his or her congressionally approved hybrid car, to come testify for 3 or 4 hours, and then drive back to Detroit having not a minute that day to design, build, or make a car.

That is what we could do. And we know what the result would be. The result would be a car a lot like the Soviet cars we all used to laugh about years ago. They were clunkers. They were the butt of jokes. They barely worked. No one wanted to buy them. And, of course, they kept lowering the price, so that people would want them. Pretty soon they priced everybody else out of business. There was only one car, the government car, and people either drove the government car or they walked, or they took the Metro, or they found some other way, maybe a bicycle.

That is what we are talking about here when we talk about a government-run health insurance program to keep the health insurance companies honest. It is the same idea as having a government-run car program to keep the American automobile companies honest.

We already have one government-run health care program. We call it Medicaid. It is a terrible example. The Government Accountability Office says we literally waste 10 percent of every dollar of all of the dollars that we give to Medicaid. That is $32 billion a year. It is filled with lawsuits, bureaucracies, inefficiencies. It is a tremendous expense to States. It is ruining higher education because Governors and legislatures are putting every available dollar into Medicaid, and they have nothing left for the community colleges.

The worst of it is it does not provide service. It is like giving you a Metro pass and there is no subway. Approximately 40 percent of the doctors will not serve Medicaid patients—low-income Americans—because of the low reimbursement rates.

So what do we have with our great government program called Medicaid? Twice as many Medicaid patients go to the emergency room to get their care as do uninsured Americans going to the emergency room. That is what we have with that government program.

Yet the Kennedy bill which we are considering in the Senate HELP Committee, the only bill we are considering even though there are other alternatives on the table, would expand that government-run program by 150 percent, increase its costs both to the Federal Government and to States, all in the name of keeping insurance companies honest.

There is a better way to give subsidies or grants to low-income Americans so they may buy their own health insurance.

There is a better way with autos as well. Instead of having a government car for the next 4 or 5 years, with politicians meddling in how GM and Chrysler operate their business, let's give the stock we own back to the American people. Give the 60 percent of General Motors stock and the 8 percent of Chrysler stock to the 120 million Americans who paid taxes on April 15 of this year. The reason would be they paid for it, they should own it. Some might say: Well, let's sell the stock. I would favor selling the stock. I would like to get the stock out of Washington and end this incestuous relationship of Congressmen calling up the President of General Motors and saying: Do not close the warehouse in my district. But it might take several years, according to the President of GM, to sell that block of stock. So the faster way to do it is a stock distribution, a corporate spinoff.

Proctor & Gamble did this with Clorox in 1969. Time Warner did it with Time Warner Cable in March of 2009. All of the stockholders of Time Warner simply received shares in Time Warner Cable. PepsiCo did it with its restaurant businesses—KFC, Pizza Hut, and Taco Bell. If you owned shares of PepsiCo, suddenly you had some of Colonel Sander's stock. PepsiCo shareholders received one share in the new restaurant company.

Madam President, would you let me know when I have 1 minute remaining, please?

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. ALEXANDER. I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. These companies did all of this when the main company decided that the subsidiary was not consistent with the core business. That is what we should do with General Motors—give taxpayers its shares and get General Motors back in the marketplace where it belongs. This idea is fast, it is simple, and it creates a market for the shares.

The United States is not like the Soviet Union where people are not used to

handling shares. Half of American families own shares of stock. Distributing government owned shares in General Motors to taxpayers would create a fan base for the next Chevy, like the fan base for the Green Bay Packers, where the people in the community own the football team.

I have been giving ''Car Czar'' awards to political meddlers to put a spotlight on this incestuous relationship in Washington. American manufacturing of autos will not succeed if Washington is America's new automotive headquarters. Neither will American insurance succeed, neither will American banking succeed, neither will students be happy waiting outside the Department of Education for their student loans, and neither will health care help low-income Americans if Washington is the headquarters.

Later today or tomorrow I hope to be able to offer my amendment, cosponsored by Senators BENNETT, KYL, and others, to give all of the General Motors stock and all of the Chrysler stock our federal government owns back to the people who paid for it. They paid for it; they should own it. Let's get the Washington meddlers out of the automobile business and auto manufacturing back on its feet.

I ask unanimous consent to have printed in the RECORD newspaper articles supporting the Auto Stock for Every Taxpayer Act I have introduced and plan to offer as soon as I am able.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek]

BARNEY FRANK, CAR GUY AND GREEN GUY. SO HE PRESSURES GM.

(By George F. Will)

General Motors changed its mind. Or maybe not. It is unclear that GM still has a mind of its own, so let us just say that GM changed its decision. The company first announced that it was going to close a parts-distribution center in Norton, Mass. Then it heard from the congressman who represents that community, Barney Frank.

That Democrat chairs the Financial Services Committee, which is mightily important to GM now that it is an appendage of the federal government, which soon will own 60 percent of it. Frank talked to GM's CEO, Fritz Henderson. So the distribution center will not be closed for at least another 14 months.

Is this a glimpse of what life is going to be like under the political economy of state capitalism? Heaven forfend, says Frank. To The Hill newspaper he said, ''I don't think this will lead to a pattern,'' because, well, because the distribution facility was not a dealership or an assembly plant. If that strikes you as a non sequitur, this will, too: Frank stressed that what he did was not improper because he talked to Henderson rather than to someone in the Obama administration. Which is significant because . . . never mind.

Frank's motive for intervening in GM's decision making was not political but altruistic. Really. He wanted to save the planet. If the Norton facility were closed, he says, GM parts for New England would be trucked from Philadelphia, and that would complicate the task of turning down Earth's thermostat.

Nowadays, green reasoning is the first refuge of scoundrels. Global warming has become like God: It is an explanation for everything and an all-purpose excuse for the political class to do whatever it wants to do. What a large portion of it wants to do—what it has a metabolic urge to do—is boss people around. It can maximize its opportunities for doing that if it maximizes the number of people dependent on government, and the number of ways in which they are dependent.

Sometimes bribing is a substitute for bossing, as with the ''cash for clunkers'' idea: Give vouchers worth up to $4,500 to people who trade in their vehicles for more fuel-efficient ones. One rationale for this is, of course, green: It would put a cool compress on Mother Earth's supposedly fevered brow. But the plan also is yet another bailout for the bottomless money pit called Detroit. The plan would entice customers into showrooms.

But in a cri de coeur published last week in The Wall Street Journal, two of the senators who dreamed this up lamented that something has gone horribly wrong. Dianne Feinstein, the California Democrat, and Susan Collins, the Maine Republican, are surprised and scandalized that their proposal for manipulating the market has been hijacked by industry lobbyists, who have a different manipulation agenda.

Feinstein and Collins tied their vouchers to purchases of vehicles meeting high fuel-efficiency standards. But the bill passed by the House, and a companion bill lurking in the Senate, would make vouchers available for vehicles meeting less exacting standards. This would help dealers move their unsold inventories of SUVs, pickups and other large vehicles. Feinstein and Collins denounce this as ''handouts for Hummers'' and say it is evidence of ''how quickly a good idea can go bad in Washington.''

Actually, it is evidence of what a bad idea they had—getting the government into the business of fine-tuning customers' choices. Once such market manipulations are given a seal of progressive approval, it is not a jaw-dropping shock that things will become messy, with factions competing to get the government to do their bidding.

Two other senators have three better ideas pertaining to the government's wallow in the auto industry. A bill written by Tennessee Republican Lamar Alexander and Utah Republican Bob Bennett would prohibit using any more TARP funds for GM or Chrysler. And it would require that as long as the government owns stock in the companies, the Treasury would have a fiduciary duty to see that the government's investment is managed with the single objective of maximizing the return to taxpayers—not to advance any environmental (hi, Barney), trade, energy, labor or other policy. And it would require the Treasury to distribute, within a year, all its GM and Chrysler stock evenly to the approximately 120 million persons who paid 2008 income taxes.

Although two years ago a share of GM's stock was worth $40, last Friday it was worth $1.22, and now GM has a new government—chosen chairman of its board of directors, Edward Whitacre Jr., who says, ''I don't know anything about cars,'' which means he is like those who appointed him. So the stock distribution will not soon be a bonanza to taxpayers. But unwinding the government's entanglement with GM might be.

[From the New York Times, June 12, 2009]

AUTO DEALERS AT RISK TURN TO WASHINGTON

(By Carl Hulse and Bernie Becker)

WASHINGTON.—Auto dealers accustomed to negotiating sales on their car lots clustered in the Capitol instead this week, looking to their trusty, neighborhood lawmakers to do some hard bargaining for them.

With about 2,000 Chrysler and General Motors dealers losing their franchises as the companies retrench, the dealers are pressing Congress to reverse what they see as an unfair process forcing some profitable businesses to close or stop selling new autos, with no explanation from the manufacturers of why they were singled out.

''We have never gotten one,'' said Rick Shaub, the owner of Montrose Dodge in Germantown, Md. He was with fellow dealers outside the office of the House majority leader, Steny H. Hoyer, on Wednesday, the day after his family's three-generation relationship with Chrysler came to an end.

As they lobby Congress, angry dealers are finding an increasingly receptive audience in the House and Senate, where lawmakers say the mass termination of franchises by the bankrupt car companies is threatening tens of thousands of jobs, not to mention the civic fabric of communities where car dealerships are often a chief local institution.

''The dealers in these small towns are kind of the heart of the town,'' said Senator Tom Udall, Democrat of New Mexico, who estimated that 12 G.M. dealers and six Chrysler dealers were affected in his state. ''They sponsor the Little League; the big guy in town is usually the car dealer. I am worried about it.''

But the campaign on behalf of the dealers is also providing a test of one of the central criticisms of the government's intrusion into the operations of many companies, from banks to insurers to auto giants. Even as they talk tough about the mismanagement of car companies, can members of Congress withstand political pressure and allow Chrysler and G.M. to make tough economic decisions that might hurt their own constituents?

For instance, Representative Barney Frank, the Massachusetts Democrat who heads the House Financial Services Committee, came under fire for intervening with G.M. to keep a parts distribution center open in his district, preserving about 90 jobs for another year. Critics said Mr. Frank used his sway as an overseer of federal bailout money to intervene in the company's decision-making.

Mr. Frank said that he made a commonsense argument to keep the center open, and that he was only standing up for his constituents. ''I will bear up under the criticism that I have been doing too much for my district,'' he said.

Other lawmakers said the growing number of calls for intervention showed the dangers of large-scale government involvement in the auto companies, saying the result would be lawmakers trying to serve as top executives of auto companies.

''It is incestuous for members of Congress to be saying, 'Close this plant; use this model; don't buy the Volt battery in South Korea but make it in my district,' '' said Senator Lamar Alexander, Republican of Tennessee, referring to the G.M. hybrid car now in development.

Senator Alexander has instituted a ''car czar of the day'' award in recognition of Congressional meddling. ''What do people in Washington know about building cars?'' he said. ''I don't think very much.''

Even lawmakers backing the dealers expressed mixed emotions about dipping into the workings of the auto companies. But the dealer closings are striking a nerve in Congress. The federal government has been coming to the aid of the auto manufacturers, which lawmakers see as then turning around and abandoning the element of the industry closest to home for most of them.

Representative Frank M. Kratovil, a Maryland Democrat who has introduced a measure that would restore the franchise agreements, portrayed the situation as a ''bailout for the big guys, but a force-out for the little guys.''

In the Senate, lawmakers have not gone as far as the House in pushing a bill to block the move by the manufacturers. But members of the Senate commerce committee this week urged Chrysler to allow dealers a chance to appeal the closures and for both carmakers to give preference to existing, profitable operations when the automakers try to set up new franchises in areas where dealers were shut off. G.M. already has an appeals process for dealers scheduled for closure.

''We think—in the interest of fairness—that profitable dealers in this situation should have a right of first refusal for the new dealership when Chrysler returns to that particular market,'' read a letter signed by Senator John D. Rockefeller IV, the West Virginia Democrat who heads the committee, along with other members. A similar letter was sent to G.M.

The car companies say that they need to scale back to be able to return to profitability and that cutting the number of dealers is crucial to that effort.

At a hearing last week of the commerce committee, Fritz Henderson, the chief executive of G.M., said that much of the growth in his company's dealer network occurred decades ago. Since then, he said, ''our market share has shrunk, leaving us with too many dealerships.''

''Everyone agrees—even the dealers themselves—that a restructuring of G.M.'s dealer network must take place,'' Mr. Henderson said.

Some point to the millions of dollars in campaign contributions that politically active car dealers have given to Congressional candidates over the years in explaining the intense interest in going to bat for the dealers. But lawmakers say that they are only trying to protect local jobs at companies that have persevered in difficult times and that donations have nothing to do with it.

Representative Dan Maffei, a freshman Democrat from New York who helped write the measure to protect the dealers, said that in his case, local car dealers strongly supported the opposition. ''The vast majority are either nonpolitical or support the other party pretty strongly,'' Mr. Maffei said.

Mr. Maffei said he hoped his legislation, which has already attracted about 70 cosponsors, would spur new negotiations between the car companies and the dealers.

The Obama administration has so far shown no inclination to push back against the closures, noting that its efforts on behalf of the manufacturers have kept most dealers in business. And with Chrysler already cutting its ties with dealers, undoing those decisions might be difficult. But lawmakers say they intend to try.

''We are sure that if we do nothing, nothing will happen,'' said Representative Hoyer, the House majority leader and a Maryland Democrat, who is backing the effort to restore the franchise contracts.

But it may be too late to help Mr. Shaub. Workers on Thursday were answering the phone at his business as Montrose Automotive rather than Montrose Dodge. ''I am not sure this is going to do any good,'' he said of the Congressional effort.

[From Politico, June 10, 2009]

MEMBERS TAKE AUTO CLOSINGS PERSONALLY

(By Lisa Lerer)

On Monday, Republican Sen. Lamar Alexander excoriated House Financial Services Committee Chairman Barney Frank for privately urging the CEO of GM to keep a plant open in his Massachusetts district, jokingly calling Frank the ''car czar.''

But on Tuesday, Alexander admitted he's not above taking similar actions to protect a GM plant in his home state of Tennessee.

''I, of course, will urge that the Spring Hill plant be a contender for a GM product in the future,'' Alexander said. ''I'll be doing what every congressman would be doing.''

Alexander's two-sided approach captures the complicated web of interests lawmakers weave as they call for greater transparency from troubled U.S. automakers while lobbying behind the scenes to protect the dealerships, distribution plants and parts manufacturers in their own backyards.

''Members have treated a potential dealership closure just like a potential plant closing,'' said David Regan, National Automobile Dealers Association vice president for, legislative affairs. ''There's been a significant amount of congressional interest.''

Legislation that would effectively halt plans by GM and Chrysler to close dealerships is expected to move through the House Financial Services Committee, chaired by the powerful Frank.

''We in Congress have put ourselves into an incestuous position,'' said Alexander. ''We shouldn't be putting ourselves a position of making calls like that.''

Yet they can't help themselves.

On Tuesday, Sen. John Rockefeller (D–W. Va.) and 19 other members of the Senate Commerce Committee sent letters to the CEOs of GM and Chrysler asking the companies to address several issues related to the dealership closings by Friday. The committee has questions about how rural consumers will get service and about the termination of profitable dealerships, among other issues. Several of the signers are also aiding individual appeals from dealerships in their districts.

Good-governance watchdogs see abuse in the double-edged effort.

''You have Barney Frank at the table making decisions that affect the auto industry across the board and then he's playing favorites,'' said Melanie Sloan, executive director of Citizens for Responsibility and Ethics. ''You don't get to both be at the table and demanding the auto industry make concessions which includes closing dealerships, and then say, 'But not mine.' ''

But Democrats insist the individual lobbying doesn't undermine their efforts to force the auto companies to become more transparent about how they targeted dealerships for closure.

''Mostly it's going to be based on the facts and the money,'' said Minnesota Democrat Amy Klobuchar, who said she's written letters on behalf of dealers who are appealing their decisions.

''It's normal that members are going to urge for decisions to be made that benefit their constituents,'' said Sen. Carl Levin (D–Mich.). ''I don't expect that there will be a lot of changes.''

The White House auto task force wants GM to close 2,600 of its 6,000 dealerships by 2010. Chrysler told nearly 800 dealerships that they have less than a month to close. The closures could affect 100,000 workers, according to the National Automobile Dealers Association.

The companies have faced a backlash from members of Congress who argue that the market, not the automakers, should determine which dealerships stay in business. They question whether manufactures are closing profitable dealership to circumvent expensive contracts or targeting dealerships that had previously clashed with the companies.

On Wednesday, the CEOs of General Motors and Chrysler will testify before the House Energy and Commerce Committee. The Senate Banking Committee plans to question administration officials overseeing the auto rescue efforts.

''The White House needs to be fully apprised of this and [needs] to review this process,'' said Sen. Olympia Snowe (R–Maine). ''There's just no rhyme or reason to this process.''

And Snowe added that she hopes ''to have some personal calls'' with the White House about the dealership closures.

House Majority Leader Steny Hoyer said on Tuesday that he supports legislation that would force General Motors and Chrysler to honor existing contracts with dealers.

''The dealers are being affected in a way that will adversely affect many, many communities around this country without an economic benefit to the manufacturers,'' said Hoyer.

His comments followed on a Monday letter more than 120 lawmakers sent to President Barack Obama, urging the White House to delay further action until there is more review of how GM and Chrysler selected the dealerships.

''It is our view that the market should make these decisions rather than leaving it up to the manufacturers whose poor leadership contributed to their demise,'' the lawmakers wrote.

''While we understand the desire to reduce the number of unprofitable dealerships, no one has yet sufficiently explained the need to close profitable dealerships.''

Auto companies argue that the closures are necessary for their survival. The manufacturers are making fewer cars and can't support the same number of dealers.

''Ideally, automakers would love to have the sales to support the current dealer network; however, with roughly 7 million fewer units being sold this year compared to just two years ago, there are economic realties that manufacturers and dealers need to face,'' said Charles Territo, spokesman for the Alliance of Automobile Manufacturers.

BREAKING DOWN GOVERNMENT MOTORS

(By Brian Darling)

During a recent speech denouncing capitalism, Venezuelan strong man Hugo Chavez said, ''Obama has just nationalized nothing more and nothing less than General Motors. Comrade Obama! Fidel, careful or we are going to end up to his right.'' The conversion of General Motors to Government Motors should be of grave concern to all Americans. It appears that President Bush's bailout of Wall Street merely set the table for an all-out assault by the Obama administration on capitalism.

Thankfully, freedom still has a voice in Congress. Sen. Mike Johanns (R–Neb.) introduced legislation that would require Congressional approval before the government

takes ownership of a private enterprise. This bill would allow Congress to stop the current shift away from free-market principles.

Johanns is not the only free-marketer. Sen. Lamar Alexander (R–Tenn.) has introduced legislation to require the federal government to distribute its ownership shares in General Motors and Chrysler to taxpayers when those companies emerge from bankruptcy proceedings. Alexander argues, ''instead of the Treasury owning 6o percent of shares in the new GM and 8 percent of Chrysler, you would own them, if you were one of about 120 million individuals who paid taxes on April 15. This is the fastest way to get the stock out of the hands of Washington and back into the hands of the American people in the marketplace where it belongs.''

Sen. John Thune (R–S.D.) also joined the fray last weekend, introducing legislation that would restore private ownership to companies that have been effectively nationalized. The Thune proposal would make July 1, 2010 a new day of independence. By that date, the government would have to sell any ownership stake acquired over the past year-and-a-half. There's no better way to fight the ever-expanding power of the federal government's ownership in private enterprises than to legislate it out of existence.

Speaking of debt, Federal Reserve Chairman Ben Bernanke told the House Budget Committee earlier this month ''we cannot allow ourselves to be in a situation where the debt continues to rise.'' Sen. Jim Bunning (R–Ky.) responded, ''Bernanke helped open up the floodgates of government spending for the last year. Did he finally have an epiphany this morning before the House Budget Committee or is he just trying to cover-up his mistakes? America is looking at mounting debt because of Chairman Bernanke's support of policies that will put the American taxpayer an estimated $2.8 trillion more in the red.'' The recent explosion of government spending and expansion of the money supply by the Fed are poor decisions by the Obama administration that will further lead America down the pothole-filled road to socialism.

THE SUPREME COURT OF HEALTH CARE

The recently released health reform legislation drafted by Sen. Ted Kennedy (D–Mass.) contains numerous provisions that propose fundamental changes to our health care system. Many are deeply troubling. One is the call for a Medical Advisory Council that would be comprised of Washington bureaucrats with the power to make significant decisions on health policy for all Americans. This Council would become the Supreme Court of health care, and these unelected bureaucrats would make final decisions about your treatment options.

The Kennedy bill includes an individual mandate requiring all Americans to purchase a health insurance plan approved by the federal government. The Medical Advisory Council would decide what constitutes a ''qualified health insurance plan.'' It would also determine the ''essential health care benefits'' that would be included in the much-discussed and debated public-run government plan that would compete against private health insurance plans if it's created.

To recap: a faceless group of Washington bureaucrats could be making life-and-death decisions about private health care for individuals.

Rather than propose reforms that truly offer Americans better and more affordable health care, Senate Democrats and the Obama administration seem eager to expand the role of government in the lives of individual Americans and their families. By pushing legislation that contains things like the Medical Advisory Board these politicians are endangering our freedoms and seek to come between individuals and their health care choices.

''SAVE'' THE CLIMATE—HURT FARMERS

The national energy tax snaking its way through the House of Representatives has a new potential victim—farmers. The cap-and-trade scheme would increase energy prices, building costs and a slow the economy. My colleagues at The Heritage Foundation calculate that farm income, which is the pre-tax amount that farmers live on after all their expenses, would drop 28% in the bill's first year. In 2035, the last year analyzed, farm income drops a whopping 98%. These numbers should raise a red flag for Midwesteners, and cause concern among all Americans who eat.

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[From the Athens Banner-Herald, June 9, 2009]

EDITORIAL: GIMMICKY AUTO BILL FRAMES SERIOUS ISSUE

The name betrays it for the political stunt that, in part, it is. But that's not to say having Georgia Republican U.S. Sen. Johnny Isakson sign on to something called the Auto Stock for Every Taxpayer Act is anywhere near as embarrassing as having another Georgia Republican in Washington, our own Congressman Paul Broun, dubbing energy legislation sponsored by Democratic legislators dward Markey and Henry Waxman the ''Wacky-Marxist bill.''

The stunt in the proposed Auto Stock for Every Taxpayer Act, sponsored by Tennessee Republican Sen. Lamar Alexander and appended to a piece of tobacco regulation legislation, is its call for the U.S. Treasury to distribute an equal share of stock in General Motors and Chrysler to the 120 million Americans who filed tax returns on April 15.

The distribution would be undertaken a year after the companies emerge from bankruptcy, on the argument that American taxpayers who are funding the federal bailouts of the two companies hold, through the U.S. Treasury, 60 percent and 8 percent ownership stakes, respectively, in the enterprises.

Of course, the flaw in this proposal is that it's far from clear what General Motors and Chrysler will look like, and what their stock will be worth, even a year after they emerge from bankruptcy. For a reality check, take a look at GM stock. Delisted from the New York Stock Exchange as its stock hit 75 cents per share, GM was trading Tuesday afternoon around $1.50 per share on the over-the-counter market.

And, of course, the fact that the federal government now has a hand in running the auto companies isn't necessarily cause for optimism. As Alexander noted in a news release on his proposal last week, ''there are at least 60 congressional committees and subcommittees authorized to hold hearings on auto companies and most of them will, probably many times. You can just imagine the questions. About what the next model should look like. About which plant should be closed. . . . What the work rules and salaries should be?''

So maybe the Auto Stock for Every Taxpayer Act isn't the key to boosting millions of American families' college or retirement funds. But that—except for the fact that it allows a catchy title to be assigned to the legislation—isn't necessarily the point here.

The real meat of the proposal is its call to prohibit the U.S. Treasury from using any more federal Troubled Asset Relief Program fund—read American taxpayer dollars—to bail out GM or Chrysler. As Isakson correctly notes in his own news release announcing his support for Sen. Alexander's bill, ''I believe it was obvious back in December 2008 that a structured bankruptcy was the correct path for GM and Chrysler to restructure their debt and contracts. By giving these companies taxpayer funds from TARP, the administration only delayed the inevitable . . . .''

Outside its somewhat gimmicky approach, the Auto Stock for Every Taxpayer Act does serve to highlight the serious philosophical issues surrounding the question of whether the free market should be allowed to operate unfettered with regard to major segments of the American automobile industry.

It's a question that deserves some serious consideration in Congress.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

TRAVEL PROMOTION ACT

Mr. NELSON of Florida. Madam President, the distinguished Senator from Tennessee is a great gentleman. He is a pleasure to work with.

The legislation that is on the Senate floor is the Travel Promotion Act. This is an important piece of legislation that will help our economy because it promotes travel to the United States, and it promotes travel to areas not traditionally visited which will highlight the United States as a premier travel destination. The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It also creates a corporation for travel promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers coming into the United States and by matching contributions from the travel industry.

It is interesting that the Department of Commerce announced that 3.8 million international visitors traveled to this country in March 2009, which was a decrease of 20 percent compared to March of 2008. Total visitation in the first quarter of 2009 was down 14 percent from the first quarter of 2008. International visitors spent almost $10 billion during the month of March, 16 percent less than they had a year ago. This March of 2009 marks the fifth consecutive month of decreases in international visitor spending. So the bill is going to go a long way to help reverse the declining trend.

I remember back in the 1980s, when I, as a Member of the House of Representatives, chaired the U.S. Congressional Travel and Tourism Caucus. We had this little agency in the Department of Commerce that leveraged so much of the taxpayers' dollars by advertising overseas to get visitors to come here which brought spending to our shores. That is what we are trying to recreate

here in the meantime and have been shut down. We are certainly cutting off our noses to spite our faces. This legislation clearly is something that is important to the country.

It is important to Florida because, of course, my State is one of the first destinations of foreign travelers coming to the United States. Despite obvious attractions such as Disney World, Florida beaches are ranked 1, 2, and 3, and No. 9 in a recent ranking of all beaches as the best beaches in the United States. Clearly, this is good for Florida. It is good for the United States. I hope we will get on with it and pass this legislation.

RISING GAS PRICES

Mr. NELSON of Florida. Madam President, while we debate the Tourism Promotion Act, we are remiss to not mention the fact that as we are going into this travel and tourism season of summer, what is happening with gas prices. Gas prices have risen for the last 50 days. It has been the longest record streak of rises, dating back to 1996. The national average of gas has gone from $1.61 a year ago to more than $2.67 a gallon today. Crude oil is now over $70 a barrel. It has doubled in the last 4 months. How soon we forget the lessons we learned a year ago during last summer. In the runup of the oil and gas prices, it wasn't the result of the fundamental concepts of supply and demand. It is largely runup due to excessive and unchecked speculators on unregulated commodities futures markets, running up the price of oil as they speculate buying and selling.

It is a fact that across America, we are using less gas. According to the Energy Information Administration, demand for petroleum products in this country is lower today than it was 10 years ago. According to the EIA, the supply of petroleum products is higher than it was in 1982. So we wonder why. If this isn't being caused by supply and demand, which it isn't, but gas prices keep going up, what is happening?

There is going to be an amendment on this bill offered by Senator SANDERS. I ask unanimous consent to be added as a cosponsor of amendment No. 1330.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. That amendment is identical to legislation passed in the House of Representatives by a whopping vote of 402 to 19. It will put the brakes on excessive speculation in the oil markets. The bill directs the Commodities Futures Trading Commission to use its existing authority, including its emergency powers, to immediately curb the role of excessive speculation in any market it regulates and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices.

We wonder how does this occur. It occurs because as people get into the marketplace wanting to protect against the future rise of the price of a barrel of oil, they buy a contract to lock in a certain price for that oil to be delivered in the future. Naturally, a business that would want to do that would be, for example, the airlines. If they think the price of oil is going up, they want to get in and buy a supply of that petroleum at the price now before it goes up. What happens is, when these commodities exchanges were unregulated by the Enron loophole in December of 2000, there is no regulatory authority by these exchanges.

So, for example, they could not require a certain amount to pay down, if you are going to buy that futures contract. And if you don't have to pay anything down, then there is no skin in the game of just continuing to buy and bid up the price. Or, for example, they could require that you had to buy those contracts because you had a reasonable expectation you were going to use that in the future, like an airline company. But, no, what happens is, if you don't have to have that reasonable expectation, the people who want to get in and ride that price up—in other words, the speculators, such as the condo flippers who buy a condo because the rise in price is going to occur and will flip the contract for the purchase of the condominium without ever having to close. It is the same concept of speculation.

We should note this does not apply only to the markets the Commodities Futures Trading Commission does regulate. There are still dark markets beyond the regulators' control. There is respectful debate amongst some in the Senate over the reach of the provision we passed in the farm bill last year that gave the Commodities Futures Trading Commission the oversight over unregulated trading of large oil contracts.

We have to go further. I recently learned that the commission, the CFTC, is now utilizing its new authority for the first time. I believe what we have to do is to give them additional tools to go further than just discretionary oversight and that they should be able to regulate all energy trades.

In addition to the Sanders amendment, ultimately, I wish the Senate would consider a bill I have filed that would simply turn the clock back to December of 2000 when the Enron loophole was passed, before these sweeping changes were made that allowed rampant and excessive speculation in the energy markets.

LEADERSHIP AT THE CPSC

Mr. NELSON of Florida. Madam President, I wish to speak to the nomination of Inez Tenenbaum to be Chair of the Consumer Product Safety Commission. Over the past few years, the Consumer Product Safety Commission has faced a number of serious challenges: inadequate staffing, insufficient funding, a product testing facility that was a joke. As a matter of fact, we saw a picture of it—it was a couple of cardboard tables with all of the imported toys dumped on it—when we were having that trouble with the defective imported Chinese toys. Most significantly, it lacked leadership at the top.

We took action last year, and we gave the CPSC new authority, new funding, and a new lab facility. Today we have to deal with the final issue, and that is leadership. I commend to the Senate that I think Inez Tenenbaum is going to be that leader. She had her nomination hearing earlier this week in the Commerce Committee. Throughout her career in the South Carolina Legislature, Inez Tenenbaum showed compassion and leadership on environmental and children's issues. Then she was South Carolina's superintendent of education. It was an elected position. She took charge and reinvigorated an agency with over 1,000 employees. By the time she stepped down from that post in 2007, she was recognized for her efforts to improve the accountability, standards, and performance in South Carolina's public schools. I think this is exactly the kind of leadership the CPSC needs at this time. I met with her personally, and I know her personally, and I strongly support her nomination.

So my concluding comment is, we are not only having problems in Florida with Chinese drywall—Chinese drywall that is completely ruining the lives of people in their homes because of the smell and the corrosion and the sickness that it is bringing on to people—lo and behold, they are finding that Chinese drywall now in daycare centers, in commercial buildings, and it is even reported in Virginia that they are finding it in a hospital.

This is going to be a big issue in front of the Consumer Product Safety Commission. They have the authority under the law to do something about it. They have lacked the leadership. Now, with Inez Tenenbaum, they ought to be able to start doing the regulatory oversight that the U.S. Government should have been doing in the first place with these defective imported products into our country.

That is why I think we need to go ahead and get Ms. Tenenbaum confirmed as quickly as possible.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

ORDER OF PROCEDURE

Mr. ISAKSON. Madam President, how much time remains on our side in morning business?

The ACTING PRESIDENT pro tempore. Eighteen and a half minutes.

Mr. ISAKSON. Madam President, I ask unanimous consent that the time be divided between myself and Senator MCCAIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Thank you, Madam President.

TRAVEL PROMOTION ACT

Mr. ISAKSON. Madam President, to the Senator from Florida, who left quickly—I am sorry he left—I want to associate myself with the first part of his remarks with regard to the tourism bill. He is a Floridian. Florida is a tourism destination, and it is the No. 1 business in Florida, but you have to go through Georgia to get there. So I have to chime in and say, he is exactly right. Given the economic conditions our country is experiencing right now, tourism is one business we can be a catalyst for that will pay back both in terms of revenues and tax dollars, but, more importantly, in terms of jobs. So I want to associate myself with his support of the tourism bill in that portion of his speech.

HEALTH CARE

Mr. ISAKSON. Madam President, for just a minute, I want to talk about health care. I am a member of the Health, Education, Labor and Pensions Committee. We began yesterday the opening statements on the bill that is pervasive in its coverage around the country as to the future of health care in America.

I rise as one not to be a critic but to lay out the challenge this legislation portends for all of us and maybe to raise some points that thoughtfully will be considered before we make a serious mistake on the funding side, the expense side, and the borrowing side.

A few weeks ago, in Georgia, at a Rotary speech, I referred to ''a trillion-dollars in debt.'' A gentleman stood up in the Q and A section of that time, and he said: Senator ISAKSON, I only got a high school education. Can you explain to me what a trillion is?

I do not know how many of you have thought about that, but if you had to do it right now, could you explain what it is? I could not. So I decided to go home that night and figure out some easy way to demonstrate how much a trillion is. I thought maybe it would be good to determine how many seconds it takes for a trillion seconds to go by. So I did the math on the calculator. I thought I made a mistake and did it again. I had it checked.

It takes 317,097 years, 11 months, and 2 days for a trillion seconds to go by. That is almost incomprehensible, but it does give you some idea of the issues we have to be concerned about in terms of spending and cost and savings.

The CBO has scored the parts of the health bill that have actually been drafted—which is about two-thirds of it—at a potential cost of $1 trillion over 10 years. Obviously, we are going to have to pay for that. There have been some discussions in the last few days of suggested pay-fors. But I want to discuss for a minute how we have to be very careful not to use words such as ''a pay-for'' that in fact only move obligations around.

For example, President Obama, for whom I have great respect, said to the medical association on Monday that one of the pay-fors, by having public coverage for everybody, would mean there would be no indigent patients; therefore, everybody would be getting paid for their services and that would save us $11 billion a year in DSH payments, which is the disproportionate share of treatments which charity hospitals in New York and Atlanta get through Medicaid because they take a disproportionate number of indigent patients.

There is only one flaw in that analysis. Yes, we might not appropriate $11 billion a year for disproportionate share anymore, but we are not doing it because we are raising Medicaid coverage to 150 percent of poverty and providing health insurance through a public plan. So the cost remains the same. It just moves from a cost to pay charity hospitals for disproportionate share to a cost of providing the coverage through Medicaid or through the private plan.

The unintended consequence of removing disproportionate share would be taking the economic model through which charity hospitals are financed and turning it upside down. Because in my city of Atlanta, for example, where Grady Hospital exists—and Grady has gone through a reformation; we have created a foundation, and we have done everything we can to save the hospital—it gets a tremendous part of the DSH payment from Medicaid for disproportionate share because it takes a disproportionate number of the indigent patients because private for-profit hospitals will not. But if private for-profit hospitals have indigent patients who now have coverage, and they are closer to the patient than Grady is, the patient will then go to the private hospital, so the DSH payment goes down or evaporates for the public hospital, and so does the funding mechanism upon which their public bonds and their public debt were financed. So we have to be careful about the unintended consequences.

Secondly, on Medicaid, I am a product of the Georgia State legislature, and I know the distinguished Acting President pro tempore today is a product of the New York Assembly. We all dealt with Medicaid. Medicaid is a program where the Federal Government pays about two-thirds of it. The States pay about a third of it. And the States run it.

When we got into this business of expanding Medicaid under this legislation to 150 percent of poverty—which is a 50-percent increase in eligibility—I thought back to my days in the legislature about how much money that was that my State then was going to have to come up with under the one-third match.

In Georgia, in 1968—the first year we had Medicaid—the State's share of Medicaid for the year was $7,791,000. In 2008, the State's share was $2,468,376,258, which would go up by $1 billion if we raised the eligibility to 150 percent.

I know the President has said that for 4 years the Federal Government will take over the entire obligation of that increase to 150 percent. But that is only putting off the inevitable for the States, which will be a percent of their budget they cannot afford.

Medicaid, in Georgia, in 40 years has gone from 1 percent of our budget to 12 percent of our budget. With this proposal, it would go to 18 percent.

We must remember, in the economic stimulus bill, a significant amount of that money was Medicaid money to go to the States to fund what is already an existing shortfall.

So I come to the floor to say this: I am for every goal of the preamble of the health care bill that has been introduced in the HELP Committee. I want to make policies more affordable, coverage more pervasive, access easier, and I want to lower costs. But as Acting Chairman DODD said yesterday in the committee, history will not look favorably on you if you do not do something because it is hard. He is right. But neither will history look favorably upon you if you do something easy when it is hard. This is hard work, and we cannot take the easy way out to pile debt on the people of the United States of America.

Hopefully we will thoughtfully consider these ramifications I have discussed and others and move forward with a health proposal we can pay for and that accomplishes its goals rather than an easy answer that puts us in a desperate situation as a country and ultimately takes us to an economic demise in this country.

Madam President, I appreciate the time and I yield to my colleague from the great State of Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I appreciate very much the wise words of the Senator from Georgia, who has been heavily involved in health care issues dating back to his time in the Georgia legislature and brings a unique perspective to the issue, that of a person who has had to, as an elected representative, wrestle with these issues

from not only the Federal level but also the State. So I appreciate his words.

As the Senator from Georgia pointed out, this is probably the single most important domestic issue that will be taken up by the Congress of the United States, at least this year, and maybe in the next couple years, and maybe in a long time when you look at the fact that we are addressing an issue that basically consumes one-fifth of our gross national product, not to mention the fact that the system is broken, that the inflationary pressures are unsustainable, and there are millions of Americans who do not have access to quality, affordable health care.

So where are we now in the Senate? I think it is time for a little status report.

The Finance Committee—remember, there are two committees that are on parallel tracks taking up this health care legislation, the Finance Committee and the Health, Education, Labor and Pensions Committee—the Finance Committee yesterday announced they will delay their consideration until after the Fourth of July recess.

The day before, the Congressional Budget Office came out with a report that was nothing less than stunning. It indicated that the proposal the Senate Health, Education, Labor and Pensions Committee is considering would have a cost of $1 trillion and only insure approximately one-third of the 47 million who are uninsured, which would lead one to the conclusion—doing the most elementary math—that if we were able to insure all of the uninsured in America, that would be a cost of $3 trillion. And we still have no proposal as to how we would pay for this dramatic expansion of the role of government in America's health care system.

Never before in the years I have been here have I seen a ''markup,'' which means we begin the amending process of a bill through the legislature, as we teach our children in school, and yet three major policy pages are still completely blank—completely blank.

We are told we will see these new policies at some point tomorrow. That is after we were told we would see them today. And then the majority, the Democrats, who are coming up with this language themselves—without any consultation with this side of the aisle—will give us a chance to review it. Those three areas are the most difficult aspects of reforming health care in America.

Those policies, as we all know, concern the way we pay for the new language on employer mandates, the government plan, and the biologic drug regulation.

There is a government option that will be part of this legislation, i.e., a government takeover eventually, in my view, of the health care system in America, something a majority of Americans have voiced their deep concern about—employer mandates, and biologic drug regulation.

So here we are supposedly moving forward, and the administration spokesperson in the last couple of days said the bill that is being considered by the HELP Committee is not, ''the administration's bill.'' What is the administration's bill? Where is the administration's bill? We have no idea what the provisions I just mentioned will cost or whether they will create jobs and whether the American people will be called upon to pay an increase in taxes and, if so, who will pay them. I do not know how you move forward with legislation that, frankly, you do not know how you are going to pay for.

How can the President and the majority expect the American people to take them seriously when they talk of wanting a bipartisan product that addresses their needs when, at the same time, majority members and their staff have written the entire bill without any input from this side of the aisle? I assure you, the American people would have much more confidence in this effort if both Republicans and Democrats were working together on health care reform. Instead of changing Washington, it sounds an awful lot like a one-sided effort to jam a bill through before the American people understand what is in it.

This morning, there is some very interesting data. According to a CBS/New York Times survey, the President holds a 57-percent approval rating, which is very good. On health care, his approval rating is 44 percent. That is way down, and it is down because the American people are beginning to figure out that we are going to have a proposal that will end in government control of American's health care, it will squeeze out competition, and it will be incredibly expensive. As I mentioned, the CBO preliminary estimate is $1 trillion, but insures only one-third of the American people, and it leaves 32 million people without health insurance.

So we hear that the Finance Committee, as I mentioned, is in such disarray over the costs and policies in their bill that they have postponed their consideration until after the Fourth of July break. They obviously don't have their policies together enough to move forward. It appears to me, from my service on the Health Committee, that it does not either.

I think the only reasonable thing to do is to go back to the drawing board. Let's go back to the beginning. Let's sit down together and work out a reasonable proposal that we can go to the American people with that says we will provide them with affordable and available health care. Every American knows the costs are out of control, everybody knows it needs to be reformed. But we will do so without a government takeover of America's health care system.

Madam President, I yield the floor.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. HARKIN. Madam President, on behalf of the majority leader, I yield back whatever time remains in morning business for this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is the Republican time also yielded back?

Mr. BROWNBACK. Madam President, on behalf of the Republican leader, I yield back the time on our side.

The ACTING PRESIDENT pro tempore. Morning business is closed.

APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN AMERICANS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 26, which the clerk will report.

Mr. HARKIN. Madam President, I ask unanimous consent that the clerk read the entire text of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26), apologizing for the enslavement and racial segregation of African Americans.

Whereas, during the history of the Nation, the United States has grown into a symbol of democracy and freedom around the world;

Whereas the legacy of African Americans is interwoven with the very fabric of the democracy and freedom of the United States;

Whereas millions of Africans and their descendants were enslaved in the United States and the 13 American colonies from 1619 through 1865;

Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;

Whereas many enslaved families were torn apart after family members were sold separately;

Whereas the system of slavery and the visceral racism against people of African descent upon which it depended became enmeshed in the social fabric of the United States;

Whereas slavery was not officially abolished until the ratification of the 13th

amendment to the Constitution of the United States in 1865, after the end of the Civil War;

Whereas after emancipation from 246 years of slavery, African Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;

Whereas the system of de jure racial segregation known as ''Jim Crow'', which arose in certain parts of the United States after the Civil War to create separate and unequal societies for Whites and African Americans, was a direct result of the racism against people of African descent that was engendered by slavery;

Whereas the system of Jim Crow laws officially existed until the 1960's—a century after the official end of slavery in the United States—until Congress took action to end it, but the vestiges of Jim Crow continue to this day;

Whereas African Americans continue to suffer from the consequences of slavery and Jim Crow laws—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity and liberty;

Whereas the story of the enslavement and de jure segregation of African Americans and the dehumanizing atrocities committed against them should not be purged from or minimized in the telling of the history of the United States;

Whereas those African Americans who suffered under slavery and Jim Crow laws, and their descendants, exemplify the strength of the human character and provide a model of courage, commitment, and perseverance;

Whereas, on July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged the continuing legacy of slavery in life in the United States and the need to confront that legacy, when he stated that slavery ''was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times. But however long the journey, our destiny is set: liberty and justice for all.'';

Whereas President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African Americans that began with slavery, when he initiated a national dialogue about race;

Whereas an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed and a formal apology to African Americans will help bind the wounds of the Nation that are rooted in slavery and can speed racial healing and reconciliation and help the people of the United States understand the past and honor the history of all people of the United States;

Whereas the legislatures of the Commonwealth of Virginia and the States of Alabama, Florida, Maryland, and North Carolina have taken the lead in adopting resolutions officially expressing appropriate remorse for slavery, and other State legislatures are considering similar resolutions; and

Whereas it is important for the people of the United States, who legally recognized slavery through the Constitution and the laws of the United States, to make a formal apology for slavery and for its successor, Jim Crow, so they can move forward and seek reconciliation, justice, and harmony for all people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the sense of the Congress is the following:

(1) APOLOGY FOR THE ENSLAVEMENT AND SEGREGATION OF AFRICAN-AMERICANS.—The Congress—

(A) acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

(B) apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and

(C) expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.

(2) DISCLAIMER.—Nothing in this resolution—

(A) authorizes or supports any claim against the United States; or

(B) serves as a settlement of any claim against the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate with respect to the concurrent resolution, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, the clerk read, for the first time ever in this body, what we should have done a long time ago: an apology for slavery and the Jim Crow laws which, for a century after emancipation, deprived millions of Americans their basic human rights, equal justice under law, and equal opportunities. Today, in the Senate, we unanimously make that apology.

First of all, I wish to thank my friend, Senator SAM BROWNBACK, for all his hard work over the last couple years working together to get this finally to this point. I can't thank him enough. He wouldn't give up, and he stuck in there with us all the time, working to make sure that this day would come. I thank him profusely for his help in this effort.

I also wish to publicly thank Congressman STEVE COHEN, on the House side, who is the leader of this resolution that they will pass soon over there.

John Quincy Adams once remarked that:

> Our country began its existence by the universal emancipation of man from the thralldom of man.

Indeed, America's purpose and enduring ideal can be summed up in one simple, but powerful, sentence:

> We hold these truths to be self evident that all men are created equal, endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

Yet, as we all know, for too long, many in this country were not free. Many lived in bondage. Many Americans were denied their basic human rights and liberty. From 1619 to 1865, over 4 million Africans and their descendants were enslaved in the United States. Millions were kidnapped from their homeland and suffered unimaginable hardships, including death, during the Middle Passage voyage to America—a crime against humanity. In Elmina Castle, on the coast of Ghana, a place I recently visited, there is a chillingly named ''Door of No Return''—an infamous open portal which, as one looks over the horizon across the Atlantic, makes all too clear the excruciating inhumanity and horror faced by the men and women shackled inside this Castle as they were led through that door and put on the slave ships bound for America; led through that door, enslaved, never to return to their families, their tribe or their native land.

On American soil, these individuals were treated as property. These human beings were denied basic rights, including the right to their own name and heritage; any rights to education; even the right to maintain a family were denied to them. As Chief Justice Taney sadly made all too clear in the infamous Dred Scott case, he said of African Americans—and I quote from his decision—African Americans:

> [Were] not included, and were not intended to be included, under the word ''citizens'' in the Constitution, and [could] therefore claim none of the rights and privileges which that instrument provides for and secures to the citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.

That is one of the saddest decisions ever made by the Supreme Court of the United States.

While the Reconstruction amendments—the 13th amendment banning slavery, the 14th amendment granting full citizenship to all Americans, and the 15th amendment guaranteeing the right to vote—espoused the principles of equality for all, widespread oppression continued. Under slavery's harsh replacement, Jim Crow, African Americans were denied voting rights, denied employment opportunities, denied access to public accommodations, denied entry into military service, denied criminal justice protections, denied housing, education, police protection, and due process. In short, they were denied their very humanity. Not until passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and other Federal protections, did legal

segregation officially cease in this country.

The destructive effects of both slavery and Jim Crow remain, however. As President Bush noted, ''The racial bigotry fed by slavery did not end with slavery or with segregation.'' President Clinton likewise stated that the racial divide is ''America's constant curse.'' Today, many African Americans remain mired in poverty, and average incomes remain below that of White Americans. There remains an achievement gap in education, and for many health conditions, African Americans bear a disproportionate burden of disease, injury, death, and disability. African Americans are, moreover, disproportionately involved with the criminal justice system.

Recently, States—Alabama, Connecticut, Maryland, Florida, New Jersey, North Carolina, and Virginia—enacted resolutions apologizing for the role their States played in sanctioning and promoting slavery and segregation.

Corporations such as J.P. Morgan, Aetna, and Wachovia have also acknowledged and apologized for their role in, and profit from, slavery.

Slavery, Jim Crow laws, and their lasting consequences, however, are an enduring national shame. It was the United States that enshrined slavery in the Constitution and protected it for nearly a century. It is Congress that passed the shameful laws, such as the Missouri Compromise of 1820 and Fugitive Slave Law of 1850, which protected and furthered slavery. It was our Nation's Supreme Court which bolstered slavery and legally sanctioned segregation, as I said, in the Dred Scott case of 1857, and Plessy v. Ferguson in 1896. The Court said we could be separate but equal. It was the Federal Government which was officially segregated. By 1913, all Federal departments were segregated. It was the United States which kept African Americans who wanted nothing more than to serve their country segregated in the military. It was not until 1948 that President Truman issued the executive order desegregating the military.

Presidents as far back as John Adams have acknowledged the injustice of slavery. In 1998, President Clinton spoke of the evils of slavery and expressed regret for America's role in the slave trade. In 2004, President Bush visited Goree Island, a holding place for captured slaves in Africa, and spoke of the wrongs and injustices of slavery, calling it ''one of the great crimes of history.''

Moreover, in 1988, Congress rightly apologized for the internment of Japanese Americans held during World War II. In 1993, Congress justly apologized to native Hawaiians for overthrowing their king. The Senate has correctly apologized for its failure to enact antilynching legislation. Last year, as part of the Indian health bill, the Senate passed an amendment apologizing, rightfully, to Native Americans.

Yet this Congress has never offered a formal apology for slavery and Jim Crow, and it is long past due. A national apology by the representative body of the people is a necessary, collective response to a past collective injustice. It is both appropriate and imperative that Congress fulfill its moral obligations and officially apologize for slavery and Jim Crow laws.

As we acknowledge and apologize for this great injustice, we would be remiss, however, to fail to recognize those Americans who, with great courage, fought to ensure that this country lived up to its founding ideals. Hundreds of thousands served their country and risked their lives so others could be free, and many gave, in the words of Abraham Lincoln, ''the last full measure of their devotion.''

From the beginning of the Republic to the present, individuals of all races, nationalities, genders, creeds, and religions have risked much, including their lives, striving for a better and more just America. It is these often nameless individuals who registered voters in the Mississippi Delta, marched over the bridge at Selma, fought for better jobs and housing in northern cities, and desegregated lunch counters.

I point to people such as Edna Griffen, John Bibbs, and Leonard Hudson. In 1948, they entered Katz Drugstore in Des Moines, IA, on a hot summer day and ordered Cokes and ice cream at a segregated lunch counter. When the manager refused to serve them because the store did not ''serve coloreds,'' Ms. Griffen refused to leave, and outraged Iowans responded with sit-ins and picketed Katz and other restaurants that refused to serve people because of their race. And they won. The lunch counters were desegregated. Who but a handful knows of Edna Griffen, John Bibbs, or Leonard Hudson? It is only because of the extraordinary acts of bravery by ordinary Americans like these in all corners of this country that the mighty walls of oppression have been torn down. As this Nation formally apologizes and acknowledges slavery and Jim Crow, we must also recognize that this Nation owes these individuals, most known only to their friends and families, an enormous debt of gratitude.

As we make this formal apology, moreover, we must acknowledge and celebrate the deep, lasting contributions that slaves, former slaves, and their descendents have made to this country in every field of human endeavor—law, literature, science, medicine, art, business, education, sports, and politics. Indeed, the list goes on and on. Six months ago, an African American took the oath of office as President of the United States for the first time in our Nation's history.

In conclusion, I want to read from the resolution, so all those in the gallery and the American people hear the long overdue words emanating from this body:

> Congress acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow law; apologizes to African Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow law; and expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices and discrimination from our society.

In closing, I think it is important to note that this resolution will soon pass by unanimous consent, which means every Senator supports it without objection.

Finally, let us make no mistake, this resolution will not fix lingering injustices. While we are proud of this resolution and believe it is long overdue, the real work lies ahead. Let us continue to work together to create better opportunities for all Americans. That is truly the best way to address the lasting legacy of slavery and Jim Crow.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, first, I start with acknowledging a couple of individuals. First and foremost, the Senator from Iowa, Senator HARKIN, has orchestrated and navigated this matter to bring it forward. I think everybody owes a deep debt of gratitude to him and his staff for getting this done.

This is a significant day and a significant event. It doesn't happen without a lot of effort. It is going to be one of those days and places and times that goes down in history in this body. It is important. It is important to us. It is important to the Nation, and it is important that it be clearly acknowledged, and it is going to get done. I thank my colleague from Iowa for getting this organized and moving it forward. I also thank, obviously, the majority leader for setting this time up, the Republican leader, and our colleagues, particularly Senator LEVIN, who is a sponsor, and on our side, Senator COCHRAN, Senator BOND, and many others.

I ask unanimous consent at this time that Senator CORKER be added as a cosponsor to the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWNBACK. Also, our staffs worked very hard on this. I have to thank LaRochelle Young on my staff, who has worked hard on this issue. She has been dedicated to get this through and forward. I thank her for her great work.

It is my experience that apologies are tough to do. They are tough as individuals, tough as groups, and tough as nations. When this issue would come up, a lot of people would say: Yes, I acknowledge that happened, but I didn't do it or that happened a long time ago, so can't we move past it? Yet my experience has been that until you actually acknowledge the wrong that has been done and say, ''I did this and it was wrong and I apologize,'' there remains a barrier there—something you cannot get over, no matter how many words you put around it, no matter how much feeling may be there, until you actually say it. That is why apologies are tough, because they are hard to do when they get right at the core of the issue. They get at the core that a wrong was done. What we are saying in the Senate today is that a wrong was done—a wrong of slavery was done by the Federal Government of the United States, a wrong of segregation was done by the Federal Government of the United States. We acknowledge that. We say it was wrong and we ask for forgiveness for that.

It doesn't fix everything, as Senator HARKIN pointed out but it does go a long way toward acknowledging it and it gives us the ability to move to the next step in building a more perfect union, and do the things that Martin Luther King would talk about, where you can have a colorblind society. It is significant and important that we do it.

I think in my own personal experiences in this category, learning about William Wilberforce, from the British Parliament, who worked on ending the slave trade in Great Britain. It was a key issue for them to get over that hurdle. It took years and they got it done. I also acknowledge friends of mine, in current iterations, who traveled across America with a kettle. This kettle was a kettle that former slaves used to cook in. They would do the evening cooking for their meals in it. This was kind of the gathering place for the slaves—this gentleman's ancestors' kettle. He took it around the country and he would talk about them getting together and using it for a meal. After the meal was done, they would clean the kettle, and it was big enough that they would actually huddle under the kettle and pray. They would pray for their freedom. That was the kettle tour. Their aspiration and hope for so many years was to be free. They were taking the kettle around the country as a physical symbol of the yearning for freedom that the people had. The slaveowners would get mad about it, but they could not hear them as they would mutter their silent and soft prayers under the kettle. I have seen many different physical representations of what has taken place.

I grew up in eastern Kansas, where the fight started about whether my State would be a free State or a slave State. In the Nebraska-Kansas compromise that this body crafted, Nebraska was supposed to be a free State and Kansas a slave State because Iowans would come across to Nebraska and populate that. Missourians were closer to Kansas and they would populate Kansas and be a slave State and maintain that balance of power. That is also something we should apologize for. John Quincy Adams called slavery the ''original sin of the United States,'' for which we are asking forgiveness today. And in that situation developed my part of eastern Kansas—known as Bleeding Kansas because while people did come across who were proslavery, other individuals organized from the Northeast to populate Kansas, and they were abolitionists and they came with a desire to fight for freedom. There were many irregular battles that took place, guerilla warfare, the Battle of Osawatomie, where my mother grew up, the burning and sacking of Lawrence, and all this back and forth about slavery taking place.

Just before the Battle of Osawatomie, John Brown said—and he was in that fight, and one of his sons was killed in it—there will not be peace in this land until the issue of slavery is resolved. He was right. Less than 10 years later, the Civil War broke out over the issue of slavery.

Today in the Senate, we pledge to move beyond this shameful period, and we officially acknowledge and apologize for the institution of slavery in this country—what many refer to as the original sin of America—which was once woven into the fabric of our Nation, and for the Federal laws we passed in this Chamber and upheld by the highest Court in our land, the Supreme Court. My colleague has already referred to some of those laws, but I want to refer passingly to several as well, laws such as the Fugitive Slave Law, first approved on February 12, 1793, and subsequently amended in 1850 and 1864, which sought to punish those persons who dared to escape the brutality of slavery and those who helped to free individuals in bondage. Not only would a suspected runaway slave be dragged into court, but they would be unable to say a word on his or her behalf, not one word. They weren't allowed to say a single word.

My colleague mentioned the Missouri Compromise of 1820, which was crafted as a solution to the ever-increasing and volatile dispute over the question of slavery in the United States. In 1819, when Missouri sought statehood, the question was whether Missouri would be admitted to the Union as a slave State or a free State. This set off an intense debate between northern and southern legislators. Missouri's ratification would upset this delicate balance between slave States and free States in the Senate.

In order to keep the already tenuous balance, Henry Clay worked out a compromise consisting of three parts: Maine would separate from Massachusetts and be admitted as a free State, Missouri would enter the Union as a slave State, and the remaining territories of the Louisiana Purchase would be closed off to slavery.

However, unrest around the brutal practice of slavery continued until further compromises came forward. Additionally, a compromise to outlaw the slave trade, but not slavery, in the District of Columbia—where we are today—was enacted to facilitate the retrieval of slaves who had run away to the North. While this compromise did little to satisfy the antislavery movement, it did temporarily preserve the Union, and many historians refer to this period as the ''calm before the storm.'' And then my State enters—Bleeding Kansas.

As the United States continued to expand, the very fabric of our Nation was about to be torn in two regarding a people's right to be free. In the midst of this debate was my great State of Kansas.

On May 30, 1854, the Kansas-Nebraska Act became law. Frederick Douglass deemed the new law ''an open invitation to a fierce and bitter strife,'' and those words proved to be very prophetic. Shortly after the Kansas-Nebraska Act became law, there was a rush to settle Kansas. As I mentioned, both proslavery and abolitionists alike were determined to settle Kansas for their cause. The turmoil continued. We had bloody balloting, we had stolen elections taking place, until we did finally enter the Union as a free State.

There were passions surrounding that which ignited even on the Senate floor, passions that abolitionist Senator Charles Sumner delivered a rousing speech on the Senate floor called ''The Crime Against Kansas,'' accusing proslavery Senators of siding with slavery. In apparent retaliation, Congressman Preston S. Brooks attacked and beat Charles Sumner senseless with a cane—an issue of some high memory on this floor even today.

Following on June 2, 1856, there was retaliation. The Battle of Black Jack, in my State, ensued, which is widely believed to be the first conflict between free State supporters led by John Brown and the proslavery supporters, as well as one of the first battles of the Civil War.

These things continued until my State came into the Union.

I do wish to conclude at this point in time with noting just the importance of apologies. As I mentioned at the outset, they are difficult and they are important and they are hard to do and they are significant. Today, we right that wrong of not offering an apology previously. Today, we move forward in

a spirit of unity. Today, we move toward a true cleansing of our Nation's past sins rooted in racism.

There may be those who consider an apology insignificant or purely for symbolic means. I completely disagree. In 1988, Congress apologized for the internment of Japanese Americans held during World War II. When asked in an interview 20 years after the apology was signed to give thoughts on the matter, Aiko Yamamoto, who at the time of the interview was 72, said: ''It was the apology that mattered.'' Similarly, Norman Mineta, former Congressman and U.S. Secretary of Commerce and of Transportation, who was also interned during World War II, said of the apology: ''It will always mean more to me than I can ever adequately express.''

However, the cleansing effects of an apology are not only limited to those who are owed an apology but to those giving the apology as well. It is the acknowledgment that a terrible wrong was committed—never to be committed again—and a willingness to now, through the process of reconciliation, work toward a brighter future for all people unburdened by the difficulties of the past but uplifted by the promises of the future—a future where our destinies are inextricably linked together.

Although this anthem is correctly titled ''The Negro National Anthem,'' the final stanza of its words so eloquently written by James Weldon Johnson not only rings true for the African-American community but for all America.

God of our weary years, God of our silent tears, thou who hast brought us thus far on the way; thou who hast by thy might, led us into the light, keep us forever in the path, we pray. Lest our feet stray from the places, our God where we meet thee, lest our hearts, drunk with the wine of the world, we forget thee; shadowed beneath thy hand may we forever stand, true to our God, true to our native land.

May we, with this apology, move forward into the light of unity, united under a common purpose, linked together in a singular humanity. I am delighted that we are doing this today.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, first, at this point, I wish to thank Senators HARKIN and BROWNBACK for the initiative they have taken, for their leadership in bringing before the Senate this healing resolution, this formal apology for slavery and racial segregation.

The resolution before us presents us with the opportunity to address face-to-face the unconscionable and the abhorrent acts of slavery and its aftermath perpetrated against fellow human beings. The apology resolution describes some of the gravest injustices of slavery: families enslaved, then torn further apart after family members were sold separately, stripped of their names and heritage; a system of forced labor that persisted for 250 years; brutal and unspeakable acts of violence against slaves. The injustices continued well after the 13th amendment to the Constitution ended slavery in our Nation because Jim Crow laws disenfranchised former slaves and subjugated them as second-class citizens.

After presenting detailed findings regarding slavery and the system of de jure segregation known as Jim Crow, the resolution reads, in part, that the Senate:

Acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws; Apologizes to African Americans on behalf of the people of the United States for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and, Expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices and discrimination from our society.

In 2005, the Senate passed a resolution formally apologizing for another tragic legacy of historic racial inequalities in our Nation: lynching. From 1880 to as recently as the 1960s, an estimated 5,000 Americans, predominantly African Americans, were killed by public hangings, burnings, and mutilation. Members of the Armed Forces were lynched in the country they had defended. Following both World War I and World War II, returning soldiers were lynched, many while still wearing their military uniforms. There would be no new respect for these brave African Americans who had fought for our country, only the old order of injustice.

The Senate passed the resolution apologizing for lynching in an attempt to acknowledge the Senate's past failure to address the prevalence of those despicable acts and to allow for some national healing. It is my hope that the slavery apology resolution before us can serve a similar purpose.

We are fortunate to live in a time that is not blighted by slavery in this country or segregation under the law. But we live with the legacy of the practice of slavery, and it is our responsibility and our duty to continue to examine that history in order to improve the present and the future.

This apology is part of carrying out that responsibility. And doing so in the presence of visitors who are descendants of slaves adds to the meaning of our action.

Madam President, I again thank the cosponsors of the resolution.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, more than 200 years ago at the height of a humid summer in Philadelphia, 56 men affixed their signatures to a document that contained these words:

We hold these truths to be self-evident, that all men are created equal.

These words expressed a sentiment that could not be realized for all Americans until more than a century later. At that moment, when the United States of America was born and the Declaration signed, a great injustice was woven into the fabric of our Nation. Slavery and the racial segregation that followed have left a tragic legacy that divided this country in the bloodiest war we have yet known. It is a legacy that still affects each and every one of us this day.

My colleagues, Senators HARKIN and BROWNBACK, have introduced a resolution apologizing for slavery, Jim Crow laws, and policies of segregation and hate. This is often an uncomfortable subject so I applaud my colleagues for their willingness to confront the difficult history we all share. I thank them for their leadership on the issue and rise in support of the resolution which just passed.

Several State governments have issued similar apologies. But the fact that the plight of slavery was a national concern demands a national response.

Some in the Black community will dismiss this resolution. Some will say that words don't matter, that the actions of our forefathers cannot be undone. It is true that those who toiled in the fields, those who were deprived of their freedom, will gain no peace from this resolution. Their story is inescapably in our history. It is a story we must confront and try to overcome on a daily basis. But words do matter; they matter a great deal—the words in the Declaration of Independence acknowledging the equality of all men, even if the flawed policies of the time failed to embrace it; the words of a President who held the Union together and promised ''a new birth of freedom,'' even if his words required the forces of an army to achieve liberty for all; the words of a Supreme Court opinion which declared ''separate but equal'' was not justice, even if the Nation was not quite ready to listen; the words of a King who dared to dream of a promised land, even if he knew he might not live long enough to see it; the words of a troubled nation searching for hope in time of fear, which seized upon the rallying cry of a young Black man from Illinois whose words inspired a people to cry ''yes, we can'' with one voice—all of these words reinforced the fundamental truth we have uttered to ourselves and our children since the birth of this Nation: In America, anything is possible.

As I look around this Senate floor today, I think of my parents who never saw this Chamber. I think of my grandparents who never saw this city. I think of my ancestors who could dream only of their freedom. I think of my great-great-grandfather who was given

that freedom. Freed from bondage as a slave in 1865, near Columbus, GA, without a name of his own, he adopted the Army rank as his first name, Major, and he adopted the name of his county, Green, as his last name. He named himself Major Green. In a span of those few generations, I stand here in the Senate Chamber as the great-great-grandson of Major Green on that uniquely American arc of history that has taken my family from slavery to the Senate.

As a nation, we have come a long way. But we cannot turn our backs on the shame of slavery, just as we cannot turn our backs on the rest of the Constitution that at one time embraced it. The greatness of this Nation comes from our ability to chart a new course, to shape and reshape the destiny that we share, choosing to reject injustice and cruelty, choosing to overcome the tragic legacy of past mistakes and look ahead to a bright future. This resolution cannot erase the terrible legacy, but it can help to heal the wounds of centuries gone by. It can pave the way for future progress.

This journey, however, is far from over. We have not yet reached the equality promised in our founding documents—equality that transcends race, gender, sexual orientation, and religion, equality upon which our ever perfecting Union is founded. This story is still being written. As we confront the enduring legacy of slavery and Jim Crow, this resolution is an important part of moving forward.

I would like the RECORD to show that this resolution has a different ending from a resolution passed by the 110th Congress. This resolution carries a disclaimer. I want to go on record making sure that that disclaimer in no way would eliminate future actions that may be brought before this body that may deal with reparations.

I thank Senator HARKIN and Senator BROWNBACK for their leadership on this issue. I urge my colleagues to join us as we seek to write the next chapter in our history, to move forward, not only saying we apologize for slavery but moving forward to make sure all remnants of discrimination of any kind are removed from this great Nation of ours.

Mr. DURBIN. Madam President, 4 years ago the Senate took an important step in recognizing and apologizing for Congress's historic failure to pass an antilynching law. Today, we are considering a resolution to apologize for America's original sin—the sin of slavery.

By apologizing for the enslavement and racial segregation of African Americans, we take another important step toward racial healing and reconciliation. This measure follows similar apologies issued by the States of Alabama, Florida, Maryland, North Carolina, and Virginia, which have all recognized their role in sanctioning the evils of slavery and Jim Crow. While we cannot correct the brutality and dehumanization caused by these evils, we can acknowledge the vestiges of harm caused by that dark chapter in our history. We can accept responsibility.

I am proud that when my home State of Illinois entered the Union in 1818, the Illinois State Constitution contained the following provision: ''Neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than for the punishment of crimes.''

Soon after the granting of statehood, proponents of slavery in Illinois moved for a constitutional convention to amend the Illinois Constitution to allow slavery. The citizens of Illinois went to the polls in 1824 and voted against the convention by a margin of 57 percent to 43 percent and chose to keep Illinois a free State.

A few years later, in 1856, a little known former Congressman from Springfield, IL, named Abraham Lincoln delivered a speech in Bloomington, IL, and said: ''Those who deny freedom to others deserve it not themselves, and under the rule of a just God cannot long retain it.''

But it took a Civil War, and the death of over 600,000 Americans, before slavery was finally abolished in this Nation.

Another American hero who put his life on the line for civil rights is JOHN LEWIS, who was nearly beaten to death while marching for the right to vote in Selma, AL, during the 1960s. Today he is a member of Congress. Last year, after the U.S. House of Representatives passed a resolution apologizing for slavery, JOHN LEWIS said the following:

> The systematic dehumanization of African Americans for hundreds of years was a horrible crime, and the legacy of these atrocities still lingers with us today. For centuries, African Americans were denied wages, decent housing, food, clothing, and all the basic necessities of life. They were disenfranchised in the Constitution, barred from voting, from gaining an education, and any protection or right a citizen should expect in a civilized society. Our culture was destroyed, our lives were always in jeopardy, and our very humanity was in question. Any nation which perpetrates these kinds of atrocities on any of its citizens should at least apologize for its actions. And an apology is a very important step toward laying down the legacy of this tragedy once and for all.

I commend Senator HARKIN and Senator BROWNBACK for introducing this important resolution in the Senate, and I urge its immediate passage.

Mr. CARDIN. Madam President, I rise today in strong support for S. Con. Res. 26, apologizing for the enslavement and racial segregation of African Americans. I thank Senators HARKIN and BROWNBACK for introducing this resolution and note that the Senate's approval of this resolution will occur on the eve of Juneteenth. Also known as Freedom or Emancipation Day, Juneteenth commemorates the announcement of the abolition of slavery in Texas and marks the day when Union troops started to enforce the Emancipation Proclamation throughout the United States.

In 2007, Maryland became the second State after Virginia to adopt a resolution officially expressing profound regret for its role in instituting and maintaining slavery and for the insidious discrimination that followed, which became slavery's legacy. I am proud that my home State's elected officials publicly acknowledged and showed remorse for its part in that sad and enduring chapter in our Nation's history. And now we have an opportunity to do the same as an entire country.

From 1700 to 1770, thousands of West Africans who survived the middle passage slave trade route ended up in the Chesapeake Bay region. Annapolis, our capital, was the main port of entry for slaves in the mid-Atlantic region. Millions of Africans were forcibly uprooted from their families in their native lands and shipped across the Atlantic in chains. Most died. Only one in four African-born slaves survived his or her first year in the Chesapeake area. By 1790, more than 100,000 slaves, a third of the State's total population, lived in Maryland.

True patriots with Maryland roots fought to end the institution of slavery, and they merit our gratitude and honor. Frederick Douglass, born into slavery in 1818 on Maryland's Eastern Shore, escaped in 1836 and became a free man in Massachusetts. Upon gaining his freedom he made it his life's work to advocate for the abolition of slavery and for racial equality. Harriet Ross Tubman spent nearly 30 years as slave in Maryland's Dorchester County, also on the Eastern Shore. She escaped in 1849, and returned many times over the next decade to Dorchester and Caroline counties to lead hundreds of slaves north to freedom. Known as ''Moses'' by abolitionists, she reportedly never lost a ''passenger'' on the Underground Railroad.

The abolitionists eventually succeeded, but only after a monumental struggle that culminated in the Civil War and the executive orders President Abraham Lincoln issued which comprised the Emancipation Proclamation. In 1864, with the adoption of a new State Constitution, slavery officially ended in Maryland. A year later, in 1865, the 13th Amendment to the United States Constitution was ratified, officially abolishing slavery throughout the United States. Yet following Reconstruction, the period in which newly freed men and women made significant social, economic and political gains, a new era of ''Jim Crow,'' the pernicious system of de jure racial segregation, dawned.

Maryland was among the border and southern States that perpetuated segregation, passing 15 Jim Crow laws between 1870 and 1957. It was during these years that numerous organizations were founded to be catalysts for change. One such organization, the National Association for the Advancement of Colored People—NAACP—was founded on February 12, 1909, in response to the horrific practice of lynching. I am a lifetime member of the NAACP and am proud that its tradition continues to this day, and that my city of Baltimore is home to its national headquarters.

Maryland might be considered a microcosm of the Nation as a whole. While Maryland instituted and perpetuated the institutions of slavery and ''Jim Crow,'' there arose some truly inspiring heroes who courageously fought against the system and succeeded. Baltimore's own Thurgood Marshall, for instance, developed into one of the most influential and inspiring legal minds of the 20th Century. He was a true leader of the civil rights revolution in the 1950s and 1960s, working through the courts to eradicate the legacy of slavery and destroy the racist segregation system of Jim Crow. And he succeeded. He won multiple Supreme Court rulings, including the landmark Brown v. the Board of Education of Topeka case, effectively ending legal segregation in schooling, housing, public transportation, and voting. He went on to become the Nation's first African-American Supreme Court Justice.

We have made substantial progress but it has been shamefully slow. As Dr. Martin Luther King, Jr., remarked, ''Change does not roll in on the wheels of inevitability, but comes through continuous struggle.'' At long last, we have elected an African-American President. We still have more to do. The harmful legacies of slavery and ''Jim Crow'' persist in America today, with glaring racial disparities in our criminal justice system, health care, home-ownership rates, and wealth. We need to do more as a Nation to confront and eliminate these gaps. And although we have truly come a long way since those days, America must acknowledge the atrocities of our past, so that we can fulfill the ideals on which our nation was founded. This resolution is that acknowledgement.

Mr. KOHL. Madam President, Harriet Ann Jacobs, a writer, abolitionist, and former slave wrote, ''No pen can give an adequate description of the all-pervading corruption produced by slavery.'' Just as no pen can describe how horrible the effects of slavery are, no words will be able to express adequately our apology. But it is long past time we tried the impossible task of apologizing for this terrible period in our history.

Slavery was a deeply shameful period in our history, and the effects on our country and our people can still be seen today. African Americans still suffer from the years of slavery and institutional racism of the Jim Crow years. This resolution will not erase the damage of those years, but it is a necessary step if we are ever to heal the wounds that remain.

The early growth of our country—including the building of this very Capitol Building—would have been impossible without the labor and skills of African-American slaves. Our success as a nation was built on their backs, and at an awful price. Today, finally, with the passage of S. Con. Res. 26, we recognize their sacrifice and apologize for what they suffered.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I know other speakers are coming down to speak on this resolution. Before the time runs out and since no one is here right now to speak, I wish to acknowledge several people who have been very instrumental in getting us to this point.

First, I thank the Leadership Conference on Civil Rights for all they have done to not only bring us to this point—to this apology—but for all they have done to enhance and promote civil rights for Americans. I also recognize the longtime president, Wade Henderson, who has devoted his entire life to the cause of racial injustice and ensuring this Nation lives up to its founding ideals.

Second, I acknowledge and thank the NAACP. February marked the end of the NAACP's 100th birthday, founded on the 100th birthday of Abraham Lincoln by a multiracial group of men and women committed to equality. For 100 years, the NAACP has fought for justice for all Americans, and I thank their president, Benjamin Todd Jealous, and through him all the members of the NAACP.

Third, I wish to acknowledge several staff members whose assistance made this resolution possible. Senator BROWNBACK already recognized LaRochelle Young, but I also thank her for helping to shepherd this through and working to get us to this point. Jackie Parker, a senior adviser to Senator LEVIN and cofounder of the Senate Black Legislative Staff Caucus, has been instrumental in planning the upcoming ceremony with civil rights leaders and other luminaries to recognize the apology and injustices of slavery and Jim Crow.

Finally, I would like to recognize the tireless work that my counsel, Daniel Goldberg, has dedicated to seeing this historic resolution become a reality. The countless hours he has committed to make this occasion happen are almost uncountable. I thank him publicly for making this possible.

Last, I would like to add Senators LEAHY, DODD, MURRAY, and KERRY as cosponsors of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I, too, wish to acknowledge some individuals who have really helped to make this historic day take place. One for me is Congressman JOHN LEWIS, with whom I have been working for some period of time to get the Museum of African American History and Culture to be a reality on The Mall. The design has now been picked and the location has been picked. It is going to be at the base area of the Washington Monument. It is going to be a fabulous entity. What I like about it is it is going to show the difficulty, the tragedy, and is also going to show the promise in the future. It moves through the whole piece of it, and this resolution will be a part of it, of how a nation deals with such an enormous problem as this.

JOHN has been a very courageous, longstanding advocate in the mode of what John Quincy Adams was for years in fighting against slavery. He has been dedicated to this. I remember first going over to his office and him showing me a book of pictures that were of lynchings that had taken place, such a tragic set of pictures that you look at that happened in the early part of the 1900s in my State and many other States around the country. I am very appreciative of him.

There are people who recently passed away, like Rosa Parks, who gave us these defining moments of the ending of segregation or in my State, like Cheryl Brown Henderson of the Brown family, Brown v. Board of Education, the landmark desegregation case where we said even if a school is equal, segregation is inherently wrong, and they stood for it, and stood tall, to bring us to a better point in time.

It has not been all that long ago. I started out in a professional period in broadcasting. One of the guys next to me was a sports broadcaster, and he would tell the story about—and this is even in the Big 8, where Senator HARKIN and I shared some territory—he talked about African Americans coming on the basketball court, being cheered wildly by everybody at the school but then not able to eat at the lunch counter in the community. While everybody is cheering for them on the basketball court, they cannot eat at the lunch counter. The sportscaster was talking to me about that.

My old friend Jack Kemp, who recently passed away, was a strong advocate for African Americans and for doing things like this—what he saw in the sports field, for years, people in the Negro Baseball League Hall of Fame in Kansas City. We have a wonderful museum showing what it took to break through the racial barriers in sports and how positive that was but also how difficult that was during that period of time.

All of these I am mentioning simply because it is part of how difficult it is to get to the point we get to today as a society. These things do take time, they are difficult, and there is a lot of pain and suffering that goes along the way.

What Senator HARKIN and I and all the cosponsors hope—it will be unanimously approved on this Senate floor—is that for all those individuals who have had these personal experiences themselves and felt it themselves, they will be able to see in this some acknowledgment of what happened to them, an acknowledgment that it was wrong and an apology for it. It doesn't fix it, but hopefully it does address it and starts to dig out the wound. There is a great book on this, ''Healing America's Wounds.'' The last name of the author is Dawson. He pointed out that these are very significant for society to be able to pull together around and that they have to be done for a society to be able to move forward. There is just no way around it, you have to actually address the problem and the topic.

For those reasons and for the many millions of people who have suffered the legacies of slavery and segregation or suffered personally themselves under segregation in this country, we apologize as a United States Senate.

I read the final words because they express it so well, that there is a sense of Congress of the following:

Apology for the enslavement and segregation of African-Americans—The Congress—

acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws;

apologizes to African-Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws; and . . .

Nothing in this resolution:

authorizes or supports any claim against the United States; or

serves as a settlement of any claim against the United States

expresses its recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.

It specifically does the apology but deals with nothing else. It says, ''Nothing in this resolution authorizes or supports any claim against the United States; or serves as a settlement of any claim against the United States,'' to leave that issue aside.

I am very appreciative that a number of States have led the way moving forward with the apology. Virginia, Alabama, Florida, Maryland, North Carolina led in adopting resolutions officially expressing that remorse for slavery and for Jim Crow laws.

I look forward to this unanimous consent. I am glad we are doing it now. We will have a recognition of this in a Rotunda ceremony. I think that will be important. I hope many Members will join us at that, and I think it will be a historic point in time.

Madam President, I believe we are ready to call for the passage of the resolution? I yield to the Senator from Iowa.

Mr. HARKIN. If the Senator will just yield, I thank my friend for his wonderful statement this morning and, again, for the many months and years we have worked together on this to get here, I thank him very much.

In closing, Madam President, again I say a fitting ceremony is being planned for sometime early in July that will take place in the main Rotunda of the Capitol to mark this occasion. As I understand, we don't have a firm date yet, but that date will be coming about shortly in consultation with the Speaker and the minority leader in the House and the majority leader and minority leader here in the Senate. We are looking forward to that occasion, and I think it is one that will be poignant and one that will again bring home to all of us and to the American people the enormity of what we have done in terms of finally acknowledging the official role of the U.S. Government in promoting and sanctioning slavery and Jim Crow laws.

I say to my friend from Kansas, we look forward to that ceremony, and I am sure the American people are looking forward to it also.

I might ask, how much time remains?

The ACTING PRESIDENT pro tempore. On the majority side, almost 8 minutes, and on the Republican side, just over 9 minutes.

Mr. HARKIN. Madam President, I ask unanimous consent that Senators MENENDEZ, FEINGOLD, and BENNET be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, on behalf of the majority leader, I yield the remainder of our time.

Mr. BROWNBACK. On behalf of the Republicans, I yield the remainder of our time.

The ACTING PRESIDENT pro tempore. The question is on the adoption of the resolution.

The concurrent resolution (S. Cons. Res. 26) was agreed to.

The preamble was agreed to.

MORNING BUSINESS

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized.

NOMINATION OF JUDGE SOTOMAYOR

Mr. CORNYN. Madam President, I would like to turn to another important topic; that is, the pending confirmation of Judge Sotomayor to be Associate Justice of the U.S. Supreme Court. Like many Senators, I have had the opportunity to visit with Judge Sotomayor in my office and, of course, congratulated her on this great honor. I further pledged to her that she would receive a fair and dignified confirmation proceeding. Unfortunately, that has not always been the case in the Senate, but I did tell her that as far as I was concerned, I would do everything I could to make sure she was treated with respect.

Over the last few weeks, my colleagues on the Judiciary Committee and I have begun a thorough review of her record. Judge Sotomayor comes with one of the longest tenures of any judge nominated to the U.S. Supreme Court on the Federal bench—for about 17 years, so there is a rather lengthy record to review. In addition, she has given, as you might expect, many speeches and written law review articles and made other statements that deserve our attention. She has responded to the questionnaire sent by the Senate Judiciary Committee, and there are other followup questions which I anticipate she will be answering in the coming weeks.

So our review is ongoing in anticipation of a confirmation hearing beginning July 13 in the Senate Judiciary Committee.

But so far it is fair to say that there are a number of issues that have come up which I would like to talk about briefly that I anticipate she will have an opportunity to clarify or otherwise respond to and make her position clear for the American people and for the Senate as we perform our constitutional obligation under article II, section 2 of the Constitution.

Most of the focus, during a judicial confirmation hearing, is on the President's authority under the Constitution to nominate individuals to serve as judges. But, in fact, the very same provision of the Constitution, the very same section of the Constitution, section 2 of article II, also imposes an obligation on the Senate. In other words,

we have a constitutional duty ourselves in the Senate to provide advice and consent and then to vote on the nomination once voted out of the committee.

The concerns I wish to raise at this point do not suggest that these are disqualifying, by any means, for Judge Sotomayor. I believe that, as I have indicated, she deserves the opportunity to explain her approach to these issues and particularly her judicial philosophy more clearly and to put the opinions and statements we have come across during our review in proper context.

I believe it is not appropriate for any of us to prejudge or to preconfirm Judge Sotomayor. Our job as Senators is to ask how she would approach the duties of an Associate Justice of the United States Supreme Court. And the areas, as I said, I would like to focus on are numbered three.

The first issue has to do with her approach to the second amendment. Of course, the second amendment to the U.S. Constitution, part of our Bill of Rights, incorporates the right to keep and bear arms.

The second amendment says:

A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed.

The American people understand that the second amendment limits government and protects individual liberty. As Justice Joseph Story wrote nearly 200 years ago, the second amendment acts as a ''strong moral check against the usurpation and arbitrary power of rulers.''

As the U.S. Supreme Court itself held last year in the District of Columbia v. Heller: ''There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms.''

I agree strongly with the Supreme Court's reasoning in the Heller decision, and I think most Americans accept that as the law of the land. Judge Sotomayor, on the other hand, as a member of the Second Circuit Court of Appeals, was one of the judges that first was given an opportunity to apply that Supreme Court precedent in Heller to the States.

She concluded in that decision that the right to keep and bear arms was not a fundamental right, and, therefore, was not enforceable against the States via the due process clause of the Fourteenth Amendment. Her decision in that case was troubling in light of the Heller decision, especially because her opinion included very little significant legal analysis.

I would expect and hope Judge Sotomayor would elaborate on her thinking about this case, as well as the scope of the second amendment, during the course of the confirmation hearings. Americans need to know whether we can count on Judge Sotomayor to uphold all of the Bill of Rights, including the second amendment.

The next subject that I think will bear some discussion during the confirmation hearings is Judge Sotomayor's views of private property rights, another fundamental right protected by our Bill of Rights, that is simply stated in the fifth amendment of the U.S. Constitution, the right not to have property taken for public use without just compensation.

The fifth amendment provides an absolute guarantee of liberty against the power of eminent domain, by permitting government to seize private property only for public use.

Our colleagues will recall the controversial decision of the U.S. Supreme Court in 2005 in Kelo v. City of New London, a decision where the Supreme Court greatly broadened the definition of public use and, thereby doing, greatly limited the property rights protected by the Bill of Rights for more than two centuries.

The Court held that government can take property from one person and give it to another person if the government decided that by so doing it would promote economic development. The Kelo decision represents a vast expansion of government power of eminent domain. And that is why I introduced legislation that same year to limit that power and to restore the basic protections of our homes, small businesses, and other private property rights that the Founders intended in the fifth amendment to the Constitution.

I believe the Kelo decision went too far. Yet by her decision in the case of Didden v. Village of Port Chester, it appears Judge Sotomayor did not feel like it went far enough. Judge Sotomayor was part of a panel that upheld an even more egregious overreach by government when it came to private property rights.

In that case, two private property owners wanted to build a pharmacy on their land but in an area the government had essentially handed over to another private developer. The developer offered the owners a choice: Give me a piece of the action or we will proceed to condemn your property. The property owners, as you would think would be their right, refused. Yet the government, the local government, delivered on the developer's threat the very next day.

I believe this decision represents an outrageous abuse of the power of eminent domain for a nonpublic purpose and a tremendous extension of an already flawed decision in the Kelo case by the U.S. Supreme Court. So I think it is only fair and right that we ask Judge Sotomayor how she can square that decision in the Didden case with the plain meaning of the fifth amendment to the Constitution and, indeed, even the Kelo case itself.

The third area we need to understand Judge Sotomayor's approach to deciding cases involving employment discrimination. We need to understand how Judge Sotomayor interprets and applies the Equal Protection Clause of the fourteenth amendment, which reads in part:

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

For most Americans, the ''equal protection of the laws'' means just what it says. It means that government cannot treat you differently based on your race or your sex or your ethnicity. It simply means that government cannot legally practice discrimination, including reverse discrimination.

But in a case recently argued to the U.S. Supreme Court called Ricci v. DiStefano, Judge Sotomayor participated in a Court of Appeal's decision which raises legitimate questions about her commitment to the provisions of equal protection of the laws in the Constitution. At least I think it raises questions that we need to ask her to respond to and to hopefully clarify her views on whether government can lawfully discriminate based on skin color.

The facts of that case—the case involves firefighters in New Haven, CT. The fire department established a testing program to ensure a fair process in deciding who would be promoted to captain and lieutenant. The testing was rigorous, and it was not racially biased. It was racially neutral to give everyone a fair chance to succeed in taking the test.

But the government, as it turned out, did not get the results it wanted. The mayor and five commissioners of New Haven felt that not enough African Americans had passed the test, so they threw out the test and refused to promote anyone.

This was unfair to the firefighters who had qualified for promotion. Many of the firefighters were of Italian or Hispanic descent and felt they themselves had fallen victim to racial discrimination by the city government.

In fact, one of the fire commissioners was quoted as saying the department should stop hiring people with too many vowels in their name.

So the firefighters sued in Federal court. The case came before a three-judge panel, including Judge Sotomayor. Judge Sotomayor voted to dismiss the case even before these firefighters had a chance to go to trial. The panel of three judges that she participated in issued a one-page opinion that was unpublished and did not even address these claims for the merits of the case or the constitutional issues brought by these petitioners.

Madam President, I ask unanimous consent to speak for an additional 3 minutes.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

Mr. CORNYN. The firefighters were disappointed in Judge Sotomayor's decision, and, indeed, some of her colleagues on the bench were shocked by the refusal to even acknowledge, much less address, the claims by these firefighters.

One colleague, Judge Jose Cabranes, appointed by President Clinton, worked to get the case reconsidered by the entire Second Circuit. He wrote that the case might involve ''an unconstitutional racial quota or setaside.'' He said, ''At its core, this case presents a straightforward question: May a municipal employer disregard the results of a qualifying examination which was carefully constructed to ensure raceneutrality, on the ground that the results of the examination yielded too many qualified applicants of one race and not enough of another?''

Judge Sotomayor apparently was not persuaded to answer that question. But thankfully the U.S. Supreme Court will. In a matter of days, we will know the U.S. Supreme Court's decision, which will help the American people understand whether Judge Sotomayor's philosophy is within the judicial mainframe or well outside it.

There are other statements that the judge has made in the course of her long career, including one at Berkeley in 2001, which has received quite a bit of press coverage where she said:

> I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

President Obama has said she misspoke. But it is clear that is not the case. Congressional Quarterly reported that she used this language, or something very similar to it, in multiple speeches in 1994 to 2003.

It would be one thing if Judge Sotomayor was simply celebrating her own journey as a successful Latino woman in our country. Every American would understand that, every American would embrace that, because her story is an American success story. And all of us can justly take pride that someone of a humble origin who worked hard and sacrificed has achieved so much in this country.

In particular, the Hispanic community is justly proud of her achievements. She is, indeed, a role model for young people and is a symbol of success.

All Americans can be proud that Hispanics are assuming more and more positions of authority in our society. Indeed, the Bush administration nominated more Hispanic Federal judges than any previous administration. Unfortunately, they have not always received the sort of fair and dignified consideration that Judge Sotomayor will.

Miguel Estrada, who was nominated for the Second Circuit, was not treated respectfully during his confirmation proceedings. He was filibustered seven times, and denied an up-or-down vote on his confirmation.

So I wish to make clear that there is no problem if Judge Sotomayor was simply showing pride in her heritage as we all should as a nation of immigrants. But if it suggests a judicial philosophy that says that because of sex or race or ethnicity, a judge is better qualified and more likely to reach correct legal decisions, I simply do not understand that contention, and I would like the opportunity to ask her about it.

One of her fellow judges contrasted their views by saying:

> . . . judges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law.

I think that is exactly right. So we need to know whether Judge Sotomayor embraces this notion of colorblind justice that most Americans expect from the highest Court in the land. I hope she will be given an opportunity—indeed she will be given an opportunity—to clarify her comments and let us know whether she intends to be a Supreme Court Justice for all of us or just for some of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ORDER OF PROCEDURE

Mrs. SHAHEEN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, if the Senator will yield for a unanimous consent request, I am here to speak on the same subject as she. I wonder if she could expand her request to say that upon finishing, I could have about 5 minutes.

Mrs. SHAHEEN. I am delighted to do so for my colleague from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Senator.

Mr. CARPER. Would the Senator restate her request.

The PRESIDING OFFICER. The Senator from California has requested 5 minutes.

Mr. CARPER. I have been waiting for a while.

Mrs. BOXER. Madam President, I apologize to my colleague. We are here to quickly speak about a very important issue, the murder of a doctor. I didn't want it to be interrupted. I ask unanimous consent that following my remarks, the Senator from Delaware be recognized.

Mr. GREGG. Reserving the right to object, as I understand it, we are supposed to be moving to the supplemental. There is a unanimous consent agreement which has been reached. Hopefully, that will be placed in order.

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. GREGG. I object to any more unanimous consents.

Mrs. BOXER. They already passed.

Mr. GREGG. I am objecting to the one the Senator from California just propounded.

Mrs. BOXER. For Senator CARPER? Is there any way we can assuage the Senator? Does he want to take the floor before Senator CARPER?

Mrs. SHAHEEN. Madam President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator has the floor.

CONDEMNING THE USE OF VIOLENCE

Mrs. SHAHEEN. Madam President, yesterday, along with Senators BOXER, KLOBUCHAR, and 43 other Senators, I submitted S. Res. 187, a resolution condemning the use of violence against providers of reproductive health care services to women and expressing sympathy for the family, friends, and patients of Dr. George Tiller.

Unfortunately, the murder of Dr. Tiller was not an isolated incident. Our country has a history of violence against reproductive health care providers. Since 1993, eight clinic workers have been murdered, and there have been hundreds of additional attempted murders, bombings, death threats, and kidnappings. Since 1977, there have been more than 5,800 reported acts of violence against providers and clinics.

My own State has been touched by such acts of violence. In December 1994, a man from New Hampshire killed two workers at clinics in Massachusetts, including a nurse from Salem, NH. Almost 9 years ago, the Feminist Health Center in Concord, NH was burned in an arson attack. These acts of violence are not acceptable. Not only do they violate our laws and lead to human tragedy, but they dissuade medical professionals from entering a field of medicine that is critically important to women across the country.

I realize that the issue of reproductive choice is divisive. I know there are many heartfelt feelings on both sides of this issue and on both sides of the aisle, even within my own caucus. However, I was hopeful that regardless of our differences of opinion on this sensitive issue, the Senate could come together and quickly pass a resolution that rejects the use of violence against reproductive health care providers. Sadly, this is not the case.

My cosponsors and I have tried to pass this resolution by unanimous consent. Unfortunately, some on the other side of the aisle have objected. How disappointing it is that in this country

and in this body, we can't come together to unanimously condemn the use of violence. My cosponsors and I were urged to eliminate references to women's reproductive health care to get this resolution passed through the Senate. We are not going to back down. This country should be able to come together to condemn violence against reproductive health care providers. It is a very sad day when the elected leaders of the greatest democracy on Earth cannot agree to protect those exercising their constitutional rights.

I am pleased to be joined by 45 of my colleagues on this important resolution. We are saddened that we are not able to pass it without objection.

I wish to now read this simple resolution, a resolution condemning the use of violence against providers of health care services to women.

Whereas Dr. George Tiller of Wichita, Kansas was shot to death at church on Sunday, May 31;

Whereas there is a history of violence against providers of reproductive health care, as health care employees have suffered threats, hostility, and attacks in order to provide crucial services to patients;

Whereas the threat or use of force or physical obstruction has been used to injure, intimidate, or interfere with individuals seeking to obtain or provide health care services; and

Whereas acts of violence are never an acceptable means of expression and always shall be condemned. Now, therefore, be it Resolved, That the Senate expresses great sympathy for the family, friends, and patients of Dr. George Tiller; recognizes that acts of violence should never be used to prevent women from receiving reproductive health care; and condemns the use of violence as a means of resolving differences of opinion.

I find it hard to believe that this language condemning the murder of a health care provider and expressing sympathy to a family in mourning could be objectionable.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Madam President, I want to say to my friend, Senator SHAHEEN, that her words were eloquent here today and that her voice adds so much texture to the Senate. In a very plainspoken way, as is her way, Senator SHAHEEN has told us that regardless of where we stand on this issue, this contentious issue of a woman's right to choose, we should be able to come together when there is violence of any sort from any quarter, right, left, or center. There is no place for violence in any of our debates. That is what makes this such a great country. We debate here. We have had difficult debates here on the issue of a woman's right to choose. Yes, we have. But we decide those issues in this Chamber, in the House, at the White House, and across the street at the Supreme Court. And the Supreme Court has ruled very clearly, in 1973, in Roe v. Wade, that it is legal—legal—for a woman in the early stages of her pregnancy to make this tough choice and get the health care she needs. And, yes, later in the pregnancy, if her health is threatened, if her life is threatened, yes, a doctor can help her in that type of a circumstance.

Here we have many cases where violence is being used, where Web sites are being put up with pictures of doctors and nurses, trying to incite trouble, trying to incite violence, and that is not what the law allows.

With the case of Dr. Tiller, he was a doctor. After this tragedy where he was shot and killed in church—and before that, he had his arm shot, but he continued his work—many, many women came forward to attest to how kind he was to them in their great need.

Dr. Tiller operated within the law. There were those who tried to run him out of town with lawsuits, and he won all of those.

So when a procedure is legal and a doctor is following the rules, to have a murder of a doctor in that circumstance is a tragedy to his family, to his friends, to his patients, and, yes, frankly, to America because it diminishes us as a society.

I want to tell it like it is around here. Every Democrat cleared this resolution and said, yes, we ought to have a chance to bring it to the floor and be voted upon. That is all my colleague wants. She wrote a simple resolution. She read it to you. She wants a vote. Every Democrat said, yes, let's bring it to the floor. If you do not like it, you do not have to vote for it. If you want to change it, make an amendment to change it.

But the Republicans will not clear this resolution. Now, I have to say to the people who may be listening to this debate, hear what I am saying. The Republicans will not allow a vote, will not clear a resolution that simply says, in the resolve clause—and I quote from it—we express ''great sympathy for the family, friends and patients of Dr. George Tiller.'' We recognize ''that acts of violence should never be used to prevent women from receiving reproductive health care,'' and we condemn ''the use of violence as a means of resolving differences of opinion.''

I think my colleague, in her eloquence here, has said it all. I urge those people who are anonymously holding up this resolution, come to the floor, have the courage and the guts to look out at this Chamber and explain why you do not believe we should condemn acts of violence to prevent women from receiving their health care, and come to the floor and explain why you are not ready to condemn the use of violence as a means of resolving differences.

This is the greatest democracy in the world. We will not be the greatest democracy in the world if we decide we are going to take the law into our own hands and kill people with whom we disagree.

So I beg my colleagues on the other side of the aisle to rethink their position because, I can tell you, anyone who does not know Senator SHAHEEN—she was the Governor of a State, she is a great Senator already—she is not going to give up on this. We are going to be here day after day. We are going to ask that this be brought before the body. And we are going to make those who are stopping us from voting on this come to the floor and explain why they cannot join with us.

We know abortion is a contentious issue. We appreciate that. We respect our colleagues' views. Frankly, I totally respect their views on the issue. But I do not respect someone who is anonymously holding up a resolution that condemns violence.

So I am going to work with my colleague. I am very proud of her work on this. I am proud of Senator KLOBUCHAR's work on this. And I want to thank every Democrat in this Senate who said, yes, this resolution is worthy of debate and worthy of a vote.

Madam President, I thank you very much and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, thank you very much.

75TH ANNIVERSARY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Mr. CARPER. Madam President, I take the floor for a few minutes to draw the attention of my colleagues to the fact that there is a birthday this year, a 75th birthday—not the birthday of a Member of the Senate, not a birthday of a Member of the House, but actually it is the 75th birthday of the National Archives and Records Administration. It is 75 years old this year.

My colleague who is presiding today may recall the reception that was held at the National Archives during our orientation for new Senators and their spouses back in November. As it turns out, it was a small group of people who were able to witness and to visually see and read some of the most famous short documents in our Nation's history.

But as it turns out, millions of Americans come every year and visitors from all over the world come each year to visit the National Archives. The National Archives serves as the custodian of some of our county's most precious and historic records and documents, and they have been doing this for something like three-quarters of a century.

I wish to take a moment on behalf of all of my colleagues, Democratic and Republican, and an Independent or two, to thank the men and women who work at the National Archives now—and who

have done that for the last three-quarters of a century—who work diligently to preserve our Nation's history, not just for us but for future generations of Americans and others who will come to our shores to visit here.

Established by Congress to be our Nation's record keeper, the National Archives has the critical mission of storing and protecting our most valuable and our most important documents. In fact, the main Archives facility, which is located not far from where we are gathered here today, is the permanent home of—get this—the Declaration of Independence, our Constitution, and the Bill of Rights.

Thomas Jefferson once said that an educated citizenry will ensure a free society. He was right then. That is right now. Unhindered access to information about our government and leaders is truly critical to the continued health and vibrancy of our democracy.

That is why I am pleased to hear that more than 1 million visitors travel to the National Archives each year to see thousands of documents—the ones I mentioned and others as well—records, and special exhibits. It is no stretch to say the National Archives is one of the most popular agencies in the U.S. Government. That probably comes as a surprise to a lot of us.

But the Archives is not just a tourist attraction. Over the years, the Archives has become an international leader in developing an electrical records archiving system that will preserve digital information in any format—not just for a few years but forever.

Information technology has forever altered our ability to create, access, and search information from any location in the world. Every year, billions—not millions, billions—of documents that shape and inform government decisions are never written down with pen and paper. Instead, these records are ''born digital.'' That means they are created electronically and stored not in a filing cabinet but on computers and on the Internet.

Each year, the Archives preserves more and more information that is essential to understanding our democracy, our history, and our culture. To put it into some kind of perspective, it took eight C–5 military cargo planes to transport all of the paper materials created by the Clinton administration. Imagine that: eight C–5 military cargo aircraft. Following the most recent Presidential transition, it took 20 tractor trailers, 2 Boeing 747s, and a DC–8 aircraft to transport all of President George W. Bush's records. At the same time, the National Archives continues to maintain records from 1775, including the military record of every single veteran in the 20th and 21st centuries. That is no small task.

So I stand here today to give my thanks—really, to give our thanks—to the hard-working folks who work and volunteer their time at our National Archives.

Winston Churchill once said:

A nation that forgets its past is doomed to repeat it.

I think that quote truly sums up the important role of the Archives, not just for our history but for our future.

Madam President, tomorrow I will submit, with a number of my colleagues, a resolution to commend the National Archives and its employees for excellent service over the past 75 years and to wish them many years of additional service.

HEALTH CARE

Mr. CARPER. Madam President, I know my colleague from Wisconsin is standing to speak, so I will be very brief. I just want to take a moment.

While Senator SHAHEEN and Senator BOXER were speaking, I went over and chatted a little bit with one of our colleagues from Texas who was on the floor. We talked a little bit about the debate on health care. As we approach, in a week or two, marking up a health care reform bill in the Finance Committee, he mentioned to me something I very much agree with, the 80–20 rule.

MIKE ENZI, the Senator from Wyoming, likes to talk about the 80–20 rule and why he has been so productive over the years with Senator TED KENNEDY. Senator KENNEDY, obviously, is a liberal Member of the Senate. Senator ENZI is a very conservative Member of the Senate. They get a lot done in the Health, Education, Labor, and Pensions Committee. It is because they follow what Senator ENZI calls the 80–20 rule. They focus on the 80 percent of the stuff they agree on. They set aside the 20 percent they do not agree on, and they really focus on where the most agreement is.

We need to do a similar kind of approach as we prepare to mark up in the Finance Committee the health reform bill, to go along with the areas of work going on in the HELP Committee.

I strongly agree with Senator BAUCUS and Senator GRASSLEY. We need a bipartisan bill. I know many Democrats and Republicans feel we need a bipartisan bill. My fear is, if we do not have a bipartisan bill, we will not be successful ultimately.

While most of the media coverage of the health care debate focuses on the conflict—should we have a public plan or not; tax exclusions; what portion of our benefits should be excluded from taxation; should there be an employer mandate or individual mandate or should there not be—setting all of those things aside, not that they are unimportant, there is huge agreement on a bunch of things that are important that are going to save money, save lives, reduce costs, and provide better health care for people. Part of it is in information technology; make it possible for businesses—large and small but especially small businesses—to get into a purchasing pool to be able to take advantage of much lower rates and have better choices of benefits for their folks; moving toward chronic care to make sure for people who have diabetes that we do not just wait until they get really sick and they have to have arms and legs and feet amputated, but make sure we take care of them early on as we go along.

As to these purchasing pools we are going to create under health care reform, if people have a preexisting condition, they do not get excluded. They can participate as well. We are going to be covering more people for pharmaceuticals. We are going to do a much better job of making sure people who will benefit from a particular pharmaceutical—whether it is a large molecule or a small molecule—will have access to something that is going to help them. We will be smart enough to figure out the pharmaceuticals out there that will not help somebody, so then they will not be taking those.

We are going to be focusing more on primary care, less on fee for service, which drives up the cost of health care. We are going to do a better job of coordinating care and providing medical homes for people as we go forward.

We are going to take examples like that in the neighboring State represented by Senator FEINGOLD. Over in Minnesota, they have this Mayo Clinic, and they figured out how to make the Mayo Clinic provide better health care, with better outcomes, at lower cost than most other places in this country. They took their model and they went down to Florida, where costs were very high for health care. They took the Mayo model to Florida, and they ended up with better outcomes and lower costs in Florida compared to other folks who had been doing business in Florida providing health care for years.

But it is not just the Mayos, it is the Intermountain folks, a nonprofit out in Utah, the Geisinger operation in Pennsylvania. There are a number of good examples out there. Part of what we are going to do through this debate, as we move toward health care reform, is to learn from those examples, go to school on those examples, and be able to put them to work for all of us.

With that having been said, my friend said some people say we are not going to get health care reform done. We have to get it done. We spend more money for health care in this country than any other developed nation on Earth. We do not get better results. If we spend more money, we don't get better results. We can do better than this. Democrats working together with Republicans, we can get there, and let's just not give up.

Thank you, Madam President. I thank my colleague for his patience.

UNANIMOUS-CONSENT AGREEMENTS—H.R. 2346

Mr. INOUYE. Madam President, I ask unanimous consent that with respect to the conference report to accompany H.R. 2346, a motion to waive all applicable rule XLIV points of order be considered as having been made by the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that the vote on the motion to waive rule XLIV occur at 2:50 p.m., and that the time until then be equally divided and controlled between the majority leader and Senator GREGG or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, we are now, then, on the conference report?

The PRESIDING OFFICER. Not at this point in time. Not yet. A request has to be made to go to the conference report.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009—CONFERENCE REPORT

Mr. INOUYE. Madam President, I ask unanimous consent that the Senate now resume consideration of the conference report to accompany H.R. 2346.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will resume consideration of the conference report to accompany H.R. 2346, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 2346, an act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The PRESIDING OFFICER. Under the previous order, a motion to waive all applicable points of order under rule XLIV is considered as having been made by the majority leader.

Mr. FEINGOLD. Madam President, if it is appropriate, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. FEINGOLD. Madam President, every year I hold a constituent listening session, or townhall meeting, in every county in Wisconsin. After 1,188 of those sessions, I have heard a lot from my constituents on pretty much every issue you can imagine. But one issue in particular stands out, as it has consistently been one of the top issues raised throughout the past 17 years. That issue is, of course, health care.

Again and again—not just in listening sessions but in conversations and phone calls and letters and e-mails—Wisconsinites have talked to me about their struggles to obtain and afford health insurance coverage. Their stories have stayed with me and have been the foundation of my work to push for comprehensive health reform throughout my career in the Senate.

As a freshman Senator, I worked to increase access to long-term care and home and community-based services in the Wisconsin tradition during the 1994 attempt at health reform because I knew how valuable these programs were to my constituents. I continued to fight for real and fair access to affordable prescription drugs by speaking up for seniors during the debate on creating Medicare Part D. I ended up not voting for Part D because I knew it would help pharmaceutical companies before it helped seniors. For years I have tried to get the Senate to address the issue that was foremost in the minds of my constituents.

Frustrated by the inaction, I teamed up with Senator LINDSEY GRAHAM to introduce legislation that sought to break the logjam blocking health care reform legislation. While Senator GRAHAM and I have had very different ideas about how reform should look, we agreed further delay was unacceptable. I know some of my colleagues are now arguing that health care is being rushed through the Senate.

Well, that is not my experience, and I think the Wisconsinites who have been talking about the need for reform for years would agree. That is why I am so excited that the Senate is preparing to consider health reform legislation, and I look forward to reviewing the bills the HELP and Finance Committees are expected to report shortly.

As this debate goes forward, I remain committed to reforming our health care system so every single American is guaranteed good, affordable health care coverage.

Today, I wish to talk about one of the most important elements of any reform, and that is a strong public health insurance option. Frankly, I am disappointed this has become a topic of so much controversy because it is such a fundamental part of making sure we provide the reform my constituents and all Americans deserve. Some have even suggested scrapping a public option in the interests of passing a bill with bipartisan support. Well, I want to pass health care reform, and I hope very much we can do it with bipartisan support, but I am not that interested in passing health care reform in name only. I am not interested in a bill that allows us to somehow tell our constituents we have done something but doesn't address their concerns they have had for so very long. We need real reform, and real reform means a strong public option.

Americans want a health insurance option. According to a recent poll by NBC and the Wall Street Journal, over three-fourths of those polled said they would like the ability to choose between public and private health insurance plans. Providing a public health insurance option does not discriminate against those with preexisting conditions and illnesses, and it will significantly improve the ability of people to access health care.

There are millions of Americans who will tell us their current so-called ''competitive'' market didn't work so well for them because they were denied coverage from the outset, or they were given a benefit plan that covers everything but the diseases they actually have. Health insurance should not be a privilege, but in today's insurance market that is actually what it is. Those who are healthy enough to be approved for coverage, or wealthy enough to afford it, are too often the privileged ones who receive health care. We must shift the competition back to where it should be—on the health insurers competing to provide better coverage at a more affordable rate.

A public health insurance option, if done right, will help shift the insurance market so plans focus on what is best for the patient to thrive instead of plans simply focused on the bottom line.

Just a few weeks ago, Geri Weitzel from Durand, WI, shared her story with me. Geri's husband suffers from renal failure. His medicine costs hundreds of dollars each month, and the family has thousands in medical debt. Geri is doing her best to make ends meet for her family but sometimes has to choose between paying the mortgage on their home or her husband's medical care, without which he will die. Geri told me she came to Washington to share her story because her husband ''is choosing death over debt.'' She worries that they will lose their home, and they have already lost their savings, but above all, she worries she will lose her husband.

With a strong public health insurance option, we can help ensure that Geri and her husband can afford policies that cover their medical bills and can focus instead on getting well.

A strong public health insurance option is one the public can depend on to be available, regardless of preexisting conditions, place of residence, income, age, sex, health status, or job status. It is an insurance option that will be focused on helping the sick get the treatment they need instead of just turning the biggest profit for shareholders. It is also an insurance option that will help the public invest in wellness, disease prevention, primary care, and chronic disease management. A public option will help ensure no matter what, people have access to a health insurance plan that actually meets their needs.

One of my priorities in the health care reform debate—and one of my priorities throughout my whole time in

the Senate—has been fiscal responsibility. It is not enough to pass a bill that expands coverage; we need to do so in a way that reins in runaway health care spending and ensures taxpayer dollars are not wasted. That is another reason we need a strong public health insurance option: because it will help keep costs down for individuals, for employers, and for the government.

Citizen Action Wisconsin estimates that a strong public health insurance option operating in a health exchange could save Wisconsin employers—both private and government—over $1.1 billion each year. For the average Wisconsin family, currently paying around $13,500 a year in health care premiums, this translates to a 33-percent savings, lowering their premiums to just over $9,000 a year.

Now this is real savings. It would have made a big difference to Danine Spencer of Rhinelander, WI. Danine has had a tough 4 years, recovering from multiple conditions which doctors expected to leave her a quadriplegic for life. Danine credits the medical professionals at Froedert Hospital in Milwaukee with helping her reclaim her mobility and, in many ways, her life. While Danine has already made incredible progress, she still has a long way to go.

Fortunately, Danine qualified for disability and Medicaid benefits to cover her medical costs, but she wants to be independent. She wrote me a letter in which she said she ''wants to get off disability very, very badly. I am horribly ashamed that I collect a government check every month. But as it stands, I simply cannot afford private health insurance.''

Danine writes that she has ''heard a public option health insurance plan would sharply lower costs for people like me. Please put everything you have into making sure it is part of the health care reform bill.''

Danine has already overcome incredible challenges. She wants to purchase health insurance but is denied that benefit by the existing system. So a public health insurance option would help ensure that Danine is guaranteed—guaranteed—affordable, high quality health care.

Too often Americans are at the mercy of the insurance companies when it comes to paying premiums and out-of-pocket costs and deductibles. While I commend the growing efforts of select insurers to increase transparency, for the most part consumers have little idea how much procedures cost, where premium dollars go, and whether they are truly getting the best value for their dollar. A public health insurance option would serve as a benchmark competitor for premiums, administrative costs, and benefits packages.

A strong public health insurance option is consistent with a healthy private market and effective private insurance plans. We have several insurers that operate in my home State of Wisconsin that provide great health coverage for their beneficiaries. Responsible insurers should have no trouble competing with a public insurance option on the merits of their plans, but a strong public health insurance option will provide a powerful incentive for less responsible insurers to reevaluate their own cost sharing and benefit plans to ensure that they are actually an attractive option for consumers.

There is another benefit of a public health insurance option which hits particularly close to home. My hometown of Janesville, WI, has one of the highest unemployment rates in the State. Recently, our GM assembly plant ceased production, and other related businesses throughout the community are struggling to stay afloat during these tough economic times. Of course, these challenges are shared by many other communities across the State of Wisconsin. A public health insurance option would be invaluable to families in Janesville and other parts of the State who have recently been laid off because it is a guaranteed, affordable option that can travel with an individual from job to job.

A public health insurance option would also make a tremendous difference to our small business owners who face crippling health care costs while trying to keep their business open.

Health care reform cannot wait. The President has said he wants a health reform bill on his desk by this fall, and I will work hard with my colleagues to make sure we send him a good bill that guarantees every American high-quality, affordable health insurance, and that includes a strong public health insurance option. After so many years of delay and inaction, now is the time to act.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. FEINGOLD. I withhold.

Mr. GREGG. Madam President, I rise to speak on the supplemental. Did the chairman wish to speak?

Mr. INOUYE. No, go ahead.

Mr. GREGG. I am happy to yield to the chairman if he wishes.

Mr. INOUYE. Please proceed.

Mr. GREGG. Madam President, first off, this is a very important piece of legislation. I congratulate the chairman and the ranking member, Senator COCHRAN and Senator INOUYE, for bringing it forward. It is critical that we adequately fund our troops in the field. This is our first responsibility as a government when we have troops in the field in harm's way—to give them the resources they need in order to protect themselves and defend our liberties. So this is a very important piece of legislation, and it must pass. It simply must pass.

However, ironically, as occasionally occurs around here—but in a piece of legislation that is this important to our troops shouldn't occur—this legislation had air dropped into it by the House of Representatives something that has nothing to do with our troops fighting in the field, and that is a bill called the cash for clunker bill.

I have no personal or philosophical disagreement with the concept of purchasing automobiles that are high-mileage vehicles, and they use a lot less gas, and exchanging them for lower mileage vehicles as an attempt to revive the economy and the auto industry and at the same time, hopefully, accomplish some environmental protections. I would simply note, however, that this bill that was air dropped into this legislation doesn't accomplish that.

Basically, this is a bill that was drafted in the House without the input of the Senate. There was a much better bill in the Senate—Senator FEINSTEIN and Senator COLLINS had it—which would have actually meant some mileage differential would have occurred, but it was not allowed to be put in because the bill, as it was put into the conference report, was unamendable.

So the bill itself is flawed because it basically only allows—it allows you to exchange your car and get money for your car, but the increased mileage on the new car you buy only has to be a mile or two a gallon, which is virtually nothing. It has virtually no impact.

So the philosophy of the bill itself is flawed. But the real problem with this bill, besides the fact it is in a piece of legislation it shouldn't be in, is the fact that it is totally unpaid for. It is $1 billion of new costs put on our children's shoulders. It is $1 billion of new spending put on the Federal debt. We already know the Federal debt isn't sustainable. Almost every day we are hearing international purchasers of our debt—whether it be China or whether it be Russia or whether it be international economists or economists in the United States—saying the American debt situation has gotten out of control, and that we are at risk as a nation of having a situation where the cost of our debt will go up dramatically because we are putting so much debt on the books.

Under the President's budget, the deficit of the government will be a trillion dollars a year, on average, for the next 10 years. We will be running deficits of 4 to 5 percent of gross national product. The deficits will equal 80 percent, and we will have a debt that will equal 80 percent of the GDP. Just within the next 3 years, it will be 60 percent of the GDP. At the end of 10 years, it will be 80 percent.

What does that mean? It means we will have a debt and a deficit situation

that will lead us down the road to having a government we cannot afford and our children cannot afford. Ironically, as I said before, our debt is getting so out of control and our deficits are getting so high and out of control that if we as a nation tried to enter the European Union, which is a group of industrialized countries that has rules as to what a country can do in the area of debt and deficit for solvency reasons, we could not get in because their rules say you cannot have a debt or deficit of more than 3 percent, and your debt-to-GDP ratio cannot exceed 60 percent. Latvia or Lithuania or some other nation might be able to get into the European Union, but we could not.

Our debt is an incredibly serious problem for us as a nation and for our children. The irony is, the bill that was airdropped into the defense bill, designed to pay for the troops in the field, came on the exact same day that the President of the United States and the Democratic leadership of the Congress met down at the White House to announce they were going to reinstitute the pay-go rules. What are the pay-go rules? The pay-go rules require that when you spend a dollar, you pay for it; when you create a new program, you pay for it. The President, with great fanfare, said the Democratic leadership of this government—the President and leadership of the Congress are going to put into place the pay-go rules. All future spending will be subject to pay-go rules, with a few exceptions he listed, which were pretty big exceptions.

He didn't list this bill, which spends a billion dollars and is not paid for.

After that press conference, which occurred around 12:30 in the afternoon, the House of Representatives passed the cash for clunkers bill, which spent $4 billion dollars, and it wasn't paid for. That bill added $4 billion of new debt to our national debt—debt which will be paid by these young people up here, who are pages today, when they get jobs. What excuse do we have as a government for passing a bill to purchase cars today and sending that bill to our children and grandchildren as part of the debt we are passing onto them? It is inexcusable. It would be easy enough to pay for this bill. There are innumerable places in the government, which is spending trillions of dollars a year, to find a billion dollars to pay for this bill if it was a priority.

Clearly, if the President and the Democratic leadership are going to call on us to follow pay-go rules, we should follow them—at least for a day. They couldn't even get through a day without violating the rules they said they were going to follow—a billion dollars of new spending, which is unpaid for. Whether you agree with the policy of the bill or not—this cash for clunkers bill—the issue is it spends a billion dollars and doesn't pay for it and adds it to the national debt, which is out of control. The American people know it is out of control, and it is inexcusable that this Congress cannot discipline itself.

I have made a point of order that doesn't bring down the bill and doesn't harm our ability to fund the troops in the field. I made a point of order under a new point of order that was put into place at the beginning of this Congress by the Democratic leadership of this Congress in the Democratic body. This was a good rule. It was put into place by a bill entitled the ''Honest Leadership and Open Government Act.'' Again, it is the Honest Leadership and Open Government Act. Its primary sponsor was Senator REID, and its second sponsor was Senator DURBIN, along with Senator SCHUMER and Senator STABENOW.

The bill was structured for the purpose of not allowing what happened with this defense bill, which is that people airdropped it into special interest legislation—unpaid for in this case. It is called rule XLIV, and I believe it is section 8. It says, essentially, that in a conference you cannot put in new language that was not part of that conference and which is targeting direct spending for the purpose of benefitting some defined group—in this case, for the purpose of passing the cash for clunkers bill. You cannot put it in. The rule says that. Why was it created? Because too often around here, this type of mismanagement of our finances occurs. People go into a conference and they know they have a train that is going to leave the station and, in this case, everybody wants to support the troops in the field and we are going to fund them. So they put in the conference all sorts of extraneous things that are inappropriate to that bill. It has become a pandemic. The Democratic leadership, much to their credit, passed the Honest Leadership and Open Government Act. They put in rule XLIV, section 8, which says that exactly what happened with this language should not happen.

I congratulate the chairman of the committee, Senator INOUYE, because he has resisted, aggressively, allowing this type of action to occur. But in this case, the House of Representatives gave him no option. They put the language in over, I presume, some debate.

So this motion will knock out this language. It doesn't defeat the bill. The bill can be sent back to the House and it can pass. It would take another couple hours, at the most, to pass it. If people want to bring back the cash for clunkers bill, they can do it as a free-standing bill and, hopefully, they can do it by paying for it. That is the way it should be done. It violates another rule, which is the pay-go rule.

So this motion to waive is going to be the first test of this Congress on three critical issues. First, are we going to do something about the debt of this Nation? Are we going to start paying for new programs that we know are politically attractive? Every auto dealer in America wants this language included in the bill. Are we going to pay for it? Second, are we going to live by the rules that were put into place by the Democratic leadership in the Honest Leadership and Open Government Act? Third, are we going to live by the statement made by the President, surrounded by the Democratic leadership of the Congress, that pay-go would be the new way we will enforce fiscal discipline? Those are three major issues that will be addressed by this vote.

Members who vote to waive this rule will be voting to pass a billion dollars of debt on to our children, on top of the trillions we are already putting on their backs. They will be voting to waive a rule that was put in by the Democratic leadership for the purpose of avoiding this type of action—this exact type of action. They will be voting to override the pay-go rules, which many Members have so wrapped themselves in as the way they are going to fiscally discipline this place.

I hope people will not vote to waive this point of order, sustain this point of order, move forward on the supplemental, fund the troops; and let's not add a billion dollars of unnecessary debt on an extraneous program to the troop funding.

I yield the floor, and at the appropriate time, I will yield to Senator GRASSLEY such time as he may desire.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I rise in support of the conference agreement on H.R. 2346, the supplemental appropriations bill.

The compromise agreement, which has been worked out in a full and open conference between the two Houses, represents the hard work of our conferees.

As has long been the tradition of the Appropriations Committee the compromise package before the Senate reflects the deliberations of our twelve subcommittees. Each subcommittee has items in this measure and I am pleased to note that all of our subcommittees were able to reach agreement with their House counterparts.

As such, the bill before us represents a balanced compromise between the issues and funding recommended by the House and by the Senate.

As in any compromise neither body, nor individual Member, received everything he or she sought.

The House has agreed to support funding for the International Monetary Fund and the Senate has agreed to compromise language on how we deal with the detainees at Guantanamo. But, it is a fair compromise which I believe all Members should support.

At $105.9 billion, the conference agreement is $14.6 billion above the

amount recommended by the Senate. However, it is important to point out to my Senate colleagues that nearly half of this increase represents additional funding for swine flu. This funding was included in response to a budget amendment submitted by the administration following Senate passage of this bill.

The managers of our Labor HHS subcommittees have responded to the potential need for additional swine flu resources by providing more than $7 billion in funding, of which nearly $6 billion is contingent upon the administration submitting additional requests for funds. We have been advised that funding may be required this summer to prepare for an outbreak next fall in the United States if the virus mutates over the next few months.

If that occurs, the American public can be assured that we will be ready. I can also promise my colleagues that our Labor-HHS subcommittee will be monitoring the flu virus and closely watching the administration's efforts to respond to this potential crisis.

Regarding the remaining increase above the Senate bill, the conference agreement funding levels are between the amounts recommended by the two bodies.

The bill includes the funding level sought by the House for the Department of State and ''splits the difference'' in the amount recommended by both bodies for defense and military construction.

One provision of note that was deleted from the measure relates to the public release of photographs of detainees. The Senate agreed to drop this provision only after the President sent a letter to Chairman OBEY and myself assuring us that he would not release the photographs in question.

While many of us support the intent of this amendment, it was clear that including the amendment would jeopardize passage of the bill in the House. That result would not have been an acceptable outcome.

Mr. President, this is a fair compromise and one which is worthy of the support of every Member of the Senate.

I understand that there may be one or two items that not all Members agree with, but I would remind my colleagues that this is a must pass bill. The funding in this bill is critical to the Defense Department in continuing to support our servicemen and women fighting in Iraq and Afghanistan.

I would point out that if we cannot pass this bill, we will shortly run out of funds to pay our service members and to ensure funds are available to support the readiness of all our forces, not just those serving in Southwest Asia.

I want to thank my vice chairman for his counsel and support as we have worked through several difficult issues.

We have forged this agreement together. I would note that there were 30 Senate conferees on this measure and 27 signed the conference agreement.

Finally, I wish to thank all of our subcommittee chairmen and ranking members and their staffs for their hard work. This conference agreement would not have been possible without their efforts.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATMENT OF COMMITTEE WITNESSES

Mr. GRASSLEY. Mr. President, last week, there was a disturbing occurrence on the other side of the Capitol that I believe needs to be brought to the attention of my colleagues in the Senate.

On Tuesday, June 9, the Subcommittee on Energy and the Environment of the House Energy and Commerce Committee held a hearing on allowance allocations policies in the Waxman-Markey climate change bill. One of the witnesses who volunteered to testify before the subcommittee was David Sokol, chairman of MidAmerican Energy Holdings Company, based in my State of Iowa, in the capital city of Des Moines.

We are all very well aware there are very divergent opinions on the so-called cap-and-trade program advocated by Chairman WAXMAN and Subcommittee Chairman MARKEY. Hearing witnesses are typically invited to share different positions and offer different perspectives on prospective policies. That was the case with the MidAmerican CEO. His company supports the cap on emission reductions in the bill but strongly opposes the trading component.

In Mr. Sokol's testimony, he made clear his position that the trading mechanism in the Waxman-Markey bill will impose huge costs on customers. The costs will come in two ways: First, to pay for emission allowances, which will not reduce greenhouse gas emissions; and then for the construction of new, low, and zero carbon powerplants that will actually reduce emissions. So in those two ways, customers pay. He indicated MidAmerican's customers would see an increase in electricity rates of somewhere between 12 percent at the low end and 28 percent at the high end under the climate bill now before the other body.

It appears that Chairman MARKEY did not appreciate the criticism leveled at his bill by Mr. Sokol. During the hearing, a letter was sent by Chairman MARKEY's office to the Federal Energy Regulatory Commission requesting information about MidAmerican's investment and other activities since the 2005 repeal of the Public Utility Holding Company Act—the short term around here, or acronym, is PUHCA.

The six-page letter also requested a reply from FERC within 2 days, ''in order to better inform the Subcommittee's deliberations on this matter.''

However, the 2005 repeal of PUHCA has absolutely nothing to do with Chairman MARKEY's climate change bill. It appears it is more than a coincidence that Chairman MARKEY was firing off a six-page letter concerning MidAmerican while the CEO was making critical comments on his bill before his committee. This appears to be a blatant use of power to intimidate a witness whose opinions differ from the chairman.

It has recently been reported that Chairman MARKEY was unaware that the letter was being sent at the time, and I would accept his position on that. Once the letter was brought to his attention, Chairman MARKEY realized how inappropriate it was and subsequently sent another letter to FERC clarifying his inquiry. This seems to indicate that there are unnamed committee staff who are trying to intimidate and prevent detractors from speaking against their climate bill. These types of strong-arm tactics should not be tolerated.

What lengths are proponents willing to go to if they are willing to intimidate people who disagree with them? Are they so unsure of their own position that they have resorted to apparent retribution to silence their critics? Quite frankly, those in the Senate should be skeptical of legislation that is advanced with such zeal that witnesses are being threatened with intimidation if they oppose it, whether that is by staff writing a letter or any other way.

Policymaking is a very complicated process. It is one that depends on the honest and forthright input of outside experts and stakeholders to give information; obviously, not to twist arms. After this incident, it seems the process going on in the House of Representatives is not open and fair to those who are critical of the Waxman-Markey bill. We owe it to the American public to restore this process to a more dignified level and assure all witnesses before Congress that they will be treated fairly and with respect, regardless of whether they agree or disagree with the chairman and/or staff.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between the two parties.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what is the time agreement?

The PRESIDING OFFICER. The majority has 36 minutes remaining.

Mr. LEVIN. I ask unanimous consent that I be yielded 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CASH FOR CLUNKERS

Mr. LEVIN. Mr. President, one way to stimulate a key part of our economy—auto sales—is to establish a so-called fleet modernization or cash for clunkers program that would provide a voucher for purchase of new vehicles to those turning in their older less fuel efficient vehicles. This program will encourage people to purchase new more fuel efficient vehicles and will both stimulate the sale of new vehicles and reduce overall fuel consumption and greenhouse gas emissions. By providing incentives for the purchase of new more fuel efficient vehicles, this program will provide a much-needed boost to the struggling auto industry, including manufacturers, dealers, suppliers and other related industries.

New vehicle sales of all auto companies in the world continue to suffer as we weather this unprecedented downturn in the U.S. economy. Since the end of last year, we have seen a decrease in sales of 30 to 40 percent over the same period a year ago. Therefore, it is imperative that we turn around this sales decline, and one way to help is with incentive programs such as the cash for clunkers program. Legislation to implement such a program was first passed by the House of Representatives as a stand-alone measure and has now been included as part of the Supplemental Appropriations Act before the Senate. Including this measure in this critical legislation will allow this program to be implemented quickly and begin to have a positive effect on the economy.

There is strong evidence that this type of program will work. Nearly every major industrialized country in the world with an auto industry has now some kind of vehicle scrappage program in place and there is documented evidence of increased sales. Germany has seen an increase in new vehicle sales of 25 to 40 percent since its program was implemented earlier this year. China saw an increase in new vehicle sales of 15 percent in March after its program was implemented. France has seen an increase in vehicle sales of 8 percent since its program was implemented at the end of 2008. Other countries—such as Japan and Korea—have more recently followed suit and implemented programs like this. It is too early to have sales data for these countries, but they are expected to show similar positive increases in sales of new vehicles.

Under the legislation passed by the House and included in the supplemental, an individual would be able to bring in an eligible older and less fuel efficient vehicle and receive a voucher for a new more fuel efficient vehicle. To be eligible to be turned in, the old vehicle would need to have a fuel economy value of 18 miles per gallon or less, or in the case of a work truck, be older than a 2002 model. The individual turning in the old vehicle would then receive a voucher for a new vehicle. The minimum threshold for the new vehicle purchased would be 22 miles per gallon fuel economy for new passenger cars, 18 miles per gallon fuel economy for new light duty trucks, and 15 miles per gallon fuel economy for new large trucks.

The amount of the voucher received for a new purchase would depend upon the incremental improvement in fuel economy of the new vehicle over the old vehicle. Individuals would receive a voucher of no less than $3,500 toward purchase of the new vehicle, but could receive as much as $4,500 based upon the fuel economy value of the new vehicle. Higher fuel economy, therefore, would bring higher savings—thereby creating a positive incentive for individuals to buy the most fuel efficient vehicles available. To ensure that the older less fuel efficient vehicle would not be used on the road again, the old vehicle would be taken to a registered disposal facility where it would be destroyed by dismantling the drive train and engine block. Any value of other used car parts would be protected, however, as these parts could be sold separately by the disposal facility.

The compromise before the Senate provides a well-crafted and balanced fleet modernization program. It will accelerate national economic recovery by stimulating up to an estimated 1 million new vehicle sales while at the same time pushing consumers toward purchase of more fuel efficient vehicles. This legislation is based upon months of work to develop a compromise among the administration, the auto companies, environmental organizations, and auto dealers. It provides a reasonable compromise and establishes a solid program that will give consumers with older vehicles an immediate cash incentive to purchase new more fuel efficient cars and trucks. By including a hierarchy of cash vouchers for purchase of new vehicles that increases the amount available for the most fuel-efficient new vehicles, this legislation will both stimulate the economy and encourage consumers to purchase more fuel-efficient vehicles. This legislation strikes the appropriate balance between economic stimulus and fuel efficiency.

The proposal before us today keeps the focus on the primary purpose of this effort—to stimulate the U.S. economy by providing an incentive for individuals to turn in their older less fuel efficient vehicles and purchase a new more fuel efficient vehicle. It provides the proper balance—it encourages consumers to purchase more fuel efficient vehicles by including a hierarchy of incentives that offer a greater amount for a more fuel efficient vehicle. Stimulating vehicle sales while also getting older less fuel efficient vehicles off the road is surely an important national goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I wish to associate myself with the remarks of the senior Senator from Michigan.

I suggest the absence of a quorum, and I ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I rise to offer for the Record the Budget Committee's official scoring of the conference report to accompany H.R. 2346, the Supplemental Appropriations Act, 2009.

The conference report includes $105.9 billion in discretionary budget authority for fiscal year 2009, which will result in outlays in 2009 of $30.5 billion. Of this budget authority, $90.7 billion is designated as being for overseas deployments and other activities pursuant to S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010. This results in new outlays of $27 billion in 2009. The conference report also includes $16.2 billion in emergency discretionary budget authority, which results in outlays of $3.5 billion in 2009. Finally, the conference report includes rescissions of existing budget authority and other changes that result in −$1 billion in regular budget authority and −$37 million in 2009 outlays.

The conference report includes several emergency designations each of which is subject to a point of order established by section 403 of the 2010 budget resolution. In addition, the conference report includes language relating to credit scoring that is within the jurisdiction of the Budget Committee and as a result is subject to a point of

order under section 306 of the Congressional Budget Act. Finally, the conference report includes several provisions that make changes in a mandatory program—CHIMPS—that result in an increase in direct spending over the 9-year period, 2011–2019. Each of these provisions is subject to a point of order established by section 314 of the 2009 budget resolution.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009 CONFERENCE REPORT

[In millions of dollars]

	Overseas deployment and other activities	Regular	Emergency	Total funding
Conference Report:				
Budget Authority	90,730	−1,048	16,169	105,851
Outlays	27,029	−37	3,530	30,522

Mrs. LINCOLN. Mr. President, I rise to thank my colleagues for their support of my amendment to the Federal Deposit Insurance Act with respect to the preemption of certain interest rate limitations that are applicable to the State of Arkansas. The adoption of this provision in the 2009 Supplemental Appropriations Act will aid in the economic recovery of Arkansas as demonstrated in the various letters from Governor Beebe, the Arkansas congressional delegation and the related data and communications that are to be printed in the record after my remarks.

With regard to the amendment itself, it is the intention of the drafters and the Senate, that despite the ordering of its paragraphs, the language concerning the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009 are to apply to all bonds and obligations issued under that act for all purposes for which bonds under the act may be issued and are not limited to matters associated with housing. Without this amendment, Arkansas may not have ready access to the same Federal programs to which our sister States have access. Again, thanks to my colleagues for recognizing that the economy of and commerce in Arkansas affects and is affected by every other State and their respective commerce.

I ask unanimous consent that the following documents be printed in the RECORD as supporting documentation of the intent and reasoning behind this important provision: (1) a letter from Arkansas Governor Mike Beebe dated May 14, 2009, (2) a letter from Arkansas Governor Mike Beebe dated March 14, 2008, (3) a letter from the Arkansas Congressional Delegation dated May 14, 2009, (4) a letter from the Council of Development Finance Agencies dated May 29, 2009, and (5) Presentation to the Arkansas House Committee on State Agencies and Governmental Affairs regarding a proposed State constitutional amendment to deal with this issue. The inclusion of these documents serves to make clear our intent regarding this important provision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 14, 2009.

Hon. BLANCHE LINCOLN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR: The American Recovery and Reinvestment Act of 2009 (ARRA) provides the first significant improvements to the federal public-finance legislation in decades. The municipal finance industry, cities, counties, and state finance agencies will have until 2011 to utilize the new authority given by Congress.

Unfortunately, governmental entities in Arkansas are still subject to provisions in the Constitution of Arkansas that impose interest-rate limits and restrict our use of the ARRA funds. The State is currently taking steps to amend our Constitution with respect to interest-rate controls, but such changes, if approved, will not become effective in time for the State to be able to fully participate in the National Recovery by utilizing these new financing tools,

In light of the negative impact of the current restrictions in the Arkansas Constitution, we respectfully request a temporary federal preemption of State interest-rate limits until January of 2011 for those federal programs that deal with public-finance matters addressed in ARRA.

The amendments and modifications in ARRA provide for more participation from investors, from private industry, and from governmental entities. We need temporary relief from the controls in Arkansas so that our State may participate fully in the development activities and the improved finance capacities enjoyed by the rest of the country. Thank you for your attention to this critical matter.

Sincerely,

MIKE BEEBE.

MARCH 14, 2008.

Senator BLANCHE LINCOLN,
Dirksen Senate Office Building,
Washington, DC.
Senator MARK PRYOR,
Dirksen Senate Office Building,
Washington, DC.
Representative MARION BERRY,
Rayburn House Office Building,
Washington, DC.
Representative MIKE ROSS,
Cannon House Office Building,
Washington, DC.
Representative JOHN BOOZMAN,
Longworth House Office Building,
Washington, DC.
Representative VIC SNYDER,
Longworth House Office Building,
Washington, DC.

DEAR FRIENDS AND COLLEAGUES: As you know, Arkansas is the only state that has a prescriptive usury provision in its constitution. With regard to some commercial transactions, this usury provision poses a problem for those entities that are not removed from its authority via federal preemption.

In recent years, Congress has enacted several laws preempting the Arkansas usury provision for Arkansas banking institutions, auto finance companies, and other similar entities, However, the usury provision is still applicable to certain transactions involving governmental entities, as a federal preemption has not been granted in their favor.

The recent reduction of the primary credit discount rate by the Federal Reserve Bank in its efforts to stimulate the economy has exposed the negative effects that the Arkansas usury provision can have on particular governmental entities. While the rate reduction may benefit the overall economy, it also has resulted in the reduction of the Arkansas usury limitation to 8.5 percent currently, with a likely decrease to 8 percent in the near future. This low usury limitation makes it exceedingly difficult for transactions that are mandated by the federal government or that are for the purpose of implementing federally established programs to take place.

Specifically, due to the Arkansas usury limitation, the Arkansas Student Loan Authority (ASLA) is finding it more and more difficult to finance activities that allow it to make student loans available for Arkansas students. Current distresses in the financial markets and the recent changes to the federal student loan program have greatly impacted the student loan industry. The credit market situation is predicted to worsen before experiencing improvement. Although ASLA has financial stability, it will need additional capital to fund loans when they reach the point that they are unable to continue recycling loan funds. The Arkansas usury provision is currently acting as a barrier to additional capital, as banks are not willing to accept bonds that may be limited by the current low usury rate. This is a problem that not only plagues ASLA, hut also affects the manner in which the Arkansas Development Finance Authority (ADFA) implements its single-family mortgage program and its multi-family programs, as well.

Accordingly, I am asking you to consider enacting legislation that would grant a usury preemption provision in those instances when either a governmental or a private entity, such as ASLA or ADFA, is responsible for carrying out federally mandated programs or implementing federally established programs. We believe that when so expressed, the Congress's ability to preempt state usury laws under the commerce clause is broad enough to cover the federal preemption suggested. Representatives of both ASLA and ADFA have been working on a draft usury-preemption provision, and they, along with a representative from my office, will be contacting your office regarding this issue. I am hopeful that this can be

accomplished in a manner similar to the preemption granted to Arkansas banking institutions through the Gramm-Leach-Biley Act.

This is a developing matter of some urgency, and I very much appreciate your cooperation and consideration with regard to this issue.

Cordially,

MIKE BEEBE.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 14, 2009.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: As members of the Arkansas delegation, we are requesting your support for an amendment we will be offering to the Credit Cardholders' Bill of Rights Act of 2009 (H.R. 627) during Senate consideration. This is a critical legislative proposal that will provide temporary relief for an Arkansas-specific interest rate problem that is having a severe impact on Arkansas students, consumers, and businesses, as well as our municipalities and state government.

Arkansas is the only state in the nation with a constitutionally-defined, artificially low interest rate limit that is tied to the Federal Discount Rate. Under current law, the interest rate on special-revenue bonds and non-bank consumer loans may not exceed five percent above the Federal Discount Rate, currently set at .50 percent. Other bonds are capped even lower, at 2 percent above the Federal Discount Rate. As a result, Arkansas' state and local governments, public universities, and utilities in search of financing for construction and improvement projects are severely hampered by the current limit; as are Arkansas consumers, who are facing a lack of credit availability.

Practically speaking, the current interest rate limit in Arkansas on all non-bank lending is no higher than 5.50 percent. Not surprisingly, this low rate of interest has contributed to bond investors looking to other states across the country where their yields will be much higher, as well as credit rationing by non-bank lenders that have been forced to restrict funds to consumers, particularly now when capital is hard to come by.

Although we understand the Federal Reserve's actions in recent months to continue lowering the Federal Discount Rate were intended to combat the economic crisis and stave off a further decline in our financial markets, their actions have only exacerbated the economic challenges faced in our state. Additionally, many of the tools put in place in the American Recovery and Reinvestment Act earlier this year to jumpstart our economy, such as the Recovery Zone Bonds and the Build America Bonds, are not available in our state because of our lack of competitiveness in the bond market. As stated in a recent Arkansas Democrat-Gazette article on this issue:

''The bond market has responded to the Build America program. Since its introduction, investors have purchased $8 billion in offerings, providing the bulk of activity in the taxable-bond sector. Arkansas is not in position to take part.''

This is an issue that impacts Arkansas alone and Arkansas does indeed intend to fix the problem. However, we can't do so immediately because this archaic clause in Arkansas law must be rectified through a statewide ballot initiative. Therefore, a proposal to permanently modify this outdated law will be voted on by the people of Arkansas, but not until the next statewide ballot in 2010. Unfortunately, the economic challenges our nation now faces are magnified in our state because of this problem and immediate, emergency intervention is essential.

There is precedent for Federal action on this issue, as the U.S. Congress enacted an Arkansas-specific provision to exclude Arkansas bank lenders from this exact interest rate limit in 1999, The amendment we are offering today is more limited in scope, allowing only a temporary relaxation of the current interest rate limit to a more reasonable level, not to exceed 17 percent; and it would only be in effect until the state ballot initiative is considered. This is merely a bridge to get us through the immediate crisis and to a point when our state can permanently address the problem next year.

This is a matter of great urgency for our state. We hope we can count on your support and look forward to discussing further if you have any questions or concerns.

Sincerely,

BLANCHE L. LINCOLN,
U.S. Senate.
MARK PRYOR,
U.S. Senate.
MARION BERRY,
Member of Congress.
VIC SNYDER,
Member of Congress.
JOHN BOOZMAN,
Member of Congress.
MIKE ROSS,
Member of Congress.

COUNCIL OF
DEVELOPMENT FINANCE AGENCIES,
Cleveland, OH, May 29, 2009.

Hon. BLANCHE LINCOLN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LINCOLN: The Council of Development Finance Agencies (CDFA) respectfully urges support and passage of the temporary federal preemption on municipal interest rates until December 31 of 2010 for those federal programs dealing with public finance matters addressed in the American Recovery and Reinvestment Act (ARRA). This preemption was proposed by Senator Lincoln as an amendment to H.R. 2346, a supplemental spending bill. It is a measure that would provide significant benefits to the State of Arkansas.

Most of the ARRA provisions only have a two-year window. Unfortunately, the governmental entities in Arkansas; state agencies, state bond authorities, cities and counties are still governed by the provisions in the Constitution of Arkansas that control interest rate limits. The State of Arkansas is taking steps to amend their Constitution with respect to interest rate controls. HJR 1004 has been referred by the State Legislature to the Arkansas voters during the 2009 legislative session. HJR 1004 is a proposed constitutional amendment that will remove the ceiling on interest rates for governmental units. That vote will be decided at the general election in November of 2010, which would essentially prevent Arkansas from utilizing the two-year provisions, including Build America Bonds.

CDFA is a national association dedicated to the advancement of development finance concerns and interests. We have a long history of working with Arkansas agencies that would be positively impacted by this amendment, including the Arkansas Development Finance Authority (ADFA). They have been a longtime member and active on our Board of Directors. ADFA is one of the leading development finance agencies in the country and was recognized as having the best industrial development bond program in 2006 by CDFA. ADFA is also one of 10 organizations highlighted as case studies in CDFA's recently published book, the Practitioner's Guide to Economic Development Finance.

In light of the negative impact of the restrictions embedded in the Arkansas Constitution, CDFA respectfully requests a temporary federal preemption on interest rates until December 31 of 2010 for those federal programs dealing with public finance matters addressed in ARRA. This exemption would allow ADFA and other Arkansas agencies access to financing tools that would allow them to issue debt and finance new projects at significant cost savings to Arkansas taxpayers.

Sincerely,

TOBY RITTNER,
President & CEO.

PROPOSING A CONSTITUTIONAL AMENDMENT TO REMOVE FROM THE CONSTITUTION INTEREST RATE LIMITS ON BONDS ISSUED BY AND LOANS MADE BY OR TO GOVERNMENTAL UNITS

LEGAL HIGHLIGHTS

The proposed amendment eliminates constitutional interest rate limits currently applicable to governmental units.

The proposed amendment provides that the General Assembly shall have the power to establish interest rate limits.

The proposed amendment removes the interest rate limit on city and county bonds backed by taxes (such as sales, property, and hotel/restaurant taxes) which must be voter approved. Amendment No. 62 sets the limit at 2.00% above the Federal Discount Rate on the date of the election approving the bonds. The Federal Discount Rate is currently .50% which produces an interest rate limit of 2.50%.

The proposed amendment removes the interest rate limit on revenue bonds. Amendment No. 65 that authorizes revenue bonds to be issued without an election states that Amendment No. 60's interest rate limit is to apply to revenue bonds. That limit is 5.00% above the Federal Discount Rate when the contract or bond purchase agreement is signed. The Federal Discount Rate is currently .50% which produces an interest rate limit of 5.50%.

Any agreement that provides for an interest rate that is variable over its term is currently controlled by the initial limit established when a contract is signed, without regard to market changes over the term of the agreement.

The proposed amendment removes the interest rate limit on loans made by governmental units, including State Agencies that have project loan programs such as the Arkansas Development Finance Authority and the Arkansas Natural Resources Commission. The Amendment No. 60 limit mentioned above applies to such programs (5.00% above the Federal Discount Rate on the date any program loan agreement is signed, currently 5.50%).

The proposed amendment removes the interest rate limit on short term financing for cities and counties. Amendment No. 78 that authorizes short term financings sets a limit based upon one year U.S. treasury obligations. The limit changes quarterly.

Examples of Planned or Pending Bond Issues Impacted by Arkansas' Interest Rate Limitation

Issuer	Type of Issue	Project	Status	Approximate Par Amount
Arkansas Methodist	Revenue	Hospital Improvements	Restricted by Interest Rate Limit	$ 10,000,000
Arkansas Student Loan Authority	Revenue	Funding Student Loans	Restricted by Interest Rate Limit	800,000,000
Bradley County	Sales Tax	Hospital Improvements	Restricted by Interest Rate Limit	4,500,000
Children's Hospital	Revenue	Various Improvements Including: New Patient Tower and Utility Upgrades	Restricted by Interest Rate Limit	100,000,000
Conway Regional Medical	Revenue	Hospital Improvements	Restricted by Interest Rate Limit	30,000,000
City of DeWitt	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	10,000,000
City of Farmington	Sales Tax	Recreational Facilities	Restricted by Interest Rate Limit	2,000,000
Garland County	Sales Tax	Jail Expansion	Restricted by Interest Rate Limit	34,000,000
City of Greenwood	Sales Tax	Street, Parks, and Fire Protection Improvements	Restricted by Interest Rate Limit	3,000,000
Ouachita Baptist University	Revenue	Campus Improvements	Restricted by Interest Rate Limit	10,000,000
City of Rogers	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	100,000,000
City of Star City	Sales Tax	Water, Sewer, and Street Improvements	Restricted by Interest Rate Limit	3,500,000
City of Waldron	Sales Tax	Street Improvements	Restricted by Interest Rate Limit	2,000,000

Examples of Previous Bond Issues that would be Unmarketable Today Due to Arkansas' Interest Rate Limitation

Dated Date	Amount	Final Maturity	Issue	Purpose
10/1/00 & 1/15/01	$11,950,000	2020	City of Crossett, Arkansas Sales and Use Tax Bonds, Series 2000 and 2001	Construct and Equip Public City Library, Public Sports Complex; and Street Improvements
11/1/00 – 6/1/01	18,135,000	2013-2023	City of Blytheville, Arkansas Sales and Use Tax Improvement Bonds, Series 2000 and 2001	Sewer improvements, golf course, recreation facilities, streets. drainage and other
7/1/01	39,800,000	2012	City of Hot Springs, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2001	Construct and Improve Hot Springs Civic Center; and to Advance Refund a Prior Bond Issue
6/1/03	9,800,000	2026	Chicot County, Arkansas Sales and Use Tax Improvement Bonds, Series 2003	New Hospital Construction
8/1/03	7,400,000	2014	City of Malvern, Arkansas Sales and Use Tax Improvement Bonds, Series 2003	Sports Complex
9/1/03	10,900,000	2012	Jefferson County Sales and Use Tax Improvement Bonds, Series 2003	New Jail Construction
4/1/05	2,565,000	2025	City of Truman, Arkansas Sales and Use Tax Improvement Bonds, Series 2005	Various Municipal Improvements
6/1/05	10,000,000	2021	City of Rogers, Arkansas Sales and Use Tax Bonds, Series 2005	Street Improvements
9/1/05	6,365,000	2023	City of Mountain View, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Sewer System Improvements and to Refund four Prior Bond Issues
10/1/05	18,690,000	2031	City of Stuttgart, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Water, Sewer, Street, Fire, Police, Park, and Old Post Office Improvements; and to Refund two Prior Bond Issues
11/1/05	2,255,000	2030	City of Nashville, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Water and Sewer System Improvements; and to Refund a Prior Bond Issue
12/1/05	30,150,000	2031	City of Cabot, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2005	Sewer, Street, Overpass, Community Center, and Animal Shelter Improvements; and to Refund two Prior Bond Issues
12/1/05	985,000	2030	City of Vilonia, Arkansas Sales and Use Tax Bonds, Series 2005	Construct and Equip a Municipal Complex
1/1/06	1,725,000	2035	Yell County, Arkansas Sales and Use Tax Bonds, Series 2005	Improvements to County Courthouses in Dardanelle and Danville
4/1/06	2,600,000	2025	City of Bentonville, Arkansas Combined Electric, Water and Sewer System Revenue Bonds, Series 2006 B (Federally Taxable)	Improvements to the Water Facilities of the City's combined Electric, Water and Sewer System
5/1/06	16,000,000	2030	City of Heber Springs, Arkansas Sales and Use Tax Improvement Bonds, Series 2006	Park and Recreational Improvements

Examples of Previous Bond Issues that would be Unmarketable Today Due to Arkansas' Interest Rate Limitation (continued)

Dated Date	Amount	Final Maturity	Issue	Purpose
9/1/06 & 4/1/07	16,990,000	2031 & 2022	City of Bryant, Arkansas Sales and Use Tax Bonds, Series 2006 and 2007	Construct and Equip Park and Recreational Improvements
11/1/06	865,000	2017	City of Camden, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2006	Fire Department Improvements and to Refund two Prior Bond Issues
11/1/06 & 10/1/07	64,340,000	2021 & 2026	City of Fayetteville, Arkansas Sales and Use Tax Capital Improvement Bonds, Series 2006A and 2007	Wastewater, Street, and Trail System Improvements
12/1/06	9,165,000	2031	Sebastian County, Arkansas (Sparks Regional Medical Center) Public Health Facilities Board Hospital Revenue (Junior Lien) Bonds, Series 2006	Construct and Equip certain Emergency Room, Imaging, Intensive Care and Surgical Facilities
3/1/07	1,130,000	2029	City of Dumas, Arkansas Sales and Use Tax Bonds, Series 2007	Street and Park & Recreational Improvements
4/18/07	3,400,000	2022	City of Little Rock, Arkansas Waste Disposal Revenue Bonds, Taxable Series 2007	Improvements to the City's Waste Collection and Disposal System
6/1/07	24,090,000	2047	Howard County, Arkansas Sales and Use Tax Improvement Bonds, Series 2007	Construct and Equip a Hospital Facility
7/1/07	$ 3,910,000	2028	City of Farmington, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2007 A & B	Sewer System Improvements and to Refund a Prior Bond Issue
7/31/07	590,000	2013	St. Francis County, Arkansas Sales and Use Tax Refunding and Improvement Bonds, Series 2007	County Courthouse and Jail Improvements; and to Refund a Prior Bond Issue
8/1/07	37,080,000	2037	City of Magnolia, Arkansas Sales and Use Tax Bonds, Series 2007	Construct and Equip a Hospital Facility
8/1/07	2,995,000	2035	City of McGehee, Arkansas Sales and Use Tax Bonds, Series 2007	Justice Facility Acquisition and Early Warning System Improvements
9/1/07	4,335,000	2037	City of Atkins, Arkansas Sales and Use Tax Bonds, Series 2007	Water System Improvements
2/1/08	1,195,000	2023	Perry County, Arkansas Sales and Use Tax Bonds, Series 2008	Construct and Equip County Jail and Criminal Justice Facilities
9/1/08	3,920,000	2019	City of Brinkley, Arkansas Sales and Use Tax Bonds, Series 2008	Street, Water, Sewer, and Fire Department Improvements

ARKANSAS'S INTEREST RATE RESTRICTIONS IMPACT ON STATE AGENCIES

EFFECT ON ARKANSAS STUDENT LOAN AUTHORITY

The Arkansas Student Loan Authority (''ASLA'') provides student loans to Arkansas residents and students at Arkansas's universities and colleges. ASLA also provides liquidity for Arkansas banks participating in the Federal Family Education Loan Program. ASLA raises the money from which it makes and purchases student loans by issuing bonds in the capital markets.

The maximum amount of interest that ASLA may pay a bond investor under the Arkansas interest rate restriction is determined at the time bonds are issued, and this rate cannot change even if the market changes over the 25–30 year life of the bonds. The current maximum interest rate under Arkansas law is 5.50%. The interest rate limit is determined by adding 5 percentage points to the Federal Discount Rate. The current Discount Rate is 0.50%.

ASLA was forced to redeem approximately $80 million in bonds in 2008 due to the bond interest rates exceeding limits established at the time bonds were initially sold to investors. These funds would have normally been used to make or purchase student loans.

Previously, ASLA and other student loan issuers accessed funds in the capital markets primarily by issuing Auction Rate Bonds. The interest rate limit was a nuisance when issuing Auction Rate Bonds but was not an impenetrable barrier. The Auction Rate Bond market has collapsed and is not expected to return.

The most likely vehicle through which ASLA will access the capital markets is through Variable Rate Demand Bonds, which require a ''liquidity bank''. The banks who typically act as liquidity providers are unwilling to do business in Arkansas due to the artificial interest rate ceiling placed on bonds issued by governmental agencies in the state.

The interest rate restriction affects much more than student loans; it is having a negative effect on Arkansas cities, counties, nonprofits and State governmental agencies that depend on the issuance of revenue bonds to gain access to funding. Such agencies use revenue bonds to finance facilities for water, sewer, industrial development, education, recreation and other important projects that serve the needs of the citizens of Arkansas.

EFFECT ON OTHER ARKANSAS STATE AGENCIES

The inability of State of Arkansas bond issuers to lock in long-term interest rates for governmental, student loan, housing, economic development and 501(c) 3 projects puts Arkansas at a competitive disadvantage with the rest of the world. Arkansas borrowers who need fixed rate financing for their long-term assets are being subjected to interest rate risk and higher transaction costs due to refinancing, because the bonds are only able to be sold with shorter term maturities, if they can be sold at all.

Following this page is information on two example transactions completed to support economic development that were impacted by the existing constitutional interest rate limit. The bond issues were for the Hewlett Packard facilities in Conway and Sage Foods in Little Rock. Fortunately, these issues were completed before the Federal Discount Rate was lowered to its current level of .50%. Otherwise, the negative impact could have been greater.

Lenders located outside the borders of Arkansas that provide liquidity and credit enhancement to bond issues will not be extending credit if interest rates in Arkansas do not float up and down with the market. These out-of-state lenders do not want to take interest rate risk on bond issues for their manufacturing clients that are located in Arkansas.

Arkansas governmental agencies that make loans and manage revolving loan funds need proper compensation for lending risks, making it easier to build sustainable pools of lending capital for the State of Arkansas.

Taskforce on the 21st Century Economy: (Web site—http://taskforce21.arkansas.gov/)

One charge of the 21st Century Taskforce: Define the programs and services needed for the state and its communities to be globally competitive within the role and scope of 21st Century economic development.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—BUILD AMERICA BONDS

With rates currently capped at 5.5%, Arkansas will not be able to participate in this taxable bond financing program in a very meaningful way. Current federal law limits these new bond issues to years 2009 and 2010. Many other substantive changes were also made to federal tax law. Arkansas issuers will not be able to take full advantage of these changes.

CITY OF LITTLE ROCK, AR—TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS

[Sage V Foods, LLC Project]

$4,455,000	$1,545,000	$5,000,000
Series 2008 A	Series 2008 A–2	Series 2008 B
Dated: November 1, 2008	Dated: December 1, 2008	Dated: December 1, 2008
S&P: A	S&P: A	S&P: A
ADFA Guaranty	ADFA Guaranty	ADED Guaranty

Sage Foods, LLC (the ''Company'') is in the business of producing rice-based ingredients for the food industry. The Company operates a rice flour mill and a rice cooking facility in Freeport, Texas. The Company recently built a new flour mill and extrusion plant in Stuttgart, Arkansas. The Company needed $11,000,000 to build a 90,000 square foot industrial facility for the production of instant rice and frozen rice in the Little Rock Port Industrial Park. The Bonds were originally structured to have $6,000,000 issued with an Arkansas Development Finance Authority (''ADFA'') Guaranty and $5,000,000 with an Arkansas Department of Economic Development (''ADED'') Guaranty, with level debt service and a final maturity of 2023.

Because of Arkansas interest rate limits, the true interest cost (TIC) on the Bonds is limited to 5% over the federal discount rate the day the bond purchase agreement is signed. The discount rate was lowered to 1.75% on October 8th, which meant the TIC couldn't exceed 6.75% on the Bonds. With this limitation, $4,455,000 of the ADFA Guaranteed Bonds were sold on October 28th with a final maturity of 2023. The Borrower needed the final series of bonds issued by year end. With the change in the discount rate to 1.25% on October 29th, the structure of the remaining Bonds had to be shortened to 2014 with the bulk of the bonds maturing in the final year. These bonds were sold in early December, a week before the discount rate was lowered to .50%.

Mr. FEINGOLD. Mr. President, just about 1 month ago I voted against the emergency supplemental spending bill and stated my reasons for doing so at some length. I will not repeat what I said then, but my concerns also apply to the conference report we are considering. While the President has provided a timeline for redeployment of our troops from Iraq, I remain concerned that we may see upwards of 50,000 U.S. troops remain in that country. Leaving such a substantial number of troops in Iraq could undercut the benefits of redeployment, and might result in a significant uptick in violence against U.S. troops.

I am also concerned that this supplemental pads the defense budget with items not needed for the war and outside the normal appropriations cycle.

Finally, and even though President Obama has a plan to focus the government's attention and resources where they are most needed—on Afghanistan and Pakistan—I am worried that the current strategy does not adequately address, and may even exacerbate, the serious national security problems we face in that part of the world. Those problems could be made worse, not better, by sending 21,000 more U.S. troops to Afghanistan and they may be further aggravated if there is not an adequate response to the nearly 3 million Pakistanis who have recently been displaced.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. REID. Mr. President, we will soon vote on a motion to waive a point of order. In the last Congress, we heard our colleagues say things such as:

I cannot understand how we can claim to support our troops and yet put them in increased jeopardy as a result of our failure to act.

Here is another:

It is so irresponsible to tell these young men and women who are serving in uniform with the orders of their Commander in Chief that you're not going to give them the necessary ability to defend themselves. In my view it's terribly misplaced priorities.

And another:

It is time to put politics behind us and support our troops with the funds they need.

Each of these quotes were spoken by Republicans when a Republican was in the White House. Today, with a Democrat in the White House, some Republicans threaten to stand in the way of our efforts to support our troops. Our soldiers, sailors, airmen, marines have done everything we have asked of them and more. As always, our troops and commanders have gone above and beyond. The least we can do is give them the basics they need to fight this war against terrorists. This bill does that. It gives our brave troops, including more than 1,000 men and women from the State of Nevada, the resources they need to do their jobs and to return home safely. It provides $80 billion for the wars in Iraq and Afghanistan.

In this important piece of legislation, we are also dedicating billions of dollars to make sure we are prepared for and to respond to a potential flu pandemic. We must be ready. There is no other opportunity than this legislation to be ready by this fall. We are also dedicating billions of dollars in this legislation to strengthen the security along our borders, and we are also dedicating billions of dollars to support counterterrorism programs both at home and abroad. This is very important.

But in this bill are not merely numbers. This legislation also contains our commitment to strengthen our military, rebuilding our relationships with key allies around the world and reducing key security threats.

Rather than restoring our standing in the world, some Republicans are standing in the way, period. I repeat, rather than restoring our standing in the world, some Republicans are standing in the way. They are threatening to block this entire bill and the good it does because of one small but significant part of it. That small but significant part is actually a tremendously important and good program. It is called cash for clunkers.

This is a program that has been tested in other places. In Germany, it has been tremendous for their economy. It helps our economy and our environment. Here is how it works. If you trade in your car over the next 4 months, we will give you up to $4,500 toward a new car that is more fuel efficient. That sounds pretty good. Everybody benefits, the environment and the economy. Those who oppose this may not think it is a worthy goal, but they should not hold hostage the equipment and training our troops need because of this small provision in the bill. They should not let less than 1 percent of this entire important bill sink the whole thing, but that is exactly what some of our colleagues are planning to do.

Are they doing it to embarrass the President? Are they doing it because they don't think the troops need the resources to fight those two wars? Why are they doing this?

Because everyone should understand, if this point of order is not waived, this bill is finished. The House had a difficult time passing this legislation because the House got no support from Republicans. The question is whether these Senators still agree we must never walk away from our troops or if they only believe it when their party is in the White House. I sincerely hope Senate Republicans do not follow the lead of the House Republicans. Out of 435 Members of the House of Representatives, 5 Republicans voted to support our troops. They had a different excuse in the House. What they said was: We are not going to do this because there is a small amount of money in there for the International Monetary Fund. There hasn't been a word raised in this body over that because it is so important. It is supported by Democrats and Republicans over here, that particular provision in the supplemental.

In the Senate, they have raised another issue, cash for clunkers. Some are saying: Well, cash for clunkers isn't bad, but I don't like this version of it. I think we could do a version that would be more environmentally friendly and so, as a result, I am voting against it.

Everyone should understand, especially those who care about our armed services—and I know the American people support them 100 percent—all the American people should understand, if there is not a waiver of this point of order, the troops will not get their money. Secretary Gates has been very good. He has not sent out any blue slips telling them they are going to lose their jobs, to civilian employees first, and then the pink slips to others that they will lose their jobs permanently. But that time is fast approaching. We cannot simply revitalize this bill in a matter of a few minutes. We have to do it today. There are provisions in this bill that are important to our standing in the world. We have to support our troops.

I, personally, with 5 children and 16 grandchildren, am a little concerned about the flu pandemic that all scientists, with rare exception, are telling us is going to hit in the fall. We are spending this money at this time so we can be ready for that and have shots that people can get to stop them from getting sick or not getting as sick.

Our troops, each and every one of whom volunteered for duty, are the last people who should be caught in the crossfire of political gamesmanship.

I hope the point of order will be waived and that the money for the troops will be on its way in a matter of hours.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the majority leader for his statement. I know there is controversy involved in this so-called cash for clunkers, which is a humorous name for a very serious proposal. Let's be real honest about where we are in America today. We have seen the largest decline in automobile sales in 50 years. Sales are down 29 percent. Automobile production is down 46 percent from where it was just 17 months ago. Plummeting auto sales have reduced production, and it has had a ripple effect across the economy, forcing dealerships and factories to close. We have lost 280,000 American jobs in the automobile industry. That is what this is about, 280,000 American jobs that are lost and more that will be lost if we do nothing.

Some would have us do nothing. While the automobile industry is roiling from job losses and declining production, many consumers in the market for new cars are waiting. They are holding back. The purpose of this legislation is to put some movement into the purchasing of new automobiles. It is a targeted way to give incentives to Americans to buy cars, get them back in the showrooms, back on the lots buying the cars that start moving the inventory, creating demand, and creating a more positive feeling about the automobile industry. Are there better ways to have written this? Yes. I think I could have sat down with others and spent more time. But that is the case in almost every bill that comes before us.

Some have argued: Listen, this just came up in the conference committee. It passed the House of Representatives before it was brought up in the conference committee. I will concede that I wish that bill would have been debated and passed here, but we didn't have the opportunity to do it. We literally did not. This is a matter of seizing an opportunity that could make a profound difference.

Has this concept of giving cash incentives to customers to buy cars ever been tried? It turns out it has. It was tried in January of this year in Germany, where they offered $3,300 to consumers to replace old cars with new ones. At the end of the program's first month, car sales in Germany dramatically increased by 21 percent. The bad news? That same month automobile sales in the United States went down by 41 percent. Germany knew how to create a surge in purchasing by consumers with similar legislation to what is being brought to the floor.

Let's be honest about the automobile industry. Next to the housing industry, it is at the base of our economic pyramid. We need to make sure a strong auto industry is available to America so we can rebuild out of this recession and start creating jobs. Those who want to kill this provision are walking away from incentives to put people back to work in dealerships selling cars, servicing cars, and producing cars across America.

I beg those who oppose this to understand what we will face if we do nothing, which is what they want to do, nothing. I think that is a terrible outcome. If we want to stand behind recovering from this recession and restoring consumer confidence, if we want to move old cars off the road, the so-called clunkers, and bring new cars on the road with higher gas mileage, this is our opportunity. Let's not get caught up in some procedural tanglement. Keep our eye on 280,000 Americans out of work in this industry, more to follow if we do nothing. This is going to be an important measure for us in the long run. We need to build on it. First, we need to pass this today.

As Senator REID has said, it is an important provision in the House of Representatives. Without it, we are not sure we can pass this supplemental bill, which has so many other important provisions, not the least of which is providing for our troops in the field. It is a delicate balance that brings this to the floor. I hope those who oppose it don't want to stand back and do nothing as this recession continues, understand the gravity of this automobile industry being flat on its back at this point in time, and realize that we owe President Obama passage of this supplemental legislation. President Obama did not want to ask for this bill to pay for the wars in Iraq and Afghanistan. But, unfortunately, the previous President made us fund these wars on an emergency basis. So we had to come in with a supplemental appropriations bill to pay for the war. That will not happen again.

Next year, President Obama is putting it in the regular budget. This is one of the last things we have to do to clean up a situation left for this President by President Bush. This bill for automobiles—this one that has a broad cross section of bipartisan support—includes support of business and labor: the United Auto Workers, the National Association of Manufacturers, the U.S. Chamber of Commerce, and the National Automobile Dealers Association, as well as more than a dozen Governors.

It is important we defeat this procedural objection to this program, that we put this money into our economy, give people a chance to buy a new car that is more fuel efficient, and put people back to work across America, so we can start digging ourselves out of this recession hole.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first off, I appreciate the assistant majority leader clarifying the situation unalterably; that this waiver issue is solely about the issue of cash for clunkers—a piece of legislation which has absolutely nothing to do—nothing to do—with funding our troops in the field and was airdropped into a conference without being paid for, adding $1 billion of new debt to our children's backs. That is what this waiver is about.

The majority leader has said this waiver will, in some way, harm the ability to fund the troops. I believe that to be totally inaccurate. This motion comes out of a piece of legislation which the majority leader and the assistant majority leader authored. They wrote the bill called the Honest Leadership and Open Government Act. That bill created this point of order specifically to address this type of situation, where in a conference one or the other of the two bodies sticks into a bill that is a must-pass bill language which has nothing to do with that bill and which is not paid for.

In this case, it is $1 billion of spending not paid for which has nothing to do with the troops in the field. The reason they structured the rule this way was so it would not harm the underlying bill, so that if this point of order is successful, this bill goes back to the House and they can vote for it and send it to the President and fund the troops.

Is it the position of the assistant leader that this cash for clunkers bill is so important that the House of Representatives would not fund the troops if the language was not in the bill? Is he saying the Democratic leadership of the House is holding the funding of the troops hostage to spending $1 billion on an extraneous program, which creates virtually no environmental improvement in our fleet and which is simply part of the economic effort to revive the auto industry—which we have already spent $83 billion on, by the way. Is that what he is saying?

That seemed to be the implication of his language: that the House will not pass the funding for the troops if we take it out of it—under a rule created for the purpose of disciplining ourselves this way, a rule created by the majority leader and by the assistant majority leader; authored by them and designed specifically to address this type of situation, where a conference is truly abused relative to funding and spending money which we do not have.

I do not believe that is realistic. I do not believe the Democratic membership of the House is going to vote against this bill if the cash for clunkers language is taken out on a surgical strike under a procedural right which was created by the Democratic leader and the Democratic assistant leader.

In addition, of course, there is the fact that pay-go is being violated. There is the great irony that the President of the United States, surrounded by the Democratic leadership of the Senate and the House, held a very dramatic press conference at the White House, at 12:30 in the afternoon, saying they were going to reestablish the pay-go rules for future spending, that new programs would have to be paid for. And then that House leadership went back up to Capitol Hill, and on the same day, passed this cash for clunkers bill, which was not paid for and violated the pay-go rules. The hypocrisy of it is so extraordinary that it cannot even be described. But that is what happened.

And then, in order to protect this bill, which was an unpaid-for violation of the pay-go rules, they stuck it into the conference report to fund the troops. How outrageous is that? So a pay-go point of order, which might take down this whole bill, is not appropriate to make. But it is appropriate to make this very targeted point of order, which will only eliminate the cash for clunkers language.

The policy of cash for clunkers is debatable. Maybe it makes sense; maybe it does not make sense. But it certainly should not have been put into this Defense bill, which is necessary for funding our troops. If it is a strong idea, let it stand on its own two feet on the floor of the Senate. Let it be debated. Let it, hopefully, be paid for. But at least let it be amended so those of us who think it should be paid for can propose ideas for paying for it.

Under the bill as it is being handled now, there are no amendments allowed. We have to take this $1 billion of new debt, like it or not, whether we support the program or not. We have to pass a bill which is going to add this $1 billion of additional debt on our children's backs. It is a totally inappropriate way to legislate.

My effort is not to slow down or to stop or to marginalize in any way the funding for our troops—I voted for every troop funding bill that has come through this Congress, and I intend to continue to vote for them—but it is to take out this language, which is inappropriate, to live by the rules the majority leader passed, the assistant majority leader put in place—rule XLIV—to live by the pay-go rules, to not, in the name of addressing a special interest group, spend $1 billion for which we will pass the bill on to our kids and our grandchildren.

Why should our grandchildren have to pay for cars we are going to buy today? Does that make any sense, that for the next 20 years we are going to end up paying these bills? Of course, it does not make sense.

So we should take this language out. It is not going to slow this bill down, not at all. This bill will go back to the House. It will be passed, and it will be sent to the President. It will be an act of fiscal responsibility, and we will be limiting the amount of debt we will be putting on our children's backs, which is the way we should be approaching legislation.

Mr. President, I reserve the remainder of my time.

How much time is there available?

The PRESIDING OFFICER. Sixteen minutes on the Republican side; 10 minutes on the majority side.

Mr. GREGG. Mr. President, how much time does the Senator from Oklahoma wish to have?

Mr. INHOFE. Twelve minutes.

Mr. GREGG. Well, Mr. President, I will reserve the remainder of my time. I see the Senator from Michigan on the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, let me communicate that we are talking about a motion to waive less than 1 percent of this bill. It is an emergency

bill. It is a supplemental. It is less than 1 percent. In terms of the overall scope of what is before us, it is small. But I can tell you, in small towns and cities all across America, this is a big deal.

We have up to 3 million people who, in some way, work with our automobile industry. We have small businesses all across this country that are looking at this vote. We have had colleagues come to the floor. We have had hearings held, letters, and press releases about helping dealers at this time. This is the moment. This is the moment and the vote as to whether we will do that.

I am very grateful for the chairman of the committee and his graciousness in working with us on this issue and to our leadership.

We know that while this has not come through the regular process in the Senate, in the House it went through the committee. It was reported out of committee. It was passed on the House floor, with 298 votes from Republicans and Democrats. Over two-thirds voted for this.

The reason it has been moved into this emergency supplemental is because it is an emergency, because we are seeing dealers that have been told they are going to have to phase out who have inventory to sell. We are seeing dealers all across America that are seeing sales go down and down and down; and the question is, How long are they going to be able to hold on?

The average dealer hires 53 people in their dealership. These are small businesses. I grew up on a car lot. My dad and my grandfather had a car dealership. I know what this is about for a small town.

When we look at the fact that from January to May every automobile company—for GM, it has been a 41.8-percent reduction in sales; for Toyota, it has been a 39-percent reduction in sales; and there are the reductions in sales for Ford, Chrysler, and Honda. All across the board, these sales are down.

This may not seem like an emergency to people here, but I can tell you, this is an emergency for families and small businesses, for an industry that has been the backbone of our economy for a generation, with up to 3 million people working in this industry. This, in fact, is an emergency and worth our time to put this into this bill as less than 1 percent—less than 1 percent—of the emergency spending that is in front of us.

Every other country with an automobile presence has, in fact, done something to help their industry. Germany found that in the first month, in January, when they put a similar kind of incentive plan in place, they raised sales 21 percent—21 percent at the same time our sales were falling 40 percent.

We have seen similar plans in China, Japan, Korea, Brazil, Great Britain, Spain, France, Italy, Austria, Portugal, Romania, and Slovakia—Mr. President, Slovakia. But the United States has not yet acted on a program that has been effective around the world, when we have so many small businesses right now, literally, whose futures are hanging in the balance.

This is something supported by business and labor, by the U.S. Chamber of Commerce and the National Association of Manufacturers, and, of course, the auto dealers.

I am also very pleased it is now supported by the Sierra Club. We know that, from an environmental standpoint, there is always more we can do. But we know this moves us in the right direction. In terms of the environment, this is a win with every single new car that is sold. Every car or truck sold under this program will be more fuel efficient, will be cleaner than the car or truck it replaces. That is a fact.

This bill will save 133 gallons of gasoline per vehicle per year and reduce greenhouse gas emissions by 1.45 million metric tons.

In 2010, vehicles from model year 1998 or earlier will account for 25 percent of the miles driven but 75 percent of all the tailpipe emissions.

So if we are able to get older vehicles, vehicles that are worth $4,500 or less, off the road—they are scrapped when they are turned in, so they can no longer pollute—and people buy a vehicle that gets 22 miles a gallon or more, or if it is 10 miles per gallon better than their old car, they get a $4,500 voucher. That seems to me to be a step in the right direction.

Is it all it could be? No. It never is here. We work hard. We take one step. We take two steps. We take three steps. But this is certainly a step forward.

This bill is about jobs. This is a bill about jobs. It is about small business. It is about the environment as well. We will see immediate reductions in fuel use, carbon emissions, and air pollution. Our constituents, from the major business organizations to labor and the Sierra Club, are supporting this effort. Not only are carmakers interested in this, as I have said already, but the people who work in the offices, the engineers, the designers, the clerks, the office managers, the salespeople, the mechanics, the car washers, the printers, the advertisers, local newspapers, television, and radio, who all depend on their local dealer. This is a program that has been successful around the world. There has been a tremendous amount of effort that has gone into this.

I thank the bill's sponsor in the House, Congresswoman SUTTON, who introduced the first bill and worked so hard and introduced the bill that was finally passed. I thank all of those who worked together on both sides of the aisle to put together something that passed overwhelmingly in the House. It comes to us now in a bill labeled ''emergency spending.''

This bill goes way beyond just helping the automakers. It would particularly benefit dealers, auto suppliers, State governments, workers, communities, and consumers in every State in the country. I wanted to clarify for the record that this legislation is meant to include dealers in every State in the country. Although, the term ''State'' is used in several definitions of title XIII, I would like to clarify that the CARS legislation is intended to have the same meaning as the term ''State'' defined in 49 USC 32304(a)(14) to ensure coverage of the program in the District of Columbia, Puerto Rico and other U.S. territories, just as it applies to the 50 States.

On behalf of the auto dealers, large and small, across this country, the people who depend upon these businesses, depend upon the making of these automobiles, the selling of these automobiles, I would ask my colleagues to please give us the opportunity for a short-term stimulus. This is a matter of a few months. It is less than 1 percent of this entire bill, which is an important bill for our country and our defense and for our troops. This is a small piece of what is in front of us, but for small businesspeople and Americans working hard every day across this country, it is a big deal and it is a chance to help. I hope we will.

Thank you. I yield the floor.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 13 minutes 30 seconds.

Mr. GREGG. And on the other side?

The PRESIDING OFFICER. Two minutes.

Mr. GREGG. Mr. President, I am going to yield to the Senator from Oklahoma, but before I do, I wish to take just 30 seconds to respond quickly to the Senator from Michigan.

The idea that we haven't done anything for the automobile industry is really hard to accept, $83 billion having been spent on the automobile industry. The idea that $1 billion is just a small amount of money is also very hard to accept; $1 billion of new debt is $1 billion that our children are going to have to pay, and it is not a small amount of money, and it compounds. We fly in the face of the procedures which the Democratic leader set up around here to have pay-go and to have the Open and Honest Leadership Act, we fly in the face of that by putting in this bill this special interest piece of legislation, unpaid for, and it is totally inexcusable.

This has nothing to do with funding the troops—nothing. The fact that $1 billion is being spent and not paid for is totally irresponsible. It is debt our children do not need to receive.

At this point, I yield 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask to be made aware when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. INHOFE. Mr. President, on June 16, the House passed the bill we have been talking about here. I have concerns that have not been discussed in the last few minutes.

Although the Senate voted 90 to 6 on a bipartisan amendment to prohibit funding for the transfer of Gitmo detainees to the United States, the supplemental appropriations conference report deleted that language. That language came from an amendment that was authored by myself and my good friend from Hawaii, Senator INOUYE, but they stripped that language. The Senate's bipartisan amendment would have effectively prevented the closing of the terrorist detention facility at Gitmo. Since President Obama announced that he intended to close Gitmo, it has become widely circulated that these detainees could be transferred to American prisons for prosecution in U.S. criminal courts and potentially released in the United States.

In February of this year, I led a delegation—I have been there several times—a delegation that had never been down to Gitmo, and they saw the fine treatment the detainees get down there and saw the rooms where torturing supposedly is going on. Not one incident of torture has ever been documented.

After I returned, I introduced S. 370 to prevent the detainees at Gitmo from being relocated anywhere on American soil. Since that time, it has been called to our attention that the administration is talking about maybe 17 locations in the United States to put these terrorists. One of those locations was Fort Sill in my State of Oklahoma. I went down there, and I found out that would not be at all workable. In fact, Sergeant Major Carter, who is in charge of the prison at Fort Sill, said: Why in the world would they close a place like Gitmo? It is the ideal place to keep these people.

Currently, even though they are talking about putting them in supermax prisons, the only supermax facility is located in Florence, CO. According to the Bureau of Prisons, as of May 21, only one bed has not been filled at supermax. Obviously, this isn't going to work. The rated capacity of BOP facilities at the beginning of this month was 13,648 inmates, while the total prison population of those facilities was far more than that—exceeding 20,000.

Despite claims by Senator DURBIN that supermax prisons in the United States are ready to receive detainees, the supermax prisons in the United States are at or above their maximum capacity.

Additionally, the civilian prisons do not meet the same standard as currently exists at Gitmo. In 2002, an entire wing of a jail in Alexandria, VA, was cleared out for the 9/11 ''20th hijacker,'' Zacarias Moussaoui, to be housed in the jail. That was just one detainee. For one detainee, they are talking about clearing out the entire wing. So moving detainees to the United States would not be reasonable.

It would also place America and its citizens at risk in inevitably creating a new set of targets. This is the problem we have. We have 17 places in the United States where we would be putting these people. We have 17 magnets to draw in terrorists located around the country.

Three weeks after I called for President Obama and my Senate colleagues to go see firsthand the facility at Gitmo, Attorney General Eric Holder—he is our new Attorney General appointed by President Obama—went down there, and he came back with a glowing report that the facility is well run by its current military officers. This affirms what I have been saying all along; that is, Gitmo is a state-of-the-art facility that provides humane treatment for all detainees and is fully compliant with the Geneva Conventions.

When the war supplemental came to the floor in the Senate, I was extremely pleased that Democrats and Republicans in the Senate joined together and announced they would not include the $80 million in the war supplemental to close Gitmo. Sadly, this bipartisan initiative has fallen victim to partisan politics without any regard for our national security or the wishes of the American people.

Senator REID, HARRY REID, declared—and I agreed with him—in a press conference after my bipartisan Senate amendment was passed that, ''We will never allow terrorists to be released into the United States.'' I think that is a good statement. I agree with it. He went on to say, ''We don't want them around the United States. I can't make it any clearer than the statement I have given you. We will never allow terrorists to be released in the United States.'' Well, that sounds real good, and I agree with him and I hope he is right. However, the problem is, if you try to try these people in our Federal court system where the rules of evidence are different in terms of admissibility of evidence, many times we would not be able to get a prosecution and they would be turned loose.

Finally, Senator DURBIN said the feeling was at this point that we were defending the unknown, we were being asked to defend a plan that hasn't been announced. Well, I have to say it still hasn't been announced.

Two weeks ago, the Obama administration again went against the will of Congress and the American people by transferring the first Gitmo detainee to the United States for his trial in New York City. This was Ahmed Khalfan Ghailani. This is a guy, if you remember, who is the terrorist responsible for the bombing at the American Embassies in Tanzania and in Kenya. He was later captured in Pakistan in 2004 while working for al-Qaida preparing false documents and facilitating a transport of arms to insurgents across the Afghan and Pakistan border. Intelligence shows that Ghailani met both bin Laden and Khalid Shaikh Mohammed in Afghanistan and remained in close association with al-Qaida until his capture in 2004. Now this bona fide terrorist will have the privilege of a U.S. civilian court trial in the United States. Ahmed Ghailani was just 1 of 239 detainees housed in the state-of-the-art facility at Gitmo.

According to the Wall Street Journal today, a government official has said that well over 50 detainees have been approved for transfer to other countries and that negotiations were continuing with Saudi Arabia to take a large group of Yemen detainees. Attorney General Eric Holder estimated yesterday that more than 50 detainees may end up in trial by U.S. authorities. This news comes as more and more Americans are growing opposed to the closure of Gitmo. In fact, I would have to say this: Recently, we have had more and more polls taken, and it is now about a 3-to-1 ratio that people don't want these people tried in the United States, they don't want to have them housed in the United States.

So we have a very serious problem. Not only are we talking about detainees down there, we are also talking about an increase in the surge in Afghanistan, and even though Afghanistan does have two prisons, they won't take any detainees unless they are Afghans. So if they are from Yemen or from Djibouti, they won't take them. So this is the problem we have right now.

The views of Congress haven't changed. In 2007, the Senate voted 94 to 3 to a nonbinding resolution to block detainees from being transferred to the United States, declaring:

> Detainees housed at Guantanamo should not be released into American society nor should they be transferred stateside into facilities in American communities and neighborhoods.

In 2009, the Senate voted 90 to 6 to again keep detainees out of America.

The views of the American people have not changed. I mentioned the polls. The polls are all conclusive that the American people do not want to have these people turned loose into the United States, which is exactly what could happen.

While the quality of the facility of Gitmo has not changed, it is the only facility of its kind that is currently—it has six levels of security from the different levels of security. It has one doctor for each two detainees, and, as everyone agrees, it is the ideal place.

I might add that this is one of the few good deals we have in government in that it only costs us $4,000 a year. We have had this place since 1903, and it is something we can't get rid of. The only reason I mention this now is because I have the bill that is filed, which is S. 370, that meets the will of the American people.

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

Mr. INHOFE. I thank the Chair.

So this bill I have, S. 370, will give people in this Chamber an opportunity to vote to keep the detainees—to keep the terrorists—out of the United States of America.

I would say this: If there are some people who would be voting for the supplemental as it is right now, at least they would have another opportunity to express their will, as they have expressed on two other occasions, that we don't want the detainees, we don't want the terrorists tried in America or to be detained within the United States of America.

So with this, it is my hope the majority will allow an immediate vote on the bill I have filed, S. 370.

I yield the remainder of my time.

Mr. MCCONNELL. Mr. President, as the Senate takes up legislation today on emergency funding for combat operations in Iraq and Afghanistan, U.S. forces overseas can be reassured by this: unlike some of our previous recent debates, broad bipartisan agreement now exists in support of the proposition that the efforts of our service men and women should be funded and supported.

The supplemental agreement we are considering today includes nearly $80 billion for the Defense Department. This funding will allow General Odierno and our uniformed men and women in Iraq to preserve the security gains they achieved during the surge, continue the transition to greater Iraqi control and capability, and deny refuge to al-Qaida in Iraq.

These funds will also be used to support a surge of forces in Afghanistan. And to those of us who ignored previous calls for arbitrary withdrawal dates in Iraq, it is particularly encouraging to see that President Obama has accepted the recommendations of General Petraeus for sending additional forces into Afghanistan. Success there isn't assured. Looking ahead, we can expect continued challenges associated with the upcoming Afghan national elections, the need to continue the expansion of the Afghan National Army and Police, and the need to combat corruption within the Afghan ministries. But the President was right to direct a surge of forces, appoint a new commander, and refocus our efforts on a broad counterinsurgency strategy to combat the Taliban.

Republicans support this surge and understand that broad security gains in Afghanistan cannot be achieved without the sustained improvement of the Afghanistan National Army and police forces. But this strategy will also require a sustained effort on the part of the government, the people, and the military forces of Pakistan to deny the Taliban, al-Qaida, and associated groups sanctuary in the tribal areas of Pakistan.

Just 2 months ago, the situation in Pakistan appeared to be so dire that the Secretary of State openly voiced concern that ''the Pakistani government is basically abdicating to the Taliban and to extremists.'' Since that time, the Pakistani military has moved in force into the Swat Valley to combat this threat. Our commitment to helping Pakistan prevail in this fight, which must be conducted as a counterinsurgency if it is to succeed, must be sustained. Fortunately, the supplemental contains funds to allow it.

Another important issue that must be addressed is the effort by some to force the release of photos depicting the alleged mistreatment or mistreatment of detainees in Iraq and Afghanistan. I am afraid that those encouraging the release of these photos fail to appreciate the potential consequences of such a release. The United States has painfully come to learn that al-Qaida and the Taliban are sophisticated communicators who exploit the airwaves and the internet. That is why the concerns expressed by our military commanders over the release of additional photos depicting the alleged mistreatment of detainees were of equal concern to our allies and friends. Iraq, Afghanistan, Pakistan, Egypt, Jordan, Saudi Arabia, and other countries deal each day with the threat of militant radicals. They know how these images can be exploited by terrorist groups, and the bitter consequences that could follow. Senators LIEBERMAN, GRAHAM, and MCCAIN should be commended for making these concerns their own and carrying them to the American people.

Senator GRAHAM noted on the floor yesterday that he believes the President shares the Senate's concerns about the potential dangers of releasing these photos. Last evening we passed legislation that would prevent any additional strategic harm from the release of photographs like these. Now the House must act.

Although Republicans support the President's support in the supplemental for our operations and overall objectives in Iraq and Afghanistan, a bipartisan majority disagree with the President in one important respect—and that is the administration's request for $80 million from Congress for the purpose of closing the detention facility at Guantanamo Bay before the administration even has a place to put the detainees who are housed there, any plan for military commissions, or any articulated plan for indefinite detention or for transferring detainees in a manner that ensures the safety of the American people.

During January of this year, by Executive order, the President established an arbitrary date for closing the detention facility at Guantanamo Bay. In April, the administration submitted its funding request to close Guantanamo as part of this supplemental bill, and the Senate voted 90–6 against including that funding. But it is worth reminding the Senate that the defense budget request for fiscal year 2010 includes a similar funding request, so the Senate will consider this matter again in the near future.

Bipartisan majorities of both Houses and the American people oppose closing Guantanamo without a plan, and several important questions remain unanswered: why was it necessary to bring detainees to the United States for prosecution, rather than using the courtroom at Guantanamo? If these terrorists are found to be not guilty by a civilian court, will they be returned to detention or released? What threat assessments were conducted prior to the recent transfers of detainees to Iraq, Chad, and Saudi Arabia?

The task force established by the President to review the closure of Guantanamo is scheduled to conclude its work in July, so Congress may learn of the administration's plans later this year. But this conference report requires the President to report to the Congress concerning the threat any further detainees who are released or transferred pose to the American people and our service members overseas. This will be of increasing importance as the task force decides the fate of detainees from Yemen.

As I said, Republicans supported the President when he reconsidered his plan to withdraw forces from Iraq. It is our hope that he will show similar openness when it comes to his arbitrary deadline for closing Guantanamo. The Senate has spoken clearly on this issue repeatedly. It is our hope that the administration heeds the wishes of the American people as expressed through their elected representatives when it comes to releasing and transferring dangerous terrorists.

As the arbitrary closure date approaches, we will continue to press this issue forward.

The wars in Iraq and Afghanistan have placed a great strain on our combat forces, the weapons and equipment that they need to succeed and on the training base that helps to keep the force ready. This bill continues the Senate's support for this force, and for the dangerous missions that they undertake on our behalf, and therefore it deserves our support. It is not perfect, but it meets the needs of our commanders in the field. America remains

a nation at war. Our forces fighting these wars deserve our support, and the funding in this bill.

Mr. GREGG. Mr. President, I understand the chairman wishes to close, so I will just speak and then yield back the remainder of our time, and so the chairman can make his closing comments.

I just have to reemphasize how much of an afront it is to the process which we set up at the beginning of this Congress to try to have fiscal discipline if we do not support this point of order. This point of order was specifically put in to address this type of situation, where there is an extraneous piece of legislation airdropped into a conference report by one House or the other House, and in this case, it is $1 billion of spending which will go directly to the debt of this country.

We have heard from the Chinese that they are getting worried about buying our debt. They are the ones who are financing us. We have heard from our own experts and economists that the American debt rating, which is AAA-plus, may be at risk. We know we are running up debt at such an extraordinary rate right now—$2 trillion this year, over $1 trillion next year, $1 trillion a year on average for the next 10 years—that our debt is going to double in 5 years and triple in 10 years.

Where do we start to discipline ourselves? Well, one would hope we would start to discipline ourselves with something that so obviously violates the rules we set up here for fiscal discipline. It violates pay-go. It is not paid for, even though the President calls for pay-go.

This is a new program, unpaid for, and it violates the new rule put in under the Openness in Government and Honesty in Leadership Act, authored by Senators REID and DURBIN, and Senator STABENOW was a cosponsor. It said don't put into a conference report things that are extraneous and aren't paid for. Yet this does exactly that. Will it affect the troops in the field? No. This bill will pass now. If this point of order is sustained, this bill will pass this House and fully fund the troops. Then it will go back to the House of Representatives.

I cannot believe, under any scenario, that the House of Representatives is not going to vote to fund the troops, that they are going to hold the funding of the troops in the field hostage to spending $1 billion and adding new debt on an extraneous program that has to do with buying old cars. Nobody is going to do that. That doesn't even pass the smell test as being credible.

The bill will pass the House and be sent to the President probably before the day is out. That is the way it should be. That is why this point of order was put into place. That is why the Senator from Illinois, working with the Senator from Nevada, the leaders on the other side of the aisle, created this very good and appropriate rule, so things like this could be addressed in a surgical way, so they would not lead to adding $1 billion—in this case—which is a lot of money.

A couple of Members have said it is just a little bit. In New Hampshire, $1 billion will run our State government for a considerable period of time. That is a lot of money. I have never seen it. It is a lot of money.

There is no reason to pass on to these young pages that debt. If we think the cash for clunkers idea is a good one, let's pay for it. There are a lot of places we can find $1 billion in a $2 trillion-plus budget. So let's pay for this. Let's budget effectively. Remember the words of the chairman of the Budget Committee because they are prophetic: The debt is a threat. It is a threat to this Nation.

We have a chance to do a little bit—$1 billion worth, which is a significant amount—to try to address the debt problem by supporting this point of order.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I find it very difficult to be on the opposing side of my dear friend from New Hampshire. There has been a lot of discussion on the premise that conferees did not pay for the cash for clunkers bill.

Technically, that is correct. But I believe my colleague should be advised that under the Congressional Budget Office scoring, the conferees are scored with a savings of $1.47 billion in discretionary spending in this bill.

In title 14 of the bill, the conferees included a provision which mandates that more than $1 billion in discretionary spending in rescissions shall be allocated as savings in the bill not used as an offset.

While the conferees were required to designate the Cash for Clunkers title as an emergency for technical reasons, it is also true that we included a $1 billion offset in discretionary spending which for all practical purposes offsets the spending for Cash for Clunkers.

So while much of the debate about this matter has involved the fact that the conferees didn't pay for this provision, that is not completely accurate.

I ask unanimous consent to have printed in the RECORD the last page from the scorekeeping document of the appropriations committee on the supplemental which shows $1 billion $47 million in savings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 2009 SUPPLEMENTAL CONFERENCE AGREEMENT

[Amounts in thousands]

	Budget Authority			
	Request	House	Senate	Conference
CONGRESSIONAL BUDGET RECAP				
Scorekeeping adjustments:				
O&M, Navy transfer to Coast Guard:				
Defense function	−$129,503			
Overseas deployments and other activities		−$129,503		
Non-defense function	129,503			
Overseas deployments and other activities		129,503		
O&M, Defense-Wide transfer to Department of State:				
Defense function	−30,000			
Overseas deployments and other activities		−30,000		−$30,000
Non-defense function	30,000			
Overseas deployments and other activities		30,000		30,000
Department of State transfer to other accounts:				
Diplomatic and Consular programs	−137,600			
Overseas deployments and other activities		−157,600	−$135,629	−137,600
Other United States department or agency	137,600			
Overseas deployments and other activities		157,600	135,629	137,600
SPR Petroleum Account transfer to SPR account:				
Non-emergency function		−21,586	−21,586	−21,586
Overseas deployment function		21,586		
(Emergency)			21,586	21,586
Dept of Education account transfer to CTAE:				
Non-emergency function				−10,000
(Emergency)				10,000
Less emergency and contingent emergency	1,125,000	−799,836	−2,743,251	−16,168,838
TOTAL, scorekeeping adjustments	1,125,000	−799,836	−2,743,251	−16,168,838
Total (including scorekeeping adjustments)	93,270,120	95,917,135	88,539,868	89,682,711
Amounts in this bill	(92,145,120)	(96,716,971)	(91,283,119)	(105,851,549)

FISCAL YEAR 2009 SUPPLEMENTAL CONFERENCE AGREEMENT—Continued

[Amounts in thousands]

	Budget Authority			
	Request	House	Senate	Conference
Scorekeeping adjustments	(1,125,000)	(−799,836)	(−2,743,251)	(−16,168,838)
Total mandatory and discretionary	93,270,120	95,917,135	88,539,868	89,682,711
Mandatory				
Discretionary	93,270,120	95,917,135	88,539,868	89,682,711
Overseas Deployments and Other Activities (ODOA)		99,280,821	89,227,551	90,730,504
Fiscal Year 2009 ODOA Cap (S. Con. Res. 13) (Sec. 104(21))		(90,745,000)	(90,745,000)	(90,745,000)
ODOA versus Fiscal Year 2009 ODOA CAP		8,535,821	−1,517,449	−14,496
Discretionary (less ODOA)	93,270,120	−3,363,686	−687,683	−1,047,793

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Disclosure of Congressionally Directed Spending Items

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the statement of managers which accompanies the conference report on H.R. 2346 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question is on agreeing to the motion to waive all points of order under rule XLIV.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—60

Akaka	Dorgan	Lincoln
Baucus	Durbin	McCaskill
Bayh	Feingold	Menendez
Begich	Feinstein	Merkley
Bennet	Gillibrand	Mikulski
Bingaman	Hagan	Murray
Bond	Harkin	Nelson (FL)
Boxer	Inouye	Pryor
Brown	Johnson	Reed
Burris	Kaufman	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shaheen
Cochran	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Udall (NM)	Warner	Whitehouse
Voinovich	Webb	Wyden

NAYS—36

Alexander	Enzi	McCain
Barrasso	Graham	McConnell
Bennett	Grassley	Murkowski
Brownback	Gregg	Nelson (NE)
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Sessions
Coburn	Isakson	Shelby
Corker	Johanns	Snowe
Cornyn	Kyl	Thune
Crapo	Lugar	Vitter
DeMint	Martinez	Wicker

NOT VOTING—3

Byrd	Ensign	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 36. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had a long conversation with the Republican leader. Senator MCCAIN is going to speak for a while. After that, it is my understanding we will have a vote on passage of the supplemental conference report. The matter to follow that is the tourism bill, which is so important to every State. The managers of this bill are Senators DORGAN and MARTINEZ. What we will do is start with five amendments—Republicans can have three, and we will have two—see if we can work through this bill before we have to do anything procedurally.

This is a heavily bipartisan bill. I don't know if there has been a bill this whole Congress that is more bipartisan. The reason it is bipartisan is tourism is so important.

The Presiding Officer's State ia a beautiful State to go to—Aspen, to Vail, all the many things they have in the national parks. Nevada, people think it is the bright lights of Las Vegas and Reno, and it is, but it is a lot more. People don't realize Nevada is the most mountainous State in the Union, 314 mountain ranges. We have 32 mountains over 11,000 feet high, one 14,000 feet high. Every Senator here could boast about why people should visit their State. I have been to virtually every State in the Union. They are all beautiful. All work promoting tourism.

In our country, we do not promote tourism. We are the only industrialized Nation that does not. Some nonindustrialized nations promote their countries; we don't. We need to have people come here. Since 9/11, the number of people coming to the United States has dropped significantly because of 9/11. They haven't been told it is the safest place in the world to come. People should come here. So this public-private partnership that is in this legislation will have programs set up.

Frankly, it is comparable to what happens in Las Vegas with the Las Vegas business authority. They have done such a remarkable job of bringing people to Las Vegas. This should be done nationwide. I didn't draft the bill, but they did copy a lot that has made Nevada successful.

I hope we can work our way through the amendments and, in the process, do something good for the country. I don't believe there is anyone who wants to deep-six this bill. But I hope people who are offering amendments will offer amendments that are relative and germane. If they don't, they have a right to do that, and we will be happy to take a look at them. I have no concern whether the legal jargon of germaneness may not apply. I would rather not have to file cloture on this bill. Because of the supplemental, I guess there has been a lot of concern by the Republicans, but that should be gone now. I think we have satisfied all their demands on the supplemental. Hopefully, we can move forward with this and a number of nominations.

There will be more votes tonight. Maybe it will only be one more vote, but we will have one vote on passage of the supplemental. Then we will see what we set up for tomorrow and next week.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, here we have a supplemental appropriations conference report, supposedly, ostensibly to fund the wars in Afghanistan and Iraq and to make sure the men and women who are serving have the necessary equipment and wherewithal to pursue those conflicts with the utmost efficiency. It is business as usual in our Nation's Capital. It is business as usual in the Congress of the United States. Instead of legislation to fund our troops and efforts in Iraq and Afghanistan, we have a bill that includes such things as $2 million for freeze-dried platelet and plasma development, $35 million for the FBI to investigate mortgage fraud, predatory lending, financial fraud and market manipulation, $13.2 million for payments to air carriers for participation in the essential air service program.

Of course, one of the most remarkable feats of legerdemain I have seen in my many years here, cash for clunkers. Someone should at least attempt to explain how cash for clunkers has any relation whatsoever to the wars in Afghanistan and Iraq. It bribes Americans to trade in less fuel-efficient vehicles, considered clunkers, despite the fact that the car could have been bought yesterday, for a voucher worth up to $4,500 toward the purchase of a new car that must get at least 18 miles per gallon, at least 18 miles per gallon—18 not 38? It is estimated to cost about $1 billion, but some economists have declared the real cost will be between $3 and $4 billion. I predict it will be a lot closer to $3 to $4 billion than it will be to $1 billion.

A giveaway of this nature will be obviously something that will be irresistible to many.

Here we are considering a supplemental appropriations conference report totaling $105.9 billion, $13 billion less than the President's request, $9 billion more than the House-passed bill, and $14.6 billion above the Senate-passed bill. So what we have done is, we pass a bill over here, they pass a bill over there, and we add to the sum of both. The conference report provides crucial funding for ongoing military, diplomatic, and intelligence operations. It provides emergency funding to strengthen response to the H1N1 influenza outbreak and the borrowing authority for the International Monetary Fund and, as I mentioned, vouchers for consumers to trade in old cars for new, ''old'' meaning as short a time as 1 year.

The majority of the conference report contains urgently needed funding for our troops in Iraq and Afghanistan. In Afghanistan, our military is engaged in an effort that can and must succeed. It also contains important assistance for the Government of Pakistan, including funding for the Pakistan counterinsurgency fund. The provision of this funding should send a message to the people of Pakistan that the United States has made a long-term commitment to stand by their side in the region and at home as they battle domestic insurgents and extremists. However, the conference report also contains billions of dollars in unrequested spending that is largely unjustified and certainly nonemergency.

President Obama's message to the Congress was to keep funding focused on the needs of our troops and not to use the supplemental to pursue unnecessary spending and to keep earmarks and other extraneous spending out of the legislation. Despite the President's insistence not to include unnecessary spending in the supplemental, the conference report contains a number of earmarks and unrequested congressional program additions.

I am disappointed the majority chose to use the supplemental as a vehicle to add billions in unrequested funding and policy proposals which should have been fully vetted and considered on their own merits, while at the same time stripping out the Senate-passed detainee photo provision offered by Senators LIEBERMAN and GRAHAM. The conference report is also being used by the appropriators as a back door for funding fiscal year 2010 ''base'' requirements.

The House allocations for 2010—commonly referred to as 302(b) allocations—cut defense spending by $3.5 billion and reduced international affairs funding by $3.2 billion. In other words, the sleight of hand of adding nonemergency program funding to supplemental appropriations is becoming all too familiar as a way of skirting fiscal discipline by increasing discretionary spending above congressional discretionary caps outlined in the budget resolution. In other words, we are continuing what was, unfortunately, common in the previous administration. Again, about cash for clunkers, it is remarkable.

On June 16, 2009, Citizens Against Government Waste wrote a letter to all Members of the Senate stating that this provision ''is really another bailout for the auto industry. American taxpayers have already spent $85 billion.''

We now own two automotive companies, we and the unions. Why do we need another bailout for the auto industry?

The ''Cash for Clunkers'' provision has no place in a bill that provides emergency war funds.

I couldn't agree with Citizens Against Government Waste more.

The Wall Street Journal wrote in a June 11, 2009, editorial:

Congress wants to pay you to destroy your car . . . as economic policy, this is dotty. It encourages Americans to needlessly destroy still useful cars and then misallocates scarce resources from another, perhaps more productive, use in order to subsidize replacement. By the same logic, we could revive the housing market by paying everyone to burn down their houses, to collect the insurance money and build new ones . . . The proposal is really intended to help Detroit out of a recession by subsidizing new car purchases . . .

Maybe that is why the president and CEO of the Alliance of Automobile Manufacturers wrote asking all Senators to support this program, as well as the United Auto Workers legislative director, who called this provision ''the single most important step Congress can take right now to assist the auto industry.''

Hasn't Congress done enough for the auto industry? When is $85 billion not enough for the auto industry?

Lastly, this provision is a lemon, according to a June 13, 2009, article from the LA Times that stated:

Critics say the improvements required in the trade—as little as 1 mile per gallon for certain light trucks—

In other words, you trade in your old light truck and buy another one that is 1-mile-per-gallon more fuel efficient. So you can swap one gas guzzler for another.

So for $1 billion, this provision doesn't achieve the environmental goals its authors set forth either. My colleagues, Senators FEINSTEIN and COLLINS, argued such in an opinion piece published in the Wall Street Journal on June 11, 2009, and also wrote that this provision ''being pushed by the auto industry is simply bad policy,'' that it is ''designed to provide Detroit one last windfall in selling off gas guzzlers currently sitting on dealers lots because they're not a smart buy.''

This unrelated provision is an unwise use of taxpayers' hard-earned money and bad environmental policy. It doesn't belong in this bill, and I strongly disagree with its inclusion.

There are a few more earmarks I would like to highlight: $2.2 billion in unrequested funding for eight C–17 Globemaster cargo aircraft. Currently, we have either bought or ordered 30 more C–17 cargo aircraft than is the military requirement. This is not a jobs program, as the backlog of C–17s is so great that Boeing will not begin building these eight aircraft for another 3 to 5 years. While Secretary Gates called the C–17 ''a terrific aircraft,'' he stressed that the military users ''have more than necessary capacity'' for airlift over the next 10 years. These are, again, testimonies to the power of the military industrial congressional complex in Washington, DC.

An unholy alliance between manufacturers, Members of Congress, and lobbyists brings these things about. There is $504 million in unrequested funding for seven C–130 Hercules cargo aircraft. In testimony on May 14, 2009, Secretary Gates said:

We have over 200 C–130s in the Air National Guard that are uncommitted and available for use for any kind of domestic need.

All I know is that I have a great deal of unused capacity in the C–130 fleet.

That is what the Secretary of Defense says. So we are going to spend $504 million more for seven C–130 Hercules cargo aircraft.

There is $3.1 billion in unrequested funding for international affairs operations and programs. The additional funding added by the House majority and agreed to in conference is to offset the $3.2 billion reduction recently made by the Congress to the base budget request.

There is $49 million in unrequested funding for hurricane damage repairs to the Mississippi Army Ammunition Plant. This funding was added even though the Army advised the managers of this bill there are no storm-related repairs required at the plant—so we are going to spend $49 million to repair a plant that does not need to be repaired—and that no valid military requirement exists for the funding.

Mr. President, $186 million is provided above the President's request for lightweight howitzers built in Mississippi for the Marine Corps. The additional funding is not requested in the Future Year Defense Plan, nor was it on the fiscal year 2009 or fiscal year 2010 Marine Corps Unfunded Requirements Lists. In other words, the Marine Corps does not need it. The Department of Defense says it is not needed, but we are going to spend $186 million additionally for howitzers built in the State of Mississippi.

Mr. President, $150 million is included for Air Force A–10 Warthog aircraft wing kits and installations. While Davis Montham Air Force Base is in my State of Arizona and additional wing kits would be welcomed, the additional funds were not requested by the administration, and I oppose this $150 million.

It end runs the Defense Base Realignment and Closure, BRAC, process by prohibiting the Secretary of Defense from carrying out a 2005 BRAC decision to discontinue the Armed Forces Institute of Pathology.

I was very disappointed the House Democrats succeeded in their efforts to strip from the supplemental spending bill the detainee photo provision offered by Senators LIEBERMAN and GRAHAM. This provision, which would support the President's efforts to bar the release of photos of past detainee abuse, would help protect our troops from the inevitable recriminations that these photos would incite. Releasing the photos would not supply new information about the issue of detainee abuse, but, rather, expose evidence of alleged past wrongdoing and put our fighting men and women in greater danger.

That is not my view. It is that of our leading military commanders, including GENs David Petraeus and Ray Odierno. Both of these distinguished military leaders have stated that the release of these images could endanger the lives of U.S. soldiers and make our counterinsurgency efforts in Iraq and Afghanistan more difficult.

That is why I commend the leadership demonstrated by Senators LIEBERMAN and GRAHAM, both of whom have steadfastly demanded that this crucial provision be addressed now by the Congress. Their efforts culminated in the passage, by unanimous consent, of stand-alone legislation that will help prevent the release of these damaging images.

So there are other troubling aspects of detainee policy included in this supplemental bill. Provisions in this bill attempt to address detainee policy in a piecemeal way that fails to constitute a comprehensive plan for what to do with detainees at Guantanamo and those terrorist suspects captured off the battlefield in Afghanistan.

It does not include the $80 million requested by President Obama to close Guantanamo. This is a serious rebuke by Congress and reflects a bipartisan backlash against the idea of announcing a date for the closure of Guantanamo while failing to provide a plan for what comes next.

Mr. President, I ask unanimous consent that the fiscal year 2009 supplemental earmarks and unrequested congressional add-ons be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2009 SUPPLEMENTAL EARMARKS AND UNREQUESTED CONGRESSIONAL ADDS

$2.2 billion not requested by the President for 8 Air Force C–17 aircraft.

$1 billion not requested by the President nor included in the Senate or House-passed bills for vouchers of $3,500 or $4,500 to be applied toward the purchase or lease of a new fuel efficient automobile or truck.

$504 million not requested by the President for 7 Air Force C–130 aircraft.

$439 million not requested by the President for barrier island restoration in Mississippi.

$150 million not requested by the President for Air Force A–10 aircraft wing kits and installations.

$150 million not requested by the President for Army Stryker vehicles.

$117 million above the President's request for Lightweight Howitzers built in Mississippi.

$100 million above the President's request for UH–1Y and AH–1Z helicopters.

$94 million above the President's request for Defense Education Agency programs.

$61 million not requested by the President for Link 16 aircraft communications equipment.

$49 million not requested by the President for an Army ammunition plant in Mississippi.

$26.7 million not requested by the President for the Navy's Saber Focus program.

$20 million not requested by the President for additional Air Force Reserve flying hours.

$20 million above the President's request for Navy expenses related to countering piracy.

$17.9 million above the President's request for Marine Corps Manned Reconnaissance Systems.

$15.9 million not requested by the President for Army tethered surveillance balloons.

$15.5 million not requested by the President for the Air Force's Project Liberty program.

$4 million not requested by the President for a Vision Center of Excellence in Maryland.

$2.2 million not requested by the President for Afghan intelligence and surveillance infrastructure.

$1.2 billion in Foreign Military Financing (FMF) not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request. The increase is to pre-fund 2010 base budget requirements for Israel, Egypt, Jordan, Mexico and Lebanon.

$404 million in Diplomatic and Consular program funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$135 million in Peacekeeping Operations (PKO) funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$150 million in Global Health and Child Survival funding not requested by the President.

$700 million for a new Pakistan Counterinsurgency Capability Fund not requested by the President. Funds are not needed in 2009 because the conference report provides the DoD $400 million for the same purposes in 2009. Funding is intended to pre-fund FY 2010 programs.

$400 million in international food assistance not requested by the President.

$98 million in International Narcotics and Law Enforcement funding not requested by the President to offset the $3.2 billion reduction made by the Congress to the President's FY 2010 base budget request.

$57 million in Migration and Refugee assistance funding not requested by the President.

$23 million in Embassy Security, Construction and Maintenance funding not requested by the President.

$40 million in Disaster Assistance funding not requested by the President.

$2 million not requested by the President for Freeze Dried Platelet and Plasma Development.

$40 million not requested by the Administration for the Economic Development Administration to provide grants under Trade Adjustment Assistance to communities and firms adversely impacted by trade.

$60 million not requested by the Administration for the Department of Justice for detention costs due to increased enforcement activities along the US-Mexico border.

$10 million not requested by the Administration for the U.S. Marshals Service for enhanced judicial security in districts along the southwest border, the apprehension of criminals who have fled to Mexico, and to upgrade surveillance equipment used to monitor drug cartels and violent gang members.

$35 million not requested by the Administration for the FBI to investigate mortgage fraud, predatory lending, financial fraud and market manipulation.

$20 million not requested by the Administration for the DEA to expand its Sensitive Investigation Unit program in Mexico.

$10 million above Administration's request for the ATF for upgrade technology for ballistics evidence sharing with Mexico and Project Gunrunner firearms trafficking activities along the Southwest border.

$10 million not requested by the Administration to meet increased workloads resulting from immigration cases and other law enforcement initiatives.

$8 million not requested by the Administration for the necessary expenses of the Financial Crisis Inquiry Commission established in the Fraud Enforcement and Recovery Act of 2009.

$10 million not requested by the Administration for necessary expenses for investigations of securities fraud.

$46.2 million not requested by the Administration for salaries and expenses, including the care, treatment and transportation of unaccompanied alien children and border security issues on the Southwest border of the U.S.

$5 million not requested by the Administration to respond to border security issues on the Southwest border of the United States.

$66.8 million not requested by the Administration for the care, treatment and transportation of unaccompanied alien children and border security issues on the Southwest border.

$139.5 million not requested by the Administration for expenses to support Operation Iraqi Freedom and Operation Enduring Freedom for the operation and maintenance of vessels, law enforcement detachments, port security units and salaries for the Coast Guard Reserve on active duty.

$30 million not requested by the Administration for Operation Stonegarden to assist State and local law enforcement agencies which may be impacted by the increased violence in Mexico and to help prevent its spillover into the U.S.

$2 million for the Congressional Budget Office not requested by the Administration for salaries and expenses.

$13.2 million not requested by the Administration for payments to air carriers for participation in the essential air service program.

Mr. MCCAIN. So in what the American people believed was a time of change, the American people now should know that it is business as usual. A combination of lobbyists, industry campaign contributions, unnecessary spending continues completely out of control. This was a piece of legislation that was supposed to fund the wars in Iraq and Afghanistan. So now we add billions of dollars for things such as cash for clunkers, unneeded and unnecessary and unwanted military equipment that is made in the home States of certain powerful Members of Congress.

It is not good. Sooner or later, the American people will demand that it comes to an end.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from California.

Mrs. BOXER. Madam President, I wish to be heard briefly.

We heard Senator MCCAIN attack this bill that is before us that primarily funds two wars, takes care of our wounded warriors, invests in new hospitals for them to be treated for their brain injuries, helps them with their childcare, and essentially starts us on the path of bringing our troops home from Iraq—something President Obama promised to do—and changes our focus in Afghanistan, which has been very scattered, and focuses us on routing out the Taliban, who make it possible for al-Qaida to thrive. So this bill protects the American people.

I have been very clear, I have said I want to see our Afghanistan policy work. I said I am going to give it this year for that to happen, and I hope it does happen. Because we were attacked by al-Qaida. We were attacked by Osama bin Laden. We were attacked because al-Qaida had sanctuary in Afghanistan. And instead of going into Afghanistan, the way we should have, we shortchanged that mission that I voted for and turned around and went into Iraq. We had President Bush, with his constant focus on Iraq, lead us to a very dark period—very dark period—in our history, where we lost thousands of our soldiers, thousands more were wounded—and you all know the story of the torture and all the rest that accompanied this—and led us to a place where America has lost its standing in the world.

This President inherited two wars. Yes, he is trying to end one and refocus another. He inherited the worst recession since the Great Depression. I call it the ''Great Recession.'' And he also had to cope with threats from North Korea, Iran, from pirates on the open seas, instability in Pakistan. And then, on top of it all, he is facing, and we are facing, a health threat from the swine flu, the H1N1 virus. So he comes to us with an emergency spending bill.

Do I like everything in this bill? I do not. This is about a compromise. I do not like everything in this bill. But to tear down the attempt of what we are trying to do here, which is to begin moving our troops out of Iraq, refocus our effort in Afghanistan, focus on the wounded warriors, focus on global AIDS reduction, focus on the world recession—that is another thing we are doing. I think it has to be done. I would much rather do it all in the normal budget process. That is why President Obama has said this is the last war supplemental we will have. I compliment him on that. President Bush sent supplemental requests to Congress year after year after year. This President says this is the last time, and I take him at his word.

I think it is important, instead of being so terribly negative, to at least give a balanced overview. Many of the funds in the bill for Afghanistan will go to help the women and the children of Afghanistan. It is very hard for me to understand how anyone could oppose that. We have women who have acid thrown in their face if they do not obey their husband or they take off a face covering. We have children being stoned—girls—on their way to school. It seems to me that we ought to give it a chance before we leave these women high and dry. I, for one, cannot do that.

Again, I have said we have to do this right, and we have to do it quickly. Because I am not going to give my vote to an open checkbook for another war. But I believe this administration gets it and I believe they are training the troops in Afghanistan and I believe they are working to build a civil society there. Because, at the end of the day, we cannot be the policemen of the world. We have to make sure the people we are helping want to be helped and want to run their own societies. That is our hope in Iraq, finally. That is our hope in Afghanistan.

As I look around and I look around the world and I look around this country and I see the pain and suffering in this country—this recession—we have to understand we are in a global economy. That is why the President wanted those IMF funds: So we can avert a depression out there in the world.

There are peacekeeping funds in this bill. Anyone who is following what is happening in Africa—whether it is Darfur or the Democratic Republic of Congo or other places—understands the brutality that is going on. We need to help end the brutality, particularly—and I know my colleague in the chair knows this—the brutality against the women, where in these countries rape is used as a tool of war and rape is used as a tool of ethnic cleansing. We cannot allow that to happen. It is an obligation we have as the leader of the free world.

I guess I wish to say to my colleague from Arizona, I totally understand his frustration with spending. I have to tell him, this Democratic Congress is going to wrap its arms around spending. We did it before under President Clinton. We had horrible deficits that President Clinton inherited from the other George Bush, and we got our act in order. We had pay as you go. We are going to do that with this President.

But let me tell you, this President has been in office for five months, January through June, and we have averted economic disaster and we have a foreign policy on the right track. There was an election in Lebanon where the Lebanese people elected a pro-Western government. We have other things happening around the world today that indicate people hear now. In very high-tech ways, they are learning that freedom is valuable. But it does not come to us free.

Yes, I do not like everything in this bill. I could go through my list too. Because each one of us would write a different bill. But I will tell you what I like less, the loss of jobs, the threat of the swine flu, the threat of AIDS, the threat of world instability, the spread of weapons.

So I say, we should vote for this bill, as flawed as it is, sending a clear message to our President that we agree with him, but that this should be the last war supplemental. Let's do these things on budget. Let's go back to pay-go. Let's wrap our arms around fiscal responsibility, the way we did in the 1990s.

Let me remind my colleagues on the other side of the aisle, who are ranting and raving about deficits, under their President we had the most outrageous deficits, the most outrageous debt. We Democrats, under Bill Clinton, got a balanced budget in place, and we had a surplus—not a deficit, we had a surplus—and we had the debt going down. It was going to be eliminated. Then George Bush came in. He started this war in Iraq—a war with an open checkbook, no end in sight, no checks and balances on it, and tax breaks to the people who earn $1 million or more. It drove us into the ground. That is what brought us to this January, when our new President took all this on his shoulders and shared the burden with the Democratic Congress. I think we have averted the worst of it. We have a long way to go. I think this supplemental will help us get the rest of the way. Coming at us is pay as you go. Coming at us is fiscal responsibility. Coming at us is a challenge. We are going to have to make those difficult choices. That is one of the reasons we want to take care of health care and energy because, at the end of the day, those will help our economy.

The challenges are great. There is plenty of stuff in this bill I don't like, but I think, overall, this bill moves us in the right direction, in terms of helping our men and women in uniform, helping our national security, helping our public health, helping the global recession, and moving us toward a better day.

So I will support this bill. I thank you very much, Madam Chair.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. BURRIS. Madam President, next month, the Fourth of July, this Nation will pause to remember the moment when we asserted our independence and declared ourselves free from tyranny. It is a day all Americans hold dear, and rightly so.

But on the 19th of this month, which will be tomorrow, many in this country observe another independence day. It echoes the ideals laid down in that first declaration. It celebrates liberation from a more oppressive tyranny. It marks a ''new birth of freedom'' for the slaves who had been excluded from the promise of the American dream.

That is why I have submitted this Senate resolution observing the historical significance of that day—Juneteenth Independence Day.

Slavery officially ended in the Confederate States of America when President Lincoln signed the Emancipation Proclamation on January 1, 1863. But many slaves did not learn of their freedom until much later.

Finally, on June 19, 1865, more than 2 years after the Emancipation Proclamation, Union soldiers led by Major General Gordon Granger arrived in Galveston, TX. They brought news that must have been almost unbelievable to all who heard it—especially those who had known no existence outside of bondage. The Civil War was over, they announced, and all slaves were free.

From that day on, former slaves in the Southwest celebrated June 19 as the anniversary of their emancipation.

Over the past 144 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom. But this date has come to hold even greater significance. Throughout the world, Juneteenth celebrations lift up the spirit of freedom and rail against the forces of oppression.

At long last, Juneteenth is beginning to be recognized as both a national event and a global celebration. The end of slavery marked a major step towards achieving equal rights for every American, regardless of race, creed or color.

Just as the Fourth of July marks the beginning of a journey that continues even today, we must not forget that the long march to freedom that started on June 19 is far from over.

Our progress along this path and our progress as a Nation can be measured in many ways, but none so dramatic as the popular election of an African American to the Presidency of the United States.

America has come a long way since that first Juneteenth, and yet we have a long way still to go.

Juneteenth should be a day of reflection—a day to remember those who came before, who fought and suffered and died. But it should also be a day of action; a day for all of us to stand together and hold up the liberties we hold so dear; a day to look ahead to the future, to continue the fight for freedom and equality; a day to think of our children as much as our forefathers.

Together, we must ensure that our sons and daughters know an America that is even more free, more fair, and more equal than the America we live in today.

When we leave this place, let us share in the joy of those who greeted General Granger's arrival into Galveston on that fine June day more than 140 years ago. And let us stand with our forefathers to continue this journey in our own lives.

Madam President, I urge my colleagues to join with me in supporting this resolution observing the historical significance of Juneteenth Independence Day.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent, on behalf of the leader, that no further points of order be in order during the pendency of the conference report to accompany H.R. 2346, and that at 4:40 p.m. the Senate proceed to vote on adoption of the conference report, with the time until then equally divided and controlled in the usual form. That is the consent request, which would have been offered earlier but a Senator had the floor so it was not. The hour of 4:40 having arrived, it is now the time specified for commencement of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—91

Akaka	Corker	Kyl
Alexander	Cornyn	Landrieu
Barrasso	Crapo	Lautenberg
Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Begich	Durbin	Lieberman
Bennet	Feinstein	Lincoln
Bennett	Gillibrand	Lugar
Bingaman	Graham	Martinez
Bond	Grassley	McCain
Boxer	Gregg	McCaskill
Brown	Hagan	McConnell
Brownback	Harkin	Menendez
Bunning	Hatch	Merkley
Burr	Hutchison	Mikulski
Burris	Inhofe	Murkowski
Cantwell	Inouye	Murray
Cardin	Isakson	Nelson (NE)
Carper	Johanns	Nelson (FL)
Casey	Johnson	Pryor
Chambliss	Kaufman	Reed
Cochran	Kerry	Reid
Collins	Klobuchar	Risch
Conrad	Kohl	Roberts

Rockefeller	Stabenow	Warner
Schumer	Tester	Webb
Sessions	Thune	Whitehouse
Shaheen	Udall (CO)	Wicker
Shelby	Udall (NM)	Wyden
Snowe	Vitter	
Specter	Voinovich	

NAYS—5

Coburn	Enzi	Sanders
DeMint	Feingold	

NOT VOTING—3

Byrd	Ensign	Kennedy

The conference report was agreed to.

Mrs. LINCOLN. Madam President, I move to reconsider the vote.

Mr. UDALL of Colorado. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. LINCOLN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, as Members of the Senate and the House tackle health reform, two overriding objectives have become apparent. We must bring down cost and we must expand access, while allowing people who are happy with their health care to stay in the plan they are in now. Fix what is broken; preserve what works. Perhaps nowhere are these needs more obvious than the area of biopharmaceuticals or so-called biologics. Biologics are the fastest growing segment of prescription drug spending. With costs to biologics ranging anywhere from $10,000 to $200,000 per patient per year, biologic treatments pose a significant financial challenge for patients, for insurance companies, for employers who are paying the bills, and for Federal and State governments that are also paying the bills. Let me give examples.

If you suffer from an inflammatory condition such as rheumatoid arthritis or psoriasis or Crohn's disease, you probably would be prescribed Enbrel or Humira or Remicade. These biologics cost about $14,000 a year, more than $1,000 a month. Do you know what that does to an individual's pocketbook, an insurer or taxpayer? If you are diagnosed with multiple sclerosis—as 200 Americans are per week, some 30 Americans every day—you would probably be prescribed an interferon like Avonex, Betaseron, or Rebif, at a cost of $19,000 per year. If you need Zevalin to treat lymphoma, which strikes nearly 75,000 Americans every year, it costs up to $30,000 for a full round of treatment.

When other prescription drugs go off patent, after they have had patent protections for many years, there is a process at the Food and Drug Administration for approving lower cost generic versions. So you will see, when you go to a drugstore, many drugs which now are off patent. They have provided good profits for the developer, the drug company, but they are now off patent. So there could be generic competition in many of the drugs we use. That has worked to keep the price down and to bring competition to the industry. But no such process for biologics exists, no allowance of a generic substitute to compete with the biologic.

As it stands, biologic manufacturers are in the envious position of having a permanent monopoly. No one can compete with them. Even after their patent has expired, FDA, under law, cannot legally approve competing products because of a gap in FDA law. At this point the only thing that stands in the way of establishing a generic approval process for biologics is the political muscle of the biologics industry. Here is what the industry tells us. They don't want any kind of approval process for generic biologics. They don't want competition. They want to continue to charge $14,000 if you have Crohn's disease, $19,000 if you have MS, and $30,000 per round of treatment for the 75,000 Americans who have lymphoma.

If we do establish such a process, they want to render it useless by granting biologics the equivalent of a permanent patent extension. Maybe you give them 12 years. After 12 years, you allow a generic, unless they slightly change a molecule or a process and you get another 12 years and another 12 years and another 12 years. So in addition to 20 years worth of patent protection, they want 12 years of market exclusivity which has the exact same effect as patent protection. When FDA grants a drug market exclusivity, it means that FDA will not approve any generic version of that drug, period.

After the first 12 years of market exclusivity is over, the biologics industry wants to slightly modify their product, and they get another 12 years of market exclusivity. And if they slightly modify the product again, they want another 12 years and another. In other words, they want no generic competition.

We have generic competition in all kinds of drugs that are very well known, but there is no provision for any kind of generic competition for these biologics. The Federal Trade Commission, the government agency with no skin in the game, with no belief that one product is better than another, with no ties to the drug industry, with no ties to anybody, issued a report asserting that the biologics industry gets plenty of marketplace protection through patents and they should not be afforded even 1 day of market exclusivity, much less 12 or 24 or 36 years.

AARP recently reported that the top 10 biologics recoup their R&D investment after 2 years of sales. The industry claims they need decades sometimes to recoup their investment. But the AARP doesn't make this stuff up. Biologics manufacturers, even though AARP said they only need 2 years of sales to recoup their investment, are given more time than that so they can make a healthy profit. Yet biologics manufacturers are asking for 20 years of patent protection, coupled with 12 more years of market exclusivity; again, renewed over and over. That is the way they like it. The biologics industry wants us to go home and tell constituents with arthritis or respiratory illness, hemophilia, cancer, or multiple sclerosis, numerous other conditions now treated by biologics, if they are lucky, in 24 or 36 years they will have access to treatments that are more affordable.

If we care about patients and fiscal responsibility, we will not allow the biologics industry to bully us into giving them more marketplace protection than any other industry. But it will take the personal will of Members from both sides of the aisle to overcome the biologic industry's clout.

Some Members of this body have already taken a stand. I was proud to join Senator SCHUMER, Senator COLLINS, Senator VITTER, and Senator BINGAMAN—Democrats and Republicans—to introduce legislation that would close the gap on FDA law that prevents generic versions of biologics from being approved. This legislation is a compromise. It would provide 5 years of market exclusivity—remember, they already have patent protection—the same as that provided to other prescription drugs. Then they would be eligible for an additional 3 years of market exclusivity for beneficial changes to their products and even more exclusivity if they conduct pediatric tests on their product. This tiered approach, which I hope to include as part of the health care reform bill moving through the HELP Committee, would provide needed competition, long-term savings, and an opportunity for consumers to have safe, effective, and affordable medical treatments.

I credit the manufacturers and the scientists and thank them, the medical researchers, for this. They provide great promise and hope to those suffering from devastating diseases and chronic illness. But absent price competition, countless Americans will be

unable to benefit from these medicines because they are too expensive. We are talking about tens of thousands of dollars a year just for this drug treatment, this biologic treatment, let alone all the other doctors' bills and medicine they would need.

I hope when my colleagues are lobbied by the biologics industry—and they are spending millions of dollars on this because it means hundreds of millions of dollars in more profits for them—I hope when my colleagues are lobbied by the biologics industry, they will remember 12 plus 12 plus 12. It simply does not work for us. The American patients, American businesses, and American taxpayers cannot afford to wait 12 or 24 or 36 years for affordable biologics. Frankly, we should not make them wait.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF JOE CONNAUGHTON

Mr. KAUFMAN. Madam President, I have spoken here a few times already about Federal employees and the great work they perform. I am honored to be in a position to come here and do it again. I enjoy sharing stories in this Chamber about excellent public servants.

These stories are only but a few pieces in the vivid mosaic of our Federal workforce. The stories are exemplary, not exceptional. These are regular people doing a great job.

The real story of our Federal employees—that of their dedication, their talents, and their important contributions—needs to be told.

Service in government is characterized by sacrifice. Many of our Federal employees wear a uniform and sacrifice on the battlefield. Others work in civilian jobs but still make great sacrifices by working long hours and foregoing opportunities in the private sector, such as substantially better pay and bonuses. Their bonus, as I have said before, is the satisfaction of having served their country.

Today I wish to speak about a man who risked his life during wartime and then spent nearly three decades working as a civilian engineer for the U.S. Army Missile Command.

Joe Connaughton, a native of Tuscaloosa, AL, had already distinguished himself during the Second World War. He served as a navigator and bombardier on 47 missions in both the European and Pacific theaters. Joe was decorated with three air medals and four battle stars, and his unit received the Croix de Guerre for support provided to the French Expeditionary Force during the Allied offensive in Italy.

After returning home, Joe took advantage of the GI bill to pursue a bachelor of science degree in chemical engineering from the University of Alabama. He began working for the U.S. Army Missile Command near Huntsville in the late 1950s.

For 27 years, Joe worked for the Army Missile Command's Research, Development, and Engineering Division at Redstone Arsenal. He and his engineering team helped develop and perfect weapons systems critical to maintaining our military edge during the Cold War. This included the Lance, Hellfire, and THAAD missile propulsion systems.

When Joe and his colleagues were working on the Hellfire missile, which is carried primarily by the Apache attack helicopter, there was a problem when the TV-based guidance system encountered difficulties in smoke and bad weather. A missile whose own propulsion method gives off a smoke plume cannot be accurately directed if the smoke hinders its guidance system. The engineering team on which Joe worked developed a smokeless propellant, which greatly enhanced the missile's accuracy.

For this achievement, Joe and his team earned the Army Missile Command's Scientific and Engineering Award in 1980.

When the Hellfire entered service in 1984, it was intended for use against Soviet tanks in a future Cold War conflict. But with the collapse of communism in Europe just a few years later, some began to doubt whether its development—and that of similar systems—was worth the cost.

However, with the laser guidance and missile propulsion system developed by the civilian engineers at Redstone Arsenal, the Hellfire proved its worth during Operation Desert Storm in 1991.

In that conflict, the Army and Marine Corps used the Hellfire to disable the Iraqi air defenses in its initial strike, quickly gaining air supremacy. Apache helicopters launched Hellfire missiles against a myriad of targets, demonstrating the usefulness and effectiveness of this new weapon.

This guided missile system, perfected in Alabama by Joe and other Federal employees, helped spare civilian lives in Iraq and ensured a rapid coalition victory. They continue to play a major role today, as Predator drones carry Hellfire missiles on missions over Afghanistan.

Our military depends on countless civilian engineers just like Joe. Without their hard work and important contributions, we could not maintain the military strength we have today. They are all—every one of them—Government workers, and they work on bases and in research facilities throughout the country, including at Redstone Arsenal in Huntsville.

These men and women wake up each day and go to work knowing that they directly participate in keeping America safe. The technologies they develop remain at the forefront of our fight against al-Qaida and other extremist groups.

We must never forget that they, along with the rest of our civilian government employees, enable the military to do its job.

Some give their lives for our country. Others give their lives to it. All of them demonstrate this greatest hallmark of patriotism; which is sacrifice.

Joe could have made more money in the private sector. Doubtless, he could have moved from the Army Missile Command to work for a private military contractor, the same people he worked with on a daily basis in developing these systems. But he didn't. His priority was making a contribution, not making money.

In some ways, we have lost sight of this sense of purpose, which is the engine of our American spirit. I am greatly encouraged that President Obama has called for a new generation to take up the torch of public service through careers in government. He has called on us, once again, to make sacrifices in order to ensure the future safety and prosperity of this country we all love so dearly.

Our Federal employees, like Joe, feel a sense of duty to serve this great Nation. It is what sustained him—a 20-year-old airman from Alabama—over Italy, France, Yugoslavia, China and Japan. It is what sustained him as an engineer when he returned home to Alabama and worked to build America's defenses. It is love of country. It is service above self.

Joe embodies this spirit, and I know he has passed it on to the next generation. I can see it firsthand, because his son, Jeff, is my chief of staff—a great Federal employee and a great person.

Families across America will gather this Sunday to mark Father's Day and to celebrate the important bond between fathers and their children. On this occasion I am reminded of my own father—who spent most of his career as a government employee—and the important lessons he taught me about the value of public service.

I also think about fathers throughout America who have chosen—along with so many mothers—to dedicate their careers to serving the public. They are powerful role models, not only for their own daughters and sons, but for all young Americans who want a chance to shape this country's future.

I hope all my colleagues will join me in honoring the sacrifices and the achievements of all our Federal employees.

I want to wish Joe a happy Father's Day, and I extend the same well wishes to fathers across the country, and especially to those serving overseas or with a loved one serving overseas.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. KAUFMAN. Mr. President, Senator KYL and I will join in introducing a resolution concerning freedom of the press, freedom of speech, and freedom of expression in Iran.

In the past week, the flow of information in and out of Iran has been suppressed. Voices in Iran have been silenced, and the international right to freedom of expression has been restricted, especially in the press.

I support Iran's sovereignty and deeply respect the will of the Iranian people. While Iran has enthusiastically embraced elections, the long road to democracy does not end there. It also includes fundamental freedoms, such as freedom of expression, which is protected under the International Covenant on Civil and Political Rights.

In 1976, Iran was one of the first countries to ratify this U.N. treaty which also protects the right to hold opinions without interference and the right to receive and impart information in writing, print, or through any other media.

Our resolution supports the Iranian people as they take steps to peacefully express their opinions and aspirations and seek access to means of communication and the news. It expresses respect for the sovereignty, proud history, and rich culture of the Iranian people, and recognizes the universal values of freedom of speech and freedom of the press.

As President Obama said earlier this week:

> The democratic process—free speech [and] the ability of people to peacefully dissent . . . are universal values and need to be respected.

This is the case not just in Iran but anywhere in the world.

Since the Iranian presidential election on June 12, there have been increased restrictions on freedom of the press in Iran and limitations on the free flow of information. Newspapers and news services have been censored, access for journalists has been restricted, and specific media outlets have been blocked. Foreign journalists have had their press credentials canceled and videos confiscated. They have been confined to their hotels and told their visas would not be renewed. Bureaus of foreign press agencies in Tehran have been closed, and others have been instructed to suspend all their Farsi-language news.

For Iranian journalists, the stakes have been even higher. Numerous Iranian journalists have been detained, imprisoned, assaulted, and intimidated since the elections on June 12. Journalists have been instructed to file stories solely from their offices, which has limited their ability to provide timely and accurate news. There has also been interference with international broadcasting in Iran, whether through the jamming of radio transmissions or blockage of satellite signals.

Shortwave and medium-wave transmissions from the Farsi-language Radio Free Europe/Radio Liberty's Radio Farda have been partially jammed, and satellite broadcasts, including those of the Voice of America's Persian News Network and the British Broadcasting Corporation, have also been intermittently blocked as well. These services are widely popular in Iran, serving as a vital source of communication and entertainment, and attempts to thwart such broadcasts are shameful.

Efforts to suppress the free flow of information have not focused on the media alone. Blogs and social networking sites have been targeted as well, including popular Web sites such as Facebook and Twitter. Short message service in Iran has been blocked—preventing text message communications and jamming Internet sites that utilize such services—and cell phone service has been partially shut down.

These restrictions have prevented the free flow of information and precluded Iranian citizens from communicating with each other. Some Iranians have circumvented these restrictions through proxy Web sites and third-party carriers, and the Internet has served, at times, as the only outlet for communication within Iran and with the rest of the world.

This resolution reinforces the universal values of freedom of speech and freedom of the press. It supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations. It condemns the detainment, the imprisonment, and the intimidation of all journalists in Iran and throughout the world.

As President Obama said Tuesday:

> To those people who put so much hope and energy and optimism into the political process, I would say to them that the world is watching and inspired by their participation, regardless of what the ultimate outcome of the election was.

This resolution is not about the election in Iran. Rather, it is about the fundamental right to free speech, free press, and free expression of the Iranian people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT

Mr. DORGAN. Mr. President, the business of the Senate, now that we have had the final vote on the supplemental here in the Senate, will be the Travel Promotion Act. That is a piece of legislation that is widely bipartisan. We have passed it by unanimous consent through the Senate Commerce Committee and brought it to the floor of the Senate with very substantial Republican and Democratic support. I am an original author of the legislation called the Travel Promotion Act, but a good many Republicans are cosponsors and colleagues on the Democratic side are as well. It should not be controversial. Yet getting that bill to the floor of the Senate required the filing of a cloture motion, which means, just on the motion to proceed, we had to wait 2 days and then have a vote on whether we could actually proceed to the motion to proceed to the legislation itself. That passed, I believe, 90 to 6. Then we had 30 hours postcloture.

We have been in a waiting position to try to determine can we get to this bill. Let me make the point that this is a piece of legislation that is almost unique, in the sense that, No. 1, it is very bipartisan and, No. 2, the Congressional Budget Office says it is going to reduce the Federal budget deficit.

Let me say that again. The Congressional Budget Office says this legislation will actually reduce the Federal budget deficit by very close to $500 million over 10 years. There ought not be substantial controversy about this legislation.

What we are working on and have been working on for some hours is to try to determine how we get, now, on the bill and agree on amendments. We have had lists back and forth of what amendments might or might not be offered. We have not been able at this point to agree on the list. We are not asking for a finite list, just a list on how to begin. There have been so many amendments that have been proposed that have nothing at all to do with the legislation, so we are working back and forth. It appears we are not going to be able to reach agreement on a list of

how we begin with these amendments this evening, but my hope remains that perhaps tomorrow we will be able to have some kind of agreement on a list that would allow us to proceed to the Travel Promotion Act.

Let me mention briefly that this legislation is not controversial. Travel promotion means that our country would begin to address a problem. What is that problem? The fact is, we have many fewer visitors from abroad to this country, in terms of international tourism, which is very job creating, strongly supportive of economic growth because international tourists spend a lot of money. On average I believe they spend somewhere around $4,500 per trip when they come to this country, for hotels and car rentals and airplanes and tourist attractions and so on. It is very job creating.

The fact is, we have far fewer tourists coming to this country from abroad than we had in the year 2000. That is a very serious problem; we have fallen substantially behind other countries that are aggressively marketing their countries for destination by international travelers. Italy, France, Great Britain, Spain, Australia—the list goes on and on of countries that say come to our country, travel here, visit here, be part of the experience in our country. Our country is not involved in that. It is as if there is a competition and we are not competing.

We put together a piece of legislation that would create and promote international destination travel to our country because it will surely create jobs and certainly be beneficial to our economy. As I said, it has wide support throughout the industry, throughout this Chamber, with Republicans and Democrats, and it actually reduces the Federal budget deficit. It is pretty hard to find a piece of legislation such as that.

Despite all that broad support and the fact it passed out of the Commerce Committee unanimously, we are having trouble getting it to the floor in a way that has amendments offered and in the regular order we consider this legislation.

As of tonight we are not able to reach an agreement on a list, but I remain hopeful. As we continue to exchange and have discussions about beginning this process and agreeing to amendments that can be debated, my hope remains that perhaps tomorrow we will be able to agree to such a list.

I believe others will have additional comments tomorrow as these discussions continue. My hope is we will be successful.

I have a number of unanimous consent requests I wish to offer.

MORNING BUSINESS

Mr. DORGAN. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARLIAMENTARY ELECTIONS IN ALBANIA

Mr. CARDIN. Mr. President, I am proud to cosponsor S. Res. 182, recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28 maintain and improve the transparency and fairness of democracy in Albania. I urge my colleagues to join me in supporting this resolution.

As Chairman of the Helsinki Commission, I am aware of what Albania has accomplished since its first multiparty elections in 1991, but I also know what a struggle it has been. Albania was under a ruthless and isolationist communist regime for decades. While not part of the former Yugoslavia, it was also impacted by the conflicts in neighboring and nearby Balkan countries in the 1990s, which was a setback for the entire region.

The promise of NATO membership did much to encourage progress in Albania in recent years. While problems relating to the rule of law and fight against corruption persisted, we supported Albania's NATO membership with the understanding that reforms will continue. The State Department in particular emphasized that other NATO members continued the reform process after joining the Alliance. That is our hope for Albania as well.

This resolution more actively expresses our hope as well as expectation that Albania live up to international standards it has accepted, in particular as they relate to the holding of elections. There are concerns about these elections, especially in regard to new voter identification cards and their distribution in time to allow citizens to vote. Even if Election Day does go smoothly, it is unfortunate that there was a delay in preparations—which causes confusion, frustration and suspicion among the Albanian electorate.

Albania is a good friend of the United States, and by passing this resolution we are investing in that relationship to make it grow. We want Albania to succeed, and this resolution will hopefully encourage Albania to hold successful elections on June 28. I believe the resolution is balanced, raising concern while noting progress and clearly favoring no particular political party. While those currently in power may have the additional responsibilities that come with governance, all parties have a role to play in order to make these elections meet international standards.

HONORING OUR ARMED FORCES

STAFF SERGEANT EDMOND LO

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SSG Edmond Lo of Salem, NH.

Tragically, on June 13, 2009, this brave 23-year-old gave his life for this Nation when an improvised explosive device detonated while his explosive ordnance disposal team courageously worked to neutralize the threat near Samarra City, Iraq. At the time of this hostile action, Sergeant Lo, a member of the 797th Ordnance Company based at Fort Hood, TX, was serving his second tour in Iraq in support of Operation Iraqi Freedom.

Edmond demonstrated a willingness and dedication to serve his country from an early age. A 2004 graduate of Salem High School, Edmond was a member of the Air Force Junior ROTC Program and commander of the drill team, color guard, and operations squadron. He was well known and liked by his teachers and fellow students and earned himself a full scholarship to a top engineering school upon graduation. However, sensing a call to duty, and because of his desire to protect his country, Edmond instead chose to join the Army.

Just as many of America's heroes have taken up arms in the face of dire threats, Edmond dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this Nation has sent abroad to defend our Nation's freedom.

A beloved member of the Salem community, Edmond was respected and admired by all those around him. As a loyal member of the U.S. Army, he continually performed above and beyond all expectations. Because of Edmond's efforts, our liberty is more secure.

Kathy's and my thoughts, condolences, and prayers go out to Edmond's parents, David and Rosa Lo, his brothers and sisters, and his other family members and many friends who have suffered this most grievous loss. All will sorely miss Edmond Lo, a true patriot who was proud of his family, proud of where he lived, and proud of what he did. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Edmond Lo.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.

CELEBRATING WEST VIRGINIA DAY

• Mr. ROCKEFELLER. Mr. President, I rise to recognize that 146 years ago today, West Virginia became the 35th State to join the Union. The only State

to have seceded from a Confederate State, West Virginia's birthday shines as an anniversary which commemorates the spirit, perseverance, optimism, and hard work of its people.

West Virginia is unique in countless ways; and her history is just the beginning. For almost 200 years, West Virginians have played a significant role in the development and advancement of our nation. From the Battle of Philippi in Barbour County, which was the first organized land battle of the Civil War, to John Brown's historic raid on the Arsenal in Harpers Ferry, we recognize the role our State has played in the making of America's history.

The only State to lie entirely within the borders of Appalachia, we remain incredibly diverse; our geography, population, and heritage are what have lead to our identity as the ''Wild and Wonderful'' State. From the renowned Greenbrier Hotel and Resort in White Sulphur Springs, to the New River Gorge in Fayetteville, which houses the longest steel-arch bridge in the United States, it is no wonder that we draw tourists here from all over the globe.

But it is not the many historical sites or beautiful landscapes that capture the fortitude of West Virginia, but rather, her people—people who continue to inspire with pride and honor, and overcome challenges with a resolve like no other.

Early last month, flash flooding devastated families throughout southern West Virginia, damaging at least 1,500 homes with the worst flooding the area has seen for quite some time. The humanitarian response within the State has been profoundly moving; with people traveling hours to donate their time and energy to assist their fellow West Virginians, and some 300 National Guard troops posted in the area—proving that goodwill is alive and well in West Virginia. Seeing this outpouring, I was reminded of serious flooding in our State when I was Governor. I opened National Guard armories to house displaced families but none showed up—because their neighbors had taken them in. That is a shining example of our Mountaineer spirit.

In addition to serving the people of our State, the West Virginia National Guard is committed to global security, with 38 active units serving around the world, including in Afghanistan and Kosovo. Our State motto, ''Mountaineers are always free,'' can be found resonating not only in all corners of the Mountain State but across the globe. And it is a motto that West Virginians have stood up for time and again—as our State's veterans are among the bravest, most selfless, and most devoted in the entire Nation.

West Virginians have the amazing ability to make sure our culture—which we are so proud of—is also part of our future. Ours is a State wrapped in age-old traditions, but also a State with a readiness to adapt to its younger generations; a veritable melting pot of both old and new world. The Ramp Eating Capitol of the World is found in Richwood, where international crowds gathered in April for the annual Ramp Eating Contest to delight in this West Virginia favorite. And artists across our State are finding more innovative ways to market our cultural heritage, from Blenko Glass and amazing woodwork, to folk-art, quilts and Appalachian music.

Our schools, colleges and universities have inspired some of the best and brightest young leaders. West Virginia University and Marshall University have produced some of the greatest minds in some of the toughest fields worldwide, and have played an integral role in supporting the communities they inhabit. The Promise Scholarship, which pays instate collegiate tuition fees for those high school graduates with qualifying academic records, has helped thousands of students afford college since its inception. Thanks to this measure, admission to institutions of higher education in West Virginia has steadily increased, drawing students from across the Nation to study subjects such as biometrics, forensics, and defense.

Native West Virginians often joke that telephone calls placed to God are local, as our State is ''almost'' heaven. We love and are so proud of our awe-inspiring scenery and our towering mountains, and we can't wait to show them off to anyone who visits. And what those visitors also find when they come to our beautiful State is a population well-versed in humility and good-nature. It is indeed the people who pay the greatest tribute to our Mountain State, and it is my honor and privilege today to wish you on their behalf, the happiest of birthdays, West Virginia.●

INDIRECT LAND USE

Mr. JOHANNS. Mr. President, I rise today to discuss a lingering issue that could have serious detrimental effects on our nation's ethanol industry.

The Energy Independence and Security Act of 2007 increased the renewable fuels standard—commonly known as the RFS—to 36 billion gallons annually of ethanol and other biofuels by 2022.

I support the RFS . . . Always have. The RFS simply means more domestic energy production, less imported oil from unfriendly nations, and more jobs in rural America—both on and off the farm.

The 2007 law requires EPA to come up with new rules to determine greenhouse gas emissions throughout the lifecycle of renewable fuels. Simply put, EPA must calculate how much greenhouse gas is emitted from the time the seed is produced to the time drivers use the fuel in their cars, with every step in between. These steps include production, transportation, distribution, and blending, just to name a few.

Under the 2007 law, renewable fuels must emit anywhere from 20–60 percent fewer greenhouse gases than petroleum.

Unfortunately, when calculating lifecycle greenhouse gas emissions, EPA has included theoretical indirect land use changes.

As the theory goes, increased production of biofuels leads to more grain being used for biofuels and less being exported to foreign markets. Allegedly, this decrease in exports means additional grain production is required in other parts of the world, creating increased cultivation in those areas. Proponents of this way of thinking say forests in other parts of the world are being converted to crops to substitute for the missing U.S. grain.

However, that is all it is, an unsubstantiated theory, an argument that just doesn't hold water. Pure bunk.

As an example, in 2004, over 10,000 square miles of the Amazon was deforested. In 2008—the peak year for ethanol production to date—that number dropped to under 5,000 square miles. How is that possible?

Due to significant technological advances and ever-increasing efficiency, the American farmer continues to meet the demand for food, feed, and biofuel. For instance, in 1980, the average corn yield per acre in this country was 91 bushels. Last year, it was 153.9 bushels—a 70-percent increase in productivity.

In fact, this spring, American farmers will use almost exactly the same amount of acres for corn production as they did 30 years ago—about 85 million acres. Yet the productivity advances mean we will likely harvest roughly 6 billion bushels more corn on the exact same amount of land.

The soybean industry can tell a similar story. In 1980, American farmers produced just under 1.8 billion total bushels of soybeans on 69.5 million acres. In 2007—almost 30 years later—they produced almost 2.7 billion bushels on 64.7 million acres. That is a production increase of nearly a billion bushels, on 5 million fewer acres.

So the facts seem clear. Even as the production of biofuels increases, deforestation rates have been cut in half just in the last 5 years.

Clearly, no reliable or accepted model for measuring indirect land use change exists. Projection models for indirect land use are based on assumptions about how landowners made choices about what to do with their land. And unless the EPA has recently hired mind-readers, they might as well be playing pin the tail on the donkey.

Calculating emissions from indirect land use changes is such an inexact

science; it is really no science at all. There is literally no way to know if what you come up with is accurate.

Our farmers and ethanol producers should not be held responsible for land use decisions made half way around the world, especially when they are based on untested and unreliable assumptions.

Just last year, the President's own Interior Secretary, Ken Salazar—then a sitting U.S. Senator—signed a letter to EPA stating that EPA's calculations pertaining to indirect land use are based on ''incomplete science and inaccurate assumptions.''

For all these reasons, today I sent a letter to EPA Administrator Lisa Jackson requesting a 120-day extension of the deadline for the public comment period on the RFS. EPA needs adequate time to hear from impacted industries and organizations about the potentially devastating effects of these untested, unreliable indirect land use calculations. I hope the EPA will give serious consideration to my request.

Additionally, I am cosponsoring S. 943 and S. 1148, both bills that would remove indirect land use assumptions from the renewable fuel standard. Doing so does not in any way impact emissions reductions requirements. The requirements remain intact and the same goals can be reached. These bills will simply remove a very untested, incomplete, assumption-based factor from the equation.

And while the environmental benefits of ethanol have been well-documented, the RFS was enacted to increase our energy security and decrease our dependence on foreign oil. Right now, over 60 percent of our oil is imported from other countries. Much of it comes from countries that, put very simply, don't like us very much. We have to take steps to become less reliant on these nations for our energy needs and more reliant on ourselves, and the RFS does that.

For example, the production and use of 9 billion gallons of ethanol in 2008 displaced the need for over 320 million barrels of oil. This is the equivalent of eliminating oil imports from Venezuela for 10 months. Put another way, it represents the equivalent of 33 days' worth of oil imports. Those are not insignificant numbers.

An expanded ethanol industry has yielded another very important result: rural economic development. Using my home state of Nebraska as an example, ethanol has clearly benefitted many rural communities.

Almost 10 years ago, as Governor of Nebraska, I supported several initiatives to incentivize what was then a relatively small ethanol industry. Well, today Nebraska is the Nation's second largest ethanol producer.

Nebraska currently has 20 operational ethanol plants, with a combined production capacity of over 1.3 billion gallons of ethanol each year. These plants represent more than $1.4 billion in capital investment and provide direct employment for roughly 1,000 Nebraskans.

Energy security, economic development, environmental improvement, these issues are all connected. And ethanol and our Nation's farmers have contributed to each in a positive way.

As elected officials we should support the biofuels industry, not undermine it. Basing our energy policy on some unsubstantiated theory regarding indirect land use is the wrong approach.

With the passage of the RFS, Congress asked farmers and biofuel producers to significantly expand and increase their production levels. Let's not pull the rug out from under them with unwise policies.

I am proud to cosponsor S. 943 and S. 1148 and encourage my colleagues to do the same.

ADDITIONAL STATEMENTS

COMMENDING SALVATORE ''TORRE'' M. MERINGOLO

● Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Salvatore M. Meringolo, vice president for development at St. Mary's College since 1997.

Mr. Meringolo leaves a remarkable record of accomplishment at St. Mary's College. He was hired 15 years ago as director of the library and information services and directed a comprehensive modernization effort that encompassed library partnerships with the University of Maryland System and raised $2 million for the library's endowment.

During his tenure as vice president for development, St. Mary's endowment has grown from less than $5 million to more than $24 million. Moreover, Mr. Meringolo pursued Federal funding strategies that have yielded more than $6 million for programs such as St. Mary's River Project and campus IT networking infrastructure.

For the past 3 years, Mr. Meringolo has served as secretary to the Board of Trustees. I had the honor of serving on the board from 1988–1999. He has provided staff support to the board's development, governance, and executive committees.

Mr. Meringolo often represents the college in the local community, having served as vice president of the Patuxent Partnership, as a member of the Navy Alliance, and the college's representative to the Economic Development Commission of St. Mary's County.

When the college and Historic St. Mary's City joined forces to create the $65 million Maryland Heritage Project, Mr. Meringolo worked to ensure a compelling and timely application. The facilities of St. Mary's College were reshaped over the last decade as a result of the Maryland Heritage Project.

The challenge presented by St. Mary's small-scale and modest resources was largely overcome by the talents of this very thoughtful and experienced individual. The college has experienced enormous growth in the last 15 years and much of that growth can be attributed to Mr. Meringolo's leadership.

I ask my colleagues to join me in applauding the many accomplishments of Torre Meringolo and in wishing him success in his future endeavors.●

COMMENDING JANE MARGARET O'BRIEN

● Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Jane Margaret O'Brien, Ph.D. president of St. Mary's College since 1996. I was a member of the St. Mary's Board of Trustees and have known Maggie for many years. I have the utmost respect for her and what she has been able to accomplish at St. Mary's during her tenure.

During her 13 years as president, the College has distinguished itself as a premier honors college that excels at scholarship, research, creative thinking, community engagement, and an appreciation and commitment to world issues, cultures, and communities.

Dr. O'Brien provided critical guidance to the development of the college's external relations and fundraising efforts during its transition to the Honors College Curriculum. Fundraising during Dr. O'Brien's tenure has profoundly reshaped the college's scholarships, professorships, lecture and learning series, arts, athletic, and community programs.

I will provide two examples of Dr. O'Brien's wonderful legacy. The Center for the Study of Democracy, an advisory board on which I have had the pleasure of serving since 2002, was established with a $2 million National Endowment for the Humanities—NEH—grant and challenge matches. The center is a leading programmatic initiative between the college and neighboring Historic St. Mary's City. This relationship continues to flourish with the opportunity for students to serve as Maryland Heritage Scholars and for faculty from the college and the city to serve as Maryland Heritage Fellows.

The Centre for Medieval and Renaissance Studies, where Dr. O'Brien will continue her work for St. Mary's, was founded in 1975 for two purposes: to establish in Oxford a permanent institute for the interdisciplinary study of the Middle Ages and Renaissance, and to provide academic training for overseas students who wish to study at Oxford.

I ask my colleagues to join me in applauding Maggie O'Brien for her stellar leadership at St. Mary's College and in

wishing her success in her continuing work on behalf of this unique institution.●

125TH ANNIVERSARY OF PARK RIVER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 2–5, 2009, the residents of Park River will gather to celebrate their community's history and founding.

The town of Park River was founded in 1884. It was named for its location on the Park River. The river itself was named by pioneer fur trader Alexander Henry, to note the corrals or parks that the Assiniboine Indians had built by the river to herd wild animals.

Park River's town motto, ''Park River, The Town with a Heart,'' truly captures the essence of the community where people are always willing to lend a helping hand. The town's all volunteer ambulance service, the Walsh County EMS, operates 24 hours a day and demonstrates the town's willingness to help each other out.

Today, the town's economy is mostly agricultural based, but also does focus on incorporating businesses in the technology and health care sector. Park River's health care industry is epitomized by its state-of-the-art hospital, First Care Health Center. This center has been providing quality medical care for the past 55 years to the residents of Park River and those in surrounding communities.

To celebrate their 125th anniversary, the people of Park River have planned a number of events including a polka fest, talent show, fireworks, road rally, an all class reunion, an American Legion baseball reunion game, and a parade that will be held on July 4th.

Mr. President, I ask the Senate to join me in congratulating Park River, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Park River and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Park River that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Park River has a proud past and a bright future.●

125TH ANNIVERSARY OF CANDO, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 2–5, the residents of Cando will gather to celebrate their community's history and founding.

Founded in 1884, Cando was designated the county seat for Towner County and named for the ''Can Do'' spirit of the pioneers. That spirit is still visible in this active community, where hunting, fishing, camping, and bird-watching are all popular activities. In fact, ducks are so common to the area that Cando is known as the duck capital of North Dakota.

This active community, located in north-central North Dakota, is home to two museums, a golf course, bowling alley, and many thriving businesses.

In honor of Cando's 125th anniversary, town officials have organized activities including a golf tournament, street dance, folk dance, parade, potluck, tractor pull, and variety show.

Mr. President, I ask the Senate to join me in congratulating Cando, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cando and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Cando that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cando has a proud past and a bright future.●

COMMENDING LARRY G. ROBERTSON

● Mr. PRYOR. Mr. President, today, I honor the service of a great Arkansan. Captain Larry G. Robertson will retire at the end of this month after proudly serving in the Arkansas State Police for 32 years, providing protection and assistance to Arkansans across the State.

Captain Robertson's record of accomplishment spans three decades. He began his law enforcement career in 1973 as Star City, AR, chief of police before he was commissioned on January 17, 1977, as a state trooper assigned to the highway patrol division, troop E headquartered in Dumas, AR. Robertson distinguished himself in the line of duty and worked his way up the promotion ladder quickly from the rank of sergeant, to lieutenant, and finally, in 1999, to the rank of captain, highway patrol commander, troop F, the largest geographical troop in the State covering nine counties in southeast Arkansas.

Under Captain Robertson's leadership as troop F commander, his troopers consistently led the State in DWI arrests and other activities despite having fewer personnel than most other troops. His dedication to keeping his fellow Arkansans safe extended beyond the highway patrol division. During his 30 years of service, he led the Arkansas motor vehicle inspection team and served as a sniper and later commander of troop E special response team.

Captain Robertson retires from the Arkansas State Police on June 30, 2009. His commitment to excellence sets an example for not only his fellow law enforcement officers, for whom he is a mentor and friend, but also for those in the civilian community he worked diligently to protect. Although he will be missed in the line of duty, I wish him continued success in his retirement and thank him for his service to our great State of Arkansas.●

100TH ANNIVERSARY OF McLAUGHLIN, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize McLaughlin, SD. Founded in 1909, the city of McLaughlin will celebrate its 100th anniversary this year.

Named after MAJ James McLaughlin, the city of McLaughlin is located in Corson County. McLaughlin possesses the strong sense of community that makes South Dakota a great place to work and live. Throughout its rich history, McLaughlin has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of McLaughlin has much to be proud of and I am confident that McLaughlin's success will continue well into the future.

I would like to offer my congratulations to the citizens of McLaughlin on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation, is to continue beyond June 21, 2009.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 18, 2009.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2043. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the E-2D Advanced Hawkeye Program; to the Committee on Armed Services.

EC–2044. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TARP Standards for Compensation and Corporate Governance; Interim Final Rule'' (RIN1505-AC09) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2045. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, California'' received in the Office of the President of the Senate on June 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2046. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the audit of the financial statements of the Federal Trade Commission (FTC) for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–2047. A communication from the Office Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Consideration of Aircraft Impacts for New Nuclear Power Reactors'' (RIN3150-AI19) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Energy and Natural Resources.

EC–2048. A communication from the Director of Regulatory Management, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities'' (RIN2050-AG49) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Environment and Public Works.

EC–2049. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2009'' (RIN3150-AI52) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Environment and Public Works.

EC–2050. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Plug-in Electric Vehicle Credit'' (Notice 2009-54) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC–2051. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds'' (Notice 2009-50) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC–2052. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Annual Railroad Unemployment Insurance System Report; to the Committee on Health, Education, Labor, and Pensions.

EC–2053. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2054. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2055. A communication from the Acting Senior Procurement Executive, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Introduction'' (FAR Case 2009-0001, Sequence 4) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2056. A communication from the President of the United States, informing the Senate of the removal of the Inspector General of the Corporation for National and Community Service, effective 30 days from June 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2057. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the best practices in reducing the use of illicit drugs by chronic hardcore drug users; to the Committee on the Judiciary.

EC–2058. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a vacancy in the position of Special Counsel in the Office of the Special Counsel; to the Committee on the Judiciary.

EC–2059. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the New Hampshire Advisory Committee; to the Committee on the Judiciary.

EC–2060. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC–2061. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering of United States Savings Bonds, Series I'' (31 CFR Part 359) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2062. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustment'' (12 CFR Part 747) received in the Office of the Senate on June 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2063. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Treating Intercompany Transactions on a Separate Entity Basis Under Treas. Reg. Section 1.1502-13(E)(3)'' (Rev. Proc. 2009–31) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Finance.

EC–2064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2009–56) received in the Office of the President of the Senate on June 16, 2009; to the Committee on Finance.

EC–2065. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2066. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of the Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2067. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2068. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation relative to the Department of Veterans Affairs major facility construction projects and major facility leases for Fiscal Year 2010; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–49. A joint resolution adopted by the Legislature of the State of Maine urging the President, the Secretary of Energy, and Congress to review national policy on used nuclear fuel; to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, nuclear utility ratepayers have committed more than $31,000,000,000 in fees and interest, as mandated under the federal Nuclear Waste Policy Act of 1982, for the purpose of establishing a permanent repository for storage of used nuclear fuel from commercial reactors and defense-related high-level radioactive waste; and

Whereas, the ratepayers of Maine Yankee, Maine's former nuclear power facility, now decommissioned, paid $65,500,000 into the federal Nuclear Waste Fund for nuclear fuel used after the Nuclear Waste Policy Act was enacted in 1982 and are continuing to make payments into the Spent Nuclear Fuel Disposal Trust Fund to fund a $185,000,000 obligation for the disposal of spent nuclear fuel used prior to 1983; and

Whereas, the United States Government failed to begin accepting commercial used fuel by 1998 as required by the Nuclear Waste Policy Act of 1982 and by contracts with used fuel owners, and only in 2008 did the United States Department of Energy finally submit an application to the federal Nuclear Regulatory Commission to construct a permanent used fuel repository; and

Whereas, the expected funding levels for the permanent fuel disposal program in the fiscal year 2009 federal budgets and statements by the Federal Government concerning the fiscal year 2010 federal budgets point to continuing chronic delays for the Yucca Mountain repository, if not the outright termination of the project; and

Whereas, the Federal Government's failure to meet its 1998 statutory and legal obligations to accept used fuel has led to the Federal Government's being found in partial breach of the contracts with nuclear utility owners, leading to federal taxpayer payments to the utilities of about $1,000,000,000 thus far; and

Whereas, in light of the Federal Government's failure to meet its responsibility, the commercial nuclear industry has embraced an integrated nuclear fuel management program incorporating:

1. Continued safe and secure storage of used fuel at commercial plant sites;

2. Development of 2 Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities that would host such facilities voluntarily;

3. Continued public and private sector efforts on research, development and deployment of technologies to recycle used fuel in a safe, environmentally responsible, proliferation-resistant and commercially viable way; and

4. Continued review of the permanent repository license application by the Nuclear Regulatory Commission and continued policymaker engagement to ensure the safety and security of whatever facilities or sites ultimately are chosen for permanent disposal of the by-products of the once-through or close nuclear fuel cycle; and

Whereas, several prominent national state officials' organizations, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners and the American Legislative Exchange Council, have all endorsed immediate establishment of centralized Nuclear Regulatory Commission-licensed interim fuel storage facilities in voluntary host communities and continued research on the recycling of fuel and other advanced fuel management technologies: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request the United States Government to protect nuclear utility ratepayers by immediately reducing the fee that sustains and overfunds the Nuclear Waste Fund to a level that will cover only the costs incurred by the Department of Energy, Nuclear Regulatory Commission and local Nevada government units that provide oversight of the permanent used fuel repository program; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to immediately enact legislation expediting the establishment of 2 Nuclear Regulatory Commission-licensed, private or government-owned interim storage facilities for used commercial nuclear fuel, with community incentives funded by the Nuclear Waste Fund, and requiring the Department of Energy to take possession of, safely transport and store used fuel at these facilities by leasing space at these facilities, and giving first priority to moving fuel from decommissioned plants; and be it further

Resolved, That We, your Memorialists, also respectfully urge the United States Government to enact legislation creating an independent panel of esteemed public policy, scientific, environmental, engineering and affected community leaders that would be charged with conducting a long-term strategic assessment of the Nation's used fuel and defense waste management practices and developing specific recommendations on how to proceed in the future while interim storage facilities are being developed; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the United States Secretary of Energy, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–50. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging the President and Congress to oppose legislation relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 26

Whereas, the right to private elections is the cornerstone of American democracy; and

Whereas, private ballot elections are the most democratic way to determine employees' wishes and guarantee an outcome unaffected by outside pressures; and

Whereas, federally supervised elections conducted by the National Labor Relations Board have been the accepted law governing union recognition campaigns for sixty years, providing detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers; and

Whereas, limiting union recognition to signing authorization cards (''card check'') in the presence of union officials, coworkers, and employers does not reflect the unbiased will of employees; and

Whereas, in recent years, the vast majority of businesses targeted by union organizing campaigns have been small businesses with fifty or fewer employees; and

Whereas, small businesses are more likely to be held captive at the will of union organizing efforts, as they have less resources for the lengthy legal process of union recognition campaigns; and

Whereas, efforts to eliminate private elections are an attack on the free speech rights of business and workers' individual rights; and

Whereas, compulsory binding arbitration, which would force employers to accept the terms of a first contract if the employer and the union cannot agree, is fundamentally unconstitutional, and will dramatically undermine the ability of any employer to negotiate; and

Whereas, compulsory arbitration discourages the parties from offering compromises in bargaining for fear that they may prejudice their position in arbitration: Now, therefore, be it

Resolved by the Senate of the One Hundred Sixth General Assembly of the State of Tennessee, That the General Assembly and the people of the State of Tennessee oppose proposals seeking to eliminate the private election phase of union recognition campaigns and implement compulsory binding arbitration on employers. Be it further

Resolved, that the Senate and the people of the State of Tennessee support democracy in the workplace by maintaining every worker's right to privately decide whether or not to allow a particular union to represent their interests. Be it further

Resolved, that the Senate urges the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years.

POM–51. A resolution adopted by the City Council of Port Townsend, Washington urging state and federal elected officials to suspend expanded Border Patrol activity until the utility, legality, and constitutionality of the expansion can be determined by Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NELSON, of Nebraska, from the Committee on Appropriations, without amendment:

S. 1294. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–29).

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–30).

By Mr. REID (for Mr. BYRD), from the Committee on Appropriations, without amendment:

S. 1298. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–31).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Gordon S. Heddell, of the District of Columbia, to be Inspector General, Department of Defense.

*Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering.

*Jamie Michael Morin, of Michigan, to be an Assistant Secretary of the Air Force.

Air Force nomination of Col. James J. Carroll, to be Brigadier General.

Air Force nomination of Maj. Gen. William T. Lord, to be Lieutenant General.

Air Force nominations beginning with Brigadier General James W. Kwiatkowski and ending with Colonel Wayne A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 2009.

Air Force nomination of Gen. Carrol H. Chandler, to be General.

Air Force nominations beginning with Colonel Steven J. Arquiette and ending with Colonel Kenneth S. Wilsbach, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009. (minus 2 nominees: Colonel Howard B. Baker; Colonel Kenneth J. Moran)

Air Force nomination of Maj. Gen. Gilmary M. Hostage III, to be Lieutenant General.

Air Force nomination of Lt. Gen. Glenn F. Spears, to be Lieutenant General.

Air Force nomination of Brig. Gen. Douglas J. Robb, to be Major General.

Army nomination of Maj. Gen. Dennis L. Via, to be Lieutenant General.

Army nominations beginning with Brigadier General Harold G. Bunch and ending with Colonel James T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 2009.

Army nomination of Lt. Gen. David M. Rodriguez, to be Lieutenant General.

Army nomination of Maj. Gen. Robert W. Cone, to be Lieutenant General.

Navy nominations beginning with Rear Adm. (lh) Kathleen M. Dussault and ending with Rear Adm. (lh) Mark F. Heinrich, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2009.

Navy nomination of Rear Adm. (lh) Janice M. Hamby, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Steven R. Eastburg, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Thomas P. Meek, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Joseph F. Campbell and ending with Rear Adm. (lh) John C. Orzalli, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2009.

Navy nominations beginning with Rear Adm. (lh) Townsend G. Alexander and ending with Rear Adm. (lh) Edward G. Winters III, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2009.

Navy nomination of Rear Adm. (lh) Michael W. Broadway, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Sean F. Crean, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Patrick E. McGrath and ending with Rear Adm. (lh) Michael M. Shatynski, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2009.

Navy nomination of Capt. Ron J. MacLaren, to be Rear Admiral (lower half).

Navy nomination of Capt. Robin L. Graf, to be Rear Admiral (lower half).

Navy nomination of Capt. David G. Russell, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Kurt L. Kunkel and ending with Capt. Jonathan A. Yuen, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2009.

Navy nominations beginning with Capt. Katherine L. Gregory and ending with Capt. Kevin R. Slates, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2009.

Navy nomination of Vice Adm. Ann E. Rondeau, to be Vice Admiral.

Navy nomination of Rear Adm. Joseph D. Kernan, to be Vice Admiral.

Marine Corps nomination of Lt. Gen. Richard C. Zilmer, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Stephen R. Dasuta and ending with Beth M. Dittmer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Air Force nomination of Thomas J. Sobieski, to be Colonel.

Air Force nominations beginning with John E. Blair and ending with Peter T. Tran, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Air Force nomination of Joshua D. Rosen, to be Major.

Air Force nominations beginning with Mark W. Anderson and ending with Steven W. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Air Force nomination of Jeffrey A. Lewis, to be Colonel.

Army nominations beginning with Christopher L. Arnheiter and ending with James W. Turonis, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nominations beginning with Bret T. Ackermann and ending with D060652, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nominations beginning with Kindall L. Jones and ending with William J. Novak, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Sharon E. Blondeau and ending with Karen D. Chambers, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Rebecca D. Lange and ending with Robert Santiago, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Walter A. Behnert and ending with Zachariah P. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Arthur R. Baker and ending with Anita M. Yearley, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Dennis C. Ayer and ending with Jeffrey O. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Michael C. Oguinn and ending with Tracy L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Larry D. Bartholomew and ending with Kenneth A. Wade, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Dawn B. Barrowman and ending with Reba J. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Lauren J. Alukonis and ending with Lucy D. Walker, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Peter H. Guevara and ending with Matthew A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Richard Caner and ending with Charles W. White, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

Army nominations beginning with Michael J. Beaulieu and ending with James A. Young, which nominations were received by

the Senate and appeared in the Congressional Record on May 18, 2009.

Army nomination of Stuart W. Smythe, Jr., to be Colonel.

Army nomination of Edward P. Naessens, to be Colonel.

Army nomination of Donald R. Anderson, to be Colonel.

Army nomination of Sandra M. Keavey, to be Major.

Army nomination of Thamius J. Morgan, to be Major.

Army nominations beginning with Constance Rosser and ending with Avery E. Davis, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Norma G. Sandow and ending with Paul J. Sinquefield, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Charles W. Hipp and ending with Anita M. Kimbroughjacob, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Daniel E. Banks and ending with Rick A. Shacket, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Army nominations beginning with Carlton L. Day and ending with Mark W. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Navy nominations beginning with Paul V. Acquavella and ending with David M. Tully, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Clemia Anderson, Jr. and ending with Richard C. Valentine, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Joseph R. Brenner, Jr. and ending with Greg A. Ulses, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with John G. Bischeri and ending with Todd J. Squire, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Jeffrey A. Bender and ending with David H. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Robert J. Allen and ending with Edward B. Zellem, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Mickey S. Batson and ending with Frank A. Shaul, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Angela D. Albergottie and ending with Michael L. Thrall, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Michael E. Beaulieu and ending with Gregory A. Munning, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Scott F. Adley and ending with Patrick W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Michael A. Ballou and ending with Stephen F. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Ann M. Burkhardt and ending with Jacklyn D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Heidi C. Agle and ending with Thomas A. Zwolfer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nomination of James F. Elizares, to be Captain.

Navy nomination of Stacy R. Stewart, to be Captain.

Navy nominations beginning with Stephen E. Maronick and ending with Tamara A.L. Shelton, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Daniel T. Bates and ending with Gary P. Kirchner, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Gary R. Barron and ending with Michael M. Normile, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Joseph R. Davila and ending with John M. Tarpey, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Marcia R. Flatau and ending with Linnea J. Sommerweddington, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Steven W. Harris and ending with George L. Snider, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Paul C. Burnette and ending with Stephen S. Joyce, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Matthew B. Aaron and ending with David M. Silldorff, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Dale E. Christenson and ending with Frank Vaccarino, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Therese D. Craddock and ending with Leith S. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Robert A. Bennett and ending with Kenneth S. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Donald T. Allerton and ending with Todd A. Zvorak, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2009.

Navy nominations beginning with Scott K. Rineer and ending with Mary P. Colvin, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2009.

Navy nominations beginning with Judi C. Herring and ending with Luis M. Tumialan, which nominations were received by the Senate and appeared in the Congressional Record on June 1, 2009.

Navy nominations beginning with Vincent G. Auth and ending with Martha P. Villalobos, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Salvador Aguilera and ending with Dennis W. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Michael M. Bates and ending with David G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with John J. Adametz and ending with Richard L. Whipple, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Kristen Atterbury and ending with Constance L. Worline, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Daniel L. Allen and ending with Donald J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Luis A. Benevides and ending with Timothy H. Weber, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Brian A. Alexander and ending with Peter G. Woodson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2009.

Navy nominations beginning with Vincent P. Clifton and ending with Patrick J. Cook, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with David J. Butler and ending with Jon E. Cutler, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Barry C. Duncan and ending with James E. Parkhill, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with David A. Bianchi and ending with Sarah Walton, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Lisa M. Bauer and ending with Joseph E. Strickland, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Dwain Alexander II and ending with Thomas E. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with James F. Armstrong and ending with Julie A. Zappone, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with William E. Butler and ending with Jonathan D.

Wallner, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

Navy nominations beginning with Robert J. Carey and ending with Brian S. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2009.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

*Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

*Inez Moore Tenenbaum, of South Carolina, to be Chairman of the Consumer Product Safety Commission.

*Inez Moore Tenenbaum, of South Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2006.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Scott W. Crawley and ending with James T. Zawrotny, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2009.

*Coast Guard nomination of Michael J. Capelli, to be Lieutenant Commander.

*Coast Guard nomination of Michael J. Hauschen, to be Lieutenant Commander.

*Coast Guard nomination of Christopher G. Buckley, to be Lieutenant.

By Mr. LEAHY for the Committee on the Judiciary.

Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Preet Bharara, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1286. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. GRASSLEY):

S. 1287. A bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes; to the Committee on Armed Services.

By Mr. PRYOR (for himself, Ms. COLLINS, Ms. LANDRIEU, and Mr. BURRIS):

S. 1288. A bill to authorize appropriations for grants to the States participating in the Emergency Management Assistance Compact, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, and Mr. LEAHY):

S. 1289. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1290. A bill to amend the Internal Revenue Code of 1986 to expand the income tax deduction for dependent care to include part-time students for purposes of calculating earned income under the credit; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 1292. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. BROWN, and Mr. CASEY):

S. 1293. A bill to amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 1294. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 1295. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 1296. A bill to increase the number of non-dual status technicians employable by the National Guards; to the Committee on Armed Services.

By Mr. CONRAD (for himself and Mr. ROBERTS):

S. 1297. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. REID (for Mr. BYRD):

S. 1298. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MENENDEZ (for himself and Mr. KENNEDY):

S. 1299. A bill to protect health care workers and first responders, including police, firefighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. DORGAN, and Ms. COLLINS):

S. 1300. A bill to amend title XVIII of the Social Security Act to clarify intent regarding the counting of residents in a nonhospital setting under the Medicare program; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. KERRY, Mr. MARTINEZ, Mr. JOHNSON, Mr. CRAPO, Mr. BAYH, Mr. BURRIS, Ms. KLOBUCHAR, Ms. STABENOW, Mr. VITTER, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. NELSON of Florida):

S. 1301. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCONNELL:

S. 1302. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 1303. A bill to authorize the Secretary of Health and Human Services to establish a women's medical home demonstration project; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1304. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1305. A bill to prevent health care facility-acquired infections; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WICKER (for himself and Mr. CARDIN):

S. Res. 189. A resolution expressing the sense of the Senate that the trial by the Russian Government of businessmen Mikhail Khodorkovsky and Platon Lebedev constitutes a politically-motivated case of selective arrest and prosecution that serves as a test of the rule of law and independence of the judicial system of Russia; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself and Mr. LUGAR):

S. Res. 190. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. BURRIS, Ms. LANDRIEU, and Mrs. BOXER):

S. Res. 191. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Ms. MURKOWSKI):

S. Res. 192. A resolution expressing the sense of the Senate regarding supporting democracy and economic development in Mongolia and expanding relations between the United States and Mongolia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 435

At the request of Mr. CASEY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 473

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 685

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 838

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 838, a bill to provide for the appointment of United States Science Envoys.

S. 883

At the request of Mr. KERRY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Hawaii (Mr. AKAKA), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 962

At the request of Mr. DODD, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 1009

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1009, a bill to amend title XVIII of the Social Security Act to establish a Care Transitions Program in order to improve quality and cost-effectiveness of care for Medicare beneficiaries.

S. 1034

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1058

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1058, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1097

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1097, a bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1253

At the request of Mr. CORKER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1259

At the request of Mr. KYL, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1259, a bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 26

At the request of Mr. BROWNBACK, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 26, a concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from Colorado (Mr. UDALL), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 26, supra.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Con. Res. 26, supra.

At the request of Mr. REED, his name was added as a cosponsor of S. Con. Res. 26, supra.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout

the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 182

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 182, a resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania.

AMENDMENT NO. 1330

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1023, supra.

AMENDMENT NO. 1337

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1337 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1286. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Keeping Families Safe Act of 2009 which seeks to keep families together when a parent is in a comprehensive residential family treatment program. Comprehensive residential family treatment is a unique program that serves parents and children together in a safe residential environment as the parent undergoes treatment for substance abuse.

Such programs tend to be small, but their results are impressive. One study found that 60 percent of mothers who participated in the Pregnant and Postpartum Women and Their Infants program were completely clean and sober six months after their discharge. This same study found that 88 percent of these children were still with their mothers six months after the mother was discharged. However, only 5 percent of all substance abuse treatment facilities are able to accommodate children. The goal of this legislation is to offer support and flexibility to such promising programs by allowing children who are in foster care be placed with their parent in the comprehensive residential family treatment center, and bring their foster care payment with them as their placement is transferred. By allowing these funds to follow the child to the residential facility, the chances for that family's success are much greater.

Family based substance abuse treatment centers have proven to be an effective means of treating substance abuse and reuniting families, but most facilities are struggling to make ends meet. Many of the parents in treatment are motivated by the hope of overcoming their addiction and reuniting with their children. This bill is designed to give them that chance, and it will hopefully inspire them by allowing their children to be part of the recovery, in a completely safe environment. I urge my colleagues to support this important legislation to help keep families together and provide another funding source for these promising programs for children and parents.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. GRASSLEY):

S. 1287. A bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, today Senators COBURN, GRASSLEY, and I are introducing the Department of Defense Financial Accountability Act of 2009, which imposes hard legislative deadlines on the Department of Defense to finally fix its broken bookkeeping system. This legislation is not only necessary, it is long overdue.

The bill establishes a series of deadlines, beginning next year and running through 2017, for DoD and the Services to become audit ready. In particular, it compels the Services to account for military equipment, real property, inventory, operating materials and supplies, environmental liabilities, and fund balances with Treasury. Thereafter, DOD must undergo a full, independent audit of its financial statements. If DoD fails to meet any deadline set forth in the bill, it must timely document and explain its failure to Congress.

The Department of Defense is the most massive and complex of any organization, public or private. It is entrusted with more taxpayer dollars than any other federal department or agency. For fiscal year 2009 alone, Congress appropriated over $513 billion for DoD's base budget. It added an additional $7.4 billion for DoD in this year's so-called stimulus bill.

To support its business functions, DoD has thousands of separate business systems that it has layered upon one another for decades. They are archaic, overly complex, and error-prone. They are sometimes redundant and often lack standardization. It is no wonder that since 1995, GAO has classified the Pentagon's financial management as high-risk, which makes it vulnerable to fraud and waste. Indeed, according to GAO, DoD's accounting problems cost the American taxpayer $13 billion in 2005—that's $35 million a day.

This has been a problem for decades. In 1975, the Army disclosed that it had spent $225 million over its budget because of a serious breakdown in its accounting and financial management reporting system. For fiscal year 1986, the Navy failed to disclose $58 million in real property, $1.7 billion in guaranteed loans, and data on operating leases on ships. According to the Government Accountability Office, between 1970 and 1980, the Air Force incurred numerous over obligations in amounts up to $210 million of its industrial funds. This would never be tolerated in the private sector.

This is not only about numbers and audits—this is also about the security of our troops and our nation. These broken systems affect operations and endanger our troops. Over the years, the GAO has reported that the Pentagon's poor financial management has caused pay problems for National Guard and reservists; impeded delivery of food and other essential supplies to U.S. troops; and had the Pentagon scrambling to identify and locate 250,000 defective chem-bio suits, some of which were being sold over the Internet.

Let me read into the record one account of how this impacted ongoing operations in Iraq. According to a February 5, 2006 Star Tribune news article: ''When Perry Jeffries was serving in Iraq, the computers showed that his 4th Infantry Division troops had access to drinking water, a place to shower and working wheels on their vehicles. As the first sergeant came to understand when scrounging for water, towing immobilized tanks and driving to other posts or to Kuwait to pick up needed parts, the Pentagon's bookkeeping doesn't always match reality. Jefferies saw the real-life results of what has been a visible 'accounting' problem in Washington—the Pentagon's inability to keep accurate track of transactions and assets.''

Congress has already enacted several laws mandating financial management reform and the Office of Management and Budget has issued circulars on internal controls over financial reporting and financial management systems. Notably, none contain hard deadlines for an audit.

Meanwhile, DoD has repeatedly promised Congress that it would fix the

problem. In 1999 and 2000, then-DoD Comptroller William Lynn testified before Congress that financial management reform was his highest priority. In fact, Mr. Lynn's successor, Dov Zakheim, set a deadline to have the Department of Defense audit ready by 2007. Under DoD's latest Financial Improvement and Audit Readiness Plan, that deadline is now 2017.

I want to recognize that the Department has tried, with varying degrees of effort, to improve financial management, but DoD auditors and GAO continue to report significant weaknesses.

I appreciate that our military is engaged in ongoing operations in Iraq and Afghanistan. That is why Senators COBURN, GRASSLEY and I have sought to be reasonable and realistic with the deadlines. They are the same deadlines in DoD's current Financial Improvement and Audit Readiness Plan.

It has been 19 years since the CFO Act was passed requiring DoD and other departments to have an audit. It will be 2019—nearly 30 years after the passage of the CFO Act—before the Department of Defense is able to get an audit opinion, if we hold them to their current timeline. If we do not, this may never happen.

The ultimate outcome of this legislation will be the implementation of effective financial management processes, efficient business systems and strong internal controls that are essential to producing timely, reliable and useful financial information. Quality information will allow DoD to make informed business decisions and ensure accountability on an ongoing basis.

Every dollar we save through improved financial management is another dollar for our troops—for body armor, for medical supplies, for veterans care. Improved financial systems will ensure that troops in the future do not find themselves in the same straits as the 4th Infantry Division, searching for supplies that a computer says they already have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1287

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Financial Accountability Act of 2009''.

SEC. 2. AUDIT OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.—

(1) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of Defense for a fiscal year shall be validated as ready for audit by not later than September 30, 2017.

(2) AUDIT.—The financial statements of the Department of Defense for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(3) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Defense shall be completed as follows:

(A) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(B) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(C) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(b) FINANCIAL STATEMENTS OF THE MILITARY DEPARTMENTS AND DLA.—In furtherance of compliance with the requirements in subsection (a), the following requirements shall apply:

(1) DEPARTMENT OF THE ARMY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Army for a fiscal year shall be validated as ready for audit by not later than March 31, 2017.

(B) AUDIT.—The financial statements of the Department of the Army for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Army shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(2) DEPARTMENT OF THE NAVY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Navy for a fiscal year shall be validated as ready for audit by not later than March 31, 2016.

(B) AUDIT.—The financial statements of the Department of the Navy for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2016, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of Navy shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2016 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2016, by not later than September 30, 2018.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2016, by not later than one year after the last day of such fiscal year.

(3) DEPARTMENT OF THE AIR FORCE.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Department of the Air Force for a fiscal year shall be validated as ready for audit by not later than September 30, 2016.

(B) AUDIT.—The financial statements of the Department of the Air Force for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2016, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Department of the Air Force shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2016 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2016, by not later than September 30, 2018.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2016, by not later than one year after the last day of such fiscal year.

(4) DEFENSE LOGISTICS AGENCY.—

(A) VALIDATION AS READY FOR AUDIT.—The financial statements of the Defense Logistics Agency for a fiscal year shall be validated as ready for audit by not later than September 30, 2017.

(B) AUDIT.—The financial statements of the Defense Logistics Agency for a fiscal year shall be audited, and an opinion shall be rendered pursuant to such audit, for the first fiscal year for which the financial statements are ready for audit, but not later than fiscal year 2017, and for each fiscal year thereafter.

(C) DEADLINE FOR AUDIT.—The audit of the financial statements of the Defense Logistics Agency shall be completed as follows:

(i) In the event the financial statements for a fiscal year before fiscal year 2017 are ready for audit, by not later than two years after the last day of such fiscal year.

(ii) In the case of the financial statement fiscal year 2017, by not later than September 30, 2019.

(iii) In the case of the financial statement for any fiscal year after fiscal year 2017, by not later than one year after the last day of such fiscal year.

(c) VALIDATION AS READY FOR AUDIT OF FINANCIAL STATEMENTS REGARDING PARTICULAR MATTERS.—In furtherance of compliance with the requirements in subsections (a) and (b), the following requirements shall apply:

(1) MILITARY EQUIPMENT.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to military equipment shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to military equipment shall be validated as ready for audit by not later than September 30, 2014.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to military equipment shall be validated as ready for audit by not later than March 31, 2016.

(2) REAL PROPERTY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to real property shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to real property shall be validated as ready for audit by not later than March 31, 2014.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to real property shall be validated as ready for audit by not later than September 30, 2014.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to real property shall be validated as ready for audit by not later than March 31, 2015.

(3) INVENTORY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to inventory shall be validated as ready for audit by not later than March 31, 2017.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to inventory shall be validated as ready for audit by not later than December 31, 2013.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to inventory shall be validated as ready for audit by not later than September 30, 2016.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to inventory shall be validated as ready for audit by not later than September 30, 2015.

(4) OPERATING MATERIAL AND SUPPLIES.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to operating material and supplies shall be validated as ready for audit by not later than March 31, 2017.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to operating material and supplies shall be validated as ready for audit by not later than March 31, 2016.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to operating materials and supplies shall be validated as ready for audit by not later than September 30, 2016.

(5) ENVIRONMENTAL LIABILITIES.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to environmental liabilities shall be validated as ready for audit by not later than December 31, 2013.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to environmental liabilities shall be validated as ready for audit by not later than March 31, 2010.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to environmental liabilities shall be validated as ready for audit by not later than December 31, 2011.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to environmental liabilities shall be validated as ready for audit by not later than September 30, 2017.

(6) FUND BALANCE WITH THE TREASURY.—

(A) DEPARTMENT OF THE ARMY.—The financial statements of the Department of the Army with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than September 30, 2010.

(B) DEPARTMENT OF THE NAVY.—The financial statements of the Department of the Navy with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than December 31, 2010.

(C) DEPARTMENT OF THE AIR FORCE.—The financial statements of the Department of the Air Force with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than December 31, 2011.

(D) DEFENSE LOGISTICS AGENCY.—The financial statements of the Defense Logistics Agency with respect to the fund balance with the Treasury shall be validated as ready for audit by not later than September 30, 2011.

(d) PERFORMANCE OF AUDITS AND VALIDATIONS.—Any audit or validation as ready for audit of a financial statement required under subsections (a) through (c) may be performed by an independent auditor qualified for the performance of such audit or validation, as the case may be.

(e) ACTION IF COMPLIANCE NOT ACHIEVED.—

(1) IN GENERAL.—In the event the Department of Defense or a component of the Department of Defense is unable to achieve compliance with a requirement in subsection (a), (b), or (c) by the completion date for such requirement otherwise specified in the applicable provision of such subsection, the Secretary of Defense or the head of the component, as applicable, shall submit to the appropriate committees of Congress, not later than 30 days after the completion date otherwise so specified, a report setting forth the following:

(A) A statement of the reasons why compliance with the requirement was not achieved by the completion date for the requirement.

(B) A description of the actions to be taken to achieve compliance with the requirement.

(C) A proposed completion date for achievement of compliance with the requirement.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to waive any deadline for the completion of a requirement under subsections (a) through (c).

(f) SEMIANNUAL REPORTS ON FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the appropriate committees of Congress a report on progress under the financial improvement audit readiness (FIAR) plan during two calendar year quarters ending March 31 and September 30, respectively, of such year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the two calendar year quarters covered by such report, the following with respect to the portion of such report relating to priority segments:

(A) A detailed description of any deficiencies identified during discovery.

(B) A description of the actions to be taken to remedy any deficiency so identified.

(C) A deadline for the completion of any actions set forth under subparagraph (B).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(2) VALIDATION.—The term ''validation'', with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

By Mr. WHITEHOUSE (for himself, Mr. SESSIONS, and Mr. LEAHY):

S. 1289. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I rise to urge my colleagues to support the Foreign Evidence Request Efficiency Act, which I have introduced on behalf of myself and the Chairman and Ranking Members of the Judiciary Committee, Senators LEAHY and SESSIONS. It has been a pleasure to work with them on this truly bipartisan effort, and I am grateful for their support.

Chairman LEAHY, Ranking Member SESSIONS, and I have all served as prosecutors. I can say with no exaggeration that few responsibilities are more important to the rule of law, to the security of our communities, and to the rights and freedoms that we enjoy as Americans. I served as the U.S. Attorney for Rhode Island—Senator SESSIONS served in that capacity in Alabama—and I know we both will always remember the feeling of standing up in court to say: ''Your Honor, may it please the Court, I represent the United States of America.'' It was the honor of a lifetime.

As my colleagues know, the United States routinely helps foreign law enforcement agencies as they pursue criminal conduct involving activity outside their borders, including inside the United States, and they do the same for us. This is exactly as it should be. As the world grows more interconnected and crime becomes increasingly global, it becomes all the more important for law enforcement agencies in the United States and around the world to work together to bring criminals to justice. Otherwise, it would be very hard to build cases against international organized crime organizations, drug cartels, purveyors of child pornography on the internet, and other criminal threats from outside our borders.

One way that a law enforcement agency provides assistance to another is by gathering evidence from within its borders that a foreign law enforcement agency needs to prosecute a case. The United States routinely completes requests submitted to it by foreign law enforcement agencies just as it receives comparable assistance when it makes evidence requests in foreign countries. For example, let's assume that Spanish authorities are investigating a complicated financial fraud that is being conducted over the internet, apparently from a base in the United States. After conducting their investigation in Spain, the Spanish authorities submit a request to the United States for financial records, internet records, and various other kinds of evidence. U.S. Attorneys review the requests and then seek warrants for the evidence as appropriate. When the evidence is collected, the United States transmits it to Spanish

authorities, leading to prosecution in Spanish courts.

This process sounds quite simple, but unfortunately in practice it is extremely cumbersome. This is because under the existing rules, any foreign evidence request must be split up and sent to each district where the evidence exists. So take the Spanish example I just gave, and imagine that the financial records sought are in banks in six different federal judicial districts, that the internet records are in another five federal judicial districts, and that other documentary evidence is spread over another five districts. Under existing law, sixteen different U.S. Attorneys' Offices would have to work on the evidence request. This is incredibly inefficient and burdensome for U.S. Attorneys across the country.

The Foreign Evidence Request Efficiency Act would end this problem by allowing such foreign evidence requests to be handled centrally, by a single or more limited number of U.S. Attorneys offices as appropriate. Why, as in my example, should sixteen U.S. Attorneys' Offices have to deal with an evidence request that one office can coordinate? Simply put, this reform would make life easier for our U.S. Attorneys. We owe them no less.

Of course, respect for civil liberties demands that we not suddenly change the types of evidence that foreign governments may receive from the United States or reduce the role of courts as gatekeepers for searches. The Foreign Evidence Request Efficiency Act would leave those important protections in place, while simultaneously reducing the paperwork that the cumbersome existing process imposes on our U.S. Attorneys.

Two points merit emphasis. First, by making it easier for U.S. Attorneys to collect evidence, the United States can respond more quickly to foreign requests for evidence. Setting a high standard of responsiveness will allow the United States to urge that foreign authorities respond to our requests for evidence with comparable speed. The United States will benefit if foreign governments cannot use our own delay to justify responding slowly to our requests. Second, the Foreign Evidence Request Efficiency Act would not change the United States' obligations to foreign nations. It would only make it easier for the United States to respond to these requests by allowing them to be centralized and by putting the process for handling them within a clear statutory system.

I urge my colleagues to act promptly on this bipartisan legislation. I would like to thank the excellent attorneys in the Department of Justice who have worked with me on this legislation, and would like to request unanimous consent to insert their letter of support into the CONGRESSIONAL RECORD. I again thank Chairman LEAHY and Ranking Member SESSIONS for their support.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., March 27, 2009.

Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WHITEHOUSE: Per your request, the Department of Justice (the Department) has examined the draft bill entitled ''To improve Title 18 of the United States Code''. The Department strongly supports early introduction and consideration of the proposed legislation ''[t]o improve title 18 of the United States Code'' which clarifies procedures for executing and fulfilling foreign requests for evidence. We firmly believe this legislation will facilitate the ability of the United States to assist foreign investigations, prosecutions and related proceedings involving organized crime, trafficking in child pornography, intellectual property violations, identity theft, and all other serious crimes. The ability of the United States to assist foreign authorities to obtain evidence and other assistance in an effective and timely manner will improve reciprocal treatment when we seek assistance in foreign countries in all types of U.S. criminal investigations. Thus, facilitating our ability to provide assistance to foreign investigators has a direct impact on the safety and security of Americans.

The proposed legislation will complement the existing authority in current statutes and self-executing Mutual Legal Assistance Treaties and multilateral conventions. It will greatly facilitate the ability of the U.S. government to meet its obligations under these valuable international instruments and will ensure that we can provide, at our discretion, similar assistance to our non-treaty foreign law enforcement partners. In addition, the filing provision of the new section 3512 will permit the U.S. government to execute foreign assistance requests with greater efficiency than at present, thereby contributing to the effective administration of the federal courts and the Offices of the United States Attorneys.

The statutes that currently govern the obtaining of electronic and other evidence based upon a foreign request for evidence have two limitations. First, existing law does not make it clear which district court can participate in fulfilling legitimate foreign requests for assistance in criminal and terrorism investigations. The sole statute regarding international requests for evidence is 28 U.S.C. §1782, which was designed essentially to accommodate the execution of letters rogatory in civil cases via the issuance of subpoenas. Under the statute, the Department is largely relegated to civil practice rules that require prosecutors to file in every district in which evidence or a witness may be found. In complex cases, this inefficiency means involving several U.S. Attorneys' Offices and District Courts in a single case. Even in less complex cases, referring the requests out to the field wastes scarce attorney resources and creates delays.

Second, in 2001, Congress changed the wording of 18 U.S.C. §2703 in a way that inadvertently introduced confusion in routine mutual legal assistance cases. For example, section 2703(a) requires that the court issuing a search warrant for stored electronic evidence have ''jurisdiction over the offense''. As a U.S. court often has no jurisdiction to try a foreign offender, the wording of 2703(a) needlessly complicates the use of this sort of court process.

The proposed legislation addresses both of these difficulties by clarifying which courts have jurisdiction and can respond to appropriate foreign requests for evidence in criminal investigations. Under this proposal, a legitimate request for assistance can be filed in the District of Columbia, in any of the districts in which any of several records or witnesses are located, or in any district in which there is a related federal criminal case. The proposal would clarify the ambiguity in section 2703 by re-articulating the bases for courts to act without changing any of the procedural safeguards present in U.S. law.

We note that the proposed legislation would not in any way change the existing standards that the government must meet in order to obtain evidence, nor would it alter any existing safeguards on the proper exercise of such authority. Moreover, it would not expand the nature or kind of assistance the Department provides to foreign law enforcement agencies. Indeed, the proposed legislation would not alter U.S. obligations or authorities under existing bilateral and multilateral law enforcement treaties. Instead, by streamlining procedures, the amendment would eliminate needless confusion and wasted time in the government's response to those requests.

The proposed legislation references ''provider of electronic communication service''. The current reference, however, fails to address the presence of wire services, though 18 U.S.C. 3124(a), (b) references ''provider of wire or electronic service''. To provide consistency throughout Title 18, United States Code, and to cover more fully the providers involved, the Department recommends adding ''wire or'' before ''electronic communication service'' each place it appears.

Thank you for the opportunity to comment on this proposed legislation. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this letter.

Sincerely,

M. FAITH BURTON,
Acting Assistant Attorney General.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 1292. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues, Senator KLOBUCHAR, and Senator FEINSTEIN, in introducing the Secure and Responsible Drug Disposal Act of 2009. The abuse of prescription narcotics such as pain relievers, tranquilizers, stimulants, and sedatives is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and

25 are the most common group to abuse these drugs. However, more and more people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005. These are statistics that can no longer be ignored.

Millions of Americans are prescribed controlled substances every year to treat a variety of symptoms due to injury, depression, insomnia, and other conditions. Many legitimate users of these drugs often do not finish their prescriptions. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse prescription narcotics reported that they obtained controlled substances from a friend or relative or from the family medicine cabinet. As a result, most community anti-drug coalitions, public health officials, and law enforcement officials have been encouraging people within their communities to dispose of old or unused medications in an effort to combat this growing trend.

Despite these ongoing efforts across the country to eliminate a primary source of prescription narcotics from within their communities, many people are finding the Controlled Substances Act, CSA, is making these efforts difficult. When the CSA was passed in the early 1970's many people did not anticipate the large amount of prescription narcotics that would be used today or the high potential for these drugs to be diverted and abused. Under the CSA, most people who legally possess controlled substances cannot legally transfer them to anyone for any purpose, including for the purpose of disposal. Because the legal method for disposal is unclear, communities interested in providing citizens with an easy process of disposal hesitate to do so or risk violation of the CSA to offer the service. We need to change the CSA so that unused controlled substances do not get diverted in to the stream of illicit drug use and to prevent potential environmental harms, as many people dispose of controlled substances by flushing them down the toilet or dumping them in unlined landfills.

Accordingly, Senator KLOBUCHAR, Senator FEINSTEIN and I are introducing the Secure and Responsible Drug Disposal Act of 2009 to fix the CSA so these efforts to eradicate abuse are not impeded by federal law. This legislation will amend the CSA to allow a user to transfer unused controlled substances to a DEA sanctioned entity for disposal without mandating any specific method of disposal upon communities. This will enable communities to develop methods of disposal best suited for their areas while minimizing the pollution of water supplies or increasing the chances that these drugs will be diverted for abuse. Since most long-term care facilities store large amounts of prescription narcotics for their tenants but are unable to legally dispose of them the bill also enables these facilities to dispose of old medication on behalf of their past and current patients.

This legislation will not cost the government any money to implement and would not place any financial burden on states or industries. It simp ives local communities the option to safely dispose of unused controlled substances. I am pleased that the Department of Justice has endorsed this legislation. They and many others out there know how serious the abuse of prescription narcotics has become in this country. Now is the time to act, and I urge my colleagues to join us in supporting the Safe and Responsible Drug Disposal Act of 2009.

By Mr. BENNET (for himself, Mr. BROWN, and Mr. CASEY):

S. 1293. A bill to amend the Richard B. Russell National School Lunch Act to improve automatic enrollment procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BENNET. Mr. President, I rise today to introduce a bill with Senators BROWN of Ohio and CASEY of Pennsylvania called the Enhancing Child Health with Automatic Enrollment for School Meals Act. We wrote this legislation because too many kids across this country are not getting the free school meals their families are qualified to receive. As members of the Agriculture Committee's subcommittee on Nutrition, Senators BROWN, CASEY and I share an interest in eradicating childhood hunger and increasing the efficiency of the National School Lunch and Breakfast programs.

Our bill builds on the foundation laid during the 2004 child nutrition reauthorization which included a mandatory phase-in of an automatic enrollment process called 'direct certification.' Our bill stipulates that schools, districts, and states must directly certify at least 95 percent of children who can be enrolled in the national school lunch and breakfast programs using this method. The intent of this provision is to modernize the enrollment process by reducing reliance on paper applications and to improve access to school meal programs by ensuring kids who should be receiving free school meals actually receive them.

Because we want to reward achievement and encourage improvements to the school meal enrollment process, our bill includes performance awards for the five states which make the best use of direct certification and for the five states which show the most improvement from one school year to the next. Additionally, our bill requires states which are unable to meet the 95 percent standard to submit a report to Congress and the U.S. Department of Agriculture that identifies the challenges prohibiting effective use of direct certification and maps out a plan for improvement.

As former Superintendent of Denver Public Schools I cannot stress enough the importance of reducing red tape and administrative costs in schools. We cannot expect our children to focus on fractions when their stomachs are growling nor can we expect teachers, principals and school administrators to prepare our children to be tomorrow's leaders if they are spending their time filling out paperwork. That's why modernizing the National School Lunch and Breakfast programs is one of my top priorities for the child nutrition reauthorization this Fall and that is why I am introducing this bill today.

Two additional provisions in the bill would eliminate paperwork and improve the existing system of determining whether or not kids qualify for free meals. The first is a clarification that sending a letter in the mail to a child's household letting them know they are eligible for free school meals is not an acceptable means of direct certification. A child who can be enrolled for free school meals automatically should be enrolled without any action on behalf of the child's household. We make this clarification because a vast number of paper notifications sent to families are not returned and, therefore, kids miss out on meals they should receive.

The second is a request for a study from the U.S. Department of Education that would help determine how data the Department of Education is currently collecting is being used currently and could be used in the future to ensure all kids who should receive free school meals are provided those meals.

Initially, Senators BROWN, CASEY and I were working on ways to expand access to free school meals independently, but now we are working collaboratively. Meeting President Obama's goal of ending childhood hunger by 2015 will require all hands on deck. Last week Senator CASEY, along with Senator SPECTER and myself, introduced the Paperless Enrollment for School Meals Act to make it easier for schools and districts to serve free meals to all children. The bill we are introducing today is yet another installment in the ongoing dialog with Chairman HARKIN, members of the Agriculture Committee and the USDA in preparation for reauthorizing child nutrition and WIC programs in the coming months.

In Colorado and around the nation there is a renewed call for common sense measures to improve existing programs and provide assistance to those who need them most during these tough economic times. I encourage all Senators to do right by our children and support this legislation and the principles of the National School Lunch and Breakfast Programs Senators BROWN, CASEY and I have outlined.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1293

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhancing Child Health with Automatic School Meal Enrollment Act of 2009''.

SEC. 2. IMPROVING DIRECT CERTIFICATION.

(a) PERFORMANCE AWARDS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking ''FOOD STAMP'' and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM''; and

(2) by adding at the end the following:

''(E) PERFORMANCE AWARDS.—

''(i) IN GENERAL.—Effective for each of the schools years beginning July 1, 2010, July 1, 2011, and July 1, 2012, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

''(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

''(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

''(II) make performance awards to, as determined by the Secretary—

''(aa) 5 States that demonstrate outstanding performance; and

''(bb) 5 States that demonstrate substantial improvement.

''(iii) FUNDING.—

''(I) IN GENERAL.—On October 1, 2009, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to remain available until expended—

''(aa) $2,000,000 to carry out clause (ii)(I); and

''(bb) $2,000,000 to carry out clause (ii)(II).

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.''.

(b) CORRECTIVE ACTION PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

''(F) CORRECTIVE ACTION PLANS.—

''(i) IN GENERAL.—Each school year, the Secretary shall—

''(I) identify, using estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than 95 percent of the total number of children in the State who are eligible for direct certification under this paragraph; and

''(II) require the States identified under subclause (I) to implement a corrective action plan to fully meet the requirements of this paragraph.

''(ii) IMPROVING PERFORMANCE.—A State may include in a corrective action plan under clause (i)(II) methods to improve direct certification required under this paragraph or paragraph (15) and discretionary certification under paragraph (5).

''(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

''(I) IN GENERAL.—A State that is required to implement a corrective action plan under clause (i)(II) shall be required to submit to the Secretary, for the approval of the Secretary, a direct certification improvement plan for the following school year.

''(II) REQUIREMENTS.—A direct certification improvement plan under subclause (I) shall include—

''(aa) specific measures that the State will use to identify more children who are eligible for direct certification;

''(bb) a timeline for the State to implement those measures; and

''(cc) goals for the State to improve direct certification results.''.

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

''(G) WITHOUT FURTHER APPLICATION.—

''(i) IN GENERAL.—In this paragraph, the term 'without further application' means that no action is required by the household of the child.

''(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).''.

SEC. 3. REPORT ON USING STATEWIDE EDUCATION DATABASES FOR DIRECT CERTIFICATION.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall prepare and submit to Congress a report regarding how statewide databases developed by States to track compliance with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) can be used for purposes of direct certification under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).

(b) CONTENTS.—The report described in subsection (a) shall—

(1) identify the States that have, as of the time of the report, developed statewide databases to track compliance with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

(2) describe best practices regarding how such statewide databases can be used for purposes of direct certification under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b));

(3) include case studies of States that have expanded such statewide databases so that such statewide databases can be used for direct certification purposes; and

(4) identify States with such statewide databases that would be appropriate for expansion for direct certification purposes.

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $500,000, to remain available through September 30, 2012.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mrs. LINCOLN):

S. 1295. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce the Medicare Transitional Care Act of 2009. Time and again, we have heard that our health care system is not working. Costs are too high, outcomes too poor and access too limited. I agree with so many of my colleagues that we need to work together to ensure that all Americans have access to quality and affordable health care.

Everyone deserves stable health care coverage that they can count on, regardless of the job they hold or the curveballs life may throw. All Americans should be able to count on insurance premiums and deductibles that will not continue to rise and eat away more and more of our paychecks. Finally, all Americans deserve stable care that lets you keep your doctor, and your health care plan, that you trust and with whom you have built a relationship.

Let me be clear: health care costs are too high. Every day in New Hampshire and across our country, families are struggling with the crushing cost of health care that threatens their financial stability, leaving them exposed to higher premiums and deductibles, and putting them at risk for a possible loss of health insurance coverage and even bankruptcy. In 2007 our Nation spent $2.2 trillion—or 16.2 percent of the GDP on health care. This is twice the average of other developed nations. As a Nation, our health outcomes are no better. We still lag behind other countries when it comes to efficiency, access, patient safety and adoption of information technology.

It is essential that we cut our Nation's health care costs and improve the quality of care our patients receive.

I rise today to offer a solution that can help address this crisis. I rise to introduce the Medicare Transitional Care Act of 2009—legislation that will reduce costly hospital readmissions, improve Medicare patients' care and cut Medicare costs. I thank Representative BLUMENAUER and Representative BOUSTANY for their leadership on this issue in the House and I am pleased to be joined by

colleagues, Senator COLLINS, and Senator LINCOLN, in introducing this legislation.

This bill is about reducing costs and offering better support and coordination of care to Medicare patients. It will help keep seniors who are discharged from the hospital from going back. Simply put, it will improve the health care we offer our seniors while saving money.

According to a report from the New England Journal of Medicine, almost one third of Medicare beneficiaries discharged from the hospital were re-hospitalized within 90 days. One half of the individuals re-hospitalized had not visited a physician since their discharge, indicating a lack of follow-up care. The study also estimated that in 2004 Medicare spent $17.4 billion on unplanned re-hospitalizations. This problem is costly for our government and troublesome for our seniors. But the good news is that this problem is avoidable.

Research shows that the transition from the hospital to the patient's next place of care—be it home, or a nursing facility or rehabilitation center—can be complicated and risky. This is especially true for older individuals with multiple chronic illnesses. These patients talk about the difficulty remembering instructions, confusion over correct use of medications, and general uncertainty about their own conditions.

For example, take Michael, a 71-year-old patient who lives with his 73-year-old wife, and has diabetes. Michael had a knee replacement that required two surgical revisions. He uses a walker and has been hospitalized four times. He says ''they would discharge me and the same day I'd be back in the ER. The wound would burst apart.'' Under this legislation, a transitional care clinician could be there to help make sure that Michael and his wife do not need to go back to the hospital.

Let me also tell you about Bill. Over time, Bill has endured a heart attack that required open heart surgery, angioplasty with stent placement, stroke, kidney disease, HIV and depression. He has been hospitalized three times, underwent rehabilitation therapy in an inpatient facility once and lives alone. He says ''there was no help at home [after surgery]. My mother came and took care of household stuff. I was flat on my back for two weeks. The hospital called to make sure I was okay—'Hey how are you doing?'—but what could they do?'' Bill also notes the difficulty he had with discharge instructions: ''By the time I'm home,'' he says, ''I don't remember what the doctor said. Sometimes they write it down, but I have comprehension problems.''

Stories like Bill's and Michael's demonstrate that patients need support and assistance to manage their health needs along with their caregivers. This legislation provides that opportunity.

Under the Medicare Transitional Care Act, a transitional care clinician would help ensure that appropriate follow-up care is provided to patients during the vulnerable time after discharge from a hospital—and help ensure that they are not re-hospitalized unnecessarily.

The benefit would be phased-in and provided first for the most at-risk individuals. It will be tailored to their needs. It may be as simple as making sure each patient understands how and when to take their medication; or helping to make sure they schedule and are able to get to follow-up appointments with the doctors, or it may be helping patients and caregivers coordinate support services, such as medical equipment, meal delivery, transportation or assistance with other daily activities.

I am pleased that the legislation has the strong support of the AARP.

Proper transitional care is important not only to reduce hospital readmissions, but also to improve patient outcomes and satisfaction. Experts estimate that this legislation could save as much as $5,000 per Medicare beneficiary.

I look forward to working with my colleagues in the Senate to pass comprehensive health care reform to fix our broken system. I urge them to join me in supporting a transitional care benefit that will support patients during the very vulnerable time after discharge from the hospital. The evidence is clear. We can implement a transitional care option that will save money by reducing hospital re-admisssions while improving the quality of care we deliver to patients in New Hampshire and all across this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1295

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Transitional Care Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) More than 20 percent of older Americans suffer from five or more chronic conditions and these older adults typically require health care services from numerous providers across several care settings each year.

(2) Insufficient communication among older adults, family caregivers, and health care providers contributes to poor continuity of care, inadequate management of complex health care needs, and preventable hospital admissions.

(3) Research suggests that family caregivers often lack the knowledge, skills, and resources to effectively address the complex needs of older adults coping with multiple coexisting conditions.

(4) In 2005, health care services for Medicare beneficiaries with five or more chronic conditions accounted for 75 percent of total Medicare spending. The vast majority of these costs were due to high rates of hospital admission and readmission.

(5) According to Medicare claims data from 2003–2004, almost one fifth (19.6 percent) of the 11,855,702 Medicare beneficiaries who had been discharged from a hospital were re-hospitalized within 30 days, and 34.0 percent were rehospitalized within 90 days.

(6) A New England Journal of Medicine study estimates that the cost to Medicare of unplanned rehospitalizations in 2004 was $17.4 billion.

(7) The MetLife Caregiving Cost Study demonstrates that American businesses lose an estimated $34 billion each year due to employees' need to care for loved ones.

(8) The Transitional Care Model, developed by the University of Pennsylvania, is a care management strategy that identifies patients' health goals, coordinates care throughout acute episodes of illness, develops a streamlined plan of care to prevent future hospitalizations, and prepares the beneficiary and family caregivers to implement this care plan.

(9) The major goal of the Transitional Care Model is to interrupt cycles of avoidable hospitalizations and promote longer-term positive health outcomes.

(10) The Transitional Care Model has shown through multiple randomized clinical trials to produce significant health outcome improvements, reductions in health care costs among at-risk and chronically ill older adults, and increased patient satisfaction.

(11) Preliminary results from a clinical trial of the Guided Care Model (based on a Medical Home which includes transitional care) demonstrated reductions in hospital days, skilled nursing facility days, and home health episodes, as well as preliminary findings of net savings.

(12) A clinical trial of the Care Transitions Intervention demonstrated lower re-hospitalization rates and lower hospital costs per patient.

SEC. 3. MEDICARE COVERAGE OF TRANSITIONAL CARE.

Title XVIII of the Social Security Act is amended by adding at the end the following new section:

''COVERAGE OF TRANSITIONAL CARE SERVICES FOR QUALIFIED INDIVIDUALS

''SEC. 1899. (a) COVERAGE UNDER PART B.—

''(1) IN GENERAL.—In the case of a qualified individual (as defined in subsection (b)), the Secretary shall provide under part B for benefits for transitional care services (as defined in subsection (c)) furnished by a transitional care clinician (as defined in subsection (d)) acting as an employee of (or pursuant to a contract with) a qualified transitional care entity (as defined in paragraph (3)(A)) in accordance with this section during the transitional care period (as defined in paragraph (3)(B)) for the qualified individual.

''(2) INITIAL IMPLEMENTATION.—The Secretary shall first implement this section for services furnished on or after January 1, 2010.

''(3) GENERAL DEFINITIONS.—In this section:

''(A) QUALIFIED TRANSITIONAL CARE ENTITY.—The term 'qualified transitional care entity' means—

''(i) a hospital or a critical care hospital;

''(ii) a home health agency;

''(iii) a primary care practice;

''(iv) a Federally qualified health center; or

''(v) another entity approved by the Secretary for purposes of this section.

''(B) TRANSITIONAL CARE PERIOD.—The term 'transitional care period' means, with respect to a qualified individual, the period—

''(i) beginning on the date the individual is admitted to a subsection (d) hospital (as defined for purposes of section 1886) for inpatient hospital services, or is admitted to a critical care hospital for inpatient critical access hospital services, for which payment may be made under this title; and

''(ii) ending on the last day of the 90-day period beginning on the date of the individual's discharge from such hospital or critical care hospital.

''(b) QUALIFIED INDIVIDUALS.—

''(1) LIMITING FIRST PHASE OF IMPLEMENTATION TO HIGH-RISK INDIVIDUALS.—Except as provided in this subsection, qualified individuals are limited to individuals who—

''(A) have been admitted to a subsection (d) hospital (as defined for purposes of section 1886) for inpatient hospital services or to a critical care hospital for inpatient critical access hospital services; and

''(B) are identified by the Secretary as being at highest risk for readmission or for a poor transition from such a hospital to a post-hospital site of care.

The identification under subparagraph (B) shall be based on achieving a minimum hierarchical condition category score (specified by the Secretary) in order to target eligibility for benefits under this section to individuals with multiple chronic conditions and other risk factors, such as cognitive impairment, depression, or a history of multiple hospitalizations.

''(2) SECOND PHASE OF IMPLEMENTATION.—After submitting to Congress the evaluation under subsection (i)(2) and considering any cost-savings and quality improvements from the prior implementation of this section, the Secretary may expand eligibility of qualified individuals to include moderate-risk and lower-risk individuals, as determined in accordance with eligibility criteria specified by the Secretary. In expanding eligibility, the Secretary may modify or scale transitional care services to meet the specific needs of moderate- and lower-risk individuals.

''(3) AVOIDING DUPLICATION OF SERVICES.—The Secretary shall ensure that qualified individuals receiving transitional care services are not receiving duplicative services under this title.

''(c) TRANSITIONAL CARE SERVICES DEFINED.—In this section, the term 'transitional care services' means services that support a qualified individual during the transitional care period and includes the following:

''(1) A comprehensive assessment prior to discharge including an assessment of the individual's physical and mental condition, cognitive and functional capacities, medication regimen and adherence, social and environmental needs, and primary caregiver needs and resources.

''(2) Development of a comprehensive, evidenced-based plan of transitional care for the individual developed with the individual and the individual's primary caregiver and other health team members, identifying potential health risks, treatment goals, current therapies, and future services for both the individual and any primary caregiver.

''(3) A visit at the care setting within 24 hours after discharge from the hospital or critical access hospital.

''(4) Home visits to implement the plan of care.

''(5) Implementation of the plan of care, including—

''(A) addressing symptoms;

''(B) teaching and promoting self-management skills for the individual and any primary caregiver;

''(C) teaching and counseling the individual and the individual's primary caregiver (as appropriate) to assure adherence to medications and other therapies and avoid adverse events;

''(D) promoting individual access to primary care and community-based services;

''(E) coordinating services provided by other health team members and community caregivers; and

''(F) facilitating transitions to palliative or hospice care, where appropriate.

''(6) Accompanying the individual to follow-up physician visits, as appropriate.

''(7) Providing information and resources about conditions and care.

''(8) Educating and assisting the individual and the individual's primary caregiver to arrange and coordinate clinician visits and health care services.

''(9) Informing providers of services and suppliers of those items and services that have been ordered for and received by the individual from other providers.

''(10) Working with providers of services and suppliers to assure appropriate referrals to specialists, tests, and other services.

''(11) Educating and assisting the individual and the individual's primary caregiver with arranging and coordinating community resources and support services (such as medical equipment, meals, homemaker services, assistance with daily activities, shopping, and transportation).

''(12) Providing to the qualified individual, primary caregiver, and appropriate clinicians and qualified transitional care entity providing ongoing care at the conclusion of the transitional care period a written summary that includes the goals established in the plan of care described in paragraph (2), progress in achieving such goals, and remaining treatment needs.

''(13) Other services that the Secretary determines are appropriate.

The Secretary shall determine and update the services to be included in transitional care services as appropriate, based on the evidence of their effectiveness in reducing hospital readmissions and improving health outcomes.

''(d) TRANSITIONAL CARE CLINICIANS.—

''(1) IN GENERAL.—In this section, the term 'transitional care clinician' means, with respect to a qualified individual, a nurse or other health professional who—

''(A) has received specialized training in the clinical care of people with multiple chronic conditions (including medication management) and communication and coordination with multiple providers of services, suppliers, patients, and their primary caregivers;

''(B) is supported by an interdisciplinary team in a manner that assures continuity of care throughout a transitional care period and across care settings (including the residences of qualified individuals);

''(C) is employed by (or has a contract with) with a qualified transitional care entity for the furnishing of transitional care services; and

''(D) meets such participation criteria as the Secretary may specify consistent with this subsection.

''(2) PARTICIPATION CRITERIA.—In establishing participation criteria under paragraph (1)(C), the Secretary shall assure that transitional care clinicians meet relevant experience and training requirements and have the ability to meet the individual needs of qualified individuals.

''(3) ENCOURAGEMENT OF HIT.—The Secretary may provide for an additional payment to encourage transitional care clinicians and qualified transitional care entities to use health information technology in the provision of transitional care services.

''(e) PAYMENT.—

''(1) IN GENERAL.—The Secretary shall determine the method of payment for transitional care services under this section, including appropriate risk adjustment that reflects the differences in resources needed to provide transitional care services to individuals with differing characteristics and circumstances and, when applicable, the performance measures under subsection (f). The payment amount shall be sufficient to ensure the provision of necessary transitional care services throughout the transitional care period. The payment shall be structured in a manner to explicitly recognize transitional care as an episode of services that crosses multiple care settings, providers of services, and suppliers. The payment with respect to transitional care services furnished by a transitional care clinician shall be made, notwithstanding any other provision of this title, to the qualified transitional care entity which employs, or has a contract with, the clinician for the furnishing of such services.

''(2) NO COST-SHARING.—Notwithstanding section 1833, there shall be no deductible or cost-sharing applicable to payment under this section for transitional care services.

''(f) PERFORMANCE MEASURES.—

''(1) ACCOUNTABILITY.—

''(A) IN GENERAL.—The Secretary shall establish a method whereby qualified transitional care entities responsible for furnishing transitional care services would be held accountable for process and outcome performance measures specified by the Secretary from those that have been endorsed by the National Quality Forum.

''(B) DEVELOPMENT AND ENDORSEMENT OF PERFORMANCE MEASURE SET.—For purposes of carrying out subparagraph (A), the Secretary shall enter into an arrangement—

''(i) with the National Quality Forum for the evaluation, endorsement, and recommendation of an appropriate set of performance measures for transitional care services and for the identification of gaps in available measures; and

''(ii) with the Agency for Healthcare Research and Quality to support measure development, to fill gaps in available measures, and to provide for the ongoing maintenance of the set of performance measures for transitional care services.

''(2) PAY FOR PERFORMANCE.—As soon as practicable after reliable process and outcome performance measures have been endorsed and specified under subparagraph (A), the Secretary shall provide that the payment amounts under subsection (e) for transitional care services shall be linked to performance on such measures.

''(3) PUBLIC REPORTING.—The Secretary shall establish a mechanism to publicly report on a qualifying entity's transitional care performance on such measures, including providing benchmarks to identify high performers and those practices that contribute to lower hospital readmission rates.

''(4) DISSEMINATION OF INFORMATION ON BEST PRACTICES.—The Secretary shall disseminate information on best practices used by transitional care clinicians and qualifying transitional care entities in furnishing transitional care services for purposes of application in other settings, such as in conditions of participation under this title, under

the Quality Improvement Organization (QIO) Program under part B of title XI, and public-private quality alliances, such as the Hospital Quality Alliance.

''(g) NOTIFICATION OF ELIGIBILITY AND COORDINATION WITH HOSPITAL DISCHARGE PLANNING.—In establishing standards for discharge planning under section 1861(ee)(1), the Secretary shall require each subsection (d) hospital and each critical care hospital—

''(1) to identify, as soon as practicable after admission, those patients who are qualified individuals under this section; and

''(2) to provide to such patients and their primary caregivers a list of qualified transitional care entities available to arrange for the provision of transitional care services, a list of transitional services provided under this section, and a notice that the transitional care service benefit is provided to qualified individuals with no deductible or cost-sharing.

Nothing in this section shall be construed as preventing such a hospital from entering into an agreement with a qualified transitional care entity or a transitional care clinician for the furnishing of transitional care services to the hospital's patients.

''(h) PREVENTION OF INAPPROPRIATE STEERING.—The Secretary shall promulgate such regulations as the Secretary deems necessary to address any protections needed, beyond those otherwise provided under law and regulations, to prevent inappropriate steering of qualified individuals to providers of services, suppliers, qualified transitional care entities, or transitional care clinicians, under this section or inappropriate limitations on access to needed transitional care services under this section.

''(i) EVALUATION OF BENEFIT.—

''(1) IN GENERAL.—The Secretary shall evaluate the performance of the transitional care benefit under this section by measuring the following (for those receiving transitional care services and those not receiving such services):

''(A) Admission rates to health care facilities.

''(B) Hospital readmission rates.

''(C) Cost of transitional care and all other health care services.

''(D) Quality of transitional care experiences.

''(E) Measures of quality and efficiency.

''(F) Beneficiary, primary caregiver, and provider experience.

''(G) Health outcomes.

''(H) Reductions in expenditures under this title over time.

''(2) REPORT.—The Secretary shall submit a report to Congress no later than April 1, 2013, on the performance measures achieved by the transitional care benefit in the first 2 years of implementation. After submitting such report, the Secretary may expand the benefit to moderate-risk and lower-risk individuals in accordance with subsection (b)(2).''.

By Mr. CONRAD (for himself and Mr. ROBERTS):

S. 1297. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. CONRAD. Mr. President, I am pleased to be joined by my friend and Finance Committee colleague, Senator PAT ROBERTS from Kansas, in introducing legislation that can help Americans enjoy a more secure retirement. In these economically challenging times, financial security—especially during retirement—can be a frustrating and elusive goal. In retirement, the chief anxiety for most people is protecting the savings they have accumulated while working and deciding how best to manage those assets.

In 21st century America, there is another crucial challenge for retirees. The good news is that Americans are living longer, but it also means that people have to plan for a longer period of retirement. A successful long-term retirement income plan is difficult even in a bullish market. How much more difficult is this task in today's market—particularly for the millions of Americans with limited investment experience?

We believe in encouraging people to save for retirement. Through the tax code, we encourage asset-building through home ownership. We provide significant tax incentives for employer-based pension plans and for retirement savings programs by individuals, such as IRAs and 401(k) plans.

One of the biggest threats to retirement income security for baby boomers is their own longevity. It will not be easy to manage their accumulated assets so that they will last a lifetime. Unprecedented numbers of Americans are now living into their 90s and even past 100. Consequently, people are going to spend more time in retirement than previous generations.

Now our society is witnessing the beginning of the retirement wave we knew was already building. Before it recedes, 77 million baby boomers will have entered their retirement years. Many of them will not have the guaranteed monthly retirement checks that many of their parents enjoyed as a result of employer-based pension plans. Traditional defined benefit pension plans have given way to defined contribution plans, which have shifted the retirement income security risk from the employer to the individual.

Of course, there are still many Americans who have no access at all to employer-provided pension plans. Some have never been in the traditional workforce; others work in seasonal jobs or part time. In my state of North Dakota, as well as in rural and farming communities across America, there is an acute need for retirement vehicles that will provide a secure lifetime payout. Others who could face difficulty in securing retirement income are widowed individuals—both men and women—who suddenly find themselves having to make a life insurance benefit or proceeds from the sale of a business or family home last a lifetime.

The proposal we are introducing today will provide a valuable tool for helping people avoid the risk of outliving their assets. Specifically, we are proposing a tax incentive to encourage Americans to annuitize a portion of their assets available for retirement. If they annuitize—in other words, elect to receive their money from an annuity in a series of payments for the rest of their lives, no matter how long that may be—they would be able to exclude from income 50 percent of the annuity benefit that represents the accumulation in the annuity above and beyond the original investment. The exclusion would be capped at $20,000, indexed, to ensure that tax sheltering activity is not encouraged and that the incentive will be effective for people who would benefit most from securing a lifetime income stream.

This proposal we offer today would apply only to life-contingent, non-qualified annuities. A life-contingent annuity that is subsequently modified to a fixed-term payout would be subject to a recapture tax.

Baby boomers represent an unprecedented challenge to our retirement security policies. They should have a wide range of options available for responsible retirement planning. Our proposal focuses on non-qualified annuities because it is important to have this option considered as part of the larger retirement income security debate that Congress should have before baby boomers begin retiring in large numbers. Options for making qualified plans more secure should be part of that debate as well.

I hope that Congress will tackle this matter promptly because over the last few years too many people have seen their retirement savings severely eroded. This legislation will provide an important incentive to help them preserve what they have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1297

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Retirement Security for Life Act of 2009''.

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.—Section 72(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed $20,000.

''(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2010, the $20,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.

''(C) APPLICATION OF PARAGRAPH.—Subparagraph (A) shall not apply to—

''(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

''(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

''(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

''(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

''(iii) any annuity contract that is a qualified funding asset (as defined in section 130(d)), but without regard to whether there is a qualified assignment.

''(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.''.

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) LIFETIME ANNUITY PAYMENT.—

''(A) IN GENERAL.—For purposes of subsection (b)(5), the term 'lifetime annuity payment' means any amount received as an annuity under any portion of an annuity contract, but only if—

''(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

''(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

''(I) the life of the annuitant,

''(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

''(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

''(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

''(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

''(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

''(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date,

''(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year, or

''(IV) because, in the case of an annuity payable over the life of an annuitant and a joint annuitant, the amounts paid to the surviving annuitant after the death of the first annuitant are less than the amounts payable during the joint lives of the two annuitants.

''(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (x), the term 'annuity contract' means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

''(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term 'minimum period of payments' means a guaranteed term of payments that does not exceed the greater of 10 years or—

''(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

''(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary under paragraph (3). For purposes of subsection (x)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

''(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term 'minimum amount that must be paid in any event' means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.''.

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

''(x) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

''(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5), and—

''(A) the series of payments under such contract is subsequently modified so that any future payments are not lifetime annuity payments,

''(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

''(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

''(i) due to an event described in subsection (c)(5)(A)(iii), or

''(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)),

then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

''(2) RECAPTURE AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the sum of—

''(i) the excess of—

''(I) the amount that was excluded from the taxpayer's gross income under subsection (b)(5) for all taxable years prior to the modification or reduction described in paragraph (1), over

''(II) the amount that would have been excludible under such subsection for such taxable years had such modifications or reductions been in effect at all times, plus

''(ii) interest for the deferral period at the underpayment rate established by section 6621.

''(B) DEFERRAL PERIOD.—For purposes of this subsection, the term 'deferral period' means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

''(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

''(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

''(B) becomes a chronically ill individual (within the meaning of section 7702B(c)(2)), or

''(C) encounters hardship.''.

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

''(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

''(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

''(ii) the amount determined under section 72(b)(5).

''(B) RULES OF SECTION 72(b)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(x) shall apply, substituting the term 'beneficiary of the life insurance contract' for the term 'annuitant' wherever it appears, and substituting the term 'life insurance contract' for the term 'annuity contract' wherever it appears.''.

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting ''or paragraph (4)'' after ''to the extent not excluded by the preceding sentence''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section in the case of a life insurance contract, any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

By Mr. MCCONNELL:

S. 1302. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provisions of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2009.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans has been inconsistent among community-based outpatient clinics. Some of these clinics, including two in my home state of Kentucky, are operated by private health care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay period. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. I am concerned this provides contractors with the wrong incentives. Contracted health care providers should have the incentive to provide the best possible care for veterans, not simply get as many veterans as possible through the door once.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am introducing the Veterans Health Care Improvement Act of 2009, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how to execute these changes. It is my hope that my colleagues will support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1302

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Improvement Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 189—EXPRESSING THE SENSE OF THE SENATE THAT THE TRIAL BY THE RUSSIAN GOVERNMENT OF BUSINESSMEN MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV CONSTITUTES A POLITICALLY-MOTIVATED CASE OF SELECTIVE ARREST AND PROSECUTION THAT SERVES AS A TEST OF THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIAL SYSTEM OF RUSSIA

Mr. WICKER (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 189

Whereas on April 1, 2009, President Barack Obama and President Dmitry Medvedev issued a joint statement affirming that ''[i]n our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views'';

Whereas the United States and Russia, in a spirit of cooperation, will continue the dialogue on the issues affirmed in such joint statement at an upcoming summit to be held in June 2009;

Whereas it has been the long-held position of the United States to support the development of democracy, rule of law, judicial independence, freedom, and respect for human rights in the Russian Federation;

Whereas Russian President Medvedev has called Russia a country of ''legal nihilism'' and issued a new foreign policy doctrine citing ''the supremacy of law in international relations'' as one of the top priorities of Russia;

Whereas 2 prominent cases involve the Yukos Oil Company and its president, Mikhail Khodorkovsky and his partner, Platon Lebedev, who were convicted and sentenced in May 2005 to serve 9 years in a remote penal camp;

Whereas Russian authorities confiscated Yukos assets and assigned ownership to a state company that is chaired by an official in the Kremlin; harassed, exiled, persecuted, and imprisoned many Yukos officers and legal representatives; and issued a series of court rulings against Mr. Khodorkovsky and Mr. Lebedev that violate international legal norms;

Whereas at a press conference in May 2005, President George Bush stated, ''it appeared to . . . people in my Administration, that . . . [Mikhail Khodorkovsky] had been judged guilty prior to having a fair trial. In other words, he was put in prison, and then was tried'';

Whereas on October 25, 2005, Congressmen Roger Wicker and Tom Lantos introduced H. Res. 525, which noted the actions that the Russian government had taken with respect to Yukos, Mr. Khodorkovsky, and Mr. Lebedev, and called upon Russian authorities to prove that the cases were not politically motivated, that the Russian judicial system is truly independent and not simply an instrument of the Kremlin, and that the state was not engaged in a campaign to selectively reclaim or re-nationalize private enterprises;

Whereas on November 18, 2005, Senators Joe Biden, Barack Obama, and John McCain introduced S. Res. 322, which called the cases against Mr. Khodorkovsky and Mr. Lebedev ''politically motivated'', noted that Mr. Khodorkovsky and Mr. Lebedev had not been accorded fair, transparent, and impartial treatment, and deplored their transfer to remote prison camps;

Whereas Amnesty International, Freedom House, and other prominent international human rights organizations have cited the conviction and imprisonment of Mikhail Khodorkovsky as evidence of the arbitrary and political use of the legal system and the lack of a truly independent judiciary in the Russian Federation;

Whereas governments, courts, journalists, and human rights organizations around the world have expressed concern about the prosecution, trial, imprisonment, and treatment of the individuals in the Yukos case, and have called on President Medvedev to honor his pledge to end ''legal nihilism'' in Russia;

Whereas on February 5, 2007, on the eve of their eligibility for parole, Russian prosecutors brought new charges against Mr. Khodorkovsky and Mr. Lebedev, accusing them of embezzling $20,000,000,000 in Yukos oil revenues;

Whereas in May 2007 the Prosecutor General in Moscow attempted to disbar Karinna Moskalenko, one of Russia's most distinguished and renown human rights lawyers and defense counsel to Mikhail Khodorkovsky, in apparent reprisal for actions she had taken on behalf of her client;

Whereas in August 2007 the highest court of Switzerland denied Russian authorities access to Yukos documents on the basis that the case against Yukos and its principal executives and core shareholders, specifically Mikhail Khodorkovsky and Platon Lebedev, had a ''political and discriminatory character. . .undermined by the infringement of human rights and the right to defense'';

Whereas courts in Great Britain, the Netherlands, Cyprus, Liechtenstein, Lithuania, and Switzerland have described the Yukos proceeding as politically motivated and have rejected motions from Russian prosecutors seeking the extradition of Yukos officials or materials for use in trials in Russia;

Whereas on October 25, 2007, the European Court of Human Rights ruled that Platon Lebedev's rights to liberty and security were violated during his arrest and subsequent pretrial detention;

Whereas the 2008 Department of State Human Rights Report stated: ''The arrest and conviction of Khodorkovsky raised concerns about the right to due process and the rule of law, including the independence of courts and the lack of a predictable tax regime.'';

Whereas on March 13, 2008, the European Parliament issued a resolution calling on the Russian President to ''review the treatment of imprisoned public figures (among them Mikhail Khodorkovsky and Platon Lebedev), whose imprisonment has been assessed by most observers as having been politically motivated'';

Whereas in July 2008, President Dmitry Medvedev said it was essential that Russia ''take all necessary means to strengthen the independence of judges'' since ''it goes without saying that pressure is applied, influence is exerted, and direct bribery is often used'';

Whereas on August 22, 2008, Mikhail Khodorkovsky was denied parole on the grounds that he refused to take part in vocational training in sewing and that he allegedly failed to keep his hands behind his back during a jail walk;

Whereas on October 25, 2008, the State Department issued a statement marking the fifth anniversary of Mikhail Khodorkovsky's arrest, stating ''the conduct of the cases against Khodorkovsky and his associates has eroded Russia's reputation and public confidence in Russian legal and judicial institutions'';

Whereas on December 22, 2008, the European Court of Human Rights ordered the release of the terminally ill former Yukos oil executive Vasily Aleksanyan, who had been held in detention since April 6, 2006, despite repeated orders by the European Court that Mr. Aleksanyan be treated in a humane fashion for cancer and AIDS;

Whereas in February 2009, Andrei Illarianov, former chief economic advisor to President Vladimir Putin, stated that ''[o]ne of the best known political prisoners is Mikhail Khodorkovsky who has been sentenced to 9 years in the Siberian camp Krasnokamensk on the basis of purely fabricated case against him and his oil company Yukos'';

Whereas on February 24, 2009, human rights lawyer Karinna Moskalenko, said that ''[a]ll verdicts are possible in this country. But for people like Khodorkovsky, everything is already planned out and decided as long as the political will does not change'';

Whereas on February 25, 2009, Olga Kudeshkina, former Moscow court judge who was dismissed from her duties in 2004, stated that Moscow City Court ''has turned into an institution of settling political, commercial and other scores'' and that ''nobody can be sure that the case will be resolved in accordance with the law'';

Whereas on April 2, 2009, Senator Ben Cardin, chair of the Helsinki Commission, issued a statement in the Senate in which he noted that ''the Council of Europe, Freedom House and Amnesty International, among others, have concluded that Mr. Khodorkovsky was charged and imprisoned in a process that did not follow the rule of law and was politically influenced. . .'' and that ''the current charges. . .amount to legal hooliganism and highlight the petty meanness of the senior government officials behind this travesty of justice. . .should be dropped and the new trial should be abandoned'';

Whereas on April 10, 2009, the New York Times published an editorial noting that the new charges and trial against Mikhail Khodorkovsky ''are for show, intended only to keep [him] and his colleague in prison forever'';

Whereas on April 11, 2009, the Washington Post wrote: ''If Mr. Medvedev allows [the Khodorkovsky trial] to go forward to its scripted conclusion—a lengthy extension of Mr. Khodorkovsky's sentence to a Siberian prison camp—the point will be proved that Russia still has no rule of law but only a ruler'';

Whereas on April 21, 2009, Freedom House, Amnesty International, Human Rights First, Human Rights Watch, the International League for Human Rights, the Lantos Foundation for Human Rights and Justice, and the Jacob Blaustein Institute for the Advancement of Human Rights joined in a letter to President Medvedev in which they note ''the serious human rights concerns raised by the case so far'' and call on the Russian Government to ''ensure that international observers are allowed unhindered access to the courtroom'' to monitor the trial, to ''ensure that the rule of law is upheld'' and that it ''meets the standards of the Russian Constitution and international law'';

Whereas the selective disregard for the rule of law by Russian officials undermines

the standing and status of the Russian Federation among the democratic nations of the world; and

Whereas both Russia and the United States have recently elected new presidents that provide the opportunity to review past policies and pursue a new era of mutual cooperation: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mikhail Khodorkovsky and Platon Lebedev are prisoners who have been denied basic due process rights under international law for political reasons;

(2) in light of the record of selective prosecution, politicization, and abuse of process involved in their cases, and as a demonstration of Russia's commitment to democracy, human rights, and the rule of law, the new criminal charges brought by Russian authorities against Mr. Khodorkovsky and Mr. Lebedev should be withdrawn;

(3) the standing of the Russian Federation as a nation supporting democracy, freedom of expression, an independent judiciary, human rights, and the rule of law would move closer to validation by paroling Mr. Khodorkovsky and Mr. Lebedev, both of whom have served more than half their sentences; and

(4) the Russian Federation is encouraged to take these actions to support democratic principles and human rights in furtherance of a new and more positive relationship between the United States and Russia and a new era of mutual cooperation.

SENATE RESOLUTION 190—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

(11) significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

(12) more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

(13) educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

(14) appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

(15) women are twice as likely as men to visit the doctor for annual examinations and preventive services; and

(16) men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 191—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN-AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW PROSTATE CANCER AFFECTS AFRICAN-AMERICAN MEN

Mr. KERRY (for himself, Mr. CARDIN, Mr. BURRIS, Ms. LANDRIEU, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 191

Whereas the incidence of prostate cancer in African-American men is 60 percent higher than in any other racial or ethnic group in the United States;

Whereas African-American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed at an earlier age and at a later stage of cancer progression than all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas according to a paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African-American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African-American men; and

(2) urges Federal agencies to designate additional funds for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots level to end that health crisis.

Mr. KERRY. Mr. President, I invite my colleagues to celebrate Father's Day by cosponsoring a Senate resolution supporting men's health by recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions. The resolution also urges Federal agencies to address the health crisis by designating funds for education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men.

Prostate cancer affects thousands of American men each year and is currently the second leading cause of cancer related deaths. This cancer strikes 1 in every 6 men, making it even more prevalent than breast cancer, which strikes 1 in every 7 women. Last year alone more than 186,000 men were diagnosed with prostate cancer and more than 28,000 men died from the disease.

The incidence rate or African-Americans is 60 percent higher than any other racial or ethnic group in the U.S. African-Americans are more likely to be diagnosed at an advanced stage and thus have higher mortality rates than any other group.

That is why the Resolution recognizes prostate cancer's prevalence and debilitative impact within all communities, but especially for African-Americans, and urges Federal agencies to direct funds toward efforts to address this particular population.

Senators CARDIN, BURRIS, LANDRIEU and BOXER join me in introducing this resolution. Congress must take the lead in fighting prostate cancer. I hope all of my colleagues can support this resolution, as it calls for better education and research that will ensure the health of our Nation's fathers, brothers, and sons.

SENATE RESOLUTION 192—EXPRESSING THE SENSE OF THE SENATE REGARDING SUPPORTING DEMOCRACY AND ECONOMIC DEVELOPMENT IN MONGOLIA AND EXPANDING RELATIONS BETWEEN THE UNITED STATES AND MONGOLIA

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987;

Whereas the Government of Mongolia declared an end to one-party Communist rule in 1990 and initiated democratic and free market reforms;

Whereas the United States Government has a continued commitment to ongoing economic and political reforms in Mongolia and has made sizeable contributions for that purpose since 1991;

Whereas, in 1991, the United States established Normal Trade Relations (NTR) status with Mongolia and began a Peace Corps program that now boasts over 100 volunteers and over 725 volunteers since its creation, and is one of the largest per capita Peace Corps programs worldwide;

Whereas the United States extended permanent NTR status effective July 1, 1999;

Whereas the United States has strongly supported the participation of Mongolia in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas the United States and Mongolia enhanced their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and amicably resolve disagreements over trade;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism and, from April 2003 to October 2008, sent 10 consecutive deployments to Operation Iraqi Freedom and 7 indirect fire technical training teams to Afghanistan;

Whereas the Government of Mongolia continues to demonstrate a growing desire to join the United States in global peacekeeping activities by providing an ongoing deployment of soldiers to protect the Special Court for Sierra Leone, as well as providing deployments in support of the North Atlantic Treaty Organization mission in Kosovo and United Nations missions in a number of countries in Africa;

Whereas the Government of Mongolia signed denuclearization agreements in 1991 and 1992, making Mongolia a nuclear weapons-free zone;

Whereas Mongolia was deemed eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, received approval for its proposal from the Millennium Challenge Corporation on September 12, 2007, and signed a Millennium Challenge Corporation Compact Agreement on October 22, 2007, during a visit to the United States by then-Mongolian President Nambaryn Enkhbayar;

Whereas President George W. Bush became the first-ever sitting United States President to travel to Mongolia on November 21, 2005;

Whereas the House Democracy Assistance Commission began a program to provide parliamentary assistance to the State Great Hural, the parliament of Mongolia, in 2007;

Whereas Senate Resolution 352, 110th Congress, agreed to October 18, 2007, expressed the sense of the Senate on ''the strength and endurance'' of the partnership between the United States and Mongolia during the 20th anniversary of relations between the two countries;

Whereas the United States and Mongolia signed an agreement to increase cooperation in preventing trafficking in nuclear technology on October 23, 2007;

Whereas, during the October 2007 visit by then-President Enkhbayar to Washington, DC, the United States and Mongolia agreed to a Declaration of Principles for further cooperation between both countries, including a commitment to expanded development and long-term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, defense, security, humanitarian, and other areas;

Whereas the people of Mongolia completed a free, fair, and peaceful democratic election on May 24, 2009, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas Secretary of State Hillary Clinton announced on June 9, 2009, with the Minister for Foreign Affairs and Trade of Mongolia, S. Batbold, that the United States is ''committed to supporting the government and people of Mongolia as they seek assistance to develop, as they continue their democratization, and as they reach out to the rest of the world''; and

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peaceful cooperation in Northeast Asia and Central Asia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the growing partnership between the democratic governments and peoples of the United States and Mongolia deserves acknowledgment and celebration;

(2) the democratic election and peaceful transition of power in Mongolia is an important demonstration of the continuing commitment in that country to democratic reform and represents a significant achievement for that young democracy;

(3) the United States Government encourages further economic cooperation with the Government of Mongolia, including, as appropriate, enhanced trade and investment to promote prosperity for both of our economies;

(4) the United States Government should continue to work with the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to assist the Government of Mongolia in improving its economic system and accelerating development;

(5) the United States Government should continue to provide Mongolia assistance under the Millennium Challenge Compact and encourage further effective and accountable governance; and

(6) the United States Government should expand upon existing academic, cultural, and other people-to-people exchanges with Mongolia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1338. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1339. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1340. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1341. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1342. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1343. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1344. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1345. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1346. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1338. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. __. LIMITATIONS ON EFFECT.

If imposing a government fee on an individual traveling to the United States, as required by this Act or any amendment made by this Act, would violate the established national tourism policy set out in section 1(b)(8) of the International Travel Act of 1961 (22 U.S.C. 2121(b)(8)) which states that it is a national tourism policy to ''encourage the free and welcome entry of individuals traveling to the United States, in order to enhance international understanding and goodwill, consistent with immigration laws, the laws protecting the public health, and laws governing the importation of goods into the United States'' by increasing the cost, in any way, for such individual, then this Act and the amendments made by this Act shall have no effect.

SA 1339. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 3, line 20, insert '', including expertise and experience with national historic and geographic landmarks'' after ''sector''.

SA 1340. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 1 and all that follows through page 25, line 10, and insert the following:

SEC. 7. OFFICE OF TRAVEL PROMOTION.

(a) ESTABLISHMENT.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion (referred to in this section as the 'Office').

''(b) UNDER SECRETARY FOR TRAVEL PROMOTION.—

''(1) IN GENERAL.—The head of the Office shall be the Under Secretary of Commerce for Travel Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary shall be a citizen of the United States and have experience in a field directly related to the promotion of travel in the United States.

''(3) LIMITATION ON INVESTMENTS.—The Under Secretary may not own stock in, or have a direct or indirect beneficial interest in, a corporation or other enterprise that—

''(A) is engaged in the travel, transportation, or hospitality business; or

''(B) owns or operates a theme park or other entertainment facility.

''(c) FUNCTION.—The Under Secretary shall—

''(1) serve as liaison to the Corporation for Travel Promotion, established under section 2 of the Travel Promotion Act of 2009;

''(2) support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(3) work with the Corporation, the Secretary of State, and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor; and

''(B) to ensure that arriving international visitors are processed efficiently and in a welcoming and respectful manner;

''(4) support State, regional, and private sector initiatives to promote travel to and within the United States;

''(5) supervise the operations of the Office of Travel and Tourism Industries; and

''(6) enhance the entry and departure experience for international visitors.

''(d) ADVISORY ROLE.—The Under Secretary shall perform a purely advisory role relating to any functions described in paragraphs (3) and (6) of subsection (c).

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent roles of the Secretary of Homeland Security in setting policies relating to—

''(1) the Nation's ports of entry; and

''(2) the processes through which individuals are admitted into the United States.

''(f) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the Under Secretary's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by inserting ''Under Secretary of Commerce for Travel Promotion,'' after ''Under Secretary of Commerce for Export Administration,''.

SA 1341. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, lines 23 and 24, strike ''State, and Federal agencies'' and insert ''State and Federal agencies, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),''.

SA 1342. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, line 12, insert '', Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)),'' after ''States''.

SA 1343. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SECTION 9. GOVERNMENT OWNERSHIP EXIT PLAN.

(a) DEFINITION.—In this section—

(1) the term ''ownership interest'' means an interest in a troubled asset described in section 3(9)(B) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(a)(1)), as in effect on the day before the date of enactment of this section, that was purchased by the Secretary under section 101(a)(1) of such Act (12 U.S.C. 5211(a)(1)); and

(2) the term ''Secretary'' means the Secretary of the Treasury.

(b) RE-PRIVATIZATION OF PRIVATE ENTITIES.—

(1) PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.—

(A) IN GENERAL.—Beginning on the date of enactment of this section, the Federal Government may not acquire, directly or indirectly, any ownership interest.

(B) DIVESTITURE.—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than July 1, 2010.

(2) LIMITED AUTHORITY.—

(A) IN GENERAL.—Beginning on July 1, 2010, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than July 1, 2010, the Secretary submits a report to Congress with respect to that entity stating that—

(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

(B) SINGLE RENEWAL.—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

(3) CONFORMING AMENDMENT.—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking ''; and'' at the end and inserting a period;

(B) by striking ''means—'' and all that follows through ''residential'' in subparagraph (A) and inserting ''means residential''; and

(C) by striking subparagraph (B).

(4) DEPOSIT OF FUNDS.—

(A) IN GENERAL.—Section 115(a)(3) of the Emergency Economic Stabilization Act of

2008 (12 U.S.C. 5225(a)(3)) is amended by striking ''outstanding at any one time''.

(B) DEPOSIT OF FUNDS INTO TREASURY.—

(i) IN GENERAL.—On and after the date of enactment of this section, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this subsection.

(ii) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting '', and repayments of obligations arising under this Act,'' after ''section 113''.

(5) INFLUENCE OF MANAGEMENT DECISIONS.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

''SEC. 137. INFLUENCE OF MANAGEMENT DECISIONS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered person' means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

''(2) the term 'significant management decision' includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

''(b) INFLUENCE PROHIBITED.—

''(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

''(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

''(c) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

''(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than $50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

''(3) ORDERS.—If the Attorney General of the United States has reason to believe that a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person.''.

(6) FEDERAL DEPOSIT INSURANCE CORPORATION.—Nothing in this section may be construed to impede the ability of the Federal Deposit Insurance Corporation to maintain the stability of the banking system.

(c) OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) reviewing the implementation of section 3 of the Government Ownership Exit Plan Act of 2009.''.

(d) REPORTS REQUIRED.—

(1) REPORT ON FEDERAL GOVERNMENT OWNERSHIP.—

(A) REPORTS REQUIRED.—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board of Governors of the Federal Reserve System.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than October 1, 2009; and

(ii) each quarter of the fiscal year thereafter.

(2) REPORTS ON WINDING DOWN OR DIVESTMENT.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than April 1, 2010; and

(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

(e) PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing a plan of the Secretary—

(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

SA 1344. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission Act''.

SEC. __02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multi-party democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, DC, the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled ''the Star-Spangled Banner'';

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this title are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. __03. DEFINITIONS.

In this title:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the War of 1812.

(2) COMMISSION.—The term ''Commission'' means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in section __04(a).

(3) QUALIFIED CITIZEN.—The term ''qualified citizen'' means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATES.—The term ''States''—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Vermont, Virginia, New York, Maine, Michigan, Ohio, Pennsylvania, and Rhode Island; and

(B) includes agencies and entities of each State.

SEC. _04. STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 24 members, of whom—

(A) 13 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, Louisiana, Maine, Maryland, Michigan, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia;

(B) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(C) 2 members shall be employees of the National Park Service, of whom—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(D) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(i) 1 of which are submitted by the majority leader of the Senate;

(ii) 1 of which are submitted by the minority leader of the Senate;

(iii) 1 of which are submitted by the majority leader of the House of Representatives;

(iv) 1 of which are submitted by the minority leader of the House of Representatives; and

(E) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(2) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(f) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(h) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

SEC. _05. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) facilitate the commemoration throughout the United States and internationally;

(3) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(4) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(6) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(7) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(8) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(9) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(b) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this Act.

(c) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(A) a summary of the activities of the Commission;

(B) a final accounting of any funds received or expended by the Commission; and

(C) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

SEC. _06. POWERS.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this Act;

(4) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(5) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) LEGAL AGREEMENTS.—

(1) IN GENERAL.—In carrying out this Act, the Commission may—

(A) procure supplies, services, and property; and

(B) make or enter into contracts, leases, or other legal agreements.

(2) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(d) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(e) NO EFFECT ON AUTHORITY.—Nothing in this title supersedes the authority of the States or the National Park Service concerning the commemoration.

SEC. _07. PERSONNEL MATTERS.

(a) MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(A), a member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) STATUS.—The Executive Director and other staff appointed under this subsection

shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(3) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(B) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(C) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this section, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under the Act, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(B) reimburse States for services of detailed personnel.

(d) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under section __06(a)(2)—

(1) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(2) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

SEC. __08. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not to exceed $500,000 for each of fiscal years 2010 through 2015.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2015.

SEC. __09. TERMINATION OF COMMISSION.

(a) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(b) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(c) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

SA 1345. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, after line 20, add the following:

SEC. 9. AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION.

(a) FINDINGS.—Congress finds the following:

(1) Automobile dealers are an asset to automobile manufacturers that make it possible to serve communities and sell automobiles nationally.

(2) Forcing the closure of automobile dealers would have an especially devastating economic impact in rural communities, where dealers play an integral role in the community, provide essential services, and serve as a critical economic engine.

(3) The automobile manufacturers obtain the benefits from having a national dealer network at no material cost to the manufacturers.

(4) Historically, automobile dealers have had franchise agreement protections under State law.

(b) RESTORATION OF ECONOMIC RIGHTS.—

(1) IN GENERAL.—In order to protect assets of the Federal Government and better assure the viability of automobile manufacturers in which the Federal Government has an ownership interest, or to which it is a lender, an automobile manufacturer in which the Federal Government has an ownership interest, or which receives loans from the Federal Government, may not deprive an automobile dealer of its economic rights and shall honor those rights as they existed, for Chrysler LLC dealers, prior to the commencement of the bankruptcy case by Chrysler LLC on April 30, 2009, and for General Motors Corp. dealers, prior to the commencement of the bankruptcy case by General Motors Corp. on June 1, 2009, including the dealer's rights to recourse under State law.

(2) RESTORATION OF FRANCHISE AGREEMENTS.—In order to preserve economic rights pursuant to paragraph (1), at the request of an automobile dealer, an automobile manufacturer covered under this section shall restore the franchise agreement between that automobile dealer and Chrysler LLC or General Motors Corp. that was in effect prior to the commencement of their respective bankruptcy cases and take assignment of such agreements.

(3) CONSTRUCTION.—Except as set forth herein, nothing in this section shall be construed to make null and void—

(A) the court approved transfer of substantially all the assets of Chrysler LLC to New CarCo Acquisition LLC; or

(B) a transfer of substantially all the assets of General Motors Corp. that could be approved by a court after June 8, 2009.

SA 1346. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. REQUIRED PARTICIPATION BY UNITED STATES CONTRACTORS.

Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in the E-Verify Program and shall comply with the terms and conditions of such election.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 18, 2009 at 9:30 a.m., to conduct a hearing entitled ''The Administration's Proposal to Modernize the Financial Regulatory System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 18, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 18, 2009 at 9:30 am in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 10 a.m., in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2:30 p.m., to conduct a hearing entitled ''Examining State Business Incorporation Practices: A Discussion of the Incorporation Transparency and Law Enforcement Assistance Act,'' S. 569.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on Thursday, June 18, 2009, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 18, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Caitlin Miller and Edwina Hambridge of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that Henry Williams and Jessica Martinez of Senator BINGAMAN's office be granted privileges of the floor during the debate of the travel promotion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING NAZI AND COMMUNIST ERAS

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 79, S. Res. 153.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 153) expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 153) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 153

Whereas many Eastern European countries were dominated for parts of the last century by Nazi or Communist regimes, without the consent of their people;

Whereas victims under the Nazi regime included individuals persecuted or targeted for persecution by the Nazi or Nazi-allied governments based on their religious, ethnic, or cultural identity, as well as their political beliefs, sexual orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas after World War II, Communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by Communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their Eastern European subsidiaries had passed to their respective governments;

Whereas Eastern European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards;

Whereas in July 2001, the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating states;

Whereas the OSCE participating states have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the participating states to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution, including communal organizations and institutions, irrespective of the current citizenship or place of residence of the victims, their heirs, or the relevant successors to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United

States for the restitution of or compensation for property wrongly confiscated during the Nazi and Communist eras;

Whereas certain post-Communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies and collaborators during World War II or subsequently seized by Communist governments;

Whereas at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted the Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but the current government has yet to adopt one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the efforts of those European countries that have enacted legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras, and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of confiscated properties, and urges those countries to ensure that their restitution or compensation programs are implemented in a timely, nondiscriminatory manner;

(3) urges the Government of Poland and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that victims of Nazi persecution (or the heirs or successors of such persons) who had their private property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(4) urges the Government of Lithuania and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that communities that had communal and religious property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government (or the relevant successors to such property or the relevant foundations) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) urges the countries of Europe which have not already done so to ensure that all such restitution and compensation legislation is established in accordance with principles of justice and provides a simple, transparent, and prompt process, so that it results in a tangible benefit to those surviving victims of Nazi persecution who suffered from the unjust confiscation of their property, many of whom are well into their senior years;

(6) calls on the President and the Secretary of State to engage in an open dialogue with leaders of those countries that have not already enacted such legislation to support the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private, communal, and religious property that was seized and confiscated during the Nazi and Communist eras; and

(7) welcomes the decision by the Government of the Czech Republic to host in June 2009 an international conference for governments and non-governmental organizations to continue the work done at the 1998 Washington Conference on Holocaust-Era Assets, which will—

(A) address the issues of restitution of or compensation for real property, personal property (including art and cultural property), and financial assets wrongfully confiscated by the Nazis or their allies and collaborators and subsequently wrongfully confiscated by Communist regimes;

(B) review issues related to the opening of archives and the work of historical commissions, review progress made, and focus on the next steps required on these issues; and

(C) examine social welfare issues related to the needs of Holocaust survivors, and identify methods and resources to meet to such needs.

SUPPORTING GOALS AND OBJECTIVES OF PRAGUE CONFERENCE ON HOLOCAUST ERA ASSETS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. Con. Res. 23.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DORGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 23

Whereas the Government of the Czech Republic will host the Conference on Holocaust Era Assets in Prague from June 26, 2009, through June 30, 2009 (in this preamble referred to as the ''Prague Conference'');

Whereas the Prague Conference will facilitate a review of the progress made since the 1998 Washington Conference on Holocaust Era Assets, in which 44 countries, 13 non-governmental organizations, and numerous scholars and Holocaust survivors participated;

Whereas a high-level United States delegation participated in the Washington Conference, led by then-Under Secretary of State for Economic, Business and Agricultural Affairs Stuart Eizenstat, Nobel Peace Laureate Elie Wiesel, Federal Judge Abner Mikva, senior diplomats, and a bipartisan group of Members of Congress;

Whereas then-Secretary of State Madeleine Albright delivered the keynote address at the Washington Conference, articulating the commitment of the United States to Holocaust survivors and urging conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims'';

Whereas the Prague Conference is expected to review the issues agreed on at the Washington Conference, including issues relating to financial assets, bank accounts, insurance, and other financial properties;

Whereas the Prague Conference is expected to include a special session on social programs for Holocaust survivors and other victims of Nazi atrocities;

Whereas at the Prague Conference, working groups are expected to convene to discuss Holocaust education, remembrance and research, looted art, Judaica and Jewish cultural property, and immovable property, including both private, religious, and communal property;

Whereas the participation and leadership of the United States at the highest level is critically important to ensure a successful outcome of the Prague Conference;

Whereas Congress supports further inclusion of Holocaust survivors and their advocates in the planning and proceedings of the Prague Conference;

Whereas the United States strongly supports the immediate return of, or just compensation for, property that was illegally confiscated by Nazi and Communist regimes;

Whereas many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care;

Whereas the United States and the international community have a moral obligation to uphold and defend the dignity of Holocaust survivors and to ensure their well-being;

Whereas the Prague Conference is a critical forum for effectively addressing the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years;

Whereas then-Senator Barack Obama, during his visit in July 2008 to the Yad Vashem Holocaust Memorial in Israel, stated, ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''; and

Whereas the Prague Conference may represent the last opportunity for the international community to address outstanding Holocaust-era issues: Now, therefore, be it

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

(1) supports the goals and objectives of the 2009 Prague Conference on Holocaust Era Assets;

(2) applauds the Government of the Czech Republic for hosting the Prague Conference and for its unwavering commitment to addressing outstanding Holocaust-era issues;

(3) applauds the countries participating in the Prague Conference for the decision to seek justice for Holocaust survivors and to promote Holocaust remembrance and education;

(4) expresses strong support for the decision by those countries to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference, especially in light of the advanced age of the survivors, whose needs must be urgently addressed;

(5) urges countries in Central and Eastern Europe that have not already done so—

(A) to return to the rightful owner any property that was wrongfully confiscated or transferred to a non-Jewish individual; or

(B) if return of such property is no longer possible, to pay equitable compensation to the rightful owner in accordance with principles of justice and through an expeditious claims-driven administrative process that is just, transparent, and fair;

(6) urges all countries to make a priority of returning to Jewish communities any religious or communal property that was stolen as a result of the Holocaust;

(7) calls on all countries to facilitate the use of the Washington Conference Principles on Nazi-Confiscated Art, agreed to December 3, 1998, in settling all claims involving publically and privately held objects;

(8) calls on the President to send a high-level official, such as the Secretary of State or an appropriate designee, to represent the United States at the Prague Conference; and

(9) urges other invited countries to participate at a similarly high level.

SUPPORTING DEMOCRACY AND ECONOMIC DEVELOPMENT WITH MONGOLIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 192, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 192) expressing the sense of the Senate regarding supporting democracy and economic development in Mongolia and expanding relations between the United States and Mongolia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I further ask that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987;

Whereas the Government of Mongolia declared an end to one-party Communist rule in 1990 and initiated democratic and free market reforms;

Whereas the United States Government has a continued commitment to ongoing economic and political reforms in Mongolia and has made sizeable contributions for that purpose since 1991;

Whereas, in 1991, the United States established Normal Trade Relations (NTR) status with Mongolia and began a Peace Corps program that now boasts over 100 volunteers and over 725 volunteers since its creation, and is one of the largest per capita Peace Corps programs worldwide;

Whereas the United States extended permanent NTR status effective July 1, 1999;

Whereas the United States has strongly supported the participation of Mongolia in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas the United States and Mongolia enhanced their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and amicably resolve disagreements over trade;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism and, from April 2003 to October 2008, sent 10 consecutive deployments to Operation Iraqi Freedom and 7 indirect fire technical training teams to Afghanistan;

Whereas the Government of Mongolia continues to demonstrate a growing desire to join the United States in global peacekeeping activities by providing an ongoing deployment of soldiers to protect the Special Court for Sierra Leone, as well as providing deployments in support of the North Atlantic Treaty Organization mission in Kosovo and United Nations missions in a number of countries in Africa;

Whereas the Government of Mongolia signed denuclearization agreements in 1991 and 1992, making Mongolia a nuclear weapons-free zone;

Whereas Mongolia was deemed eligible for Millennium Challenge Compact assistance on May 6, 2004, submitted its official proposal on October 13, 2005, received approval for its proposal from the Millennium Challenge Corporation on September 12, 2007, and signed a Millennium Challenge Corporation Compact Agreement on October 22, 2007, during a visit to the United States by then-Mongolian President Nambaryn Enkhbayar;

Whereas President George W. Bush became the first-ever sitting United States President to travel to Mongolia on November 21, 2005;

Whereas the House Democracy Assistance Commission began a program to provide parliamentary assistance to the State Great Hural, the parliament of Mongolia, in 2007;

Whereas Senate Resolution 352, 110th Congress, agreed to October 18, 2007, expressed the sense of the Senate on ''the strength and endurance'' of the partnership between the United States and Mongolia during the 20th anniversary of relations between the two countries;

Whereas the United States and Mongolia signed an agreement to increase cooperation in preventing trafficking in nuclear technology on October 23, 2007;

Whereas, during the October 2007 visit by then-President Enkhbayar to Washington, DC, the United States and Mongolia agreed to a Declaration of Principles for further cooperation between both countries, including a commitment to expanded development and long-term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, defense, security, humanitarian, and other areas;

Whereas the people of Mongolia completed a free, fair, and peaceful democratic election on May 24, 2009, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas Secretary of State Hillary Clinton announced on June 9, 2009, with the Minister for Foreign Affairs and Trade of Mongolia, S. Batbold, that the United States is ''committed to supporting the government and people of Mongolia as they seek assistance to develop, as they continue their democratization, and as they reach out to the rest of the world''; and

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peaceful cooperation in Northeast Asia and Central Asia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the growing partnership between the democratic governments and peoples of the United States and Mongolia deserves acknowledgment and celebration;

(2) the democratic election and peaceful transition of power in Mongolia is an important demonstration of the continuing commitment in that country to democratic reform and represents a significant achievement for that young democracy;

(3) the United States Government encourages further economic cooperation with the Government of Mongolia, including, as appropriate, enhanced trade and investment to promote prosperity for both of our economies;

(4) the United States Government should continue to work with the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to assist the Government of Mongolia in improving its economic system and accelerating development;

(5) the United States Government should continue to provide Mongolia assistance under the Millennium Challenge Compact and encourage further effective and accountable governance; and

(6) the United States Government should expand upon existing academic, cultural, and other people-to-people exchanges with Mongolia.

ORDERS FOR FRIDAY, JUNE 19, 2009

Mr. DORGAN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, June 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in

the day, and there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DORGAN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Friday, June 19, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE BRUCE I. KNIGHT, RESIGNED.

DEPARTMENT OF TRANSPORTATION

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013. (REAPPOINTMENT)

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS, VICE MARK V. ROSENKER, TERM EXPIRED.

FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, VICE A. PAUL ANDERSON, RESIGNED.

DEPARTMENT OF ENERGY

JAMES J. MARKOWSKY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY), VICE DENNIS R. SPURGEON.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT PERCIASEPE, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MARCUS C. PEACOCK, RESIGNED.

DEPARTMENT OF STATE

MIGUEL HUMBERTO DIAZ, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

DEPARTMENT OF COMMERCE

DAVID J. KAPPOS, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE JONATHAN W. DUDAS, RESIGNED.

DEPARTMENT OF DEFENSE

JUAN M. GARCIA III, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RONNIE D. HAWKINS, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. BARBERO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICKY LYNCH

HOUSE OF REPRESENTATIVES—*Thursday, June 18, 2009*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 18, 2009.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Solomon Schiff, Greater Miami Jewish Federation, Miami Beach, Florida, offered the following prayer:

Heavenly Creator, bestow Thy blessings upon those assembled here, who have accepted the sacred responsibility to legislate within these hallowed Halls, to preserve and foster the noble ideals of our sanctified democracy.

Grant that these deliberations will be ruled by wisdom, purpose, and dedication. The Prophet Malachai said, ''Have we not all one Father? Hath not one God created us all? Why do we deal treacherously, every man against his brother?''

Help us, O God, to eradicate anger, hunger and bigotry from our human family. Imbue us with the commitment to sow the seeds that will turn selfishness into civility, hatred into harmony, loathing into love, and bigotry into blessing. Help us always to work for the lost, the least, the last and the lonely.

May we remain committed to work with renewed energy to elevate the status and dignity of all of Thy children, so that all can enjoy the blessings and benefits of our bountiful society. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Texas (Mr. POE).

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

HONORING RABBI SOLOMON SCHIFF

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 1 minute.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to commend my good friend, Rabbi Solomon Schiff, for the uplifting prayer that he delivered for all of us today, as well as for his tireless effort to strengthen our religious communities in my home district of south Florida.

Rabbi Schiff serves as the Director of Chaplaincy Emeritus for the Greater Miami Jewish Federation. In this role, Rabbi Schiff offers educational support and comfort to those in the Jewish communities in the United States, in Israel, and indeed throughout the world.

I have long been aware of Rabbi Schiff's commitment and contributions to academia, to the Jewish community, and to the social welfare of all residents of south Florida.

The spirit of optimism and determination that Rabbi Schiff possesses can be seen in this week's Torah portion. After returning from the Land of Israel, Caleb reports to the Jewish people that ''we should surely go up, and inherit the land; for we are certainly able.''

Rabbi Schiff's hard work on behalf of the Jewish community has been tireless and always with contagious optimism. No task is too large and no cause is without merit.

But his greatest achievement is his family, including his lovely wife, Shirley, and his three adult sons: Elliott, his wife, Alisa, and their children, Michael and Brooke; Jeffrey, his wife, Risa, and their children, Chananya, Moshe and Noah; and Steven, his wife, Jacqueline, and their children, Jennifer and Jeremy.

The opening prayer Rabbi Schiff presented today reflects his intellectual fiber, as well as his determination to improve our community and our country.

I thank Rabbi Schiff for his invocation and look forward to working with him in the years ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PROVIDING STATUTORY PAYGO RULES

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

Ms. TSONGAS. Mr. Speaker, no one was more passionate about the dangers of an exploding national debt than my late husband, Senator Paul Tsongas, who made it a central focus of his 1992 campaign for President.

During the years of the Clinton administration, fiscal responsibility prevailed and the debt clock started to roll back. But we have seen a stark reversal of that success, with spending on two wars, tax cuts for the wealthy and a massive new entitlement program, none of it paid for.

As a member of the Budget Committee, I was proud to cosponsor legislation this week that would re-institute statutory pay-as-you-go rules. PAYGO is not an untested theory, but a commonsense tool with a proven track record that requires us in Washington to make tough choices. Throughout the 1990s, it paved the way for balanced budgets and responsible government, and it can do it again.

As we tackle two of the most important issues of our time, energy and health care reform, it is critical that we enact PAYGO rules that signal to our creditors that we are finally serious. We have a responsibility to pay for what we do.

EXPAND CHOICE AND OPPORTUNITY IN HEALTH CARE

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

Mr. WILSON of South Carolina. Mr. Speaker, Democrats tell the American people that only government can save America's health care system. I am not sure what gives them assurances that big government is uniquely qualified to raise the level of health care in this Nation, or any nation for that matter.

Nevertheless, Republicans are not giving up on the American people's right and ability to decide for themselves what level of quality they desire. We believe in a commonsense set of

health care reforms that ensures accessibility, protects the doctor-patient relationship, and promotes healthy lifestyles.

The American people do not need big government. They need more freedom and opportunity to make the choices that will promote their health and well-being. Our set of reforms will expand that freedom to Americans who have not had affordable health care, while preserving the quality of health care millions of Americans currently enjoy.

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

GEOGRAPHIC DISPARITIES

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

Mr. WALZ. Mr. Speaker, reforming Medicare payment formulas that pay for quality and value is one of the changes that must be part of any discussion on health care reform.

The Congressional Budget Office recognizes the problem with Medicare paying physicians on a simple fee-for-service schedule, regardless of the quality of care they provide. This means that we pay doctors for doing more tests and more treatments, instead of paying for the right tests and right treatments.

In my home district, the Mayo Clinic is a model practice of providing high-quality care at low prices. But because of the way Medicare payments are figured today, the Mayo Clinic and others like them are penalized.

If we are to truly reform our health care system, we must reward those that save money and, at the same time, provide the highest quality care. This can be done by creating a value index within the formula in computing Medicare physician fees.

I urge my colleagues to support it.

GOVERNMENT CLOSES HISTORIC TEXAS DEALERSHIPS

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

Mr. POE of Texas. Mr. Speaker, when government, without the consent of the people, takes control over independent businesses, it is an oppressive regime. The unelected, unaccountable auto task force gang continues to pick winners and losers in car dealership closings. And they aren't telling why they are closing some dealers and not others. They don't have to. They are the government.

In Houston, Todd and Bob Archer of Archer Chrysler have been ordered by these Supremes to close all three of their Chrysler dealerships. Archer has been in business for over 50 years. This historic motor company has a payroll of $9 million a year and pays annual taxes of $6 million a year.

Now, how does shutting down this business help anyone? Certainly not the 250 workers who now join the over 150,000 summarily fired by the administration. These profitable dealerships are not the reason Chrysler of Detroit is a failed state.

These auto task force bureaucrats need to be given the pink slip. This country is great for two reasons: Personal liberty and economic liberty. We did not become great because of government control over our lives and our businesses. Yet the oppression continues.

And that's just the way it is.

SUPPORT FULL FUNDING FOR THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

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

Mr. HALL of New York. Mr. Speaker, I rise today in strong support of full funding for the State Criminal Alien Assistance Program, or SCAAP. I am pleased that the House has rejected calls to eliminate this program. I hope the Senate will do the same because in these difficult economic times it is more important than ever for the Federal Government, not local taxpayers, to pay when illegal immigrants are detained.

Last year, the five counties I represent in New York's Hudson Valley received more than $1.2 million in Federal reimbursement for costs associated with detaining undocumented aliens, funding that is essential for local law enforcement to keep our communities safe.

SCAAP requires the Federal Government to step up to its responsibilities and foot the bill for its failure to enforce our immigration laws. We must continue to support this vital public safety and taxpayer protection program.

WE SHOULD SUPPORT THE IRANIAN PEOPLE'S RIGHT TO PROTEST

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

Mr. FLEMING. Mr. Speaker, recently elections were held in Iran with the Iranian Government declaring Ahmadinejad the landslide winner over pro-reform challenger Mr. Mousavi.

Mousavi is claiming the results of these elections should be voided because of fraud and other irregularities as people went to vote. He is calling upon his supporters to remain vocal and protest the results of this election, and they are turning out in the tens of thousands, but many have been killed. In response, President Ahmadinejad has tried to minimize anyone with an opposing viewpoint, physically threatening any form of dissent and shutting out the media and communications.

The accusations of voter irregularities must be investigated, a fact supported by Vice President BIDEN. But until this election is certified, the people of Iran should be supported in their pursuit of peaceful protests, if they so choose. Also, dissidents should be allowed to protest without violence against them.

More importantly, I call upon our President to not be timid, but to speak out firmly on this subject. Either it is a democracy with a legitimate government, or it is a tyrannical dictatorship.

COMPREHENSIVE HEALTH CARE REFORM NEEDED

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to speak about the urgent need for health care reform. Comprehensive health care reform is about addressing what I call the three C's; care, cost and continuity.

Americans deserve affordable, high-quality and portable care. Some of our parents may have worked one job and had the same insurance plan for 40 years, but that is not how we lead our lives now. We may have 7 to 10 jobs over the course of our lifetime, and health care reform has to reflect the way that people lead their lives.

People shouldn't feel trapped in a job because they are afraid to lose health care coverage for themselves or their child, and no life decision should hinge on whether you have health insurance.

Health care reform is about expanding coverage, creating competition and meaningful choice. And right here in Congress we are working to create a uniquely American system of health care that provides for affordable, high-quality care to all Americans.

You have seen firsthand why we need reform of the health care system, and you know that we have to lower costs and cover all Americans. The cost of this Congress doing nothing to reform the current health care system is catastrophic, and the status quo is unsustainable. I cannot stress enough the urgent need for health care reform.

□ 1015

VIETNAM CONTINUES TO EGREGIOUSLY VIOLATE HUMAN RIGHTS

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

Mr. CAO. Mr. Speaker, the U.S. Ambassador to Vietnam recently held that

the Socialist Republic of Vietnam need not be put back onto the CPC because, based on his views, Vietnam has made sufficient improvement to its human rights policies to warrant exclusion. But recent developments show how wrong the Ambassador is.

Not to mention Vietnam's other numerous human rights violations, just days ago the Vietnam Government arrested Mr. Le Cong Dinh, a prominent lawyer in Vietnam, for openly defending human rights. Vietnam's arrest of Mr. Dinh contradicts its own alleged commitment to internationally accepted criteria on human rights.

Today I call upon the Members of this body to urge Vietnam to release Mr. Dinh immediately and unconditionally, as well as all prisoners in detention, for peacefully expressing their views. His immediate release will be a significant step in affirming Vietnam's intention to respect the rule of law.

HEALTH CARE REFORM

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

Mr. COURTNEY. Mr. Speaker, as our country embarks on a great national debate about health care, we are already seeing the fear-mongering beginning, that people are going to lose their health insurance.

Let us be very clear. As President Obama says, if you have health insurance and a doctor, if you like your health insurance and your doctor, you will keep your health insurance and your doctor. And there is no group for which that is more true than our military personnel and our veterans.

Recently, at the Groton Navy base, I was at the PX being approached by individuals asking if President Obama was going to take away their TRICARE and their veterans benefits. Nothing could be further from the truth. In fact, we are going to be strengthening veterans benefits and TRICARE under the great leadership of the VA Secretary, Eric Shinseki.

So let the message be clear. Before all the fear-mongering, and before all the misleading information begins, if you are serving our country, if you are wearing the uniform of our Nation, your health care will be protected and strengthened under President Obama's health care reform effort.

REAL HEALTH CARE REFORM GIVES THE PATIENT THE POWER

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

Mr. CASSIDY. Mr. Speaker, critical to health care reform is who has the power. Currently, the payer has the power. Ask a Medicaid recipient if she has the power or the government agency which pays. Ask a patient denied a procedure if he has the power or the insurance company which pays.

Reform must fix what's broken. What's broken is who has the power. Real reform gives the patient the power.

Government already controls 50 percent of health care spending. By controlling dollars, bureaucrats control care.

The President's plan doubles down on government control. It doubles down what is broken. It invests in government, not in patients. How can we trust bureaucracies that broke health care to fix health care? Trust government that always overpromised and underfunded?

Until reform transfers power from payer to patient, there is no reform. Give the power to the patient.

NOW IS THE TIME TO ACT ON HEALTH CARE REFORM

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

Mr. SIRES. Mr. Speaker, every day my constituents share with me their personal stories. I often hear about their passport or mortgage troubles. But perhaps more than any other concern, they tell me of their family's struggle to stay healthy or to get treatment when they become sick without health insurance.

They tell me how they have worked all their lives, only to lose their retirement savings when they need serious medical treatment.

These stories are unacceptable, just as it is unacceptable that one in five Americans are uninsured. Now is the time to act. For each day we delay, an additional 14,000 Americans lose coverage.

There are four items that must be included in the final legislation to fix our health care system. First, we must ensure coverage so that everyone has access to health insurance. Second, we must improve the quality of care. Third, we must contain costs while investing in preventative care. And finally, individuals must be guaranteed their choice of health insurance plans and doctors. If we can pass a bill that incorporates these four principles, we will have made a real and lasting impact on the lives of people.

A DRACONIAN CUT

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

Mr. ROE of Tennessee. Mr. Speaker, yesterday on the House floor, I offered an amendment to fully fund President Obama's budget request for the Federal prison system, and it was called a ''draconian cut.'' I'm sure President Obama would be surprised to learn his recommended level would be greeted by such hostility by his own party, considering he proposed spending $384 million more in fiscal year 2009, an increase of 6.8 percent.

Only in Washington, DC, is a 6.8 percent increase called a ''draconian cut.''

Back in Johnson City, where I was mayor, we had a very simple philosophy. We spent less than we took in.

When I arrived in Washington, DC, I learned the President's philosophy was to borrow more than you take in and then spend all of that. Apparently, congressional Democratic philosophy is borrow even more than the President and then spend that.

I hope it's apparent that we are addicted to spending. I hope we adopt my amendment today and send a message, a small message, that this Congress is not entirely tone deaf to the fact that we have record deficits and runaway spending.

THE RECOVERY ACT IS WORKING

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

Mr. PERLMUTTER. Mr. Speaker, in just over 100 days, the Recovery Act is already at work providing immediate relief for hard-hit communities and families, creating and saving jobs, and jump-starting thousands of shovel-ready projects all across America.

Our economic problems were not created in 100 days and they will not be saved in 100 days. But thanks to the Recovery Act, we are meeting the greatest economic challenges in at least a generation.

There are early signs of progress across the country. For instance, the $8,000 first time home buyer tax credit has helped get the housing industry back in shape.

There will be work on 1,129 health centers in all 50 States. We'll begin work on 107 national parks. We're going to start rehabilitation and improvement projects at 98 airports, and over 1,500 transportation projects. There will be 135,000 education jobs, improvements on 90 veterans hospitals and medical centers. Throughout the country, the Recovery Act is working.

2010 CENSUS

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

Mr. SMITH of Nebraska. Mr. Speaker, the 2010 census will mark the 23rd census in our Nation's history. Although the manner in which the data is collected has evolved over time, an accurate count of our country's residents remains essential to the future of rural communities.

As competition increases for both government and private resources, it is imperative every rural American be

counted during the 2010 census. In rural communities especially, door-to-door counting often proves difficult and time-consuming and can result in undercounting, which, in turn, means rural areas get left out.

It is important census funds are used as effectively as possible to ensure outreach into rural areas. This isn't a case of rural versus urban, but it's a chance for those of us in rural America to stand up and be counted.

THE CIA SHOULD RIGHT THE WRONGS OF THE PAST

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

Mr. MORAN of Virginia. Mr. Speaker, this week, The New Yorker's Jane Mayer, reported on the CIA's abduction, rendition and torturing of an innocent man.

A businessman named Khaled al-Masri, was abducted in one country, renditioned to another, where he was stripped naked and chained and given putrid water to drink.

A number of CIA officials believed from the beginning that he was innocent, but his CIA supervisor, who has since been promoted twice, overruled them. Finally, 149 days later, they went over the supervisor's head, insisting that his innocence be acknowledged, and got him released.

Another CIA captive froze to death, chained to a concrete floor and was buried in an unmarked grave.

Mr. Speaker, as Director Panetta tries to restore the agency's reputation, it is necessary that he not only acknowledge the wrongs of the past, but that he not promote those who committed them.

THE MOST FISCALLY WASTEFUL CONGRESS EVER

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

Mr. DUNCAN. Mr. Speaker, in a few minutes we will begin voting on 26 amendments to the Commerce-Justice-Science Appropriations bill, but the overriding problem is that this bill is a 12 percent increase to $65 billion.

At a time when families and small businesses all over this country have been tightening their spending, at a time when foreclosures and bankruptcies are still at record levels, the Federal Government keeps going on its merry way, spending like we have just boocous of cash.

All this comes after the $787 billion stimulus bill which the Washington Post said was a ''massive financial windfall'' for Federal agencies. A 12 percent increase in times of 3 percent inflation, when our national debt is now over $13 trillion, is just ridiculous.

We would not be having all these problems if we'd had fiscally conservative Congresses for the last 45 years. Now we seem to have the most fiscally wasteful Congress we have ever had.

SPECULATORS ARE DRIVING UP THE PRICE OF OIL

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

Mr. PERRIELLO. Mr. Speaker, I rise on behalf of consumers facing rising prices at the pump. How is it that demand for oil can drop, supply can rise, and yet costs can increase? This defies the rules of the free market.

And the answer is the speculators who continue to drive up the price of oil.

We hear talk here about protecting consumers, but I'm sick of seeing crocodile tears shed for consumers that are filling up the swimming pools of our speculators.

We hear an energy plan, particularly from the other side of the aisle, that has no long game, no short game, and no medium game. It's like taking our country into the U.S. Open with no short game on the greens, no long game for the tees, and trying to get out of the rough with a putter.

It's time that we have the courage to protect consumers immediately by going after the speculators and developing a real energy policy that is in keeping with the courage of this country, the innovation of our private sector, and the desire to step up as each generation to the challenge at hand.

HEALTH CARE REFORM AND THE ROLE OF CONGRESS

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, think if the government runs all health care it will be easy for your doctor to make decisions to get you the right care at the best price? Well, Congress doesn't think so.

In the 110th Congress, 452 separate bills were introduced to fix problems of Medicaid and Medicare.

What if your doctor prescribes home care rather than send you to a nursing home at three times the cost? It takes an act of Congress to change the rules.

Screening for glaucoma? Well, it depends on who you are. Otherwise, ask Congress to change the law.

Maybe you have multiple sclerosis that prevents you from working and you cannot afford the medication. You have to wait 2 years to qualify for help, unless Congress changes the law.

When less than one in four Americans think Congress is doing a great job, should Congress really be in charge of your health insurance?

Let's fix the problems. Focus on value not volume, quality not quantity, and stop wasting hundreds of billions of health care dollars.

There should be no bureaucracy between you and your doctor. Reform, yes. Oversight, yes. Accountability, transparency, absolutely. But becoming an insurance company, let's think about it.

SOMETHING IS HAPPENING IN IRAN

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

Mrs. MALONEY. Mr. Speaker, I would like to echo what President Obama said the other day. Something is happening in Iran, and it is something remarkable and inspiring.

Thanks to Iranian citizen journalists and technological innovations and communications, the entire world has seen the pictures from Iran of those who are giving their lives in the cause of freedom and democracy. The pictures show hundreds of thousands of people, men in green, women in chadors, young and old, rich and poor, taking to the streets in unity in peaceful protest. They have used the universal human right to peacefully assemble and to seek redress of grievances in the full knowledge it may cost them their lives.

They go out today in mourning for the scores of victims of shameful acts of repression. Their determination and bravery have the whole world watching, waiting and inspired, and hoping that Iranian authorities, with the support of the ayatollahs, will do the right thing.

□ 1030

ABC SHOULD AIR BOTH SIDES OF HEALTH CARE DEBATE

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

Mr. SMITH of Texas. Mr. Speaker, next Wednesday, those tuning in to ABC for news coverage instead will see an extended commercial for President Obama and for his government-run health care system.

According to ABC, the network will feature the President's health care agenda during its morning, evening and prime time news programs, as well as on its Web site. The finale will be a health care townhall meeting with President Obama that will be broadcast directly from the White House.

ABC should present both sides of the health care debate, not just the administration's side. Unfortunately, ABC has announced no plans to devote time to an opposing viewpoint. In fact, they have refused to air ads critical of the administration's health care plan. It is this kind of biased news programming

that has caused Americans to lose faith in the national media.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore (Mr. PERLMUTTER). Pursuant to House Resolution 552 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2847.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole House rose on Wednesday, June 17, 2009, a request for a recorded vote on amendment No. 84, offered by the gentleman from Arizona (Mr. FLAKE) had been postponed, and the bill had been read through page 101, line 20.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 25 by Mr. ROE of Tennessee.

Amendment No. 31 by Mr. NADLER of New York.

Amendment No. 35 by Ms. EDDIE BERNICE JOHNSON of Texas.

Amendment No. 6 by Mr. HENSARLING of Texas.

Amendment No. 118 by Mr. LEWIS of California.

Amendment No. 69 by Mr. TIAHRT of Kansas.

Amendment No. 102 by Mr. CUELLAR of Texas.

Amendment No. 96 by Mr. PRICE of Georgia.

Amendment No. 98 by Mr. HODES of New Hampshire.

Amendment No. 63 by Mr. NUNES of California.

Amendment No. 111 by Mrs. BLACKBURN of Tennessee.

Amendment No. 71 by Mr. BURTON of Indiana.

Amendment No. 97 by Mr. PRICE of Georgia.

Amendment No. 100 by Mr. JORDAN of Ohio.

Amendment No. 114 by Mr. REICHERT of Washington.

Amendment No. 59 by Mr. BROUN of Georgia.

Amendment No. 79 by Mr. HENSARLING of Texas.

Amendment No. 76 by Mr. HENSARLING of Texas.

Amendment No. 105 by Mr. CAMPBELL of California.

Amendment No. 104 by Mr. CAMPBELL of California.

Amendment No. 107 by Mr. CAMPBELL of California.

Amendment No. 87 by Mr. FLAKE of Arizona.

Amendment No. 86 by Mr. FLAKE of Arizona.

Amendment No. 85 by Mr. FLAKE of Arizona.

Amendment No. 91 by Mr. FLAKE of Arizona.

Amendment No. 84 by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. ROE OF TENNESSEE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. ROE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. ROE of Tennessee:

Page 38, line 13, after the dollar amount, insert ''(reduced by $97,400,000)''.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 283, not voting 16, as follows:

[Roll No. 356]

AYES—140

Adler (NJ)
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Conyers
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Foxx
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hinchey
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Latta
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Murphy, Tim
Nadler (NY)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Souder
Tanner
Taylor
Terry
Thornberry
Tiberi
Upton
Wamp
Welch
Whitfield
Wilson (SC)
Wittman

NOES—283

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bachmann
Davis (IL)
Doyle
Ellison
Harman
Johnson (GA)
Kennedy
Kratovil
Lewis (GA)
Payne
Rangel
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1101

Ms. FUDGE, Messrs. HOLDEN, SHUSTER, Ms. RICHARDSON, Messrs. LUCAS, BRADY of Pennsylvania, Ms. CLARKE, Messrs. BOCCIERI, ORTIZ, FARR, HALL of New York, SCHAUER, BECERRA, CARDOZA, Ms. WASSERMAN SCHULTZ, Ms. KILROY, Mr. FORBES, Ms. WOOLSEY, Mr. MARSHALL, Ms. KOSMAS, Mr. DOGGETT, Ms. SPEIER, Mr. REICHERT, Mrs. MYRICK, Mr. SHULER, Ms. FALLIN, Mrs. BONO MACK, Messrs. CLAY and TURNER changed their vote from ''aye'' to ''no.''

Messrs. GARRETT of New Jersey, BARRETT of South Carolina, BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Messrs. WHITFIELD, POE of Texas, SCALISE, and LATTA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 31 OFFERED BY MR. NADLER OF NEW YORK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. NADLER of New York:

Page 45, line 1, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 45, line 4, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 45, line 13, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 56, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 58, line 19, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 58, line 21, after the dollar amount, insert ''(increased by $5,000,000)''.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. The Chair puts Members on notice that we have 25 consecutive 5-minute votes, and the Chair intends to strictly enforce the 5-minute rule.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 3, not voting 18, as follows:

[Roll No. 357]

AYES—418

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

NOES—3

Hall (TX)
Linder
Young (AK)

NOT VOTING—18

Bachmann
Davis (IL)
Ellison
Harman
Hoyer
Kennedy
Kratovil
Lewis (GA)
McMorris Rodgers
Paul
Payne
Rangel
Rogers (MI)
Sánchez, Linda T.
Schmidt
Slaughter
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1108

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 75, line 7, insert ''*Provided further*, That not less than $32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program'' before the period.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 35, not voting 15, as follows:

[Roll No. 358]

AYES—389

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

NOES—35

Bilbray	Franks (AZ)	Neugebauer
Blackburn	Garrett (NJ)	Olson
Brady (TX)	Harper	Pence
Brown-Waite, Ginny	Hensarling	Rogers (MI)
	Herger	Scalise
Campbell	Johnson, Sam	Sessions
Coble	King (IA)	Shuster
Conaway	Lamborn	Stearns
Culberson	Linder	Thompson (PA)
Davis (KY)	Lummis	Thornberry
Flake	McClintock	Westmoreland
Foxx	Miller (FL)	Whitfield

NOT VOTING—15

Bachmann	Lewis (GA)	Slaughter
Costa	Paul	Sullivan
Davis (IL)	Payne	Tauscher
Ellison	Sánchez, Linda T.	Young (AK)
Harman		
Kennedy	Schmidt	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1114

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained because I was meeting with the South Korean Ambassador and missed rollcall votes 357 and 358. Had I been present, I would have voted ''aye'' on rollcall No. 357 and ''aye'' on rollcall No. 358.

AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HENSARLING:

In title IV, strike the heading ''Legal Services Corporation'' and both paragraphs under that heading including their subheadings.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 323, not voting 11, as follows:

[Roll No. 359]

AYES—105

Akin	Goodlatte	Myrick
Austria	Granger	Neugebauer
Barrett (SC)	Hall (TX)	Nunes
Bartlett	Hastings (WA)	Olson
Barton (TX)	Heller	Paul
Bilbray	Hensarling	Pence
Bilirakis	Herger	Petri
Bishop (UT)	Hoekstra	Pitts
Blackburn	Hunter	Posey
Boehner	Issa	Price (GA)
Bono Mack	Jenkins	Putnam
Brady (TX)	Johnson, Sam	Radanovich
Broun (GA)	Jordan (OH)	Rehberg
Brown (SC)	King (IA)	Rohrabacher
Burgess	Kline (MN)	Roskam
Burton (IN)	Lamborn	Royce
Buyer	Latta	Ryan (WI)
Calvert	Lee (NY)	Scalise
Campbell	Lewis (CA)	Sensenbrenner
Cantor	Linder	Sessions
Carter	Lummis	Shadegg
Chaffetz	Lungren, Daniel E.	Simpson
Coble		Smith (NE)
Conaway	Mack	Smith (TX)
Culberson	Manzullo	Souder
Deal (GA)	Marchant	Stearns
Dreier	McCarthy (CA)	Thornberry
Duncan	McClintock	Tiahrt
Flake	McHenry	Wamp
Fleming	McKeon	Westmoreland
Forbes	McMorris Rodgers	Whitfield
Foxx		Wilson (SC)
Franks (AZ)	Mica	Wittman
Garrett (NJ)	Miller (FL)	Young (AK)
Gingrey (GA)	Minnick	Young (FL)
Gohmert	Moran (KS)	

NOES—323

Abercrombie	Berry	Bright
Ackerman	Biggert	Brown, Corrine
Aderholt	Bishop (GA)	Brown-Waite, Ginny
Adler (NJ)	Bishop (NY)	
Alexander	Blumenauer	Buchanan
Altmire	Blunt	Butterfield
Andrews	Boccieri	Camp
Arcuri	Bonner	Cao
Baca	Boozman	Capito
Bachus	Bordallo	Capps
Baird	Boren	Capuano
Baldwin	Boswell	Cardoza
Barrow	Boucher	Carnahan
Bean	Boustany	Carney
Becerra	Boyd	Carson (IN)
Berkley	Brady (PA)	Cassidy
Berman	Braley (IA)	Castle

Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmuter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—11

Bachmann
Ellison
Harman
Inslee
Kennedy
Lewis (GA)
Payne
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1121

Messrs. COFFMAN of Colorado and McMAHON and Ms. KILPATRICK of Michigan changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 118 OFFERED BY MR. LEWIS OF CALIFORNIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LEWIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 118 offered by Mr. LEWIS of California:

At the end of the bill (before the short title), insert the following:

''SEC. . None of the funds made available in this Act may be used to implement Executive Order 13492, issued January 22, 2009, titled ''Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities''.''

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 216, not voting 11, as follows:

[Roll No. 360]

AYES—212

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

NOES—216

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson

Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Bachmann
Conyers
Ellison
Harman
Kennedy
Lewis (GA)
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Welch

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1130

Ms. WASSERMAN SCHULTZ changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1130

The CHAIR. Pursuant to clause 6(h) of rule XVIII, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported to the House that during consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 552, the votes cast by the Delegates and the Resident Commissioner were decisive on a recorded vote on the amendment offered by the gentleman from California (Mr. LEWIS).

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, my understanding is that because the vote in the Committee of the Whole was within the margin of the number of Delegates that there are in the House, the Committee has now risen and we're in the Whole House and the vote that we are about to have will be the same amendment; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The Clerk designated the amendment.

The SPEAKER pro tempore. Pursuant to clause 6(h) of rule XVIII, the Chair will put the question to the House de novo.

The question is on the amendment.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 213, not voting 9, as follows:

[Roll No. 361]

YEAS—212

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

NAYS—213

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

NOT VOTING—9

Bachmann
Ellison
Harman
Kennedy
Lewis (GA)
Schmidt
Shea-Porter
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1148

So the amendment was rejected.

The result of the vote was an announced as above recorded.

The SPEAKER pro tempore. Pursuant to clause 6(h) of rule XVIII, the Committee will resume its sitting.

□ 1148

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from California (Mr. LEWIS) had been rejected on a recorded vote on which the votes cast by the Delegates and the Resident Commissioner were decisive.

That result has since been affirmed by the House.

AMENDMENT NO. 69 OFFERED BY MR. TIAHRT

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mr. TIAHRT:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to obligate, or pay the salary or expenses of personnel who obligate, funds made available under the following headings in title II of division A of Public Law 111–5:

(1) ''Economic Development Administration—Economic Development Assistance Programs''.

(2) ''National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program''.

(3) ''National Institute of Standards and Technology—Construction of Research Facilities''.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 15-minute vote, followed by resumption of 5-minute votes for the remaining votes in this sequence.

The vote was taken by electronic device, and there were—ayes 161, noes 270, not voting 8, as follows:

[Roll No. 362]

AYES—161

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—270

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

NOT VOTING—8

Bachmann
Ellison
Harman
Kennedy
Lewis (GA)
Schmidt
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1209

Mr. MCMAHON changed his vote from ''aye'' to ''no.''

Mrs. MCMORRIS RODGERS changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 102 OFFERED BY MR. CUELLAR

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CUELLAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 102 offered by Mr. CUELLAR:

At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''Energy Star'' or ''Federal Energy Management Program'' designation.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 343, noes 87, not voting 9, as follows:

[Roll No. 363]

AYES—343

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—87

Aderholt
Akin
Alexander
Austria
Bachus
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Carter
Coble
Coffman (CO)
Cole
Conaway
Deal (GA)
Duncan
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Hall (TX)
Hastings (WA)
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Olson
Paul
Pence
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Rogers (MI)
Rooney
Roskam
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Shimkus
Simpson
Slaughter
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Young (AK)

NOT VOTING—9

Bachmann
Ellison
Harman
Kennedy
Lewis (GA)
Pitts
Schmidt
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1215

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 96 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 96 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. — Appropriations made in Title II of this Act are hereby reduced in the amount of $10,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 257, not voting 17, as follows:

[Roll No. 364]

AYES—165

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

NOES—257

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge

Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth
Young (FL)

NOT VOTING—17

Bachmann
Bean
Crowley
Ehlers
Ellison
Griffith
Harman
Hinojosa
Kennedy
Lewis (GA)
Murphy (CT)
Reyes
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Woolsey

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1222

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 98 OFFERED BY MR. HODES

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. HODES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 98 offered by Mr. HODES:

At the end of the bill (before the short title), insert the following:

SEC. ____. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 17, as follows:

[Roll No. 365]

AYES—422

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

Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—17

Bachmann
Ellison
Harman
Herger
Himes
Kennedy
Lewis (GA)
McCarthy (NY)
Murphy (NY)
Sánchez, Linda T.
Schmidt
Schwartz
Shuster
Speier
Sullivan
Tauscher
Yarmuth

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1229

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 63 OFFERED BY MR. NUNES

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. NUNES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 63 offered by Mr. NUNES:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement the biological opinion entitled ''Biological Opinion and Conference Opinion on the Long–Term Operations of the Central Valley Project and State Water Project'', issued by the National Marine Fisheries Service and dated June 4, 2009.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 218, not voting 13, as follows:

[Roll No. 366]

AYES—208

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

NOES—218

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

NOT VOTING—13

Bachmann
Berkley
Ellison
Harman
Issa
Kennedy
Lewis (GA)
Melancon
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Weiner

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1237

Messrs. BRIGHT and SKELTON changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 111 OFFERED BY MRS. BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 111 offered by Mrs. BLACKBURN:

At the end of the bill, before the short title, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 534. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 14, as follows:

[Roll No. 367]

AYES—177

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany

Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOES—248

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

NOT VOTING—14

Bachmann
Davis (TN)
Delahunt
Ellison
Harman
Kennedy
Lewis (GA)
Pallone
Rush
Sánchez, Linda T.
Schmidt
Shuster
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 71 OFFERED BY MR. BURTON OF INDIANA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. BURTON of Indiana:

At the end of the bill, before the short title, insert the following:

SEC. —. None of the funds made available in this Act may be used to relocate the Office of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 162, not voting 15, as follows:

[Roll No. 368]

AYES—262

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hodes
Hoekstra
Holden
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Oberstar
Olson
Pastor (AZ)
Paul
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sarbanes
Scalise
Schauer
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)

Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—162

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Blumenauer
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costello
Courtney
Cuellar
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doyle
Edwards (MD)
Ellsworth
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kilpatrick (MI)
Kilroy
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Slaughter
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wexler
Woolsey

NOT VOTING—15

Bachmann
Cardoza
Conyers
Ellison
Garrett (NJ)
Harman
Kennedy
Lewis (GA)
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Van Hollen
Watson
Young (AK)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1250

Ms. MARKEY of Colorado changed her vote from ''aye'' to ''no.''

Mr. BARROW changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

CONGRESSIONAL BASEBALL GAME

Mr. DOYLE. Mr. Chairman, as you know, last night was the 48th annual Roll Call congressional baseball game. The real winners last night were the Washington Boys & Girls Club and the Washington Literacy Council, as we were able to raise over $100,000 for those charities.

Mr. Chairman, it's been 9 long years since the coveted Roll Call trophy was able to sit on this desk. And I want to, first of all, offer my congratulations to our Republican teammates. JOHN SHIMKUS pitched a fantastic game. He's a real gamer. They fought long and hard, but this year was our year.

I'm happy to announce that the Democrats won the game 15–10. JOE BACA, at the age of 62, pitched a complete game, gave up just eight hits, and BART STUPAK was tremendous in the field, and TIM BISHOP was tremendous at the bat. I want to congratulate and thank all of the players on the Democratic team for their hard work and this accomplishment.

And I want to yield the floor to my good friend, JOE BARTON.

Mr. BARTON of Texas. Mr. Chairman, I was slow to get on my feet. I was going to object to this breach of the rules of the House allowing Mr. DOYLE to speak out of order, but I was too slow.

It is a very disappointing sight, Mr. Chairman, to see that trophy in an unaccustomed place. But last night at National Stadium, the Democrats—very uncharacteristically—played like Republicans: They played very well; they played as a team; they even played by the rules, Mr. Chairman. And as a result, they won the game fair and square 15–10.

I want to commend Mr. DOYLE for his excellent managerial skills, Mr. BACA, Mr. STUPAK, and Mr. BISHOP who were the tri-MVPs. I want to commend on our side our MVP, GRESHAM BARRETT; JOHN SHIMKUS, who pitched and did well, and SAM GRAVES who made several highlight catches in the outfield.

It was a good game. The Democrats did deserve to win—but don't get accustomed to it because we will be back, in the spirit of good competition. And as Mr. DOYLE said, it was for the Washington Literacy Council and the Washington area Boys & Girls Club.

I do want to thank the Nationals for letting us use their field, and my guess is they will be calling up some of the Democrats to play on their team since you have a better winning record now than they do.

Mr. DOYLE. If we get two more players, we're going to play the Nationals next year.

Mr. BARTON of Texas. But congratulations to MIKE DOYLE. We should give him a big round of applause because he deserves it.

Mr. DOYLE. Thank you, Mr. Chairman.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 97 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 97 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced in the amount of $644,150,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 236, not voting 15, as follows:

[Roll No. 369]

AYES—188

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nunes
Nye
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden

Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (FL)

NOES—236

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

NOT VOTING—15

Bachmann
Butterfield
Ellison
Hall (TX)
Harman
Kennedy
Lewis (GA)
Lucas
Neugebauer
Rangel
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Wittman

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 1301

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WITTMAN. Mr. Chair, on rollcall No. 369, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 100 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 100 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $12,511,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 275, not voting 17, as follows:

[Roll No. 370]

AYES—147

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—275

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Titus
Tonko

Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Bachmann
Ellison
Faleomavaega
Harman
Kennedy
Kirk
Lewis (GA)
McDermott
Miller, George
Sablan
Sánchez, Linda T.
Schmidt
Smith (TX)
Sullivan
Tauscher
Tierney
Watt

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1307

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SMITH of Texas. (Mr. Chair) on rollcall No. 370, had I been present, I would have voted "aye."

AMENDMENT NO. 114 OFFERED BY MR. REICHERT

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 114 offered by Mr. REICHERT:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ___. For ''Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs'' for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the Violence Against Women Act of 1994 (42 U.S.C. 14043c), and the amount otherwise provided by this Act for ''Departmental management—Salaries and expenses'' is hereby reduced by, $2,500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 1, not voting 21, as follows:

[Roll No. 371]

AYES—417

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

NOES—1

Baird

NOT VOTING—21

Ackerman
Bachmann
Berman
Cole
Conyers
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
Murphy (NY)
Murphy, Tim
Norton
Rohrabacher
Sánchez, Linda T.
Schmidt
Shuster
Slaughter
Sullivan
Tauscher
Watson

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1314

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Chair, on rollcall No. 371, had I been present, I would have voted "aye."

AMENDMENT NO. 59 OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. BROUN of Georgia:

At the end of the bill, before the short title, insert the following new section:

SEC. 535. None of the funds made available by this Act shall be used to establish or implement a National Climate Service.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 262, not voting 16, as follows:

[Roll No. 372]

AYES—161

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

NOES—262

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

NOT VOTING—16

Bachmann
Cole
Conyers
Deal (GA)
Ellison
Farr
Harman
Kennedy
Lewis (GA)
Massa
Murphy (CT)
Sánchez, Linda T.
Schmidt
Sullivan
Tauscher
Waxman

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1321

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 79 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act may be used by the Art Center of the Grand Prairie, Stuttgart, AR, for the Grand Prairie Arts Initiative.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 294, not voting 11, as follows:

[Roll No. 373]

AYES—134

Akin
Austria
Barrett (SC)
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOES—294

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah

Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Bachmann
Deal (GA)
Ellison
Green, Gene
Harman
Kennedy
Kilpatrick (MI)
Lewis (GA)
Schmidt
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote) There are 2 minutes remaining in this vote.

□ 1327

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 373, had I been present, I would have voted "no."

AMENDMENT NO. 76 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC.—.None of the funds made available by this Act may be used by the Maine Department of Marine Resources, Augusta, ME, for Maine Lobster Research and Inshore Trawl Survey.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 311, not voting 13, as follows:

[Roll No. 374]

AYES—115

Akin
Austria
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Culberson
Dent
Duncan
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wolf

NOES—311

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Bachmann
Bean
Bright
Deal (GA)
Ellison
Harman
Kennedy

Lewis (GA) Shadegg Tauscher
Schmidt Sullivan Welch

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1335

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 105 OFFERED BY MR. CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 105 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' shall be available for the Training the Next Generation of Weather Forecasters project of San Jose State University, San Jose, California, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $180,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 303, not voting 13, as follows:

[Roll No. 375]

AYES—123

Akin
Austria
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—303

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Bachmann
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
McCollum
Sablan
Schmidt
Speier
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1341

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 104 OFFERED BY MR. CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 104 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Minority Business Development Agency—Minority Business Development'' shall be available for the Jamaica Chamber of Commerce, Jamaica, NY, for the Jamaica Export Center, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $100,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 15, as follows:

[Roll No. 376]

AYES—129

Akin
Alexander
Austria
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Davis (KY)

Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Speier
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOES—295

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—15

Bachmann
Buyer
Deal (GA)
Delahunt
Ellison
Harman
Kennedy
Lewis (GA)
McGovern
Pitts
Rogers (KY)
Schmidt
Spratt
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in the vote.

□ 1348

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 107 OFFERED BY MR. CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 107 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' shall be available for the Summer Flounder and Black Sea Initiative project of the Partnership for Mid-Atlantic Fisheries, Point Pleasant Beach, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $600,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 317, not voting 20, as follows:

[Roll No. 377]

AYES—102

Akin
Austria
Barrett (SC)
Bilbray
Bilirakis
Blackburn
Blunt
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Duncan
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McMorris Rodgers
Miller (FL)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen

Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Bachmann
Bachus
Boehner
Davis (TN)
Deal (GA)
Dingell
Ellison
Harman
Herger
Kennedy
Larson (CT)
Lewis (GA)
Marchant
McNerney
Rush
Sanchez, Loretta
Schrader
Sullivan
Tauscher
Thompson (CA)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1354

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 87 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 87 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''Department of Justice—General Administration—National Drug Intelligence Center'' shall be available for operations of the National Drug Intelligence Center, and the amount otherwise provided under such heading is hereby reduced by $44,023,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 295, not voting 14, as follows:

[Roll No. 378]

AYES—130

Akin
Austria
Barrett (SC)
Bartlett
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pitts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—295

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Bachmann
Bean
Buyer
Deal (GA)
DeGette
Ellison
Harman
Kennedy
Kilpatrick (MI)
Larson (CT)
Lewis (GA)
Schwartz
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1401

Mr. POE of Texas changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 86 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 86 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Aeronautics and Space Administration—Cross Agency Support'' shall be available for the Innovative Science Learning Center of ScienceSouth, Florence, South Carolina, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 320, not voting 12, as follows:

[Roll No. 379]

AYES—107

Akin
Austria
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wittman
Young (AK)

NOES—320

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—12

Bachmann
Deal (GA)
Ellison
Harman
Kennedy
Kirk
Larson (CT)
Lewis (GA)
Radanovich
Stearns
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chair, on rollcall No. 379, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on rollcall Nos. 377, 378, and 379 I was in the physician's office. Had I been present, I would have voted "no."

AMENDMENT NO. 85 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 85 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Aeronautics and Space Administration—Cross Agency Support'' shall be available for the Drew University Environmental Science Initiative of Drew University, Madison, New Jersey, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $1,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 100, noes 318, not voting 21, as follows:

[Roll No. 380]

AYES—100

Akin
Austria
Barrett (SC)
Bean
Bilbray
Blackburn
Bono Mack
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Grijalva
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Thornberry
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Bachmann
Becerra
Boehner
Cardoza
Clyburn
Deal (GA)
Duncan
Edwards (TX)
Ellison
Harman
Holden
Johnson (IL)
Kennedy
Larson (CT)
Lewis (GA)
Murtha
Rangel
Sullivan
Sutton
Tauscher
Waxman

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1413

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 18, 2009, I missed rollcall votes 377, 378, 379, and 380. Had I been present, I would have voted "no" on all.

AMENDMENT NO. 91 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 91 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' shall be available for the Science Education Through Exploration project of the JASON Project, Ashburn, Virginia, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $4,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 306, not voting 14, as follows:

[Roll No. 381]

AYES—119

Akin
Austria
Barrett (SC)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Dent
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)

NOES—306

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda

Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Bachmann
Boccieri
Cantor
Deal (GA)
Doggett
Ellison
Harman
Hodes
Kaptur
Kennedy
Lewis (GA)
Sullivan
Tauscher
Tierney

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1420

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 84 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 84 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' shall be available for the Institute for Seafood Studies project of the Nicholls State University Department of Biological Sciences, Thibodaux, Louisiana, and the amount otherwise provided under such heading (and the portion of such amount specified for Congressionally-designated items) are hereby reduced by $325,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 303, not voting 12, as follows:

[Roll No. 382]

AYES—124

Akin
Austria
Barrett (SC)
Bartlett
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Culberson
DeLauro
Dent
Duncan
Fallin
Flake
Fleming
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hodes
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—303

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cole
Connolly (VA)
Conyers
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bachmann
Cohen
Courtney
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
Sablan
Scott (VA)
Sullivan
Tauscher

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1427

Mr. GOHMERT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010''.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 552, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole?

Mr. WESTMORELAND. Mr. Speaker, I demand separate votes in the House on the following amendments: Mollohan No. 11; Schock No. 8; Bordallo No. 19; Moore No. 3; Boswell No. 41; Nadler No. 31; Bernice Johnson No. 35; Cuellar No. 102; Hodes No. 98; and Reichert No. 114.

The SPEAKER pro tempore. The Chair will put the question on the remaining amendment.

The question is on the amendment.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the succeeding separate votes.

The vote was taken by electronic device, and there were—yeas 251, nays 168, not voting 14, as follows:

[Roll No. 383]

YEAS—251

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hodes
Hoekstra
Holden
Hunter
Inglis
Inslee
Issa
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kildee
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Olson
Pastor (AZ)
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sarbanes
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—168

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doyle
Edwards (MD)
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Slaughter
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey

NOT VOTING—14

Bachmann
Broun (GA)
Cohen
Courtney
Davis (AL)
Deal (GA)
Ellison
Harman
Kennedy
King (IA)
Klein (FL)
Lewis (GA)
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1447

Messrs. VISCLOSKY, INSLEE, HODES and DOGGETT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT NO. 11 OFFERED BY MR. MOLLOHAN

The SPEAKER pro tempore. The Clerk will redesignate the first amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MOLLOHAN:

Page 3, line 4, after the dollar amount, insert ''(reduced by $100,000)''.

Page 23, lines 18 and 19, after each dollar amount, insert ''(reduced by $21,132,000)''.

Page 45, lines 1, 4, and 13, after each dollar amount, insert ''(reduced by $78,768,000)''.

Page 47, line 22, after the dollar amount, insert ''(increased by $100,000,000)''.

Page 48, line 17, after the dollar amount, insert ''(increased by $100,000,000)''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 27, as follows:

[Roll No. 384]

YEAS—405

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

NAYS—1

Dingell

NOT VOTING—27

Alexander
Bachmann
Baird
Butterfield
Conyers
Courtney
Davis (AL)
Deal (GA)
Ellison
Farr
Harman
Kennedy
Kilpatrick (MI)
Lewis (GA)
Lynch
Markey (CO)
Matsui
Mica
Murphy (CT)
Oberstar
Peterson
Sánchez, Linda T.
Smith (NJ)
Stearns
Sullivan
Tauscher
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MICA. Mr. Chair, on rollcall No. 384, I was unavoidably detained on Transportation and Infrastructure Committee business. Had I been present, I would have voted "aye."

Mr. STEARNS. Mr. Chair, on rollcall No. 384, I was unavoidably detained. Had I been present, I would have voted "aye."

MOTION TO RECONSIDER

Mr. PRICE of Georgia. Mr. Speaker, I move that we reconsider the vote just held.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 172, noes 245, not voting 16, as follows:

[Roll No. 385]

AYES—172

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

NOES—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Bachmann
Baird
Bean
Bishop (UT)
Brown, Corrine
Courtney
Davis (AL)
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
Sánchez, Linda T.
Sullivan
Tauscher
Turner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is a problem with the display board. The House is currently voting on the motion to reconsider.

□ 1501

Mr. COHEN changed his vote from ''aye'' to ''no.''

Mr. GARRETT of New Jersey changed his vote from ''no'' to ''aye.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. SCHOCK

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SCHOCK:

Page 3, line 4, after the dollar amount, insert ''(increased by $500,000)''.

Page 7, line 5, after the dollar amount, insert ''(reduced by $500,000)''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr SCHOCK).

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

RECORDED VOTE

Mr. SCHOCK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 179, noes 236, not voting 18, as follows:

[Roll No. 386]

AYES—179

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

NOES—236

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

NOT VOTING—18

Bachmann
Baird
Bishop (GA)
Cantor
Courtney
Davis (AL)
Deal (GA)
Ellison
Graves
Harman
Kennedy
Lewis (GA)
Platts
Rangel
Sánchez, Linda T.
Shuster
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1508

Mr. GARRETT of New Jersey changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BOEHNER. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 177, nays 241, not voting 15, as follows:

[Roll No. 387]

YEAS—177

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

NAYS—241

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

NOT VOTING—15

Bachmann
Baird
Brown, Corrine
Cantor
Davis (AL)
Deal (GA)
DeFazio
Ellison
Garrett (NJ)
Harman
Kennedy
Lewis (GA)
Sánchez, Linda T.
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1514

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MS. BORDALLO

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. BORDALLO:

Page 13, line 11, after the dollar amount insert ''(increased by $500,000)''.

Page 13, line 24, after the dollar amount insert ''(increased by $500,000)''.

Page 13, line 25, after the dollar amount insert ''(increased by $500,000)''.

Page 17, line 12, after the dollar amount insert ''(reduced by $500,000)''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

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

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 405, nays 12, not voting 16, as follows:

[Roll No. 388]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge

Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—12

Adler (NJ)
Arcuri
Bean
Bishop (NY)
Connolly (VA)
Foster
Hodes
Jenkins
McMahon
Perlmutter
Schauer
Walz

NOT VOTING—16

Bachmann
Cantor
Davis (AL)
Deal (GA)
Ellison
Harman
Hoyer
Kennedy
Lewis (GA)
Moore (WI)
Pitts
Rangel
Sánchez, Linda T.
Schwartz
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1521

Mr. ADLER of New Jersey changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. KING of Iowa. Mr. Speaker, I move to reconsider the vote.

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 172, noes 239, not voting 22, as follows:

[Roll No. 389]

AYES—172

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

NOES—239

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

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—22

Abercrombie
Bachmann
Chandler
Coble
Davis (AL)
Deal (GA)
Ellison
Engel
Frank (MA)
Green, Gene
Griffith
Harman
Kennedy
Kirk
Lewis (GA)
Ros-Lehtinen
Ruppersberger
Sánchez, Linda T.
Sestak
Skelton
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1527

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. MOORE OF WISCONSIN

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MOORE of Wisconsin:

In title I, in the paragraph entitled ''Salaries and Expenses'' immediately following the heading ''Departmental Management'' insert ''(reduced by $4,000,000'') after ''$60,000,000''.

Page 42, line 7, after ''$400,000,000'' insert ''(increased by $4,000,000,000)''.

In title II, in the paragraph entitled ''Violence Against Women Prevention and Prosecution Programs'' under the heading ''State and Local Law Enforcement Activities Office on Violence Against Women'' in the numbered item in the second proviso relating to legal assistance for victims as authorized by section 1201 of the 2000 Act, insert ''(increased by $4,000,000)'' after ''$37,000,000''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19, as follows:

[Roll No. 390]

AYES—414

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

NOT VOTING—19

Bachmann
Davis (AL)
Deal (GA)
Doggett
Ellison
Gingrey (GA)
Harman
Hastings (FL)
Kennedy
Klein (FL)
Larson (CT)
Lewis (GA)
Olver
Sánchez, Linda T.
Sestak
Shuster
Sullivan
Tauscher
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1533

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. KING of Iowa. Mr. Speaker, I move for reconsideration of the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 170, noes 248, not voting 15, as follows:

[Roll No. 391]

AYES—170

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw

Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pascrell
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—248

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

NOT VOTING—15

Bachmann
Davis (AL)
Deal (GA)
Ellison
Gutierrez
Harman
Kaptur
Kennedy
Lewis (GA)
Olver
Sánchez, Linda T.
Sestak
Smith (NJ)
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1540

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. BOSWELL:

In the item relating to ''Department of Justice—General Administration—Salaries and Expenses'', after the first dollar amount, insert ''(reduced by $2,500,000)''.

In the item relating to the ''National Criminal History Improvment program'' in paragraph (25) under the heading ''State and Local Law Enforcement Assistance'', after the dollar amount, insert ''(increased by $2,500,000)''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

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

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 16, as follows:

[Roll No. 392]

AYES—416

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

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

NOES—1

Jenkins

NOT VOTING—16

Abercrombie
Bachmann
Cardoza
Davis (AL)
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
Marshall
Olver
Sánchez, Linda T.
Serrano
Sestak
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1547

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. KING of Iowa. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 125, noes 295, not voting 13, as follows:

[Roll No. 393]

AYES—125

Aderholt
Akin
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Capito
Cassidy
Castle
Chaffetz
Cleaver
Coble
Cole
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Dreier
Ehlers
Emerson
Fallin
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
King (IA)
King (NY)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
McCarthy (CA)
McClintock
McCotter
McHenry
McHugh
McMorris Rodgers
Mica
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pascrell
Paul
Paulsen
Pence
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Reichert
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—295

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Clyburn
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Bachmann
Davis (AL)
Deal (GA)
Ellison
Harman
Kennedy
Lewis (GA)
Markey (MA)
Sánchez, Linda T.
Sestak
Sullivan
Tauscher
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1609

Messrs. PITTS, KINGSTON, CANTOR, TIBERI, HELLER, LATTA, McKEON, CARTER, ROSKAM, LEE of New York, DUNCAN, BONNER, WALDEN, Mrs. MILLER of Michigan, Messrs. MARIO DIAZ-BALART of Florida, ROGERS of Michigan, MANZULLO, BROUN of Georgia, BURTON of Indiana, Ms. FOXX, Messrs. CONAWAY, FORBES, SIMPSON, MILLER of Florida, JORDAN of Ohio, BRADY of Texas, BROWN of South Carolina, ROGERS of Alabama, FLEMING, MARCHANT, GINGREY of Georgia, McCAUL, FORTENBERRY, TERRY, Mrs. BIGGERT, Messrs. GOODLATTE, SHADEGG, FLAKE, COFFMAN of Colorado, DENT, and GARRETT of New Jersey changed their vote from ''aye'' to ''no.''

Messrs. HENSARLING, PENCE, MCCOTTER, KING of Iowa, SAM JOHNSON of Texas, WESTMORELAND, MCHENRY, ISSA, PRICE of Georgia, CHAFFETZ, HUNTER, Ms. ROS-LEHTINEN, Messrs. LUCAS, CAMPBELL, MCCARTHY of California, ROONEY, NEUGEBAUER, SMITH of Nebraska, FRANKS of Arizona, Ms. FALLIN, Messrs. LATHAM, FRELINGHUYSEN, Mrs. SCHMIDT, Messrs. ROE of Tennessee and SESSIONS changed their vote from ''no'' to ''aye.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 31 OFFERED BY MR. NADLER OF NEW YORK

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

RECORDED VOTE

Mr. HARPER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 411, noes 1, answered ''present'' 1, not voting 20, as follows:

[Roll No. 394]

AYES—411

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

NOES—1

Gordon (TN)

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—20

Abercrombie
Bachmann
Cardoza
Cooper
Davis (AL)
Deal (GA)
Ehlers
Ellison
Harman
Kennedy
Lewis (GA)
Markey (MA)
Meek (FL)
Paul
Sánchez, Linda T.
Sestak
Smith (TX)
Sullivan
Tauscher
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1616

Mr. ISSA changed his vote from ''present'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. KING of Iowa. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on a motion to reconsider.

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 163, noes 246, not voting 24, as follows:

[Roll No. 395]

AYES—163

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pascrell
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—246

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

NOT VOTING—24

Bachmann
Blunt
Brady (TX)
Cantor
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Ellison
Frelinghuysen
Griffith
Harman
Kennedy
Lewis (GA)
Murphy (CT)
Murphy, Patrick
Paul
Polis (CO)
Sánchez, Linda T.
Schwartz
Sestak
Sullivan
Tauscher
Van Hollen
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1622

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

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

RECORDED VOTE

Mr. ROE of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 387, noes 31, not voting 15, as follows:

[Roll No. 396]

AYES—387

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

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—31

Bilbray
Blackburn
Brady (TX)
Brown-Waite, Ginny
Campbell
Cleaver
Coble
Conaway
Culberson
Davis (KY)
Flake
Foxx
Franks (AZ)
Harper
Hensarling
Herger
King (IA)
Lamborn
Levin
Linder
Lummis
McClintock
Miller (FL)
Neugebauer
Olson
Pence
Scalise
Sessions
Thompson (PA)
Thornberry
Westmoreland

NOT VOTING—15

Bachmann
Davis (AL)
Deal (GA)
Ellison
Gohmert
Harman
Kennedy
Lewis (GA)
Paul
Perlmutter
Sánchez, Linda T.
Sestak
Sullivan
Tauscher
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1629

Mr. COFFMAN of Colorado changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BROUN of Georgia. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 17, as follows:

[Roll No. 397]

AYES—166

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

NOES—250

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

NOT VOTING—17

Bachmann
Boehner
Davis (AL)
Deal (GA)
Ellison
Gordon (TN)
Green, Gene
Harman
Kennedy
Kirk
Lewis (GA)
Sánchez, Linda T.
Sestak
Sullivan
Tauscher
Van Hollen
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There is 1 minute remaining in this vote.

□ 1635

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 102 OFFERED BY MR. CUELLAR

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

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

RECORDED VOTE

Mr. CHAFFETZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 338, noes 74, not voting 21, as follows:

[Roll No. 398]

AYES—338

Abercrombie
Ackerman
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney

Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—74

Aderholt
Alexander
Bachus
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Coble
Coffman (CO)
Cole
Conaway
Duncan
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gingrey (GA)
Gohmert
Hastings (WA)
Hunter
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Rehberg
Rogers (MI)
Rooney
Roskam
Scalise
Sessions
Shadegg
Shimkus
Simpson
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland

NOT VOTING—21

Bachmann
Boehner
Cantor
Conyers
Davis (AL)
Deal (GA)
Ellison
Farr
Harman
Kaptur
Kennedy
Lewis (GA)
Rangel
Ryan (WI)
Sánchez, Linda T.
Sestak
Smith (NJ)
Sullivan
Tauscher
Waxman
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1643

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. HENSARLING. Mr. Speaker, I move for reconsideration of the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. HENSARLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 165, noes 245, not voting 23, as follows:

[Roll No. 399]

AYES—165

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

NOES—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Alexander
Austria
Bachmann
Boehner
Chaffetz
Conyers
Davis (AL)
Deal (GA)
Ellison
Gordon (TN)
Hall (TX)
Harman
Hirono
Kennedy
Kirk
Lewis (GA)
Pomeroy
Rangel
Sánchez, Linda T.
Serrano
Sestak
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1649

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HIRONO. Mr. Speaker, during rollcall vote No. 399 on Motion to Reconsider, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 98 OFFERED BY MR. HODES

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 400]

AYES—413

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

NOT VOTING—20

Alexander
Bachmann
Conyers
Davis (AL)
Deal (GA)
Ellison
Harman
Hoyer
Kennedy
Kirk
Klein (FL)
Lewis (CA)
Lewis (GA)
Rangel
Sánchez, Linda T.
Schmidt
Sestak
Smith (WA)
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1655

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. KING of Iowa. Mr. Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. KING of Iowa. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 165, noes 247, not voting 21, as follows:

[Roll No. 401]

AYES—165

Aderholt
Akin
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pascrell
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—247

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

NOT VOTING—21

Alexander
Bachmann
Conyers
Davis (AL)
Deal (GA)
Ellison
Gutierrez
Harman
Kennedy
Lewis (GA)
Maloney
Marshall
Moore (WI)
Rangel
Rogers (MI)
Ryan (OH)
Sánchez, Linda T.
Schmidt
Sestak
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1700

So the motion to reconsider was rejected.

The result of the vote was an announced as above recorded.

AMENDMENT NO. 114 OFFERED BY MR. REICHERT

The SPEAKER pro tempore. The Clerk will redesignate the next amendment on which a separate vote is demanded.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

''SEC. . None of the funds available in this Act may be used to provide rights under Miranda v. Arizona, 384 U.S.436 (1966) by the Department of Justice, including all component agencies, to detainees in the custody of the armed forces of the United States in Afghanistan.''

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I make a point of order against the motion to recommit with instructions. The gentleman's motion to instruct includes a limitation not specifically contained or authorized in existing law and not considered in the Committee of the Whole pursuant to clause 2(d) of rule XXI. I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. ROGERS of Michigan. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROGERS of Michigan. Mr. Speaker, the motion to recommit contains language that I placed into the June 15, 2009, CONGRESSIONAL RECORD to prohibit any funds in this bill from being used by the Department of Justice to provide Miranda Rights to detainees in the custody of the United States military in Afghanistan.

House Resolution 544, the original rule for consideration of this bill, limited amendments to those received for printing in the portion of the CONGRESSIONAL RECORD of June 15, 2009, or earlier, designated for that purpose in clause 8 of rule XVIII. Therefore, under the terms of House Resolution 544, the original rule adopted for consideration of this bill, my amendment was in order to be considered during the amendment process in the Committee of the Whole.

Mr. Speaker, it is my understanding that clause 2 of rule XXI of the rules of the House prohibits a limitation from being offered on an appropriations bill if it contains legislation. Since my amendment did not constitute legislating on an appropriations bill, my amendment would have been in order as a valid amendment during consideration of the Committee of the Whole.

However, the highly restrictive second rule that we operated under for consideration of amendments in the Committee of the Whole prohibited me from offering my amendment, an amendment that would have been in order under the rules of the House, despite the fact that I testified at the Rules Committee asking that I be allowed to offer it. Had my amendment been allowed to be offered during this consideration of amendments to this bill, this motion to recommit would

not be subject to any parliamentary challenge.

Therefore, I ask the Chair to find this motion to recommit in order so that Members can consider this very important amendment to prohibit the extension of Miranda Rights to expected terrorists, non-U.S. citizens, captured on the battlefield in Afghanistan.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that the motion to recommit violates clause 2(c) of rule XXI. Clause 2(c) operates as a general prohibition against amendments proposing limitations not specifically contained or authorized in existing law.

A general appropriation bill remains ''under consideration'' even after the Committee of the Whole has risen and reported the bill back to the House. As such, a motion to recommit a general appropriation bill remains subject to clause 2(c) of rule XXI.

Because it is not in order to propose as instructions in a motion to recommit amendatory language that would not be in order if offered as a direct amendment, a motion to recommit that proposes a limitation amendment is not in order unless such limitation amendment was actually offered and considered in the Committee of the Whole. This proposition is elucidated in rulings of August 1, 1989, and August 3, 1989.

The Chair finds the amendment proposed in the motion to recommit violates clause 2(c) of rule XXI.

The point of order is sustained.

Mr. ROGERS of Michigan. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. OBEY. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 171, not voting 16, as follows:

[Roll No. 402]

AYES—246

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

NOES—171

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

NOT VOTING—16

Bachmann	Harman	Sestak
Boehner	Issa	Sullivan
Cantor	Kennedy	Tauscher
Carter	Lewis (GA)	Westmoreland
Deal (GA)	Murphy, Tim	
Ellison	Schmidt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1722

Mr. CHILDERS changed his vote from ''aye'' to ''no.''

Mrs. KIRKPATRICK of Arizona and Mr. DAVIS of Illinois changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 402, I was unavoidably detained. Had I been present, I would have voted ''no.''

MOTION TO RECONSIDER

Mr. ROGERS of Michigan. Mr. Speaker, I move that we reconsider the vote.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore (Mr. HOLDEN). This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 243, not voting 22, as follows:

[Roll No. 403]

AYES—168

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

NOES—243

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

NOT VOTING—22

Aderholt	Kennedy	Ryan (OH)
Bachmann	Langevin	Schmidt
Deal (GA)	Lee (CA)	Sestak
DeLauro	Lewis (GA)	Sullivan
Dreier	Lowey	Tauscher
Ellison	McNerney	Tiahrt
Harman	Rothman (NJ)	
Herseth Sandlin	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1731

Mr. BURGESS changed his vote from ''no'' to ''aye.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. Yes, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

On page 22, line 8, insert ''(increased by $1,000,000)(decreased by $1,000,000)''.

On page 22, line 14, insert ''(increased by $1,000,000)(decreased by $1,000,000)''.

On page 32, line 21, insert ''(increased by $1,000,000)(decreased by $1,000,000)''.

On page 32, line 22, insert ''(increased by $1,000,000)(decreased by $1,000,000)''.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

Mr. OBEY. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will continue to read.

The Clerk continued to read.

Mr. OBEY. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman will be recognized.

The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I yield to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, we have, I think, the most important decision we're going to make in the years ahead on how we look at the war on terror. Prior to 9/11, look at the events. The 1993 Twin Tower bombings, the USS Cole, the East African bombings. And after the 1993 bombings, we decided to continue our effort to treat the war on terror as a law enforcement exercise, and it led all the way through to 9/11. And this body, collectively, said we have a very important decision to make now after the 9/11 attacks.

We said it's either going to be a crime or it's going to be an act of war. This body, in overwhelming numbers, decided it was an act of war, and we aggressively pursued our counterterrorism efforts around the world, and we pursued those who attacked us with absolute vigilance, and it has been successful. No one can argue it has not been successful.

Think of what happened right after that. We policed up Khalid Sheikh Mohammed, and because he had been schooled in the United States, the very first thing he told those who grabbed him was, I want a lawyer. Thank goodness, thank the good Lord above, they said, Sorry, pal. You're not a United States citizen. Have a seat.

As for those interrogations between KSM and the other two very senior members of al Qaeda, our intelligence services tell us that 60 to 70 percent of what we know about al Qaeda and how it functions came from just those interrogations—60 to 70 percent. That's by the understanding of our intelligence community. From there, we pursued globally the effort to aggressively pursue those who attacked us and the network of al Qaeda.

After the President said he would not propose reading Miranda rights as if they were shoplifters, imagine our shock when we found they had sat down with the Justice Department and with others and had cooked up a plan called the Global Justice Initiative to change the priority from intelligence-gathering on the field to law enforcement on the field. What does that mean?

It means, when they were picking up somebody on the battlefield in Afghanistan, after attacking, say, the 82nd Airborne or after putting out IEDs to kill civilians or Afghans or U.S. soldiers, he was brought back to a detention facility, and they said, We might want to prosecute that person in the future. Sir, you have the right to remain silent.

I cannot tell you how dangerous that is to our national security. It is not a law enforcement event. It is an enemy combatant event. The information that that individual has is perishable. Maybe they're making those IEDs. Maybe they're financing the networks that make those IEDs. Maybe they're the ones who are planning the very next attack on U.S. soldiers. We need them to talk. We don't need to treat them like United States citizens. As a matter of fact, for those on whom they have been doing this, the individuals aren't even Afghan citizens. They're from around the world, directly and intentionally coming to Afghanistan to kill U.S. soldiers.

This is a serious shift in policy on how we pursue our counterterrorism efforts—the most important, I think, we will debate here. This is our chance to send a message, a very clear message.

As the senior FBI official told us, the reason they're going to do this and are doing this is that they want to err on the side of prosecution. I say, Mr. Speaker, that we err on the side of the safety of the men and women in our United States military and of the people right here at home.

If you don't think it's happening, it is.

A letter dated June 12 from the FBI Director says that the proposal would also ensure, when possible, that the intelligence is gathered in a manner that best preserves future options vis-a-vis the individual terrorists at issue, including gathering evidence in a manner that ensures its integrity in the event a prosecution becomes the most desirable approach, which is FBI legalese speak for saying, Listen, we're going to treat them all like we're going to prosecute them.

Imagine the tension between the CIA and the DIA and the other law enforcement community efforts when these enemy combatants come in, when somebody reads them their rights, when the CIA knows they have information that may save the life of a soldier. The confusion that we interject onto the battlefield is wrong, and it is dangerous.

Mr. Speaker, this is our chance. This is our chance together, in a unified way—in the same way that we stood up after 9/11 and said, It is not a crime; it is an act of war; enough is enough. Don't give them the rights of a United States citizen. Give them the rights of an enemy combatant and all that comes with it, and we help the 101st Airborne Division.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, that's a very interesting speech. I wish it had something to do with anything in this amendment. Let me simply read the amendment.

On page 22, line 8 and on page 22, line 14 and on page 32, line 21 and on page 32, line 22, it says, Insert: Increased by $1 million. Decreased by $1 million.

That's all the amendment says. So what does it do? Do you know what it does? It don't do nothing. All it does is give one of our friends on that side of the aisle a chance to talk about an issue.

I want to congratulate him. That's the least destructive thing they've done today. I simply want to say that, if this amendment passes, there is no way it can be interpreted by the implementing agency to have anything whatsoever to do with the issue that the gentleman just talked about, because the amendment has no effect on it.

Mr. Speaker, we've sat here for 8 hours and have gone through this elaborate charade today. Other committees have brought veterans to town to talk about the problems of veterans. They've brought little kids to town to talk about the problems of children's hospitals.

That comment says more about you than it says about anything I say.

We've brought American citizens to town to appear at hearing after hearing today about their real life, human problems. Instead, we've watched the other side of the aisle walk around in circles in this well, changing their votes on paper ballots, pretending that they're doing something useful for the country.

I am going to accept this amendment because, as I said, it don't do nothing to nobody or for nobody. As I said, that's the least destructive thing you've managed to do today. Congratulations. Maybe there's hope for you yet.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 312, noes 103, not voting 18, as follows:

[Roll No. 404]

AYES—312

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Clay
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Pallone
Pascrell
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (WI)
Salazar
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)

Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—103

Ackerman
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Braley (IA)
Butterfield
Castor (FL)
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (IL)
Delahunt
Dingell
Edwards (MD)
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kucinich
Larsen (WA)
Lee (CA)
Lofgren, Zoe
Lowey
Matsui
McCarthy (NY)
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Napolitano
Oberstar
Olver
Pastor (AZ)
Paul
Pingree (ME)
Polis (CO)
Price (NC)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schwartz
Scott (VA)
Serrano
Sherman
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu

NOT VOTING—18

Bachmann
Deal (GA)
Doggett
Ellison
Harman
Kennedy
Lewis (GA)
Loebsack
Moore (KS)
Poe (TX)
Radanovich
Rangel
Rush
Sestak
Slaughter
Sullivan
Tauscher
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1757

Mr. SCHAUER changed his vote from ''aye'' to ''no.''

Messrs. TERRY and HARE changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BROUN of Georgia. Mr. Speaker, I move the reconsideration of the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 139, noes 266, not voting 28, as follows:

[Roll No. 405]

AYES—139

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kirk
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)

NOES—266

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Cao
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Abercrombie
Bachmann
Blackburn
Butterfield
Capps
Clarke
Deal (GA)
Ellison
Emerson
Gingrey (GA)
Gohmert
Harman
Heller
Hensarling
Kennedy
Lewis (GA)
Lungren, Daniel E.
McCarthy (CA)
Moran (VA)
Rangel
Rothman (NJ)
Royce
Sánchez, Linda T.
Sestak
Sullivan
Tauscher
Teague
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There is 1 minute remaining in this vote.

□ 1805

Mr. PAULSEN changed his vote from ''aye'' to ''no.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2847, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 22, line 8, insert ''(increased by $1,000,000) (decreased by $1,000,000)''.

On page 22, line 14, insert ''(increased by $1,000,000) (decreased by $1,000,000)''.

On page 32, line 21, insert ''(increased by $1,000,000) (decreased by $1,000,000)''.

On page 32, line 22, insert ''(increased by $1,000,000) (decreased by $1,000,000)''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 402, noes 13, not voting 18, as follows:

[Roll No. 406]

AYES—402

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

NOES—13

Edwards (MD)
Filner
Frank (MA)
Israel
Jackson (IL)
Johnson (IL)
Kagen
McGovern
Michaud
Slaughter
Smith (WA)
Watt
Waxman

NOT VOTING—18

Bachmann
Bean
Deal (GA)
Ellison
Gutierrez
Harman
Kennedy
Klein (FL)
Lewis (GA)
Neal (MA)
Obey
Peterson
Rangel
Sánchez, Linda T.
Sestak
Sullivan
Tauscher
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1813

Mr. POSEY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BROUN of Georgia. Mr. Speaker, I move for reconsideration of the vote.

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

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 149, noes 267, not voting 17, as follows:

[Roll No. 407]

AYES—149

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Bartlett
Barton (TX)
Bilbray
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Graves
Grayson
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (NY)
Kingston
Kirk
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (FL)

NOES—267

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)

Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Levin
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—17

Bachmann
Bishop (UT)
Cole
Deal (GA)
Ehlers
Ellison
Harman
Kennedy
King (IA)
Lewis (GA)
Mica
Olver
Rangel
Sánchez, Linda T.
Sestak
Sullivan
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1819

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 157, not voting 17, as follows:

[Roll No. 408]

YEAS—259

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

NAYS—157

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Dreier
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Kosmas
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOT VOTING—17

Bachmann
Bilirakis
Deal (GA)
Ellison
Harman
Kennedy
King (NY)
Lewis (GA)
Minnick
Polis (CO)
Pomeroy
Rangel
Sánchez, Linda T.
Sestak
Sullivan
Sutton
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1825

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 408, I was unavoidably detained. Had I been present, I would have voted "nay."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837. An act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

H.R. 2344. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 2675. An act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2346) ''An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.''.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1285. An act to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

S. Con. Res. 26. Concurrent resolution apologizing for the enslavement and racial segregation of African-Americans.

RECESS

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

Accordingly (at 6 o'clock and 26 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2048

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at 8 o'clock and 48 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–161) on the resolution (H. Res. 559) providing for consideration of the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–50)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation, is to continue beyond June 21, 2009.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 18, 2009*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. VELÁZQUEZ (at the request of Mr. HOYER) for today after 6 p.m. and the balance of the week on account of a family emergency.

Mrs. TAUSCHER (at the request of Mr. HOYER) for today on account of attending a memorial service.

Mrs. SCHMIDT (at the request of Mr. BOEHNER) for today until 1:50 p.m. on account of attending to important official business in her district.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1285. An act to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on Oversight and Government Reform; in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 26. Concurrent resolution apologizing for the enslavement and racial segregation of African-Americans; to the Committee on the Judiciary.

ADJOURNMENT

Mr. ARCURI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Friday, June 19, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2285. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No.: APHIS-2009-0036] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2286. A letter from the President, European Security and Defence Assembly Assembly of Western European Union, transmitting notification that the Assembly will be holding its 56th Session in Paris from Tuesday June 2 to Thursday June 4; to the Committee on Foreign Affairs.

2287. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2288. A letter from the Members, Broadcasting Board of Governors, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2289. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5 of the Inspector General Act; to the Committee on Oversight and Government Reform.

2290. A letter from the Secretary, Department of Education, transmitting the Department's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2291. A letter from the Secretary, Department of Homeland Security, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 95-452; to the Committee on Oversight and Government Reform.

2292. A letter from the Secretary, Department of Labor, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5 of the Inspector General Act; to the Committee on Oversight and Government Reform.

2293. A letter from the Secretary, Department of Veterans Affairs, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(a) of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2294. A letter from the Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

2295. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2009, pursuant to Public Law 95-452; to the Committee on Oversight and Government Reform.

2296. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5 of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2297. A letter from the Director Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009; to the Committee on Oversight and Government Reform.

2298. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(b) of the Inspector General Act, as amended; to the Committee on Oversight and Government Reform.

2299. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(b) of the Inspector General Act, as amended; to the Committee on Oversight and Government Reform.

2300. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2301. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2302. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the Endowment's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. 5; to the Committee on Oversight and Government Reform.

2303. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2304. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2010 Performance Budget; to the Committee on Oversight and Government Reform.

2305. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 95-452, section 5, as amended; to the Committee on Oversight and Government Reform.

2306. A letter from the Sr. VP and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 2008, pursuant to D.C. Code Ann. 34-1113 (2001); to the Committee on Oversight and Government Reform.

2307. A letter from the Acting Administrator, United States Agency for International Development, transmitting the Agency's semiannual report from the office of the Inspector General for the period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2308. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Wintering Population of the Piping Plover (Charadrius melodus) in Texas [FES-R2-ES-2008-0055; 92210-1117-0000-FY09-B4] (RIN: 1018-AV46) received May 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2309. A letter from the Branch Chief, Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Peninsular Bighorn Sheep and Determination of a Distinct Population Segment of Desert Bighorn Sheep (Ovis canadensis nelsoni) [FWS-R8-ES-2007-0005 92210-1117-0000-B4] (RIN: 1018-AV09) received May 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2310. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 09100091344-0956-02] (RIN: 0648-XO93) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2311. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XP03) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2312. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2008 report on Apportionment of Membership on the Regional Fishery Management Councils, pursuant to Section 302(b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

2313. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of

Alaska [Docket No.: 09100091344-0956-02] (RIN: 0648-XO93) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2314. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Longline Restriction [Docket No.: 0902224234-9270-01] (RIN: 0648-AX68) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2315. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Gulf of Mexico Recreational Fishery for Red Snapper [Docket No.: 970730185-7206-02] (RIN: 0648-XO98) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2316. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; 2009 Specifications for the Spiny Dogish Fishery [Docket No.: 090206149-9658-02] (RIN: 0648-AX57) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2317. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Commercial Fishery for Tilefishes [Docket No.: 040205043-4043-01] (RIN: 0648-XO64) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2318. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Commercial Fishery for Black Sea Bass in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XP20) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2319. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2009 Atlantic Bluefish Specifications [Docket No.: 090206144-9697-02] (RIN: 0648-AX49) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2320. A letter from the Acting Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-AX24) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2321. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No.: 0808061071-9666-02] (RIN: 0648-AX17) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2322. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2009 Management Measures [Docket No.: 090324366-9371-01] (RIN: 0648-AX81) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2323. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN93) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2324. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XN95) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2325. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish; Management Measures for the Northern Mariana Islands [Docket No.: 070720390-9588-04] (RIN: 0648-AV28) received May 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2326. A letter from the Acting Assistant Adminstrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Interim Action [Docket No.: 080521698-9067-02] (RIN: 0648-AW87) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2327. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Management Area [Docket No.: 071004577-8124-02] (RIN: 0648-XO25) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2328. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN17) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2329. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30B [Docket No.: 070719384-9260-05] (RIN: 0648-AV80) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2330. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO14) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2331. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO12) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2332. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Headstone and Marker Application Process (RIN: 2900-AM53) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2333. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Pension Management Center Manager (RIN: 2900-AN22) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2334. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Severance Pay, Separation Pay, and Special Separation Benefits (RIN: 2900-AN25) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2335. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance Traumatic Injury Protection Program (RIN: 2900-AN00) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 559. Resolution providing for consideration of the bill (H.R. 2918)

making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–161). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1037. A bill to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; with an amendment (Rept. 111–162). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2180. A bill to amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service (Rept. 111–163). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1172. A bill to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; with an amendment (Rept. 111–164). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1211. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 111–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; With amendments (Rept. 111–166). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WATERS (for herself, Mr. CONYERS, Mr. BACHUS, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. MEEKS of New York, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. HINCHEY, and Ms. NORTON):

H.R. 2932. A bill to prevent speculation and profiteering in the defaulted debt of certain poor countries, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2933. A bill to amend chapter 44 of title 18, United States Code, to clarify the circumstances under which the enhanced penalty provisions for subsequent convictions apply; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2934. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. BLUNT, Mr. FARR, Mr. CONYERS, Mr. BARTON of Texas, Mr. ROSS, Mr. SMITH of Texas, Mrs. CAPPS, Ms. BERKLEY, Ms. CASTOR of Florida, Mr. BONNER, Mr. RADANOVICH, Ms. SCHAKOWSKY, Mrs. BONO MACK, Mr. COBLE, Mr. SESSIONS, Mr. VAN HOLLEN, Mr. LUETKEMEYER, Mr. ROONEY, and Ms. TITUS):

H.R. 2935. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. TONKO, Mr. EHLERS, Mr. DINGELL, Ms. KAPTUR, Mr. COSTELLO, and Mr. MANZULLO):

H.R. 2936. A bill to create a program to guarantee loans made to manufacturing companies in order to promote increased domestic lending to the United States manufacturing industry; to the Committee on Financial Services.

By Ms. SPEIER (for herself, Ms. SCHAKOWSKY, Mrs. CAPPS, and Ms. ESHOO):

H.R. 2937. A bill to prevent health care facility-acquired infections; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 2938. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. ROGERS of Michigan, Mrs. CAPPS, Mr. RYAN of Wisconsin, Ms. ESHOO, Mr. KIND, Mr. THOMPSON of California, Mr. GORDON of Tennessee, Mr. PASCRELL, Mr. TIBERI, Ms. BERKLEY, Mr. BLUMENAUER, Mr. DAVIS of Kentucky, Mr. MOORE of Kansas, Mr. GENE GREEN of Texas, Mr. ISRAEL, Ms. SCHWARTZ, and Mr. ALTMIRE):

H.R. 2939. A bill to provide for a pilot program to improve the quality of oncology care under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mrs. BIGGERT):

H.R. 2940. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. ISSA, Mr. LEVIN, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. MCGOVERN, Mr. ANDREWS, Mr. MURPHY of Connecticut, Mr. BERMAN, Mr. KING of New York, Mr. KIND, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Ms. GRANGER, Mr. SIRES, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. SCHIFF, Mr. CUMMINGS, Mr. GORDON of Tennessee, Mr. ROYCE, Ms. BORDALLO, Mrs. MALONEY, Mr. OLVER, Ms. BERKLEY, Mr. WOLF, Mr. CALVERT, Mr. SMITH of Washington, Mr. WEXLER, Mrs. MILLER of Michigan, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. MCHUGH, Mr. CAPUANO, Mr. ACKERMAN, Mr. OBERSTAR, Mr. MARKEY of Massachusetts, Ms. HARMAN, Mr. RADANOVICH, Mr. MEEKS of New York, Mr. SPRATT, Mr. ROTHMAN of New Jersey, Mr. KILDEE, Mr. NADLER of New York, Mr. MCDERMOTT, Mr. ORTIZ, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. MICHAUD, Mr. REICHERT, Mr. LEWIS of California, Mr. DELAHUNT, and Mr. LYNCH):

H.R. 2941. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. COBLE, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. SCHOCK, Mr. NUNES, Mr. JOHNSON of Illinois, Mr. CAO, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PLATTS):

H.R. 2942. A bill to appropriate to the Highway Trust Fund the unobligated balances of funds made available by the American Recovery and Reinvestment Act of 2009; to the Committee on Appropriations.

By Mr. FRANK of Massachusetts (for himself, Ms. BALDWIN, Mr. PAUL, Mr. ROHRABACHER, and Mr. HINCHEY):

H.R. 2943. A bill to eliminate most Federal penalties for possession of marijuana for personal use, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 2944. A bill to withdraw certain Federal lands and interests located in Pima and Santa Cruz counties, Arizona, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. HILL:

H.R. 2945. A bill to amend title XVIII of the Social Security Act to permit a Medicare beneficiary to elect to take ownership, or to decline ownership, of a certain item of complex durable medical equipment after the 13-month capped rental period ends; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself and Ms. GRANGER):

H.R. 2946. A bill to amend the Public Health Service Act to authorize a grant to a qualified youth-serving organization for recruiting and preparing students for careers and volunteer opportunities as future health care professionals, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JENKINS:

H.R. 2947. A bill to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. HIGGINS, Mr. DOGGETT, Ms. HIRONO, Mr. POMEROY, and Mr. ETHERIDGE):

H.R. 2948. A bill to amend title IX of the Public Health Service Act to provide for the implementation of best practices in the delivery of health care in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LOBIONDO (for himself and Mr. HOLDEN):

H.R. 2949. A bill to amend the Public Health Service Act to extend preventive-health and research programs with respect to prostate cancer; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 2950. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself and Mr. GRAYSON):

H.R. 2951. A bill to amend title XVIII of the Social Security Act to include vision restoration therapy devices and associated software used in the patient's home to treat impaired visual function due to acquired brain injury within the definition of durable medical equipment under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2952. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain men screened and found to have prostate cancer under a federally funded screening program; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2953. A bill to amend the Internal Revenue Code of 1986 to allow individuals either a credit against income tax or a deduction for expenses paid or incurred by reason of a voluntary or mandatory evacuation; to the Committee on Ways and Means.

By Mr. QUIGLEY (for himself, Mr. LIPINSKI, and Mr. GUTIERREZ):

H.R. 2954. A bill to amend the Immigration and Nationality Act to extend the authority of the Secretary of Homeland Security to waive certain requirements under the visa waiver program for an additional 2 years; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 2955. A bill to amend the Whaling Convention Act of 1949 to require that the United States Commissioner to the International Whaling Commission must be a Federal employee; to the Committee on Foreign Affairs.

By Mr. SHADEGG (for himself, Mrs. BLACKBURN, Mr. MCCAUL, Mr. BARTLETT, Mr. GALLEGLY, Mr. FLAKE, Mr. FRANKS of Arizona, Mrs. MYRICK, and Mr. HERGER):

H.R. 2956. A bill to remove the additional tariff on ethanol; to the Committee on Ways and Means.

By Mr. SPACE (for himself, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa):

H.R. 2957. A bill to amend the Public Health Service Act to reauthorize the National Health Service Corps Scholarship and Loan Repayment Programs; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself, Mr. PLATTS, Mr. PAUL, and Mr. SIMPSON):

H.R. 2958. A bill to amend the accountability provisions of part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. WELCH (for himself, Mr. POMEROY, Mr. VAN HOLLEN, Mr. CARNEY, Mr. KIND, Mr. LEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. HIGGINS, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. PASCRELL, Ms. SCHWARTZ, Mr. SPACE, Mr. MARKEY of Massachusetts, Mr. COOPER, Mr. PERLMUTTER, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Mr. YARMUTH, and Mr. TANNER):

H.R. 2959. A bill to amend title XVIII of the Social Security Act to establish an accountable care organization pilot program to reduce the growth of expenditures and improve health outcomes under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H. Res. 557. A resolution expressing support for the State of Israel's inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran, terrorist organizations, and the countries that harbor them; to the Committee on Foreign Affairs.

By Mr. EHLERS (for himself and Mr. POLIS of Colorado):

H. Res. 558. A resolution supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. PENCE):

H. Res. 560. A resolution expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MAFFEI:

H. Res. 561. A resolution congratulating the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament; to the Committee on Education and Labor.

By Mr. MAFFEI:

H. Res. 562. A resolution congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament; to the Committee on Education and Labor.

By Mr. MAFFEI:

H. Res. 563. A resolution congratulating the Onondaga Community College Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament; to the Committee on Education and Labor.

By Mr. ROONEY (for himself, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. WEXLER):

H. Res. 564. A resolution congratulating Palm Beach County, Florida, on the occasion of its 100th anniversary; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MASSA and Mr. PRICE of North Carolina.

H.R. 22: Mr. VAN HOLLEN, Mr. MILLER of Florida, and Mr. LARSEN of Washington.

H.R. 147: Mr. RYAN of Ohio.

H.R. 213: Ms. BALDWIN.

H.R. 275: Mr. LARSEN of Washington.

H.R. 330: Mrs. CHRISTENSEN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 422; Mr. CARTER and Mr. ANDREWS.

H.R. 433: Mr. CALVERT.

H.R. 442: Mr. POSEY, Mr. BILBRAY, and Mr. STUPAK.

H.R. 444: Mr. KAGEN, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. HINCHEY, and Mr. YARMUTH.

H.R. 482: Mr. CALVERT.

H.R. 496: Mr. LIPINSKI.

H.R. 556: Ms. ZOE LOFGREN of California and Ms. HARMAN.

H.R. 574: Mr. AL GREEN of Texas and Mr. WAMP.

H.R. 610: Mr. CARSON of Indiana.

H.R. 616: Mrs. SCHMIDT, Ms. HERSETH SANDLIN, Mr. BACA, and Ms. KOSMAS.

H.R. 621: Mr. MARIO DIAZ-BALART of Florida and Ms. GRANGER.

H.R. 644: Mr. BAIRD.

H.R. 658: Mr. REYES, Mrs. NAPOLITANO, Mr. LUJÁN, Mr. BACA, Mr. BECERRA, Mr. ENGEL, Mr. TEAGUE, Mr. GONZALEZ, Mrs. DAHLKEMPER, Ms. JACKSON-LEE of Texas, Mr. POMEROY, Mr. MASSA, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. YARMUTH, Ms. BALDWIN, Mr. CLEAVER, Mr. GUTIERREZ, Mr. EDWARDS of Texas, Mr. RODRIGUEZ, Mr. VAN HOLLEN, Mr. CUELLAR, Ms. VELÁZQUEZ, Mr. NADLER of New York, Mr. SHULER, Mr. KLEIN of Florida, Ms. CASTOR of Florida, Mr. SARBANES, Mr. BAIRD, Mr. WATT, Mr. HARE, and Mr. MCMAHON.

H.R. 684: Ms. KILROY.

H.R. 690: Mr. MACK, Mr. CHAFFETZ, Mrs. MCMORRIS RODGERS, and Mr. MARCHANT.

H.R. 816: Mr. LUJÁN and Mr. MCGOVERN.

H.R. 836: Mr. RYAN of Wisconsin.

H.R. 904: Mr. SARBANES.

H.R. 930: Mr. COHEN.

H.R. 934: Mr. RODRIGUEZ, Mr. LUJÁN, Mr. GRIJALVA, Mr. GRAYSON, Ms. WATSON, Mr. KILDEE, Mr. ROONEY, and Mr. GUTIERREZ.

H.R. 958: Mr. WAXMAN.

H.R. 983: Mr. PITTS and Mr. SHADEGG.

H.R. 988: Mr. SNYDER, Mr. SESTAK, Ms. HERSETH SANDLIN, Mr. LANGEVIN, and Mr. MILLER of North Carolina.

H.R. 1064: Mr. BOSWELL, Mr. MICHAUD, Mr. CROWLEY, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. MAFFEI, Mr. CARNEY, Mr. CARDOZA, Mr. BERRY, Mr. THOMPSON of California, Mr. OBERSTAR, Mr. OLVER, Mr.

ARCURI, Mr. SPRATT, Mr. KING of New York, Mr. GRIFFITH, Ms. LINDA T. SÁNCHEZ of California, and Mr. LYNCH.

H.R. 1084: Mr. MURPHY of Connecticut, Mrs. CAPPS, Ms. WOOLSEY, Mr. HOLT, Mr. ENGEL, Mr. PASCRELL, Mrs. LOWEY, Mr. CARNEY, Mr. MURTHA, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. SARBANES, Mr. FARR, Ms. CASTOR of Florida, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. OBEY, Mr. ARCURI, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. MATSUI, Mrs. DAVIS of California, Ms. KILROY, Mrs. MCCARTHY of New York, Mr. LARSON of Connecticut, Mr. STUPAK, Mr. TONKO, Mr. RAHALL, Mr. ISRAEL, Mr. CONNOLLY of Virginia, Mr. MCNERNEY, Ms. DEGETTE, Mr. RYAN of Ohio, Ms. BALDWIN, Ms. SLAUGHTER, Mr. MEEK of Florida, Mr. MARKEY of Massachusetts, Mr. THOMPSON of Mississippi, and Mr. COOPER.

H.R. 1103: Mr. KING of New York.

H.R. 1126: Mr. HOLT.

H.R. 1132: Mr. RAHALL, Mr. SIMPSON, Mr. DENT, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mrs. CAPITO, Mr. MURTHA, Mr. HILL, Mr. BRADY of Texas, and Mr. MINNICK.

H.R. 1177: Mr. VAN HOLLEN.

H.R. 1179: Mr. ACKERMAN.

H.R. 1182: Ms. KOSMAS, Ms. NORTON, Mr. YOUNG of Alaska, Mr. MCCLINTOCK, Mr. BRIGHT, Mr. CARNEY, and Mr. WOLF.

H.R. 1207: Mr. MARIO DIAZ-BALART of Florida, Mr. ROTHMAN of New Jersey, and Mr. CAMP.

H.R. 1245: Mr. SIMPSON.

H.R. 1250: Mr. ELLSWORTH.

H.R. 1255: Mr. QUIGLEY and Mr. NEAL of Massachusetts.

H.R. 1298: Mr. MCCLINTOCK, Mr. ARCURI, and Mr. ACKERMAN.

H.R. 1314: Mr. SPACE, Ms. LORETTA SANCHEZ of California, Mr. MCCLINTOCK, Mr. STARK, Mr. HILL, Mr. CALVERT, Mrs. KIRKPATRICK of Arizona, and Mr. BILBRAY.

H.R. 1333: Mr. COLE.

H.R. 1339: Ms. CORRINE BROWN of Florida.

H.R. 1351: Mr. BISHOP of Utah and Mr. KRATOVIL.

H.R. 1352: Mr. MURPHY of Connecticut and Mr. ADERHOLT.

H.R. 1407: Mr. LATHAM.

H.R. 1454: Mr. LATTA.

H.R. 1458: Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, and Mr. MORAN of Virginia.

H.R. 1466: Mr. HONDA.

H.R. 1505: Mr. WHITFIELD.

H.R. 1523: Mr. MCDERMOTT, Ms. KAPTUR, Mr. BISHOP of New York, Mr. NEAL of Massachusetts, and Ms. EDWARDS of Maryland.

H.R. 1548: Mr. KISSELL and Mr. LATTA.

H.R. 1550: Mr. JACKSON of Illinois.

H.R. 1551: Mr. RYAN of Ohio and Mr. POLIS of Colorado.

H.R. 1552: Mr. POSEY.

H.R. 1612: Mr. HINCHEY, Mr. PRICE of North Carolina, Mr. LUJÁN, and Mr. RODRIGUEZ.

H.R. 1615: Mr. LANCE.

H.R. 1616: Mrs. NAPOLITANO, Mr. PRICE of North Carolina, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. CARSON of Indiana, Mr. BUTTERFIELD, and Mr. MAFFEI.

H.R. 1618: Mr. QUIGLEY.

H.R. 1622: Mr. LUJÁN.

H.R. 1625: Mr. VAN HOLLEN, Mr. DOGGETT, and Mr. ENGEL.

H.R. 1684: Mr. POSEY and Mr. STUPAK.

H.R. 1685: Mr. PRICE of North Carolina.

H.R. 1688: Mr. YARMUTH.

H.R. 1691: Mr. FRELINGHUYSEN.

H.R. 1692: Mr. COFFMAN of Colorado.

H.R. 1705: Mr. HINCHEY.

H.R. 1721: Mr. TONKO and Mr. FILNER.

H.R. 1866: Mr. CAMPBELL.

H.R. 1894: Mrs. BLACKBURN.

H.R. 1912: Mr. PRICE of North Carolina.

H.R. 1925: Ms. LORETTA SANCHEZ of California.

H.R. 1964: Ms. WATERS.

H.R. 1977: Mr. WITTMAN.

H.R. 2000: Mr. SMITH of Texas.

H.R. 2017: Mr. LATHAM, Mr. BILBRAY, and Mr. POSEY.

H.R. 2054: Mr. CONYERS, Mr. MEEK of Florida, and Mr. SCHIFF.

H.R. 2068: Mr. CONNOLLY of Virginia.

H.R. 2072: Mr. SOUDER.

H.R. 2097: Mr. LATTA and Mr. ARCURI.

H.R. 2105: Mr. PLATTS.

H.R. 2124: Mr. PASCRELL.

H.R. 2125: Mrs. NAPOLITANO.

H.R. 2193: Mr. BOREN and Mr. SHULER.

H.R. 2201: Mr. KAGEN.

H.R. 2203: Mr. MCGOVERN, Mrs. MYRICK, Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. ISSA, and Ms. FALLIN.

H.R. 2251: Mr. LATHAM and Mr. KING of New York.

H.R. 2256: Mr. CONNOLLY of Virginia.

H.R. 2261: Mr. KILDEE.

H.R. 2293: Mr. LEWIS of Georgia.

H.R. 2305: Mr. FLEMING and Mr. POSEY.

H.R. 2329: Ms. ROYBAL-ALLARD and Mr. GUTIERREZ.

H.R. 2350: Mr. FRANK of Massachusetts and Mrs. MCCARTHY of New York.

H.R. 2353: Mr. ROONEY, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. LAMBORN, Mr. GOHMERT, Mr. BONNER, Mr. FRANKS of Arizona, Mr. POSEY, Mr. OLSON, Mr. CONAWAY, Mr. LUETKEMEYER, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. BRADY of Texas, Ms. FALLIN, Mr. SHADEGG, Mr. HENSARLING, Mr. BARTLETT, Mr. AKIN, Mr. PITTS, Mr. TURNER, Mr. TIAHRT, and Mrs. BLACKBURN.

H.R. 2373: Mrs. MCCARTHY of New York and Mr. MCINTYRE.

H.R. 2409: Mr. NEUGEBAUER, Mr. SCHOCK, Mr. BLUNT, and Mr. HARE.

H.R. 2421: Mr. BUYER, Mr. LAMBORN, Mr. DANIEL E. LUNGREN of California, and Mr. MCNERNEY.

H.R. 2443: Ms. BERKLEY.

H.R. 2452: Mr. CANTOR, Ms. GRANGER, Mr. ROSKAM, and Mr. HELLER.

H.R. 2480: Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONNOLLY of Virginia, and Mrs. LOWEY.

H.R. 2483: Mr. MCCARTHY of California, Mr. HINOJOSA, Mr. LIPINSKI, and Mrs. DAVIS of California.

H.R. 2499: Mr. BRALEY of Iowa, Ms. BALDWIN, Mr. MCKEON, and Mr. WALDEN.

H.R. 2521: Mr. MILLER of North Carolina, Mr. HIMES, and Ms. LEE of California.

H.R. 2551: Ms. SHEA-PORTER.

H.R. 2559: Mr. RODRIGUEZ.

H.R. 2561: Ms. BORDALLO and Mr. MCGOVERN.

H.R. 2562: Mr. MCGOVERN.

H.R. 2563: Mr. LUETKEMEYER, Mr. SESSIONS, Ms. JENKINS, Mrs. SCHMIDT, and Mr. MATHESON.

H.R. 2578: Mr. SESSIONS.

H.R. 2592: Mr. HODES, Ms. MATSUI, and Mr. BUCHANAN.

H.R. 2597: Ms. CLARKE, Mr. SABLAN, Mr. FRANK of Massachusetts, Mrs. BIGGERT, and Mr. QUIGLEY.

H.R. 2648: Ms. BORDALLO and Mr. MARKEY of Massachusetts.

H.R. 2688: Ms. CLARKE.

H.R. 2691: Ms. BORDALLO.

H.R. 2724: Mr. CONNOLLY of Virginia.

H.R. 2726: Mr. ACKERMAN.

H.R. 2743: Mr. ANDREWS, Mr. DELAHUNT, Mr. RUPPERSBERGER, Mr. JORDAN of Ohio, Mr. LUCAS, Mr. MCGOVERN, Ms. KAPTUR, Mr. GOODLATTE, Mr. VISCLOSKY, Mr. TERRY, Mr. LINDER, Mr. TURNER, Mr. LATTA, Ms. PINGREE of Maine, and Mr. KLINE of Minnesota.

H.R. 2753: Mr. HOLDEN and Mr. CHANDLER.

H.R. 2771: Mr. SCHIFF.

H.R. 2777: Mr. SIRES.

H.R. 2808: Mr. BARRETT of South Carolina.

H.R. 2825: Ms. BALDWIN.

H.R. 2831: Mr. SESTAK and Mr. CARNEY.

H.R. 2852: Mr. LOEBSACK.

H.R. 2866: Mr. MCNERNEY and Mr. TIBERI.

H.R. 2876: Mr. CHILDERS.

H.R. 2882: Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, and Mr. YARMUTH.

H.R. 2891: Mr. LOEBSACK.

H.R. 2913: Mr. BUCHANAN and Mr. KLEIN of Florida.

H.R. 2926: Mr. MINNICK.

H.J. Res. 54: Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. GOHMERT, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. TURNER, Mr. PITTS, Mr. ADERHOLT, and Mr. SOUDER.

H.J. Res. 56: Mr. CAPUANO, Mr. SIRES, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. SCHIFF, Mr. OLVER, Mr. BURTON of Indiana, Mr. MANZULLO, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mrs. MALONEY, and Mr. WOLF.

H. Con. Res. 16: Mr. BROWN of South Carolina.

H. Con. Res. 29: Mr. PETERS.

H. Con. Res. 49: Mr. GARRETT of New Jersey, Mr. WOLF, Mr. CARNEY, and Mr. COFFMAN of Colorado.

H. Con. Res. 59: Mr. CALVERT, Mr. LATTA, Mr. KING of Iowa, Mr. GALLEGLY, Mr. MCCLINTOCK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. WALZ, Mr. REHBERG, Mr. MCKEON, Mr. CASTLE, Mr. CANTOR, Mr. GERLACH, Mr. LANCE, Mr. GRAVES, Mr. LATOURETTE, Mr. HARPER, Mr. SOUDER, Mrs. LUMMIS, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mr. BISHOP of Utah, Mr. GUTHRIE, Mr. PLATTS, and Mr. KLINE of Minnesota.

H. Con. Res. 74: Ms. LEE of California.

H. Con. Res. 87: Mr. MARKEY of Massachusetts.

H. Con. Res. 92: Mr. QUIGLEY.

H. Con. Res. 102: Mr. STARK.

H. Con. Res. 128: Mr. HONDA.

H. Con. Res. 152: Mr. HINCHEY, Mr. WU, Mr. LEWIS of Georgia, Mr. SNYDER, Mr. CUMMINGS, Mr. MAFFEI, Ms. DELAURO, Mrs. LOWEY, Mrs. CAPPS, Mr. ARCURI, Mr. HARE, Mr. CROWLEY, Ms. WOOLSEY, Mr. CONNOLLY of Virginia, Mr. DAVIS of Illinois, Mr. BURGESS, Mr. SERRANO, Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. ACKERMAN, Ms. MOORE of Wisconsin, Mr. ISRAEL, Mr. FATTAH, Mr. BOOZMAN, Ms. KAPTUR, Mr. MOORE of Kansas, Ms. ESHOO, Ms. LEE of California, Mr. COOPER, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. CLEAVER, and Ms. CLARKE.

H. Con. Res. 154: Mr. WEXLER, Mr. LEWIS of Georgia, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. FILNER, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. FUDGE, Mr. MEEKS of New York, Mr. ELLISON, Mr. MEEK of Florida, Ms. SCHWARTZ, Mrs. LOWEY, and Mr. AL GREEN of Texas.

H. Con. Res. 157: Mrs. MILLER of Michigan.

H. Res. 236: Mr. KILDEE.

H. Res. 308: Mr. GRIJALVA, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. CASTOR of Florida, Ms. DEGETTE, Mr. GRAYSON, Mr. GONZALEZ, Mr. QUIGLEY, Ms. MATSUI, Mr. CARSON of Indiana, Mr. STARK, Mr. RANGEL, and Mr. GUTIERREZ.

H. Res. 314: Mr. ROSS, Mr. BUTTERFIELD, Ms. MATSUI, Mr. DAVIS of Tennessee, Mr. CUMMINGS, Mr. TEAGUE, Mr. ROGERS of Michigan, Mr. BACA, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 395: Mr. KLEIN of Florida.

H. Res. 409: Mr. YOUNG of Alaska.

H. Res. 443: Mr. STUPAK.

H. Res. 458: Ms. BORDALLO and Mr. COURTNEY.

H. Res. 467: Mr. SESTAK and Mr. TIBERI.

H. Res. 480: Ms. KILPATRICK of Michigan, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. WATSON, Ms. RICHARDSON, Ms. MOORE of Wisconsin, and Mr. ELLISON.

H. Res. 494: Mr. MCHENRY and Mr. WILSON of South Carolina.

H. Res. 496: Mr. MARIO DIAZ-BALART of Florida, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. INGLIS, Mr. ROONEY, Mr. COHEN, Ms. BORDALLO, Mr. BURTON of Indiana, and Mr. KING of New York.

H. Res. 507: Mr. LUJÁN.

H. Res. 509: Ms. MCCOLLUM.

H. Res. 512: Mr. STUPAK, Mr. FILNER, Mr. TEAGUE, Mr. CALVERT, Mr. CAO, and Ms. SCHWARTZ.

H. Res. 519: Ms. MOORE of Wisconsin.

H. Res. 535: Mr. HERGER.

H. Res. 543: Mr. MOORE of Kansas, Mr. BARROW, Ms. BALDWIN, Mr. WAXMAN, Ms. CASTOR of Florida, Mrs. CAPPS, Mr. GRIFFITH, Mr. MAFFEI, Mr. MURPHY of New York, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Ms. WATERS, and Mr. MCNERNEY.

H. Res. 549: Mr. DREIER, Mrs. MYRICK, Mr. KIRK, Mr. CHAFFETZ, Mr. JORDAN of Ohio, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. BUYER, Mr. PITTS, Mrs. BACHMANN, Mr. POSEY, Mr. BRADY of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. SOUDER, Mr. CAMPBELL, Mr. CRENSHAW, Mr. TIM MURPHY of Pennsylvania, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 556: Mrs. MALONEY.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487—the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

H.R. 2487 includes $650,000 in the COPS Tech account for the Kansas Regional Community Policing Institute. The entity to receive funding for this project is Wichita State University, 1845 Fairmont St., Wichita, KS 67260.

The funds will be used to continue the operation of the Kansas Regional Community Policing Institute (KsRCPI) to provide training and technical assistance to state, local and tribal law enforcement agencies throughout the State of Kansas.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on congressionally directed spending, I am submitting the following information regarding congressionally directed spending I received as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Project Name: Tarleton State University Rural Law Enforcement

Account: DOJ OJP—Byrne

Project Recipient and Address: Tarleton State University, 1333 W. Washington Ave., Stephenville, TX 76402.

Amount Provided: $1,500,000

Project Description: Small cities and rural jurisdictions are often manpower and budget limited to accomplish all the duties necessary to their missions. While the insertion of modern information technology and associated criminal justice technology is intended to make local law enforcement operations more efficient and informed, the initial integration of computer technology can be manpower intensive and, overwhelming. The objective of this initiative is to establish a rural law enforcement information technology and anti-terrorism service at Tarleton State University. Its focus will be to provide information technology assistance and anti-terrorism training to small city and county law enforcement operations in coordination with other State and Federal chartered information and assistance resources.

Benefit to Taxpayers: The objective of this initiative is to establish a technology assessment capability to contribute to the U.S. Department of Justice's National Resources Center for evaluation of information technology products for use in information sharing for criminal justice matters of interest to local and concurrent jurisdictions. In addition, small and rural jurisdictions have very limited access to anti-terrorism training. The Texas Department of Public Safety and Texas Department of Homeland Security are cooperators with Tarleton in this initiative. In addition, anti-terrorism technology and training will be conducted as endorsed by the Federal Emergency Management Administration (FEMA) and the Department of Defense (DoD). Standardized DHS/FEMA/DoD curricula have been and will be delivered to small and rural jurisdictions. Emergency preparedness training and anti-terrorist response teams training will be included.

Spending Plan:

Salaries (25%): 375,000

Travel (2%): 30,000

Records Management & Database (73%): 1,125,000

Total: 1,500,000

Project Name: Belton, Texas First Responder Equipment, Technology and Interoperability Upgrades

Account: DOJ OJP—Byrne

Project Recipient and Address: The City of Belton, TX 333 Water Street, Belton, TX 76513.

Amount Provided: $700,000

Project Description: Federal funds will be used to acquire equipment, technology and communications apparatus that will enable first responders in Belton, TX to address crime that occurs due to the City's location at the intersection of I–35 and I–190. In addition to upgrading antiquated equipment, this funding will assist in the identification, prosecution and cleanup of drug-related crimes, including methamphetamines. As the county seat, enhanced equipment will benefit Bell County by resuming Belton's participation in the Central Texas Narcotics Task Force; bringing Belton current with state of the art communications equipment; improving emergency response due to updated emergency sirens; and by standardizing department weapons.

Benefit to District: Funds will address four goals: Interoperability; Public Safety and Emergency Operations Enhancement; Drug Interdiction; and Training and Technology Enhancements. As the county seat, funds will benefit Bell County by Belton's participation in the Central Texas Narcotics Task Force; modernizing communications equipment; improving emergency response; and by standardizing department weapons.

Spending Plan:

I. Communications Interoperability, $303,200; Handheld Radios—38 @ $3,650; Mobile Data Terminals—Police/Fire—18 @ $7,750; Police Negotiator "Throw" Phone—1 @ $25,000.

II. Emergency Operations Enhancement, $121,100; Outdoor Emergency Sirens—2 @ $15,000; Defibrillators for buildings/vehicles—29 @ $2,100; Standardized Police Department Weapons.

III. Drug Interdiction $350,000; Central Texas Narcotics Task Force; K–9 Unit.

IV. Police Technology and Training, $115,370; Police "Shoot/Don't Shoot" Simulator; Automatic Ticket Writers—12 @ $4,785; Dry Safe Cabinet for Evidence Handling.

Training Mannequin

Total Project Cost, $889,670

Federal Appropriations Request, $700,000

Private Contribution, $189,670

Project Name: Law Enforcement Technology and Equipment

Account: DOJ OJP—Byrne

Project Recipient and Address: City of Round Rock, TX, 221 E. Main Street, Round Rock, TX 78664.

Amount Provided: $300,000

Project Description: The city of Round Rock's Police Department has a critical need for criminal investigation funding, life-saving SWAT equipment, and key Individual officer equipment and facilities. The equipment provided by this funding would be used by officers to fight and prevent crime in many areas, including gang and drug-related activities, routine criminal investigations, security surveillance, and large-scale emergency response.

Benefit to District: The Round Rock Police Department, a subset of the city of Round Rock, Texas government, is responsible for the safety of the citizens of Round Rock, Texas and those who visit it.

Spending Plan:

Criminal Investigations: $120,000; Forensic software, Trackers, Kell Kit, Light/pole surveillance cameras, MCT's, IR Camera.

SWAT: $60,000; Scout/robot, CINT-negotiations management.

Individual Officer Equipment: $120,000; Tasers, Vehicles, Cameras, Recording devices.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman TED POE

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I, and Rep. JOHN CULBERSON, have secured $350,000 for the Houston Police Department to be used towards enforcement of illegal possession and distribution of Methamphetamine/ICE, Heroin, Cocaine and Marijuana throughout the Houston region. The Houston Police Department intends to use the funds for classified overtime for Narcotics Personnel, for the purchase of covert equipment, for the purchase of evidence/information, for the purchase of block overtime expenses for general personnel, and for investigative travel. The Targeted Narcotics Enforcement Team (TNET) is an enforcement group whose mission is to carry out investigations addressing the broad spectrum of drug trafficking in and through the Houston region. The goal is to identify, target, and disrupt or dismantle major drug trafficking organizations operating on a regional scale. However, TNET is unique in its efforts by focusing on the full organization. With investigators continuously developing confidential sources (CS) along the Texas-Mexico border, the group is able to target major Drug Trafficking Organizations (DTOs). TNET also works through its coalition of investigators, attorneys, inspectors, and citizen groups to target the dealers and end users that make the DTOs' work profitable. Over the past several years, Mexican DTOs have taken over the production of Methamphetamine and the more crystallized meth known as ''ICE.'' Once dominated by domestic labs, Mexican DTOs now produce the bulk of methamphetamine powder and ICE. These DTOs have utilized the same smuggling routes and techniques that have been used in the past. TNET has quickly adapted to this new threat and has successfully targeted these Methamphetamine DTOs. Additional resources will enhance our ability to combat these sophisticated DTOs.

Requesting Member: Congressman TED POE

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Harris County, TX Constable Precinct #4

Address of Requesting Entity: 16000 Stuebner Airline Road, Suite 520, Spring, TX 77379

Description of Request: I have secured $90,000 in funding to be used to provide a uniform manner of handling violent crimes against woman within this precinct by supporting an investigating deputy for the precinct. This way cases will be worked on 24 hours a day and have a faster completion time. The investigating deputy shall make the scene when a incident is reported and interview all victim(s), suspect(s), and witness(es) while at the scene. Collect all evidence at the scene and provide the victim(s) with a written notification of their ''Victim Rights'' found in the departmental issued Victim Assistance pamphlet. The investigator shall initiate a case report and post the case on the office information board so that all patrol deputies may be informed of the case.

Requesting Member: Congressman TED POE

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I have secured $910,000 for the Houston Police Department to purchase more LiveScan equipment, enabling them to capture electronic fingerprints and be part of the IAFIS (Integrated Automated Fingerprint Identification System) program which enables them to determine in seconds as opposed to days the alienage and criminal history of those they apprehend through the federal Law Enforcement Support Center. They still need 9 more machines to be fully electronic under IAFIS city wide. Additionally, funding will be used to purchase additional handheld devices that would be given to police officers to quickly capture biometric information of suspects and quickly determine their criminal histories, outstanding warrants, whether they have an order of removal or bench warrant for a failure to appear for an immigration proceeding from Immigration and Customs Enforcement's Office of Detention and Removal's deportable felon database.

RECOGNIZING 60 YEARS OF SERVICE FROM THE COLES DISTRICT VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Coles District Volunteer Fire Department and Rescue Squad. On June 27, 2009 the department will hold its 60th Annual Installation of Officers Banquet, marking its 60th year of service to the residents of Prince William County.

Prince William County has changed drastically since the Coles Department was established in 1949 as the Independent Hill Volunteer Fire Department. At that time, the early fire notification system consisted of a 110 foot fire tower that looked out over Prince William County's largely wooded landscape. Just six community volunteers handled the department's workload in those early years.

After years of expansion and the construction of a new fire station in 1979, the Coles District Volunteer Fire Department and Rescue Squad continues to be an invaluable resource for the Prince William community. The membership has grown to 45 life, active, junior and associate members. These members are business executives, police officers, professional firefighters, information technology professionals, tradesmen and other civil servants in local and federal government. Each year, they dedicate tens of thousands of volunteer hours to promoting and protecting the safety of their friends and neighbors.

Madam Speaker, I ask that my colleagues join me in honoring the members, past and present, of the Coles District Volunteer Fire Department and Rescue Squad. The dedication of these community volunteers has ensured that the Coles Department will remain a vibrant and robust organization, delivering vital services to residents during an emergency.

And to every member of the Coles District Volunteer Fire Department, I say, ''Stay Safe.''

A SPECIAL TRIBUTE TO PAUL NAVARRO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. RANGEL. Madam Speaker, I rise today in special tribute to an outstanding public servant and community leader, Paul Navarro. Today it is my honor to join the Members of the East Harlem Asthma Working Group, Inc. (EHAWG) and the public service sector of the City of New York to pay tribute to a courageous New Yorker and exceptional human being, for his commitment, and tireless efforts, in improving the lives of so many affordable homeowners and renters throughout my Congressional District and beyond.

Born and raised in the South Bronx, where he still lives, Paul graduated from Lehman College in 1980 with a degree in Public and Group Communications. Troubled by the poverty and urban blight that plagued his neighborhood, Paul got involved in community activism by becoming an active member of his Community Planning Board; he also served as President of his Homeowner's Association for 15 years; created a green thumb garden; and helped to identify buildings which required renovation and repair and improved the quality of the life of the surrounding neighborhoods. He later became an executive board member and treasurer of the Diego-Beekman houses, a thirty-one building development housing over 1200 families in the South Bronx.

Paul joined Mayor Koch's Division of Labor Services in 1980, responsible for monitoring equal employment opportunities and prevailing wage rates in the construction industry. His career continued with the New York City Department of Housing Preservation and Development (HPD) as a Property Manager in East and Central Harlem, helping tenants with rent and repair issues. In 1987, Paul was named Director of the Crisis Management Unit in East Harlem.

During the 1990's, while living through kidney failure, dialysis treatments and receiving a kidney transplant, Paul served as HPD's Director of Anti-Abandonment Program for the Borough of Manhattan. In 1999, late and former New York City Council Member Philip Reed presented Paul a special Citation for Outstanding Service to the Community for all of his positive efforts in the Anti-Abandonment Program.

In 2001, as a member of the East Harlem Asthma Working Group (EHAWG) Paul shared

a City Council Proclamation from former City Council Speaker A. Gifford Miller. In 2006, New York City Police Commissioner Raymond Kelly presented Paul with the prestigious Isaac Lieberman Award for Outstanding Performance by a Civil Service Employee. Paul continues to stand up for fair and decent housing today as Director of the Green Point-Williamsburg Tenant Assistance Center in Brooklyn, and his team have assisted over 1300 families with landlord/tenant disputes and submitted an amazing 983 Section 8 applications.

Paul has two daughters, Elaine and Nancy, six grandchildren, four great grandchildren and despite his own health issues, along with his brother Rick, they take care of their 85 year old mother, Maria, who suffers from dementia. Let us all salute a great New Yorker, Paul Navarro.

RECOGNIZING THE CONTRIBUTIONS OF RICHARD BAUMGARTNER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the distinguished career of Richard J. Baumgartner. Mr. Baumgartner has served the children of Northern Virginia as an educator for thirty-seven years. Mr. Baumgartner has consistently been a strong advocate of quality education for all children and appropriate compensation for teachers.

As an educator, Mr. Baumgartner witnessed first-hand the expansive growth of Fairfax County and its public school system. Mr. Baumgartner's career has led him to excel in a variety of capacities within Fairfax County Public Schools. In fact, during his tenure, Mr. Baumgartner had the unique opportunity to serve on the initial opening faculty at three different elementary schools. He was a valuable asset to these schools and their principals during the difficult process of establishing a new school.

Mr. Baumgartner was a strong advocate on behalf of teachers in Fairfax County while serving as President of the Fairfax Education Association from 2000–2002 and 2004–2007. During his first term, Mr. Baumgartner worked with the school administration to examine the effectiveness of National Board Certification. Mr. Baumgartner also succeeded in helping change policy with regards to the Virginia Retirement System. Significant highlights of Mr. Baumgartner's second term include getting salary credit for instructional assistants who become teachers and implementing a nationally recognized teacher working conditions survey.

Madam Speaker, I ask that my colleagues join me in expressing our gratitude to Richard J. Baumgartner for his thirty-seven years of service to the students and staff of the Fairfax County Public School system and in wishing him the very best in his retirement.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2847.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02) (along with Reps. BISHOP (NY), PALLONE and KING (NY)

Bill Number: H.R. 2847

Account: NOAA, NMFS Fisheries

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 501 Trenton Avenue, Pt. Pleasant Beach, NJ 08742

Description of Request: Provide an earmark of $600,000 for the collection and provision of data on summer flounder and black sea bass to the NMFS, regional councils, and state regulatory bodies and participate in the assessment process carried out by these groups.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02) (along with Reps. PAYNE, PALLONE and SIRES)

Bill Number: HR 2847

Account: Department of Justice, Juvenile Justice Programs

Legal Name of Requesting Entity: Big Brothers Big Sisters Foundation of New Jersey

Address of Requesting Entity: 1259 Route 46 East, Building 3, Parsippany, NJ 07054

Description of Request: Provide an earmark of $400,000 to be distributed to ten local Big Brothers Big Sisters agencies serving 19 counties to strengthen and expand one-to-one mentoring programs for At-Risk Youth.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02) (along with Reps. SMITH (NJ), PASCRELL and PAYNE)

Bill Number: H.R. 2847

Account: Department of Justice, Juvenile Justice Programs

Legal Name of Requesting Entity: DARE, New Jersey, Inc.

Address of Requesting Entity: 292 Prospect Plains Road, Cranbury, NJ 08512

Description of Request: Provide an earmark of $350,000 to be used for the Middle School Drug and Safety Prevention Project for DARE, New Jersey, Inc. The project will implement the new D.A.R.E. Middle School/Junior High School Program, ''Keepin' It Real''. This is a model substance abuse prevention education program on the SAMSHA National Registry of Evidence-based Programs and Practices (NREPP).

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Illinois Meth Project, Springfield, Illinois.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Methamphetamine.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Illinois Meth Project, 937 S. 2nd St., Springfield, IL 62704.

Description of Request: This funding will be used to prevent teen methamphetamine use in Illinois through community outreach and strategic advertising campaign. The state of Illinois has a critical methamphetamine problem and the Illinois Meth Project aims to combat such through large scale media campaign initiatives targeting teens and first time Meth use. A survey of central Illinois teens shows substantial, positive changes in attitudes towards Meth after the first wave of Illinois Meth project advertising.

Also, the Sangamon County Sheriff Technology Upgrades for the Sangamon County Sheriff's Office, Springfield, Illinois.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Law Enforcement Technology.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Sangamon County Sheriff's Office, 1 Sheriff's Plaza, Springfield, IL 62701.

Description of Request: This funding will assist in the purchase of new equipment for a violent crime investigation initiative, court facility security cameras, video visitation monitoring system, computers, supportive technology and an X-Ray machine. Recent economic downturns have constrained the county's ability to support new or expanded projects.

And, the Schuyler County Sheriff Technology Upgrades for the Schuyler County Sheriff's Office, Rushville, Illinois

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Law Enforcement Technology.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Schuyler County Sheriff's Department, 216 E. Lafayette, Rushville, IL 62681.

Description of Request: Funding in this request would be used to assist in technology upgrades for the county Sheriff's Department. This includes radio tower equipment, new console-control center in the main office, new in-car radios and cameras as well as hand held radios. Existing control panel is 25 years old. These upgrades will greatly enhance both officer and public safety.

The Springfield Police Department Technology Upgrade for the Springfield Police Department, Springfield, Illinois.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Law Enforcement Technology.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Springfield Police Department, 800 East Monroe Street, Room 300, Springfield, IL 62701.

Description of Request: This funding will be used to upgrade radio consoles, install video camera system at police firearms range/weapons facility, purchase wireless headsets, software upgrades, purchase mobile data computers. These advancements will strengthen several technological deficiencies to increase law enforcement in the city of Springfield and help officers to make state and national inquiries about suspected law violators.

The Interoperable Law Enforcement Communications for the Tazewell County Sheriff's Office, Pekin, Illinois.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Law Enforcement Technology.

Name and Address of Requesting Entity: The entity to receive funding for this project is Tazewell County Sheriff's Office, 101 S. Capitol St., Tazewell County, Pekin, IL 61554.

Description of Request: This funding will be used to assist in purchase of communications equipment and radio frequencies to provide for complete coverage within the county's jurisdiction. This will provide better communications coverage in the county's jurisdiction as well as better communications with other Police Agencies with better dependability.

The Illinois Height Modernization for the Illinois State Geological Survey, Champaign, Illinois.

Bill Number: H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Provisions/Account: Department of Commerce, NOAA, Operations, Research and Facilities.

Name and Address of Requesting Entity: The entity to receive funding for this project is the Office of Sponsored Programs & Research Programs at the University of Illinois, located at 615 E. Peabody Drive, Champaign, IL 61820.

Description of Request: For the Illinois State Geological Survey to continue their Height Modernization project. This project will establish a datum-consistent vertical and horizontal statewide network of survey benchmarks and a statewide high-resolution digital elevation model (DEM) of the earth's surface based upon the updated network of survey benchmarks (approximately half can no longer be located), the project would also provide a digital elevation (LiDAR) model for the state. This will establish accurate, reliable heights using GPS technology in conjunction with traditional leveling, gravity, and modern remote sensing. The necessity of this is to get accurate mapping of the state for urban and rural development.

IN HONOR OF THE RETIREMENT OF MAUD ROBINSON

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate Maud Robinson on her retirement and to recognize the significant contributions she has made to the community as a member of the Vienna Town Council and throughout her years of civic involvement.

Maud Robinson has lived a life of commitment to her community and her country. During World War II, she proudly served with the United States WAVES. A few years after the war, she moved to Vienna, Va., where she has lived for nearly 60 years. Throughout this time, Maud has been an active community supporter, donating her time and energies to The Ayr Hill Garden Club, the Vienna Rotary Club, Historic Vienna, Inc. and many other civic organizations.

In 2000, Maud was appointed to the Vienna Town Council. Her late husband, Charles A. Robinson Jr., died earlier that year after serving 38 years on the Council, the last 24 as Mayor. Maud Robinson won re-election in 2001 and again in 2005. During her term she has been known for her historic preservation efforts, fiscal conservatism and the maintenance of the "small town" atmosphere that makes Vienna a very special place. Always acting to improve the quality of life for the residents of Vienna, Maud has been a constant presence at Fairfax County Board of Supervisor meetings, revitalization meetings and everywhere else where her dedication to her community would have a positive impact on fellow Vienna residents.

After serving on the Vienna Town Council for the last nine years, Maud has decided to not seek reelection and enjoy some well deserved leisure time. The community will be eternally grateful for her many contributions, and her strength and determination will be missed.

Madam Speaker, I ask my colleagues to join me in congratulating Maud Robinson on the occasion of her retirement and in thanking her for her years of service to the community and our country.

30TH ANNIVERSARY OF KOINONIA WORSHIP CENTER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to honor the 30th anniversary of Koinonia Worship Center in Pembroke Park, Florida. Since its inception, the Church has stood in the community as a symbol of perseverance and inspiration. This anniversary of Koinonia Worship Center marks a time of remembrance of a storied past and renewal for a bright future.

In January 1980, three families—the Jones', the Albury's and the Harvey's, of Carol City, Florida decided that they needed a closer walk with God and a deeper commitment to Jesus Christ. They began to meet on Monday nights for a Spirit filled Bible study at the home of Eric H. Jones, Jr. As the months passed, the study group increased in number and eventually outgrew the pastor's home. Under the leadership of Pastor Jones a ministry was established. A meeting was held with a Bible study group of West Hollywood, Florida, headed by Brother Irving Seymour and another Christian body from Hallandale, Florida. On June 1, 1982, Pastor Jones was asked to be the pastor and Irving Seymour was asked to be the evangelist.

The name Koinonia was suggested by Evangelist Irving Seymour. It was presented to the group and accepted. The membership also decided that the church would be a non-denominational worship center. and would be supported by tithes and offerings. The first services were held on June 13, 1982, at the Ramada Inn in Hallandale, Florida. On June 16, 1982, the business meeting was held at the home of Deacon Albury in Miami, Florida. The decisions on the Articles of Faith, the Church's constitution, bylaws, covenant and officers were made at the meeting.

The church's officers were: Pastor, Eric H. Jones, Jr.; Chairman of Deacons, Arnold Albury; Secretary, Elois Seymour; Clerk, Beverly Parks; Sunday School Superintendent, Irving Seymour; Minister of Education, Rosita Albury; Assistant Minister of Education, Bloneva Jones; Treasurer, Sonja Harvey; and Usher, Tyrone Pitts.

Koinonia began with 18 charter members, has moved from various locations, has grown to a membership of over 6,000, operates seven days a week, and has 27 ministries. Some of the ministries include: Prison, More Than Conquerors, Christian Men of Destiny, Women of Vision, Reaching Hands, and Economic Empowerment. Koinonia is known for reaching out to the oppressed, developing programs for the socially and economically outcast and presents a unique and clear methodology for salvation.

Madam Speaker, please join me in applauding and honoring Koinonia Worship Center as it celebrates 30 years of dedicated fellowship. Throughout the past 30 years, the clergy and members have dedicated themselves to providing spirituality, service and guidance to the Church and greater community of South Florida. Koinonia is a model for our community and our Nation. Koinonia has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of neighbors in need. It is my hope Koinonia continues to stand as a beacon of resolve, inspiration and worship for many years to come.

IN HONOR OF THE LAKE CITIES FIRE DEPARTMENT'S 50TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. BURGESS. Madam Speaker, I rise today to commend the Lake Cities Fire Department for 50 years of volunteer service to the cities of Corinth, Lake Dallas, Hickory Creek, and Shady Shores.

The Lake Cities Volunteer Fire Department started in 1959 with several concerned citizens getting together a volunteer service to provide safety and fire protection for their cities.

Over the past 50 years the department has undergone numerous changes, culminating in the city of Corinth taking control of the department in 2008 and contracting with the other cities for service. Today the department staffs trained first responders, 2 fire engines and 2 ambulances. Each day the department strives to deliver the highest level of professional service to its residents.

It is with great honor that I recognize the 50th anniversary of the Lake Cities Fire Department. The service and dedication of both the volunteer and paid firemen have kept these cities safe for 50 years. I am proud to represent the department and the brave men and women who serve there.

REMEMBERING SANDRA OTAKA, THE FIRST ASIAN-AMERICAN ELECTED COOK COUNTY JUDGE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. SCHAKOWSKY. Madam Speaker, it is with deep sadness that I rise today to recognize the extraordinary life and contributions of Judge Sandra Otaka, a constituent of mine and a dear friend, who died on June 6. Judge Otaka is remembered not just for her brilliant legal career but for a life committed to fighting for equality and justice for all. She died too soon and she will be greatly missed.

Judge Otaka was appointed to the bench of the Illinois Supreme Court in 2000. In 2002, she was elected as the first Asian-American to be Cook County Judge, serving in the children protection court. While that accomplishment was extraordinary, it was just one of many exemplary moments in her career.

Born the daughter and granddaughter of Japanese Americans who were imprisoned in U.S. internment camps during World War II, Sandra Otaka dedicated her life to fighting for justice. As a child, she campaigned against the Vietnam War. During college, she worked at a law firm that successfully overturned the conviction of Fred Korematsu, a Japanese-American imprisoned in 1944 for failing to report to an internment camp. Throughout her adult life, she worked tirelessly to represent those who too often had no voice.

Judge Otaka was an inspiration not only to Asian-Americans in Chicago, but to legions of others, including me. I loved and respected her deeply not only for her brilliant mind, but for her tremendous heart. The outpouring of sorrow and the sense of loss are a testament to Sandra's gift for befriending people and touching their lives in ways big and small. While all of us who were Sandra's friends will miss her terribly, we can find some comfort in our memories of that beautiful, vibrant and vital woman whom we were so fortunate to have in our lives, albeit for too brief a time.

My heart goes out today to her beloved son Jeffrey. Jeffrey was the center of Sandra's life and she was absolutely devoted to him. She talked about him and his accomplishments often, and Sandra always had a photo ready to share. I also extend my condolences to her sister Susan, and all of Sandra's family and friends whom she loved dearly and who loved her in return. Judge Otaka made our community and our nation a better place. I and so many people in Chicago are indeed fortunate to have had her in our lives.

IN HONOR OF THE 2009 LITERACY COUNCIL OF NORTHERN VIRGINIA AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate the recipients of the 2009 Literary Council of Northern Virginia Awards.

Founded in 1962, The Literary Council of Northern Virginia is a non-profit educational organization that recruits and trains volunteers to teach adults who need help reading, writing, speaking and understanding the English language.

The Literacy Council provides a wide range of programs including programs for English speaking adults who need help with reading and writing, ESOL programs for those in our community for whom English is not their native language and Family Learning Programs to teach English proficiency to parents and their children who are between the ages of two and 12.

Each year, The Literacy Council of Northern Virginia recognizes a few of its outstanding adult learners, volunteers and/or community partners. This year, a special award will be given to student essay contest winners, the theme of which was ''Hope for the Future''. It is my great honor to recognize the following recipients of the 2009 Literacy Council of Northern Virginia Awards:

Recipients of the Community Partners Awards are: Alexandria Community Trust, The Wish You Well Foundation, and the Richard Byrd Library (Fairfax County).

Recipients of the Volunteer of the Year Awards are: Kay Habeger, Michael Wolff and Monica Simone.

Recipients of the Student Essay Contest Awards are: Jieun Jang, Albert Costanzo, Wei Yang Tsai, Gloria Cruz, Hala Elnoby, and Deepa Kulkarni.

Madam Speaker, I ask that my colleagues join me in recognizing the contributions of The Literacy Council of Northern Virginia and congratulating each of the 2009 Award recipients. Their dedication, hard work and commitment improves the quality of life for the students as well as the community by providing the program participants with the life skills that are necessary to become an active and productive member of society.

RECOGNIZING THE MAYOR J. ROBERT HUNSICKER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor J. Robert Hunsicker. He has served the town of Perkasie, Pennsylvania as Mayor for the past decade.

A lifelong resident of Perkasie, Mayor Hunsicker has been active in his community for years. He grew up working for his father's butter and egg business in town, and graduated from Sell-Perk High school in 1945. He served as a Justice of the Peace from 1955 to 1969, and then as a district justice from 1970 until his retirement to a senior judge position in 1993. In this role, the Mayor had the opportunity to serve on most courts in Bucks County.

Described by colleagues as Perkasie's biggest fan and loudest cheerleader, the Mayor has been a champion for the many programs that represent his hometown. This includes the Perkasie Park System, where free arts and cultural events are held weekly during the summer months. One of Mayor Hunsicker's dreams has been the construction of a new band shell in which to house these community events. During his time in office, the Mayor has also partnered with the neighboring town of Sellersville to oversee the successful merging of the towns' two police departments.

Mayor Hunsicker will retire later this month in order to enjoy some well-deserved time with his six children and six grandchildren, and will of course remain involved in the Perkasie community. Madam Speaker, I ask that you join me in recognizing Mayor J. Robert Hunsicker for his admirable lifelong service. I am honored to serve as his Congressman. Congratulations on the dedication of their headquarters today.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 2847, The Fiscal Year 2010 Commerce, Justice, Science, and Related Agencies Appropriations Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: COPS-Methamphetamine Enforcement and Clean-up Grants

Legal Name Requesting Entity: Tennessee Bureau of Investigation-Tennessee Methamphetamine Task Force

Address: 901 R.S. Gass Blvd.—Nashville, TN 37216–2369, c/o 1110 Market Street, Suite 332, Chattanooga, TN 37402

Description of Request: The Tennessee Bureau of Investigation and the Tennessee Methamphetamine Task Force requested funding to train and equip local law enforcement officers throughout the State of Tennessee in a cooperative effort to combat the manufacture, distribution and use of methamphetamine, both domestic and foreign, in Tennessee. Twenty-four hour response will be provided to state and local law enforcement agencies fighting the epidemic. The Tennessee Bureau of Investigations and the Tennessee Meth Task

Force received $2 million to supplement the lack of funding for preventing illegal methamphetamine use.

Distribution of funding:

Personnel—8%

Benefits—3%

Travel—8%

Equipment—16%

Supplies—25%

Contract law enforcement officers—31%

Training—9%

Requesting Member: Rep. ZACH WAMP

Account: Department of Justice Byrne Discretionary Grant Program

Legal Name Requesting Entity: City of Chattanooga

Address: 101 East 11th Street, Chattanooga, TN 37402

Description of Request: The Mayor and City Council of Chattanooga have requested funding to move and equip a law enforcement firing range. In 2003, President Bush signed legislation establishing the Moccasin Bend National Archeological District at the location where the current range has been used for police training for decades. The formation of the national park and the planned visitor center requires that the firing range be moved to another site. The Mayor and City of Chattanooga received $500,000 to offset part of the expense associated with the relocation.

Distribution of funding:

Facility renovation—30%

Equipment—50%

Technology—20%

TRIBUTE TO HOWARD NICHOLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to Howard Nichols, an Army veteran, a distinguished teacher, and the Headmaster at The Harker School in San Jose, California. Mr. Nichols passed away from esophageal cancer on December 31, 2008.

During his 32 years as Headmaster of The Harker School, Howard Nichols played a critical role in helping so many young people and his presence is greatly missed today. The following obituary was published in the San Jose Mercury News on January 1, 2009:

''To describe Howard Nichols as the heart and soul of Harker School barely captures the magnitude of the role that the retired headmaster played at the San Jose private school.

''Mr. Nichols also was the visionary, architect, recruiter and administrator who built Harker into a prestigious academic powerhouse. He got to know each child and family, helped teachers find housing and seldom saw a piece of litter on campus he didn't pick up. A product of Harker's predecessor, the Palo Alto Military Academy, Mr. Nichols was a passionate educator who, without a teaching credential, created the largest K–12 independent school in California.

''Mr. Nichols died Dec. 31 of esophageal cancer. He was 68.

''His door at Harker always was open to staff, parents and students and visitors—who, while stopping by to talk, often could help themselves to a chocolate chip cookie, perhaps still warm from the school kitchen, said his wife, Diana Nichols.

'' 'Howard was one of the most compassionate people I've ever met,' said John Near, a Harker history teacher whom Mr. Nichols hired 30 years ago. Mr. Nichols considered Harker a family, and instilled that sense of caring in students, Near said.

''Mr. Nichols was born in Bremerton, Washington, and moved to the Oakland area as an infant. In second grade he moved to the Peninsula when his father, Major Donald Nichols, took over the Palo Alto Military Academy. The young Mr. Nichols was a boarder at the Parkinson Street campus, and went home to Los Altos on the weekends. His mother, Jean Fisher, ran a restaurant in Los Altos.

''Mr. Nichols attended Palo Alto High School and Stanford University, graduating with a bachelor's degree in economics. He served two years in the Army, then joined the staff at his father's school. But in the Vietnam era, the military and military schools were falling out of favor. The Palo Alto Military Academy merged with neighboring Miss Harker's School for Girls and moved to San Jose. Mr. Nichols became headmaster in 1973.

''In 1981, Mr. Nichols married Diana Olsen, then a principal at Harker.

''The school expanded to three campuses, one for each level, and eliminated its dormitories to accommodate the high school expansion. Today, it has about 1,750 students in grades K–12.

''Mr. Nichols' skill as a listener, understanding parents' needs, informed his vision for the school, Diana Nichols said. With more dual-worker families, Harker offered afterschool programs in sports, art and music, then uncommon among private schools. 'The complaint that people have about private schools in general was that it wasn't a neighborhood school. This created the neighborhood,' Diana Nichols said.

''Mr. Nichols also believed that the heart of a good school lies in good teachers, and he recruited nationwide for Harker staff.

'' 'He really made everybody feel valued. He used to put his hand on your shoulder and say, 'We're lucky to have you,' ' said Chris Nikoloff who took over from Mr. Nichols as head of school. The Nicholses retired in 2005, but continued to consult for the school and serve on the board.

''Mr. Nichols also believed in having fun. He'd challenge students to a contest, such as raising funds for a charity, and if students won, teachers and administrators would pay off by, for example, jumping fully clothed into the school swimming pool. He also created a culture of respect and caring at school, staff recalled.

'' 'He was a generous and kind man,' said graduate Sehba Ali Zhumkhawala, founder and principal of KIPP Heartwood charter school in San Jose. 'Certainly he was one of the inspirational folks who made me want to go into education.'

''Mr. Nichols also was an athlete, who did 100 push-ups a day until he became too ill three months ago.

'' 'He was a really noble man,' Diana Nichols said. 'He's irreplaceable.' ''

Madam Speaker, I ask that the entire House of Representatives join me in extending our sympathy to The Harker School and the Nichols family. The work of Howard Nichols at The Harker School will never be forgotten and will continue on in the lives of the many students he inspired as a teacher and Headmaster.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. BOYD. Madam Speaker, due to personal reasons, I was unable to attend a vote. Had I been present, my vote would have been ''yea'' on final passage of H.R. 626, the Federal Employees Paid Parental Leave Act.

SALUTING SERVICE ACADEMY BOUND STUDENTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, it is a tremendous honor to salute our soldiers, sailors, marines and airmen of tomorrow—the service academy bound students of the Third District of the Texas. This district of Texas is home to some of the best and the brightest young people. I'm truly confident that they are ready to join the premier military force of the world. It is a privilege to send such fine young people on to our nation's prestigious service academies.

We lift these young leaders and their families up in prayer for their future service and sacrifices. I am so very proud of them. God bless them and God bless America. I salute them. The appointees and their schools follow.

THIRD CONGRESSIONAL DISTRICT SERVICE ACADEMY APPOINTMENTS

UNITED STATES AIR FORCE ACADEMY

Matthew Burnham (Plano West Senior High School), Darrell Dancy (USAFA Prep School—From McKinney), Stephen Hunter (Allen High School), Zachary Matthews (Frisco High School), Christine Molina (Ursuline Academy of Dallas—From Dallas), Chad Moore (Home School—From Plano), and Spencer Wood (Frisco High School).

UNITED STATES MILITARY ACADEMY

Richard Hansen (Jesuit College Preparatory School of Dallas—From Richardson), Joshua Koeppe (Prince of Peace Christian School—From Plano), Joseph Ramos (Sachse High School), Jan Redmond (Plano East Senior High School), Zachary Ricketts (St. Benedict at Auburndale—From Parker), Jeff Yao (Plano Senior High School), and Jacek Zapendowski (St. Mark's School of Texas—From Richardson).

UNITED STATES MERCHANT MARINE ACADEMY

Jonathan Espinoza (North Garland High School), Tyler LeCocq (Frisco Centennial High School), and Brian Nichols (Plano Senior High School).

UNITED STATES NAVAL ACADEMY

Jonathan Alston (Plano Senior High School), John Aselton (Plano Senior High

School), Lauren Carpenter (Plano East Senior High School), Jacob Coffey (McKnney Boyd High School), Tyler Mapes (Newman Smith High School—From Plano), Christopher Martinez (Cistercian Preparatory School—From Plano), and Michael Schmeck (John Paul II High School—From Plano).

INTRODUCTION OF THE GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2009

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. DELAURO. Madam Speaker, I rise today to introduce the Gynecologic Cancer Education and Awareness Act of 2009: a lifesaving, bipartisan bill to reauthorize Johanna's Law, a national awareness program to educate women about the symptoms, risk factors, and prevention of gynecologic cancers such as ovarian, uterine, and cervical cancers.

Every hour, approximately 10 women in the U.S. are diagnosed with a gynecologic cancer such as ovarian, cervical, and uterine cancers. Each year, we lose over 26,000 of our mothers, sisters, daughters and friends to one of these terrible cancers. This is a tragedy. Research shows that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. Ovarian cancer has a 90 percent survival rate if detected in Stage One and only a 20 percent survival rate if detected in Stage Three or Four.

That is why, in December 2006, Congress passed the Gynecologic Cancer Education and Awareness Act—also known as Johanna's Law, named for Johanna Silver Gordon, a dynamic and dedicated public school teacher, a loving and beloved mother, daughter, sister, aunt and friend. Despite being a health conscious woman who visited the gynecologist regularly for pelvic exams and PAP smears, Johanna was blindsided by a late stage diagnosis of ovarian cancer—learning only after her diagnosis that the symptoms she had been experiencing were common symptoms of ovarian cancer, not those of a minor gastrointestinal problem, as she'd assumed. Sadly, despite multiple surgeries and aggressive chemotherapy, 3½ years after her diagnosis, Johanna lost her life to ovarian cancer. Determined not to allow Johanna's death to be in vain, Johanna's sister Sheryl Silver proposed Johanna's Law.

This bill provides for an education campaign led by the Centers for Disease Control and Prevention to increase the awareness and knowledge of health care providers and women with respect to gynecological cancers. The program has been funded for the past two years, allowing the Centers for Disease Control and Prevention to begin a national awareness campaign about the signs and symptoms of gynecologic cancers.

In order to continue and build on these important efforts, the Gynecologic Cancer Education and Awareness Act of 2009 will reauthorize the CDC's awareness campaign and create a new grant program to support nonprofit organizations in carrying out complementary education and awareness campaigns that extend the reach of the CDC's work. The bill enjoys the support of the Ovarian Cancer National Alliance (OCNA), the National Ovarian Cancer Coalition (NOCC), the Society of Gynecologic Oncologists (SGO), the Alliance for Women's Cancer Awareness, Society of Gynecologic Nurse Oncologists (SGNO), Gynecologic Cancer Foundation, Facing Our Risk of Cancer Empowered (FORCE), CONVERSATIONS: The International Ovarian Cancer Connection, the Cancer Awareness Team for Ovarian Cancer (Ohio), CanSurvive Support Group, UAB Gyn-Oncology (Alabama), Capitol Ovarian Cancer Coalition (COCO) (Kentucky), Colorado Ovarian Cancer Alliance, Minnesota Ovarian Cancer Alliance, Nine Girls Ask (California), OASIS of Southern California, Ovacome United States (Florida), Ovarian and Breast Cancer Alliance of Washington State, Ovarian Cancer Alliance of Arizona, Ovarian Cancer Coalition of Greater California, Ovarian Cancer Alliance of Oregon and Southwest Washington, Ovarian Cancer Orange County Alliance, Ovar'Coming Together (Indiana), Ovarian Awareness of Kentucky, Sandy Rollman Ovarian Cancer Foundation (Pennsylvania), Space Coast Ovarian/Gynecologic Cancer Alliance (Florida), and the Women's Cancer Awareness Group (California).

I urge my colleagues to support this bill and to move swiftly to ensure that women have the lifesaving information they need about gynecologic cancers.–

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. HINOJOSA. Madam Speaker, on rollcall No. 354, had I been present, I would have voted "yea".

RECOGNIZING THE SIGNIFICANCE OF NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. WATERS. Madam Speaker, it is with great enthusiasm and reverence that I acknowledge Caribbean-American Heritage Month. Caribbean-Americans have made so many invaluable contributions to our nation's culture and historical development. With an indomitable spirit, resolve, and determination, Caribbean-Americans have maintained their unique cultural and social identity and made incredible strides in carving out their respective place within the American Dream. I want to commend my colleague BARBARA LEE for bringing this measure before the floor.

Numerous Caribbean-Americans have left an indelible mark on American history and culture. For example, Sidney Poitier, who spent his youth on Cat Island in the Bahamas, went on to become the first Black American actor to win an Academy Award. Sidney Poitier was a pioneer and where it once was an unobtainable goal, many Black actors and actresses now have the opportunity to enter an elite group of acclaimed Oscar winners. I also think of the incomparable Harry Belafonte. At his peak, Harry Belafonte was a gifted musician, talented actor, and fierce social activist. Although Harry Belafonte was not born in the Caribbean, he spent a lot of time in his mother's native country, Jamaica.

And lastly, as a Member of Congress, I cannot discount the contributions and achievements of Congresswoman Shirley Chisholm. Congresswoman Chisholm frequently credited her success to the education she received while attending school in Barbados. As the first Black woman elected to the House of Representatives, she was a dedicated public servant and a trailblazer. It is often repeated, that we stand on the shoulders of great men and women who, through diligence and determination, paved the way for African-Americans today to achieve greatness. And as many of those shoulders belonged to Caribbean-Americans, it is truly fitting that we take this month to celebrate their heritage.

Madam Speaker, I am pleased to support H. Con. Res. 127. And as a vocal advocate for the Caribbean, I will continue to do my part and work with my colleagues to help the region face its challenges in hopes of propelling it into a great and prosperous future. So as we take this month to honor Caribbean-American heritage and history, it is my sincere hope that in time, we will be able to celebrate even greater achievements and developments in both the lives of Caribbean-Americans in the United States as well as the nations of the Caribbean.

OBAMA MEDICARE CUTS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, President Obama used his weekly radio address last Saturday to outline new cuts to Medicare and Medicaid benefits, totaling over 300 billion dollars.

My continuous fear throughout the health care reform process has been that Democrats will opt to pay for changes to the system on the backs of seniors.

This is unfair to my district, where more Medicare beneficiaries reside than anywhere else in the country.

Among the cuts the President has proposed are reducing payments to hospitals that care for large numbers of the uninsured by $106 billion.

President Obama asserts that because so many people will have health insurance after his reforms, these hospitals will no longer need the money.

But that doesn't account for illegal immigrants, who use the emergency room since they cannot obtain care elsewhere.

Emergency rooms visits are a major driver of health care costs, and if hospitals cannot receive aid from the federal government, they may be forced to eliminate valuable resources you or I may desperately need in the future.

The President also proposed taking $75 billion from the Medicare Part D prescription drug program.

As someone who worked diligently on the bill to provide prescription drug coverage for seniors for the first time in history, I am adamantly opposed to taking money from this program.

The logical assumption is that if the program is cut, Part D plans will be forced to raise seniors' premiums in order to cover their costs.

President Obama is also determined to cut $177 billion from Medicare Advantage plans, which I know my constituents value greatly.

Our nation's 44 million elderly who have worked hard all their lives cannot be ignored in favor of trying to provide coverage to a few million people.

I urge my Democrat colleagues in Congress to make more of an effort to address quality and reform payment systems, instead of taking benefits directly from seniors.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847—the Commerce, Justice, Science and Related Agency Appropriations Act, FY 2010

Project Name: Emergency Services Technology, Collier County, Florida

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 2847—the Commerce, Justice, Science and Related Agency Appropriations Act, FY 2010

Account: DOJ/COPS

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 East Tamiami Trail, Naples, Florida 34112

Description of Request/Justification of Federal Funding: $800,000 will be utilized for the acquisition of public safety technology equipment for the Collier County Emergency Services Center. The funding is important because it will help to better equip Collier County's emergency service providers to respond to events that could engender the safety and citizens of Collier County, Florida.

Project Name: FGCU Law Enforcement and Public Safety

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 2847—the Commerce, Justice, Science and Related Agency Appropriations Act, FY 2010

Account: DOJ/OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Florida Gulf Coast University

Address of Requesting Entity: 10501 FGCU Blvd, S., Fort Myers, Florida 33965

Description of Request/Justification of Federal Funding: $200,000 will be utilized for the development of tools for training and processing crime scenes for use by law enforcement and public safety officials. This work will be done at the Florida Gulf Coast University in its Law Enforcement and Public Safety Department.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. HOLT. Madam Speaker, on Friday, June 12, 2009, I was in New Jersey welcoming home the soldiers of the New Jersey Army National Guard's 50th Infantry Brigade Combat Team after their tour in Iraq and missed one vote.

Had I been present I would have voted "yes" on H. Res. 532 providing for further consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act; and "yes" to concur in the Senate amendments to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act (rollcall 335).

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF CAPTAIN THOMAS R. CARNEY, JR., UNITED STATES NAVY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to an outstanding Naval Officer, Captain Tom Carney and to recognize his dedicated service to our Nation. It is a great honor for me to thank Captain Carney and his family for their distinguished service. Captain Carney has proudly and selflessly served our nation for 28 years.

It was during his last assignment as Director of the Secretary of the Navy's Appropriations Matters office that I first came to know Captain Carney. In this capacity, he has proved to be an invaluable link between the Navy and me, my staff, and the Appropriations Committee. Captain Carney has escorted me and other Members of Congress on several occasions as we traveled both home and abroad to review military operations and to confirm the health and welfare of our troops.

On every occasion, Captain Carney performed his duties in an exacting and precise manner. But far more important to me and the members of the Appropriations Committee was the insight he shared with us concerning matters of national security and the Department of the Navy. He clearly understands the role of the Navy in providing for our Nation's security and stability, as well as serving as an ambassador for American values throughout the world.

We have always been able to count on Captain Carney's candor, judgment, and steadfast devotion to duty mixed in with a flair of humor. He was an invaluable asset to me in Congressional deliberations in all matters regarding our Armed Forces, and his perspective on the needs of the Nation with respect to our sea services will be sorely missed.

Madam Speaker, we all know that behind every servicemember there stands a strong and supportive family, so I also want to recognize the Carney family: his lovely wife Nancy, and his son Ryan. They have been stalwart partners in his service to the United States. We can ill afford to forget that it is the strength of family, and indeed their love and support, that make it possible to honorably serve in uniform.

In closing, on behalf of my colleagues on the Appropriations Committee, I want to express my thanks and appreciation for the special contribution Captain Carney has made during his tenure. I am especially pleased to note that Captain Carney was recently selected for promotion to Rear Admiral. We wish Tom Carney and his family continued success and the traditional naval wish of "fair winds and following seas."

RECOGNIZING WILLIAM VEGH

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise this evening in recognition of Holocaust survivor and longtime Mahoning Valley resident Mr. William Vegh of Youngstown, Ohio, who passed away Friday, June 5, 2009. Mr. Vegh was born in Aspa, Czechoslovakia on November 21, 1928. Mr. Vegh and his wife Lucille, married on June 29, 1952, have three children, seven grandchildren, and one great grandchild. He came to the United States in 1948, and worked in the Mahoning Valley for 38 years. He was an active member of the El Emeth Synagogue where he attended services daily.

Mr. Vegh lived through one of the worst horrors visited upon our modern era: The Holocaust. Held in Auschwitz and various other concentration camps, he lost his mother, sister and four of his brothers. After being liberated by the allied forces and settling in Ohio, he dedicated his life after retirement to speaking and educating those around him about the Holocaust and the concentration camps in which he was kept. His utter dedication to this goal helped to ensure that the people of the Valley would never forget both him and the events he endured.

And his ability to inspire did not stop at the borders of Mahoning Valley. His story was documented by the Steven Spielberg Shoah Foundation, a non-profit organization based out of California dedicated to "overcoming prejudice, intolerance and bigotry". He also received many awards and recognitions including the Marvin and Sarah Itts Award for Distinguished Community Service, B'Nai Brith Guardian of the Menorah, J.C. Penney Golden Rule Award, Heroes of Mahoning Valley/American Red Cross, the Janusz Korczak Humanitarian Award, the 2000 Triumphant Spirit

Award and was an Honoree of the Youngstown Area Fraternal Brotherhood. These awards recognize his notable ability to connect with people and inspire them through education.

I would like to commend Mr. William Vegh for inspiring us all with his incredible story and all he has done for the community. I am very proud to have represented him and I wish all the best for his family.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act. This legislation appropriates $200,000 in the Commerce, Justice, Science and Related Agencies Appropriations bill, Department of Justice Juvenile Justice Account for KidsPeace Florida Therapeutic Foster Care Program in my district. The entity to receive this funding is KidsPeace Florida located at St. 711 Ballard Street, Altamonte Springs, FL 32701.

The funds from this request will (1) provide community-based placement to children involved with or at risk for involvement with the juvenile justice system; (2) address the mental health needs of children in the social service system; and (3) provide safe and supportive homes to children.

This legislation appropriates $250,000 in the Department of Justice COPS Law Enforcement Technology Account for St. Johns County in my district. The entity to receive this funding is St. Johns County located at 2740 Industry Center Road, St. Augustine, FL 32084.

The funds from this request will be used to improve the communications equipment that allows the cities and County to communicate during an emergency.

This legislation appropriates $400,000 in the Commerce, Justice, Science and Related Agencies Appropriations bill, Department of Justice COPS Law Enforcement Technology Account for the City of Maitland, Florida in my district. The entity to receive this funding is the City of Maitland, Florida located at 1 776 Independence Avenue, Maitland, Florida 32751.

Funding will be used for the critical Public Safety Radio System technology upgrades and Mobile Data Terminals for the Maitland Police Department.

This legislation appropriates $150,000 in the Commerce, Justice, Science and Related Agencies Appropriations bill, Department of Justice COPS Law Enforcement Technology Account for Volusia County, Florida in my district. The entity to receive this funding is Volusia County, Florida located at 123 West Indiana Avenue, DeLand, FL.

The Volusia County Sheriffs Office will use these funds for information technology systems upgrades to support a new evidence photo management system. The new system will provide for secure storage of evidentiary images to assist in the identification, apprehension, and prosecution of suspects.

INTERNATIONAL WHALING COMMISSION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. RAHALL. Madam Speaker, today I am introducing legislation to amend the Whaling Convention Act of 1949 (Act) to require that the United States Commissioner to the International Whaling Commission (IWC) be a Federal employee.

The Act sets out conditions for the appointment of the U.S. Commissioner to the IWC. It provides that the U.S. Commissioner shall be appointed by the President on the concurrent recommendations of the Secretaries of State and Commerce, and establishes that the Commissioner shall serve at the pleasure of the President.

My legislation would add a requirement that any such individual must also be an employee of the Federal Government to ensure that the positions of the Administration are represented by the Commissioner. It would apply to any individual who is appointed, or reappointed, as U.S. Commissioner to the IWC on or after the date of enactment.

This amendment would bring the International Whaling Commission into line with other international fora, such as the Inter-American Tropical Tuna Commission.

It also would signal a shift in our approach to ending commercial whaling in all its forms at the IWC. Under the last Administration the U.S. Commissioner sought to negotiate an agreement that would legitimize commercial whaling and allow the continuation of so-called scientific whaling. This policy direction was very clearly at odds with the wishes of the American people, past Administrations, and numerous Members of Congress. Further, while we all want to reduce the number of whales killed, unfortunately the proposed agreement would not have achieved this goal.

Last year at this time, the House of Representatives passed House Concurrent Resolution 350, which, among other things, urged U.S. leadership to use all appropriate measures to put an end to all forms of commercial whaling around the globe.

In the first days of the Obama Presidency, I urged him to ensure that the Bush Administration's flawed policies and negotiation tactics become a thing of the past. Just last month, 34 of my colleagues joined me in calling upon the Obama Administration to modernize the IWC and bring it in line with other international conservation treaties.

This bill is the first step in that direction. It is time to set new goals for protecting whales with an explicit commitment to the accountability and transparency that were lost during the last eight years.

In her public statement issued prior to this year's Intersessional Meeting of the IWC, Council on Environmental Quality Chair Nancy Sutley confirmed that the Obama Administration views the commercial whaling moratorium as a necessary conservation measure and believes that lethal scientific whaling is unnecessary for modern whale conservation management.

In that spirit, it's time for a new direction for the IWC, with a new policy and a new agreement to end commercial and so-called scientific whaling. I look forward to working with the Obama Administration, and this bill will ensure that the next U.S. Commissioner, who will be appointed this year, will be an employee of their Administration, fully in step with their new approach and commitment to opposing the resumption of commercial whaling.

As the 61st Annual Meeting of the IWC convenes next week in Madeira, Portugal, I again urge the Obama Administration to take the necessary steps to repair the damage done in recent years and to reestablish our nation's longstanding commitment to protecting whales.

As a symbol of that new day, I ask my colleagues to support this legislation.

HONORING SARAH YANG, MINNESOTA'S NATIONAL HISTORY DAY REPRESENTATIVE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Ms. Sarah Yang of Ramsey, Minnesota. Sarah is serving as the Minnesota representative for the National History Day competition and it is my honor to call attention to the hard work and dedicated effort she has put into her project.

Since October, Sarah has been researching information on Xang Vang, a Hmong community advocate in Minnesota, in concert with the competition theme of, ''The Individual in History: Action and Legacies.'' She was first selected as a winner from Anoka High School and then selected among 30,000 students from Minnesota. Her project, ''Restoring Roots: Xang Vang & the Regeneration of Minnesota's Hmong Economy'' has culminated in a website that chronicles the life and work of Vang.

Madam Speaker, I rise today to honor Sarah Yang and all the students who have participated in National History Day. We're often told, ''We can't know where we're going until we know where we've been.'' Sarah is just one representative of thousands of students who have taken ambitious strides to learn the history that will guide them to a bright and successful future. Congratulations to Sarah for making it this far and I hope we will continue to see more students taking part in National History Day every year.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. BERKLEY. Mr. Speaker, I was unable to vote on rollcall Nos. 340 through 350. Had

I been present, I would have voted "aye" on each. Thank you.

HONORING THE RETIREMENT OF JUDY BARNES AS CEO OF THE HOME BUILDING ASSOCIATION OF GREATER GRAND RAPIDS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. EHLERS. Madam Speaker, I rise today with mixed emotions to honor my good friend, Judy Barnes, who retires as Chief Executive Officer of the Grand Rapids Home and Building Association, HBA, of Grand Rapids on June 30, 2009. Judy has been energetic and optimistic in her duties at the Association, where she has served as CEO for 25 years.

Judy's great attitude and outlook on life helped her successfully lead the homebuilding industry in Grand Rapids through good times and bad. When she took over as CEO in 1984, she helped grow the relatively small group to one of the largest HBAs in the nation through her solid work ethic and passion. Her professionalism and leadership skills garnered the respect of her constituency and the community, as she spoke on behalf of the HBA throughout the years.

The Parade of Homes is an annual tradition for the Grand Rapids area, and for Judy Barnes. She played a key role in planning this fantastic event each year, and helped expand the number of homes in the event to over 250 at its peak. While the downturn in the homebuilding industry has reduced the number of homes in the Parade recently, it is still a great event that visitors have thoroughly enjoyed, thanks to Judy's hard work.

Even as the housing industry fell upon difficult times, Judy never lost her optimism, and showed compassion as people lost homes to foreclosure, and as builders had difficulty staying in business. In an interview with the Grand Rapids Press, Judy said, "The [homebuilding] industry will rebound. . . . I know it will be great again."

I wish Judy, and her husband Stan, the best of everything as they enter a new chapter in their lives. Judy has the wishes and blessings of many, many people who are grateful for her hard work and dedication, and also appreciate her contagious laughter and smile. Her hard work and personality will be greatly missed.

TRIBUTE TO JUDGE PAUL A. FINO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. ENGEL. Madam Speaker:

Judge Paul A. Fino, on June 16th, 2009, at the age of 95. Devoted husband of 70 years to Esther C. Fino. Beloved and dedicated father of Lucille A. DiMuro (Peter DiMuro) of Menlo Park, California and Paul A. Fino, Jr. (Kathleen Fino) of Bronxville, New York. Judge Fino was the proud grandfather of 3 grandchildren and 8 great grandchildren.

Judge Fino dedicated the majority of his life to public service. From 1943–1944 Assistant Attorney General of the State of New York (Bureau Chief of the Criminal Division of the Education Bureau); 1945–1950 New York State Senator (Chairman of the Senate Committee on the Affairs of the City of New York); 1950–1952 Commissioner for the Municipal Civil Service Commission; 1953–1968 United States Congressman (Member of the House Committee on Veterans' Affairs, Member of the House Banking & Currency Committee, Member of the Joint Committee on Defense Production; 1961–1968 Chairman of the Bronx Republican County Committee (County Leader), 1969–1972 Justice of the Supreme Court of the State of New York (First Department), 1973–1975 member of the law firm of Fino & Fino, PC.

During his lifetime Judge Fino was a member of The Knights of Columbus (Wakefield Council 2922), BPO Elks, USA (New Rochelle Lodge 756), U.S. Assoc. of Former Members of Congress (Life Member), Locust Point Yacht Club, Bronx County Bar Association, Royal Arcanum (Claremont Council), The American Justinian Society of Jurists, Association of Justices of the State Supreme Court, National Association of Retired Federal Employees, PEF Retirees, American Association of Retired Persons. Supreme Court Justices of the City of New York, Civil Service Employees Association, Order of Ahepa (Bronx Chapter No. 175), Retired Public Employees Association. Judge Fino was also the author of "My Life in Politics and Public Service," published in 1986.

CELEBRATING THE 20TH ANNIVERSARY OF THE ANNUAL FATHER'S DAY "REAL MEN COOK"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 20th anniversary of Father's Day Real Men Cook, which takes place simultaneously in 10 leading cities throughout the nation, in the Bahamas, on the continent of Africa, in London and Paris, and of course in my Congressional District in Harlem, New York.

Founded by Kofi and Yvette Jackson Moyo in 1990, Real Men Cook has become the largest family celebration in the country, presented annually on Father's Day. Real Men Cook includes average dads and father figures, leading celebrities and elected officials, like Eddie and Gerald Levert, and Marc Morial, President of the National Urban League, and I have cooked, served and hosted Real Men Cook events. President Barack Obama as a United States Senator is among the thousands of men who have rolled up their sleeves and donned a Real Men Cook bandana, apron or chef's hat to make a difference and change the way Father's Day is celebrated for the benefit of others.

Today, Real Men Cook is the leading urban Father's Day experience. It is a food tasting family celebration featuring men volunteering to cook for and serve in their communities. Proceeds from ticket sales are enjoyed by partnering non-profit organizations throughout the ten cities. I am pleased to announce that the Real Men Cook event in my Congressional District will take place in the plaza of our historic Adam Clayton Powell, Jr. Harlem State Office Building, featuring Iron Chef Dizzar and other renowned Harlem culinary artists. The proceeds raised from this event will benefit Harlem Congregations for Community Improvement, Inc.'s Computer Clubhouse for children ages 10 to 18, the New York City Mission Society and Real Men Cook Charities.

Madam Speaker, let me also thank and recognize our sponsors Mr. Willie Walker and the New York State Office of General Services; Lucile McEwen, President and CEO, HCCI; Affinity Health Plus; TD Bank; MACY's; and WBLS for continuing to make a difference for all of my constituents, especially our children and families struggling during these tough economic times.

Happy Father's Day to all of the participating fathers for giving up Father's Day pampering to make a difference, not only in my district, but throughout this nation and the world.

DIRECTING THE ARCHITECT OF THE CAPITOL TO PLACE A MARKER IN EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER WHICH ACKNOWLEDGES THE ROLE THAT SLAVE LABOR PLAYED IN THE CONSTRUCTION OF THE UNITED STATES CAPITOL

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. WATERS. Madam Speaker, I rise in support of House Concurrent Resolution 135, directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol. I commend my colleague, and fellow Congressional Black Caucus member JOHN LEWIS, for acknowledging the importance of this measure and presenting it before the House.

I feel strongly that the history of the African-American struggle must be taught and celebrated, even as we plan for our future. African-Americans performed the backbreaking work of quarrying the marble which surrounds us. Until recently, the history books failed to recognize that slaves provided many of the laborious construction tasks, such as masonry, carting, roofing, plastering, glazing, and sawing—which involved slaves stationed in pits from where, with a partner above ground, they would use a whipsaw to cut logs rolled over the pit. Labor wasn't solely for the adult males—slave women and children were used to mold clay in kilns.

In an article from the Associated Press, Sarah Jean Davidson, founder of the Association for the Preservation of North Little Rock, Arkansas African American History mentioned an important connection that this new marker affords. "We can say our ancestors helped build the Capitol so when we look at it, it's not 'your building, the majority', it's our building . . . It will be a connection not just for African-

Americans, but for immigrants who come from all around the country. . . . Once they start feeling connected, then we are one,'' she said. In addition, the great hall of the Capitol Visitor Center was named Emancipation Hall specifically to acknowledge the work of the slave laborers who built the Capitol and this marker provides a source for interested parties to learn about our history.

Madam Speaker, this measure is particularly important as it commemorates an under-appreciated aspect of America's history and I'm pleased to add my voice in support for this resolution. I will work diligently with my colleagues to ensure that this marker is created and maintains the ability to educate those who come in contact with it. This is a significant step in raising the profile and awareness of how African-American history is intertwined with the federal legislative body and I hope that this measure passes unanimously.

TRIBUTE TO BISHOP EUSTACE S. CLARKE AND MIAMI RIDGEWAY CHURCH OF GOD OF PROPHECY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to congratulate Bishop Eustace S. Clarke and the members of Miami Ridgeway Church of God of Prophecy on their new sanctuary. Bishop Clarke led his congregation in celebrating the achievement of this beloved church, which has become a citadel of faith in the Miami-Dade County community.

In 1922, Miami Ridgeway Church of God of Prophecy began in a small community called Nazarene in the Northeast area of Miami, Florida. Their first pastor was the late Evangelist Andrew Bullard. He was then succeeded by the late Bishop J.R. Smith who served as pastor until 1930. During the mid-1930s, Brother Ed Rolle served as pastor until the late Bishop J.R. Smith returned and served again until 1939. Other pastors throughout the history of Miami Ridgeway Church of God of Prophecy include: the late Brother Hermis Ferguson, late Bishop Henry Curtis, late Bishop Theophilus Hunter, late Bishop J.D. Williams, Bishop R.B. Davis, and Bishop George H. Knowles.

In 1983, Bishop Eustace S. Clarke, the present pastor, joined the Church's family. A Jamaican native, Bishop Clarke came to the United States as a migrant worker for the Belle Glade, Florida Sugar Cane Corporation. Bishop Clarke married his wife, Mrs. Emily Clarke on March 25, 1962. After nearly 47 years of marital bliss, Bishop Clarke and his wife are blessed with 14 children. Bishop Clarke has remained the pastor for the past 26 years.

While serving at Miami Ridgeway Church of God of Prophecy, in 1999 Bishop Clarke began to follow through with his vision for a larger sanctuary. Groundbreaking for this endeavor began in 2000. Though there were many obstacles and unforeseen delays, the Church will now dedicate their completed ''House for God'' on June 28, 2009.

Madam Speaker, please join me in applauding and congratulating Bishop Eustace S. Clarke and the members of Miami Ridgeway Church of God of Prophecy on their new sanctuary. Miami Ridgeway Church of God of Prophecy has been dedicated to providing spirituality, service and guidance to the Church and greater community of South Florida. It is my hope that Miami Ridgeway Church of God of Prophecy continues to stand as a beacon of resolve, inspiration and worship for many years to come.

HONORING THE MEMORY OF FRANK EIKENBURG, FORMER LEGISLATOR

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. HALL of Texas. Madam Speaker, I am honored to pay tribute to Frank Eikenburg of Dallas, TX, devoted member of the Republican Party and my good friend, who passed away June 4th at the age of 64.

Mr. Eikenburg was a respected member of the Texas House of Representatives from 1980 until he chose not to seek re-election in 1984. He was a respected leader in the Republican Party, and his contributions to the State were generous. He was known as a kind and honest man, unafraid to stand up for his beliefs. He was always able to find the humor in life.

Along with his service to the State of Texas in the Texas House of Representatives, Mr. Eikenburg was appointed by Governor Bill Clements to serve on the Texas Board of Pardons and Paroles from 1989 until 1991. He spent the later years of his life as a political consultant, striving to uphold the conservative values he believed would make the country a better place.

Born July 7, 1944 in Wellington, TX, the son of Frank and Margaret Eikenburg, Mr. Eikenburg was a true Texan born and bred. He grew up in Dallas where he graduated in 1962 from Woodrow Wilson High School and obtained his Bachelor's degree from what is now Texas Tech University in 1966. His passion to serve his country, along with his leadership ability, was shown in his early years through his service in the U.S. Air Force during the Vietnam War. He was honorably discharged as a staff sergeant in 1967.

He is survived by his daughter Constance Emily Eikenburg of Dallas, two sisters Madelyn Brooks of Dallas and Livonia Gay Glaves of Houston, sisters-in-law Elizabeth Eikenburg and Beth Eikenburg, and many nieces and nephews.

He leaves behind a legacy of service and commitment to conservative principles, and I ask those here today to join me in remembering this outstanding American, Mr. Frank Eikenburg.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I am requesting as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2847

Account: Department of Justice Byrne Discretionary Grants account

Legal Name of Requesting Entity: New Man Community Development Corporation

Address of Requesting Entity: New Man Development Community Corporation, P.O. Box 98, Rehrersburg, PA 19550. Funds will then be distributed to each partner center, including Sandhills Teen Challenge, P.O. Box 1701, Southern Pines, NC 28388

Description of Request: $25,000 is provided for the New Man Community Development Corporation, a community-based, private, nonprofit corporation, partnered with Teen Challenge Training Center to provide vocational training to individuals seeking addiction treatment at one of 10 residential addiction treatment programs, one located in my district in Carthage, North Carolina. The Employment Preparation Project will provide year-round, pre-employment preparation training five days per week for four weeks to individuals in the last month of a four-month addiction recovery program.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology account

Legal Name of Requesting Entity: City of Kannapolis, North Carolina

Address of Requesting Entity: 932 Floyd Street, Kannapolis, NC 28083

Description of Request: $575,000 is provided for this project, called the Kannapolis Regional Radio Upgrade, to maintain emergency service interoperability with the surrounding region through the conversion of the emergency communication system from analog to digital. Moreover, funds would be used to upgrade the regional radio system with a fully digital network which operates in a frequency range compatible with other state and federal law enforcement agencies.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2847

Account: Department of Commerce International Trade Administration account

Legal Name of Requesting Entity: Textile/Clothing Technology Corporation [TC]2

Address of Requesting Entity: 5651 Dillard Drive, Cary, NC 27518

Description of Request: $965,000 is provided for [TC]2, a consortium of fiber, fabric and apparel producers, organized labor groups, retailers, academic institutions and

government agencies focused mainly on improving textile and apparel production techniques. This is an on-going project of research, discovery and dissemination of appropriate technologies for use in the apparel, sewn products, and soft goods industry. [TC]2 provides seminars, short courses, consulting, and demonstrations to industry leaders. It also provides leadership and visions for an industry that has sustained serious job losses in the past decade.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2847

Account: Department of Commerce International Trade Administration account

Legal Name of Requesting Entity: National Textile Center

Address of Requesting Entity: Campus Box 7214, Administrative Services III, Raleigh, NC 27695–7214

Description of Request: $1,800,000 is provided for the National Textile Center (NTC), a research consortium that serves the USA Fiber/Textile/Fiber Products/Retail Complex. NTC was established to achieve three primary goals: (1) Research: To discover, design and develop new materials, innovative and improved manufacturing, and integrated systems essential to the success of a modern U.S. textile enterprise; (2) Education: To train personnel, establish industrial partnerships and create transfer mechanisms to ensure the utilization of technologies developed; (3) Partnership: To strengthen the nation's textile research and educational efforts by uniting diverse experts and resources in unique collaborative projects.

THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT (THE WOMAN ACT)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mrs. DAVIS of California. Madam Speaker, today, I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

I believe women should not need a permission slip to receive ob-gyn care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access or forcing women to jump through numerous bureaucratic hoops to see their ob-gyn is not acceptable treatment.

The WOMAN Act recognizes women have different medical needs than men and the significant role ob-gyns play in women's health. Women who see an ob-gyn on a regular basis are more likely to receive important screening services, such as pelvic exams, as well as counseling on critical reproductive health issues. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct ob-gyn access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an ob-gyn visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted' in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the state law allowing women direct access to their ob-gyn. That law was a good first step; however, it still does not cover women enrolled in self-insured, federally regulated health plans. This means that even if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan. In addition, there are still states which still do not provide women with direct access to ob-gyns!

Women save time and money with better access to ob-gyn care. I believe the time has come to make direct access to an ob-gyn a national standard.

I urge you, Madam Speaker, and all of my colleagues to pass this critical legislation into law.

CONGRATULATING STEVE LEBLANC, CITY MANAGER OF GALVESTON, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. PAUL. Madam Speaker, I am pleased to congratulate Mr. Steve LeBlanc, City Manager of Galveston Texas, on being named Administrator of the Year by the Texas City Management Association (TCMA). Steve received this award because of the leadership he provided to Galveston in the aftermath of Hurricane Ike. Since my congressional district includes Galveston, my office has had the opportunity to work closely with Steve. I have always been impressed with his dedication to the people of Galveston, a dedication best exemplified by his tireless efforts to help Galveston rebuild, following the devastation of Hurricane Ike.

A longtime resident of Galveston Island, Steve has a Bachelor of Science in Coastal Engineering from Texas A&M and a Master of Business Administration from the University of Houston. He has served as Galveston's city manager since March 1997. Before being named city manager, Steve held several positions with the city including Director of Utilities, Director of Public Works, and Assistant City Manager.

In conclusion, Madam Speaker, I once again extend my congratulations to Galveston City Manager Steve LeBlanc on being named Administrator of the Year. I also thank him for all he does for the people of Galveston. It is my sincere hope that Galveston benefits from Mr. LeBlanc's services for years to come.

IN HONOR OF MAJOR GENERAL THOMAS F. DEPPE VICE COMMANDER, AIR FORCE SPACE COMMAND

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. REHBERG. Madam Speaker, let me take this opportunity to pay tribute to retiring Major General Thomas F. Deppe. General Deppe became Vice Commander of Air Force Space Command in August, 2007. As Vice Commander, he provides leadership to the world's greatest space and missile force.

General Deppe began his Air Force career in 1967 when he graduated from Basic Military Training. His distinguished career is characterized by his Master Missileer Badge, Command Space Badge, Space Professional Level III certification, operational space experience in nuclear operations and spacelift, weapon systems expertise in the Minuteman II, Minuteman III and Peacekeeper ICBMs, Hound Dog and Quail Air-Launched Cruise Missiles, the Ground-Launched Cruise Missile and the Atlas III, Titan IV, Delta II and Delta III boosters. General Deppe's exemplary career is marked by command, operational and leadership positions in a variety of Air Force and Joint assignments.

General Deppe began his illustrious Air Force career as a Missile Instrumentation Electronics Technician. He had a series of aircraft munition assignments and rounded out his enlisted service with an Air Force recruiting position, achieving the rank of Technical Sergeant. In 1977, General Deppe received his commission through the Officer Training School. This led him to his first assignment in Montana at Malmstrom Air Force Base. General Deppe's Air Force journey as an officer would take Eileen and him through a series of Wing, Air Staff and Joint assignments relating to strategic and tactical missile and space systems. He operated the Ground-Launched Cruise Missile in Europe and later served as the Commander of the 351st Organizational Missile Maintenance Squadron in Missouri at Whiteman Air Force Base. Additionally, he commanded the 90th Logistics Group at

Francis E. Warren Air Force Base, Wyoming and the 341st Space Wing in Montana. While assigned to the National Military Command Center, he directed actions during the early days of Operation IRAQI FREEDOM and the Space Shuttle Columbia recovery effort. General Deppe went on to command the Air Force's land-based strategic deterrent force at 20th Air Force in Wyoming before his present assignment as the Vice Commander of Air Force Space Command.

During General Deppe's tenure as Vice Commander, Air Force Space Command, he provided inspirational leadership to over 39,000 personnel responsible for a global network of satellite command and control, communications, missile warning and space launch facilities, and ensured the combat readiness of America's ICBM force. Exploiting his unique blend of operational experience and staffing acumen, General Deppe championed the implementation of a new Management Headquarters construct through Air Force Space Command's ''Lanes-In-The Road'' initiative. The results clearly aligned the Command's headquarters organizations with its own functional concepts as well as the operational mission areas outlined in the United States Air Force Concept of Operations. In addition, he guaranteed the future viability of the Air Force Nuclear Enterprise by driving major system revitalization initiatives, to include the Air Force Chief of Staff-approved creation of an ICBM Weapons Instructor Course at the United States Air Force Weapons School. He was instrumental in successfully implementing visionary space mission area initiatives with wide-ranging national and international implications, to include the Launch and Range Enterprise Transformation effort, the Commercial and Foreign Entities Support Pilot Program and the operational expansion of on-orbit Global Positioning System and Wideband Global Satellite communications capabilities. Finally, General Deppe oversaw the command's lead role to stand-up the 24th Air Force to execute the Air Force's cyberspace mission.

Madam Speaker, the American people have been fortunate to have General Deppe serving as the Vice Commander of Air Force Space Command for the past two years. General Deppe's leadership was an essential element in winning the Cold War and vital to Air Force Space Command's support of combat operations around the world to include Operations ENDURING FREEDOM, IRAQI FREEDOM, the Global War on Terrorism and Overseas Contingency Operations. His exemplary character and dedication to service have resulted in a career of which he, his wife Eileen, and their three children, Lisa, Tom and Ken, can be very proud. I know my fellow Members of the House of Representatives will join me in thanking him for his commitment to his Nation and in wishing him all the best in the years ahead.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce and Justice, and Science, and Related Agencies Appropriations Act:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 2847

Account: Department of Justice, OJP—Juvenile Justice

Entity Requesting: Olive Crest, 2130 E. 4th St., Ste. 200, Santa Ana, CA 92705, 714–543–5437; Coachella Valley Location, Olive Crest, 47350 Washington, Ste. 101 B, La Quinta, CA 92253

Description of Earmark: $100,000 is provided for Olive Crest Independent Living Skills (ILS) Program. Since 1973, Olive Crest Homes and Services for Abused Children—a 501(c)(3)—has been a leader in providing care for abused, abandoned and severely neglected children. Olive Crest is dedicated to preventing child abuse, to Treating and Educating at-risk children and to Preserving the family... ''One Life at a Time.'' Olive Crest offers a wide variety of services and resources to meet the needs of every child and family in its care. Olive Crest, which serves the individuals in my district throughout the Coachella Valley through its facility in La Quinta, California. This includes the following five divisions: Family Preservation; Foster-Adoption; Education; Residential; Community Involvement.

Olive Crest's Independent Living Skills (ILS) Program. The federal nexus of this program is to assist in the development of better citizens who are able to be productive members of society.

This project would fund Olive Crest's Independent Living Skills (ILS) program that provides a variety of services that work to break the multi-generational cycle of crime, drug abuse and child abuse.

Olive Crest's Independent Living Skills (ILS) program is designed to prepare youth for successful independent living. It is a three phase program for at-risk youth ages 15 to 24. The program assists at-risk youth in developing tools that will enable them to foster relationships and become responsible for themselves.

The ILS program is implemented in 3 phases:

1. Support Groups
2. Contracts (ILS Workbooks)
3. The Future Plan

At-risk youth can be involved in all three phases concurrently.

During Phase 1, the at-risk youth attend a group meeting for 10 consecutive weeks that focus on the emotional aspects of emancipating. Living skills training components include interpersonal relationships, conflict resolution and responsibility, parenting, sex education, personal safety and hygiene, health issues, alcohol, drugs and tobacco, anger management, budget management, banking, nutrition and cooking, shopping and other topics as they are identified.

During Phase 2, youth complete a series of 10 contracts related to the skills they will need when they emancipate. The contracts include banking, career, housing, transportation, education and other need topics. Higher education such as trade school certificates program, and colleges are other options for the youth. Staff will help youths with the college applications process.

During Phase 3—Each youth in the program will work on a Future Plan immediately upon entrance into the program. The ILS Coordinator will work with the youth to create the plan. The youth will meet weekly with the ILS Coordinator to review progress/goals of the plan for the first six months and monthly thereafter.

Spending Plan: Project Expenditures—Olive Crest currently invests $2,650,000 in the Inland Empire (California) to provide services to more than 100 Olive Crest at-risk youth. Olive Crest invests $525,000.00 to support Independent Living Support (ILS) program. For the last 20 years, Olive Crest has provided an ongoing private match of dollars and in-kind services of at least 10%. Last year, the match was $260,000. The $100,000 appropriation will be used to fund Olive Crest Independent Living Skills program.

2) Requesting Member: MARY BONO MACK

Bill Number: H.R. 2847

Account: Department of Justice, COPS Law Enforcement Technology

Entity Requesting: Eastern Riverside County Interoperability Communication Authority, 46800 Jackson Street, Indio, California 92201

Description of Earmark: $500,000 is provided for Eastern Riverside County Interoperability Communication Authority (ERICA). The ERICA involves a regional collaboration among the cities of Cathedral City, Desert Hot Springs, Indio, Palm Springs, La Quinta, and Coachella. Recent Federal mandates highlight the urgency to upgrade radio communication to digital, interoperable 800 MHz frequency and be Project 25 compliant for agencies in Congressional Districts 41 and 45. The Federal funding for ERICA would be used to purchase equipment, hardware, software, facilities, engineering and labor to build an 800 MHz, trunked, P–25 compliant, digital, regional radio system. It should also be noted that in total, the cities, county, and tribal governments participating in ERICA have agreed to invest $23,000,000 in this initiative.

The federal nexus of this project is to develop a communications system that can assist law enforcement and federal personal in protecting life and property, which includes federal lands, in eastern Riverside County.

Spending Plan: Project Expenditures—The dollars appropriated for Eastern Riverside County Interoperability Communication Authority in CJS, under the project title of Eastern Riverside County Interoperability Communications Authority (ERICA), will be used for equipment costs to support the ERICA system.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 2847

Account: Department of Justice, Byrne

Entity Requesting: City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 88005

Description of Earmark: $500,000 will continue and enhance the City's gang intervention strategies including enforcement, community awareness, education, and the integration of local organizations such as school districts and private entities. It is critical that the City of Moreno Valley have the resources to develop more strategic, coordinated, and collaborative efforts between local enforcement agencies, social service providers, and the general public. The objective of the City's gang prevention program is to significantly curtail gang involvement, and its negative impact, in the Moreno Valley community.

In addition to the Administrative, Patrol, and Detective services they provide to the community, the Moreno Valley Police Department has implemented a number of crime prevention services and programs to specifically intervene in and prevent crime and gang involvement. The 2008/09 Fiscal Year police budget for crime prevention and special enforcement programs, including gang-related crimes, is nearly $7 million. The requested funds will be utilized throughout the 2010/11 Fiscal Year to enhance existing gang prevention efforts.

The federal nexus is to assist crime fighting efforts. Gangs are often involved in the violation of federal crimes and this funding seeks to contribute to that crime fighting effort.

Spending Plan: Project Expenditures—One unsupported Gang Task Force Officer (one year)—$120,245

One fully supported Special Enforcement Team Gang Officer (One year)—$220,275

1,916 hours of G.I.F.T. program overtime—$104,766

1,000 hours of SET Gang officer overtime—$54,680

This overtime would be used to prepare gang enhancements, participate in community meetings to address gang issues, investigate gang-related crime, and conduct other gang-specific enforcement.

Total: $499,966.

A TRIBUTE TO STEPHEN T. JOHNS

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, I submit the following poem for submission into the CONGRESSIONAL RECORD. It was written by Mr. Albert Carey Caswell, in memory of a fallen servicemember, a great father and a fine human being, Mr. Stephen T. Johns. It is also for his son who will carry his memory for the rest of his life, Stephen T. Johns, II. It is entitled, "Hate is Hard."

HATE IS HARD

Hate is Hard...
Oh how it makes me cry...
When, I see all of those tears in your young child's eyes...
Hate is Hard...
As it takes all we have!
To fight that battle, to so win that war... so all in time to all hearts grab...
Hate is Hard!
As why was built, this temple... this shrine...
To all hearts, to so remind...
To remind us all, hate is hard... and what hope can find...
To somehow, somewhere... so very deep down inside...
To win this battle, to bring that light...
Hate is Hard...
Just look at those tears now in your child's eyes...
This precious son, just like all those other ones...
Who's beloved parents, who too have so died...
All in this battle! All in this fight!
'Oh, how it makes me cry!
Hate is Hard...
As it takes all of your might! To win that battle, that fight!
As why!
In this place of remembrance, our Lord so placed Big John...
With your warm heart so right...
To so bring your light...
For on that day you died...
Was but shown, your last final act of love so inside...
To this dark evil, not knowing it would so take your fine life...
And leave all of your love ones, in such heartache so far behind...
And leave his young son, so all alone...
'Oh hate is hard... oh how it makes me moan!
'Oh now the tears I find...
As why throughout all these years...
So many children, women, and men... have so died here!
But, there is Hope! And there is Light!
All in your image John, that you so left behind...
And all in your son now so in time...
As he will to grown up to be, just like you... his wonderful Dad we'll find...
As on each new day he will so us remind...
Reminds us all, that hate is hard... but no match for the light
The kind that burned deep inside your father's most heroic heart so bright!
Goodness... Evil... Darkness... Light...
As this battle rages on this night!
Hate is Hard!
But, only we can! So win this war! So win this fight!
With such hearts of love, as big John's this night...
Remember, on this Father's Day...
As you bow down your head and pray...
A little boy has lost his hero, his joy... all because of evil's hate...
As why, in this fine shrine of courage and faith...
Our Lord God Big John so placed...
Grow up now my fine son, just like your fine Dad...
For your father's heard, inside of you... that you so have!
For you were the greatest thing, he ever knew... ever had!
And on this day, the Angel's up and heaven... they too cry...
As they see those tears run down your eyes...
As comes their gentle rain, to give you strength... to wash away all of your pain...
For on this day, up to heaven a new Angel does rise...
And Angel's are much stronger, to fight through all those lies...
So my little boy, daddy's little man... now wipe away all of those tears from your eyes...
For your Father is up in heaven, watching over you day and night...
But Hate is Hard... and our journey long!
And so, as this new day dawns...
We must be strong!
With hearts of faith, courage and love songs...
Can we so right all of these wrongs!
For Hate, is Hard!
But, love and light... far more brighter burn.

IN SUPPORT OF HOMES FOR HEROES ACT OF 2009

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. COSTA. Mr. Speaker, one of the most important duties we have as a nation is the commitment to taking care of the men and women who have served their country in the Armed Forces. I am proud to cosponsor H.R. 403, The Homes for Heroes Act of 2009 to help aid homeless veterans.

This legislation will unlock important tools to combat the ongoing challenges of homelessness within the ranks of our poorest veterans. The VA estimates that 154,000 veterans are homeless on any given night, accounting for about a quarter of the total number of homeless individuals.

My district, Fresno in particular, has a large homeless population. Many are veterans who would benefit from the implementation of the programs in this legislation. This bill will unlock important tools to combat the ongoing challenges of homelessness within the ranks of our poorest veterans. At-risk veterans live with lingering effects of Post Traumatic Stress Disorder and substance abuse, compounded by a lack of family and social support networks.

No matter how many urgent problems face our Nation, we must never forget those who put their lives on the line to defend the United States. Their uniformed service is a testament to the common values of sacrifice, honor, and patriotism we all share.

It is my hope that this legislation will find swift passage in the Senate, and be signed into law by President Obama in an expedient manner. I urge an "aye" vote.

CONGRATULATING THE SYCAMORE HIGH SCHOOL WOMEN'S VARSITY LACROSSE TEAM

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate the Sycamore High School women's varsity lacrosse team on winning the Division I Ohio Schoolgirls Lacrosse Association State Championship. The Lady Aves finished their remarkable season with an undefeated record, a total of 22 victories. This was their second state championship in four years.

Led by Head Coach Ed Clark, the Sycamore Lady Aves have become one of the most recognized high school programs in the Midwest. This year's team was top ranked in Ohio for the entire season and finished 44th in national rankings. Sycamore was the highest ranked team in the Midwest based on strength of schedule and an overall won-loss record.

The Lady Aves beat their rivals, Upper Arlington to win the championship by a score of 7–6, avenging a loss to them in last year's title game. Sycamore was led by the tournament's Most Outstanding Offensive Player Lily Ricci and the Most Outstanding Defensive Player Adrian Amrine. The Aviators talented roster includes two first team All-Americans and two second team All-Americans. Three senior players will continue their careers at the collegiate level next season, including Ricci at Brown University, Emile Hunter at Virginia Tech, and Kelsey Beck at American University. The most impressive statistic for these young women is that 85 percent of the team earned honors in the classroom and were recognized for their leadership on and off the field.

Madam Speaker, please join me in recognizing these highly talented women in their historic lacrosse season and in wishing them the best of luck in all their future endeavors.

TRIBUTE TO JERRY W. MARTY

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. SENSENBRENNER. Madam Speaker, I rise today to recognize Jerry W. Marty for a career of service to our country. For 40 years, Mr. Marty toiled to advance his dream of exploring the Arctic. Having worked after college for a civilian contractor under the U.S. Antarctic Research Program and as an infantry Imjin Scout in the U.S. Army, Mr. Marty is most known for his research at the South Pole. Later this month, Jerry will retire from the National Science Foundation (NSF). After 15 consecutive seasons at the South Pole, on June 30, 2009, Mr. Marty will begin a new chapter in his life.

From 1998 until his retirement Jerry served as the NSF Representative, South Pole Station and as Facilities Construction and Maintenance Manager for the South Pole Station Modernization Project, building a new elevated station, and the home of cutting edge research in topics ranging from astrophysics and origins of the universe, to climate change. It is a 65,000 square foot elevated research station that sits atop a moving ice sheet on stilts to protect it from snow drifts. The official dedication of the new station took place on January 12, 2008.

Jerry was involved in the Nation's Antarctic research program from 1969 until his retirement. He is one of the few people on Earth who can say he was involved, in some aspect, with every South Pole station. He was Assistant Construction Manager for completion of the second South Pole Station, including the iconic Dome enclosure for the station's buildings and was present for the dedication in 1975, helping to transition from the original station built in 1957. During 1994–1998 he served as Construction Manager associated with planning for modernization of South Pole Station, and oversaw the construction of the current station. Since October of 1994 he has not missed a single season at the South Pole, sacrificing holidays and birthdays with his family. In all, his service at the South Pole totals almost 5 years of his life.

His vision of traveling the world started with a pulldown map in his one-room school house in Monroe, Wisconsin, where he grew up as the son of a dairy farmer. He went on to graduate from the University of Wisconsin, Platteville with a B.S. from the School of Industry, with an emphasis in Construction Management. He also served for 2 years starting in 1970 with the U.S. Army in South Korea, where he spent time in the demilitarized zone as an Imjin Scout (2nd Infantry Division).

To honor his dedicated years of service to building state of the art research facilities in the highest, driest, coldest, windiest place on Earth, Jerry was honored by the United States Board on Geographic Names by having the Marty Nunataks named after him. The Marty Nunataks are a group comprising about six nunataks in the western part of the Britannia Range in Antarctica.

In 1997, as Chairman of the Science Committee, I had the privilege of meeting Jerry during a visit I made to our research facilities in Antarctica to witness firsthand the research and construction that Americans were conducting at the South Pole and to evaluate the working and living conditions for our personnel stationed there. I was impressed with the dedication and expertise of the individuals on site. It was evident then, as it is now, that Jerry was admired by his colleagues.

Having worked diligently to ensure that the South Pole Station Modernization Project was authorized and funded, I am especially proud to honor Jerry on this occasion of his retirement for his dedication to the Nation's Antarctic Program since 1969. His unending commitment to the support of science will be remembered by all who know him.

CELEBRATING THE LIFE OF DALE LEON VINCENT, JR.

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. ACKERMAN. Madam Speaker, I rise today to celebrate the life of Dale Leon Vincent, Jr., an outstanding father, brother, husband, and a friend to many. Regrettably, Dale passed away earlier this year and left us too soon.

Dale's life was devoted to his family, his country, and his community. These values were instilled in him at an early age. His father, Dale L. Vincent, Sr., was a career officer in the Chemical Corps of the U.S. Army, serving in the European theater during World War II, and assisting U.S. humanitarian efforts after the liberation of Nazi concentration camps. Despite constantly moving from school to school each time his father's orders changed, Dale was a model student who devoted himself to his studies and to serving others. Dale reached the highest level of the Boy Scouts, becoming an Eagle Scout and earning the God and Country award. After graduating with honors from Washington-Lee High School in Arlington, Virginia, where he was a highly ranked member of the wrestling team, Dale attended Duke University and became a member of the Delta Sigma Phi fraternity. At Duke, Dale would meet the love of his life, Kathy Sarah Farmer.

Following his father's example of service, Dale volunteered for service in the U.S. Army and served honorably in Vietnam. Although, like many veterans, Dale did not like to discuss his experiences in Vietnam, he was greatly admired by his family and friends for volunteering to serve his country despite the great risks. Dale was a first lieutenant in the Signal Corps, received an Army Commendation Medal for service as an instructor at Fort Benning, and, later, a Bronze Star for service in Vietnam. Upon returning home, Dale earned an MBA at American University in Washington, DC, and married his college sweetheart, Kathy.

Dale became a successful businessman and entrepreneur in New York City, where he formed a number of companies and displayed a talent for innovation. Over the years, Dale created and ran two successful retail chains, Clubmart and Dress to the Nines. He owned a restaurant in New Hope, Pennsylvania, called "The Raven," managed technology investing at Associated Capital, and was CEO of Mangosoft, a leading software company.

Despite Dale's tremendous success as a businessman, his family was his greatest pride. Dale and Kathy raised and were devoted parents to three children, James, Paul, and David. Dale's younger brothers both so looked up to him that they each became Eagle Scouts, went to Duke University, joined Delta Sigma Phi, and served in the U.S. Armed Forces, as well.

Dale Vincent's impact on those he shared his life with is truly immeasurable, but is apparent in the family and friends that love him so dearly. For his outstanding devotion to family, friends, and country, I ask all my colleagues in the House of Representatives to please join me in honoring Dale Leon Vincent, Jr.

INTRODUCING EVACUEES TAX RELIEF ACT OF 2009

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Evacuees Tax Relief Act of 2009, legislation providing tax relief to those forced to abandon their homes because of a natural disaster. This legislation provides a tax credit or a tax deduction, depending on the wishes of the taxpayer, of up to $5,000 for costs incurred because of a government-ordered mandatory or voluntary evacuation. Evacuees could use the credit to cover travel and lodging expenses associated with the evacuation, lost wages, property damages not otherwise compensated, and any other evacuation-related expenses. The tax credit is refundable up to the amount of income and payroll taxes a person would otherwise pay, thus ensuring working people who pay more in payroll than in income taxes are able to benefit from this tax relief. The credit is available retroactive to

December of 2007, so it is available to Hurricane Ike evacuees, as well as those who evacuated because of Hurricanes Gustav and Dolly.

Just last year, the majority of my district, including my home county, was subject to mandatory evacuation because of Hurricane Ike. Therefore, I have firsthand experience with the burdens faced by those forced to uproot themselves and their families because of a natural disaster. Evacuees incur great costs in getting to safety, as well as loss from the storm damage. It can take many months, and even years, to fully recover from the devastation of a natural disaster. Given the unpredictable nature of natural disasters such as hurricanes and tornados, it is difficult for most families to adequately budget for these costs. The Evacuees Tax Relief Act helps Americans manage the fiscal costs of a natural disaster.

Madam Speaker, with the 2009 hurricane season now upon us, it is hard to think of a more timely and more compassionate tax relief proposal than one aimed at helping families cope with the costs associated with being uprooted from their homes, jobs, and communities by a natural disaster. I hope all my colleagues will show compassion for those forced to flee their homes by cosponsoring the Evacuees Tax Relief Act.

SENATE—*Friday, June 19, 2009*

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, Lord of all, give us the things that will enable us to make life worthwhile. Give to the Members of this body a sense of proportion to seek the things that matter. Help them to appreciate the long view that they may refuse to sell what is precious for temporary short-term gain. Lord, remind them that laudable goals often require perseverance. Impart to our Senators a teachable spirit that is willing to learn and a humble spirit that accepts advice and will not resent rebuke. Give them also a diligence that whatever their hands find to do, they may do it with all their might. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EDWARD E. KAUFMAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KAUFMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

Senators DORGAN and MARTINEZ, the managers of the travel bill that is before the Senate, have indicated they are ready to move forward on amendments being laid down. We will have a series of votes Monday night and move toward completing that legislation as quickly as possible. It is important legislation, and we look forward to the completion of it.

HEALTH CARE

Mr. REID. Mr. President, as the debate escalates over the best way to ease the crushing burden of health care, it is easy to become sidetracked by misrepresentations, distracted by minor details or tempted to point fingers. When we do those things, we lose sight of what is at the heart of this effort, this debate, and this reform.

I wish to take a moment at the end of this week to remind all of us what this is all about—the health care debate. It is about hardworking Americans because they are too often the casualties of our broken health care system. They deserve better than to be also casualties of misleading politics.

To the millions of Americans without health care, this is a concrete and critical crisis that affects children, families, small businesses, and big businesses every single day. It is about the parent who can't take a child to the doctor because insurance is prohibitively expensive. It is about the family who lives one accident or one illness away from financial ruin. It is about a small business that had to lay off employees because it couldn't afford the skyrocketing cost of health care premiums or that small business that had to cancel health insurance for its employees because it couldn't afford it. It is about the three-in-five families who put off health care because it simply costs too much.

As Democrats in the Senate, we are committed to lowering the high price of health care, ensuring every American has access to that quality, affordable care and, finally, letting people choose their own doctors, hospitals, and health plans. We are committed to protecting the existing coverage when it is good, improving it when it is not, and guaranteeing health care for the millions—including 9 million children—who have none. We are committed to preventing disease, reducing health disparities, and encouraging early detection and effective treatments that save lives.

No matter what Republicans claim, the government has no intention of choosing for you any of these things or meddling in any of your medical relationships. If you like the coverage you have, you can choose to keep it.

Health care is not a luxury. It shouldn't be a luxury. We can't afford another year in which 46 million people have to choose between basic necessities and lining the pockets of big insurance companies just to stay healthy.

I hear every day from Nevadans—through e-mails, phone calls, letters, and other means of communication—that people are turned down for health coverage by insurance providers who care more about profits than people. I hear about people who lost their health coverage when they lost their jobs and now have no means of getting it back. I hear of people from Nevada who play by the rules and rightly demand that our health care system be guided by common sense.

That is what this debate is all about—nothing more, nothing less. These people—and nothing else—should be the focus of the open and honest debate they deserve—the people of America.

Mr. President, has the Chair yet announced that we are in a period of morning business?

The ACTING PRESIDENT pro tempore. It has not.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

(The remarks of Mr. MCCAIN pertaining to the submission of S. Res. 193

are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

HEALTH CARE

Mr. MCCAIN. Mr. President, I wish to say a few words about health care. Obviously, according to most media reports, and my experience as a member of the HELP Committee, we are basically at gridlock. The Congressional Budget Office stated on Monday, in relation to the legislation being considered in the HELP Committee, that

> Once the proposal is fully implemented . . . the number of people who had coverage through an employer would decline by about 15 million.

The Lewin Group, a health care consulting firm, estimates this number to be much higher. They estimate that up to 70 percent of all Americans who have private insurance today—120 million Americans—will lose their health insurance and be forced onto the government rolls.

That stands in stark contrast to the President's repeated assertions that if you like your health care, you can keep it. Further analysis by HSI Network, a health care economics firm, found that to get all Americans covered under the Democrats' bill, it would cost a staggering $4 trillion and result in 79 million Americans who currently have private insurance having to obtain coverage from the government plan.

What I have described is what is known as the ''crowdout'' phenomenon. It is the substitution effect that occurs when a massive government insurance plan ''crowds out'' private insurance as the expansion of publicly subsidized programs encourage or force people from private arrangements to public ones. This is a real issue and one we must pay attention to.

On Monday the President said:

> I know that there are millions of Americans who are content with their health care coverage. . . . And that means that no matter how we reform health care, we will keep this promise: If you like your doctor, you will be able to keep your doctor. Period. If you like your health care plan, you will be able to keep your health care plan. Period. No one will take it away. No matter what.

If the bill we are considering is enacted, I do not believe this is a promise the President will be able to keep. The President's hometown newspaper, the Chicago Tribune, stated in an editorial on Tuesday:

> [The President] promises that anyone who wants to keep their private coverage will be able to do so . . . But we do know a few things about government-run health plans . . . the Federal Government isn't competition. It is the health care equivalent of Bigfoot . . . It sets low prices, to be sure, lower than many insurers are able to match. But that just means those doctors and hospitals recoup the losses by shifting costs onto those with private insurance . . . [which] could easily crowd out private plans. A lot of Americans think the health care system isn't really all that broken. They get good care. They pay for it via insurance . . . But a government-run health plan? Experience says that the cure would be worse than the illness.

The Chicago Tribune has it exactly right. The fact is, a lot of Americans are pleased with their health care options. In fact, 70 percent of Americans with health insurance rated their coverage good or excellent, according to a Rasmussen Reports poll dated May 14, 2009. Those 70 percent might be the precise group of Americans who will lose their health insurance and be forced into government-run programs if the legislation is enacted.

It is a fact that premiums continue rising, eating into family budgets and preventing the uninsured from getting covered. This is the problem we need to be addressing. We need to bring down the cost of health care and thus the cost of health insurance coverage. This will lead to more coverage of the uninsured and ensure that those who like their health care coverage can keep their coverage and their doctor as the President promises. Yet the majority bill contains not a single reform that will save money. Instead, as I have pointed out, it will cost up to $4 trillion and displace up to 79 million Americans from their current coverage.

This is not reform. This is why we should start over. I continue to believe that the Democrats and the White House should scrap this incomplete bill and start over. Democrats and Republicans must come together and draft a bill that allows the President to uphold his promise that Americans will be able to keep their current doctor or health care plan.

We spent a lot of time in the HELP Committee going over an incomplete proposal. Supposedly by tonight the three major issues, including the so-called government option, will be revealed to us by the majority side. I hope it is soon. I hope we will be able to view it so we could have for the first time a meaningful discussion and negotiation in the HELP Committee. So far, three major components are still blank spaces.

I have been in this body for a long time. I have never seen a process such as we are going through right now. It is basically fundamentally a charade so the Democrats can come to the floor and say we consulted with the Republicans, we had hours and hours of debate and discussion and markup—when we were not presented with the key elements of the legislation we were supposed to be considering. If the key elements are there and we get to examine it over the weekend, then perhaps we will be able to sit down together and negotiate some kind of reasonable approach to this bill.

It is not an accident that the Finance Committee, the other committee that is supposed to be tracking the health reform bill along with the HELP Committee, has decided not to present their proposal until after the Fourth of July recess because they simply do not have a way to pay for it.

The CBO analysis and other outside analysis has revealed something very important, that the plan as proposed and propounded by the administration and by the Democrats is unsustainably expensive and one that they do not have a way of paying for. It will be very interesting to see how they tailor their plan to the expenses and how they address the issue of how to pay for it. Clearly, raising taxes is an option they are considering. I don't think raising anybody's taxes in the present day economy is something that would be beneficial to all Americans.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. MCCONNELL. Mr. President, one thing Republicans and Democrats can all agree on is the need for serious health care reform. On Monday, President Obama spoke to the American Medical Association to discuss the issue. I applaud the President for his commitment to health care reform and agree with him that we need to make health care more affordable and accessible to all Americans.

While the American people want reform, they want us to fix what is wrong with the system without taking away the freedom, choices, and quality of care they now enjoy. During a speech to the AMA, the President acknowledged these concerns and articulated some principles on health care reform that many Republicans share. But it seems to me that many of my friends on the other side of the aisle should have listened more closely to what the President said to the AMA.

One thing the President said that Republicans agree with is that Americans should not be forced to give up the insurance they currently have and like and be forced into a government plan. The President promised the American people that:

> If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan. No one will take it away no matter what.

Republicans agree with the President. Yet Democrats in Congress are making last-minute edits to a bill in the HELP Committee that the nonpartisan Congressional Budget Office

says will cost 10 million people with employer-sponsored insurance to lose the coverage they currently have. And that is the number of people who would lose their current insurance under just one section of the bill. This legislation is still missing significant sections that could force tens of millions of additional Americans to lose their current coverage. Republicans share the President's belief that those who like their health insurance should be able to keep it, but the bill currently being considered by the HELP Committee would force Americans off of the health care plans they now enjoy.

Another issue the President and Republicans agree on is the need to invest more in preventative care and wellness programs, which is an important way to cut costs and improve care. President Obama mentioned the successful wellness and prevention program Safeway created, which has dramatically cut the company's health care costs and employees' health care premiums. He said he would be open to doing more to help businesses across the country adopt and expand programs like the one created by Safeway. Yet the bill the Democrats are now pushing through the Senate would actually ban this successful program from being copied and implemented by other companies.

Republicans also agree with the President on the need to reform our Nation's medical liability laws. Frivolous malpractice lawsuits are a major cause of our increasing health care costs. These lawsuits cause insurance premiums for doctors to skyrocket, and doctors then pass those higher costs on, of course, to patients.

Doctors also often order expensive and unnecessary tests just to protect themselves against these lawsuits, and some doctors just close their practices or stop offering services as a result of all these pressures.

And patients are the ones who lose out. According to a report by the Kentucky Institute of Medicine, Kentucky is nearly 2,300 doctors short of the national average—a shortage that could be reduced, in part, by reforming medical malpractice laws.

President Obama has not advocated the kind of medical liability reform most Republicans would like to see, but he has at least opened the door to fixing the system. But none of the bills introduced in the Congress even acknowledge the need for malpractice reform or propose any solutions to deal with the problem.

Finally, Republicans share the President's concerns about how much health care reform is going to cost and how we will pay for it. President Obama said that he set down a rule that ''health care reform must be, and will be, deficit-neutral in the next decade.''

But the preliminary estimates from the bill before the HELP Committee show that just one—just one—section of the bill spends $1.3 trillion. And even more outrageous is the fact that the bill doesn't even have any proposals to pay for its enormous pricetag—other than to borrow it from the taxpayers. Americans want reform. But they don't want a blind rush to spend trillions of dollars that they and their grandchildren will have to pay for through higher taxes and even more debt.

When it comes to making sure Americans can keep the coverage they have, strengthening wellness and prevention programs, reforming our medical malpractice laws, and paying for health care reform, Republicans share common ground with the President. I just wish that congressional Democrats did too.

AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, Nobel Peace Prize laureate Aung San Suu Kyi turns 64 today. Unfortunately, she will spend her birthday not in the company of family and friends but in Burma's notorious Insein Prison where 31 political prisoners have died since 1988.

Despite her apparently poor health, Suu Kyi is being housed in Insein because she is standing trial for the dubious charge of permitting a misguided American to enter her home. Sadly, Suu Kyi has already spent 13 of her last 19 birthdays under house arrest, and if convicted of these trumped-up charges by the Burmese regime, she could spend the next 5 birthdays in this foul prison.

The best gift Suu Kyi can receive for her birthday is for the regime to display some uncommon good sense and free her and other Burmese prisoners of conscience. My colleagues and I are committed to standing with her and the people of Burma for as long as it takes for that to occur.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

E-VERIFY

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about the E-Verify system. That is the system businesses are voluntarily using today in large numbers provided by the U.S. Government that allows a company to check the Social Security number of an applicant for a job to make sure they are lawfully eligible for employment. This system is growing and working very well. We have had some problems, I think, with Congress, and I attempted to offer an amendment to fix some of those problems on the tourism bill that is before us but was not able to do that. So I wish to share a few thoughts about it. I have been trying to get this situation fixed for some time.

E-Verify is an online system that gives very rapid identification of an individual through the Social Security Administration and Homeland Security to determine whether they are eligible for a job. A business just checks those numbers, and if they come back as clear and they hire the individual, it provides them protection from a charge that they may have knowingly hired someone who was illegally in the country or otherwise not able to be employed.

So it is a good system. As I said, as of June 13, this month, 130,000 employers are enrolled in the program. They have, among them, 501,000 hiring sites. It is free and voluntary, and it is the best means available to determine the eligibility of those who apply.

According to the Department of Homeland Security, 96 percent of the employees are cleared automatically, and growth continues at over 1,000 new users and participants each week as more and more businesses are using it. An employer, as I said, gets protection if they use it.

In 2009, this year, 5.6 million inquiries were run. In 2008, through the whole 12 months, more than 6.6 million inquiries were run, and they continue to grow.

In Alabama alone, there are 1,000 employers who use the E-Verify system. It has been proven effective, and I think it should be made permanent and mandatory for everybody who does business with the U.S. Government. As a matter of fact, that was what the law was supposed to be in January, but it is not. So the program is to expire in September unless it is extended.

Now, I am told the Homeland Security legislation the House passed—or will pass—will extend the E-Verify Program for 2 years. I am told the Senate Homeland Security bill may well report language that will extend it for 3 years. Why we don't make it permanent is beyond me. It is a cornerstone of the enforcement system of business and employers to ensure that they are attempting to comply with the law, and if they are not, to be able to identify them.

I was extremely disappointed when the economic stimulus package was up earlier this year and passed, where we spent $800 billion to stimulate the economy and create jobs, it was passed without any requirement that E-Verify be a part of the stimulus package. So a contractor who gets a job with the U.S. Government, with money paid from the stimulus package, legislation that was designed to create jobs for American

citizens, could actually go out and hire people illegally in the country. That is not what the American people have a right to expect. That is not good policy. It should not be done.

We have surging unemployment, unfortunately. All of us hoped it would come in less than it is now. I know the President's budget, offered earlier this year, projected that unemployment would top at 8.4 percent. It is now 9.4 percent, the highest in over 20 years. It is continuing to go up, from what it appears. So we have an obligation to try to use what resources we are expending in a way that helps the American worker find work. Some of these stimulus jobs are good jobs. So the House has supported the extension of E-Verify. It passed in the House last July, 407 to 2. Yet it still hasn't become law to extend it past September.

One of the main purposes of the stimulus bill was to see that people got work. I think if we don't extend E-Verify, people have a right to question how serious we are about using that money—that huge amount—wisely to create jobs for American citizens.

An amendment offered and accepted in the House on the stimulus bill was by Congressman Jack Kingston. It said that funds made available under the stimulus package could not be made available to any business that did not use E-Verify. They apparently accepted that without a single dissenting vote. It was in the House legislation. I offered it in the Senate stimulus bill and did everything I could to see that we could make that a part of the law and make it permanent. It was blocked in the Senate by the Democratic leadership.

I am worried that we talk a good game about doing something about this, but so far, we have been very ineffective in taking real action that will work.

Let me share one more thing about Executive order 12989. President Bush issued an Executive order, and that order called for the implementation of the E-Verify system for government contractors in January of this year. It mandates the use of E-Verify for all Federal contractors and subcontractors. It was supposed to take effect in January. I believed President Bush should have been stronger about that than he was, but they went into it carefully, and that is what they decided to do.

When President Obama came in, immediately he extended that and put it off and blocked its enforcement. So it is still not in the law. Now it is being delayed until September 8—that rule that a government contractor at least ought to check his employees to see if they are legally entitled to be employed. How simple is that? It takes a few minutes, and thousands of businesses are voluntarily doing it today. This decision, again, to delay it now until September 8 is the fourth delay this year by President Obama. I believe it signals the fact that this administration is not yet serious about their stated goal of making sure that employers comply with the law and not hire people illegally.

On January 28, it was pushed back to February 20. A few weeks later, the implementation was pushed back to May 21. Prior to that, it was pushed back to June 30, and now it is further delayed until September 8. This system is up and working. It has been up for years now. It is nothing unusual. I cannot imagine that if this Senate is allowed to vote up or down on whether to make this the law that we would not pass it. I am going to offer an amendment that will do just that. That is the right thing to do. It makes common sense.

What I am afraid may happen is that we will have, through maneuvering and chicanery, actions taken to block that vote. If the Democratic leadership in the Senate blocks a vote on this question, that can only be interpreted as their position is that we should not extend E-Verify and that we should not make it apply to government contractors.

It cannot be interpreted any other way because we have been talking about this for years. Everybody knows what the issue is.

I am concerned. I hope the President, who has had his staff on board now for 5 or 6 months—it is time for them to get their act together and let us know where they stand. Just delaying this is an indication to me they are not serious about it. It should not have taken 5 minutes to know that a government contractor should not be hiring people illegally in the workforce. How long does it take to do that? This is not a new issue. But they are studying it, they say. OK, let's study it. But sooner or later, it is time to act.

To me, there are no two ways about it. There is one logical answer to this question. If we want to make sure the government money that is going out—money taken from American taxpayers—provides jobs for American workers, we need to pass legislation to mandate that. I hope we will. I hope the President will be able to get this study complete, which they claim they are doing, and get on with doing the right thing. We have waited long enough.

I thank the Chair, yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

CONGRATULATING THE PITTSBURGH PENGUINS ON WINNING THE 2009 STANLEY CUP CHAMPIONSHIP

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 194, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 194) congratulating the Pittsburgh Penguins on winning the 2009 Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas, on June 12, 2009, the Pittsburgh Penguins defeated the Detroit Red Wings 2-to-1 in Game 7 of the National Hockey League Stanley Cup Finals;

Whereas the victory marks the Penguins' third Stanley Cup Championship in franchise history and capped off a historic playoff series;

Whereas the Penguins are just the second team in league history to win the seventh game of a Stanley Cup Championship series on the road after the home team won the first 6 games of the series;

Whereas the Penguins beat the Washington Capitals in the Eastern Conference Semifinals and the Detroit Red Wings in the Stanley Cup Championship after losing the first 2 games in both series, making the Penguins the only team in league history to rally from 2-to-0 series deficits twice in the same year;

Whereas Mario Lemieux is to be honored for his commitment to keeping the Penguins in Pittsburgh and passing along his legacy to a new generation of players and fans;

Whereas, in February 2009, the Penguins hired Head Coach Dan Bylsma from the Penguins' minor league franchise in Wilkes-Barre, Pennsylvania, making Bylsma the first coach in the history of the National Hockey League to begin a season coaching in the American Hockey League and finish a Stanley Cup champion;

Whereas Sidney Crosby, the youngest team captain to ever win the Stanley Cup, was third in scoring during the regular season, had a league-leading 15 playoff goals, and demonstrated leadership by taking the Penguins to the Stanley Cup Finals in 2 consecutive seasons;

Whereas, over the course of the playoffs, Evgeni Malkin led all players in scoring with 36 points, including 14 goals and 22 assists, and won the Conn Smythe trophy for most valuable player in the playoffs;

Whereas Max Talbot is to be commended for scoring the only 2 Penguins goals in the Game 7 victory over the Detroit Red Wings;

Whereas thousands of Penguins fans supported the team throughout the postseason, donning white t-shirts to create a ''whiteout'' effect at home games or gathering to watch the game on a big screen television outside Mellon Arena;

Whereas the Red Wings are to be commended for a terrific season, committment to sportsmanship, and excellence on and off the ice; and

Whereas nearly 400,000 fans packed the streets of Pittsburgh, Pennsylvania, on June 15, 2009, to honor the Penguins in a parade along Grant Street and the Boulevard of the Allies: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Pittsburgh Penguins for winning the 2009 Stanley Cup Championship;

(B) Mario Lemieux and the coaching staff of the Penguins and support staff and recognizes their commitment to keeping the team in Pittsburgh;

(C) all Penguins fans who supported the team throughout the season; and

(D) the Detroit Red Wings on an outstanding season; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) co-owners Mario Lemieux and Ron Burkle;

(B) vice president and general manager Ray Shero; and

(C) head coach Dan Bylsma.

Mr. CASEY. Mr. President, I wish to say, first, how much I appreciate the action on that resolution. I could spend a lot of time talking about our Penguins; we are so grateful they were successful in a very hard-fought series against the Detroit Red Wings, who have a strong organization and were difficult to defeat.

As a Pennsylvanian, I was especially proud that it now marks three champions in the last year: the Philadelphia Phillies in baseball, the Pittsburgh Steelers in football, and now the Pittsburgh Penguins in hockey.

We are very fortunate in our State to have three champions this year. We let the Lakers have basketball for this year. We will try to get that next year.

HEALTH CARE

Mr. CASEY. Mr. President, I rise this afternoon, at the end of a week where—and the Presiding Officer knows this in his work representing the State of Oregon and in his work as a member of our Health, Education, Labor, and Pensions Committee—we have spent a lot of time on health care, as we did the week before and several weeks leading up to this time. But now we are at the point where in our committee we are actually voting—voting on amendments.

We know this is a challenge that has faced America for decades: the challenge of covering people in our country who do not have coverage and making sure those who do have coverage have quality health care coverage that is affordable. So all these challenges are presented to us now.

We have a situation in the country today—and Chairman DODD mentioned this this morning in a hearing—that about 14,000 people a day lose their health care coverage. It is hard to comprehend that every single day that number of Americans are losing their health care coverage. Candidly, if the number was half that, it would be unacceptable—or even less than that—but that is, in a very real way, the status quo, where we are now. Thousands and thousands of people losing coverage every day, 14,000 by one count; people who might have coverage but it is hard for them to afford it or to continue to afford it, and sometimes people have coverage and it is not of the kind of quality that would ensure the best health care for them and for their families.

We are at a point now where we are beginning to see a basic choice that the Congress has to make and the American people have to make. It is the status quo or change. It is the status quo—where we are now—which, in my judgment, is unacceptable—or reform. It is coming down to a basic, fundamental choice.

The status quo right now is the enemy of change. The status quo is the impediment in front of us, the tree across the road or whatever image you want to illustrate. So we have to get to work making sure that the status quo doesn't stay in place.

There are so many ways to tell this story. Every Member of the Senate and every Member of the House and, frankly, virtually every American could tell a story about someone they know or someone they have read about and the challenges they face. In Pennsylvania, we have a lot of examples about people who are living the reality of a lack of coverage or bad quality coverage or coverage they cannot afford. One letter I got stood out for me, among many. It was written back in February of this year by Trisha Urban from Berks County, PA, the eastern side of Pennsylvania. I will read portions of her letter which I think tell the story about as well as anyone could; unfortunately, in this case, in a tragic circumstance. She wrote, talking about her husband Andrew, that he had to leave his job for 1 year to complete an internship requirement that he had to get his doctorate in psychology. The internship was unpaid and they could not afford COBRA coverage—extended health care coverage. Now I am quoting from the middle of the letter. Trisha Urban says:

Because of the preexisting conditions, neither my husband's health issues——

He had some heart trouble——

neither my husband's health issues nor my pregnancy would be covered under private insurance.

Now I am quoting again:

I worked 4 part-time jobs and was not eligible for any health care benefits. We ended up with a second rate health insurance plan through my husband's university. When medical bills started to add up, the insurance company decided to drop our coverage, stating that the internship did not qualify us for the benefits. We were left with close to $100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than one month ago.

Trisha Urban's letter goes on. She talks about what happened at one particular moment after summarizing their health care situation. She says, describing her pregnancy:

My water had broke the night before. We were anxiously awaiting the birth of our first child. A half-hour later, two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She concludes her letter this way. Again, I am quoting Trisha Urban from Berks County, PA:

I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home and my car. Everything we worked so hard to accumulate in our life will be gone in an instant. If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything.

Trisha Urban is telling us through that poignant but tragic story about her own circumstances and the circumstances surrounding the birth of her daughter and the death of her husband, all we need to know about this debate.

Then, posing that question—or that challenge, I should say—to all of us, especially those of us who have a vote in the Senate:

I am willing to pay the price of losing everything if my story can be told and legislation can be enacted to deal with health care.

That is the basic challenge that Trisha Urban has put before the Senate and the Congress and the administration. It is the challenge we must respond to. We cannot pretend it is not there. We cannot pretend that the status quo I talked about a moment ago—14,000 people losing their health insurance every day; so many other people worried about the coverage they have—we cannot pretend that is not there. We cannot say to Trisha Urban that we are sorry about the circumstances of your story, but Congress can't get it done this year.

We have to get it done. We have to pass a bill in our committee. We have to get a bill through the Finance Committee, and we have to make sure the Senate votes on this legislation this year—frankly, this summer; not late in the fall, not in the winter, not in 2010. Right now is the time for action.

President Obama has led us in this effort. He has attached the same sense

of urgency to this issue that I know the American people feel.

What is it about? Well, it is about an act that a lot of Americans are just hearing about, which goes by a very simple name: the Affordable Health Choices Act. That is the act that is presently before our committee. It does a couple of things. It focuses on some fundamentals to get at that change that should come to the status quo. First, it reduces costs by way of prevention. It is very important. We know that can reduce costs substantially. It also reduces costs by better quality and information technology. It is still hard to believe that when other industries such as banking and insurance and other parts of our economy have moved into the new era of technology that our health care system isn't anywhere near where it has to be to reduce medical errors and to provide better quality. So by focusing on information technology, we can reduce costs. That is in the bill.

Also, the bill contemplates rooting out waste, fraud, and abuse—another area of cost reduction. We know that the big questions on costs will be dealt with in the other committee—the Finance Committee—but there are elements in this bill that, in fact, reduce costs.

Secondly, the bill preserves choice, that if you like what you have in your insurance plan and the coverage you have, you can keep it. There is no reason why that should change, and it won't change under this bill. But if you don't like the coverage you have, we want to give you options and we also want to give you an option in coverage if you obviously don't have any health insurance at all. So it does reduce costs, it does preserve choice, and, thirdly, it will ensure quality and affordable care for the American people.

I believe, and I think most people in the Senate believe, that one ought to have the option of not just any health care but quality care that is affordable, that you can actually make work in your own budget. So we are going to build on the system we have. We are not going to throw the old system out; we are going to build on the system we have and make it better.

We are also going to make sure that in this legislation, we protect the patient-doctor relationship. There is no reason why anyone should get in between those two, and this bill will not do that.

Finally—this is a quick summary, I know—we are going to make sure that at long last, a preexisting condition does not prevent you from getting the kind of quality health care you have a right to expect in America today.

As we move forward on this legislation, I want to make sure we highlight the fundamental obligation we have, not just in the bill—but especially in the bill—but even beyond this legislation, and that is the obligation we have to get this right for the American people, and to get it right especially for our children. The Presiding Officer knows of the great progress we made this year on children's health insurance. Thank goodness we got that done. Instead of having 6 million kids in America covered by the children's health insurance program, by way of the legislation we passed this year we are going to extend that to almost 11 million kids. That was wonderful. That is a big success and we should all be proud, but it is not enough. We should make sure that the other 5 million children out there who don't have coverage today will get it but especially a child who happens to be in a poor family, a low-income family, or a child with special needs.

Here is what the rule ought to be. This is what should happen throughout this process while enacting health care reform, but certainly at the end of the road, so to speak, ideally this fall when we will have a bill the President can sign: The rule ought to be no child worse off, and especially no child who is poor or who has special needs or is disabled. The great line from the Scriptures that talks about a faithful friend—we have heard this over many years in the context of friendship, in the context of sometimes a reading at weddings, but I would like for us today to think about it in the context of our children. This is what the Scripture said: ''A faithful friend is a sturdy shelter''—a great image about what friendship means. There are a lot of us day in and day out, year in and year out, who talk about how important children are to us, that we are advocates for children—and we should be—that we have solidarity with our children, we are going to do everything we can to protect them. In essence, we are saying we are their friend, that those of us who are elected to public office have an obligation to be a friend of and an advocate for our children. Going back to that line from the Scriptures, if we are going to be a faithful friend to children, we better make sure that we provide a sturdy shelter; not just in the context of the obvious in health care. What is more fundamental than that, other than making sure that a child has enough to eat and making sure that child has an opportunity to learn? Other than those two, health care is essential in the life of a child, especially a vulnerable child, whether they are poor or have special needs or both. So if we are faithful friends in the Senate to our children, we better provide that sturdy shelter. We better make sure that at the end of the day, these children are not worse off because of our legislation.

I wish to conclude with a thought from an expert—not someone who is just interested in children but someone who has an area of expertise which is probably unmatched. I am speaking of someone who testified last week—a week ago today, it was—in front of our committee. Her name is Dr. Judith Palfrey. She is a pediatrician, a child advocate, and happens to be president-elect of the American Academy of Pediatrics. She provided compelling testimony. I won't go through all of her testimony, but here is something she said which I think has relevance and resonance for the debate we are having on health care. She says—and I quote Dr. Palfrey's testimony:

> Sometimes we as childhood advocates find it hard to understand why children's needs are such an afterthought; and why, because children are little. Because children are little, policymakers and insurers think that it should take less effort and resources to provide them health care.

Because children are little, we think that somehow less effort is required or less resources, less in the way of hard work. Well, none of us believes that, do we? We don't believe that. The health care we provide to our children, the protection, the shelter we provide them should be every bit as significant, every bit as fully resourced as the protection we give to adults. We might disagree about a lot of the details in the health care bill, but I think we all in this Chamber believe that children may be little but in God's eyes they are 7 feet tall and we must treat them accordingly, especially on legislation so significant as legislation on health care reform.

So the rule ought to be no child worse off. It is that simple. I believe we can get it right. I believe we can enact health care reform that preserves choice, reduces costs, and enhances quality and affordable coverage for the American people, and that we can make sure every child is no worse off.

This is a great challenge. We understand the difficulty of it. This is a great challenge, but it is a challenge worthy of a great nation. It is a challenge that will help us in our continuing struggle, our journey to make this a more perfect Union.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I will make a couple of comments on Senator CASEY's comments. We sit next to each other in the HELP Committee, and Senator CASEY reminds us almost every day, as we work on this health care bill, that ''no child should be worse off.'' That is something that, frankly, we all need to hear and every Member of this body and in the House of Representatives needs to hear. I appreciate Senator CASEY's work. It is really our mission to do this right and to see that no child is left worse off.

We spend more than $2 trillion a year on health care in this country, which is more than double any other industrial nation. Americans account for more

than 35 million hospital visits and more than 900 million office visits every year. More than 64 million surgical procedures are performed and more than 3.5 billion prescriptions are written. Health care is, in dollar terms, one-sixth of our national economy, and it is growing. Think about that—one-sixth of our economy and hundreds of billions of dollars. Yet millions of Americans are one illness away from bankruptcy.

What we cannot forget as we debate health care reform are the millions of Americans who are depending on us to do the right thing. We cannot forget their stories. Chairman DODD, in the HELP Committee today, reminded us that 14,000 Americans lose their health insurance every single day. So as our committee meets—and some people seem to be slowing this down a little, and they certainly have the right to offer amendments, but they get carried away and talk some of these amendments to death. Every day that we don't pass this health care bill, 14,000 Americans are losing their insurance. I will tell you some of the stories I hear.

Christopher, from Cincinnati, tells us that he and his wife are retired but are not yet 65, not yet Medicare-eligible. Without health care reform, they cannot afford health care insurance because of preexisting health conditions. Their 401(k)—their retirement—is bleeding. Their small pensions don't keep up with rising premiums. Chris puts off going to the doctor to save money. The annual premium increases will raise their out-of-pocket expenses by 45 percent.

Our Nation spends in excess of $2 trillion annually in health care. Yet too many people are only a hospital visit away from financial disaster. We cannot afford to squander this opportunity for reform, nor settle for marginal improvements. Instead, we must fight for substantial reforms that will significantly improve our health care system.

First of all, whatever plan you are in, if you are happy with it, you can keep your insurance. We want to fix what is broken and protect what works. That is why I am making a case for giving Americans a public health insurance option, not controlled by the health insurance industry.

So many of us have had fights—even the President, when he was talking about his mother as she was dying of cancer during the campaign last year, about how while she was sick she had to fight insurance companies to be reimbursed and get payment for her illness. The public health insurance option is important, in part, because it is not controlled by the health insurance industry. It is a competitor. It can compete with private insurance plans. We must preserve access, but that is clearly not enough for what we do in health care. Giving Americans a choice to go with a private or public health insurance plan is good policy and good common sense.

A public insurance option will make health care available and affordable for Americans like Michelle of Willoughby, OH, east of Cleveland. When she was first diagnosed with breast cancer, she had excellent coverage through her husband's insurance. But when her husband lost his job, she lost her insurance. Not yet eligible for Medicare, she started a consulting business and found an insurance plan—exorbitant as it was. With the economic downturn, Michelle writes that the ''sum of her work is to pay for insurance.''

At a time when too many Americans struggle to pay health care costs, the public health insurance option will make health insurance more affordable.

A public health insurance option would make insurance affordable for Americans like Gary from Toledo. Gary was laid off last year and couldn't afford the more than $800 a month COBRA costs. After obtaining health insurance from a company that promised equivalent payments of Medicare for surgeries, Gary's wife underwent surgery. After a week of recovery, they received a hospital bill of $210,000, with a hospital letter saying they lacked insurance. Gary talked to his provider, who agreed to pay only $400 out of $210,000. Fortunately for his family, the hospital absorbed the remaining costs. But that should not happen, either, because of what that means to the local hospital. With Gary and his wife still 3 years away from age 65, they deserve health reform that works for them now.

A public health insurance option will also expand access to affordable health care in rural areas that are often ignored by a private insurance market that tends to target big cities with a more dense population and more consumers.

Too often, as Randall of West Liberty, OH—a small town in our State—can explain, rural communities have a difficult time attracting even basic care. Randall oversees Ohio's only rural training track in family medicine. While his program has received awards for training excellence, he struggles to attract enough doctors for their rural residents. He wrote to me explaining the disincentives and misperceptions he has to overcome to attract the care needed to serve rural Ohio.

A public health insurance option will not neglect rural areas. Insurance companies bail out in rural areas or the insurance companies that stay are so small in number that there is no real competition and they can charge rates that are too high. Instead, the public option would be consistently available in all markets, including rural eastern Oregon and rural western and southeastern Ohio.

I stand ready to work with my colleagues to design a public insurance option as part of overall health care reform. The stories of millions of Americans behind spiraling costs of health care will no longer go unheard. The stories of Chris, Gary, Michelle, and Randall will guide this administration, this Congress, and this Nation to protect and provide health care for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, we are now embarked in the Senate on one of the most important challenges that our country faces—we will begin to reform our tragically flawed and broken health care system to bring down its skyrocketing costs, to cover its tens of millions of Americans left uninsured, and to improve its way-below-average results so that high-quality health care comes within reach for every American family. The stakes are high.

This week, in a speech before the American Medical Association, President Obama said:

> The cost of our health care is a threat to our economy. It is an escalating burden on our families and businesses. It is a ticking time bomb for the Federal budget. And it is unsustainable for the United States of America.

The President said:

> Health care reform is the single most important thing we can do for America's long-term fiscal health.

Savings in waste, confusion, unnecessary or defective care, and illness prevention could eventually well exceed $700 billion a year. It is not going to happen instantly, but it is a goal we can shoot for.

I applaud President Obama's commitment and leadership, and I commend my Senate colleagues for their tireless efforts in the pursuit of meaningful, comprehensive reform. The new energy and focus we have seen in this debate isn't limited to us here in Washington. In recent months, doctors and hospitals, patients and insurance companies, labor unions and drug companies have all come together in support of the need for a restructure of our system.

Amidst all this, it has been my great honor to join the Presiding Officer, the Senator from Oregon, on the HELP Committee, where he serves with such distinction and where much of the legislation to repair our broken health care system is being debated, written, and refined. In that capacity, I was recently invited to the White House to

meet with President Obama, his health care team, and all of our colleagues on the HELP and Finance Committees. We discussed our priorities for reform, and we reported on the progress each committee has made in the past several weeks.

In the coming weeks, we will hear a lot about the details of health care reform legislation, and those details are very important. But even more important are the hundreds of millions of American families in each of our States all over the country who have experienced real anguish—coverage lost or denied, hospital stays extended due to complications or errors, prescription drug bills rising and rising, with no end in sight, even losing everything because a loved one fell ill.

A few months ago, I launched a page on my Web site for Rhode Islanders to share their personal experiences with our broken health care system, and hundreds of people have written in from all over the State.

Anita is a social worker and mental health professional in Providence. She shared what she describes as the ''sad and rude awakening'' she experienced after opening her own practice last year. As a provider, like all providers, she takes great pride in the quality of care and attention she gives to her patients. Yet she often found herself burdened with an endless trail of paperwork and the time-consuming task of battling insurance companies and tracking down claims. Like so many of her colleagues, Anita is frustrated that she must spend so much time fighting administrative hurdles and navigating bureaucratic red tape. After years of training to become a health professional, Anita wishes she had more time to do just that—provide care to her patients. She writes:

I would much rather spend the time seeing clients than negotiating automated telephone systems and waiting to speak to a person several hours per week. It is a total waste of human time and talent.

I heard from Melissa, a self-employed writer from Newport, whose unpredictable income leaves her unable to afford health insurance. Without coverage, Melissa knows that she risks being one serious illness away from what she calls the ''brink of disaster.'' Through the stress and fear of not having insurance—through that brink of disaster that she lives on—Melissa waits and hopes that she doesn't get sick because that is the only option she has in this, our great country.

Rhonda is a mother in Coventry. She told me about her struggle to get health care coverage for her family. As if raising her two sons wasn't enough work, this single mother works two jobs to make ends meet. Although her employer offered health coverage at an affordable price, Rhonda's limited income could not be stretched to cover the additional cost of coverage for her children. So her sons went without insurance for 3 years. Rhonda, like so many hard-working Americans, was caught between a rock and a hard place—making slightly more than the eligible income to qualify for health coverage through State assistance plans, but not making enough money to afford health care coverage on her own. She prayed every day her children would be spared from sickness or injury.

I also received a story from Richard, in Providence, who told me about his father—a hard-working man who left work for 6 months to concentrate on fighting a battle against cancer. Sadly, just when Richard's father needed the support the most, his company dropped him from their health plan. Without coverage and unable to pay the costs out of pocket, his father was forced off his chemotherapy treatment. Richard's father was very lucky. The doctors cleared him of cancer. However, the medical bills were so high that Richard's parents lost their home. Remarkably, after all his family has been through, Richard feels fortunate that at least his father was covered for part of his treatment, but he urged us to fix ''this old and broken system.''

For these Rhode Islanders and for millions of more Americans silently suffering through their own personal catastrophes all over the country, we now have to be a voice. We must improve the quality of our health care, we must develop our Nation's health information infrastructure, and we must invest in preventing disease.

We must protect existing coverage where it is good and improve it when it is not. As the President said, if you like your health plan, you get to keep it. We must dial down the paperwork wars, and dial up better information for American health care consumers. We must speak for the 46 million Americans, 9 million of whom are children, who right now as I stand here on the Senate floor have no health insurance at all.

As Families USA reports, 47 million actually understates the problem because during the course of this year nearly 90 million Americans will, at one point or another, go without health insurance.

We look around at dark and tumultuous economic times. Yet looking beyond the immediate economic perils we face, a $35 trillion unfunded liability for Medicare—not a penny set against it—is bearing down on us. As the President told the AMA earlier this week:

. . . if we fail to act, Federal spending on Medicaid and Medicare will grow, over the coming decades, by an amount almost equal to the amount our government currently spends on our Nation's defense. In fact, it will eventually grow larger than what our government spends on anything else today. It's a scenario that will swamp our Federal and State budgets and impose a vicious choice of either unprecedented tax hikes, overwhelming deficits, or drastic cuts in our Federal and State budgets.

We can only avoid that vicious choice by reforming the health care system. We are committed to making sure every American has health insurance coverage, but meaningful reform will take more than that. Think of it this way. If you had a boat out in the ocean and people overboard around it in danger of drowning, surely you would try to bring them all into the boat. But if the boat itself was sinking, if the boat itself was on fire, you would have to do more than just bring them on board. You have to repair the boat. You have to get it floating and moving forward.

That is what we have to do with our health care system. It is not enough just to provide coverage for all Americans, we also have to right this ship. This means improving the quality of health care and investing in prevention, especially in those areas where improved quality of care and investment in prevention means lower cost so that, for instance, 100,000 Americans will no longer die each and every year because of entirely avoidable medical errors. This also means reforming how we pay for health care so what we pay for is what we want from health care.

Government must act. At last, government must act. The problems of health care in America are rooted in market failures. We cannot wait for the market to cure a problem rooted in market failure. It is nonsense. We have to change the rules of the game.

We also can't pay for one thing and expect another. We have to change the incentives. We do not expect Americans to go out and build our highway infrastructure for us. We do that through government. We can't sit around and wait for our health information infrastructure to build itself either. We cannot expect quality improvement and prevention of illness to flourish when we make it a money-losing proposition for the people who have to make it work. We have to change those incentives too.

Opponents of reform are arguing that this process is going too quickly, that we need to slow down, wait, pause. They are loading down this bill with hundreds of amendments—170 amendments alone on the section that deals with preventive care. But haven't we waited long enough? Slow is what we have done for years, even decades. When I hear from Rhode Islanders with the stories I reported here, such as Richard and Rhonda and Melissa and Anita, I think not that we are going too fast, I think we are irresponsibly, even frighteningly late in getting after this problem and taking up this charge.

If we wait much longer, we may be too late to avoid that tidal wave of costs that threatens to swamp our ship of state. To those who say slow down, I say keep up.

Opponents of reform want people to believe that a system that costs too

much, that lets insurance company bureaucrats make decisions about our health care; that is riddled with error, duplication, and waste; that leaves nearly 50 million Americans without any health insurance, is acceptable. Everyone says they want reform, but unless we get moving, all we will end up with is more of the same. As President Obama said this week: The status quo is unsustainable.

Some opponents want to slow this down because they know if they slow it down they can kill it. We cannot let that happen. The stakes are way too high.

The anguish out there, as you know in Oregon, as I see in Rhode Island, as all our colleagues see across the country, is real and it is everywhere. At last we can do something about it. Now is the time. This is the moment. Let us make this work. Let us, together, find a way to make this work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent I may proceed as if in morning business for approximately 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, and to all present in terms of staff, this is Friday, and here we are at 1:25. I apologize to the doorkeepers, I apologize to the elevator operators, I don't want to keep you here for a long time, so I will quit apologizing, but there have been some things happening with regard to health care.

The distinguished Senator from Rhode Island indicated the need to move forward on health care. Everybody agrees to that. The pace of it, what is going on, is a real concern, so I do have some remarks to make. I will try to make this as quickly and succinctly as possible so everybody can go about their business. I see smiles from the pages, in regards if I can just hurry up and get through my comments.

Yesterday, in the HELP Committee's markup of the Kennedy-Dodd health care reform bill, we had a very good discussion about the proper use and the objectives of something called government-conducted comparative effectiveness research.

I know that is getting into the weeds in regard to health care language and health care acronyms. It is called CER; remember that term, ''CER.'' It is going to be around for a long time because it has become quite controversial in regard to our health care discussion and what eventually passes. CER is research that compares the relative outcomes of two medical treatments for the same condition to determine which one is better. That is a good thing. It is a good thing to disseminate and to inform doctors and everybody in the health care delivery system—nurses, health care providers, pharmacists, et cetera—it is a good thing. But the first problem with CER is that not every patient is the same. What is better for one patient may not be better, or could actually be worse, for another. For this reason doctors and patients must be able to deviate from the results of something called CER, or a master plan or a master evaluation that could come out of Washington from an outfit called CMS, under the Department of Health and Human Services.

The situation is patients must be able to deviate from the results and make treatment decisions on a case-by-case individualized basis. That is what we all want in terms of our treatment with our doctors.

The other major problem, I submit, is that CER has been used by other governments, such as the United Kingdom, to base treatment decisions not just on relative effectiveness but on relative cost. There is the rub. If CER is going to inform doctors and everybody in the medical community that this kind of treatment or this kind of best practice is the arena in which you should operate or pasture you should operate in, that is OK. But if it is used to control costs as opposed to care, then we have a problem.

By giving priority to the relative costs of the treatments being compared, the government can deny access to health care based on what I would call pseudoscience, under the guise of CER. That brings me back to yesterday's discussion on CER on the health care markup. The Kennedy-Dodd bill includes a section that establishes a new Center for Health Outcomes Research and Evaluation. This outfit is to conduct and support comparative effectiveness research.

Section 219(h)(1)—if that isn't getting into the weeds, I don't know what is—includes the following language relating to the practical effect of CER, or comparative effectiveness research. That would, again, be conducted by the center.

Center reports and recommendations shall not be construed as mandates for payment, coverage and treatment.

That language was in there to get at this problem for those of us who worry that CER will be used by CMS—that is another acronym. That is the outfit that runs Medicaid and Medicare, in terms of services. These are the people who count the beans, these are the people who want to turn the red beans into black beans. These are the people into cost containment. These are the people who many times drive board members in small hospitals crazy.

At any rate, to take away the worry, that language was put in there: Senate reports and recommendations shall not be construed as mandates for payments, coverage and treatment. They thought that was enough to protect us in regard to CER dictating medical care and stepping in between you and your doctor.

Let's go back to those words ''shall not be construed as mandates.'' What does that mean? ''Mandate'' means to force, compel, bind. This language says the CER shall not be interpreted as forcing CMS, Veterans' Administration or the Department of Defense to restrict payments to doctors based on its results.

Senator MIKULSKI and I and Dr. COBURN as well had a very lively discussion about the intent of this language. Senator MIKULSKI said the intent of the language was to keep the right to make treatment decisions with the doctor and the patient, not with the government. I certainly agree with that.

Senator MIKULSKI has worked long and hard on this bill, and I respect her for that. She is a good colleague and a good friend. I agree with this intent.

But as I pointed out to the Senator, the language in the Kennedy-Dodd bill does not accomplish our common intent of saying the government is not mandated or forced to use the results of this comparative effectiveness research to make payment decisions. Whether you are paid or not in regard to Medicare or, for that matter, Medicaid is not the same thing as prohibiting or preventing CMS from doing so.

In order to vigorously protect the rights of patients and doctors to make treatment decisions against the danger that the government will interfere in that process, I believe the bill must prohibit the government from using the results of CER in making payment, coverage, or treatment decisions. Sorry, you cannot have that, you have got to have this treatment, because it is a best medicine practice, regardless of the fact that maybe you and your doctor have had that treatment before and the doctor thinks that treatment is the best treatment for you.

I offered new language, and the new language would have placed a clear, bright-line firewall between the conduct of CER—which, by the way, I think is essential to advancing medical science; it is a good thing—and the use of its results to restrict your doctor from using his or her best judgment when treating you.

My language, which I further modified at the suggestion of Senator MIKULSKI, read: ''Center reports and recommendations are prohibited from being used by any government entity for payment, coverage, or treatment decisions.''

Senator MIKULSKI agreed to consider my suggestion over last night, along

with Senator DODD. I appreciate that. But today when the HELP Committee reconvened in our markup, Senator MIKULSKI and the majority refused to accept my language and offered counterlanguage that would basically put us back to square one and, in my view, would do nothing to protect patients and doctors from CMS or any other government agency interfering in their treatment decisions.

When I asked why my language was unacceptable, which I thought was acceptable for everybody when we left yesterday, I was told that the decision to say my language was not acceptable was based on concerns by ''Washington policy experts.''

I said: Who is that? Which Washington policy expert said my language was not acceptable?

When pressed on which policy experts, we learned that the directive came straight down from the White House. Why would the White House be so concerned about prohibiting the Federal Government from using CER to restrict payments to doctors or to direct doctors to follow specific treatment orders? Why would the White House do this on this in-the-weeds proposal, which is not an in-the-weeds proposal at all, it is about what the government is going to do or tell doctors and patients what they can expect.

It is clear from statements made by this administration that they see CER as the golden ring for cost containment. The President said when asked, how on Earth are you going to pay for the health care bill, We are going to cut Medicare payments.

How are you going to do that?

Well, if you have a CER golden ring that comes down from CMS or the National Institutes of Health for cost containment, you can see: This research says that you should follow these practices, not those practices and those practices, or, these practices would certainly cost less.

I do not think that is a good thing. From OMB Director Peter Orszag, to the NIH Director, going on to the National Economic Council Director, Larry Summers, and indications from our new Secretary of Health and Human Services, Kathleen Sebelius, a good friend, former Governor of Kansas, all have pointed to the huge potential of CER to be used to contain costs, not to recommend procedures best for patients and the doctors as determined by the patient and the doctor, but by CER to control costs.

That is why the White House does not want to prohibit CMS or any government agency from using the results of CER to deny you and your doctor the right to choose the treatment that is best for you.

After all of that was said and done, and a lot was said and not much done, I got quite a lecture this morning in regard to my use of the word ''rationing'' to describe what this could lead to. This lecture was referred to as a scare tactic. They indicated that I was using the word ''rationing'' out there as a scare tactic to scare people to say we do not want health care reform.

I find that rather condescending. I find that demeaning. And it is certainly not accurate. You tell me, when Medicare refuses to pay your doctor if he or she decides you need a particular course of treatment that deviates from the government standard, what would you call it? I would call it rationing.

That is the danger. It is not a scare tactic. Health care rationing is happening right now in this country. We may not have explicit rationing such as in the United Kingdom where the government refuses to give elderly people drugs to treat their macular degeneration until they have already gone blind in one eye—not making that up—or refuses kidney cancer drugs for terminal patients because it is not worth the money to extend their life by 6 months. That is rationing.

But we do have de facto rationing, because Medicare and Medicaid refuse to pay doctors anything close to what their costs are. By the way, it's the same thing for pharmacists, the same thing for home health care, and for all of the providers who provide our health care treatment. This means those doctors cannot afford to take Medicare and Medicaid patients—they make the decision then—and it means that those individuals do not have access to care. That is rationing I am talking about.

I am talking about a doctor who makes a decision: I am only getting paid about 70 cents in terms of the dollar in regard to my cost in regard to Medicare patients. I have to hire extra people to keep up with paperwork and regulations. Those people do not exist in the rural health care system. We have to try to find them. So it is a lot easier if I drop the Medicare Program.

That comes as a sudden jolt and a sudden decision that is not fair in regard to the patients who were being treated by that doctor in terms of Medicare. That is what we call rationing right now in regard to the United States of America.

We know the administration wants to use CER to contain costs. We know CMS has a history of denying full payment based on cost. I am not going to take the time on the Senate floor right now to go into all of the problems that CMS has posed for the health care delivery system. Again, these are folks who have a difficult task. They are trying to change the red beans into black beans so that health care does not cost so much. But in terms of their decisions here in Washington in regard to what care is going to be paid for and what is not, they are an absolute nightmare to every hospital administrator, every hospital board member in the 350 or so hospitals I have in Kansas, and the 83 critical access hospitals I have in Kansas.

We do not have a very good relationship with CMS. What we have is a meaningful dialog, most of the time, when yet another regulation comes down the pike to contain cost, most of which the doctors have never heard of, not to mention everybody else in the health care delivery system. I can go into quite a rant, as you can expect from my comments in regard to CMS and what they do and what they do not do.

Why is the majority, why are the Democrats, resisting any language to protect patients and their doctors, you and your doctor, and your right to make the right treatment decision for you? Why are they trying to muzzle my warnings that this could lead to the rationing of health care? It boils down to the fact that they do not want the American people to know what their true plans could actually be. That is why they are shoving this massive health care reform bill through Congress at warp speed, having markups before we even have complete language or cost estimates.

We heard from the distinguished Senator from Rhode Island about the need for health care reform, and the fact that he was complaining about over 100 amendments in the HELP Committee. My goodness. Almost every major bill I have been associated with, you have literally hundreds of amendments. Many fall by the wayside, many are withdrawn. We have dealt with 17, 18 of them as of today.

Senator MIKULSKI and Senator DODD did a very good job in that respect, along with our ranking member, Senator ENZI from Wyoming. But it would be helpful, if we are going to move forward with the health care reform, if we had the bill. We do not have the bill in the HELP Committee. We have one section of the bill, and then we have a Congressional Budget Office score on one-sixth of the bill that is $1 trillion. And, boy, did that shock everybody. Say $1 trillion for one-sixth of the bill. What is the whole bill going to cost? That estimate is somewhere in the neighborhood of $4 trillion. How on Earth are you going to pay, in the Finance Committee, the pay-for committee, $4 trillion for health care reform, and take it out of the health care delivery system?

I do not think you can do it. But we do not know, because we have not seen the legislation. We are being asked to go on a deadline schedule to produce amendments on things such as CER that worry people in regard to possible rationing by a date certain or a time certain, and we have not even seen the bill we are amending.

I have never been through a situation like that. Not to mention the specific cost estimates by CBO. This is not right. That is why Chairman BAUCUS in

the Finance Committee had at least the good sense to postpone the markup of his bill until we could work this out. That is why slowing down does not necessarily mean that everybody is opposed to health care reform. It means we ought to get it right.

We at least ought to have a bill to read, to know what we are dealing with. I think it is because they know that if Americans knew what they were doing, they would never stand for it. I think we need to get this out to the public, and the public will hopefully fully understand it. I am not going to allow this. Personally, I am going to continue to shout it from the rooftops and beware of what lurks under the banner of ''reform'' to tell every doctor, every hospital administrator, every hospital board member, anybody who has anything to do with the health care delivery system, watch out in regard to CER.

It could be the golden ring of cost containment, and it could put you out of business. It could put you out of business. We have examples of CMS doing exactly that. So do not wake up one day and realize that the government has taken over your health care the same way they have taken over the banks and the auto industry. Do not let them ration your health care. Rationing is not what we need. It can be terribly counterproductive, and I hope we can do a better job in the future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 2:30 p.m. the Senate recessed subject to the call of the Chair and reassembled at 2:34 p.m., when called to order by the Presiding Officer (Mr. MERKLEY).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, we have worked several days this week trying to move forward on the tourism bill. It is an extremely important piece of legislation. It is important to every State in the Union. That is why it is so heavily bipartisan.

We have almost 50 cosponsors of this legislation. Lots of Republicans cosponsored this legislation—BOND, BROWNBACK, ENZI, GRAHAM, MARTINEZ, THUNE, WICKER, ALEXANDER, COCHRAN, ENSIGN, VITTER—and I am sure there are others. It is a bipartisan bill.

We have already wasted so much time. We had to file cloture on a motion to proceed to this heavily bipartisan bill. Once we were on the bill, I spoke to the Republican leader. We thought we had a pathway to having civility here, so the Republicans would try to help us. But, of course, we learned yesterday the GOP is still saying no; Democrats need to know when they bring bills up, we are going to extend debate as long as we can, even if we cannot win.

We said: OK. You offer—you, the Republicans—four amendments. And they did. They picked all the amendments they wanted to offer—not germane to this bill.

I said: OK. They were all involving TARP or the money that we all know about by now. So I said, and I told the Senator from Vermont, Mr. SANDERS: If the Republicans want to offer nongermane amendments, I will be happy to have you offer your amendment.

His is a fairly simple amendment. We see what is happening in the world today as it relates to oil. Again, we are seeing speculation. We know it was there before, we are seeing it again. We have a large inventory, with no reason for the price to spike. But we have those people, these commodity traders, who are rolling the dice as if they were coming to Las Vegas to roll the dice on the oil because they think the price is going to go up.

What Sanders wanted to do is basically nothing unique. He wanted to make sure the entity that is responsible for making sure there are no shenanigans being conducted by these traders, that we pass some legislation saying: You have to do better than what you have done, in effect. I am paraphrasing the picture of that legislation. It was fairly noncontroversial. But the Republicans said no. Whom are they trying to protect?

So we were generous in our offer. What was the other amendment they wanted to offer? They still had another amendment. I said: Fine, go ahead. The Senate should take hard votes. I am not concerned about my folks having to take difficult votes.

The Presiding officer knows, in the short time he has been here, that we have taken some hard votes. That is what we are elected to do. We are not elected to run from issues. To be clear, some of the amendments which my Republican colleagues wanted to include would have been votes that have nothing to do with this bill. I said: Let's do it anyway.

But the standard for a Democrat offering an amendment that is not germane, I guess, is different. You can have four. I said: We do not even need the same number of amendments. I guess what is good for us is not good for them.

I am disappointed this has not been worked out. I was going to propound an agreement which was agreed upon that would permit the process of legislating on this most important tourism bill, but I am not able to do so because we do not have a Republican here to object. I certainly am not going to take advantage of anyone because no one is here to object.

But I do want the RECORD to reflect that the majority is ready to move forward with amendments now or Monday. I hope that on Monday, when our managers are here, Senators DORGAN and MARTINEZ, we may still be able to reach an agreement to begin the process of working through this legislation. If we cannot, we are going to vote at 5:30 on Monday on cloture on this bill.

A decision is going to have to be made. I have not tried to jam anybody. We have not tried to jam anybody. We have been as reasonable as anybody can be. But we are going to have to make a decision on this legislation.

The State of Oregon, the home of the Presiding Officer, a couple years ago I took my family to Oregon. Every summer we take all 5 children and all 16 grandchildren and try to go someplace. We went to Oregon. We rented a home on the beautiful coast that was stark. For 8 days the Sun did not shine. But I loved it. Being from the desert, I loved that rain a little bit. It was wonderful.

I would love to go back. There were so many things to do around there. We drove 20 miles to see a waterfall. The water fell some 300 or 400 feet. It was not a lot of falling, but it dropped a long way.

The only point I am making is there is so much for people to see. Years ago, UNLV had a great basketball team. Yours was good, but theirs was great—the Tarkanian years. So I flew into Portland with my wife. We drove over to the coast, down the coast, and went to—I think it was called Salem, the University of Oregon, I think, or Oregon State, whatever university it was where they had this tournament.

I watched UNLV play. The reason I mention it, driving down that coast was so beautiful. But every State, every State I have ever been to—I have been to most of them. I think I have been to all of them—have beautiful things for people to come and see. That is what this legislation is all about.

The No. 1, 2 or 3 most important driver of the economy in every State is tourism, every State. It is the same in Oregon, where unemployment now is over 12 percent. We can get more people to come to Oregon or Nevada. It would be tremendous for those economies. That is what this legislation does. It sets up a public-private partnership in the model, frankly, of what the Las Vegas Convention Center did, which has been so successful. That is what this legislation is all about.

It is bipartisan legislation. Because we could not work anything on amendments, I hope we will get cloture on this bill. But whether we do or not, I am happy to work with my Republican colleagues to move forward on this.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we close morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, it is my understanding that bill is now going to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

Mr. REID. Mr. President, the majority on the Commerce Committee has provided authority to the Chairman, Senator ROCKEFELLER, to withdraw the committee amendments and the chairman has now provided me with that authority.

Therefore, on the authority granted by Senator ROCKEFELLER of the Commerce Committee, I now withdraw the Committee amendments.

The PRESIDING OFFICER. The committee amendments are withdrawn.

AMENDMENT NO. 1347

(Purpose: To provide a perfecting amendment)

Mr. REID. On behalf of Senators DORGAN and ROCKEFELLER, I offer a perfecting amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DORGAN and Mr. ROCKEFELLER, proposes an amendment numbered 1347.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. It is my understanding that there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan amendment, No. 1347, to S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Michael Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1348 TO AMENDMENT NO. 1347

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1348 to amendment No. 1347.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall take effect 5 days after enactment.

AMENDMENT NO. 1349

Mr. REID. I now call up my amendment to the language proposed to be stricken and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1349 to the language proposed to be stricken by amendment No. 1347.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall take effect 4 days after the date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1350 TO AMENDMENT NO. 1349

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1350 to amendment No. 1349.

The amendment is as follows:

In the amendment, strike ''4'' and insert ''3''.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with this provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Michael Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

MOTION TO RECOMMIT WITH AMENDMENT NO. 1351

Mr. REID. I now have a motion to recommit with instructions. That motion is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill to the Committee on Commerce, Science, and Transportation with instructions to report back forthwith with the following amendment numbered 1351.

The amendment is as follows:

At the end insert the following: This section shall become effective 2 days after enactment of the bill.

Mr. REID. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1352 TO AMENDMENT NO. 1351

Mr. REID. I have a first-degree amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1352 to amendment No. 1351.

The amendment is as follows:

Strike ''2'' and insert ''1''.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1353 TO AMENDMENT NO. 1352

Mr. REID. I have a second-degree amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1353 to amendment No. 1352.

The amendment is as follows:

Strike ''1'' and insert ''immediately''

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 187, 189, 190, 191, 198, 199, 200, 201, 202, 210, 211, 212, 213, 216, 220, 221, 222 to and including 250, 253, 254 and all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that no further motions be in order, that any statements relating to any of these matters be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF HOMELAND SECURITY

Rand Beers, of the District of Columbia, to be Under Secretary, Department of homeland Security.

DEPARTMENT OF ENERGY

Catherine Radford Zoi, of California, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

William F. Brinkman, of New Jersey, to be Director of the Office of Science, Department of Energy.

DEPARTMENT OF THE INTERIOR

Anne Castle, of Colorado, to be an Assistant Secretary of the Interior.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Howard K. Koh, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

LEGAL SERVICES CORPORATION

Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

DEPARTMENT OF EDUCATION

Martha J. Kanter, of California, to be Under Secretary of Education.

DEPARTMENT OF LABOR

Jane Oates, of New Jersey, to be an Assistant Secretary of Labor.

DEPARTMENT OF THE TREASURY

Herbert M. Allison, Jr., of Connecticut, to be an Assistant Secretary of the Treasury. (New Position)

EXCUTIVE OFFICE OF THE PRESIDENT

Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

DEPARTMENT OF STATE

Andrew J. Shapiro, of New York, to be an Assistant Secretary of State (Political-Military Affairs).

Eric P. Schwartz, of New York, to be an Assistant Secretary of State (Population, Refugees, and Migration).

Bonnie D. Jenkins, of New York, for the rank of Ambassador during her tenure of service as Coordinator for Threat Reduction Programs.

Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally.

DEPARTMENT OF DEFENSE

Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering.

Jamie Michael Morin, of Michigan, to be an Assistant Secretary of the Air Force.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James J. Carroll

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William T. Lord

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General James W. Kwiatkowski
Brigadier General Jeffrey S. Lawson
Brigadier General Deborah S. Rose
Brigadier General Edwin A. Vincent, Jr.

To be brigadier general

Colonel Stephen M. Atkinson
Colonel Paul L. Ayers
Colonel Daniel S.V. Bader
Colonel Daryl L. Bohac
Colonel Joseph J. Brandemuehl
Colonel Timothy T. Dearing
Colonel Sharon S. Dieffenderfer
Colonel Jonathan S. Flaugher
Colonel Robert M. Ginnetti
Colonel Johnathan H. Groff
Colonel James D. Hill
Colonel Zane R. Johnson
Colonel Joseph K. Kim
Colonel Keith I. Lang
Colonel Robert W. Lovell
Colonel John P. McGoff
Colonel Gunther H. Neumann
Colonel Paul A. Pocopanni, Jr.
Colonel Christopher A. Pope
Colonel Carolyn J. Protzmann
Colonel Carlos E. Rodriguez
Colonel Jose J. Salinas
Colonel Wayne M. Shanks
Colonel William H. Shawver, Jr.
Colonel James C. Witham
Colonel Sallie K. Worcester
Colonel Wanda A. Wright
Colonel Wayne A. Wright

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Gen. Carrol H. Chandler

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Steven J. Arquiette
Colonel Robert J. Beletic
Colonel Scott A. Bethel
Colonel Charles Q. Brown, Jr.
Colonel Scott D. Chambers
Colonel Cary C. Chun
Colonel Richard M. Clark
Colonel Dwyer L. Dennis
Colonel Steven J. DePalmer
Colonel Ian R. Dickinson
Colonel Mark C. Dillon
Colonel Scott P. Goodwin
Colonel Morris E. Haase
Colonel James E. Haywood
Colonel Paul T. Johnson
Colonel Randy A. Kee
Colonel Jim H. Keffer
Colonel Jeffrey B. Kendall
Colonel Michael J. Kingsley
Colonel Steven L. Kwast
Colonel Lee K. Levy, II
Colonel Jerry P. Martinez
Colonel Jimmy E. McMillian
Colonel Andrew M. Mueller
Colonel Eden J. Murrie
Colonel Terrence J. O'Shaughnessy
Colonel David E. Petersen
Colonel Timothy M. Ray
Colonel John W. Raymond
Colonel John N. T. Shanahan
Colonel John D. Stauffer
Colonel Michael S. Stough
Colonel Marshall B. Webb
Colonel Robert E. Wheeler
Colonel Martin Whelan
Colonel Kenneth S. Wilsbach

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gilmary M. Hostage, III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Glenn F. Spears

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Douglas J. Robb

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dennis L. Via

The following named officers for appointment in the Reserve of the Army to the

grades indicated under title 10, U.S.C., sections 12203:

To be major general

Brigadier General Harold G. Bunch
Brigadier General Stuart M. Dyer
Brigadier General Glenn J. Lesniak
Brigadier General Charles D. Luckey
Brigadier General Jeffrey W. Talley
Brigadier General Luis R. Visot

To be brigadier general

Colonel Mark C. Arnold
Colonel Lawrence W. Brock, III
Colonel Dwayne R. Edwards
Colonel Steven J. Feldmann
Colonel Fernando Fernandez
Colonel Jonathan G. Ives
Colonel Bud R. Jameson, Jr.
Colonel Bryan R. Kelly
Colonel Jon D. Lee
Colonel Mark T. McQueen
Colonel Therese M. O'Brien
Colonel Lucas N. Polakowski
Colonel Peter T. Quinn
Colonel Robert L. Walter, Jr.
Colonel James T. Williams

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David M. Rodriguez

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert W. Cone

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kathleen M. Dussault
Rear Adm. (lh) Mark F. Heinrich

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Janice M. Hamby

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Steven R. Eastburg

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Thomas P. Meek

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph F. Campbell
Rear Adm. (lh) John C. Orzalli

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Townsend G. Alexander
Rear Adm. (lh) David H. Buss
Rear Adm. (lh) Kendall L. Card
Rear Adm. (lh) Nevin P. Carr, Jr.
Rear Adm. (lh) John N. Christenson
Rear Adm. (lh) Michael J. Connor
Rear Adm. (lh) Kenneth E. Floyd
Rear Adm. (lh) William D. French
Rear Adm. (lh) Philip H. Greene
Rear Adm. (lh) Bruce E. Grooms
Rear Adm. (lh) Edward S. Hebner
Rear Adm. (lh) Michelle J. Howard
Rear Adm. (lh) William E. Shannon, III
Rear Adm. (lh) Charles E. Smith
Rear Adm. (lh) Scott H. Swift
Rear Adm. (lh) David M. Thomas
Rear Adm. (lh) Kurt W. Tidd
Rear Adm. (lh) Michael P. Tillotson
Rear Adm. (lh) Mark A. Vance
Rear Adm. (lh) Edward G. Winters, III

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Michael W. Broadway

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Sean F. Crean

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (1h) Patrick E. McGrath
Rear Adm. (1h) John G. Messerschmidt
Rear Adm. (1h) Michael M. Shatynski

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Ron J. MacLaren

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Robin L. Graf

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. David G. Russell

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Kurt L. Kunkel
Capt. Jonathan A. Yuen

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Katherine L. Gregory
Capt. Kevin R. Slates

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Ann E. Rondeau

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph D. Kernan

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard C. Zilmer

CONSUMER PRODUCT SAFETY COMMISSION

Inez Moore Tenenbaum, of South Carolina, to be Chairman of the Consumer Product Safety Commission.

Inez Moore Tenenbaum, of South Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2006.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN432 AIR FORCE nominations (2) beginning STEPHEN R. DASUTA, and ending BETH M. DITTMER, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN470 AIR FORCE nomination of Thomas J. Sobieski, which was received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN471 AIR FORCE nominations (10) beginning JOHN E. BLAIR, and ending PETER T. TRAN, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN495 AIR FORCE nomination of Joshua D. Rosen, which was received by the Senate and appeared in the Congressional Record of May 21, 2009.

PN511 AIR FORCE nominations (114) beginning MARK W. ANDERSON, and ending STEVEN W. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN565 AIR FORCE nomination of Jeffrey A. Lewis, which was received by the Senate and appeared in the Congressional Record of June 9, 2009.

IN THE ARMY

PN105 ARMY nominations (19) beginning CHRISTOPHER L. ARNHEITER, and ending JAMES W. TURONIS, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN106 ARMY nominations (82) beginning BRET T. ACKERMANN, and ending D060652, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN472 ARMY nominations (2) beginning KINDALL L. JONES, and ending WILLIAM J. NOVAK, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN473 ARMY nominations (2) beginning SHARON E. BLONDEAU, and ending KAREN D. CHAMBERS, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN474 ARMY nominations (3) beginning REBECCA D. LANGE, and ending ROBERT SANTIAGO, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN475 ARMY nominations (18) beginning WALTER A. BEHNERT, and ending ZACHARIAH P. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN476 ARMY nominations (46) beginning ARTHUR R. BAKER, and ending ANITA M. YEARLEY, which nominations were received

by the Senate and appeared in the Congressional Record of May 18, 2009.

PN477 ARMY nominations (9) beginning DENNIS C. AYER, and ending JEFFREY O. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN478 ARMY nominations (3) beginning MICHAEL C. OGUINN, and ending TRACY L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN479 ARMY nominations (7) beginning LARRY D. BARTHOLOMEW, and ending KENNETH A. WADE, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN480 ARMY nominations (3) beginning DAWN B. BARROWMAN, and ending REBA J. MUELLER, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN481 ARMY nominations (38) beginning LAUREN J. ALUKONIS, and ending LUCY D. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN482 ARMY nominations (5) beginning PETER H. GUEVARA, and ending MATTHEW A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN483 ARMY nominations (10) beginning RICHARD CANER, and ending CHARLES W. WHITE JR., which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN484 ARMY nominations (12) beginning MICHAEL J. BEAULIEU, and ending JAMES A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN496 ARMY nomination of Stuart W. Smythe Jr., which was received by the Senate and appeared in the Congressional Record of May 21, 2009.

PN512 ARMY nomination of Edward P. Naessens, which was received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN513 ARMY nomination of Donald R. Anderson, which was received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN514 ARMY nomination of Sandra M. Keavey, which was received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN515 ARMY nomination of Thamius J. Morgan, which was received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN516 ARMY nominations (2) beginning CONSTANCE ROSSER, and ending AVERY E. DAVIS, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN517 ARMY nominations (3) beginning NORMA G. SANDOW, and ending PAUL J. SINQUEFIELD, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN518 ARMY nominations (4) beginning CHARLES W. HIPP, and ending ANITA M. KIMBROUGHJACOB, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN519 ARMY nominations (12) beginning DANIEL E. BANKS, and ending RICK A. SHACKET, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN520 ARMY nominations (4) beginning CARLTON L. DAY, and ending MARK W. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

IN THE COAST GUARD

PN464 COAST GUARD nominations (37) beginning Scott W. Crawley, and ending James T. Zawrotny, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN465 COAST GUARD nomination of Michael J. Capelli, which was received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN466 COAST GUARD nomination of Michael J. Hauschen, which was received by the Senate and appeared in the Congressional Record of May 18, 2009.

PN605 COAST GUARD nomination of Christopher G. Buckley, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

IN THE FOREIGN SERVICE

PN282–1 FOREIGN SERVICE nominations (340) beginning Marvin F. Burgos, and ending Stephen Alan Cristina, which nominations were received by the Senate and appeared in the Congressional Record of April 20, 2009.

IN THE NAVY

PN433 NAVY nominations (6) beginning PAUL V. ACQUAVELLA, and ending DAVID M. TULLY, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN434 NAVY nominations (9) beginning CLEMIA ANDERSON JR., and ending RICHARD C. VALENTINE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN435 NAVY nominations (4) beginning JOSEPH R. BRENNER JR., and ending GREG A. ULSES, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN436 NAVY nominations (7) beginning JOHN G. BISCHERI, and ending TODD J. SQUIRE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN437 NAVY nominations (5) beginning JEFFREY A. BENDER, and ending DAVID H. WATERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN438 NAVY nominations (14) beginning ROBERT J. ALLEN, and ending EDWARD B. ZELLEM, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN439 NAVY nominations (9) beginning MICKEY S. BATSON, and ending FRANK A. SHAUL, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN440 NAVY nominations (13) beginning ANGELA D. ALBERGOTTIE, and ending MICHAEL L. THRALL, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN441 NAVY nominations (5) beginning MICHAEL E. BEAULIEU, and ending GREGORY A. MUNNING, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN442 NAVY nominations (15) beginning SCOTT F. ADLEY, and ending PATRICK W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN443 NAVY nominations (19) beginning MICHAEL A. BALLOU, and ending STEPHEN F. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN444 NAVY nominations (11) beginning ANN M. BURKHARDT, and ending JACKLYN D. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN445 NAVY nominations (218) beginning HEIDI C. AGLE, and ending THOMAS A. ZWOLFER, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN446 NAVY nomination of JAMES F. ELIZARES, which was received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN447 NAVY nomination of STACY R. STEWART, which was received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN448 NAVY nominations (2) beginning STEPHEN E. MARONICK, and ending TAMARA A.L. SHELTON, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN449 NAVY nominations (4) beginning DANIEL T. BATES, and ending GARY P. KIRCHNER, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN450 NAVY nominations (14) beginning GARY R. BARRON, and ending MICHAEL M. NORMILE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN451 NAVY nominations (8) beginning JOSEPH R. DAVILA, and ending JOHN M. TARPEY, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN452 NAVY nominations (4) beginning MARCIA R. FLATAU, and ending LINNEA J. SOMMERWEDDINGTON, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN453 NAVY nominations (3) beginning STEVEN W. HARRIS, and ending GEORGE L. SNIDER, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN454 NAVY nominations (2) beginning PAUL C. BURNETTE, and ending STEPHEN S. JOYCE, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN455 NAVY nominations (3) beginning MATTHEW B. AARON, and ending DAVID M. SILLDORFF, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN456 NAVY nominations (6) beginning DALE E. CHRISTENSON, and ending FRANK VACCARINO, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN457 NAVY nominations (4) beginning THERESE D. CRADDOCK, and ending LEITH S. WIMMER, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN458 NAVY nominations (21) beginning ROBERT A. BENNETT, and ending KENNETH S. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN459 NAVY nominations (108) beginning DONALD T. ALLERTON, and ending TODD A. ZVORAK, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN497 NAVY nominations (3) beginning SCOTT K. RINEER, and ending MARY P. COLVIN, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2009.

PN521 NAVY nominations (9) beginning JUDI C. HERRING, and ending LUIS M.

TUMIALAN, which nominations were received by the Senate and appeared in the Congressional Record of June 1, 2009.

PN541 NAVY nominations (12) beginning VINCENT G. AUTH, and ending MARTHA P. VILLALOBOS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN542 NAVY nominations (12) beginning SALVADOR AGUILERA, and ending DENNIS W. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN543 NAVY nominations (16) beginning MICHAEL M. BATES, and ending DAVID G. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN544 NAVY nominations (16) beginning JOHN J. ADAMETZ, and ending RICHARD L. WHIPPLE, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN545 NAVY nominations (29) beginning KRISTEN ATTERBURY, and ending CONSTANCE L. WORLINE, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN546 NAVY nominations (29) beginning DANIEL L. ALLEN, and ending DONALD J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN547 NAVY nominations (35) beginning LUIS A. BENEVIDES, and ending TIMOTHY H. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN548 NAVY nominations (64) beginning BRIAN A. ALEXANDER, and ending PETER G. WOODSON, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2009.

PN566 NAVY nominations (2) beginning VINCENT P. CLIFTON, and ending PATRICK J. COOK, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN567 NAVY nominations (2) beginning DAVID J. BUTLER, and ending JON E. CUTLER, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN568 NAVY nominations (4) beginning BARRY C. DUNCAN, and ending JAMES E. PARKHILL, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN569 NAVY nominations (16) beginning DAVID A. BIANCHI, and ending SARAH WALTON, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN570 NAVY nominations (10) beginning LISA M. BAUER, and ending JOSEPH E. STRICKLAND, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN571 NAVY nominations (12) beginning DWAIN ALEXANDER II, and ending THOMAS E. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN572 NAVY nominations (19) beginning JAMES F. ARMSTRONG, and ending JULIE A. ZAPPONE, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN573 NAVY nominations (10) beginning WILLIAM E. BUTLER, and ending JONATHAN D. WALLNER, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

PN574 NAVY nominations (12) beginning ROBERT J. CAREY, and ending BRIAN S. VINCENT, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCAIN. Mr. President, I wanted to go into a bit more detail about the cash for clunkers provision the Senate passed yesterday as part of the $105 billion war supplemental. I continue to believe that the American people would be appalled to learn the specifics of this lemon legislation. Here is a quick summary:

Any person who trades in a car he or she has owned and insured for at least 1 year that has a combined fuel economy value of 18 miles or less per gallon is eligible for: $3,500 toward the purchase of a new car if it has a fuel economy value at least 4 miles per gallon higher than the trade-in, or a new truck if it has a fuel economy value at least 2 miles per gallon higher than the trade-in; or $4,500 toward the purchase of a new car if it has a fuel economy value at least 10 miles per gallon higher than the trade-in, or a new truck if it has a fuel economy value at least 5 miles per gallon higher than the trade-in.

The auto dealer that sells the new car, must accept the trade-in and crush it, then submit paperwork to the Department of Transportation, DOT, and the money is directly wired to the auto dealer. This is ripe for fraud and abuse and the bill provides a penalty of a mere $15,000 fine for each abuse.

Only cars costing less than $45,000 and purchased between July 1, 2009, and November 1, 2009, are eligible.

Lastly, I want to talk about how this clunker was salvaged by the Democrats placing it in a war supplemental bill. On January 14, 2009, several Senators introduced a cash for clunkers bill that would provide between $2,500 and $4,500 toward the purchase of a new or used car as long as the trade-in had a fuel economy rating of less than 18 miles a gallon and the new or used car had a fuel economy rating exceeding target for that class of vehicles by at least 25 percent, as determined by DOT.

Then on May 21, 2009, a new cash for clunkers bill was introduced by a different group of Senators who limited the benefit to only the purchase of a new car, and removed the requirement that the new car must have a fuel economy rating exceeding the target by at least 25 percent and replaced it with a more lax requirement that a new car merely had to be 2 miles per gallon more fuel efficient.

Senators COLLINS and FEINSTEIN wrote an op-ed in The Wall Street Journal on June 11, 2009, stating:

> It's amazing how quickly a good idea can go bad in Washington . . . Our ''Cash for Clunkers'' proposal was a win-win for the environment and the economy. Then Detroit auto industry lobbyists got involved. Soon a rival bill emerged . . . tailored perfectly to the auto industry's specifications. They claim their bill would have resulted in 32 percent more oil savings and reduce greenhouse gas emissions. And then Detroit's bill was placed into the war supplemental and will likely be signed into law without ever having been reviewed by the committee that has jurisdiction over such legislation or being available for amendment by the full Senate.

WORLD REFUGEE DAY

Mr. FEINGOLD. Mr. President, tomorrow is World Refugee Day, a day to pause and recognize the millions of people who have been forced from their homes by natural disaster, conflict, or in some cases persecution. They often only carry with them the clothes on their backs and the new burdens and trauma that accompany the title of ''refugee.'' Yet as we acknowledge the tragedy of their loss, we can also celebrate their enduring resilience. Even after years of suffering and hopelessness, many refugees never give up hope that they will return to their homes to be allowed to live peaceful and full lives. They continue to struggle to ensure that their basic rights are protected and basic needs met.

Today, the overall number of refugees and internally displaced people is estimated at 42 million. The refugee experience cuts across borders and countries, but the circumstances that give rise to displacement are often unique. There are so many crises to talk about—in Colombia, Sri Lanka, Thailand, and Zimbabwe, for example—but I want to briefly highlight three in particular.

First, in Pakistan's North West Frontier Province, a humanitarian crisis continues to unfold as more than 2 million Pakistanis have been displaced from their homes due to fighting between militants and the Pakistani Government. The Pakistani people have borne additional hardship as friends, families, and strangers—already strained by the global economic crisis—have opened their homes and lives to many of the displaced. We must do more to encourage this generosity through creative means as well as providing traditional aid to the hundreds of thousands in camps.

I also wish to highlight the eastern Democratic Republic of the Congo.

Hundreds of thousands of people have been displaced by the fighting between the Congolese military and armed groups in eastern Congo, forcing people into squalid camps where children are subject to forced recruitment and women suffer unspeakable levels of sexual violence. In eastern Congo and so many other conflict zones, rape and other forms of gender-based violence have become not just outgrowths of war and its brutality—they are used as weapons of war. We must do more to stop this horrifying practice, to provide protection to these vulnerable refugee populations, and to address the underlying causes of eastern Congo's conflicts.

Third, there continue to be more than 250,000 refugees from the Darfur region of Sudan in eastern Chad in addition to some 190,000 internally displaced people—Chadians—in the area. Moreover, millions of people remain internally displaced in Darfur. These people do not have access to many basic humanitarian needs such as water, health care, and education, and they continue to be subject to attacks by government forces and armed rebel groups. We need to address their needs and enhance civilian protection, while working to stand up a viable peace process for Darfur and the wider region.

Finally, World Refugee Day is also an occasion to celebrate the work of donor governments including our own, private individuals, nongovernmental organizations, and agencies like the United Nations High Commissioner for Refugees that are working to meet the needs of the displaced. To those who have given generously, to those who have lived among the displaced, and to those who report their stories and refuse to allow them to be forgotten, I say, thank you.

Nonetheless, we must do more to bring attention to the plight of the tens of millions of refugees around the world and to ensure their fundamental right to be safe. The theme of this year's World Refugee Day is ''Real People, Real Needs''—a reminder of the human face of refugee crises around the world. Today, let us see that face and commit ourselves to meeting the real needs of refugees and IDPs around the world.

ADDITIONAL STATEMENTS

CONGRATULATING THE ORLANDO MAGIC

● Mr. MARTINEZ. Mr. President, it gives me great pleasure to recognize the Orlando Magic on a tremendous 2008–09 season; which ended on Sunday as the Los Angeles Lakers won a hard fought victory to win the NBA Finals. Although the Magic didn't end up taking home the championship trophy, they still turned in an inspiring performance throughout their improbable postseason run.

Four years ago, few would have imagined the Orlando Magic would be the 2008–2009 Eastern Conference Champions. During the 2003–2004 season, the Magic finished last in the league with a record of 21 wins and 61 losses. Since that time, the Magic organization has assembled a team that has made the Orlando community and now all of Florida proud.

I commend coach Stan Van Gundy for leading his team to their third consecutive postseason and the team's second NBA Finals appearance. Whether it was overcoming long odds to beat the defending champion Boston Celtics or defeating LeBron James and the Cleveland Cavaliers, the team proved that when ''Blue and White Ignite,'' it is tough to beat the Orlando Magic.

For their hard work and sportsmanship, I would like to recognize Dwight Howard, Hedo Türkoğlu, Rashard Lewis, rookie Courtney Lee and the rest of the team for setting a tremendous example.

Today, all Floridians are proud of the Orlando Magic for having such a memorable season. I congratulate the Magic organization and their fans on a great season and look forward to the next season as the team builds on this year's success.●

COMMENDING MAIKI AIU LAKE

● Mr. INOUYE. Mr. President, today marks the 25th anniversary of the passing of a most beloved and remarkable hula master and instructor, Maiki Aiu Lake. Her skills in the art of hula and love of teaching have made her a legendary figure in the State of Hawaii.

Affectionately known as ''Aunty Maiki,'' Maiki Aiu Lake has played a pivotal role in the preservation and continuation of Native Hawaiian culture. Her unwavering dedication to her students and art has proved hula more than a dance; the elegance and beauty exhibited in hula enriches its audience, and instills a deeper understanding and appreciation for Hawaii's artistic heritage. Her Halau Hula is renowned among many for its attention to detail and profound respect for the traditions of the Native Hawaiian people. Through her passion as both an artist and teacher, Aunty Maiki has touched countless lives. She remains an enduring influence whose legacy continues through the work of her many students and devoted friends.

Mr. President, I ask my colleagues to join me in acknowledging the great accomplishments of Maiki Aiu Lake.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:45 a.m., a message from the House of Representatives, delivered by Mrs. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837. An act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

H.R. 2344. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 2346. An act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

H.R. 2675. An act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING (for himself and Mr. ALEXANDER):

S. 1306. A bill to provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act

of 2000, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Ms. KLOBUCHAR):

S. 1307. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1308. A bill to reauthorize the Maritime Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself, Mrs. LINCOLN, and Mr. BURRIS):

S. 1309. A bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1310. A bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2010, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WICKER (for himself, Ms. LANDRIEU, and Mr. COCHRAN):

S. 1311. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico; to the Committee on Environment and Public Works.

By Mr. ISAKSON:

S. 1312. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. BROWNBACK, Mr. KYL, Mr. BUNNING, and Mr. CORNYN):

S. Res. 193. A resolution expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes; considered and agreed to.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 194. A resolution congratulating the Pittsburgh Penguins on winning the 2009 Stanley Cup Championship; considered and agreed to.

By Mr. INOUYE:

S. Res. 195. A resolution recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall; to the Committee on the Judiciary.

By Mr. KAUFMAN (for himself, Mr. KYL, and Mr. BUNNING):

S. Res. 196. A resolution expressing the sense of the Senate on freedom of the press, freedom of speech, and freedom of expression in Iran; considered and agreed to.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. BURRIS, Mr. LEVIN, Mr. WEBB, Mr. WARNER, Mr. CORNYN, and Mr. AKAKA):

S. Res. 197. A resolution congratulating the men and women of the National Archives and Records Administration on the occasion of its 75th anniversary; considered and agreed to.

By Mr. BURRIS (for himself, Mr. BROWNBACK, Mr. LEVIN, Mrs. HUTCHISON, and Mrs. GILLIBRAND):

S. Res. 198. A resolution observing the historical significance of Juneteenth Independence Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 540

At the request of Mr. BURRIS, his name was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 883

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 908, supra.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1284

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 17, a joint

resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

AMENDMENT NO. 1253

At the request of Mrs. HAGAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 1253 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1320

At the request of Mr. CARDIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1320 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. ALEXANDER):

S. 1306. A bill to provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1306

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Employees Occupational Illness Compensation Program Improvement Act of 2009''.

SEC. 2. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

(a) IN GENERAL.—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1) is amended to read as follows:

''SEC. 3672. COMPENSATION TO BE PROVIDED.

''Subject to the other provisions of this subtitle:

''(1) CONTRACTOR EMPLOYEES.—

''(A) IN GENERAL.—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

''(B) COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.—

''(i) IN GENERAL.—Except as provided paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor (as that term is used in section 3674) of the employee or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

''(ii) AMOUNT OF COMPENSATION.—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

''(2) SURVIVORS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

''(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

''(C) COMPENSATION AFTER DEATH OF SURVIVOR.—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors (as that term is used in section 3674) of the employee, the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).''.

(b) APPLICABILITY.—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1), as amended by subsection (a), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

By Mr. AKAKA:

S. 1310. A bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2010, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This ''by-request'' bill consists of several provisions addressing major facility construction projects and major facility leases for fiscal year 2010. It would authorize five major medical facility construction projects and fifteen major facility leases. The bill would authorize $1,196,230,000 for the major facility construction projects and $196,227,000 for the major facility leases.

I am introducing this bill for the review and consideration of my colleagues at the request of the administration. As Chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1310

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

SEC. 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2010, with each project to be carried out in the amount specified for each project:

(1) Construction (including acquisition of land) for the realignment of services and closure projects at the Department of Veterans Affairs Medical Center In Livermore, California, in an amount not to exceed $55,430,000.

(2) Construction of a Multi-Specialty Care Facility in Walla Walla, Washington, in an amount not to exceed $71,400,000.

(3) Construction (including acquisition of land) for a new medical facility at the Department of Veterans Affairs Medical Center in Louisville, Kentucky, in an amount not to exceed $75,000,000.

SEC. 2. ADDITIONAL AUTHORIZATION FOR FISCAL YEAR 2010 MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2010:

(1) Replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, in an amount not to exceed $800,000,000.

(2) Construction of Outpatient and Inpatient Improvements in Bay Pines, Florida, in an amount not to exceed $194,400,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed $4,774,000.
(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed $5,172,000.
(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed $3,464,000.
(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed $6,279,000.
(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed $16,482,000.
(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed $30,457,000.
(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed $23,487,000.
(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed $4,374,000.
(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed $4,418,000.
(10) Loma Unda, California, Health Care Center, in an amount not to exceed $31,154,000.
(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed $4,444,000.
(12) Monterey, California, Health Care Center, in an amount not to exceed $11,628,000.
(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed $9,943,000.
(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed $13,165,000.
(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed $26,986,000.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Construction, Major Projects, Account—
(1) $201,830,000 for the projects authorized in section 1; and
(2) $994,400,000 for the projects authorized in section 2.
(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Medical Facilities account $196,227,000 for the leases authorized in section 3.
(c) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—
(1) funds appropriated for fiscal year 2010 pursuant to the authorization of appropriations in subsection (a) of this section;
(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2010 that remain available for obligation;
(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2010 that remain available for obligation;
(4) funds appropriated for Construction, Major Projects, for fiscal year 2010 for a category of activity not specific to a project;
(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2010 for a category of activity not specific to a project; and
(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2010 for a category of activity not specific to a project.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 10, 2009.

Hon. JOSEPH R. BIDEN, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to submit the enclosed draft bill to authorize $1,196,230,000 for Department of Veterans Affairs (VA) major facility construction projects for Fiscal Year 2010 and $196,227,000 for major facility leases for Fiscal Year 2010.

Title 38 U.S.C. section 8104(a) (2) requires statutory authorization for all VA major medical facility construction projects and all major medical facility leases prior to the appropriation of funds. In accordance with title 38, the draft bill authorizes five major medical facility construction projects and fifteen major facility leases. The five major medical facility construction projects are located in: Livermore, California; Walla Walla, Washington; Louisville, Kentucky; Denver, Colorado; and Bay Pines, Florida. Previously, Congress authorized funds for Denver and Bay Pines. This proposed bill would authorize additional funds necessary to continue with these projects.

The proposed project in Livermore is for construction, including the acquisition of land, necessary for the realignment of services and closure projects. The proposed project in Walla Walla is for construction of a Multi-Specialty Care Facility. The proposed project in Louisville is for the construction, including the acquisition of land, for a new medical facility.

The proposed project in Denver will provide for the replacement of the existing medical center. Additional authorization is required to complete this project. The proposed project in Bay Pines is for construction of both outpatient and inpatient improvements. Additional authorization is required to complete this project.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ERIC K. SHINSEKI.

Enclosures.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Department of Veterans Affairs (VA) to carry out three major medical facility projects. Authorization is requested for the construction, including acquisition of land, for realignment of services and closure projects in Livermore, California, in an amount not to exceed $55,430,000. Authorization is requested for the construction of a Multi-Specialty Care Facility in Walla Walla, Washington, in an amount not to exceed $71,400,000. Authorization is requested for the construction, including acquisition of land, for a new medical facility in Louisville, Kentucky, in an amount not to exceed $75,000,000.

Section 2 authorizes the Secretary of VA to carry out two major medical facility projects. Previously, these campuses received authorization, but additional authorization is required to complete the construction projects on these campuses. In this regard, authorization is requested for replacement of the VAMC in Denver, Colorado, in an amount not to exceed $800,000,000. Authorization is also requested for the construction of outpatient and inpatient improvements in Bay Pines, Florida, in an amount not to exceed $194,400,000.

Section 3 authorizes the Secretary of VA to carry out major medical facility leases for an Outpatient Clinic in Anderson, South Carolina, in an amount not to exceed $4,774,000; a Specialty Care Clinic in Atlanta, Georgia, in an amount not to exceed $5,172,000; a Community Based Outpatient Clinic in Bakersfield, California, in an amount not to exceed $3,464,000; an Annex Clinic and Parking Garage in Birmingham, Alabama, in an amount not to exceed $6,279,000; a Health Care Center in Butler, Pennsylvania, in an amount not to exceed $16,482,000; a Health Care Center in Charlotte, North Carolina, in an amount not to exceed $30,457,000; a Health Care Center in Fayetteville, North Carolina, in an amount not to exceed $23,487,000; an Outpatient Clinic Expansion in Huntsville, Alabama, in an amount not to exceed $4,374,000; a Community Based Outpatient Clinic in Kansas City, Kansas, in an amount not to exceed $4,418,000; a Health Care Center in Loma Linda, California, in an amount not to exceed $31,154,000; an Outpatient Clinic in McAllen, Texas, in an amount not to exceed $4,444,000; a Health Care Center in Monterey, California, in an amount not to exceed $11,628,000; a Health Care Center in Montgomery, Alabama, in an amount not to exceed $9,943,000; an Outpatient Clinic in Tallahassee, Florida, in an amount not to exceed $13,165,000; and, a Health Care Center in Winston-Salem, North Carolina, in an amount not to exceed $26,986,000.

Section 4 authorizes for appropriation for Fiscal Year 2010, $201,830,000 from the Major Construction Projects account for the projects authorized in Section 1 and $994,400,000 for the projects authorized in Section 2. Section 4 also authorizes for appropriation for Fiscal Year 2010, $196,227,000 from the Medical Facilities account for the leases authorized in Section 3. Section 4 allows the projects authorized in Sections 1 and 2 to be carried out by using only 1) funds appropriated for fiscal year 2010 pursuant to the authorization of appropriations in subsection a; 2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2010 that remain available for obligation; 3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2010 that remain available for obligation; and 4) funds appropriated for Construction, Major Projects, for fiscal year 2010 for a category of activity not specific to a project.

By Mr. WICKER (for himself, Ms. LANDRIEU, and Mr. COCHRAN):

S. 1311. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico; to the Committee on Environment and Public Works.

Mr. WICKER. Mr. President, today I introduce an important piece of legislation that will help protect and preserve the health and productivity of one of our Nation's most important bodies of water—the Gulf of Mexico.

The Gulf of Mexico Restoration and Protection Act will serve as a national and international model for the collaborative management of large marine ecosystems. Specific provisions of this Act will be administered by the Gulf of Mexico Program, formed in 1988 by the Environmental Protection Agency as a non-regulatory, inclusive partnership that collaborates with federal offices, state, and local governments and the private sector in each of 5 Gulf States—all committed to helping preserve and protect the Gulf.

Collectively, the fertile waters and seabed of the Gulf of Mexico represent

the 6th largest economy in the world with a total economic trade value of almost $6 trillion. These waters are now threatened by excessive nutrient loads and invasive species as well as the significant deterioration of many coastal wetlands as a result of hurricane and tropical storm damage.

The future of the Gulf's environmental stability is vital to America's economy and security. This legislation authorizes much needed additional funds to the Gulf of Mexico Program and finally puts it on a path toward more equal footing with other national great water body programs. Members of the Gulf of Mexico program are working together to secure the Gulf's future. It is time for this critical region to be recognized for its strategic importance. This legislation is an important step toward ensuring the Gulf receives the kind of support it deserves.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 193—EXPRESSING SUPPORT FOR ALL IRANIAN CITIZENS WHO EMBRACE THE VALUES OF FREEDOM, HUMAN RIGHTS, CIVIL LIBERTIES, AND RULE OF LAW, AND FOR OTHER PURPOSES

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. BROWNBACK, Mr. KYL, Mr. BUNNING, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Resolved, That the Senate—

(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law;

(2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and

(3) affirms the universality of individual rights and the importance of democratic and fair elections.

SENATE RESOLUTION 194—CONGRATULATING THE PITTSBURGH PENGUINS ON WINNING THE 2009 STANLEY CUP CHAMPIONSHIP

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas, on June 12, 2009, the Pittsburgh Penguins defeated the Detroit Red Wings 2-to-1 in Game 7 of the National Hockey League Stanley Cup Finals;

Whereas the victory marks the Penguins' third Stanley Cup Championship in franchise history and capped off a historic playoff series;

Whereas the Penguins are just the second team in league history to win the seventh game of a Stanley Cup Championship series on the road after the home team won the first 6 games of the series;

Whereas the Penguins beat the Washington Capitals in the Eastern Conference Semifinals and the Detroit Red Wings in the Stanley Cup Championship after losing the first 2 games in both series, making the Penguins the only team in league history to rally from 2-to-0 series deficits twice in the same year;

Whereas Mario Lemieux is to be honored for his commitment to keeping the Penguins in Pittsburgh and passing along his legacy to a new generation of players and fans;

Whereas, in February 2009, the Penguins hired Head Coach Dan Bylsma from the Penguins' minor league franchise in Wilkes-Barre, Pennsylvania, making Bylsma the first coach in the history of the National Hockey League to begin a season coaching in the American Hockey League and finish a Stanley Cup champion;

Whereas Sidney Crosby, the youngest team captain to ever win the Stanley Cup, was third in scoring during the regular season, had a league-leading 15 playoff goals, and demonstrated leadership by taking the Penguins to the Stanley Cup Finals in 2 consecutive seasons;

Whereas, over the course of the playoffs, Evgeni Malkin led all players in scoring with 36 points, including 14 goals and 22 assists, and won the Conn Smythe trophy for most valuable player in the playoffs;

Whereas Max Talbot is to be commended for scoring the only 2 Penguins goals in the Game 7 victory over the Detroit Red Wings;

Whereas thousands of Penguins fans supported the team throughout the postseason, donning white t-shirts to create a ''whiteout'' effect at home games or gathering to watch the game on a big screen television outside Mellon Arena;

Whereas the Red Wings are to be commended for a terrific season, committment to sportsmanship, and excellence on and off the ice; and

Whereas nearly 400,000 fans packed the streets of Pittsburgh, Pennsylvania, on June 15, 2009, to honor the Penguins in a parade along Grant Street and the Boulevard of the Allies: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Pittsburgh Penguins for winning the 2009 Stanley Cup Championship;

(B) Mario Lemieux and the coaching staff of the Penguins and support staff and recognizes their commitment to keeping the team in Pittsburgh;

(C) all Penguins fans who supported the team throughout the season; and

(D) the Detroit Red Wings on an outstanding season; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) co-owners Mario Lemieux and Ron Burkle;

(B) vice president and general manager Ray Shero; and

(C) head coach Dan Bylsma.

SENATE RESOLUTION 195—RECOGNIZING BISHOP MUSEUM, THE NATION'S PREMIER SHOWCASE FOR HAWAIIAN CULTURE AND HISTORY, ON THE OCCASIONS OF ITS 120TH ANNIVERSARY AND THE RESTORATION AND RENOVATION OF ITS HISTORIC HALL

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 195

Whereas Bishop Museum was founded in 1889 in Honolulu, Hawai'i by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, to house the personal legacies and bequests of the royal Kamehameha and Kalākaua families;

Whereas the mission of Bishop Museum since its inception has been to study, preserve, and tell the stories of the cultures and natural history of Hawai'i and the Pacific;

Whereas the collections of Bishop Museum include more than 24,000,000 objects, collectively the largest Hawai'i and Pacific area collection in the world, which includes more than 1,200,000 cultural objects representing Native Hawaiian, Pacific Island, and Hawai'i immigrant life, more than 125,000 historical publications (including many in the Hawaiian language), more than 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts, and more than 22,000,000 plant and animal specimens;

Whereas a primary goal of Bishop Museum is to serve and represent the interests of Native Hawaiians by advancing Native Hawaiian culture and education, protecting the collections and increasing access to them, and strengthening the museum's connections with the schools of Hawai'i;

Whereas the national significance of Bishop Museum's cultural collection lies in the Native Hawaiian collection, which collectively represents the largest public resource in the world documenting a way of life, and has been a source of knowledge and inspiration for numerous visitors, researchers, students, native craftsmen, teachers, and community and spiritual leaders over the years, especially since the cultural revival, which has been steadily growing and gaining in popularity;

Whereas more than 【300,000】 people visit Bishop Museum each year to learn about Hawaiian culture and experience Hawaiian Hall;

Whereas the desire to see Hawaiian Hall and to learn about Hawaiian culture is the primary reason 【400,000】 visitors each year give for visiting Bishop Museum;

Whereas Hawaiian Hall is the Nation's only showcase of its size, proportion, design, and historic context that is devoted to the magnificent legacy of Hawai'i's kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages;

Whereas Hawaiian Hall, constructed between 1889 and 1903 and 1 of 3 interconnected structures known as the Hawaiian Hall Complex, is considered a masterpiece of late Victorian museum design with its Kamehameha blue stone exterior quarried on site and extensive use of native koa wood, and is one of the few examples of Romanesque Richardsonian style museum buildings to have survived essentially unchanged;

Whereas Hawaiian Hall, designed by noted Hawai'i architects C.B. Ripley and C.W. Dickey in 1898, was placed on the National Register of Historic Places in 1982, based on

its unique combination of architectural, cultural, scientific, educational, and historical significance;

Whereas the restoration and renovation of Hawaiian Hall and its exhibits by noted Hawai'i architect Glenn Mason and noted national and international museum exhibit designer Ralph Appelbaum are integral to the museum's ability to fulfill its mission and achieve its primary goal of serving and representing the interests of Native Hawaiians;

Whereas the restoration and renovation of Hawaiian Hall, begun in 2005, included the building of a new gathering place in an enclosed, glass walled atrium, improved access to the hall through the installation of an elevator in the new atrium to all 3 floors of the hall and other buildings in the Hawaiian Hall Complex, improved collection preservation through the installation of new, state-of-the-art environmental controls, lighting, security, and fire suppression systems, and restored original woodwork and metalwork;

Whereas the restoration and renovation of the hall's exhibits bring multiple voices and a Native Hawaiian perspective to bear on Bishop Museum's treasures, by conveying the essential values, beliefs, complexity, and achievements of Hawaiian culture through exquisite and fragile artifacts in a setting that emphasizes their ''mana'' (power and essence) and the place in which they were created;

Whereas the new exhibit incorporates contemporary Native Hawaiian artwork illustrating traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations;

Whereas the new exhibit features more than 2,000 objects and images from the museum's collections on the open floor, mezzanines, and the center space, conceptually organized to represent 3 traditional realms or ''wao'' of the Hawaiian world—Kai Ākea, the expansive sea from which gods and people came, Wao Kānaka, the realm of people, and Wao Lani, the realm of gods and the ''ali'i'' (chiefs) who descended from them;

Whereas the new exhibit's ending display celebrates the strength, glory, and achievements of Native Hawaiians with a large 40-panel mural titled ''Ho'ohuli, To Cause An Overturning, A Change'', made by students of Native Hawaiian charter schools in collaboration with Native Hawaiian artists and other students, and interpreted by Native Hawaiian artists and teachers in a video presentation; and

Whereas the people of the United States wish to convey their sincerest appreciation to Bishop Museum for its service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the reopening of historic Hawaiian Hall on the 120th anniversary of the founding of Bishop Museum in Honolulu, Hawai'i; and

(2) on the occasions of the reopening and anniversary of the museum, honors and praises Bishop Museum for its work to ensure the preservation, study, education, and appreciation of Native Hawaiian culture and history.

Mr. INOUYE. Mr. President, I rise to introduce a resolution that recognizes the Bishop Museum on its 120th Anniversary and celebrates the reopening of its historic Hawaiian Hall.

The Bishop Museum was founded in 1889 by Charles Reed Bishop in honor of his late wife, Princess Bernice Pauahi Bishop, the last descendant of the royal Kamehameha family. The museum was established to house the extensive collection of Hawaiian artifacts and royal family heirlooms of the Princess, and has expanded to include millions of artifacts, documents and photographs about Hawaii and other Pacific island cultures.

Today, the Bishop Museum is the largest museum in the State of Hawaii and the premier natural and cultural history institution in the Pacific, recognized throughout the world for its cultural collections, research projects, consulting services and public educational programs. It also has one of the largest natural history specimen collections in the world. The museum provides a great service to the State of Hawaii and I commend them for their long time commitment of serving and representing the interests of native Hawaiians.

SENATE RESOLUTION 196—EXPRESSING THE SENSE OF THE SENATE ON FREEDOM OF THE PRESS, FREEDOM OF SPEECH, AND FREEDOM OF EXPRESSION IN IRAN

Mr. KAUFMAN (for himself, Mr. KYL, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas since the June 12 Iranian presidential elections, there have been increased restrictions on freedom of the press in Iran and limitations on the free flow of information among the Iranian people;

Whereas newspapers and news services have been restricted by the Government of Iran, preventing the publication of specific articles, blocking the transmission of some news broadcasts, and cancelling of foreign press credentials;

Whereas websites and blogs have been blocked in Iran, including social networking sites such as Facebook and Twitter;

Whereas numerous Iranian journalists have been arrested, detained, imprisoned, or assaulted since June 12;

Whereas foreign journalists have been prevented from covering street demonstrations, confined to their hotels, and told their visas would not be renewed;

Whereas non-Iranian government news services, including the Associated Press, have been told they may not distribute Farsi-language reports;

Whereas Iranian journalists were instructed by the Government of Iran to report solely from their offices;

Whereas on June 13, the leading mobile phone operator in Iran, the government-owned Telecommunication Company of Iran, was suspended for over 24 hours;

Whereas short message service (SMS) in Iran has been blocked, preventing text message communications and blocking internet sites that utilize such services;

Whereas on June 14, an Al–Arabiya correspondent was instructed by the Iranian Ministry of Information to change a story and its Tehran bureau was subsequently closed;

Whereas shortwave and medium wave transmissions of the Farsi-language Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda have been partially jammed since June 12; and

Whereas satellite broadcasts, including those of the Voice of America's Persian News Networkand the British Broadcasting Corporation (BBC), have been intermittently jammed since late May: Now, therefore, be it

Resolved, That the Senate—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts of the Broadcasting Board of Governors (BBG) to provide credible news and information within Iran through the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; and

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world.

SENATE RESOLUTION 197—CONGRATULATING THE MEN AND WOMEN OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. BURRIS, Mr. LEVIN, Mr. WEBB, Mr. WARNER, Mr. CORNYN, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the National Archives was established by Congress in 1934 to centralize Federal recordkeeping;

Whereas the National Archives, now called the National Archives and Records Administration (in this resolution referred to as ''NARA''), serves democracy in the United States by ensuring that United States citizens can discover, use, and trust the records of the United States Government;

Whereas NARA has grown from one building along the National Mall to 38 facilities nationwide, from Atlanta to Anchorage;

Whereas NARA administers regional archives, Federal records centers, Presidential libraries, the Federal Register, and the National Historical Publications and Records Commission;

Whereas the Rotunda for the Charters of Freedom serves as the permanent home of the Declaration of Independence, the Constitution, and the Bill of Rights and makes these founding documents available to more than 1,000,000 visitors each year;

Whereas the first issue of the Federal Register was published on March 16, 1936, and the Federal Register has not missed a publication date since, providing orderly publication of the official actions of the Federal Government;

Whereas the Electronic Records Archives is laying the foundation for preserving and providing public access to historically valuable electronic records, ranging from vast, complex databases to documents that detail the making of foreign and domestic policies;

Whereas the Presidential libraries are great treasures of the United States, serving as repositories and preserving and making accessible the papers, records, and other historical materials of Presidents of the United States;

Whereas the National Personnel Records Center serves as the official repository for records of military personnel, responding to 2,000,000 requests a year by veterans and their families for documents to verify military service;

Whereas the Information Security and Oversight Office is responsible to the President for policy and oversight of the Government-wide security classification system and the National Industrial Security Program;

Whereas the National Historical Publications and Records Commission promotes the preservation and use of the documentary heritage of the United States, which is essential to understanding the democracy, history, and culture of the United States, by providing grants in support of the archives of the United States and for projects to edit and publish non-Federal historical records of national importance;

Whereas NARA holds records, in the National Archives Building and its regional facilities across the country, that allow naturalized citizens to claim their rights of citizenship;

Whereas NARA works with Federal agencies, researchers, genealogists, lawyers, scholars, and authors to respond to their evolving needs, requirements, and methods;

Whereas NARA provides records management training, enhances reference services, works with partners to digitize its holdings, and improves access to the records of the United States;

Whereas NARA provides, through its Internet site, easy and convenient public access to many of the most important and most requested historic documents and valuable databases of the United States; and

Whereas inscribed on the facade of the National Archives Building are Shakespeare's words, ''What is past is prologue'', which aptly describe the records of the past preserved by NARA as the groundwork for the future: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the men and women of the National Archives and Records Administration on the occasion of its 75th anniversary;

(2) understands the vital role that records play in a democracy;

(3) recognizes the service that NARA has given to the democracy of the United States by protecting and preserving the records of the United States Government; and

(4) commends the efforts by NARA to support democracy, promote civic education, and facilitate historical understanding of the national experience.

SENATE RESOLUTION 198—OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. BURRIS (for himself, Mr. BROWNBACK, Mr. LEVIN, Mrs. HUTCHISON, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1347. Mr. DORGAN (for himself and Mr. ROCKEFELLER) proposed an amendment to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

SA 1348. Mr. REID proposed an amendment to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, supra.

SA 1349. Mr. REID proposed an amendment to the bill S. 1023, supra.

SA 1350. Mr. REID proposed an amendment to amendment SA 1349 proposed by Mr. REID to the bill S. 1023, supra.

SA 1351. Mr. REID proposed an amendment to the bill S. 1023, supra.

SA 1352. Mr. REID proposed an amendment to amendment SA 1351 proposed by Mr. REID to the bill S. 1023, supra.

SA 1353. Mr. REID proposed an amendment to amendment SA 1352 proposed by Mr. REID to the amendment SA 1351 proposed by Mr. REID to the bill S. 1023, supra.

TEXT OF AMENDMENTS

SA 1347. Mr. DORGAN (for himself and Mr. ROCKEFELLER) proposed an amendment to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

Strike out all after the first word and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Travel Promotion Act of 2009''.

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

SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.

(a) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(G) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–301.01 et seq.).

(3) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(5) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

(e) DUTIES AND POWERS.—

(1) IN GENERAL.—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) SPECIFIC POWERS.—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SEC. 8. RESEARCH PROGRAM.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

''SEC. 203. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

''(5) research to support the annual reports required by section 202(d) of this Act.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.''.

SA 1348. Mr. REID proposed an amendment to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

At the end of the amendment, add the following:

This section shall take effect 5 days after enactment.

SA 1349. Mr. REID proposed an amendment to amendment S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall take effect 4 days after the date of enactment.

SA 1350. Mr. REID proposed an amendment to amendment S. 1349, proposed by Mr. REID to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

In the amendment, strike ''4'' and insert ''3''.

SA 1351. Mr. REID proposed an amendment to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

At the end insert the following: This section shall become effective 2 days after enactment of the bill.

SA 1352. Mr. REID proposed an amendment to amendment SA 1351 proposed by Mr. REID to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

Strike ''2'' and insert ''1''

SA 1353. Mr. REID proposed an amendment to amendment SA 1352 proposed by Mr. REID to the amendment SA 1351 proposed by Mr. REID to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; as follows:

Strike ''1'' and insert ''immediately''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Commitee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 19, 2009, at 10:30 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 814 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 814) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 814) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 814

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Miami Dade College Land Conveyance Act''.

SEC. 2. CONVEYANCE OF BUREAU OF PRISONS LAND TO MIAMI DADE COUNTY, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Attorney General shall convey, without consideration, to Miami Dade College of Miami Dade County, Florida (in this section referred to as the ''College''), all right, title, and interest of the United States in and to a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, consisting of a parking lot approximately 47,500 square feet and located at 35 NE 2 Street, for the purpose of permitting the College to use the parcel as a site for a new educational building that includes a parking area, of which not less than 118 secure parking spaces shall be designated for use by the Bureau of Prisons of the Department of Justice.

(b) REVERSIONARY INTEREST.—If the Attorney General determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Attorney General, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Attorney General under

this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If the Attorney General considers it necessary, the Attorney General may have the exact acreage or square footage and legal description of the land to be conveyed under subsection (a) determined by a survey satisfactory to the Attorney General. The College shall bear the cost of the survey.

(d) EXEMPTION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply to the conveyance of land under subsection (a).

RECOGNIZING THE DEMOCRATIC ACCOMPLISHMENTS OF THE PEOPLE OF ALBANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 80, S. Res. 182.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas the people of Albania have made extraordinary progress from authoritarian government and a closed market to a democratic government and market economy in less than two decades;

Whereas the Republic of Albania, with the advice and consent of this Senate and the governments of the other member countries, was officially admitted to full membership in the North Atlantic Treaty Organization on April 2, 2009;

Whereas the Thessaloniki Declaration of 2003 confirmed that the countries of the Western Balkans are eligible for accession to the European Union once they have fulfilled the requirements for membership; and

Whereas the Government of Albania has accepted numerous specific commitments governing the conduct of elections as a participating state in the Organization for Security and Cooperation in Europe (OSCE): Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Albania to fulfill the commitments it has made to the OSCE with respect to the conduct of its upcoming elections, and to ensure that those elections are free and fair;

(2) urges the Government of Albania to expedite the implementation of its voter identification card program to minimize the possibility of disenfranchisement and provide as many cards as possible to eligible voters prior to the election;

(3) commends the positive step taken by the Government of Albania to reduce the cost of the voter ID card significantly and avoid charges of a poll tax; and

(4) expresses its hope that credible democratic elections in Albania will contribute to a strong and stable government responsive to the wishes of the people of Albania and strengthen Albania's standing within NATO and European institutions.

EXPRESSING SUPPORT FOR ALL IRANIAN CITIZENS WHO EMBRACE THE VALUES OF FREEDOM, HUMAN RIGHTS, CIVIL LIBERTIES, AND RULE OF LAW

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 193, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. Mr. President, the resolution I submitted, on behalf of myself, Senator LIEBERMAN and others, is exactly the same as has been introduced by Congressmen BERMAN and PENCE in the House of Representatives. It is the exact same resolution. It expresses support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, rule of law, and for other purposes.

The resolution expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and the rule of law, and for other purposes. It condemns the ongoing violence against demonstrators by the Government of Iran and progovernment militias as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones and affirms the universality of individual rights and the importance of democratic and fair elections.

Basically, what this is is a resolution that has been introduced in both Houses, which affirms America's fundamental respect and commitment to human rights, to people no matter where they reside in the world.

It is unfortunate, in a way, that this resolution is required since the administration does not want to ''meddle,'' and the President has refused to speak out in support of these brave Iranian citizens, most of them young, who are risking their very lives to protest what was clearly an unfair and corrupt election.

What we are seeing in Iran today is sort of a sequence of events that should worry all of us who have watched this before. The demonstrators, some beaten, some killed, the Ayatollah Ali Khamenei calls together the participants in the election and then says there should be no more demonstrations and strong action will be taken. That is coupled with ejecting the world's media from Iran—first restricting it and then forcing them out so as not to record events. Unfortunately for the Iranian mullahs, Twitter has become an incredible means of communication, as well as cameras in cell phones. The word is still coming out as to the degree of oppression that is being practiced by the Iranian Government.

There is a lot I wish to say today about what is going on in Iran; the fact that we, the United States of America, have a long history of speaking out on behalf of people who are oppressed, who are victims of a corrupt election. We stood tall, America did, for the workers in Gdansk, in solidarity with Lech Walesa. We stood tall for the people of Prague during the Prague Spring, and we were not afraid, as Ronald Reagan was not, to go to the Berlin Wall and say ''Take down this wall,'' and call an evil empire what it was, an evil empire.

One of the ironies of this situation that I wish to address very briefly is that President Mahmoud Ahmadinejad's political adviser said Thursday that the United States will regret its interference in Iran's disputed election. In other words, our President says he does not want to go meddle and at the same time, of course, they are accusing us of doing exactly that.

He, the adviser, said:

I hope in the case of the elections they realize their interference is a mistake and that they don't repeat this mistake. They will certainly regret this. They will have problems reestablishing relations with Iran.

In the history of this country, since July 4, 1776, we affirmed the fundamental rights of all people throughout the world, and that is the inalienable rights granted by our Creator to life, liberty and the pursuit of happiness. That commitment to human rights was there then and it is there today. The United States of America must, and this body must, affirm our support for fundamental human rights of the Iranian people who are being beaten and killed in the streets of Tehran and other cities around Iran. We are with them.

It is not an accident that the signs ''Where is my vote?'' are in English. They are waiting for an expression of support from the Government and the people of the United States of America. I think this resolution is an important way to do so.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to, as follows:

S. RES. 193

Resolved, That the Senate—

(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law;

(2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and

(3) affirms the universality of individual rights and the importance of democratic and fair elections.

FREEDOM OF THE PRESS, FREEDOM OF SPEECH, AND FREEDOM OF EXPRESSION IN IRAN

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 196.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 196), expressing the sense of the Senate on freedom of the press, freedom of speech, and freedom of expression in Iran.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas since the June 12 Iranian presidential elections, there have been increased restrictions on freedom of the press in Iran and limitations on the free flow of information among the Iranian people;

Whereas newspapers and news services have been restricted by the Government of Iran, preventing the publication of specific articles, blocking the transmission of some news broadcasts, and cancelling of foreign press credentials;

Whereas websites and blogs have been blocked in Iran, including social networking sites such as Facebook and Twitter;

Whereas numerous Iranian journalists have been arrested, detained, imprisoned, or assaulted since June 12;

Whereas foreign journalists have been prevented from covering street demonstrations, confined to their hotels, and told their visas would not be renewed;

Whereas non-Iranian government news services, including the Associated Press, have been told they may not distribute Farsi-language reports;

Whereas Iranian journalists were instructed by the Government of Iran to report solely from their offices;

Whereas on June 13, the leading mobile phone operator in Iran, the government-owned Telecommunication Company of Iran, was suspended for over 24 hours;

Whereas short message service (SMS) in Iran has been blocked, preventing text message communications and blocking internet sites that utilize such services;

Whereas on June 14, an Al-Arabiya correspondent was instructed by the Iranian Ministry of Information to change a story and its Tehran bureau was subsequently closed;

Whereas shortwave and medium wave transmissions of the Farsi-language Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda have been partially jammed since June 12; and

Whereas satellite broadcasts, including those of the Voice of America's Persian News Networkand the British Broadcasting Corporation (BBC), have been intermittently jammed since late May: Now, therefore, be it

Resolved, That the Senate—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts of the Broadcasting Board of Governors (BBG) to provide credible news and information within Iran through the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; and

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world.

CONGRATULATING THE MEN AND WOMEN OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 197.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 197), congratulating the men and women of the National Archives and Records Administration on the occasion of its 75th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 197

Whereas the National Archives was established by Congress in 1934 to centralize Federal recordkeeping;

Whereas the National Archives, now called the National Archives and Records Administration (in this resolution referred to as ''NARA''), serves democracy in the United States by ensuring that United States citizens can discover, use, and trust the records of the United States Government;

Whereas NARA has grown from one building along the National Mall to 38 facilities nationwide, from Atlanta to Anchorage;

Whereas NARA administers regional archives, Federal records centers, Presidential libraries, the Federal Register, and the National Historical Publications and Records Commission;

Whereas the Rotunda for the Charters of Freedom serves as the permanent home of the Declaration of Independence, the Constitution, and the Bill of Rights and makes these founding documents available to more than 1,000,000 visitors each year;

Whereas the first issue of the Federal Register was published on March 16, 1936, and the Federal Register has not missed a publication date since, providing orderly publication of the official actions of the Federal Government;

Whereas the Electronic Records Archives is laying the foundation for preserving and providing public access to historically valuable electronic records, ranging from vast, complex databases to documents that detail the making of foreign and domestic policies;

Whereas the Presidential libraries are great treasures of the United States, serving as repositories and preserving and making accessible the papers, records, and other historical materials of Presidents of the United States;

Whereas the National Personnel Records Center serves as the official repository for records of military personnel, responding to 2,000,000 requests a year by veterans and their families for documents to verify military service;

Whereas the Information Security and Oversight Office is responsible to the President for policy and oversight of the Government-wide security classification system and the National Industrial Security Program;

Whereas the National Historical Publications and Records Commission promotes the preservation and use of the documentary heritage of the United States, which is essential to understanding the democracy, history, and culture of the United States, by providing grants in support of the archives of the United States and for projects to edit and publish non-Federal historical records of national importance;

Whereas NARA holds records, in the National Archives Building and its regional facilities across the country, that allow naturalized citizens to claim their rights of citizenship;

Whereas NARA works with Federal agencies, researchers, genealogists, lawyers, scholars, and authors to respond to their evolving needs, requirements, and methods;

Whereas NARA provides records management training, enhances reference services, works with partners to digitize its holdings, and improves access to the records of the United States;

Whereas NARA provides, through its Internet site, easy and convenient public access to many of the most important and most requested historic documents and valuable databases of the United States; and

Whereas inscribed on the facade of the National Archives Building are Shakespeare's words, ''What is past is prologue'', which aptly describe the records of the past preserved by NARA as the groundwork for the future: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the men and women of the National Archives and Records Administration on the occasion of its 75th anniversary;

(2) understands the vital role that records play in a democracy;

(3) recognizes the service that NARA has given to the democracy of the United States by protecting and preserving the records of the United States Government; and

(4) commends the efforts by NARA to support democracy, promote civic education, and facilitate historical understanding of the national experience.

OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 198.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 198), observing the historical significance of Juneteenth Independence Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, this week people all across the Nation are engaging in the oldest known celebration of the ending of slavery. It was in June of 1865, that the Union soldiers landed in Galveston, TX, with the news that the war had ended and that slavery finally had come to an end in the United States. This was 21½ years after the Emancipation Proclamation, which had become official January 1, 1863. This week and specifically on June 19, we celebrate what is known as ''Juneteenth Independence Day.'' It was on this date, June 19, that slaves in the Southwest finally learned of the end of slavery. Although passage of the thirteenth amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the delayed dissemination of this news across the country.

Since that time, over 145 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith, and conviction—a people who rendered their achievements for the betterment and advancement of a nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate ''Juneteenth Independence Day.''

Lerone Bennett, editor, writer and lecturer has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home State of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the civil rights movement are indelibly etched in the chronicle of the history of this nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI, on September 25, 1999. In April 2009, Sojourner Truth became the first African American woman to be memorialized with a bust in the U.S. Capitol. The ceremony to unveil Truth's likeness was appropriately held in Emancipation Hall at the Capitol Visitor Center. I was pleased to cosponsor the legislation to make this fitting tribute possible. Sojourner Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. I was also pleased to coauthor legislation directing the Architect of the Capitol to commission a statue of Rosa Parks, which will be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Her personal bravery and self-sacrifice are remembered with reverence and respect by us all. Over 55 years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

Mr. President, we have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle and the struggle for human rights.

In closing, I would like to pay tribute to the Juneteenth directors and event coordinators throughout my State of Michigan. They have worked tirelessly in the planning of intergenerational activities in celebration of Juneteenth. Ms. Marilyn Plumber is heading up three events in Lansing, MI, this week and coordinators in Flint, Detroit, Saginaw, and other areas around the State are observing Juneteenth through a wide range of programs over several days.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 198

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

ORDERS FOR MONDAY, JUNE 22, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 71, S. 1023, the Travel Promotion Act of 2009. Further, I ask that the time between 4:30 and 5:30 be equally divided and controlled between the two leaders or their designees, and that the cloture vote on the Dorgan amendment occur at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the filing deadline for first-degree amendments be 3:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, because we were unable to reach agreement to begin the amendment process on the travel legislation, I filed cloture on the Dorgan amendment, as I have just announced, and the underlying bill in order to move along the process. We hope to be able to reach agreement on amendments prior to the cloture vote on Monday.

COMMENDING SENATOR MERKLEY

Mr. REID. Mr. President, it is now approaching 4 o'clock. The Presiding Officer has been in that chair since noon. That is a long time. I have sat there for a while but never as long as the Senator has—3 hours 40 minutes.

I have commented in recent days about the brilliance of the Senator from Oregon and the speech he gave on health care. There have been a lot of good speeches, but no one has given a better, more informative speech than the Senator from Oregon. I say that without any qualification.

The people from Oregon are fortunate to have the Senator from Oregon, JEFF MERKLEY. He is a wonderful human being, I say to everybody in Oregon—so well prepared, and he has extremely difficult committee assignments, which he handles with such confidence and grace. I appreciate very much the work he does for the State of Oregon and for our country.

ADJOURNMENT UNTIL MONDAY, JUNE 22, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 3:40 p.m., adjourned until Monday, June 22, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOSEPH A. GREENAWAY, JR., OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE SAMUEL A. ALITO, JR., ELEVATED.

BEVERLY BALDWIN MARTIN, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE R. LANIER ANDERSON, III, RETIRED.

ENVIRONMENTAL PROTECTION AGENCY

CRAIG E. HOOKS, OF KANSAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LUIS LUNA, RESIGNED.

DEPARTMENT OF STATE

MARK HENRY GITENSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, June 19, 2009:

DEPARTMENT OF HOMELAND SECURITY

RAND BEERS, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF ENERGY

CATHERINE RADFORD ZOI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY).

WILLIAM F. BRINKMAN, OF NEW JERSEY, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE INTERIOR

ANNE CASTLE, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HOWARD K. KOH, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

LEGAL SERVICES CORPORATION

LAURIE I. MIKVA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2010.

DEPARTMENT OF EDUCATION

MARTHA J. KANTER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DEPARTMENT OF LABOR

JANE OATES, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF THE TREASURY

HERBERT M. ALLISON, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY D. ZIENTS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF STATE

ANDREW J. SHAPIRO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

ERIC P. SCHWARTZ, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION).

BONNIE D. JENKINS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS COORDINATOR FOR THREAT REDUCTION PROGRAMS.

ERIC P. GOOSBY, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE AND COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY.

DEPARTMENT OF DEFENSE

ZACHARY J. LEMNIOS, OF MASSACHUSETTS, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

JAMIE MICHAEL MORIN, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

CONSUMER PRODUCT SAFETY COMMISSION

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION.

INEZ MOORE TENENBAUM, OF SOUTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES J. CARROLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. LORD

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL JAMES W. KWIATKOWSKI
BRIGADIER GENERAL JEFFREY S. LAWSON
BRIGADIER GENERAL DEBORAH S. ROSE
BRIGADIER GENERAL EDWIN A. VINCENT, JR.

To be brigadier general

COLONEL STEPHEN M. ATKINSON
COLONEL PAUL L. AYERS
COLONEL DANIEL S.V. BADER
COLONEL DARYL L. BOHAC
COLONEL JOSEPH J. BRANDEMUEHL
COLONEL TIMOTHY T. DEARING
COLONEL SHARON S. DIEFFENDERFER
COLONEL JONATHAN S. FLAUGHER
COLONEL ROBERT M. GINNETTI
COLONEL JOHNATHAN H. GROFF
COLONEL JAMES D. HILL
COLONEL ZANE R. JOHNSON
COLONEL JOSEPH K. KIM
COLONEL KEITH I. LANG
COLONEL ROBERT W. LOVELL
COLONEL JOHN P. MCGOFF
COLONEL GUNTHER H. NEUMANN
COLONEL PAUL A. POCOPANNI, JR.
COLONEL CHRISTOPHER A. POPE
COLONEL CAROLYN J. PROTZMANN
COLONEL CARLOS E. RODRIGUEZ
COLONEL JOSE J. SALINAS
COLONEL WAYNE M. SHANKS
COLONEL WILLIAM H. SHAWVER, JR.
COLONEL JAMES C. WITHAM
COLONEL SALLIE K. WORCESTER
COLONEL WANDA A. WRIGHT
COLONEL WAYNE A. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

GEN. CARROL H. CHANDLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL STEVEN J. ARQUIETTE
COLONEL ROBERT J. BELETIC
COLONEL SCOTT A. BETHEL
COLONEL CHARLES Q. BROWN, JR.
COLONEL SCOTT D. CHAMBERS
COLONEL CARY C. CHUN
COLONEL RICHARD M. CLARK
COLONEL DWYER L. DENNIS
COLONEL STEVEN J. DEPALMER
COLONEL IAN R. DICKINSON
COLONEL MARK C. DILLON
COLONEL SCOTT P. GOODWIN
COLONEL MORRIS E. HAASE
COLONEL JAMES E. HAYWOOD
COLONEL PAUL T. JOHNSON
COLONEL RANDY A. KEE
COLONEL JIM H. KEFFER
COLONEL JEFFREY B. KENDALL
COLONEL MICHAEL J. KINGSLEY
COLONEL STEVEN L. KWAST
COLONEL LEE K. LEVY II
COLONEL JERRY P. MARTINEZ
COLONEL JIMMY E. MCMILLIAN
COLONEL ANDREW M. MUELLER
COLONEL EDEN J. MURRIE
COLONEL TERRENCE J. O'SHAUGHNESSY
COLONEL DAVID E. PETERSEN
COLONEL TIMOTHY M. RAY
COLONEL JOHN W. RAYMOND
COLONEL JOHN N. T. SHANAHAN
COLONEL JOHN D. STAUFFER
COLONEL MICHAEL S. STOUGH
COLONEL MARSHALL B. WEBB
COLONEL ROBERT E. WHEELER
COLONEL MARTIN WHELAN
COLONEL KENNETH S. WILSBACH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GLENN F. SPEARS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DOUGLAS J. ROBB

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be major general

BRIGADIER GENERAL HAROLD G. BUNCH
BRIGADIER GENERAL STUART M. DYER
BRIGADIER GENERAL GLENN J. LESNIAK
BRIGADIER GENERAL CHARLES D. LUCKEY
BRIGADIER GENERAL JEFFREY W. TALLEY
BRIGADIER GENERAL LUIS R. VISOT

To be brigadier general

COLONEL MARK C. ARNOLD
COLONEL LAWRENCE W. BROCK III
COLONEL DWAYNE R. EDWARDS
COLONEL STEVEN J. FELDMANN
COLONEL FERNANDO FERNANDEZ
COLONEL JONATHAN G. IVES
COLONEL BUD R. JAMESON, JR.
COLONEL BRYAN R. KELLY
COLONEL JON D. LEE
COLONEL MARK T. MCQUEEN
COLONEL THERESE M. O'BRIEN
COLONEL LUCAS N. POLAKOWSKI
COLONEL PETER T. QUINN
COLONEL ROBERT L. WALTER, JR.
COLONEL JAMES T. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. CONE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KATHLEEN M. DUSSAULT
REAR ADM. (LH) MARK F. HEINRICH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JANICE M. HAMBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STEVEN R. EASTBURG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS P. MEEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH F. CAMPBELL
REAR ADM. (LH) JOHN C. ORZALLI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) TOWNSEND G. ALEXANDER
REAR ADM. (LH) DAVID H. BUSS
REAR ADM. (LH) KENDALL L. CARD
REAR ADM. (LH) NEVIN P. CARR, JR.
REAR ADM. (LH) JOHN N. CHRISTENSON
REAR ADM. (LH) MICHAEL J. CONNOR
REAR ADM. (LH) KENNETH E. FLOYD
REAR ADM. (LH) WILLIAM D. FRENCH
REAR ADM. (LH) PHILIP H. GREENE
REAR ADM. (LH) BRUCE E. GROOMS
REAR ADM. (LH) EDWARD S. HEBNER
REAR ADM. (LH) MICHELLE J. HOWARD
REAR ADM. (LH) WILLIAM E. SHANNON III
REAR ADM. (LH) CHARLES E. SMITH
REAR ADM. (LH) SCOTT H. SWIFT
REAR ADM. (LH) DAVID M. THOMAS
REAR ADM. (LH) KURT W. TIDD
REAR ADM. (LH) MICHAEL P. TILLOTSON
REAR ADM. (LH) MARK A. VANCE
REAR ADM. (LH) EDWARD G. WINTERS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL W. BROADWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SEAN F. CREAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PATRICK E. MCGRATH
REAR ADM. (LH) JOHN G. MESSERSCHMIDT
REAR ADM. (LH) MICHAEL M. SHATYNSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RON J. MACLAREN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBIN L. GRAF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID G. RUSSELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KURT L. KUNKEL
CAPT. JONATHAN A. YUEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KATHERINE L. GREGORY
CAPT. KEVIN R. SLATES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ANN E. RONDEAU

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH D. KERNAN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD C. ZILMER

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN R. DASUTA AND ENDING WITH BETH M. DITTMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

AIR FORCE NOMINATION OF THOMAS J. SOBIESKI, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN E. BLAIR AND ENDING WITH PETER T. TRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

AIR FORCE NOMINATION OF JOSHUA D. ROSEN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MARK W. ANDERSON AND ENDING WITH STEVEN W. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

AIR FORCE NOMINATION OF JEFFREY A. LEWIS, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER L. ARNHEITER AND ENDING WITH JAMES W. TURONIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH BRET T. ACKERMANN AND ENDING WITH D060652, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH KINDALL L. JONES AND ENDING WITH WILLIAM J. NOVAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH SHARON E. BLONDEAU AND ENDING WITH KAREN D. CHAMBERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH REBECCA D. LANGE AND ENDING WITH ROBERT SANTIAGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH WALTER A. BEHNERT AND ENDING WITH ZACHARIAH P. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH ARTHUR R. BAKER AND ENDING WITH ANITA M. YEARLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH DENNIS C. AYER AND ENDING WITH JEFFREY O. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL C. OGUINN AND ENDING WITH TRACY L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH LARRY D. BARTHOLOMEW AND ENDING WITH KENNETH A. WADE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH DAWN B. BARROWMAN AND ENDING WITH REBA J. MUELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH LAUREN J. ALUKONIS AND ENDING WITH LUCY D. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH PETER H. GUEVARA AND ENDING WITH MATTHEW A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH RICHARD CANER AND ENDING WITH CHARLES W. WHITE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. BEAULIEU AND ENDING WITH JAMES A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

ARMY NOMINATION OF STUART W. SMYTHE, JR., TO BE COLONEL.

ARMY NOMINATION OF EDWARD P. NAESSENS, TO BE COLONEL.

ARMY NOMINATION OF DONALD R. ANDERSON, TO BE COLONEL.

ARMY NOMINATION OF SANDRA M. KEAVEY, TO BE MAJOR.

ARMY NOMINATION OF THAMIUS J. MORGAN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CONSTANCE ROSSER AND ENDING WITH AVERY E. DAVIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

ARMY NOMINATIONS BEGINNING WITH NORMA G. SANDOW AND ENDING WITH PAUL J. SINQUEFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

ARMY NOMINATIONS BEGINNING WITH CHARLES W. HIPP AND ENDING WITH ANITA M. KIMBROUGHJACOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

ARMY NOMINATIONS BEGINNING WITH DANIEL E. BANKS AND ENDING WITH RICK A. SHACKET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

ARMY NOMINATIONS BEGINNING WITH CARLTON L. DAY AND ENDING WITH MARK W. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH SCOTT W. CRAWLEY AND ENDING WITH JAMES T. ZAWROTNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2009.

COAST GUARD NOMINATION OF MICHAEL J. CAPELLI, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF MICHAEL J. HAUSCHEN, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF CHRISTOPHER G. BUCKLEY, TO BE LIEUTENANT.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MARVIN F. BURGOS AND ENDING WITH STEPHEN ALAN CRISTINA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 20, 2009.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH PAUL V. ACQUAVELLA AND ENDING WITH DAVID M. TULLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW B. AARON AND ENDING WITH DAVID M. SILLDORFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH DALE E. CHRISTENSON AND ENDING WITH FRANK VACCARINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH THERESE D. CRADDOCK AND ENDING WITH LEITH S. WIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBERT A. BENNETT AND ENDING WITH KENNETH S. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH DONALD T. ALLERTON AND ENDING WITH TODD A. ZVORAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH SCOTT K. RINEER AND ENDING WITH MARY P. COLVIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2009.

NAVY NOMINATIONS BEGINNING WITH JUDI C. HERRING AND ENDING WITH LUIS M. TUMIALAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 1, 2009.

NAVY NOMINATIONS BEGINNING WITH VINCENT G. AUTH AND ENDING WITH MARTHA P. VILLALOBOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH SALVADOR AGUILERA AND ENDING WITH DENNIS W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH MICHAEL M. BATES AND ENDING WITH DAVID G. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH JOHN J. ADAMETZ AND ENDING WITH RICHARD L. WHIPPLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH KRISTEN ATTERBURY AND ENDING WITH CONSTANCE L. WORLINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH DANIEL L. ALLEN AND ENDING WITH DONALD J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH LUIS A. BENEVIDES AND ENDING WITH TIMOTHY H. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH BRIAN A. ALEXANDER AND ENDING WITH PETER G. WOODSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2009.

NAVY NOMINATIONS BEGINNING WITH VINCENT P. CLIFTON AND ENDING WITH PATRICK J. COOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH DAVID J. BUTLER AND ENDING WITH JON E. CUTLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH BARRY C. DUNCAN AND ENDING WITH JAMES E. PARKHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH DAVID A. BIANCHI AND ENDING WITH SARAH WALTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH LISA M. BAUER AND ENDING WITH JOSEPH E. STRICKLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH CLEMIA ANDERSON, JR. AND ENDING WITH RICHARD C. VALENTINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH JOSEPH R. BRENNER, JR. AND ENDING WITH GREG A. ULSES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH JOHN G. BISCHERI AND ENDING WITH TODD J. SQUIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH JEFFREY A. BENDER AND ENDING WITH DAVID H. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBERT J. ALLEN AND ENDING WITH EDWARD B. ZELLEM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH MICKEY S. BATSON AND ENDING WITH FRANK A. SHAUL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ANGELA D. ALBERGOTTIE AND ENDING WITH MICHAEL L. THRALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH MICHAEL E. BEAULIEU AND ENDING WITH GREGORY A. MUNNING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH SCOTT F. ADLEY AND ENDING WITH PATRICK W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH MICHAEL A. BALLOU AND ENDING WITH STEPHEN F. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ANN M. BURKHARDT AND ENDING WITH JACKLYN D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH HEIDI C. AGLE AND ENDING WITH THOMAS A. ZWOLFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATION OF JAMES F. ELIZARES, TO BE CAPTAIN.

NAVY NOMINATION OF STACY R. STEWART, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH STEPHEN E. MARONICK AND ENDING WITH TAMARA A.L. SHELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH DANIEL T. BATES AND ENDING WITH GARY P. KIRCHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH GARY R. BARRON AND ENDING WITH MICHAEL M. NORMILE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH JOSEPH R. DAVILA AND ENDING WITH JOHN M. TARPEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH MARCIA R. FLATAU AND ENDING WITH LINNEA J. SOMMERWEDDINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH STEVEN W. HARRIS AND ENDING WITH GEORGE L. SNIDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL C. BURNETTE AND ENDING WITH STEPHEN S. JOYCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NAVY NOMINATIONS BEGINNING WITH DWAIN ALEXANDER II AND ENDING WITH THOMAS E. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH JAMES F. ARMSTRONG AND ENDING WITH JULIE A. ZAPPONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH WILLIAM E. BUTLER AND ENDING WITH JONATHAN D. WALLNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBERT J. CAREY AND ENDING WITH BRIAN S. VINCENT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2009.

HOUSE OF REPRESENTATIVES—*Friday, June 19, 2009*

The House met at 9 a.m. and was called to order by the SPEAKER pro tempore (Mr. WEINER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
June 19, 2009.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Eternal God, Father of all, as we approach the weekend, we praise You and we bless You, for our fathers, both living and dead.

Their very presence or their memory may endow us with strength wrapped in gentleness, forbearance revealed in practicality, and a self-giving love which is a reflection of Your creative life and goodness.

May the fathers of this Nation be the first and best teachers of their children to find satisfaction in hard work, greatness in moral character, and faith in powerful ways.

May all fathers be blessed in their work, in their games and sports, and in the joys of family life.

This we ask of You, Heavenly Father. Amen.

THE JOURNAL

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

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

Ms. FOXX. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Mrs. HALVORSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. HALVORSON led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

FIX COVERAGE GAP IN MEDICARE PART D COVERAGE

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

Mrs. HALVORSON. Mr. Speaker, I rise today to express the urgent need to fix the coverage gap in Medicare part D's prescription benefit plan, especially as we take up health care reform legislation this year.

The coverage gap, better known as the ''doughnut hole,'' is getting worse each year. This gap is tied to health care costs, which are increasing at a rate much faster than inflation. In fact, the costs for people that fall into the doughnut hole are expected to more than double by 2016. In my State of Illinois, 32 percent of Medicare part D beneficiaries fall into this gap, and only a small fraction ever make it out.

Mr. Speaker, in America, no senior should have to choose between their meals and their medication. If we don't solve this issue, this situation will only continue to get worse. We must take the time to address this serious gap in coverage for our seniors.

I look forward to working with my colleagues on this issue as we continue the health care reform debate.

TRIBUTE TO FULLER KIMBRELL

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

Mr. ADERHOLT. Mr. Speaker, today I rise to congratulate, pay tribute and honor a great Alabamian on the occasion of his 100th birthday, which will be this Saturday, a milestone that very few individuals get to reach.

Fuller Kimbrell was born on June 20, 1909, in Berry, Alabama, and was one of 10 boys. As a young man, he was quarterback and captain of his local football team, as well as helping his family on the farm. He traveled across the country during the Great Depression and returned home to Berry, Alabama, and then on to Fayette, Alabama. Today he resides in Tuscaloosa.

Mr. Kimbrell entered politics and served in the Alabama State Senate for the 12th District of Alabama, and he also managed Big Jim Folsom's gubernatorial campaign in 1954. Additionally, he went on to serve as an adviser to several successive governors in the great State of Alabama.

Until his retirement in 1984, he owned and operated Fayco, which was located in Fayette, Alabama, which is in the district I am privileged to represent.

Mr. Fuller Kimbrell has served on various civic and committee organizations such as the Lions Club, the Fayette Chamber of Commerce and the Alabama Farm Equipment Association, as well as the Alabama Road Builders Association, just to name a few.

Mr. Kimbrell has made so many great contributions to Alabama and our Nation. It is an honor to pay tribute to this great Alabamian and this great American. I am thankful to know Mr. Fuller Kimbrell, who is an inspiring example to all of us. I look forward to having the benefit of his wise counsel for many years to come, and I wish him a very happy birthday this Saturday.

A SORRY DAY IN THE HISTORY OF THE HOUSE

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

Mr. DINGELL. Mr. Speaker, yesterday was a sorry day in the history of the House. Repetitious, unnecessary, unwise votes set about to obfuscate the business of this body was the order of the day. We set a record for the number of votes cast in a single day, but we also set a record for irresponsible, mischievous and obfuscatory behavior. It was a sorry use of the time of this institution.

The time of this institution is a public resource during which we are supposed to do the Nation's business. We

are supposed to conduct that business on the floor, in the committees and in our offices. No opportunity was made available for the Members of this body to do that. The institution has not been helped by that behavior, nor has its reputation been helped.

I say that if this kind of behavior persists, we will fall lower in the respect of the American people, as very well we should.

Yesterday was a sorry event. The business of the Nation was obfuscated. The necessary actions that need to be taken on important concerns of the Nation, like health care, like the economy, like the budget, like some 12 or 13 appropriations bills that need to be addressed, were not done.

There are hundreds of items upon which the committee and the Congress could well be using its time. Yesterday we could not because of willful, obfuscatory and mischievous behavior by Members of this institution. It is time to bring that to a stop.

MIRANDA RIGHTS FOR ENEMY COMBATANTS

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

Mr. POE of Texas. Mr. Speaker, the Justice Department has ordered Miranda rights to be read to terrorists captured on the battlefield. The administration is confusing constitutional rights of arrested criminal defendants in the United States with acts of war by terrorists against the United States in foreign lands.

Miranda rights ordered to be given by the Supreme Court do not apply to a group of people who have a worldwide mission to murder in the name of religion who are captured by our military in Afghanistan.

Never mind, sayeth the administration. Enemy war combatants must be told: ''You have the right to remain silent. You have the right to a lawyer. If you cannot afford a lawyer, we will provide one for you. And anything you say may be used against you.''

This new policy is misguided. Never in history have captured war combatants overseas been treated with such an overflow of privileges. They have been dealt with by our military, especially regarding interrogations.

But now I guess we are changing all that. But that ought not to be. I guess next we will have a whole battalion of lawyers going into the battlefield to tell our troops if and when they can shoot back. Have we gone a bit too far?

And that's just the way it is.

URGENT NEED TO FIX HEALTH CARE

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

Mr. HASTINGS of Florida. We urgently need to fix health care. Every day Americans worry not simply about getting well, but whether they can afford to get well. Millions more wonder if they can afford routine care to stay well.

Premiums have doubled over the last 9 years, three times faster than wages, and the average American family already pays an extra $1,000 in premiums every year for a broken system that supports 46 million or more uninsured Americans.

We have the most expensive health care system in the world. We spend almost 50 percent more per person on health care than the next most costly nation, but we are no healthier for it.

We need a uniquely American solution that builds on the best of what works—to foster competition among private plans and provide patients with quality care, ensure that every American child is covered, invest in prevention and wellness to help every American live longer and healthier lives, and ensure that doctors and nurses get the information they need to provide you with the best individualized care.

Never again will coverage be denied if you allow that we go forward with this plan. Never again will one have to make a life or job decision based on coverage. Never will anyone have to let your family suffer financial catastrophe or bankruptcy.

''No'' is not the answer.

LET'S USE OIL SHALE

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

Mr. LAMBORN. Mr. Speaker, energy prices are a vital concern to all Americans. As gasoline prices are edging up and as the economy is in a recession, we all need a policy of making energy affordable and available.

Oil shale is a promising source of energy for America's future. I am holding in my hand a piece of oil shale from western Colorado. My State, along with Wyoming and Utah, have an estimated quantity of 1 trillion, with a ''T,'' barrels of oil products within our oil shale.

Unfortunately, this administration put oil shale development on hold almost as soon as it took office. This is unfortunate, because we should not be importing oil products from the Middle East if we have it here at home. On top of that, the cap-and-tax policy that this administration is pushing will also drive up the cost of energy.

Mr. Speaker, let's have an energy plan that uses American energy without needless taxes and costs piled on.

CREATING COMPREHENSIVE HEALTH CARE REFORM FOR ALL AMERICANS

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

Ms. WASSERMAN SCHULTZ. 47 million. 47 million is an absolutely unacceptable number of Americans who go every single day without health insurance, who when they are sick can't afford to go to the doctor, which means that when they do have an ability to access the health care system, they have to wait until they are so sick that they use the emergency room as their primary access point, which makes health care astronomically more expensive.

When a child in America is 5 years old, American families don't have to wring their hands every day wondering how they are going to pay for a child's education, because it is universal. You go to kindergarten starting on the first day that you are 5 years old.

That doesn't happen in America when you turn 5 years old and it comes to health care. Parents all over America have to worry when their child gets sick whether they are going to be able to take their child to the doctor, is their problem going to get worse.

Parents and families in America have to worry about whether they are going to continue to have their coverage if they don't have a job. They have to worry about being able to get coverage when they are sick. Those are worries that are unacceptable in the most prosperous, most democratic nation in the world. We must find a solution and create comprehensive health care reform for all Americans.

□ 0915

TAX-AS-THEY-SPEND

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

Mr. WILSON of South Carolina. Mr. Speaker, Democrats have announced they plan to actually use pay-as-you-go budgetary rules. You may remember how House Democrats have often cited PAYGO, while simultaneously finding any and every opportunity to disregard it. The zeal to spend taxpayer dollars is just too much. This would account for the fact that since Democrats have assumed control of Congress, the annual budgets deficits have ballooned over 11 times, from $160 billion to $1.8 trillion.

It is clear that PAYGO, as proposed by our Democrat colleagues, is not so much about limiting the size of government as it is paying for a larger and more intrusive big government. This is entirely against the fiscal spirit of responsibility because it means Congress can continue to spend recklessly, as long as they find new and burdensome ways to tax more American families. Under this administration and their allies in Congress, pay-as-you-go should be more correctly called tax-as-they-spend.

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

HEALTH CARE REFORM

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

Mr. PALLONE. Mr. Speaker, today, the House leadership will unveil a uniquely American solution for health care reform. It will build upon existing programs like Medicare and Medicaid that will be improved significantly. It will say to employers that if you like the health insurance you're providing your employees, we want you to keep it, and we will certainly encourage more employers to provide health insurance for their employees.

But for those Americans who have no health insurance, or those Americans who have difficulty affording health insurance because they have to go out on the individual market, or have a small group plan that becomes very expensive, those individuals will be able to buy cheaper health insurance, much more low-cost health insurance through what the Federal Government would provide. There will be competition between public and private plans, and that will be our way of reducing costs. Because what this plan will do primarily is to reduce costs for most Americans and, at the same time, make sure that every American has health insurance.

I can't tell you how important that is. It is so important that every American know that they can have quality and affordable health insurance. It basically allows them to have peace of mind to not have to worry about whether they have one job or another, and this is what we're doing because we believe it's important for the average American.

INCREASED SPENDING FOR CONGRESS

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

Mr. JORDAN of Ohio. Mr. Speaker, last night the Democrat-controlled Congress decided to prohibit any amendment that would have reduced spending for today's legislation that funds Congress.

That's right. At a time when the American taxpayer, the American families, American small business owners are tightening their belts, the Democrat-controlled Congress would not allow any reduction in what it spends on itself.

This is an outrage. Families are tightening their belts; small business owners are tightening their belts; American taxpayers are tightening their belts. And this Congress wouldn't even allow an amendment to be made in order which would say, let's live on what we lived on last year. Let's not increase spending for the Congress of the United States.

Mr. Speaker, this is an outrage, and should not be tolerated.

PROVIDING FOR CONSIDERATION OF H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative McCarthy of New York or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

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

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlelady from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the resolution provides for consideration of H.R. 2918, the Legislative Branch Appropriations Act for 2010, under a structured rule.

Mr. Speaker, the Legislative Branch Appropriations Act provides $3.7 billion for key investments in the legislative branch, not including Senate-related items for fiscal year 2010, including funding for the Architect of the Capitol, the Congressional Budget Office, the Government Printing Office, the Capitol Police, and the Open World Program.

This bill provides a pragmatic and fiscally responsible approach to funding our legislative branch. Actually, spending is increased only by 7 percent, less than half of the 15 percent increase requested.

The funding provided in this legislation will help us do our jobs better and faster. It increases funding for the Congressional Budget Office by $1 million, making it easier for Members to obtain PAYGO analysis of their proposals, a vital service, given our need for responsible government spending.

This bill also allocates funds for a complete overhaul of the House of Representatives' antiquated voting system, which, after 33 years of good use, has become increasingly unreliable.

Further, this measure increases the Members Representational Allowance to ensure that we're able to adequately serve our districts, and increases our funding of standing and select committees by 3 percent to accommodate the increased legislative and oversight workload typically seen in the second session.

These funds will provide us with the resources necessary to carry out the sweeping legislative initiatives of President Obama and Democrats in Congress and to better retain our most experienced and talented staff.

In addition, this bill will also help protect and preserve the Capitol complex, both from physical decay, and from the security risks it obviously faces in this post-9/11 world.

It includes $60 million to establish a Historic Buildings Revitalization Trust Fund in order to more evenly spread out the cost of large-scale historic building projects within the Capitol complex, including the repair of the iconic Capitol dome and the revitalization of the 100-year-old Cannon House Building.

It also provides an increase in funding of 6 percent for the Capitol Police—and if I had my way, that would be more—who work day and night to ensure that the U.S. Capitol complex is secure for not only Members of Congress, but for our staffs and the millions of visitors that come through each year.

Finally, this appropriations bill helps make the work of the legislative branch more accessible to people throughout our Nation and across the globe.

I'm encouraged through this bill. The Appropriations Committee has helped to ensure that all visitors touring the U.S. Capitol have equal and adequate access, whether they be part of a tour led by our talented CVC tour guides or by our hardworking staff and interns.

Additionally, this bill increases funding by $40 million for the Library of Congress, an institution which not only provides a vital resource to Congress, but also preserves a universal collection of knowledge, history, and creativity for current and future generations.

$15 million of these funds will help modernize the Library's information technology infrastructure to make the library and its unique resources more widely available to Congress and the broader public.

Mr. Speaker, this Legislative Branch Appropriations bill strikes a pragmatic balance between the growing demands upon this Congress and the legislative branch, and the economic realities this Nation is facing.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Florida for yielding time for us to discuss the rule.

I yield myself such time as I may consume.

We have a situation here that partly was demonstrated yesterday in terms of the Republican concern on how we are going to do business in the House. Yesterday the Democrats made in order only one amendment which had been offered to this rule. Twenty total amendments were submitted, 14 by Republicans, four by Democrats, and two that were bipartisan. Two years ago, they made three of 23 amendments in order, which is three times as many as now.

Last year we didn't even consider appropriations bills on the floor, so maybe an argument could be made that that was even worse. And even though the Democrats were in charge last year, they blame Republicans for the fact that we couldn't deal with the appropriations bills on the floor and the fact that there was a Republican President.

But, in 2006, the last year Republicans were in the majority, we made all seven amendments submitted to the Rules Committee in order. That's the way it should be. We should be debating these bills on the floor.

Earlier, our colleague from Michigan implied that requiring debate and voting on issues before the House is dysfunctional. It is exactly what the people of this country have sent us here for. They want us to take positions on these issues and not hide behind them.

We keep wondering what the Democrats are afraid of. Why do they not want amendments on the floor? They have a majority, a fairly large majority, but they refuse to debate these issues.

I would now like to yield such time as he may consume to my colleague from Nevada, Mr. HELLER.

Mr. HELLER. Mr. Speaker, I rise in opposition to this rule and the underlying bill, which proposes a $300 million increase over last year for the operations of this House. That's a 6.3 increase at a time most Americans' budgets are shrinking. $51 million of this increase goes to Members Representational Allowances, or the MRA, which we all use for operating our offices and keeping in touch with our constituents.

Now, I'll be the first to tell you that my office could use an MRA increase. My district is 105,000 square miles. I fly several hundred thousand miles every year, I probably drive another 50,000 miles in my district. Traveling my largely rural district and staying in touch with thousands of Nevadans takes a significant amount of MRA funds. But I am always mindful of the fact that MRA funds are simply taxpayer dollars by another name, and I have a responsibility to use those funds wisely.

□ 0930

Many of my constituents and many of yours are making due with less than they had last year. As public servants, we have a responsibility to make similar sacrifices. Some counties in my district are facing 15 percent unemployment. Statewide unemployment is hovering around 11 percent, well above the national average of 9 percent. Nevada's current unemployment level is at the highest rate of joblessness since they began keeping track, or keeping record, in 1976. Our State budget crisis led the Nevada legislature to cut back services some 20 percent. Meanwhile, Nevada has been hit the hardest by the wave of foreclosures sweeping the United States.

Those lucky enough to have jobs are also making tough decisions. Moms and dads across the country are sitting around their kitchen tables, deciding what must be cut from their family budgets to ensure they can pay their bills and feed their children as the cost of living continues to skyrocket. Meanwhile, as a whole, our Nation faces an $11 trillion debt.

Last night, in spite of irresponsible journalism this morning by the Politico to the contrary, I offered an amendment to the Rules Committee that would simply retain the fiscal year 2009 funding level for the MRA. This amendment is simple. I believe it shows the Americans, who are figuring out their family budgets at their kitchen tables this morning, that they are not alone and that someone in Congress understands that these difficult times call for shared sacrifice.

We who have been given the honor of serving in this body must be part of the sacrifice, and that should start here in our offices, and it should start now. Unfortunately, my amendment was rejected by the Rules Committee.

I urge this body to reject this restrictive rule so that my amendment can come to the House floor. Give this Congress a chance to lead by example with commonsense fiscal responsibility.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. HOLT), with whom I serve on the Select Committee on Intelligence.

Mr. HOLT. I thank the gentleman from Florida.

Mr. Speaker, I am pleased this morning to speak about technology assessment as a tool for our legislative work. This bill funds the tools that allow us to do our best on behalf of the 300 million Americans.

Every issue that comes before us, virtually every issue, has some aspect of science and technology. Yet this Congress has not brought great credit to ourselves for our ability to deal with science and technology issues or to recognize emerging trends or the implications of technology. Fortunately, we do not have to reinvent a tool to help us in this.

Four decades ago, Congress created the Office of Technology Assessment, a congressional support agency with a professional staff. It produced reports that were noteworthy for their factual bases, for their balanced and impartial presentations, for their nonpartisan framing, and for their forward-looking perspectives. The OTA, as it was known, functioned well for 25 years.

It produced reports on such topics as retiring old cars, a program to save gasoline and to reduce emissions. That was in 1992. There were reports about bringing health care online, about electronic surveillance in the digital age, about impacts of antibiotic-resistant bacteria, and on and on. The OTA study of Alzheimer's, ''Losing a Million Minds,'' became the bible for Alzheimer's policy in America. The OTA study on Social Security computer systems resulted in changes, saving hundreds of millions of dollars. The OTA study on synfuels resulted in policy changes, saving far more money than was ever spent on the Office of Technology Assessment, itself. The OTA study on the use of genetic testing in the workplace, as a tool of discrimination and bias, laid the groundwork for the excellent legislation that Representative SLAUGHTER, the Chair of the Rules Committee, developed in the Genetic Nondiscrimination Act. An OTA report on the electronic delivery of Federal services led to the Food Stamp Fraud Reduction Act, and on and on.

In a fit of budget cutting, OTA's work was stopped 14 years ago with the

explanation that the work could be obtained elsewhere—from other government agencies, from other congressional agencies, from interest groups, from universities, from our friends back home, from some other sources. Well, we've done the experiment. It didn't work. We have not gotten what OTA provided in the 14 years since OTA stopped operations.

Stopping OTA's functioning was a stupendous act of false economy. We have not gotten the equivalent, useful, relevant work—not from think tanks, not from interest groups, not from our universities, and not from our friends back home. A former Member of Congress described stopping the funding for OTA as a congressional self-imposed lobotomy.

Mr. Speaker, we have the opportunity to provide ourselves this useful tool. Yet the rule before us today does not allow the funding of this agency. It could have been done. It could have been done for a pittance. When OTA was fully functioning, it was far less than a percent of the budget of the legislative branch.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. HOLT. If I may finish a point here.

So what are we missing?

Well, let me postulate that, if OTA had been functioning in recent years, we could have expected helpful, relevant reports on preparing for global pandemics. Congress might well have required that there be communications in mines, such as in the Sago Mine.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional minute in the hopes that he will yield to the gentlewoman from Florida at some point.

Mr. HOLT. We might have had communications in the mines, such as the Sago Mine, that would have allowed the miners to get out alive. I expect that we would have had better legislation dealing with corn-based ethanol. Through OTA studies, I believe that we would have recognized the overdependence of the financial sector on mathematical models.

We are missing out on a lot, Mr. Speaker. In my exasperation, I wonder why in the world Congress would deprive itself of this useful tool. I've decided that the very reason we need OTA—our discomfort with matters scientific and technological. Our inability to deal with such things is exactly what makes it difficult for us to recognize that we need it. I regret I have no time renaming to yield to the gentlelady for Florida.

Ms. FOXX. Mr. Speaker, we do need to fund adequately our offices; the Capitol Police, for whom I have the greatest respect; and the Library of Congress, a real jewel for our country. As my colleague from Nevada said, American families are hurting, and we have been increasing spending by 16 percent in this area over the past 2 years. Here are the problems that we are facing in this country right now, which the American people are beginning to truly understand.

We will have a $2 trillion deficit for fiscal year 2009. The second tranche of the TARP was allowed to be spent, which was $350 billion. The stimulus package, which was H.R. 1, was $787 billion, which was really over $1 trillion with the debt cost. There was the omnibus bill, which was $409 billion. That was the bill that funded appropriations for this year, which the Democrats said they couldn't pass last year in individual appropriations bills even though they were in charge of the Congress. The budget increased total spending to $4 trillion in 2009, or 28 percent of the GDP, the highest Federal spending as a percentage of the GDP since World War II. Now we have this additional increase which they're asking for.

Federal spending is out of control. We have got to put a stop to this somewhere. The day before yesterday, Republicans offered 94 amendments in the Rules Committee, which were designed to cut Federal spending, but we couldn't deal with that. The Democrats cut off debate because they said it was going to take too much time to deal with this. Apparently, Democrats can't spend the American people's money fast enough. Republicans think it's time that Congress started practicing fiscal discipline. This is a good place to start.

I would now like to yield such time as he may consume to my colleague from Iowa, Mr. KING.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding to me and for her stalwart representation on the Rules Committee of her constituents and of all Americans.

It is a difficult place to serve when you find yourself outvoted almost 2–1 and when you're back in a corner of a room, up on the third floor, where the press seldom goes, where the cameras almost never are, where behaviors that are not consistent with the balance of the committees on this Hill are common, and where the rights and the franchises of the elected Members of this Congress are diminished significantly by the most recent behaviors, over the last 2½ years, of the Rules Committee. This is where this Congress is controlled.

I rise in opposition to this rule. I rise in opposition to rule after rule that comes out of that little room up there on the third floor. For example, there was the previous bill, Justice appropriations, the one that the gentlelady mentioned. Out of all of the amendments that were offered, Republicans, I believe, were offering 94 amendments. I recall that the Rules Committee wrote a rule. It was unprecedented. It wasn't an open rule for appropriations the way we thought we might get back to.

Even though Democrats were afraid to have appropriations votes in 2008, we did have some in 2007. We have always fought this through. We'll stay late at night if we need to. Leadership can get together if it gets too long and if we can't get our business done, and we can negotiate unanimous consent agreements. That didn't happen. I've been what I thought was a victim of negotiated unanimous consent agreements that were struck quickly, where the bargain was met before we really got a chance to catch up with what it all was, but that was at least leadership coming together, compromising, negotiating and agreeing.

This was the Rules Committee, I suspect directed from above, that had written a modified open rule that required us all to print our amendments into the RECORD. Once those amendments were printed, then, of course, the other side of the aisle had the opportunity to read through all of the amendments and to understand the strategy of the Republicans. Then, having written the rule to produce a certain result, they decided it probably would not produce the result that they'd intended, so they shut down debate after the very first Republican amendment, 20-some minutes into that debate, and they went back to the Rules Committee.

I sat there until nearly 1 o'clock in the morning with a number of my colleagues who had offered constructive amendments, amendments that were designed to perfect this legislation. I saw Member after Member have to ask the Rules Committee, Will you please make my amendment in order so that my constituents can be heard? They didn't say it, but it was also so that the American people could understand the shenanigans that had been going on here. We were afraid to say that because they were afraid that their amendments wouldn't be made in order. I watched that parade in front of the Rules Committee, and I will tell you it's unprecedented that Members of Congress are reduced to having to beg, in a little room on the third floor, to be heard.

Each of us has a franchise: 1/435 of the United States of America is embodied in each one of us. Speaker PELOSI said—I believe the date was June 14, 2006—that every Member has a right to be heard and, on a different date, that this would be the most open Congress in history.

□ 0945

Well, it's anything but that. It's becoming more and more closed—even to the point where we lose the right to offer a motion to rise or adjourn, the right to offer an amendment on an appropriations bill.

And so I had offered six amendments up there. I didn't ask the Rules Committee to make my amendments in order; they had already made my amendments in order. Every single one of them complied with the rule that was written and had been made in order. But when the majority understood that they were going to have to take some votes, some tougher votes on some subject matter that they had been ducking from, then they changed the rules.

I just said, Keep your word. You set the standards to begin with. We all met those standards. And then you made our amendments in order. We shouldn't have had to do that. It should have been an open rule to allow any Member to offer an amendment down here at the well unless that title of the bill had passed. That's the standard that's here. That's what the Founding Fathers imagined and envisioned. But we get anything but that.

And so, this Congress doesn't get to debate on important topics. We have to have a motion to recommit in order to discuss the issue of giving Miranda rights to enemy combatants in foreign continents. That's what it takes. And that little window will be closed, too, if it makes the majority uncomfortable.

We don't get to debate on the very critical national security issue, Mr. Speaker, of the Speaker of the House declaring the CIA to be a group of felonious liars and having lied to the Congress of the United States of America and then stated that she's going up to receive briefings after this.

The United States of America's national security has got to be put at risk when the person third in line for the Presidency declares our intelligence community to be lying to Congress. Decisions get made, on this floor, in committee, behind the scenes—sometimes by staff—based upon the allegations made by the Speaker. The staff wants to please the Speaker. The Speaker is ducking this issue. We need to have a vote, and I offered an amendment to get a vote on the CIA. We aren't going to get that vote because the Rules Committee shut it down.

I offered an amendment that would also clean up some of this—amendment No. 2 increases and decreases standing committee by $1 million—so that we can broadcast the activities in the Rules Committee. When you go into a committee and you realize that you're sitting in front of a camera, it causes people to have a little better demeanor, and the decisions are there accountable to the public and some of that actually ends up on YouTube. But the Rules Committee doesn't have that. The room is too small and it's too secret what goes on up there.

We need a big room for the Rules Committee because that's where the decisions are made in the United States Congress today, Mr. Speaker. So I offered an amendment to do that.

As I moved through this process—and by the way, not only the criticism of the intelligence community came from the Speaker but now she's taken on the Congressional Budget Office and said, Well, no, they're the most pessimistic group that there are. We always overestimate things that work against us.

Well, if you challenge the integrity of the Congressional Budget Office, it isn't long before you have intimidation of the Congressional Budget Office. When you challenge the CIA and you control their purse strings, it isn't long before you have intimidation of the CIA. You don't get the same information if you have a trust relationship going on.

And by the way, the legislation, the appropriation that passed last night was managed by an appropriations subcommittee chair that by all the news reports is under investigation, and he received the gavel from the Speaker of the House. She knew he was under investigation, and 2 years ago he recused himself from the discussions. But we've not heard any announcement as to that investigation being lifted or any of the subpoenas that may have been served have been withdrawn or that had been shut down. There was no announcement whatsoever.

How can we have confidence in this Congress if the Speaker declares the intelligence community to be lying to Congress, if the Rules Committee shuts down the debate, if this House is recessed in the middle of important business, if an impeachment of a judge is shut down so you can go raise money, or if the chairman of the subcommittee who is managing the funding for the FBI, is being investigated by the FBI? This Congress has a long way to go to get where they're going.

I would just conclude with this, Mr. Speaker. I'm going to paraphrase Joe Welch, Let us not assassinate this process further. You've done enough. Have you no sense of decency at long last? Have you no sense of decency left?

Mr. HASTINGS of Florida. Mr. Speaker, after that speaker, I find it necessary to correct him with regard to a portion of his screed.

Please know that in the process that he referenced one of our Members, who is a subcommittee Chair of Appropriations, the committee Chair, Mr. OBEY, handled the matter, when the Member referred to by the previous speaker recused himself. And on the floor, when the matter was brought here, the committee Chair handled that matter.

Now, I heard that gentleman talk about shenanigans. Let me tell you something, Mr. Speaker. What happened in the House of Representatives yesterday—and I've only been here 17 years—but the dean of the House of Representatives, Mr. DINGELL, was down here this morning for a 1-minute and spoke of the disgrace that took place yesterday. And someone would come in here and talk about shenanigans? What was that yesterday? How could we possibly have gotten about the business of dealing with the Nation's business when repeatedly what we saw was people coming in here delaying the process?

I have been here 17 years. We cast 54 votes yesterday. We spent more time casting votes on nonsense than we did on any substance that was being sought.

Now enough already. People have a right to their views. They have a right to their political shots. But the Rules Committee operates this body. And if they want the business of the American people done, then they wouldn't conduct the kind of shenanigans that they conducted yesterday.

I'm very pleased to yield 2 minutes to the distinguished gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the chairwoman of the Legislative Branch Subcommittee, which I thought was what we were here to talk about.

Ms. WASSERMAN SCHULTZ. Thank you to the gentleman from Florida, my good friend, Mr. HASTINGS. I appreciate that.

It is important that we get back to the business at hand, and I simply wanted to address the gentleman from New Jersey's remark about the Office of Technology Assessment, which is an important agency of the legislative branch that remains authorized in the U.S. statutes, but that currently does not receive funding. Especially given the age of technology and the advent of scientific progress that we are in the 21st century, I think it is incredibly important that we begin to reestablish or explore reestablishing that legislative branch agency, and I look forward to working with the gentleman and with my colleague, Mr. ADERHOLT, the ranking member, and Mr. WAMP and a number of other bipartisan members that are interested in doing that over the course of the next year.

Mr. HOLT. Would the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I'd be happy to yield.

Mr. HOLT. I appreciate the gentlelady's use of the word ''bipartisan.'' In fact, the amendment that we had hoped would be made in order today was brought forward by three Republicans and me, a Democrat.

This is an agency that would benefit all in Congress. It has the support of many on both sides of the aisle.

I thank the gentlelady.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, just to point out for the Members, we do have $2.5 million that we have carried in the legislative branch bills for the last 2 fiscal years. It is there in the GAO for technology assessments. But we do recognize that

the gentleman and many other Members on both sides of the aisle believe that it would be far better and more effective if we conduct those assessments with a staffed agency of experts and bring in the expertise that the Congress currently lacks.

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to our colleague from Arizona, Mr. FLAKE.

Mr. FLAKE. I thank the gentlelady for yielding.

I, too, went to the Rules Committee to testify last night to try to have an amendment ruled in order, an amendment that was germane; there was no problem with its relevance to the bill. It was not dilatory, it wasn't seeking to delay anything. It was to address a very real problem that we have.

The problem that we have, Mr. Speaker, is that we have, that we know of, a number of investigations from the Justice Department going on right now examining the relationship between earmarks and campaign contributions. They're looking at the process of circular fundraising where Members of Congress will secure earmarks, or in other words, no-bid contracts for their campaign contributors. The money goes out, taxpayer money, campaign money comes back in.

Now, whether we want to admit it or not, the Justice Department is looking at this. We can talk until we're blue in the face, say there is no quid pro quo here. We're giving earmarks to those that we think need them. These no-bid contracts are going to companies that really need them. And whether or not they turned around and individuals from that organization or the lobbyists that represent them, if they contribute tens of thousands or hundreds of thousands of dollars back to my campaign committee, that's okay because it's not a quid pro quo. Whether we say that until we're blue in the face doesn't change the fact that the Justice Department seems to feel differently, and they're conducting investigations.

Now I think we do feel differently because just a few weeks ago, we authorized or instructed our own Ethics Committee to reveal whether or not they were conducting an investigation that essentially looks into the relationship between earmarks and campaign contributions. They have since indicated that they are.

So now we have the Justice Department looking into the relationship between earmarks and campaign contributions. We have our own Ethics Committee looking into that relationship, and yet we have, Mr. Speaker, our own Ethics Committee still issuing guidance to the Members of this body that campaign contributions do not constitute financial interest. In other words, whether or not you can contribute or give an earmark to a company, that company's executives and their lobbyists can turn around and give you campaign contributions the next day or the day before. That's okay according to guidance coming from our own Ethics Committee—the same Ethics Committee that is investigating the relationship between earmarks and campaign contributions.

The purpose of the Ethics Committee, Mr. Speaker, is to ensure that the dignity of this House is maintained, that we rise above it all, that we have a standard that is perhaps higher than perhaps others have. We should have a standard that's higher than whether or not Members can be indicted or convicted over behavior that takes place here. Yet, we're allowing the Ethics Committee to issue guidance that says, It's okay. That, Mr. Speaker, is wrong.

What this amendment would have done is said that no money could be spent in the bill to implement that guidance. I can't think of many more pressing issues in this House than that. It's germane. There is no reason that it couldn't be brought up and be part of the amendments that were offered today, but the Rules Committee said ''no'' for no other reason than they didn't want to stop the practice.

We have come to rely on earmarking to raise money around here. That's the bottom line. And we can't continue it if we're going to uphold the dignity of this body.

Mr. Speaker, at some point we will decouple the relationship between earmarks and campaign contributions. We have to. I just hope that we do it sooner rather than later and not have to wait to uphold the dignity of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I would inquire of my friend from North Carolina if she has any additional speakers. I will be our last speaker.

Ms. FOXX. We do have additional speakers.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Ms. FOXX. I now would like to yield 5 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather Community, North Carolina, for yielding me the time, and I appreciate her service on the House Rules Committee.

It is absolutely true. We could move the appropriations process through the House of Representatives much more easily if the minority party didn't exist. If we weren't here creating what my friend from Fort Lauderdale has called ''shenanigans'' or using terms like that, we could move this process along very easily.

□ 1000

Unfortunately, the minority party, the group that represents almost half the American people, is being treated as if they don't exist. And this rule is a perfect example of just that, Mr. Speaker.

I know that people are saying that yesterday was a history-making day because there were more recorded votes on the floor of the House than have ever been held in modern history. But the real history that was made yesterday was the fact that we saw the volume that was put forward in the 108th Congress by the now-Chair of the Committee on Rules, Ms. SLAUGHTER, described as the ''death of deliberative democracy,'' actually implemented here for the first time in the 220-year history of the United States of America. For the first time ever we saw a process begun which is in fact creating a scenario where the majority is ignoring the minority and doing what the American people do not want.

I do not believe that the American people want us to continue down the road towards a dramatic increase in Federal spending. People want to get the economy back on track, people want to make sure that their jobs aren't lost, but they're really wondering whether or not the way to do that is to have a huge increase in Federal spending, and yet that's exactly what is happening. And this rule is a perfect example of that.

Now, I was harshly criticized by Members of the now-majority when I had the privilege of chairing the House Rules Committee. But I will tell you the last time that I chaired the House Rules Committee there were seven amendments to the Legislative Branch Appropriations bills submitted to the Rules Committee, and I was pleased that I could make every single one of those in order. Every single amendment that was submitted was made in order. And as has been pointed out, 20 amendments were submitted to the Rules Committee for the Legislative Branch Appropriations bill, and only one amendment was made in order. And guess what, Mr. Speaker? Not one single amendment was made in order that would do what the American people want us to do and, that is, to reduce the size, scope, and reach of the Federal Government.

A 16 percent increase in the level of spending under this Legislative Branch Appropriations bill—and we all recognize that the need for Capitol Police and staff and oversight of the executive branch are all critically important things—but our colleague from Georgia (Mr. BROUN) offered an amendment that would simply provide a one-half of 1 percent reduction—one-half of 1 percent reduction—and yet the majority chose not to make even that amendment in order. Yes, there were larger proposals for cuts. And we know there is a tendency on this bill—that's why we've had a bipartisan agreement that this is the one of the 12 appropriations bills that we do have a structured rule on—but with a 16 percent increase in

the bill, to not allow the House to work its will and have a chance for even a one-half of 1 percent reduction in that rate of growth, that's not what the American people want. That's not what the American people want.

And so the death of deliberative democracy was the history that was made yesterday, Mr. Speaker, because this is, in fact, the first time that this kind action has been taken and, unfortunately, it has begun a pattern. It's begun a pattern.

As I listened to my friend from Iowa (Mr. KING) refer to the fact that he was victimized by the bipartisan leadership when we in fact had said to him that we wanted to come to a time agreement on consideration of appropriations bills, it is evidence that we can at the leadership level—maybe not every rank-and-file Member—but that the leadership level worked together.

That is why I am very happy to see my very good friend from Wisconsin, the distinguished Chair of the Committee on Appropriations, here. And I would ask my friend, the distinguished Chair of the Committee on Appropriations, Mr. OBEY, whether or not he believes that we could in fact come to some kind of agreement if we were to proceed with the appropriations process under an open rule. And I would be happy to yield to the distinguished Chair of the Committee on Appropriations, Mr. OBEY, if he would engage with me on this.

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

Mr. HASTINGS of Florida. The gentleman's time has expired, but I can answer what he asked, and I can also tell him I don't have time to yield.

We began in the Rules Committee with me asking the previous speaker whether or not his side had offered a time agreement. He looked at me as if I was talking about something that was foreign.

What I knew, and what I believe the leadership knew on both sides of the aisle, was that for a protracted period of time the distinguished chairman of the Appropriations Committee and the majority leader have been meeting with their counterparts in the minority with reference to time agreements.

Now, I sat here when that bill began its debate and the first question out of Mr. OBEY's mouth to Mr. LEWIS, the distinguished ranking member of the committee, the first question out of his mouth was whether or not they were going to be able to get a time agreement, and Mr. LEWIS' reply was that he could not give that assurance. So for somebody to come down here and talk about whether or not the Democrats tried to get a time agreement and then to spend time yesterday agreeing on nothing and accepting no more than foolishness on the House of Representatives, whether it was history making or not, is just plain absurdity.

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

Ms. FOXX. Mr. Speaker, I would yield 1 minute to the distinguished ranking member from California, Mr. DREIER.

Mr. DREIER. I thank the gentlewoman for yielding.

I would like to yield to my friend from Florida to say to him that what I was proposing that bill-by-bill we begin with a process, as has been done for the decades that I've been privileged to serve here, and make an attempt to work together to bring about some kind of agreement. No attempt was made to do that. The request was unprecedented in that it was a sweeping request made at the beginning of the appropriations process before we had even come to the floor and started working on this.

I would be happy to yield to my friend to respond to that.

Mr. HASTINGS of Florida. Most assuredly.

I would ask that you and I look at the RECORD when these proceedings conclude. And I can assure you that what Mr. OBEY asked Mr. LEWIS was whether or not they could get a time agreement. I was sitting here——

Mr. DREIER. If I could reclaim my time, Mr. Speaker, let me just say, having participated in this process in the past, agreements are worked out, as Mr. KING said, between the two leaderships. And if we begin with the work of an appropriations bill and Members are in fact offering dilatory amendments, there is an effort made at the leadership level to bring about an agreement at that time. The notion of trying to impose that constraint before the process has even begun is wrong and it is unprecedented and it has been part of what has killed deliberative democracy under the leadership of this majority.

Ms. FOXX. Mr. Speaker, I want to point out that I have been told that when he was ranking member, Mr. OBEY would never agree to a time agreement before a consideration of a bill.

Now, Mr. Speaker, we are nearing the end of the time of debate on this rule. I think we have had some very important issues brought forward by my distinguished colleagues who have come to share this debate this morning.

This is a bad rule because it does not allow for amendments to be offered on the floor for people to work their will here.

I do want to correct a couple of things that were said earlier this morning by my colleagues in terms of uninsured Americans. I think we have to do this every single time it's brought up.

My distinguished colleague from Florida said this earlier: there are 47 million uninsured Americans. There are not. Despite those claims—and I am quoting from ''Crisis of the Uninsured: 2008'' by the National Center for Policy Analysis—we have 12 million illegal aliens here. We have 14 million uninsured adults and children who are qualified for programs but have not enrolled. We have 18 million people who are uninsured who live in households with annual incomes above $50,000 who could afford it. We have 18 million who are uninsured, but most of them are healthy and don't need it. Eighty-five percent of U.S. residents are privately insured and enrolled in a government health program. Therefore, 95 percent of U.S. residents have health coverage or access to it, and the remaining 5 percent live in households that earn less than $50,000 annually. That is about 7 million people.

I am getting so tired of hearing these misstatements made all the time. It's day after day after day that we keep getting these figures put out that are wrong.

But let's go back to this bill and to what's in this bill that we find really egregious. I am going to urge my colleagues to vote ''no'' on the rule and ''no'' on the bill because we have in here $9 million for the Open World Leadership Center Trust Fund. That's just one of the items that's in here that we don't need to be funding. It would be great to be able to have better relations with young people in other countries who come here; but, again, the American people are hurting.

The Republicans are on the side of the American people who are hurting here. We want to slow down the spending. There is a statement that came out yesterday about the difficulty we're having in selling bonds and the amount that we're selling. We are going into debt greater and greater in this country, and yet the Democrats seem to see no end to spending. They can't spend the American people's money fast enough.

There is money in here to do studies on demonstration projects to save energy. You know what? I look around this place every night; we can save lots of money on energy by just turning out the lights. The lights are left on all over the Capitol complex. We don't need to spend millions of dollars on studying what we can do to save energy. Just use common sense and cut down on the use of the energy that we have now. We're going to be wasting a huge amount of money.

Yesterday, the Treasury announced a record $104 billion worth of bond auctions for next week, part of its Herculean efforts to finance the rescue of the world's largest economy. This was in the news today. It will exceed the previous record of $101 billion set in auctions that took place in the last week of April.

We are spending our country more and more into debt. And why are we pushing things through? Why are we

not allowing amendments? Because the chairman of the Appropriations Committee says we have to stick to his timetable. And yet, since the beginning of May, what have we dealt with here? We've had over 101 suspension bills, things like recognizing the Winston Churchill Memorial Library in Fulton, Missouri, as American's National Churchill Museum. Really important work——

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

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote ''no.''

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 13¾ minutes remaining.

Mr. HASTINGS of Florida. I shall not use all that time, but I do yield myself such time as I may require.

Mr. Speaker, I've heard so much revisionist history put forward here, not the least of which just came from the distinguished colleague of mine from North Carolina, with reference to previous periods having to do with whether or not the minority requested time agreements.

One thing I've done since I've been in the House of Representatives is spend a lot of time on the floor of the House of Representatives. And that isn't looking to cause any praise to be directed to me. It became, over time, a part of my responsibilities that I assigned to myself to kind of know what was going on in this institution.

During that same period of time when Mr. OBEY was the ranking member of the Appropriations Committee, I have been on this floor when Mr. OBEY has requested time agreements when a bill is in progress and have participated in the discussions regarding it when the majority said no. So to come here and say that you always allowed for time agreements is just simply not the case.

The other thing that is ignored is the fact that the majority and the minority meet with regularity. I rather suspect that what's going on here, with nobody having said a word to me about it, is that there has been a little bit of a strategy by my friends on the other side to ensure, among other things, that they will slow down the process and that we will not be able to get the business of the people done. The greatest evidence of that was the transpiration of events here yesterday.

Now, another gentleman here spoke, my friend from Iowa, with reference to the Rules Committee being upstairs in a small place. That's where it was when I got here, that's where it is now, and I rather suspect when he and I leave, that's where it will be. But to suggest that the media does not cover the Rules Committee evidently ignores the fact that everything that we say is transcribed by these people that are reporters, who we overwork and abuse well on into nights when we could have been saving taxpayers money by letting them get about their business and all of the staff related around here that this legislative branch is about. All of what we do is recorded.

□ 1015

In addition to that, no reporter is refused to be there, and C–SPAN often chooses to cover the Rules Committee dependent upon whether or not there is a matter of substance that they would want to cover.

Now, my friends on the other side have had 12 years of rulemaking. I served on the Rules Committee in the minority a lot of that time. During that period of time, you didn't regulate financial services. You didn't provide a sensible health care plan. You didn't give our children what was needed. You said what you were going to do is leave no child behind. And you did not only leave children behind; in certain places in this country you lost them and couldn't find them. Our parks, our environment deteriorated and were plundered and abused and used in a way that was beyond the pale, and yet we come in here and talk about spending.

What would you say to all of the people that work in a bank that got saved? They're Americans. What would you say to all of the people in the financial services and on Wall Street that found themselves employed? They're Americans. What would you say to the automobile industry employees and their directors that have their limited jobs saved and too many gone because of mistakes that were made by government and industry? What would you say to those working people? They're Americans.

You're telling me that when we spend money, we are not spending that money in a way that's helping America. What do you say to your communities like mine that are finding themselves in the position of having to cut services with regularity and it usually starts with the poor and the disabled? They're Americans.

And somewhere along the line, I would ask you the question, what would you have this President that's been in office now nearly 5 months not do? Would you have him not do health care? Would you have him not do anything about climate change? Would you have him not do anything about the fact that you didn't regulate the industries that needed to be regulated appropriately during the time that you were in the majority?

Mr. Speaker, the resolution that we are here on provides for consideration of the legislative branch appropriations. We've heard the measures, and all will be able to see that this bill provides a pragmatic and fiscally responsible approach to funding this legislative branch.

Footnote right there: the fine young people that work with us. When I came here I was permitted, as every Member, to have 18 full-time staffers, and I haven't always had 18 full-time staffers. But from 1992 until now, it's been that many staffers with an increase in the workload. Now, some of you all don't pay these young people well enough and you know it, and you need to pay attention to that. And if you do get an increase, give it to the children that work with you and you might have a better-run office.

The funding provided in this legislation will help us do our jobs better, faster, and it increases funding for the Congressional Budget Office that we continue to use, rightly so. Particularly, the pay-goers need their analysis done.

Mr. Speaker, I will stop now by saying that this appropriations bill helps make the work of the legislative branch more accessible to people throughout our Nation and the globe. I'm encouraged that through the bill, the Appropriations Committee has helped to ensure that all visitors touring this Capitol have equal and adequate access to this facility.

With that in mind, I just urge my friends to remember that while they are making up their history, there are some of us that remember it well, and I can assure you that the things that I have said can be documented from that record.

I would hope that we would know that this bill honors our history and prepares us for the future. It invests in the preservation and protection of the Capitol complex and makes more efficient, more accessible the opportunities for the people that we serve.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks in debate are properly directed to the Chair and not to others in the second person.

The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

AUTHORIZING SPEAKER TO ENTERTAIN MOTION TO SUSPEND THE RULES ON TODAY

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that it may be in order today for the Speaker to entertain a motion that the House suspend

the rules and adopt House Resolution 560.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR IRANIANS WHO EMBRACE DEMOCRACY

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 560) expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 560

Resolved, That the House of Representatives—

(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law;

(2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and

(3) affirms the universality of individual rights and the importance of democratic and fair elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Every day since Iran's election, the streets of Tehran have been filled with demonstrators, and each day this past week the number seems to be growing. Even state-run media in Iran has put the number of demonstrators in Tehran at ''hundreds of thousands.'' One British newspaper reports that there were a million demonstrators in Tehran yesterday.

What do these demonstrators want? Are they simply in favor of the candidate Mir Hossein Mousavi? Or are they making a more profound statement about the Iranian regime?

Nobody knows exactly. We do know one thing, though: The demonstrators feel their intelligence was insulted and their dignity assaulted by the high-handed manner in which the results of the June 12 election were handled. They want justice. This morning the Supreme Leader offered none.

It is not for us to decide who should run Iran, much less determine the real winner of the June 12 election, but we must reaffirm our strong belief that the Iranian people have a fundamental right to express their views about the future of their country freely and without intimidation.

The Iranian regime is clearly embarrassed by the demonstrations and has not shrunk from using violence to stop them. At least eight demonstrators, and quite likely a number more, have been killed, and hundreds have been injured. The regime has also tried to ban media coverage of the demonstrations. Foreign journalists are consigned to their homes and offices. Several have been expelled from the country. Cell phone coverage has been frequently blocked in order to limit communication among the protesters, and the regime has interfered with the Internet and taken down many opposition Web sites.

We cannot stand silent in the face of this assault on human freedom and dignity. I repeat that we have no interest in interfering in Iran's internal affairs. That era has ended. This resolution affirms the ''universality of individual rights'' as well as ''the importance of democratic and fair elections.'' Beyond that, it simply expresses its solidarity with ''Iranian citizens who embrace the values of freedom, human rights, civil liberties, and the rule of law.'' I don't know how many of the demonstrators fall into that category, but I do know that many of them do.

This resolution also condemns the bloody suppression of freedom. It is not a judgment on who won the Iranian elections; it is an acknowledgment that we cannot remain silent when cherished universal principles are under attack.

Mr. Speaker, I want to just offer my appreciation to our ranking member and to the gentleman from Indiana for working together on a resolution which puts the House of Representatives on the side of the people of Iran, and with that, I ask my colleagues to join me in supporting this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start out thanking our esteemed and distinguished chairman of our Foreign Affairs Committee, Mr. BERMAN, for working with us in a bipartisan manner, reaching out to our side to bring this timely resolution to the floor. I especially want to thank our Republican Conference Chair and a great member of our Foreign Affairs Committee, Mr. PENCE, who authored this legislation.

I rise in strong support of the fundamental, universal human rights and civil liberties to which the Iranian people are entitled. For 30 years, these rights and freedoms have been denied again and again by an oppressive Iranian regime which uses a sham process with candidates handpicked by the ruling apparatus to create the illusion of political participation.

There was no election in Iran this year. There has been no election, no democracy in Iran for decades. The candidates and the winners were again picked in advance by the regime. Real reform, real democracy were never an option. This repressive regime relies on so-called elections to provide a veneer of legitimacy, but that facade has been shattered by the protests taking place in Iran this week. The brutal nature of the Iranian regime is well-documented.

On Tuesday, I had the honor of attending, with Secretary of State Hillary Clinton, the release of the State Department's annual Trafficking in Persons Report, which again cited Iran as a Tier 3 country, among the worst, as the regime that does little, if anything, to prevent men, women, and children from being trafficked for sexual exploitation and involuntary servitude, slavery. Likewise, as the State Department's human rights report for 2008 noted: ''Iran's poor human rights record worsened and it continued to commit numerous serious abuses. The government severely limited citizens' right to change their government peacefully through free and fair elections. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities.''

It is a pattern for decades. So we must look beyond the past week, which was only the most recent demonstration of the regime's brutality and authoritarianism.

But the Iranian regime is not just a threat to its own people. We cannot afford to lose sight of the threat that it presents to our own national security interests and, indeed, to global peace and security. Iran draws even closer to crossing that nuclear point of no return. Admiral Mike Mullen, the Chairman of our Joint Chiefs of Staff, has stated that Iran has likely enriched enough uranium to make an atomic bomb. International inspectors also report that Iran has enough low-enriched uranium to achieve nuclear weapons breakout capabilities and that issues about possible military dimensions to Iran's nuclear program remain unresolved. Yet Iran is allowed to continue its nuclear pursuit virtually unchallenged.

Additionally, Iran continues to develop chemical and biological weapons

and ballistic missiles while arming and bankrolling violent Islamic extremists worldwide. We must bear this in mind when we determine what is the appropriate response to the Iranian regime's policies and actions.

But today, Mr. Speaker, we must focus on the hopes of the individual Iranians who have been robbed of a better future for almost 30 years by a regime which only promises nothing but misery and malaise. Now is the time for all responsible nations to stand foresquare with the people of Iran as they seek freedom, as they seek true self-governance at home, as well as to live at peace with the world.

□ 1030

We must send a clear signal today to the Iranian regime and all of its proxies and affiliates that free nations will not tolerate further efforts to silence the voice of the Iranian people through violence and coercion.

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

Mr. BERMAN. Mr. Speaker, I yield myself 1 minute.

My friend, the ranking member, correctly cited a whole series of very important issues that we and the United States has with the Government of Iran; and she is correct. Just this quick note about what the gentlelady from Florida pointed out at the end of her comments. The reason I worked to bring this resolution up—this resolution is not about a recitation of all those issues. It's about an affirmation of something that this House of Representatives has done in places all over the world, whether it is in Tibet or in Cuba or in Eastern Europe or in the Middle East or any other region, to reaffirm our commitment to stand for certain fundamental universal principles involving human rights, participatory democracy and the affirmation of the rights of the people of any country. Today it's about the people of Iran.

With that, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have an impressive lineup of speakers on our side. I would like to start by yielding 5 minutes to the gentleman from Indiana (Mr. PENCE), the author of the bill, Republican Conference Chair and an esteemed member of our Committee on Foreign Affairs.

Mr. PENCE. I thank the gentlelady for yielding.

I rise with a great sense of humility and a great sense of moment before this body but also a great sense of gratitude to the ranking member for her extraordinary leadership in bringing this resolution to the floor, a resolution which, as the chairman of the committee just stated quite eloquently, will give the American people, through their elected representatives, a clear opportunity on this day, after a week of violence and tumult in the nation of Iran, to express the American people's support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties and the rule of law.

I am especially grateful for the leadership and the spirit brought to this legislation by Chairman HOWARD BERMAN, with whom I don't agree on very much; but I am grateful that he demonstrates today a public mindedness that I think is in keeping with the best traditions of this institution.

Ronald Reagan would say in 1964, ''You and I are told increasingly that we have to choose between a left or right, but I would like to suggest that there is no such thing as a left or right. There is only an up or down: up to a man's age-old dream, the ultimate in individual freedom consistent with law and order or down to the ant heap of totalitarianism.''

Today the leadership of Chairman HOWARD BERMAN demonstrates that on the issue of speaking a word of encouragement to those who would stand with extraordinary valor for their own liberty, there is no left or right in this body. It has been, as has been stated before, an extraordinary week in the life of the nation of Iran. On 12 June, just one week ago, from the very moment that the presidential election results were announced, the international community and the international press called the results into question. Chief among the reasons for that was that even before the extraordinary demonstrations had begun, millions of paper ballots had apparently been tallied and counted within a matter of hours. The official government results of the election were met with public consternation among the people of Iran; and while the defeated candidate launched a legal appeal, as the western media has reported, what has ensued on the streets of Iran has been the biggest demonstration in the Islamic Republic's 30-year history. And most sad, following that election day, the actions by the government and militias that support the government have turned to violence. Pro-government forces have attacked demonstrators over the past week, causing fatalities, resulting in the arrest of dissidents. We have heard of foreign reporters prevented from making their way into the public. We've heard of the jamming of electronic communications. For all the world, we may well be witnessing a Tiananmen in Teheran.

It seems to me that in this moment, the people of the United States of America long to be heard; and by dint of House Resolution 560 today through their elected representatives, the American people will have had that opportunity. This resolution simply states that it is resolved that the House of Representatives expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties and rule of law. It also condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing suppression of independent electronic communication through interference with the Internet and cell phones. And lastly, it affirms the universality of individual rights and the importance of democratic and fair elections.

I have said many times this week, and it has been echoed by my colleagues, like the Republican Whip ERIC CANTOR, that the cause of America is freedom; and in this cause, the American people will not be silent. There is no intention here to pick sides in the Iranian election. There is an intention here, in a true spirit of bipartisanship, to allow the American people to be on the side of liberty and to be on the side of freedom. I urge my colleagues to join us in supporting this legislation because the voice of the American people has before and, I believe in my heart of hearts, will again make a difference in the advancement of human liberty in the world. I urge its support.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to my dear friend, a member of the Foreign Affairs Committee, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding and for his steady leadership on this and so many other issues, the ranking member ILEANA ROS-LEHTINEN, and I thank the gentleman from Indiana (Mr. PENCE) for his leadership on this and so many other Middle East-related issues as well.

Mr. Speaker, I rise in strong support of this resolution and in support of the people of Iran whose voices deserve to be heard in a free, open and democratic way. We are not here today to discuss the outcome of this election or involve the United States in the internal politics of Iran. The American people, through their elected representatives, are here today to stand with the people of Iran and people all over the world who yearn to express their opinions and to exercise their right to free speech and fair elections.

It takes an enormous amount of courage to stand up to your government in a repressive society, and the American people applaud those heroes who face intimidation and oppression for expressing their views. I am personally in awe of the Iranian people and hope others will learn by their example. I also support President Obama, who I believe has steered an excellent course for dealing with this situation. While some have called upon him to condemn the Iranian government more forcefully, I believe it is essential that the United States not interfere in this remarkable debate and public demonstration. What the world is watching

unfold in Iran is condemnation enough of what is happening in that country. We should, however, encourage free speech, free elections and nonviolence for all the parties involved. It's a wise course, and I believe it is one we would have benefited from in years past.

I thank the gentleman from California once again. I encourage all of my colleagues to support this legislation. I support it totally.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), our esteemed Republican Whip, a member of the Committee on Ways and Means, and a leader on issues related to Iran.

Mr. CANTOR. I thank the gentlelady.

Mr. Speaker, the Iranian regime's brutalities are on full display for the whole world to behold. I rise today in sympathy with the victims of Iranian political oppression who have been injured or killed, protesting the outcome of their election. I salute the leadership of the gentlelady from Florida and the gentleman from California for bringing this resolution forward, as well as the gentleman from Indiana for his leadership on this and so many issues, and the way that the gentlelady from Nevada spoke.

It is America's moral responsibility to speak out on behalf of the protection of human rights wherever they are violated. And regardless of the outcome of the Iranian election, make no mistake where the power in Iran lies. It lies with a clerical regime who conducts its most egregious activities in the dark, hidden from the world's eyes and, thus, escaping media attention. The Iranian Revolutionary Guard Corps quietly funnels weapons and funding into terrorist groups from Iraq to Afghanistan, from Lebanon to Gaza. Iranian centrifuges enrich uranium at nuclear plants often hidden from weapons inspectors. And terrorist groups make voyages to Iran to receive training at unspecified locations. This is the regime we are talking about, and this week the true colors of that regime are on broad display. We must rally the world around the cause of the Iranian people. I urge the administration, I urge President Obama to follow the lead of this House, to speak out on behalf of the Iranian people and their quest for freedom and human rights.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds.

The gentleman for whom I have great respect, the minority whip, spoke about America's moral commitment to speak out on behalf of people yearning for freedom. We have an even higher moral commitment, and that is to do the things that help expand the extent of human freedom around the world. And it is in that context that I know that this House and this administration are pursuing this mission, that higher authority to do the things that produce the greatest likelihood of the expansion of human freedom.

I now yield 2 minutes to a member of the committee, a great Member from the State of Georgia (Mr. SCOTT).

□ 1045

Mr. SCOTT of Georgia. Thank you very much, Chairman BERMAN, and to Mr. PENCE, for this very timely resolution.

This is a time of great thought and deliberation and concern of what the United States must do and say. Our words have got to be carefully calculated to make sure that they are seen as not meddling, as not trying to tell the Iranian people what to do, because, quite honestly, Mr. Speaker, the Iranian people have already spoken. They have decided, and I believe that is our responsibility, if we hold true to the principles of our Founding Fathers.

As I was coming over on the floor, I was thinking what I could say, and the words of one of our great founders and patriots beams very deep in my heart as I think and I watch the news reports of what is happening in the streets of Tehran, when that great patriot said, Give me liberty or give me death. That is why the United States of America cannot be silent. It is our foundation.

I was reminded of the words of Thomas Jefferson when he wrote that, All men are created equal, and are endowed by their creator with certain inalienable rights, and among those life, liberty, and the pursuit of happiness.

That is what we stand for. So it is important that we put this resolution forward, and it is important that the world understand that America is indeed that shining light of liberty and of freedom that Patrick Henry and Thomas Jefferson spoke so eloquently about.

We are proud to support the Iranian people, and we condemn the violence.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 2 minutes to my good friend from California, Mr. ROHRABACHER, the ranking member on the Subcommittee on International Organizations, Human Rights and Oversight on our Committee on Foreign Affairs.

Mr. ROHRABACHER. Today, I rise in strong support of this resolution which ratchets up, to a degree, America's willingness to express its heartfelt support for the Iranian people and their struggle against the mullah dictatorship that oppresses them.

Now, it has been said that you cannot champion the oppressed unless you are willing to take on the oppressor. America should not intervene in every struggle taking place, but we should be unapologetically on the side of those who are in desperate battle for their own freedom.

Tempered rhetoric can be interpreted by tyrants as weakness. We need to send a strong message to those tyrants and a strong message to the people who are willing to risk their lives on the streets of Tehran that we are on the side of the people and the side of democracy and freedom. Any other message would be a betrayal of our fundamental principles, the principles of liberty and democracy that so many Americans have sacrificed to give us and to pass on to other generations.

Yes, we should not intervene, but it is up to us to make sure those people struggling throughout the world know we are on their side. We must be bold in our words of support.

I was honored to be one of five speech writers serving Ronald Reagan. He too was told to tone down his rhetoric. He too was told that strong words would be interpreted as belligerence. But with his strong words, he ended the Cold War, without the conflagration that hung over our heads for decades. He made it a better, a more peaceful and a freer world with a strong message and no apologies.

We should follow the lead of Ronald Reagan. It will make this a better world if we side with the people in Tehran who oppose their mullah dictatorship.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 2 minutes to my legislative brother, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the powerful Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. The Ayatollah Ali Khamenei, the so-called ''supreme leader,'' is the ruthless dictator of Iran. Ahmadinejad is his puppet. In this farcical election, Khamenei overstepped blatantly. The others in the dictatorship who aspired to the puppet presidency are upset.

The Iranian people are utilizing this moment of division in the dictatorship to heroically express their opposition to the dictatorship. The issue is not one of who is entitled to be the puppet president in the Iranian dictatorship. The issue is the Iranian people are entitled to an end of the dictatorship and to live in self-determination and freedom and democracy.

The President of the United States has been silent and confused. The Congress of the United States clearly stands with the Iranian people, and they will prevail.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to my friend from Florida, a member of the House Foreign Affairs Committee, Mr. KLEIN.

Mr. KLEIN of Florida. Mr. Speaker, I rise to support H. Res. 560 and would like to thank our chairman Mr. BERMAN and my colleague Mr. PENCE for bringing this bipartisan statement forward which supports our American view of the events in Iran.

The Iranian people deserve a democracy that counts every vote and treats its citizens with the utmost dignity. They deserve to trust their own government. However, these are not free

and fair elections by any stretch of the imagination, and it is our imperative to speak out whenever and wherever freedom is suppressed, whether by our allies or by our foes.

Frankly, we have honest differences with the Iranian government, no matter who is elected. Any Iranian government that seeks a nuclear weapon and spreads state-sponsored terrorism is a threat to the United States and our allies. That is why the United States has not taken either side in this conflict. It is for the Iranians to choose who leads them. Indeed, this struggle belongs to them.

However, the message we send today is the world is watching. I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CAMPBELL), a member of the Budget and the Financial Services Committees.

Mr. CAMPBELL. I thank the gentlelady from Florida.

This country has always stood with those around the world yearning for freedom, a voice and a better future. Whether those people were in Nazi Germany, Communist Eastern Europe, apartheid South Africa, or any other number of places around the world, we have stood with the freedom fighters. It is now time for us to stand with those in Iran who seek freedom from one of the world's most oppressive, most dangerous and most dictatorial regimes.

I hope this resolution is not the end, but is just the beginning of the support that this government, both in Congress and the White House, gives to those people.

Mr. BERMAN. Mr. Speaker, could I get an assessment or calculation of the remaining time on both sides?

The SPEAKER pro tempore. I can give you that with precision. The gentleman has 9½ minutes remaining; the gentlewoman has 4¼ minutes remaining.

Mr. BERMAN. I am very pleased to yield 1 minute to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, today I stand with my colleagues in this Congress, I stand with President Obama and Vice President BIDEN, in support of the Iranian people, their right to express themselves, their right to have peaceful demonstrations, and I stand in support of this resolution.

I hope that the ayatollahs understand that these demonstrations are about the future of Iran and the right of their people to have a voice in their government. Young and old, liberal or conservative, all ages, all economic groups are part of these demonstrations.

As President Obama has said, the entire world is watching, and the world is inspired. We applaud your efforts to move your country toward a more democratic, peaceful country.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in support of the nonviolent movement for social change in Iran. I have always maintained that the Middle East is in need of a nonviolent movement for social change, not only in Iran but also in the Gaza Strip, a nonviolent movement in Syria, a nonviolent movement for social change.

Martin Luther King, Jr. once said, ''Nonviolence is the answer to the crucial political and moral questions of our time; the need for mankind to overcome oppression and violence without resorting to oppression and violence. Mankind must evolve for all human conflict a method which rejects revenge, aggression, and retaliation.''

Today we are not only supporting democracy in Iran, we are also supporting the nonviolent thrust for democracy in Iran, so the conflicts may be settled, Mr. Speaker, without resulting to weapons, to violence and conflict, not only within that country, but among nations.

So, today, Mr. Speaker, we rise today to support the proponents of the nonviolent movement.

Ms. ROS-LEHTINEN. Mr. Speaker, we just have one additional speaker, and I would like to call on the author of the resolution, a great member of our House Foreign Affairs Committee and our conference chair on the Republican side, the gentleman from Indiana (Mr. PENCE) for the remainder of the time.

The SPEAKER pro tempore. The gentleman is recognized for 4¼ minutes.

Mr. PENCE. Mr. Speaker, I thank the gentlelady for yielding, and again reiterate my gratitude for her expeditious work in bringing this important resolution to the floor on a timely basis, and commend again Chairman HOWARD BERMAN for the spirit and thoughtfulness with which he brought this resolution to the floor.

Today, in the wake of a week of extraordinary public demonstrations, violence, and tumult across the nation of Iran, the American people through this Congress will condemn that violence and the suppression of the free and independent press in Iran, and, as the American people have done throughout our history, we will proclaim liberty by supporting all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and the rule of law in this measure.

I urge my colleagues to support this measure and join us, and, if reports are correct, our colleagues in the Senate who may well come together and give voice on the world stage of the character and compassion and commitment to freedom that is at the heart of every American.

Now, some observers say that America should remain silent in the wake of this violence and the suppression of free speech and the intimidation and suppression of a free and independent press in Iran. But let me say from my heart, the American cause is freedom, and in that cause we must never be silent.

The Iranian regime would do well to note the words of President Ronald Reagan from his first inaugural address 20 January, 1981, where he said, No arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.

Today this Congress, in a true spirit of bipartisanship, will come together on behalf of the moral courage of the men and women of Iran who have tasted freedom and have been willing to risk their liberty and their lives to advance it.

□ 1100

It is my hope and it is my prayer that this word of encouragement from the American people to the Iranian people will be to good effect for that nation and for freedom in the world.

I urge support of this resolution.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 2 minutes to an excellent member of the House Foreign Affairs Committee, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I want to commend the drafters of the resolution. I think it is carefully drafted, and I think it is clear that the universal values of freedom that are expressed in the resolution are done with a great amount of prudence, and I think that's right.

I think it is also important to understand that when the Congress of the United States speaks a lot of people listen, and so it's important to not allow the Congress to be used as a tool in what was essentially an internal fight in Iran. And so I would urge caution and urge the United States Congress to stand up and speak about the universal values that we care about: Democracy, freedom, due process of law, lack of violence in terms of solving political disputes, and not allow ourselves to be used as a weapon against the people who we are, in fact, trying to help, which is the people of Iran.

Ms. ROS-LEHTINEN. I'm proud to yield 30 seconds to the gentleman from California (Mr. ISSA), a member of the Committee on the Judiciary and the ranking member of the Oversight and Government Reform Committee.

Mr. ISSA. I thank the gentlelady.

Mr. Speaker, it is clear today that some would have us be silent as to the aspiration of the people risking life and limb on the streets of Iran today. We cannot and should not be that way. Yes, it's an internal matter, but it's an internal matter in a country which has

been ruled by theocrats for so very long who have denied real free elections, and even when the will of the people was obvious, in fact, want to overturn the will of the people for a President who could be a reformer and give opportunity, particularly to women in this country.

So I urge support for this resolution because it sends the message that we are, in fact, with the people who want freedom.

Mr. BERMAN. Mr. Speaker, should I by yielding 1 minute of my time to the gentleman from South Carolina at this point?

Ms. ROS-LEHTINEN. Yes.

Mr. BERMAN. And then if you yield time, he'll have all his time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. INGLIS), and anytime you would like to.

Mr. BERMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. INGLIS).

The SPEAKER pro tempore. The gentleman is recognized for 2 minutes.

Mr. INGLIS. I thank the gentlelady and the gentleman for yielding that time, and I saw this morning that the Supreme Leader of Iran said that street challenge is not acceptable. This is challenging democracy after the elections.

Well, we beg to differ and the people of Iran are begging to differ. When you can count paper ballots, millions of them, within a couple of hours, something's funny. And when you declare the results of the election is fine but say there is going to be some investigation, what's the value of the investigation if you've already certified the election?

And so what we're begging to differ with the Supreme Leader of Iran is that it is not challenging democracy after elections. It's saying that the elections were rigged, and rigged elections don't produce outcomes that people can believe in.

Furthermore, what's happening here is we're seeing the real disastrous consequence of having a theocracy, where somebody at the top gets to say—I don't know where he derives his authority—but he gets to say what's what about elections.

We're very thankful, Madam Speaker, to live in a country where that's not the case, where we have elected officials who choose Supreme Court members, who are then confirmed by the Senate and who serve with good behavior. And that is a system that produces confidence among the people, and a free people get to govern themselves.

That's our hope, that's our aspiration for the Iranian people; and we, the people of the United States, should stand boldly with the people in Tehran and elsewhere in Iran who are saying we yearn to breathe free, we want to govern ourselves. This is their moment. We stand in support of them.

Mr. BERMAN. Madam Speaker, I have no further requests for time, and I would just yield myself such time as I may consume to once again thank the minority for working with us, my ranking member, as well as Mr. PENCE, particularly to say that my fondest hope is that on these critical kinds of issues we can establish a bipartisan basis for working together.

And then simply to say that there are many American interests in U.S.-Iranian relationships. This resolution is not about American interests. It's about American values, which I believe are universal values: the values of the rule of law, of participatory democracy, about individual liberty, and about justice. And it is on behalf of those universal values, not American interests, that I urge this body to support this resolution.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, I want to express my appreciation to the Chairman and to Mr. PENCE for the resolution before us. I think it is critical for the House to address the remarkable events that are taking place in Iran.

We are seeing a nation—an entire nation—rise up. What is happening in Iran is an inspiration to all of us who believe that there is such a thing as universal human rights.

We do not want—and we are not attempting—to choose Iran's rulers. Who rules Iran is a question for the people of Iran. And as we expect all nations to respect our sovereignty, so too must we respect the sovereignty of other nations.

But we are not blind. And we must not be mute.

We have seen gunfire and truncheons deployed against peaceful protesters and marches. We have followed the wave of repression against activists, reporters, and all forms of communication. We know about the crackdown and arrests of Iranians who call for freedom and reform. We have watched mobs of thuggish enforcers terrorizing students and citizens in their dorms and homes.

But we have also watched the unbelievable, quiet courage of millions of Iranians marching, and we have watched their numbers growing every day. We have seen them insist on nonviolence in the face of provocation and assault. And we have heard their impatient but persistent call for justice.

And this nation knows what that call for justice sounds like. The Rev. Martin Luther King, Jr. wrote from the Birmingham jail that "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

Bound up in the revolutionary documents of our founding, and in our Nation's unique role in the struggle for human freedom, is a special responsibility. We have an obligation that the resolution before us answers. We are all witnesses. And we are bound to support the courageous and decent people in Iran who are struggling for their rights and their freedom.

This resolution is measured and careful, but meaningful. And it deserves the strong support of every Member.

Mr. PAUL. Madam Speaker, I rise in reluctant opposition to H. Res 560, which condemns the Iranian government for its recent actions during the unrest in that country. While I never condone violence, much less the violence that governments are only too willing to mete out to their own citizens, I am always very cautious about "condemning" the actions of governments overseas. As an elected member of the United States House of Representatives, I have always questioned our constitutional authority to sit in judgment of the actions of foreign governments of which we are not representatives. I have always hesitated when my colleagues rush to pronounce final judgment on events thousands of miles away about which we know very little. And we know very little beyond limited press reports about what is happening in Iran.

Of course I do not support attempts by foreign governments to suppress the democratic aspirations of their people, but when is the last time we condemned Saudi Arabia or Egypt or the many other countries where unlike in Iran there is no opportunity to exercise any substantial vote on political leadership? It seems our criticism is selective and applied when there are political points to be made. I have admired President Obama's cautious approach to the situation in Iran and I would have preferred that we in the House had acted similarly.

I adhere to the foreign policy of our Founders, who advised that we not interfere in the internal affairs of countries overseas. I believe that is the best policy for the United States, for our national security and for our prosperity. I urge my colleagues to reject this and all similar meddling resolutions.

Madam Speaker, I urge you to support H.R. 560, expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law and for other purposes. The only effective way to achieve lasting peace and prosperity in the region, along with bringing about reforms in Iran's polity, is to assist the Iranian people in their quest to achieve political, social, and religious liberty. Every government can be judged with the way in which it treats its ethnic and religious minorities, and the current Iranian government gets a failing grade for its treatment of its many and diverse minorities. It is not our position as the United States to determine the outcome of the recent Iranian elections, but as a leader in the international community, we have a responsibility to ensure that the people of Iran have the opportunity to have fair and free elections.

Yet with the results of the recent election, there was no chance for Iranian citizens to participate in democracy. On June 12, 2009 Mahmoud Ahmadinejad was ostensibly re-elected to his second term as President, as a

result of the tenth Presidential elections in Iran, held and calculated on June 13, 2009. Subject to official results released by Iran's election headquarters, out of a total of 39,165,191 ballots cast in the presidential election, Ahmadinejad allegedly won 24,527,516 votes, which accounts for approximately 62.6 percent of the votes, while his opponent and former Prime Minister of Iran Mir-Hossein Mousavi purportedly secured only 13,216,411 (37.4 percent) of the votes. Supreme Leader Ali Khamenei announced that he envisions Ahmadinejad as president in the next five years, a comment interpreted as indicating support for Ahmadinejad's reelection.

Just 48 hours after Iranian officials announced incumbent President Mahmoud Ahmadinejad's landslide 62.6% victory, the situation in Tehran and in regions throughout the country broke out in a wave of violent protests in response to what the people of Iran knew to be a rigged poll.

Yet despite the large-scale civil unrest in response to the rigged elections, the outstretched arm of the Ayatollah extends beyond Tehran. Whereas the size of the crowds protesting reached to more than 1 million people united in outrage at the absence of a fair and free electoral process. Despite the government ban that has been placed on all public gatherings with the purpose of voicing opposition to the outcome of the Iranian presidential elections, the people of Iran have publicly expressed their dissent. Iranians throughout the country have defied Interior Ministry warnings broadcast. Violence has spilled on to the streets of Tehran. To date, 7 Iranians have been killed in violent political unrest. Beyond Tehran, Iranians living in the rural regions are feeling the Ayatollah's pressures to cease all public expression of their discontent with the outcome of the elections. The Iranian people living in the region of Mashad are currently confined to their homes in order to prevent them protesting in the streets. All foreign journalists have now been quarantined and/or made to leave the country.

Following the results of the June l2th Iranian election, President Obama released a statement in reaction to then elections in Iran, stating ''I am deeply troubled by the violence that I've been seeing on television,'' Obama said in Washington. ''I can't state definitively one way or another what happened with respect to the election. But what I can say is that there appears to be a sense on the part of people who were so hopeful and so engaged and so committed to democracy who now feel betrayed.''

Given the absence of fair and free elections, coupled with the government's poor record for transparency and accountability, we have deep cause for concern about the opportunity for free choices and democratic participation for the people of Iran. Despite intensified inspections since 2002, the International Atomic Energy Agency's (IAEA) inability, to verify that Iran's nuclear program is not designed to develop a nuclear weapon is cause for great concern. While Iran states that the intention of its nuclear program is for electricity generation which it feels is vital to its energy security, U.S. officials challenge this justification by stating that ''Iran's vast gas resources make a nuclear energy program unnecessary.''

Establishing a diplomatic dialogue with the Government of Iran and deepening relationships with the Iranian people will only help foster greater understanding between the people of Iran and the people of the United States and would enhance the stability the security of the Persian Gulf region. Furthering President Obama's approach toward continued engagement will reduce the increased threat of the proliferation or use of nuclear weapons in the region, while advancing other U.S. foreign policy objectives in the region. The significance of establishing and sustaining diplomatic relations with Iran cannot be over-emphasized. Avoidance and military intervention cannot be the means through which we resolve this looming crisis.

In conclusion, we must condemn Iran for the absence of fair and free Presidential elections and urge Iran to provide its people with the opportunity to engage in a Democratic election process, by demanding new elections, and ensure that all votes are fairly counted. I look forward to further meaningful discussion and a new foreign policy strategy with regard to Iran when the people of Iran are able to participate in a fair and democratic electoral process.

Ms. FOXX. Madam Speaker, this week the world heard the cry of millions of Iranians who seek the right to a free and fair election. In response, Americans from all walks of life have taken up the cause of liberty for Iranians who crave real freedom and not sham elections.

''I am proud to join the United States Congress to stand with freedom-loving people everywhere in support of the people of Iran and to call for an end to the brutal and violent suppression of peaceful protesters. We will not stand by in silence and watch the forces of radicalism attempt to squelch the public outcry in Iran against last week's election irregularities.

''The Middle East is ready for another real democracy, a nation where the voices of every citizen are heard and where the government works for the people and not against the people. Over the past few years the bellicose regime in Tehran has spewed an endless line of anti-Western vitriol and insists on threatening the existence of the state of Israel—one of the few beacons of real freedom in the Middle East. It is now obvious that the average Iranian has grown weary with their authoritarian leadership.

''The ongoing crackdown on free expression and the rights of journalists along with the censoring of communication with the outside world has simply shown the true colors of the dark Iranian regime desperately trying to hold its grip on power. The people of Iran deserve better. They deserve freedom. And today the House of Representatives has given voice to their historic plea in the hallowed halls of Congress.''

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 560.

The question was taken.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 559, by the yeas and nays;

Adopting H. Res. 559, if ordered;

Suspending the rules and adopting H. Res. 560, by the yeas and nays.

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

PROVIDING FOR CONSIDERATION OF H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 559, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 230, nays 177, not voting 26, as follows:

[Roll No. 409]

YEAS—230

Abercrombie	Cohen	Giffords
Ackerman	Connolly (VA)	Gonzalez
Altmire	Cooper	Gordon (TN)
Andrews	Costa	Grayson
Arcuri	Costello	Green, Al
Baca	Courtney	Green, Gene
Baird	Crowley	Griffith
Baldwin	Cuellar	Grijalva
Barrow	Cummings	Gutierrez
Bean	Dahlkemper	Hall (NY)
Becerra	Davis (AL)	Halvorson
Berkley	Davis (CA)	Hare
Berman	Davis (IL)	Hastings (FL)
Berry	Davis (TN)	Heinrich
Boccieri	DeGette	Herseth Sandlin
Boren	Delahunt	Higgins
Boswell	DeLauro	Himes
Boucher	Dicks	Hinchey
Boyd	Dingell	Hinojosa
Brady (PA)	Doggett	Hirono
Braley (IA)	Donnelly (IN)	Hodes
Bright	Doyle	Holden
Brown, Corrine	Driehaus	Holt
Butterfield	Edwards (MD)	Honda
Capps	Edwards (TX)	Hoyer
Cardoza	Ellison	Inslee
Carnahan	Ellsworth	Israel
Carney	Engel	Jackson (IL)
Carson (IN)	Eshoo	Jackson-Lee (TX)
Castor (FL)	Etheridge	Johnson (GA)
Chandler	Farr	Johnson, E. B.
Childers	Filner	Kagen
Clarke	Foster	Kanjorski
Clay	Frank (MA)	Kildee
Clyburn	Fudge	

Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

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

NOT VOTING—26

Adler (NJ)
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Blumenauer
Capuano
Conyers
Deal (GA)
DeFazio
Fattah
Harman
Heller
Kaptur
Kennedy
Lewis (GA)
Ruppersberger
Sánchez, Linda T.
Sestak
Shadegg
Skelton
Spratt
Stark
Sullivan
Velázquez
Westmoreland

□ 1131

Messrs. BOOZMAN, EHLERS and CARTER changed their vote from ''yea'' to ''nay.''

Ms. WATERS changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 409, the previous question on the Rule for the Legislative Branch Appropriations Act for fiscal year 2010, I was unavoidably detained. Had I been present, I would have voted ''nay.''

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 226, nays 179, not voting 28, as follows:

[Roll No. 410]

YEAS—226

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

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Abercrombie
Adler (NJ)
Bachmann
Barrett (SC)
Barton (TX)
Bishop (GA)
Bishop (NY)
Broun (GA)
Capuano
Deal (GA)
DeFazio
Fattah
Harman
Kennedy
Latham
Lewis (GA)
McCarthy (CA)
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sestak
Shadegg
Skelton
Sullivan
Velázquez
Waters
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1139

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR IRANIANS WHO EMBRACE DEMOCRACY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 560, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 560.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, answered ''present'' 2, not voting 25, as follows:

[Roll No. 411]

YEAS—405

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

NAYS—1

Paul

ANSWERED ''PRESENT''—2

Ellsworth
Loebsack

NOT VOTING—25

Adler (NJ)
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Capuano
Carter
Crowley
Deal (GA)
DeFazio
Doyle
Fattah
Gordon (TN)
Harman
Johnson (GA)
Kennedy
Lewis (GA)
Ruppersberger
Sánchez, Linda T.
Sestak
Shadegg
Skelton
Sullivan
Velázquez
Westmoreland

□ 1146

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CROWLEY. Madam Speaker, on June 19, 2009, I was absent for one rollcall vote. If I had been here, I would like the RECORD to reflect that I would have voted: ''yea'' on rollcall vote 411.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF DEFENSE REGARDING SHIPBUILDING

Mr. SNYDER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 111–167) to accompany the resolution (H. Res. 477) directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year shipbuilding plan relating to the long-term shipbuilding strategy of the Department of Defense, as required by section 231 of title 10, United States Code, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF DEFENSE REGARDING AVIATION

Mr. SNYDER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 111–168) to accompany the resolution (H. Res. 478), directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year aviation plan relating to the long-term

aviation plans of the Department of Defense, as required by section 231a of title 10, United States Code, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, pursuant to House Resolution 559, I call up the bill (H.R. 2918), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. BALDWIN). Pursuant to House Resolution 559, the bill is considered read.

The text of the bill is as follows:

H.R. 2918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,375,300,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $32,089,000 of which $4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $317,940,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $278,378,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lumpsum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,451,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of

the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,314,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $263,198,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $61,914,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,335,000, of which $884,000 shall remain available until September 30, 2011: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISIONS

SEC. 1101.—MODIFICATIONS TO EXECUTIVE EXCHANGE PROGRAM.—(a) EXPANSION OF NUMBER OF PARTICIPANTS.—Section 1201(b) of the Legislative Branch Apropriations Act, 2008 (2 U.S.C. 611 note) is amended by striking ''3'' each place it appears and inserting ''5''.

(b) PERMANENT EXTENSION OF PROGRAM.—Section 1201 of such Act (2 U.S.C. 611 note) is amended—

(1) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(2) in subsection (d), as so redesignated, by strking ''Subject to subsection (d), this section'' and inserting ''This section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Legislatve Branch Appropriations Act, 2008.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $109,392,000, of which $8,950,000 shall remain available until September 30, 2014.

HISTORIC BUILDINGS REVITALIZATION TRUST FUND

For a payment to the Historic Buildings Revitalization Trust Fund established under section 1201, $60,000,000, to remain available until expended.

CAPITOL BUILDING

For necessary expenses for the maintenance, care and operation of the Capitol, $32,800,000, of which $6,241,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,920,000, of which $1,410,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $125,083,000, of which $31,560,000 shall remain available until September 30, 2014: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $41,937,000, of which $15,750,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,364,000, of which $7,750,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,263,000, of which $900,000 shall remain available until September 30, 2014: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For necessary expenses for Capitol Visitor Center operations costs, $23,166,000.

ADMINISTRATIVE PROVISIONS

SEC. 1201. HISTORIC BUILDINGS REVITALIZATION TRUST FUND.—(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Architect of the Capitol, the Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the ''Fund'').

(b) USE OF AMOUNTS.—Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets which the Architect is responsible for maintaining and

preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committees on Appropriations of the House of Representatives and Senate.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 1202.—Any individual who is appointed as the Architect of the Capitol after the date of the enactment of this Act shall be appointed in accordance with the applicable laws in effect at the time of appointment, taking into account any amendments which may be made to such applicable laws during the One Hundred Eleventh Congress.

SEC. 1203. SUPPORT AND MAINTENANCE DURING EMERGENCIES.—(a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol—

(1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and

(2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 1204. FLEXIBLE AND COMPRESSED WORK SCHEDULES.—(a) Section 6121(1) of title 5, United States Code is amended by inserting after ''military department,'' the following: ''the Architect of the Capitol,''.

(b) Section 6133(c) of such title is amended by adding at the end the following new paragraph:

''(3) With respect to employees of the Architect of the Capitol (including employees of the Botanic Garden), the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''

(c) The amendments made by this section shall apply with respect to pay periods beginning or after the later of October 1, 2009, or the date of the enactment of this Act.

SEC. 1205. ACCEPTANCE OF VOLUNTARY STUDENT SERVICES.—Section 3111 of title 5, United States Code, is amended by adding the following new subsection:

''(e) In this section, the term 'agency' includes the Architect of the Capitol, except that in the case of the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2010 and each such succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $450,211,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $750,000 shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,490,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: *Provided*, That of the total amount appropriated $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES.—

(a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'', under the subheading ''SALARIES AND EXPENSES'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. TRANSFER AUTHORITY.—

(a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''LIBRARY OF CONGRESS'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the

heading ''LIBRARY OF CONGRESS'' for fiscal year 2010 may be transferred from that account by all transfers made under subsection (a).

SEC. 1304. CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15.—Section 5108 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 pursuant to standards established by the Office in subsection (a)(2).''.

SEC. 1305. LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS.—(a) Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

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

(3) by adding at the end the following new subparagraph:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

(b) The amendments made by subsection (a) shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act.

SEC. 1306. (a) Section 4(a) of the American Folklife Preservation Act (20 U.S.C. 2103(a)) is amended by striking ''an American Folklife Center'' and inserting ''the Archie Green American Folklife Center''.

(b) Any reference to the American Folklife Center in any law, rule, regulation, or document shall be deemed to be a reference to the Archie Green American Folklife Center.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,296,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,000,000 for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $558,849,000: *Provided*, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $9,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate

of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. GUIDED TOURS OF THE CAPITOL.—

(a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This division may be cited as the ''Legislative Branch Appropriations Act, 2010''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 111–161 if offered by the gentlewoman from New York (Mrs. MCCARTHY) or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Alabama (Mr. ADERHOLT) each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 2918.

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

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and Members, I am very proud to present the fiscal year 2010 Legislative Branch Appropriations bill to the House.

The jurisdiction of this bill is incredibly important. We, as Members, have responsibility not just for the institution, but for the staff that work for this institution, and to preserve the facilities that help support this institution. We have endeavored to do that responsibly, and I believe we have accomplished that goal.

It has been an incredible privilege and pleasure to work with my colleague, the gentleman from Alabama (Mr. ADERHOLT). We have crafted a bipartisan bill and worked together every step of the way. And I just wanted to acknowledge him at the very outset to thank him for all of his good work and tell him what a pleasure he has been to work with.

Madam Speaker, I also want to thank, on behalf of, if I may, the House of Representatives, all of the staff that work not just for the House of Representatives, but for every legislative branch agency because this bill is designed to support them. This bill is designed to make sure that they can do the work they need to do in order for us to be able to serve our constituents in the most effective way possible. So on behalf of the House of Representatives, if I may, both myself and Mr. ADERHOLT, we owe a tremendous debt to the true public servants that work here every single day on our behalf.

We, as Members of the House of Representatives, get quite a bit of the glory and the attention and the focus, but it is our staff, both the ones that work for us in our own Member offices, but also throughout this Chamber and across every legislative branch agency, that are toiling in the wilderness, so to speak, and are the unsung heroes that make the wheels of the legislative process turn, and we just can't thank them enough.

This is a bill that attempts to fulfill our responsibilities at two different levels. We really focused on two main tasks in the legislative branch bill. First, we have tried to provide the right balance of funding in a prudent way for each existing office, agency, and program so that we can support the day-to-day operations of the Congress.

The bill provides a total of $3.68 billion, which is an increase of $37 million, 6.8 percent above 2009 levels. A majority of those funds go to two of our greatest priorities within the bill: life safety issues, because, quite frankly, if we don't address the backlog of life safety and deferred maintenance that exist in all of our facilities, at some point we are not going to have the facilities to be able to work in. And the treasures of the facilities that we work in every single day is what our role is in the legislative branch. We must preserve them through the generations as they have been preserved for us to be able to work in today.

In addition, the bill, as is tradition, reserves funds, $1.025 million, for later action by the Senate on their issues to operate the Senate, and that is customary.

We have been able to provide for all mandatory cost increases and a limited number of program enhancements as well. In spite of the fact that we were able to do that, there were a number of things that we were unable to do because our focus during the markup of this bill was to fund the ''gotta haves,'' not the ''nice to haves.'' There are so many ''nice to haves'' that we could fund and that make sense and that would be appropriate, but we wanted to make sure that we crafted a frugal and fiscally responsible piece of legislation, which is why the bill, as written, is $281 million below the amount requested, which is a source of pride for all of the members of the committee.

Let me just summarize a few of the key amounts in the bill, Madam Speaker. The bill includes $1.4 billion for the operations of the House. This is an increase of $75 million, or 5.8 percent, over the 2009 enacted level, but $120 million below the amount requested. We have appropriated $660 million of this amount for the MRA.

Of interest to Members, and as was discussed during the rule, we also include within the budget an allocation for the Clerk of the House of $4.6 million to finally replace the antiquated 33-year-old voting system that we use here electronically in the Chamber so that we no longer have to have it held together by the duck tape that its inner workings are actually held together by.

$325.1 million is provided for the Capitol Police. That is sufficient to maintain their current officer strength. There was a request that we did not fund to increase the number of officers, the number or FTEs that they carry. It was felt that although the Capitol Police is working diligently towards getting their fiscal house in order—and Chief Morse is to be commended for that—they are not quite there yet. And adding to the strength of their force did not make sense, we felt, until they can make sure that they can get a handle on their overtime and get a handle on who is where in the Capitol Police structure.

$647.4 million is included for the Library of Congress. That is a 6.6 percent increase over the fiscal year 2009 enacted level. The amount provided includes $22 million for the Library to fund their high-priority initiatives, which also includes $15 million for technology upgrades.

It also includes the full amount, Members will be interested to know, that was requested for the Copyright Office. There is a tremendous backlog in the Copyright Office, which the committee has added report language to address. We are very concerned about that backlog and are going to be pushing the Copyright Office to get a handle on it, as well as full funding for the Books for the Blind program.

The bill also includes $146.2 million for the Government Printing Office, which is a 4 percent increase.

Finally, the bill includes $558.8 million for the GAO. Obviously, they have some tremendously increased responsibilities. That is a 5.2 percent increase. We need to make sure that GAO has the ability to conduct the accountability responsibilities that they have and that they do such a good job doing.

Beyond the core funding for the day-to-day operations, Madam Speaker, of the Congress, we have largely focused on two long-term priorities as well. We are first taking a more aggressive approach to dealing with the backlog of deferred maintenance needs of our aging Capitol complex. As we have said, and I risk saying this on the House floor, this is not the sexiest of committees of the 12 Appropriations Committees, but it is one that is incredibly important in order for us to be able to preserve the institution and the facilities in the institution that we serve in. The bill includes funding for 23 high-priority projects that are requested by the Architect of the Capitol.

Beyond these immediate needs, however, the bill includes—and this is something that is a great source of pride for the members of the committee, and we want to thank Chairman OBEY for his leadership on this—$60 million to establish a new Historic Buildings Revitalization Trust Fund. We have a number of major facilities projects coming up over the next few years, including the renewable of the Cannon House Office Building, which is 100 years old, as well as the restoration of the Capitol dome, which will cost in the range of $100 million. And that is not a hit that this budget can take on a year-to-year basis, so we are going to begin to bank funds that are in that trust fund and only allow the appropriation for those projects out of that trust fund.

In addition, we have tried to deal, most importantly, I think, with the challenge of retaining the best and brightest that have come to work for us in the House of Representatives. We are so fortunate to have young people who are brilliant and who put aside a lot of other opportunities to devote themselves to public service and come to work for us. But what happens is that, inevitably, because we are often not competitive in the benefits that we provide or the pay that we give them, we end up losing them. We train them, we get them ready, and we end up losing them down the road to other career alternatives.

We are committed to dealing with this retention problem in the Legislative Branch Appropriations bill, and we did several different things in order to be able to do that. We increased funding for the MRA accounts so that we can grow salaries. It is important that we be able to pay, not astronomical sums to our staff, but an appropriate amount of salary so that we can make sure we can hold on to the best and brightest that we are already able to attract.

It includes two additional benefits that are not currently provided that we felt were very important. We have been trying to get a sense from our employees what their needs are, and this bill anticipates two of those needs. We fund $3.5 million for a tuition reimbursement program for all House employees, and $1 million in child care benefits for our lower-income employees because making sure that we can take away the angst of not having quality child care or being able to afford quality child care is an important thing for us to be able to do for our valuable staff.

Again, I want to thank Mr. ADERHOLT, and Mr. LEWIS, the ranking member of the full committee, for your incredible cooperation. It has been an absolute pleasure to work with them. And I also want to thank both of our staffs, who really work so hard every day to make us look good. These bills are not crafted over night, Madam Speaker, and there is painstaking effort and detail that goes into them, and so I want to thank Mike Stephens, the majority clerk, Dave Marroni, Matt Glassman, Liz Dawson, the minority clerk, Jenny Kisiah, Megan Medley, and Ian Rayder on my personal staff, each of whom have put in very long hours in support of this bill.

I urge all Members to support this fiscally responsible bill, which I again will remind you is millions of dollars below the request.

Madam Speaker, I reserve the balance of my time.

□ 1200

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

Madam Speaker, this is my first appropriation bill to help manage on the floor, and I have very much enjoyed the process and consider it a real privilege to have this honor to do it.

I do want to commend the Chair, Ms. WASSERMAN SCHULTZ, for her professional and her courteous manner in the way that she has conducted the process over the last several months for producing the fiscal year 2010 Legislative Branch Appropriations bill. We have worked closely and very much in the spirit of bipartisanship to meet the funding needs of the legislative branch agencies. In addition, the Chair operated under an open process and was responsive to the concerns and input of all the members of this committee.

Madam Speaker, I will say it is unfortunate that the bipartisan approach taken by our committee stopped at the doors of the Rules Committee. I understand that the rule accompanying this bill, the Legislative Branch Appropriation bill, has historically been a structured rule. Traditionally, while not all amendments filed with the Rules Committee have been made in order, a much more balanced approach has been taken than what we are seeing today. Twenty amendments were filed with the Rules Committee and only one was made in order. While I may not have personally supported some of the amendments, I do feel strongly that Members should be permitted to debate the issues of concern to them. Members have once again been denied the right to offer amendments to an appropriation bill, a trend that's happening more often than not.

That being said, the Legislative Branch Appropriations Subcommittee, did its work and we addressed the many competing priorities and individual agency challenges.

The committee has reduced the fiscal year 2010 requested increase of 15 percent down to 6.8 percent, a reduction of $282 million. However, it is important to distinguish that nearly one-quarter of this increase, or $60 million, is for the establishment of the Historical Buildings Revitalization Trust Fund. When you take this into account, the agencies will be operating on an average of a 5.2 increase over the last year. This funding allows the committee to continue to focus on critical life safety issues surrounding the Capitol complex and to maintain adequate funding of current staff operations.

Among the highlights of the bill is $1.375 billion for the expenses of the

House of Representatives. This provides an appropriate level of funding for the Members' representational allowances, the ability to address the much-needed new voting system, additional benefits for House employees, and a new House I.D. badge system. For the United States Capitol Police, $325 million will be included. This amount supports the current sworn strength at 1,799 positions and fully funds the implementation costs of the merger with the Library of Congress Police. The Architect of the Capitol, excluding Senate items, is funded at $541 million and supports the top 20 construction projects. All life safety projects, significant investment in energy and saving efforts, and almost $70 million worth of deferred maintenance projects have been funded in this bill.

And we have started a very needed new initiative, the Historic Buildings Revitalization Trust Fund, to begin to address the Capitol complex's deteriorating infrastructure. For the Library of Congress, $647 million is included, and it includes $15 million for the beginning of needed new technology investments. The Government Printing Office is to continue the development of the Federal digital system and is included at $7 million, and in order to meet the congressional demands, additional workforce is provided for the Congressional Budget Office and the Government Accountability Office.

In conclusion, H.R. 2918 is a well-rounded bill and adequately addresses the needs of the legislative branch.

Again, I would like to express my thanks to the Chair for her bipartisanship and how she has conducted this subcommittee over the last several months that we've had the hearings and as we have worked together on this bill. I also do want to thank the majority staff, Mike Stephens, David Marroni, Matt Glassman, and Ian Rayder, for their help with this bill; and, of course, on my side of the aisle, on the minority's side, Liz Dawson, Jennifer Kisiah, and Megan Medley with my office to make sure that this bill goes through as it has successfully over the last several months. So, again, I thank all the people who were involved.

Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, at this time I yield 3 minutes to the distinguished gentleman from Illinois.

Mr. JACKSON of Illinois. Madam Speaker, I rise with my friend from Tennessee (Mr. WAMP) to engage in a colloquy with the distinguished chairwoman of the Legislative Branch Appropriations Subcommittee.

Madam Chairwoman, as you know, Mr. WAMP and I worked with you to name the main hall in the Capitol Visitor Center Emancipation Hall. However, we feel the naming of Emancipation Hall needs context and want to work with you, the House Administration Committee, and the Senate Rules Committee to do this.

I yield to Mr. WAMP.

Mr. WAMP. Madam Speaker, ''emancipation'' means free or equal. There's no greater duty bestowed upon the Congress than to advance the principle of freedom. The process of emancipation liberated all Americans from the bondage of slavery, and Emancipation Hall will tell freedom's story to millions of visitors each year.

But there is a missing element in the hall to educate visitors about the process of emancipation that this great hall was named to honor. We would like to design and construct an educational display in the Capitol Visitor Center that recognizes the naming of Emancipation Hall and provides an historical narrative of President Lincoln's emancipation of the slaves.

Madam Chair, can you work with us to make this happen?

Ms. WASSERMAN SCHULTZ. I would not only be happy to work with you, I could not agree with either of you more on this very worthwhile endeavor. You are both to be commended for your effort to recognize that slave labor and their hands constructed the great building that we work in every single day, and subject to the authorization of the House Administration Committee, I look forward to working with you towards this goal.

Mr. JACKSON of Illinois. I thank the chairwoman, and while this may not necessarily be part of a colloquy, I would like the gentlewoman to yield me an additional 30 seconds, if she wouldn't mind.

Ms. WASSERMAN SCHULTZ. I would be happy to yield an additional 30 seconds.

Mr. JACKSON of Illinois. I just wanted to say that on behalf of every Member of this institution, we owe a debt of gratitude to the distinguished chairwoman and the ranking member for their extraordinary efforts in wrapping their arms around the Capital Visitor Center, which, since the inauguration of the President and since its opening, has served as a beaming moment of pride for every Member that brings their constituents through that enormous visitor center.

And while it started out, Madam Speaker, as somewhat of a controversial project, the chairwoman and the ranking member have done an extraordinary job on behalf of this institution and all Members are grateful.

I thank the gentlewoman for yielding.

Mr. WAMP. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. WAMP. Just to add a note of thanks to you and the ranking member for extraordinary work protecting the interests of the legislative branch. You have been remarkable in your diligence both in finishing the CVC and properly managing the affairs of the House. And I'd also like to thank Representative JOHN LEWIS of Atlanta for chairing the Slave Labor Task Force and working with us all along the way to try to use both the CVC and Emancipation Hall to properly honor the slave labor that did contribute mightily to this great temple of freedom. Also, Chairman BRADY of House Administration and Ranking Member LUNGREN have met with us and agreed to this in principle. We're just working with the Senate trying to dot the ''I's'' and cross the ''T's'' so that we can join up the authorization and the appropriation at the proper time and before it's too late.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Madam Speaker, I reserve the balance of my time.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman, the ranking member of the full committee, from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate very much my colleague's yielding.

Madam Speaker, I rise to say just a few things about the way these two people are working together. DEBBIE WASSERMAN SCHULTZ and my friend ROBERT ADERHOLT have done a fabulous job on this bill. Not the most expensive bill of the 12 that are around but probably one of the very most important bills, for it decides whether the legislative branch works effectively or does not work effectively. I want the Members and our public to know that these two people have done a fabulous job in putting us on a course that I think makes sense.

I especially want to express my appreciation for concern about the buildings that are the places where we must work and operate the legislative branch. Those are institutions in the place that are in serious difficulty because of lack of repair, et cetera. They are on a course that will make sure that we extend their life and their service to all of our people in an effective way.

Further, the Capitol Visitor Center has been mentioned by several, but let me suggest that it's a fabulous new addition to the Capitol, but there is an institution developing there as well. We do have a way in Washington to create new bureaucracies almost no matter what, and there are those who believe that they're the only ones that know how to show off the CVC and the Capitol to our public. The long history of Members' staffs developing expertise as well and representing us well by taking our constituents through these facilities is a very important part of our process.

I want to congratulate the ranking member, but especially the gentlewoman, for language in the bill that

very specifically tells those who run the CVC that this is a people's institution and the people's elected representatives ought to play the most significant role in the way it is run.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I reserve the balance of my time.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE), who is a member of the subcommittee.

Mr. LATOURETTE. I thank the gentleman for yielding.

I want to add I'm new to the Appropriations Committee, new to this subcommittee, and I have to tell you it's one of the most pleasant experiences I have had in 15 years in the United States Congress. I would commend the chairwoman for her diligence and oversight and commend the ranking member for being her partner.

This product truly is a bipartisan result, and unlike some of the things that go on around here, the gentlewoman from Florida did, in fact, include the minority in every decision that was made in the crafting of this bill. And I want to highlight just a couple of things that I'm really pleased with.

One is the increase in the Members' representational account, not that Members of Congress will make more money but that so we can attract and retain, and retention really is the key, quality staff folks in our personal offices. I'm also appreciative to the gentlewoman for including some report language dealing with the Congressional Research Service as a result of the oversight hearing. As was mentioned before by Mr. LEWIS and others, the icon fund, the anticipated repairs to the United States Capitol and the Cannon building are going to be astronomical. Rather than sort of waiting for disaster to strike, squirreling money away now so that we can do it in an orderly fashion, I think, is a great idea.

The only concern I have, and I want to thank the gentlewoman for her willingness to work with us during the full committee markup of this bill, is we did have an oversight hearing and folks are aware that at the historic inauguration of President Obama, a crush of people arrived here. Some people in the purple haze or purple zone were stuck in a tunnel and never got the opportunity to see the inauguration. And the report as currently written correctly indicates that some of the problem was with the planning with the police, the Secret Service, and others. However, in that oversight hearing and why I am grateful to the gentlewoman for indicating she'll work with us, the police and the Secret Service indicated that they were turning away hundreds and thousands of people who had received this very fancy invitation. And the invitation, Madam Speaker, says the honor of your presence is requested at the ceremonies for the inauguration of the President on January 20. And people were coming to the barricades and basically saying, I've been invited.

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

Mr. ADERHOLT. I yield the gentleman 1 additional minute.

Mr. LATOURETTE. I thank you very much, and I won't take a minute.

But thousands of people were coming up to the barricades and basically indicating, Hey, look, I've been invited by Senator FEINSTEIN, Senator REID, Senator BENNETT, Speaker PELOSI, Majority Leader HOYER, and Minority Leader BOEHNER to attend the inauguration; so what do you mean I can't get in? And, of course, these aren't invitations.

So I appreciate the gentlewoman's willingness to also look at the Joint Committee on Inaugural Ceremonies and perhaps we all can do better and have a more peaceful inauguration in 2013.

□ 1215

Ms. WASSERMAN SCHULTZ. Madam Speaker, at this time I yield 3 minutes to my colleague and friend, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from Florida.

In my capacity as the cochairman of the Commission on Security and Cooperation in Europe, I would like to engage in a colloquy with the gentlewoman from Florida regarding a chronic problem faced by the commission, and that is, access to appropriate space for public hearings, briefings and other events.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. I'm very familiar with the outstanding human rights work undertaken by the gentleman from Florida (Mr. HASTINGS) and his colleagues on the commission. Last year I had the opportunity to participate in a commission hearing on combating sexual exploitation of children and strengthening international law enforcement cooperation. The commission is providing important leadership on this and many other issues at home and abroad, including among parliamentarians, through engagement by Mr. HASTINGS, a past president of the OSCE Parliamentary Assembly, and Senator CARDIN, a vice president of the assembly and current Chair of the commission.

Mr. HASTINGS of Florida. Fulfillment of the commission's congressional mandate requires the convening of public hearings and briefings as well as sustained engagement with visiting delegations of senior foreign government officials, including parliamentarians and representatives of nongovernmental organizations. When Congress established the commission, there were 35 countries that were part of the Helsinki Process. Today that number has grown to 56. Additionally, the commission has paid increasing attention to developments in OSCE partner countries, including Afghanistan, Egypt, Jordan, and Israel, among others. The commission's increased workload has led to an increased number of public events as well as meetings with foreign dignitaries.

Ms. WASSERMAN SCHULTZ. I can appreciate the dilemma faced by my colleagues on the commission and the difficulty of securing suitable space for such events and meetings. I am committed to working with the gentleman from Florida in finding a durable solution to this persistent problem. My understanding is that he has identified space in the CVC that might meet the commission's needs.

Mr. HASTINGS of Florida. That is correct. I appreciate the Chair's support and look forward to working with her and others to fix this problem.

Mr. ADERHOLT. Madam Speaker, I would like to yield 3 minutes to the distinguished gentleman from Illinois (Mr. KIRK) who is a member of the full committee and has worked very diligently on a lot of these issues that involve the legislative branch, even though he is not on the subcommittee. He has worked very diligently, especially regarding the Visitor Center and making sure that Members have the opportunity to bring their guests throughout the Capitol and get a quality tour from the State's perspective from where they're from.

Mr. KIRK. I thank my colleague and rise in very strong support for this bipartisan legislation. I particularly want to thank Mr. ADERHOLT and our Chair, DEBBIE WASSERMAN SCHULTZ, for putting together this legislation. I have worked on this legislation in the past, particularly to build a staff gym, which is now one of the great successes of this institution. But lately was particularly concerned with the decision quietly made that gave the Architect of the Capitol Red Coats apparently the exclusive power to control Capitol tours in the Capitol. It's clear now that they abused this power. They blocked staff-led tours of the Capitol and on Facebook set a record for poor customer service in condemning congressional staffs—politically naively enough majority and minority staffs—and saying what a bad piece of work that they did.

Many Members came together under the leadership of Chairman Wasserman Schultz, concerned about this power grab in the people's House. While the CVC attempted changes, they maintained that they still wanted to control access to the Capitol, turning away one of our Members who had four mayors

visiting here, but they only had three tickets.

What this legislation now does, as written by the chairwoman, is that we have fired the Red Coats' ability to control access to the Capitol by Members of Congress and their staff, that if constituents come in from whatever district, that Members should now know that your staff can get your constituents into the Capitol to see it. We have also removed the restraints so that you can see all provisions of the Capitol, especially, for example, my constituents and many others who have seen this institution on C–SPAN and want to look at it. Now we can get them in here.

I particularly want to thank the leadership for this legislation because we have returned a sense of order and control in making sure that the people who were elected to represent them actually can bring them into the Capitol. As I said in full committee, this institution can be quite frustrating—like yesterday; and the one thing that we can guarantee that was under our control is that we could guarantee that our constituents have a good experience in the Capitol. That had been denied by the Red Coats. This legislation returns that control.

I want to particularly thank Jenny Desia and Liz Dawson on our side; and Ian Rader in Congresswoman WASSERMAN SCHULTZ's staff for helping out; and Brette Davis of my staff who helped bring this together. I also want to thank Congressmen DAVE LOEBSACK and JIM MORAN who helped me out so much.

We see ourselves as institutionalists here. I started working here as a staffer in 1984. And while the CVC is quite impressive, its restrictions were beginning to deny a number of Members of Congress the opportunity to show it to their constituents. This legislation restores that access.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself 2 minutes just to agree wholeheartedly with the gentleman from Illinois. I am so glad that he raised the issue of staff-led tours during debate on this legislation. It is incredibly important, and it was an incredible source of frustration for me as we moved towards opening the CVC to note that it was possible that constituents of ours could come to the Capitol, take a tour, walk through this whole building, watch our proceedings in the gallery, and leave to go home, never having known or been able to identify who it is that represents them in the United States Congress.

Preserving staff-led tours is an incredibly important way for us to be able to do that. And quite frankly, just to promote staff-led tours to anyone who is interested in getting one, you can get a more unique and less homogenized tour. As good as the guide-led tours are, you can get a more tailored-to-your-State oriented tour from your Member of Congress. And I would encourage people who are interested in doing that to go through their own Member of Congress to book their reservation and get a tour of the Capitol from the person that represents you in Washington.

I reserve the balance of my time.

Mr. ADERHOLT. At this time I would like to yield 2 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank my colleague from Alabama for yielding me time to speak.

I rise in opposition to this legislative appropriations bill. While I appreciate the work that's been done in putting this bill together, I think it's been a disservice to the American people that the amendments that were filed by so many Members on our side to actually cut the growth of spending in this bill were not allowed to come to the floor, were, in essence, ruled out of order. I think it's a sad day when someone attempts to cut spending in a bill that grows government by the size of 7 percent, in this case, and it is ruled out of order. It's not allowed to be debated on this House floor. I think what's happening right now—and we saw this yesterday—there was a $64 billion piece of legislation that was brought before Congress yesterday, which represented a 12 percent growth—the CJS budget that was brought before Congress yesterday—a 12 percent growth in government at a time when Americans all across the country are cutting their spending because we're living in tough economic times.

I think there's some people in this leadership in Congress that just don't get the fact that people want us to cut spending here in Washington, not spend at record levels.

I think it was very sad when just on this House floor yesterday we had a record—8 hours was spent on a bill where $64 billion of taxpayer money was being spent, and we were trying to bring up amendments to cut that rapid growth in spending. People just last night and today in the leadership on this floor actually used the comments that ''delaying tactics''—they called our amendments to cut spending delaying tactics. Some of their Members actually used the term ''nonsense'' and ''foolishness'' when describing our amendments to cut spending. So now some people on the other side want to spend money so fast that if we put up an amendment to cut spending, to cut growth in spending, they call that a delaying tactic.

Well, I think Americans all across this country want more of those types of delaying tactics to slow down this runaway train of massive Federal spending, money we don't have. Every dollar we spend in Congress from today all the way through the end of this year is borrowed money. We don't have that money. We need to control what we're spending. I would urge opposition to this bill.

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today in support of the Legislative Branch Appropriations bill for Fiscal Year 2010. I want to thank Chairwoman WASSERMAN SCHULTZ and all of the members of the subcommittee for their hard work. It is no secret that we are in the middle of the most trying economic times that we have seen in decades. This has made a hard job even harder for the Appropriations Committee, as difficult decisions had to be made. I commend the Subcommittee for finding a balance that supports the necessities of running the Legislative branch while restraining spending.

A year ago at this time we were still anticipating the opening of the new Capitol Visitor Center. Today we are seeing it flourish, as it has already welcomed more than one million visitors to the Capitol. I want to commend Chairwoman WASSERMAN SCHULTZ for her part in opening the doors to the CVC, and for her work on this bill that supports its continued success and growth.

I am very pleased to see that this bill includes funds to renovate the east underground garage and for design work necessary to renovate the Cannon House Office Building. The garage renovation is a must-fund project for the safety of anyone who uses the facility. Maintenance projects have been deferred for too long and parts of the structure are literally beginning to crumble. Furthermore, the Cannon building has historic significance and we owe it to the institution to preserve the structure. These are just the first elements of long-deferred maintenance of the Capitol complex, and I am pleased to see the initiation of a capital fund to address these multi-year expenses.

I am sure that many members here share in my excitement for this bill's inclusion of funds to modernize the Electronic Voting Display in the House Chamber. The EVS has not been upgraded significantly since it was first installed more than 30 years ago. The proposed changes to the display will not just reduce malfunctions, but also make it easier for Members to read at a glance. It will also remove any confusion about what is being voted on. This upgrade is long overdue and will ensure the system's ability to adapt to advancing technologies.

Additionally, I'd like to voice my support for funding a number of initiatives from the Office of the Chief Administrative Officer. I'm glad to see the continued support for the CAO's greening efforts. These efforts have greatly improved the House's energy efficiency, lowered our carbon footprint, and reduced our costs. In this bill, funds have been specifically set aside for energy demonstration projects. This appropriation will make the House a showcase for the possibilities of a greener, and more responsible, tomorrow.

Another CAO initiative that I am happy to see funded in this bill is the Wounded Warrior program. Wounded veterans face innumerable challenges when they return home. This program is a small way that we can ease that burden for some, and hopefully set an example for other employers to follow.

Finally, I'm pleased to see the inclusion of staff benefits aimed to create parity between

the executive and legislative branches. In particular, I am glad to see funds for a tuition reimbursement program and extended childcare benefits. All of the benefits the CAO has recommended already exist in executive agencies, and the Committee on House Administration will soon consider extending them to House employees to retain and recruit the best staff.

Before closing, I just wanted to mention the importance of the funds incorporated in the supplemental for the Capitol Police to upgrade their radio system. Their antiquated radio system has been an ongoing problem that affects the safety of everyone who works in or visits the Capitol. We have increasing security concerns and an expanding campus, making effective communication more important than ever. Including that money in the supplemental accelerated the installation of the new system; otherwise, funding would have had to be included in this bill.

I urge all of my colleagues to support this bill. It represents a wise and careful use of taxpayer dollars in a difficult economic time. Meanwhile, it effectively addresses the necessities of running the legislative branch. These appropriations make it possible for all of us to do our jobs effectively for the American people.

Mr. KUCINICH. Madam Speaker, I rise today in support of the H.R. 2918, and I commend Chairwoman WASSERMAN SCHULTZ for crafting a bill that acknowledges the importance of a well-funded legislative branch while at the same time considers the challenging economic environment.

The bill provides a modest increase for the Government Accountability Office, which I would like to see increased, possibly in conference with the Senate. A robust and healthy GAO is vital if Congress is going to be able to execute our mandate of rigorous oversight.

I am also glad that the bill addresses the issue of staff-led tours. I, with my staff, take great pride in hosting constituents when they visit Washington, D.C. In years past constituents have told me and my staff that their staff-led tour of the Capitol was the highlight of their trip to the city. I make sure that staff-led tours are relevant to my constituents, something that Capitol Tour Guides, while very knowledgeable, simply cannot do when conducting tours with people from all over the country.

I am disappointed, however, in the success of the motion to recommit, which would eliminate funding for the Wheels 4 Wellness program. Wheels 4 Wellness was created to give House staff an alternate mode of transportation around the Hill campus during the business day. As we also prepare to debate climate change legislation, programs that lessen our carbon footprint should be encouraged and supported, not eliminated. I agree with the Committee Report and with the Chairwoman's comments, and I hope to see the shortcomings of the program addressed so that staff will have access to a stronger and more viable Wheels 4 Wellness program.

Ms. WASSERMAN SCHULTZ. Madam Speaker, at this time I have no additional speakers, but I continue to reserve the balance of my time.

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, again, it was a great privilege to work with the gentleman from Alabama and his staff. I look forward to continuing to work as we move the legislative branch appropriations bill through the conference process.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. MCCARTHY of New York:

In the item relating to ''Library of Congress, Salaries and Expenses'', strike the period at the end and insert the following: ''*Provided further*, That of the amount made available under this heading, $250,000 shall be used to carry out activities under the Civil Rights History Project Act of 2009.''.

The SPEAKER pro tempore. Pursuant to House Resolution 559, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. I thank you, Madam Speaker.

I certainly want to thank Chairwoman WASSERMAN SCHULTZ and Ranking Member ADERHOLT for letting this amendment come through today. I appreciate all the work that has been done, and I am not going to speak long on this to save time.

I want to thank my lead cosponsor of the Civil Rights Oral History Project, Congressman JOHN LEWIS of Georgia, himself a civil rights hero, for all of his help in developing and generating support for this program.

All I'm going to say is that I thank everyone for working together to make sure that this amendment comes through. What has happened was—it has passed in the House before. Money had been appropriated for it. But unfortunately by a technical change, there was a delay until the year 2011. We have so many people around this country that are advancing in age who have the history of the civil rights movement, and obviously in the last few years, we have seen some of the great civil rights leaders, unfortunately, die; but it's also those that were the housewives, just the ordinary citizens that really also made a difference.

I would like to thank Chairwoman WASSERMAN SCHULTZ and Ranking Member ADERHOLT for their help in moving this amendmendment forward and congratulate them for their hard work on crafting the Legislative Branch Appropriations bill.

I also want to thank my lead cosponsor of the Civil Rights Oral History Project, Congressman JOHN LEWIS of Georgia, himself a civil rights hero, for all of his help in developing and generating support for this program.

Mr. LEWIS was at the forefront of the battle to end segregation and his contribution to ensuring equality in our country cannot be overstated.

I know I speak for all of my colleagues when I say that we are honored to serve with him and grateful for all that he has done and continues to do for all Americans as a steward of justice and equal rights.

We are fortunate to serve in Congress with several other influential civil rights leaders and I would like to extend a heartfelt ''thank you'' for their sacrifices and commitment to the cause of freedom.

The fight for civil rights was one of the most significant social and cultural movements in our nation's history.

H.R. 586, the Civil Rights Oral History Project Act of 2009, was passed by Congress and signed into law by President Obama on May 12th.

It would permit the Library of Congress and the Smithsonian Museum to jointly create a comprehensive compilation of audio and video recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement.

It is important that we begin to fund this project now, so we can document the stories of those brave men and women who fought in so many ways to ensure equal rights to all Americans.

Another year is too long to wait.

Unfortunately, with each passing year, our nation loses more and more of the people that played major roles in the American Civil Rights Movement.

Over the last few years, we lost Mrs. Coretta Scott King and Mrs. Rosa Parks, and we will continue to lose more courageous Civil Rights pioneers.

Thankfully, their stories have been well documented in the historic record, but there are many others who have already passed or whose memories are fading.

While we know so much about the lives of the leaders of the Civil Rights Movement, such as Dr. Martin Luther King, our colleague, Congressman JOHN LEWIS, and Thurgood Marshall, it is important that we learn about the everyday people of all races who took a stand during a pivotal time in our nation's history.

Many leaders from all walks of life put their lives on the line to make it possible for all people to live freely and have the same fundamental rights.

The workers in Memphis that went on strike and marched in protest with Dr. King, the students that held sit-ins at lunch counters in the south, the thousands of people that marched on Washington and witnessed the ''I Have a Dream Speech'' and the millions of Americans that stood up and worked in their own ways to make our country a better place for all people.

In my Congressional District, there are many important leaders who fought to ensure equal rights for all Long Islanders.

Brave Americans like Irving C. McKnight from Roosevelt, Mr. McNeil from Hempstead, Mrs. Iris Johnson from Freeport, Fred Brewington from Malverne and so many others.

These people are the heroes of the civil rights movement and we need to make sure that their stories are woven into the fabric of the American story.

Without their efforts many of the freedoms we take for granted everyday would not have come to pass.

It is vital that future generations know and understand the struggles and challenges of those that paved the way for us to live in a free nation.

This legislation stresses the importance of capturing the memories and deeds of the Civil Rights generation and will give us a unique insight into the experiences of the people that were really on the frontlines of the civil rights movement.

This bill is based on the successful Veterans History Project and will create a joint effort between the future National Museum of African American History and Culture and the Library of Congress to collect oral histories of the people that were involved in the civil rights movement and preserve their stories for future generations.

The legislation authorized $500,000 for fiscal year 2010, for the purpose of carrying out the project, jointly between the two agencies.

I know that the bill was signed into law late and I appreciate the Legislative Branch Appropriations Subcommittee including language in the bill indicating funding can be used for ''activities for the Civil Rights Oral History Project.'' However, it does not appropriate an actual amount.

My amendment simply specifies that $250,000 would be directed from the salaries and expenses account to begin implementing the project in fiscal year 2010.

The amendment would guarantee a specified amount be used by the Library of Congress for this project.

I urge my colleagues to support this amendment and take the time to acknowledge the contributions of those great Americans who fought to make our nation a more fair and just place.

With that, I yield to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. I thank the gentlelady from New York for yielding and for her very appropriate amendment.

It is really wonderful to see the progress that has been made on the Civil Rights Oral History Project. We did have language in our bill, preserving the possibility for providing the funding. I'm glad that we've been able to fast forward that opportunity. I look forward to continuing to work with her. I'm happy to accept the amendment.

Mrs. MCCARTHY of New York. Thank you.

Mr. ADERHOLT. Will the gentlelady yield?

Mrs. MCCARTHY of New York. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Let me just say on the minority side, the Republican side, we accept the amendment as well. We look forward to working with you on that.

Mrs. MCCARTHY of New York. Thank you.

I yield back the balance of my time.

The SPEAKER pro tempore. Does any Member claim time in opposition to the amendment?

All time for debate on the amendment has expired.

Pursuant to House Resolution 559, the previous question is ordered on the bill and on the amendment by the gentlewoman from New York (Mrs. MCCARTHY).

The question is on the amendment offered by the gentlewoman from New York.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. KINGSTON. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston of Georgia moves to recommit the bill H.R. 2918 to the Committee on Appropriations with instructions to report the same back to the house forthwith with the following amendment:

Page 2, line 9, strike ''$1,375,300,000'' and insert ''$1,375,200,000''.

Page 5, line 19, strike ''$317,940,000'' and insert ''$317,840,000''.

Page 5, line 25, strike ''$278,378,000'' and insert ''$278,278,000''.

Mr. KINGSTON (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

□ 1230

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. KINGSTON. Madam Speaker, what this motion to recommit does is it moves to strike the congressional bicycle program.

When I came to Congress 17 years ago, we actually had a congressional ice program. I want you to imagine, every day 435 offices would get a bucket of ice delivered to them, even though we had ice machines in our refrigerator. It was a long-standing tradition and we couldn't get rid of it. It cost $375,000 a year. Finally we got rid of it.

Not to be outdone, it seems this Congress has started a bicycle program so our staff could have an opportunity to ride a beautiful bike like this. I want to tell you, these are beautiful bikes, not just because they are a pleasant blue color. But I am a bike rider. I ride a bike to work. I take this carbon footprint stuff seriously. I also don't like to pay $2.70 a gallon. So I ride my bike, but I pay for mine with my own money.

Now, these bikes, you don't have to pay for them. You just have to sign up. The problem is, last year $200,000, this year—the chairman would like me to show my colors here. I am a bike rider, and I take it seriously. Mr. JACKSON and Mr. LEWIS, we would love to have you in our caucus.

To get 30 bikes, we have spent $200,000. But only a small number of people have signed up for this, and last year they were only used 186 times. That calculates to $330 a ride.

Now, it is important to give staff employees benefits, and that is why this bill increases the salary allowance. We give them Metro cards. They have a health care plan and a fitness center. They have Federal holidays. They have nurses on the premises. They have a Thrift Savings Plan. There are a lot of good things we do and should continue doing for employees. But the bike program is so silly.

Why is it silly? It is not available, except for on weekdays from 8 to 5. So when I have an employee come to work, I expect them to be working, not riding bikes provided for by hard-working taxpayers.

These bikes are deluxe bikes. You can't quite see them. There is a nice seat, a very nice cushiony seat. They have lights. They have speedometers. I can tell you these bikes don't have any speed to them at all. I ride a road bike. I know. I could take one of these easily. But they have a speedometer, in case they do get up to five miles per hour. Nice thick tires. And you can't quite see them, but they have a mud flap. Now, you know you can't be serious with a bike unless you have a mud flap on it.

I want people to be riding bicycles, but I don't think it is fair for taxpayers in this economy to be spending $300,000 for a silly congressional bike program that is not used.

And, by the way, how bad is it? I would challenge you to do this: Check the Web page out and ask them how to get a bike, and it can't even accurately tell you where to go. It tells you to go to the Fitness Center. You call the Fitness Center, and they say, no, you have to go to First Call. You call First Call and you wait in line. That is where you get your sandwiches and meeting rooms and everything else. You have to be in line for that.

I went over, by the way, to see those bikes. Lots of dust is on them. They are sitting all by themselves in the corner of the parking lot, Ride me, ride me, please, somebody. No, you don't get that opportunity, because you can't sign up for it.

But, again, I want my employees to be working between 8 and 5, and on the

weekend, if they want to ride a bike, they ought to pay for it with their own money. Again, if this program was practical, it would be available to them on the weekends, but it is not.

It is a silly program and it revisits the days of the congressional ice-delivery program. Like the congressional ice-delivery program, it was a good idea, a good intention gone bad.

We need to strike this, put it to rest and say, you know what? We tried it. Let's don't be stupid and continue trying it. Let's accept this language and move the bill and get rid of the congressional bike program.

I would like all of you folks to sign up for a bike program, but not this one. Bring your own bike at your own expense.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise to claim the time in opposition to the motion to recommit; although I am not opposed to it.

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I do first think it is important to point out that technically the language in the motion to recommit does not specifically reduce the funding for any program at all. It simply reduces funding by $100,000 in this section of the bill. So I do think it is important to point out that the Wheels for Wellness program has not been specifically named in the motion to recommit for reduction.

That having been said, it is also important to point out that included in the report that accompanies the Legislative Branch Appropriations bill, we did express our concern about the effectiveness of the program as it is currently constructed. There are very few bikes that have been checked out, and we do believe that there needs to be a more effective plan brought forward by the CAO to ensure that if the program is going to continue to exist into the future, that more bikes be checked out and that they have an effective plan for doing that.

We are looking forward to getting that report language back and to working towards the possibility of reestablishing the funds in this section of the bill, which is all that has occurred.

But with that understanding and in anticipation of receiving that report, and recognizing the good work of our colleague, the gentleman from Oregon (Mr. BLUMENAUER) and his passionate commitment to ensuring that we get out of our cars and on to our bikes, because obviously that would reduce our carbon footprint and the carbon emissions, that is a worthwhile goal that the American people would greatly benefit from, with that, I would be glad to accept the motion to recommit.

The SPEAKER pro tempore. All time for debate on the motion to recommit having expired, without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 34, not voting 25, as follows:

[Roll No. 412]

YEAS—374

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

NAYS—34

Clarke
Clay
Clyburn
Connolly (VA)
Conyers
Crowley
Cummings
Davis (IL)
Edwards (MD)
Ellison
Filner
Fudge
Hirono
Holt
Jackson-Lee (TX)
Kucinich
Lee (CA)
McGovern
Mollohan
Nadler (NY)
Napolitano
Oberstar
Pastor (AZ)
Payne
Pingree (ME)
Serrano
Sherman
Tsongas
Waters
Watson
Watt
Weiner
Welch
Woolsey

NOT VOTING—25

Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Capuano
Davis (AL)
Deal (GA)
DeFazio
Fattah
Harman
Hoekstra
Johnson (GA)
Kanjorski
Kennedy
Kilpatrick (MI)
LaTourette
Lewis (GA)
Pascrell
Sánchez, Linda T.
Sessions
Sestak
Shadegg
Sullivan
Velázquez
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1301

Messrs. MCGOVERN, HOLT, CONYERS, Ms. CLARKE, Ms. EDWARDS of Maryland, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. SERRANO, Ms. FUDGE, and Mr. ELLISON changed their vote from ''yea'' to ''nay.''

Mr. REYES, Ms. CASTOR of Florida, and Messrs. HALL of New York, LUJÁN and SMITH of Washington changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. WASSERMAN SCHULTZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2918, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. WASSERMAN SCHULTZ:

Page 2, line 9, strike ''$1,375,300,000'' and insert ''$1,375,200,000''.

Page 5, line 19, strike ''$317,940,000'' and insert ''$317,840,000''.

Page 5, line 25, strike ''$278,378,000'' and insert ''$278,278,000''.

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

The amendment was agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 178, not voting 23, as follows:

[Roll No. 413]

YEAS—232

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kildee
Kilroy
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—178

Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Costello
Culberson
Davis (KY)
Dent
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—23

Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Capuano
Davis (AL)
Deal (GA)
DeFazio
Fattah
Harman
Kanjorski
Kennedy
Kilpatrick (MI)
LaTourette
Lewis (GA)
Miller (FL)
Sánchez, Linda T.
Sessions
Sestak
Shadegg
Sullivan
Velázquez
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in the vote.

□ 1309

Ms. CORRINE BROWN of Florida changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MILLER of Florida. Madam Speaker, on rollcall No. 413, I was detained in a meeting. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. I was unable to attend to several votes today. Had I been present, I would have voted ''yea'' on the Motion to Recommit H.R. 2918, Legislative Branch Appropriations Act for FY 2010, and ''yea'' on Final Passage of H.R. 2918, Legislative Branch Appropriations Act for 2010.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

IMPEACHING JUDGE SAMUEL B. KENT

Mr. CONYERS. Mr. Speaker, by direction of the Committee on Judiciary, I call up House Resolution 520 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Cathy McBroom was an employee of the Office of the Clerk of Court for the Southern District of Texas, and served as a Deputy Clerk in the Galveston Division assigned to Judge Kent's courtroom.

(3) On one or more occasions between 2003 and 2007, Judge Kent sexually assaulted Cathy McBroom, by touching her private areas directly and through her clothing against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Donna Wilkerson was an employee of the United States District Court for the Southern District of Texas.

(3) On one or more occasions between 2001 and 2007, Judge Kent sexually assaulted Donna Wilkerson, by touching her in her private areas against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE III

Samuel B. Kent corruptly obstructed, influenced, or impeded an official proceeding as follows:

(1) On or about May 21, 2007, Cathy McBroom filed a judicial misconduct complaint with the United States Court of Appeals for the Fifth Circuit. In response, the Fifth Circuit appointed a Special Investigative Committee (hereinafter in this article referred to as ''the Committee'') to investigate Cathy McBroom's complaint.

(2) On or about June 8, 2007, at Judge Kent's request and upon notice from the Committee, Judge Kent appeared before the Committee.

(3) As part of its investigation, the Committee sought to learn from Judge Kent and others whether he had engaged in unwanted sexual contact with Cathy McBroom and individuals other than Cathy McBroom.

(4) On or about June 8, 2007, Judge Kent made false statements to the Committee regarding his unwanted sexual contact with Donna Wilkerson as follows:

(A) Judge Kent falsely stated to the Committee that the extent of his unwanted sexual contact with Donna Wilkerson was one kiss, when in fact and as he knew he had engaged in repeated sexual contact with Donna Wilkerson without her permission.

(B) Judge Kent falsely stated to the Committee that when told by Donna Wilkerson his advances were unwelcome no further contact occurred, when in fact and as he knew, Judge Kent continued such advances even after she asked him to stop.

(5) Judge Kent was indicted and pled guilty and was sentenced to imprisonment for the felony of obstruction of justice in violation of section 1512(c)(2) of title 18, United States Code, on the basis of false statements made to the Committee. The sentencing judge described his conduct as ''a stain on the justice system itself''.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

Judge Samuel B. Kent made material false and misleading statements about the nature and extent of his nonconsensual sexual contact with Cathy McBroom and Donna Wilkerson to agents of the Federal Bureau of Investigation on or about November 30, 2007, and to agents of the Federal Bureau of Investigation and representatives of the Department of Justice on or about August 11, 2008.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

□ 1315

CALL OF THE HOUSE

Mr. SENSENBRENNER. Mr. Speaker, under clause 7 of rule XX, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 414]

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson

Sires	Thompson (CA)	Wasserman Schultz
Skelton	Thompson (MS)	Waters
Slaughter	Thompson (PA)	Watson
Smith (NE)	Thornberry	Watt
Smith (NJ)	Tiahrt	Weiner
Smith (TX)	Tiberi	Welch
Smith (WA)	Tierney	Wexler
Snyder	Titus	Whitfield
Souder	Tonko	Wilson (OH)
Space	Towns	Wilson (SC)
Spratt	Tsongas	Wittman
Stearns	Turner	Wolf
Stupak	Upton	Woolsey
Sutton	Van Hollen	Wu
Tanner	Visclosky	Yarmuth
Tauscher	Walden	Young (AK)
Taylor	Walz	Young (FL)
Teague	Wamp	
Terry		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). There are 2 minutes remaining in the call of the House.

□ 1333

The SPEAKER pro tempore. 395 Members have recorded their presence. A quorum is present.

IMPEACHING JUDGE SAMUEL B. KENT

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 1 hour.

GENERAL LEAVE

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

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

There was no objection.

Mr. CONYERS. I yield 30 minutes to the distinguished ranking member of the Judiciary Committee, LAMAR SMITH of Texas, and ask unanimous consent that he be allowed to control the time on his side for purposes of debate.

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

There was no objection.

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

Mr. Speaker and my colleagues, we are here today to perform one of the most solemn duties under the Constitution, which is to consider the impeachment of a sitting member of the judiciary, a Federal judge, who, but for the congressional power of impeachment, holds a life tenure on his office.

The judge in question, Samuel B. Kent of the United States District Court for the Southern District of Texas, has already pled guilty to obstruction of justice and has entered into and is residing in a Federal prison at this moment.

The Judiciary Committee's independent investigation, conducted admirably by a special task force established for that purpose and led by the gentleman from California (Mr. SCHIFF), has concluded that the charge underlying that guilty plea is overwhelmingly borne out by the evidence, as are the related charges of repeated sexual assault against various court employees under his supervision.

Judge Kent's conduct is described in greater detail in the report filed by our committee, which voted unanimously 29–0 to recommend four articles of impeachment to the House. The court documents and other materials are available on the committee's Web site.

Of the three branches of government devised by the framers of our Constitution, only the judicial branch is insulated from the accountability of standing for election. This is by design. The other two branches, the legislative and the executive, are designed to be democratically responsible to the people, but the judicial branch is designed to be independent, to interpret the laws passed by the Congress without favor and without fear of political reprisal.

And so, article III, section 1 provides that Federal judges hold their offices during ''good behavior.'' And when a judge abuses his power, when by his conduct he proves himself unfit to hold his office, he cannot be turned out by the voters; instead, it falls to the Congress to ensure that the public trust of that office is protected through the power of impeachment.

Congress has used this power sparingly. In our Nation's history, only 13 Federal judges have been impeached, and even fewer convicted. Needless to say, the conduct at issue here is both shocking and shameful. In due course, many of the disturbing details of Judge Kent's appalling conduct will more than likely be revealed, but now I want to emphasize for the Members the following points:

The committee is recommending impeachment not merely on the fact that the judge has pleaded guilty and has been sentenced to prison; rather, it is his conduct—making false statements to his fellow judges in an official inquiry and sexually assaulting courthouse personnel—that the committee has independently determined to constitute high crimes and misdemeanors warranting his impeachment and removal from office.

The Judiciary Committee has determined overwhelmingly and unanimously, after most careful examination, that the judge's conduct plainly renders him unfit to remain a Federal judge.

Entrusted to use the power of his office to dispatch justice impartially, this judge abused his power blatantly, with partiality and favor, for his own personal gain. Entrusted to render justice, he has instead sought to evade it. Only Congress can remove Judge Kent from office. Until we do so, he will continue to draw a salary as a sitting Federal judge, even from his prison cell.

While the executive can prosecute him and the judiciary can impose punishment for his criminal conviction, only the Congress of the United States has the power to remove him from office, and that is our constitutional duty here today.

I bring this resolution to the floor with heavy regret that we are even called upon to take such action. But let it be clear, I have no doubt that this member of the judiciary must be removed from the office that he has so blatantly abused. The evidence is overwhelming and the grounds for impeachment perfectly clear. I therefore urge my colleagues to support this resolution.

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

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

Mr. Speaker, we are here today to consider and vote on Articles of Impeachment following U.S. District Judge Samuel Kent's guilty plea and sentencing.

Judge Kent is a convicted felon who pleaded guilty to obstruction of justice and lying to a panel of his Federal judges who were investigating allegations that he sexually assaulted two women on his staff.

Following Judge Kent's guilty plea and sentencing, the House authorized the Judiciary Committee to undertake an inquiry into whether the House should impeach Judge Kent. Recently, the Impeachment Task Force of the Judiciary Committee heard testimony from two women whom Judge Kent sexually assaulted. Their testimony about Judge Kent's conduct was troubling, especially because Judge Kent abused his authority as a Federal judge to intimidate his staff into silence. Judge Kent has refused to appear before the committee. Judge Kent continues to abuse his position of authority by refusing to resign immediately. Instead, he sent a letter to President Obama tendering his resignation effective June 1, 2010.

Last Monday, Judge Kent reported to Federal prison to serve a 33-month prison sentence. By resigning effective June 1, 2010, Judge Kent is attempting to collect his full judicial salary for another year, even while he sits in prison. That's why we are here today, to take the next step to putting an end to Judge Kent's abusive authority and exploitation of American taxpayers.

On Wednesday, June 10, the Judiciary Committee unanimously approved four Articles of Impeachment against Judge Kent. Two of the articles relate to his sexual misconduct, and two of the articles relate to Judge Kent's lying about his conduct.

I am not unsympathetic to the claims that Judge Kent endured difficult personal tragedies and may suffer from mental illness; however, he

does not have the right to continue to serve as a Federal judge and collect a taxpayer-funded salary while sitting in prison for felony obstruction of justice.

Judge Kent has remained on the bench long after he sexually assaulted two women and lied to law enforcement officials. It is now time for justice; justice for the American people who have been exploited by a judge who violated his oath of office and obstructed justice by lying, and justice for the victims who were subjected to abuse and humiliation.

Although his attorney claims that Congress has ''better things to do,'' ensuring that a Federal judge convicted of a felony does not receive a taxpayer-funded salary while sitting in jail is important to our system of justice and a priority of this Congress. Every day that Judge Kent remains on the bench is one day too long.

I urge my colleagues to vote in favor of these Articles of Impeachment to restore integrity to the Federal bench. And I hope the Senate will act quickly to ensure swift justice for Judge Kent, his victims, and the American people.

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

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize one of our most distinguished members of the Judiciary Committee who headed the task force for impeachment in our committee. ADAM SCHIFF has performed remarkably well. It is a bipartisan committee. And his former experience himself as an assistant U.S. attorney held him in very good stead.

I recognize the distinguished gentleman from California for 10 minutes.

□ 1345

Mr. SCHIFF. I thank the gentleman and appreciate the great leadership of the chairman of the Judiciary Committee.

Today we find ourselves in the regrettable circumstance where we must act to remove a Federal judge from the bench. The task before us is not one we welcome, but it is an important responsibility that has been entrusted to us by the Founders and one which we must not shrink from.

Throughout our Nation's history, we have been fortunate to have a distinguished judiciary that has served as an essential and coequal branch of our government. We owe a great deal to the success of our representative democracy to the positive, thoughtful, and vital role played by the Nation's judges. To insulate members of the bench from political and other pressures, to ensure that judges are free to determine the justice of the cases before them on the basis of the law alone and no outside influence, Federal judges are appointed for life.

Unlike elected officials, who may be removed periodically by the voters or serve a term that comes to an end, the Founding Fathers provided only one extraordinary method of removing a Federal judge, that of impeachment. The President cannot remove a judge he has appointed or any other, and the courts cannot. Conviction of a Federal or State offense is also powerless to remove a judge from office. Only the Congress may remove a judge and only then upon impeachment of the House under article I, section 2 of the Constitution and conviction in the Senate for treason, bribery, or other high crimes and misdemeanors justifying their removal.

Because we have been blessed by an extraordinarily professional judiciary and because the bar for removal is high, the extraordinary remedy of impeachment of a Federal judge has been used only 13 times in the Nation's history. But the matter before us today warrants its use once again.

Last month, the House Judiciary Task Force on Judicial Impeachment was directed to inquire whether Judge Kent should be impeached. As the chairman of the task force, I would like to report on our work and provide the Members of the House with a procedural history of the matter as well as an overview of the relevant facts. As a task force, we were extremely well-served by the very capable ranking member from Virginia, BOB GOODLATTE, and have worked to proceed in a fair, open, and deliberate manner, and we have done so on a bipartisan, really nonpartisan, basis.

Samuel Kent was appointed to the Federal bench in 1990 and served in the Galveston courthouse in the Southern District of Texas. During that time, he was generally the sole judicial officer in the courthouse, an imposing figure who exercised a substantial degree of influence and control both inside and outside of the courtroom.

At some point in 2001, Judge Kent began sexually assaulting at least two women employees who served in the courthouse. These repeated assaults occurred through at least May of 2007, when one of the victims, Cathy McBroom, filed a judicial misconduct complaint with the U.S. Court of Appeals for the Fifth Circuit alleging sexual misconduct on the part of Judge Kent. In response, the Judicial Council of that circuit appointed a Special Investigative Committee to investigate the complaint.

On June 8, 2007, Judge Kent, pursuant to his own request, was interviewed by the Special Investigative Committee of that circuit. They sought to learn from Judge Kent whether he had engaged in unwanted sexual contact with Ms. McBroom or others. During the interview, Judge Kent made material false statements about the extent of his nonconsensual contact with Ms. McBroom. He was also questioned about another female employee in the courthouse, his secretary Donna Wilkerson, and told the investigative committee that once Ms. Wilkerson informed him that his advances were unwelcome, no further sexual contact had occurred, when, in fact, he continued his nonconsensual sexual contacts with both Ms. McBroom and Ms. Wilkerson.

The Department of Justice commenced a criminal investigation relating to Judge Kent's conduct as well. In November 2007, Judge Kent asked for and was granted an interview with the FBI. During the voluntary interview that he had requested, he was asked about his alleged conduct and repeated the same material false statements he had made to the Fifth Circuit.

In August of 2008, Judge Kent, through his attorney, asked for a meeting at the Department of Justice. And at this meeting he sat down with his attorney, an FBI agent, and representatives of the Department of Justice, and again Judge Kent made material false statements about the nature and extent of his nonconsensual sexual contact with Ms. McBroom and Ms. Wilkerson.

Intimidated by Judge Kent and worried about losing her job, Ms. Wilkerson was not initially candid with investigators and law enforcement when questioned about Judge Kent's conduct towards her. In fact, it was not until her third grand jury appearance that Ms. Wilkerson was willing to reveal the full extent of sexual assault she endured from Judge Kent.

On August 28, a Federal grand jury returned a multi-count indictment against Judge Kent, and on January 6 the grand jury issued a superseding indictment against Judge Kent alleging counts of aggravated sexual abuse as well as obstruction of justice and abusive sexual contact.

On February 23, the day his criminal trial was set to begin, Judge Kent pled guilty to obstruction of justice. Pursuant to the plea agreement, Judge Kent knowingly, voluntarily, and truthfully admitted having nonconsensual sexual contact with both women and obstructing justice in his testimony before the Fifth Circuit investigative committee.

On May 11, Judge Kent was sentenced to a term of 33 months in prison and ordered to pay fines and restitution. Judge Kent began his term of incarceration on June 15, this past Monday.

The day after sentencing, the House of Representatives directed the Judiciary Committee Impeachment Task Force to inquire whether Judge Kent should be impeached, and the task force held an evidentiary hearing on June 3, receiving testimony from Ms. McBroom and Ms. Wilkerson as well as Professor Arthur Hellman, a judicial impeachment scholar. Professor Hellman provided expert testimony that concluded that making false statements to fellow judges, as well as abusing his power as a Federal judge to sexually assault women, were independent grounds that would justify and

warrant Judge Kent's impeachment and removal from office.

The task force invited Judge Kent to testify, but he declined our offer. The task force received correspondence from Judge Kent that was made available to all Members and was entered into the RECORD. The task force also invited Judge Kent's counsel to participate in the hearing and present arguments on behalf of his client as well as to provide the opportunity to question any of the witnesses, and Judge Kent's counsel also declined to appear or participate.

Subsequently, Judge Kent's counsel sent a letter to the committee questioning the veracity of the women and making an extraordinary admission that their testimony was unnecessary because, quoting from the letter: Judge Kent's guilty plea to the felony of obstruction presents sufficient grounds for impeachment.

The task force also received a letter from Judge Kent to the White House, dated June 2, stating his intention to resign June 1 a year from now. But neither his surrender to custody nor his stated intention to resign a year from now affect his current status as a Federal judge or a constitutional obligation to determine whether impeachment is warranted.

Our proceeding today does not constitute a trial, as the constitutional power to try impeachment resides in the Senate; rather, the House's role is to inquire whether Judge Kent's conduct provides a sufficient basis for impeachment. According to leading commentators and historical precedent on the issue, there are two broad categories of conduct that have been recognized as justifying impeachment: serious abuse of power and conduct that demonstrates an official is unworthy to fill the office that he or she holds.

Earlier this month, the Judicial Conference of the United States transmitted a certificate to the House certifying its determination that consideration of impeachment of Judge Kent may be warranted. After concluding that the full record establishes Judge Kent should be impeached for high crimes and misdemeanors, the House Judiciary Task Force met on June 9 and voted unanimously in favor of recommending four Articles of Impeachment, which have been read before the House today. On June 10, the House Judiciary Committee ordered H. Res. 520 favorably reported by a rollcall of 29–0.

Judge Kent, incident to his position as a U.S. district judge, engaged in deplorable conduct with respect to employees associated with the court. Such conduct is incompatible with the trust and confidence placed in him as a judge. In particular, the record demonstrates that Judge Kent sexually assaulted two women who were both employees of the court. Furthermore, Judge Kent corruptly obstructed, influenced, or impeded an official proceeding by making false statements to the Special Investigative Committee of the Fifth Circuit and again by making false material statements to agents of the FBI and Department of Justice.

These acts of sexual assault and obstruction of justice are, as the judge who sentenced Mr. Kent to incarceration stated, ''a stain on the justice system itself.'' Were the House of Representatives to sit idly by and allow Mr. Kent to continue to hold the office of U.S. district judge while sitting in prison, and after committing such high crimes and misdemeanors, it would be a stain on the Congress as well.

Judge Kent's conduct was a disgrace to the bench. That he would still cling to the bench from the confines of his prison cell and ask the public, whose trust he has already betrayed, to continue paying his salary demonstrates how little regard he has for the institution he was supposed to serve.

I urge the House to approve each of the four Articles of Impeachment set out in House Resolution 520.

Today, we find ourselves in the regrettable circumstance where we must act to remove a federal judge from the bench. The task before us is not one that we welcome, however, it is an important responsibility that has been entrusted to us by the Founders and one which we must not shrink from.

Throughout our nation's history, we have been fortunate to have a distinguished judiciary that has served as an essential and coequal branch of our government. We owe a great deal of the success of our representative democracy to the positive, thoughtful and vital role played by the nation's judges. To insulate members of the bench from political and other pressures, to insure that judges are free to determine the justice of the cases before them on the basis of the law alone and no outside influence, federal judges are appointed for life.

Unlike elected officials who may be removed periodically by the voters, or serve a term that comes to an end, the Founding Fathers provided only one extraordinary method of removing a federal judge—that of impeachment. The President cannot remove a judge he has appointed or any other, and the courts cannot—conviction of a federal or state offense is also powerless to remove a judge from his office. Only the Congress may remove a judge, and only then upon impeachment in the House under Article I, Section 2 of the Constitution, and conviction in the Senate for treason, bribery, or other high crimes and misdemeanors justifying their removal.

Because we have been blessed by an extraordinarily professional judiciary, and because the bar for removal is high, the extraordinary remedy of impeachment of a federal judge has been used only 13 times in our nation's history. But the matter before us today warrants its use once again.

Last month, the House Judiciary Committee Task Force on Judicial Impeachment was directed by the House to inquire whether Judge Kent should be impeached. As Chairman of the Task Force, I'd like to report on our work and provide the Members of the House with the procedural history of this matter as well as an overview of the relevant facts. As a Task Force, we were extremely well served by the very capable Ranking Member from Virginia, BOB GOODLATTE, and have worked to proceed in a fair, open and deliberate manner, and we have done so on a bipartisan, really, nonpartisan basis.

Samuel B. Kent was appointed to the federal bench in 1990 and has served in the Galveston courthouse in the Southern District of Texas for most of his career. During that time, he was generally the sole judicial officer in the courthouse, an imposing figure who exercised a substantial degree of influence and control both inside and outside of his courtroom.

At some point in 2001, Judge Kent began sexually assaulting at least two women employees who served in his courthouse. These repeated sexual assaults occurred through at least May of 2007, when one of the victims, Cathy McBroom, filed a judicial misconduct complaint with the U.S. Court of Appeals for the Fifth Circuit, alleging sexual misconduct on the part of Judge Kent. In response, the Judicial Council of the Fifth Circuit appointed a Special Investigative Committee to investigate Ms. McBroom's complaint.

On June 8, 2007, Judge Kent, pursuant to his own request, was interviewed by the Special Investigative Committee of that Circuit. The Investigative Committee sought to learn from Judge Kent whether he had engaged in unwanted sexual contact with Ms. McBroom or with others.

During the interview, Judge Kent made material and false statements about the extent of his non-consensual contact with Ms. McBroom; in fact, he had engaged in repeated non-consensual sexual contact with her. Judge Kent was also questioned about another female employee in the courthouse, his secretary Donna Wilkerson. He told the investigative committee that once Ms. Wilkerson informed him that his advances were unwelcome, no further sexual contact with her occurred, when in fact he continued his non-consensual contacts with Ms. Wilkerson as well.

On September 28, 2007, in an ''Order of Reprimand and Reasons'' signed by Chief Judge Edith Jones, the Judicial Council for the Fifth Circuit suspended Judge Kent with pay for four months and transferred him to Houston. The Order did not disclose the underlying findings of fact or conclusions by the Special Investigative Committee.

The Department of Justice then commenced a criminal investigation relating to Judge Kent's conduct. In November 2007, Judge Kent asked for and was granted an interview with Federal Bureau of Investigation law enforcement agents. During the voluntary interview that he had requested, he was asked about his alleged conduct and repeated the same material false statements that he made to the Fifth Circuit.

In August 2008, Judge Kent through his attorney asked for a meeting at the Department of Justice Headquarters in Washington, D.C. At this meeting, he sat down with his attorney, an FBI agent, and representatives from the Department of Justice. Judge Kent again made material false and misleading statements about the nature and extent of his nonconsensual sexual contact with Ms. McBroom and Ms. Wilkerson.

Intimidated by Judge Kent and worried about losing her job, Ms. Wilkerson was not initially candid with investigators and law enforcement when questioned about Judge Kent's conduct towards her. In fact, it was not until her third grand jury appearance, that Ms. Wilkerson was willing to reveal the full extent of sexual assaults she endured from Judge Kent.

On August 28, 2008, a federal grand jury returned a three-count indictment charging Judge Kent with two counts of abusive sexual contact against Ms. McBroom, in violation of 18 U.S.C. §2244(b), and one count of attempted aggravated sexual abuse against Ms. McBroom, in violation of 18 U.S.C. §2241(a)(1).

On January 6, 2009, the grand jury issued a superseding indictment that re-alleged the three counts involving Ms. McBroom and added three additional counts. Count four charged aggravated sexual abuse against Ms. Wilkerson in violation of 18 U.S.C. §2241(a)(1), a crime punishable by up to life in prison. Count five charged abusive sexual contact against Ms. McBroom in violation of 18 U.S.C. §2244(b).

Finally, the superseding indictment charged Judge Kent with Obstruction of Justice for corruptly obstructing, influencing, and impeding an official proceeding by making false statements to the Special Investigative Committee of the U.S. Court of Appeals for the Fifth Circuit regarding his unwanted sexual contact with Ms. Wilkerson.

On February 23, 2009, the day his criminal trial was set to begin, Judge Kent pled guilty to Obstruction of Justice. Pursuant to the plea agreement, Judge Kent knowingly, voluntarily, and truthfully admitted having nonconsensual sexual contact with both women, and obstructing justice by testifying otherwise before the Fifth Circuit Investigative Committee.

On May 11, 2009, Judge Kent was sentenced to a term of 33 months in prison and ordered to pay fines and restitution to Ms. McBroom and Ms. Wilkerson. Judge Kent began his term of incarceration on June 15th, this past Monday.

The day after his sentencing, the House of Representatives directed the House Judiciary Committee Impeachment Task Force to inquire whether Judge Kent should be impeached. On June 3, 2009, the Task Force on Judicial Impeachment held an evidentiary hearing to determine whether Judge Kent's conduct provides a sufficient basis for impeachment and to develop a record upon which to recommend Articles of Impeachment to the House Judiciary Committee.

The Task Force received testimony from Ms. McBroom, Ms. Wilkerson, and Professor Arthur Hellman, a judicial impeachment scholar from the University of Pittsburgh School of Law. Ms. McBroom and Ms. Wilkerson both testified that they were sexually assaulted by Judge Kent on a number of occasions, and detailed several of these incidents for the Task Force.

Professor Hellman provided expert testimony that concluded that making false statements to fellow judges, as well as abusing his power as a federal judge to sexually assault women, were independent grounds that would justify and warrant Judge Kent's impeachment and removal from office.

The Task Force invited Judge Kent to testify, but he declined our offer. The Task Force received correspondence from Judge Kent that was made available to all Members and entered into the record. The Task Force also invited Judge Kent's counsel to participate in the hearing and present arguments on behalf of his client, as well as to provide the opportunity to question any of the witnesses. Judge Kent's counsel also declined to appear or participate in the hearing.

Subsequently, Judge Kent's counsel sent a letter to the Committee. The letter questioned the veracity of the two women, citing an anonymous caller at length and claiming there are other witnesses who contradict the two women. The letter also made the extraordinary admission that their testimony was unnecessary because, quoting from the letter, ''Judge Kent's guilty plea to the felony of Obstruction presents sufficient grounds for impeachment.''

The Task Force also received a letter from Judge Kent to the White House, dated June 2, 2009, stating his intention to resign effective June 1, 2010, a year from now. Neither his surrender to custody, nor his stated intention to resign a year from now, affect his current status as a federal judge or our constitutional obligation to determine whether impeachment is warranted.

Article III, Section 1 provides that ''The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.''

Article II, Section 4 of the Constitution provides that ''all civil Officers of the United States, shall be removed from Office on Impeachment for and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.''

Our proceeding today does not constitute a trial, as the constitutional power to try impeachment resides in the Senate. Rather, the House's role is to inquire whether Judge Kent's conduct provides a sufficient basis for impeachment.

According to leading commentators and historical precedent on this issue, there are two broad categories of conduct that have been recognized as justifying impeachment: serious abuse of power, and conduct that demonstrates that an official is ''unworthy to fill'' the office that he or she holds.

The House Report accompanying the 1989 Resolution to Impeach Judge Walter Nixon summarized historical precedents that inform the meaning of the term ''high crimes and misdemeanors'' stating that, ''Congress has repeatedly defined 'other high crimes and misdemeanors' to be serious violations of the public trust, not necessarily indictable offenses under criminal laws. Of course, in some circumstances the conduct at issue . . . constituted conduct warranting both punishment under the criminal laws and impeachment.'' The Report concluded, ''When a judge's conduct calls into question his or her integrity or impartiality, Congress must consider whether impeachment and removal of the judge from office is necessary to protect the integrity of the judicial branch and uphold the public trust.''

Earlier this month, the Judicial Conference of the United States unanimously transmitted a Certificate to the House of Representatives, certifying to the House its determination that consideration of impeachment of Judge Kent may be warranted. The certificate concludes that ''Judge Kent's conduct and felony conviction . . . have brought disrepute to the Judiciary.''

After concluding that the full record establishes that Judge Kent should be impeached for high crimes and misdemeanors, the House Judiciary Impeachment Task Force met on June 9th and unanimously voted in favor of recommending four Articles of Impeachment for consideration by the House Judiciary Committee.

These four Articles were subsequently introduced in the House in the form of House Resolution 520. Article I focuses on Judge Kent's sexual assault of Ms. McBroom. Article II Article focuses on Judge Kent's sexual assault of Ms. Wilkerson.

Article III focuses on Judge Kent's obstruction of justice by making false statements during an official proceeding of the Fifth Circuit Court of Appeals regarding his unwanted sexual contact with Donna Wilkerson.

Article IV focuses on Judge Kent's material false and misleading statements about the nature and extent of his non-consensual sexual contact with both women to agents of the Federal Bureau of Investigation and to representatives of the Department of Justice on two separate occasions.

On June 10th, the House Judiciary Committee ordered H. Res. 520 favorably reported by a roll call vote of 29–0.

Judge Kent, incident to his position as a U.S. district court judge, engaged in deplorable conduct with respect to employees associated with the court. Such conduct is incompatible with the trust and confidence placed in him as a judge. In particular, the record demonstrates that Judge Kent sexually assaulted two women who were both employees of the court. Furthermore, Judge Kent corruptly obstructed, influenced, or impeded an official proceeding when he made false statements to the Special Investigative Committee of the U.S. Court of Appeals for the Fifth Circuit.

Finally, the record demonstrates that Judge Kent made material false and misleading statements about the nature and extent of his non-consensual sexual contact with Ms. McBroom and Ms. Wilkerson to agents of the Federal Bureau of Investigation and to representatives of the Department of Justice.

These acts of sexual assault and obstruction of justice are, as the judge who sentenced Mr. Kent to incarceration stated, ''a stain on the justice system itself.'' Were the House of Representatives to sit idly by and allow Mr. Kent to continue to hold the office of U.S. District Judge while sitting in prison, and after committing such high crimes and misdemeanors, it would be a stain on the Congress as well.

Judge Kent's conduct was a disgrace to the bench. That he would still cling to the bench from the confines of his prison cell, and ask the public whose trust he has already betrayed to continue paying his salary, demonstrates how little regard he has for the institution he was to supposed serve. I urge the

House to approve each of the four Articles of Impeachment set out in House Resolution 520.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the ranking member of the Impeachment Task Force.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, it's a rare occasion when the House of Representatives must vote on Articles of Impeachment against a Federal judge. Indeed, the last time this occurred was 20 years ago. However, when evidence emerges that an individual is abusing his judicial office for his own advantage, the integrity of the judicial system becomes compromised, and the House of Representatives has the duty to investigate the matter and take the appropriate actions to end the abuse and restore confidence in the judicial system.

It is also rare for the members of the House Judiciary Committee to agree on anything. However, the committee voted unanimously last week to report out House Resolution 520, which contains the four Articles of Impeachment against Judge Kent. This vote came after a thorough investigation and much work by the Task Force on Judicial Impeachment. Specifically, the task force conducted an investigation of Judge Kent's conduct, which included working with the FBI, the Department of Justice, and the Fifth Judicial Circuit. The task force also conducted an investigatory hearing on the matter, at which two court employees who were victimized by Judge Kent testified about the extent of his sexual abuse. At that same hearing, we heard from a constitutional scholar who testified that Judge Kent's misconduct rises to the level of impeachable offenses. It is important to note that Judge Kent was invited to testify at the hearing. His attorney was also invited to testify and participate in the hearing. Both declined to attend.

As you have already heard in statements today and as you have already seen in the Judiciary Committee report, Judge Samuel Kent's misconduct merits the serious step of issuing Articles of Impeachment. The evidence also shows that he lied to the FBI and the Department of Justice about the nature of his sexual misconduct with court employees. In addition, he pled guilty to felony obstruction of justice and to committing repeated acts of nonconsensual sexual contact with court employees. He was sentenced to 33 months in prison for committing felony obstruction of justice, and this past Monday he reported to prison and began his prison term.

However, because the Constitution provides that Federal judges are appointed for life, Samuel Kent, despite the fact that he is sitting in prison, continues to collect his taxpayer-funded salary of approximately $174,000 per year, continues to collect his taxpayer-funded health insurance benefits, and continues to accrue his taxpayer-funded pension.

This is the first time that a Federal judge has pled guilty to a felony, has reported to prison, and has still not resigned from his office. This shows how deep Judge Kent's audacity truly runs. In fact, Judge Kent even took the step of sending a letter to the President explaining that he intends to resign 1 year from now. However, this purported resignation is not worth the paper it is written on because nothing would prevent Judge Kent from withdrawing his resignation at any time before the expiration of the year. What it really amounts to is an attempt to extort hundreds of thousands of dollars from the American people.

It is not a pleasant task to impeach a Federal judge; yet when a judge so clearly abuses his office, it becomes necessary to take the appropriate action in order to restore the confidence of the American people in their judicial system. The Constitution gives the House of Representatives the power and responsibility to impeach Federal judges. It is my strong recommendation that the Members of the House adopt these Articles of Impeachment against Judge Kent. It is my hope that the United States Senate will then act to swiftly bring this matter to trial and quick disposition.

I would also like to take this opportunity to thank ADAM SCHIFF, the chairman of the Task Force on Judicial Impeachment, for his leadership in this effort, along with all the members of the task force on both sides of the aisle. As ranking member of the task force, I appreciate the fact that this effort has been undertaken in an extremely nonpartisan fashion. And I would also like to thank Chairman CONYERS and Ranking Member SMITH for their comprehensive yet expeditious and bipartisan consideration of these Articles of Impeachment in the full Judiciary Committee.

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Mr. CONYERS. I am pleased now to recognize for 5 minutes the distinguished member of the Judiciary Committee who served on the task force with great skill, SHEILA JACKSON-LEE from Houston, Texas, who has been an anchor in the proceedings that have brought us to this stage. I also want to commend BOB GOODLATTE for his services during that period of time.

Ms. JACKSON-LEE of Texas. I think it is important for all of us to recognize the solemnity of this day, and I thank the managers and the task force members that I believe worked in that spirit.

As I come from Texas and Houston, I think it is important to note that the judge, as all people may have in America, has his defenders; and he will have an opportunity for those defenders to continue to raise their voice and to continue to emphasize their beliefs. As my colleague from Texas indicated, he had debilitating conditions, and he had faced tragedy. And so that should be recognized.

But I believe what I've come to acknowledge on the floor of the House and, in fact, I am coming to acknowledge is that there is the responsibility constitutionally to follow the law. So article II, section 4, in fact, says that we are to proceed with impeachment specifically if civil officers have engaged in partly or been convicted of treason, bribery or other high crimes and misdemeanors. Specifically in count six of the plea agreement, we find language that says that this judge willingly agreed that he had obstructed justice. He admitted to falsely stating to the Special Investigative Committee of the United States Court of Appeals for the Fifth Circuit, lying to an official judicial body that the extent of his unwanted sexual contact with person B was one kiss, and that when told by person B his advances were unwelcomed, he then further said they were consensual; and that is to block person A from coming forward or having any veracity or anyone to back up what that person has said. I use A and B because I want to, again, respect that these are more than troubling comments and actions against two women who deserve to have a safe and secure workplace.

Then article III indicates that judges must hold their position and they must, in essence, be persons of good behavior. To create a workplace that does not allow the safety and security of your employee and, in particular, witness A and B, that poses a serious problem. So I am interested in making sure that we track the constitutional roadmap that we are now in and that we are aware of the fact that we can track the constitutional provisions and, in essence, say that this judge is not of good behavior. He now sits incarcerated. He has been convicted of a felony. The felony is obstruction of justice, and he did it knowingly.

I would like a moment to just say that in the proceedings where he had to proceed with his plea, the court specifically said, ''You have the right to persist in the prior plea of not guilty that you have entered in this case. And in that event, the burden is entirely upon this government to prove your guilt''—you don't have to go forward with this—''to a jury's satisfaction with proof beyond a reasonable doubt, which is a very high standard of proof.

''And under the law and the Constitution''—to the judge who was standing there—''you are presumed innocent,'' which means you do not have to prove your innocence or prove anything at

all, meaning that the judge was questioned on his plea that involved the obstruction of justice, misrepresenting and denying witness A, who has alleged of his activities with her and person B, that everything was consensual and that person A is not telling the truth. He did not have to proceed.

And so the court says, ''However, if I accept your guilty plea this morning, each of those rights will be denied.''

And after the defendant said, ''Yes, sir,'' the court proceeded and said, ''And knowing that, is it your intent to enter a plea of guilty this morning to this charge?'' The defendant answered, ''Yes, sir.'' That was, in essence, a plea to the felony of obstructing justice.

Sad as it may be, as we proceed to the constitutional procedure of the voting here and then a trial in the Senate, it lays down the framework that we must act. We have no inability to ignore it. We must act. High crimes and misdemeanors, worthy behavior, all of them have been counted by a willing expression of this individual, this judge, that he has committed this offense.

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

Ms. JACKSON-LEE of Texas. It is crucial that we proceed in moving on the articles of impeachment.

Mr. Speaker, as a Member of the Impeachment Task Force of the House Judiciary Committee, I rise today in support of a recommendation for impeachment of Judge Samuel B. Kent. First and foremost it is necessary to establish the legal authority of Congress to make impeachment determinations. The Constitution clearly places many of the operations of the Judiciary under the oversight of Congress—a power not granted reciprocally to the Judiciary. This is made clear in the Federalist Papers (described by James Madison as ''the most authentic exposition of the heart of the federal Constitution''), which confirm that subjugating the Judiciary to Congress was deliberate and intentional. Federalist #51 declares: ''the legislative authority necessarily predominates.''

Furthermore, Federalist #49 declares that Congress—not the Court—is ''the confidential guardians of [the people's] rights and liberties.'' Why? Because the Legislature—not the unelected judiciary—is closest to the people and most responsive to them. When the Court did claim that it is the only body capable of interpreting the Constitution—that Congress is incapable of determining constitutionality, the Founding Fathers vehemently disagreed. For example, James Madison declared: ''[T]he meaning of the Constitution may as well be ascertained by the Legislative as by the Judicial authority.''

After establishing that the Congress has jurisdiction to preside over impeachment proceedings, it is imperative to outline the legal standard for impeachment. Article II, Section 4 of the U.S. Constitution delineates the standard for removal from office of all civil officers by stating that: ''The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.''

The Constitutional Standard is further buttressed by the intent behind Article II, Section 4. The Founders' intent for impeachment was to protect the fundamental principle of ''the consent of the governed.'' The Constitution carries no title but ''We the People,'' and impeachment removes from office those officials who ignore that standard of adhering to the values of the people—that sexual abuse and pleading to a felony is not good behavior. It is important to note that the Constitution does not guarantee a federal judge his position for life, but only for the duration of ''good behavior'' (Art. III, Sec. 1).

For this reason impeachment was used whenever judges disregarded public interests, affronted the will of the people, or introduced arbitrary power by seizing the role of policymaker. Previous generations used this tool far more frequently than today's generation; and because the grounds for impeachment were deliberately kept broad, articles of impeachment have described everything from drunkenness and profanity to judicial high-handedness and bribery as reasons for removal from the bench. Historically speaking, sixty-one federal judges or Supreme Court Justices have been investigated for impeachment; of whom thirteen have been impeached and seven convicted. The noted legal scholar from Yale University Professor Charles Black writes in his Impeachment Handbook that, ''In the English practice from which the Framers borrowed the phrase, 'High Crimes and Misdemeanors' denoted political offenses, the critical element of which was injury to the state. Impeachment was intended to redress public offenses committed by public officials in violation of the public trust and duties, offenses against the Constitution itself. In short, only 'serious assaults on the integrity of the processes of government,' constitute impeachable offenses.''

One of our Founding Fathers, Alexander Hamilton, wrote in the Federalist Papers No. 65 that, ''Those [impeachable] offences which proceed from the misconduct of public men, or, [in] other words, from the abuse or violation of some public trust. They are of a nature which . . . relate chiefly to injuries done immediately to society itself.''

As Hamilton makes clear, criminal conduct alone was and is not enough. The conduct also should involve public office. That should be the standard here as we proceed. Given the context of the Constitutional standard for impeachment coupled with the intent of the Framers, the issue at hand is whether Judge Kent's conduct constitutes high Crimes and Misdemeanors, within the framework of the Constitution. On review of the facts, we find that Judge Kent's obstruction of justice charge based on providing testimony to the FBI and the DOJ on the nature and extent of his relationships with his former employees while the Judge was in office, does in fact meet the standard of high Crimes and Misdemeanors.

Furthermore, Judge Kent's felony conviction for obstruction of justice raises issues of fitness to the bench. While Judge Kent's felony conviction on its face satisfies the Constitutional standard of impeachment, the numerous allegations of sexual misconduct on behalf of the Judge made by former employees continue to call into question Judge Kent's fitness for Office.

Pursuant to witness testimony the Impeachment Task Force heard from Cathy McBroom, Former Case Manager for Judge Kent, Ms. McBroom recounted over ten episodes of sexual misconduct she experienced while working for Judge Kent. Ms. McBroom noted that Judge Kent's physical presence was imposing at 6′4″, 260 pounds, and coupled with his frequent self-references to his power, this made it difficult for her to believe that she would be able to prove the Judge's misconduct and successfully pursue outside employment in the Galveston legal community.

Donna Wilkerson, Judge Kent's former Legal Secretary also testified before the Task Force. Wilkerson stated that during her tenure as Kent's legal secretary, she suffered seven years of psychological abuse and sexual misconduct. Wilkerson noted that each episode of sexual misconduct always took place in the office, and seemed to follow lengthy lunches where the Judge returned to work intoxicated.

While the issue of Judge Kent's possible alcohol dependency and the condition of his mental health may be mitigating factors in this Committee's impeachment determination, the real issue is whether Judge Kent is fit for the position he holds. Accordingly, the conduct of Judge Kent while in office as 5th Circuit Court Judge of Galveston, Texas yields him unfit for office under constitutional standards.

Kent did submit a letter to President Obama and to our Task Force requesting permission for withdrawal from the bench one calendar year from now. Pursuant to Judge Kent's felony charge, it would not be appropriate for him to collect a salary and pension over the course of the next year. Additionally, under the guidelines of Judge Kent's proposal, his withdrawal from office would not go into effect until the day of the withdrawal, which means that Kent's decision to remove himself from office would be revocable at any time up until the final date of withdrawal.

Mr. Speaker, it pains me to take action against a member of the bench from my own state, but the Constitution imposes upon us a duty that we must uphold. As such, on the issue of whether Judge Kent's conduct constitutes high Crimes and Misdemeanors, I believe that all of us should agree that he has. Given our Constitutional duty, I urge my colleagues to support this extremely important and difficult decision of impeachment.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Impeachment Task Force and also a former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, first I would like to demand a division of the question so as to result in a separate vote on each of the four articles of impeachment.

The SPEAKER pro tempore. The question is divisible and will be divided for the vote by article.

Mr. SENSENBRENNER. Thank you.

Mr. Speaker, both the Impeachment Task Force and the Judiciary Committee unanimously adopted and reported out House Resolution 520. The

overwhelming support for this resolution is indicative of the weight of the evidence supporting the four articles of impeachment against Judge Samuel B. Kent. A Federal grand jury indicted Judge Kent on five counts of sexual assault involving two of his female court employees and one count of obstruction of justice.

In February of this year Judge Kent pleaded guilty to count six of the superseding indictment, obstruction of justice, pursuant to a plea agreement. As a part of the plea agreement, the government agreed to dismiss the remaining five counts at sentencing. At that time I called on Judge Kent to resign and stated that I would introduce articles of impeachment upon his sentencing in May if he did not resign. On May 11, 2009, Judge Kent was sentenced to 33 months in prison. On May 12 I introduced the first resolution calling for Judge Kent's impeachment.

Judge Kent tried to use his knowledge to work the system by requesting a waiver for disability retirement. In February I wrote the court, asking it to carefully consider all of the particulars concerning Judge Kent's request. On May 27, Fifth Circuit Chief Judge Edith Hollan Jones denied Judge Kent's request. The Impeachment Task Force held an evidentiary hearing where both victims of Judge Kent testified as witnesses. In addition to the two victims, Alan Baron, the lead task force attorney, provided an overview of the investigation. As a part of his statement, he identified and introduced into the record a number of documents. University of Pittsburgh Professor Arthur Hellman provided expert testimony that concluded that Judge Kent's conduct in making false statements to fellow judges, and thereby obstructing justice, as well as abusing his power as a Federal judge to sexually assault women employees, constituted independent grounds to justify his impeachment and removal from office. The task force afforded Judge Kent and his counsel unlimited opportunity to participate exhaustively in the hearing. However, both Judge Kent and his counsel declined our invitation. After this objective and definitive review of the facts, the weight of the evidence against Judge Kent was substantial enough that it became quite obvious that he should not remain a Federal judge.

Articles I and II of the articles of impeachment reflect the improper conduct made by Judge Kent toward two of his court employees. On numerous occasions he sexually assaulted the two female court employees by touching their private areas and attempting to engage each woman in a sexual act with him. Article III is an article that incorporates some of the false or misleading statements made by Judge Kent to investigators and the grand jury. It notes that he corruptly obstructed, influenced, or impeded an official proceeding. Our hearing and the record we have compiled produces clear and convincing evidence that Judge Kent lied to law enforcement authorities during the investigation as well as to the Federal grand jury. Article IV alleges that Judge Kent made material false and misleading statements about the nature and extent of his nonconsensual sexual contact with the victims to FBI agents and representatives of the Department of Justice.

Our purpose for being here today is not to punish Judge Kent. Our purpose is to ensure the integrity of the Federal judiciary. Impeachment is invoked only when the conduct erodes the public's confidence in government. Judge Kent has clearly violated the public's trust and dishonored his role. Judge Samuel B. Kent, who by his own admission obstructed justice to cover his own misdeeds, cannot remain a Federal judge. He is the first judge in the history of our Republic to plead guilty to a felony and refuse to promptly resign his seat on the bench. Other judges have been convicted of crimes and refused to resign, but never has one pled guilty and attempted to stay on the bench. To permit him to retain his position would inflict grievous and, indeed, irreparable damage to the Federal judiciary and, I submit, to the Congress as well.

There are two basic questions in connection with this impeachment. First, does the conduct alleged in the four articles of impeachment state an impeachable offense? Absolutely and without question, it does. The articles allege misconduct that is criminal and wholly inconsistent with judicial integrity and the judicial oath. Clearly, everyone would agree that a judge who lies to a judicial body investigating his conduct or who deceives Federal investigators by lying in an interview is not fit to remain on the bench.

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

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. SENSENBRENNER. The second question is, did the conduct occur? The simple fact that Judge Kent pled guilty confirms that the conduct did, in fact, occur. Today he is sitting in Federal prison, collecting a paycheck from the taxpayers. He is not fit to sit upon the Federal judiciary, and we must perform our constitutional duty to impeach him.

Support House Resolution 520. Send the judge to the Senate for a trial.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize for 3 minutes a former magistrate himself, HANK JOHNSON of Georgia, who is Chair of the Courts Subcommittee and an important member of the task force that was headed by Chairman ADAM SCHIFF.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman. This is not a happy day anytime we have to take this type of solemn action.

I first want to thank my chairman, the Honorable JOHN CONYERS from Michigan, who is the Chair of the Judiciary Committee, for his promptness and his diligence in bringing this matter to us as soon as humanly possible. And we're at this point now because of the chairman. I also want to recognize our colleague Mr. ADAM SCHIFF who, having been entrusted by the leadership to bring this to the floor, has performed admirably. And I lastly want to thank Ms. Cathy McBroom and Ms. Donna Wilkerson. These are the two ladies that took the covers off of this egregious behavior by Judge Kent. The integrity of our judiciary is fundamental to the functioning of our legal system. Judge Samuel Kent's egregious behavior leaves no doubt that he is not fit to remain a judge.

□ 1415

Can you imagine having to go to work every day, having to go back to your job after a weekend, and you know that at any time or any day that you could be subjected to sexual misconduct by your boss? And you have a great Federal job, you need your job for your family, so you just endure it for year after year after year, until it gets to a point where you have to file a complaint and subject all of your personal affairs to the Nation. It took a lot of courage for them to do that, and I appreciate that. I want to apologize on behalf of all males for them having to go through that.

Mr. Speaker, what we have here is a situation where the judge has committed sexual abuse repeatedly. He has lied about it. He has pleaded guilty to the felony charge of obstruction.

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

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. He lied about it, and he admitted that he was in fact guilty of the sexual abuse.

So this is what we call a slam dunk. There is no reason for this judge to remain on the bench. He should have resigned, but he didn't have the decency to do that, so now we must do what we must do.

I urge all Members to vote ''yes'' on the impeachment.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Impeachment Task Force and a former attorney general of the State of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, article III, section 1 of the Constitution, in describing lifetime tenure of Federal judges, uses these words: ''The judges shall hold their offices during good behavior.'' That is

the starting point of our inquiry here in this impeachment.

When you look at article II, section 4, talking about impeachment, it says, ''The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.''

Some people mistakenly believe that you need a criminal conviction as a condition precedent to us acting. That is not true and has never been true. In this particular case we do have a criminal conviction. But the Articles of Impeachment go beyond that to some of the underlying facts, specifically with respect to the sexual assault performed by this judge, Judge Kent.

The question before us is whether or not he is fit for office. The answer seems to be obvious. One who would use their office in this way to commit sexual assault is unfit for any office, but particularly that of a Federal judge. Why do I say that? Because they are given lifetime tenure, and in this circumstance he was the sole judicial officer in this courthouse.

Interestingly, now he says to us we should have some sympathy for him and extend him some mercy because he had no peers to speak with, anybody he could talk with about the serious problems in his life.

The very fact that he was the only judicial officer in that courthouse gave him enormous power, which he repeated to his victims on more than one occasion, saying he was the law, he was the judge. In other words, he had what I refer to as a reign of judicial terror or tyranny over these individuals, utilizing his power as a Federal judge to misuse that power in such a way to put these women in a situation where they thought they had nowhere to turn. Just based on that, he ought to be removed from office.

I should say to our colleagues who are watching in their offices right now, a simple review of the report presented by this committee will show sufficient evidence to justify every single article. We will vote on every single article in this House, as we have always done, and it is important for us to do that so that when we go to the Senate, they have the opportunity to review each single article of impeachment.

This is extremely important, not just for Judge Kent, not just for his employees, who have suffered unnecessarily, but for the entire judicial system.

For us to tarry a single day is to do injustice. This judge is now receiving, as has been said, his salary as a sitting judge while he sits incarcerated in a Federal institution of confinement. What arrogance. And if we do not act, we are letting the word go out that we, the only branch of government that is enabled by the Constitution to act in these circumstances, do not take our constitutional obligation seriously.

We cannot resist acting here and we cannot resist asking the Senate to act as expeditiously as possible. This Federal judge has demeaned his office, has demeaned this country, has demeaned his oath of office and the Constitution itself, and we need now to act. We have sufficient evidence presented on this record for all Members to vote in favor of each and every article of impeachment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a member of the task force and also the Chair of the Commercial and Administrative Law Subcommittee.

Mr. COHEN. Mr. Speaker, I want to thank the chairman, the chairman of the task force, the ranking member of the committee, and Mr. SENSENBRENNER.

This unquestionably has the facts that are obvious for this House to vote for impeachment. This judge has abused his office and justice by pleading guilty to obstruction of justice, committing obstruction of justice and lying to an official panel, and has taken an action upon his employees and his position, women, that is an affront to all women in this country. And these are actions that are high crimes and misdemeanors worthy of the vote of impeachment. That is unquestioned.

But what is particularly impressive to me is the procedure that this House has acted in and the speed to make sure that the public Treasury and the public trust are protected.

This man does not deserve his pay. He does not deserve his position. He does not deserve his pension. For he has shamed the country, the Judiciary, and been offensive toward people and good conduct, and for those reasons it is important that this House act, that the Senate have the opportunity to try this man, and to protect the public Treasury and the public good.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Impeachment Task Force and a former district judge from Texas.

Mr. GOHMERT. Mr. Speaker, I also want to thank the leadership and the very responsible conduct of the chairman of the task force, ADAM SCHIFF, for having done an exemplary job in moving this along and bringing it to a head as quickly as could have humanly been done, and to Chairman CONYERS and Ranking Member SMITH. We have worked together on this because it is a very serious matter when our Federal courts are held in less than high esteem.

We have a Federal judge, as has already been mentioned, who pled guilty to obstruction of justice. He admitted to nonconsensual sexual acts. We have the transcript from the Federal court hearings in which there is actual specificity of misrepresentations. We also can take judicial notice of his orders and opinions that he wrote himself.

It is very clear that, as some of the witnesses testified, he was arrogant, he was a bully. That is not enough to impeach someone or remove them from office, but certainly obstruction of justice would be under the circumstances here.

What I found particularly offensive beyond the obstruction were the games that were played by this judge with this body. Here the day before we were having our hearing of the task force, we get a resignation letter dated June 2, 2009, addressed to the President, saying, ''I hereby resign from my position as United States district judge for the Southern District of Texas effective June 1, 2010,'' a year away, a resignation that could be withdrawn at any time before it became effective.

Now, we heard testimony from the witnesses that this judge was particularly manipulative, and that is how he was able to continue the nonconsensual sexual assaults over and over, because he was so manipulative. They were afraid of losing their jobs, and it was clear that he had said, I am the king, and it is good to be king.

It is good to be king, unless you are committing crimes and misusing the office to which you were entrusted.

But the resignation letter would just be a resignation, if it were sincere. But then we got another letter before our final hearing before the committee asking that it be taken into consideration that he had these problems and he needed his salary and his medical and he was trying to pay medical bills of his late wife. Ironically, he wasn't quite as concerned for his late wife when he was groping and manipulating and bullying people within his trust and care as a Federal judge.

We heard testimony that if someone had come before his court and used the same reasons that he gave as to why he ought to keep getting his salary, that he would not only have not been moved to sympathy, he would have been moved to anger and would have taken it out on the defendant.

So even at this late date, there is no evidence of contriteness. There is no evidence of remorse, other than being caught. There is more manipulation, which makes clear all the more that he should not have his request granted that he be paid as a Federal judge while he is sitting in prison for committing crimes while he was getting paid to be a Federal judge.

Let's bring this to an end and vote for the impeachment.

Mr. CONYERS. Mr. Speaker, I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), the deputy ranking member of the Crime Subcommittee of

the Judiciary Committee and also a former district judge from Texas.

Mr. POE of Texas. Mr. Speaker, I think a little history is in order here, because only Congress can remove a Federal judge. It is part of the checks and balances in our Constitution. It prevents the executive who doesn't like what a judge is doing from taking that person out of office. It prevents other judges in the United States in the judicial branch from removing a judge when they don't like that judge's opinion. That is our duty today, to resolve this issue.

Over my career, I have been somewhat critical of Federal judges, but the reason is because of a philosophical difference sometimes with interpretation of the Constitution and constitutional law.

□ 1430

For the most part, most of our judges, the hundreds that serve all over the United States in the third branch of government, have the utmost integrity and demeanor. In our judicial branch, I would hope we would always have the best legal minds on the bench, not the best legal minds that appear before the bench as attorneys. Unfortunately, that's not universally true, because our Federal judges are underpaid. The lawyers that appear before them, for the most part, make more than the Federal judges. But they serve, not because of money. They serve because of their pride and belief in our Constitution and public service.

Judge Kent is the exception to this rule. We are past the stage of allegations because he made admissions against his own interest in a court of law sufficient to convict him of a felony to the degree it is an abuse of office, abuse of duty, while serving on the bench in a courtroom. That basically is the end of the story. It is a felony. It is a high crime and misdemeanor. He's in prison, and his actions since his conviction show a haughty spirit and a total disregard for his conduct.

Mr. Speaker, in the United States, we don't pay Federal judges to go to the penitentiary. He should be impeached today by this body.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), who is also a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, first I want to thank all of those who volunteered on this task force for impeachment. And I especially want to thank Chairman CONYERS and Ranking Member SMITH for pulling this together in their professional fashion and the people on our side of the aisle and Mr. SCHIFF from California who has taken to conduct himself, I think, with a solid degree of professionalism throughout these proceedings.

And I'm very well aware, Mr. Speaker, that this is a rare and extraordinary step that this Congress is taking, and that this is a serious moment. And when I read through this report that's been produced by the task force that pulled together the data in a compressed fashion, it is appalling to me that this could have gone on as long as it did.

But I will say, when the conviction came down and the sentence was made, the 33 months in the Federal penitentiary to Judge Kent, this Congress acted immediately and quickly and did so in a bipartisan fashion to do our constitutional duty, and brought this through the hearing and committee action to this floor and, with urgency, is ready to send it over to the United States Senate, whom I believe will act also immediately with dispatch.

And as I look at this, I see this as an abuse, as arbitrary power. The high crime and misdemeanor that we're talking about is sexual abuse of subordinates, and the arbitrary power of using the official oppression of the power of his office and the threat of removing them from their jobs if they raised a voice, and also the threat that no one would believe them because he had manipulated the others around him and, to some degree, I believe that is true.

So it's essential that we take this extraordinary step, Mr. Speaker, and I am gratified that this Congress has acted immediately, pulled themselves together to take this action in a bipartisan fashion in a solidly constitutional fashion. We have, I think, added to today and will continue to add to the definition of high crimes and misdemeanors, and further put into the RECORD a solid foundation, and send a warning out to other judges that might think they could abuse this power.

So I urge adoption of this language that's here, and I commend my colleagues.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia, Dr. BROUN, who is also a member of the Homeland Security Committee.

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, I rise today in support of this resolution. This judge should be, and I think will be, impeached with this resolution. And it's about time for this body to do its constitutional authority, to be a check on judges. Unfortunately, this Congress has not fulfilled its constitutional authority in many instances.

Article I, section 1, sentence 1 says, all legislative powers therein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

We have had a perversion of the Constitution by both administrations of both parties in the Presidency, as well as by Congress. The Constitution has been perverted. We all swear to uphold the Constitution against enemies, both foreign and domestic. We've got a lot of domestic enemies of the constitution, and I think enough is enough.

Under the Constitution, in the writings of our Founding Fathers in the Federalist Papers, including the first U.S. Supreme Court Chief Justice, they very clearly delineated what they meant for the Constitution to mean. And it's time that we, as Congress, took our rightful places, being the strongest power of the Federal Government, to stop this spending, to stop the destruction of our children's and grandchildren's future.

I rise in support of the resolution.

This afternoon . . . the House of Representatives will exercise one of the great checks and balances built into the United States Constitution . . . the power to impeach.

Article I, Section 2 of the Constitution gives the House of Representatives the sole power of impeachment.

Article 2, Section 4 of the Constitution lays out the criteria for who can be impeached and for what offenses . . . It specifies that—"the President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for . . . and conviction of . . . treason, bribery, or other high crimes and misdemeanors."

These "civil officers" include federal judges and cabinet members.

The serious nature of impeachment is evident as the House of Representatives has only moved to impeach 18 officials in more than two centuries . . . This includes two presidents . . . one cabinet member . . . one senator . . . and 13 judges—not including today's proceedings.

Judge Samuel B. Kent . . . of the United States District Court for the Southern District of Texas . . . has pled guilty to unwanted, non-consensual sexual contact with two employees . . . testifying falsely before a special investigative committee of the federal judiciary . . . and making false statements to the Department of Justice.

His crimes certainly fit the high standard for impeachment that our Founding Fathers intended . . . I applaud the members of the Judiciary Committee on both sides of the aisle for exercising their Constitutional duty and moving this to the full House for a vote.

When thinking about today's historic action . . . I also think about how far Congress and the Federal Government have strayed from what our Founding Fathers intended.

One only needs to read the historic Federalists Papers . . . written by three of the most prominent authors of our U.S. Constitution including the very first U.S. Supreme Court Chief Justice . . . to understand that our Founding Fathers intended Congress to be the strongest and most powerful of the three branches of government.

Yet, too often in this modern era . . . we the Congress . . . have abdicated our power to legislate . . . allowing the Judicial and Executive branches to greatly expand their roles far beyond what the framers of our Constitution ever intended . . . all while taking liberty away from the American people.

Today, the Executive and Judicial Branches are sadly doing the job of the Legislative Branch . . . regardless of which party sits in the White House or in the Speaker's chair.

President George W. Bush went forward with the auto bailout despite Congress's clear opposition . . . President Barack Obama has created numerous unconstitutional ''Czars'' with massive power once reserved for Senate-confirmed officials.

Executive Orders were once rarely used . . . but today they have become the norm for Presidents to bypass Congress and judicial review.

And today, our federal benches are filled with judicial activists who are hell-bent on legislating from the bench.

When is this madness going to end?

When is this body . . . the United States Congress . . . going to reclaim the power the Constitution has given this institution . . . intended to protect the liberties of the American people?

Today we are exercising our Constitutional authority to remove a judge who clearly is not fit to serve. But this should also serve as a wake-up call to this legislative body that our work should not stop with just this one vote.

We must continue to bring accountability to those who violate their constitutionally-permitted responsibilities. . . . Those who legislate from the bench . . . without regard to the will of the people . . . Those who by-pass the Congress to institute policy.

As our Nation's first President once said: ''Government is not reason, nor eloquence . . . It is force . . . And like fire, it is a dangerous servant and a fearsome master.''

Today, we may use force to impeach . . . But we should constantly remind ourselves that this Nation sits on the precipice . . . looking to us for direction.

I urge my colleagues to not only support this resolution to impeach Judge Kent . . . I also urge them to take this opportunity to reflect on where we are headed as a legislative body . . . to stand up and take back the authority granted by the U.S. Constitution on behalf of the American people we represent.

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

Mr. Speaker, never before has a Federal judge pled guilty to a felony, gone to jail, and refused to resign immediately from the bench.

In a clear attempt to get every penny possible from American taxpayers, Judge Kent, who pled guilty to obstruction of justice and is currently in prison serving a 33-month sentence, submitted a letter to the President resigning effective June 1, 2010.

The law does not require Judge Kent to step aside from the bench, even though he is a convicted felon. Every day he remains in office he receives his taxpayer-funded salary.

Congress has taken up this impeachment inquiry and moved quickly to ensure that Judge Kent is removed from the bench. His continued attempts to game the judicial system are just another example of how Judge Kent has abused his position of authority.

Earlier this month, the House Impeachment Task Force heard testimony from Judge Kent's two victims. His victims described the living nightmare they experienced while working for him. They were subjected to physical and verbal sexual abuse for years, ranging from lewd comments to forced physical sexual conduct. Neither woman felt that she could file a complaint without losing her job. Judge Kent warned all of his staff that disloyalty was grounds for removal. It was his ability to intimidate his staff into silence that perpetuated his abuse of authority.

Today's vote is necessary to ensure that justice prevails. When a judge is given a lifetime appointment, it is a tremendous honor and responsibility. But when a judge takes advantage of his authority, he must be held accountable for any violation of those principles of justice.

Congress must put an end to Judge Kent's abuse of authority and exploitation of American taxpayers.

I urge my colleagues to vote in favor of the four articles of impeachment.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, we would like to close on this side by calling a senior member of the Judiciary Committee, JERRY NADLER of New York, who, in addition, is the serving member of the Chair of the Constitution Subcommittee, the remaining time on our side.

The SPEAKER pro tempore. The gentleman from New York is recognized for 3¼ minutes.

Mr. NADLER of New York. Mr. Speaker, it is always a sad day when the House has to impeach a Federal judge. Yet, today that is our constitutional duty.

Impeachment is a power that Congress rarely uses; both because it is rare that a Federal judge will so abuse his position that impeachment is required, and because it could affect the independence of the Judiciary. The Constitution reserves this extraordinary remedy for extreme cases. This, regrettably, is one of those cases.

The task force that was established by this House to inquire into whether Judge Kent should be impeached has recommended the articles of impeachment that we are considering today.

We want to commend the members of the Task Force and the Chairman, Mr. SCHIFF, for their independent, diligent and thorough investigation. The evidence they've assembled is copious and sobering. They've made a strong case that impeachment is both appropriate and necessary.

First, Judge Kent has pleaded guilty to obstruction of justice and has been sentenced on his conviction to 33 months in prison.

As part of the plea proceedings, Judge Kent signed a statement in which he admitted and described the conduct that constituted the obstructive conduct. He adopted this signed statement under oath before the court at the time of the plea.

In this signed statement, Judge Kent admitted making false statements to a Special Investigatory Committee of the Fifth Circuit about allegations of sexually assaulting court employee. In that same document, he also admitted having ''nonconsensual sexual contact'' with two subordinate court employees.

Two of the articles of impeachment allege that Judge Kent sexually assaulted these two women. His admissions that he had nonconsensual sexual contacts with the women is, indeed, a powerful one. Any unwanted sexual touching can be considered a sexual assault, so Judge Kent, by his own words, has come close to admitting that he assaulted the women, the only remaining question being the extent of the assault, and that question has been addressed by the sworn testimony of the women before the Task Force detailing Judge Kent's repeated abuse of his authority by coercing nonconsensual sex at the price of retaining their jobs.

In short, the executive branch may prosecute a Federal judge for violation of the criminal laws, and the judicial branch may punish that Federal judge upon his conviction, but only the Congress can remove a Federal judge if it determines that his behavior renders him unfit to hold his office.

In circumstances such as these, where Judge Kent misused the power of his office to undermine, rather than to uphold, the law, and where he abused his power as a Federal judge by sexually assaulting subordinates and lying to the Fifth Circuit Investigatory Committee about that, our duty to impeach is clear.

For these reasons, I intend to vote in favor of each of the articles of impeachment now before the House. I urge all the Members of this House to do likewise.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 520, to impeach Judge Samuel B. Kent of the U.S. District Court for the Southern District of Texas. Judge Kent has disgraced the bench, the Bar, and the entire American public. Throughout his legal proceedings he behaved with hubris and gross disregard for justice. Even after his conviction for obstruction of justice, he has continued to exert a manipulative demeanor and arrogance, thinking himself to be above the law. There appears to be no end to his impudent demands, as even now, he continues to draw his judicial salary while imprisoned. This is unconscionable, and it was incumbent upon the House Judiciary Committee and the entire House of Representatives to take decisive action. Therefore, I applaud and commend Chairman CONYERS and Ranking Member SMITH for their bipartisan efforts to bring this measure before the floor so quickly.

The stability of any form of government rests on the rule of law. Accordingly, our system, though imperfect, rests on the American public's fundamental trust in our legal institutions and the rights the Constitution bestows

upon all U.S. citizens. Most important to any justice system is broad legitimacy and acceptance of those who act within the legal framework. People must believe they have access to a fair trial, an impartial jury, and a neutral judge. Judges have the duty to render well-reasoned and sound legal opinions, without bias and personal prejudice. We expect individuals who hold a lifetime appointment as a federal judge to act honestly out of respect for the law.

Judge Kent's sexual assault of two female employees and his subsequent efforts to lie about his actions to other federal judges were reprehensible acts. This conduct is totally inconsistent with the dignity and respect we expect from all federal judges.

Even though Judge Kent pleaded guilty to obstruction of justice, he continues to receive a salary for a job he is no longer suitable to perform. And he will continue to collect federal wages unless we act today and pass these articles of impeachment.

Every day Kent continues to draw his judicial salary is an affront to our legal system and to the American taxpayers. This resolution signals to Kent and others that no one is above the law—not even a federal judge. That is a testament to the rule of law and goes to the very essence of our justice system. The law must be blind, and everyone must be subject to its consequences and punishments as well as to its benefits and protections.

Mr. Speaker, I am so disappointed that Judge Kent has refused to resign from office and that we are forced to take this action to remove him from office. However, impeachment is provided for in the Constitution for circumstances such as this. Therefore, I add my voice of support for H. Res. 520 to impeach the disgraced Judge Samuel Kent, and I urge my colleagues to vote yes on the resolution. I also hope our colleagues in the other body will act with all deliberate speed to remove this disgraced judge from the federal bench.

Mr. PAUL. Mr. Speaker, as the House of Representatives Member for Galveston, Texas, I have followed the case of Judge Samuel Kent with great interest. My study of the facts of this case has convinced me that the House Committee on the Judiciary made the correct decision in recommending that Judge Kent be impeached. Unfortunately, because of a commitment in my congressional district, I was only able to be on the House floor for the vote on the first count. Had I been on the House floor for the vote, I would have voted for all four counts of impeachment. I hope the Senate expeditiously acts on this matter.

The SPEAKER pro tempore. All time having been yielded back, the Chair will divide the question for voting among the four articles of impeachment.

The question is on resolving the first article of impeachment.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on resolving the first article of impeachment will be followed by 5-minute votes, if ordered, on resolving each of the three succeeding articles.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 415]

YEAS—389

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

NOT VOTING—44

Ackerman
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Blunt
Boehner
Capuano
Costa
Costello
Crenshaw
Davis (AL)
Deal (GA)
DeFazio
Doyle
Eshoo
Farr
Fattah
Gonzalez
Harman
Higgins
Kanjorski
Kennedy
Kilpatrick (MI)
Kline (MN)
LaTourette
Lewis (GA)
McGovern
Melancon
Neal (MA)
Posey
Sánchez, Linda T.
Sessions
Sestak
Shadegg
Slaughter
Speier
Stearns
Sullivan
Tiahrt
Tierney
Velázquez
Welch
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1503

So the first article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on resolving the second article of impeachment.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 385, noes 0, not voting 48, as follows:

[Roll No. 416]

AYES—385

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

NOT VOTING—48

Ackerman
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Blunt
Boehner
Capuano
Cassidy
Costello
Crenshaw
Davis (AL)
Deal (GA)
DeFazio
Doyle
Eshoo
Farr
Fattah
Gonzalez
Harman
Higgins
Kanjorski
Kennedy
Kilpatrick (MI)
Kline (MN)
LaTourette
Lewis (GA)
McGovern
Melancon
Murphy, Tim
Neal (MA)
Paul
Posey
Sánchez, Linda T.
Scott (VA)
Sessions
Sestak
Shadegg
Slaughter
Speier
Stearns
Sullivan
Tiahrt
Tierney
Velázquez
Welch
Westmoreland
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1510

So the second article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on resolving the third article of impeachment.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 381, noes 0, not voting 52, as follows:

[Roll No. 417]

AYES—381

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter

Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Blunt
Boehner
Capuano
Cassidy
Costello
Crenshaw
Davis (AL)
Deal (GA)
DeFazio
Doyle
Eshoo
Farr
Fattah
Gonzalez
Green, Gene
Harman
Heller
Higgins
Kanjorski
Kennedy
Kilpatrick (MI)
Kline (MN)
LaTourette
Lewis (GA)
McGovern
Melancon
Murphy, Tim
Neal (MA)
Paul
Peterson
Posey
Rodriguez
Rooney
Sánchez, Linda T.
Sessions
Sestak
Shadegg
Slaughter
Speier
Stearns
Sullivan
Tiahrt
Tierney
Velázquez
Welch
Westmoreland
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1516

So the third article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was unavoidably detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on resolving the fourth article of impeachment.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 372, noes 0, answered "present" 1, not voting 60, as follows:

[Roll No. 418]

AYES—372

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

ANSWERED "PRESENT"—1

Watt

NOT VOTING—60

Ackerman
Baca
Bachmann
Barrett (SC)
Bishop (GA)
Bishop (NY)
Blunt
Boehner
Camp
Capuano
Cassidy
Castor (FL)
Costello
Crenshaw
Davis (AL)
Deal (GA)
DeFazio
Doyle
Eshoo
Farr
Fattah
Gonzalez
Green, Gene
Harman
Heller
Higgins
Hinchey
Jones
Kanjorski
Kennedy
Kilpatrick (MI)
Kline (MN)
LaTourette
Lewis (GA)
McGovern
Melancon
Murphy (CT)
Murphy, Tim
Neal (MA)
Paul
Posey
Rodriguez
Rogers (MI)
Roskam
Sánchez, Linda T.
Sessions
Sestak
Shadegg
Slaughter
Speier
Stearns
Sullivan
Thompson (CA)
Tiahrt
Tierney
Velázquez
Welch
Westmoreland
Woolsey
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1521

So the fourth article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. I was unable to attend to several votes today. Had I been present, I would have voted "aye" on Articles I, II, III, and IV.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker. I was not present during the rollcall vote Nos. 415 to 418 on June 19, 2009. Had I been present, I would have voted:

on rollcall vote No. 415 I would have voted "yea;"

on rollcall vote No. 416 I would have voted "aye;"

on rollcall vote No. 417 I would have voted "aye;"

on rollcall vote No. 418 I would have voted "aye."

PERSONAL EXPLANATION

Mr. RODRIGUEZ. Mr. Speaker, during rollcall vote No. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during rollcall vote Nos. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, during rollcall vote Nos. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall vote Nos. 415, 416, 417, and 418, had I been present, I would have voted "aye" on all 4 articles of impeachment.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcall Nos. 415, 416, 417 and 418, had I been present, I would have voted "aye" on all 4 articles of impeachment.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall Nos. 416, 417, and 418, I was unavoidably detained. Had I been present, I would have voted "aye."

APPOINTING AND AUTHORIZING MANAGERS FOR THE IMPEACHMENT OF SAMUEL B. KENT, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

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

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 565

Resolved, That Mr. Schiff, Ms. Zoe Lofgren of California, Mr. Johnson of Georgia, Mr. Goodlatte, and Mr. Sensenbrenner are appointed managers on the part of the House to conduct the trial of the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 279, One Hundred Eleventh Congress, agreed to March 31, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. MCCARTHY of California. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday, the House is not in session.

On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today.

In addition, Mr. Speaker, we will consider H.R. 2892, the 2010 Homeland Security Appropriations Act, and the 2010 Interior and Environment Appropriations Act. We will also consider the National Defense Authorization Act for fiscal year 2010.

Mr. MCCARTHY of California. I thank the gentleman.

And I would just like to ask: he noticed two appropriations bills for next week, the Homeland Security and the Interior. I was just wondering if the gentleman could tell us what he believes next week's process will be in terms of amendments.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

The two appropriations bills are two of the 12 appropriation bills that it is my intention to see us send to the Senate by the end of next month. Obviously, as the gentleman knows, the fiscal year ends on September 30; therefore, in order for us to get these bills completed and do them individually rather than bundled in an omnibus, which I think is a far preferable process, it's necessary for us to move these bills in a timely fashion. The rules, therefore, will try to accommodate both the Members and the time frame and the time constraints that we confront.

I would say to the gentleman that we tried to reach, over the last 2½ months, some agreement on time constraints. Indeed, I offered to have a choice of amendments by your side after we reached a time agreement. We were, as the gentleman knows, unable to reach such agreement. In fact, I was told by your leadership that no such agreement was possible.

In 2004, on the bill that we did yesterday, when the majority was then your side of the aisle there were 16 amendments in total offered to the bill we did yesterday, 10 by Republicans—of course it was your bill and you were in charge—and six amendments offered by Democrats. We asked for preprinting of amendments so we would have some idea of what amendments would be pending, and your side filed 102 amendments. That is more amendments total than were filed by either party in 2004, 2005 and 2006, so it was clear that if we had had a rule that provided for the 5-minute rule, with 434 Members having the right to 5 minutes on each amendment, that it would have been impossible to finish that bill, much less 12 bills, by the end of July, very frankly, so that ultimately we had to do a structured rule to accommodate doing the people's business in a timely fashion.

I'm sorry that we couldn't reach agreement. There have been no further discussions, although I did talk to Mr. CANTOR, who is not here today—or at least not here this afternoon—I did talk to him on a number of occasions about this as recently as the night that we went to the Rules Committee to get the structured rule. I have not heard from him or from Mr. BOEHNER with respect to any option available to us for time constraints.

In fact, Mr. OBEY, as you know, had a colloquy with Mr. LEWIS on the floor on the rule that was essentially an open rule. And the colloquy essentially asked by Mr. OBEY, Can we reach time agreements? And Mr. LEWIS responded, I'm afraid my conference might very well have a revolution on its hands and you might have a new ranking member, in which he indicated that time constraints were not possible. Therefore, I say to my friend from California that we are considering a rule which, as I said, will allow us to consider amendments on substance, but allow us

to do so in a time frame that may well be shorter than has been the case in the past.

Let me say to you that when we last considered the Commerce-Justice-Science bill in 2006 when your side was in charge, you got a unanimous agreement from Mr. OBEY on time constraints. Those time constraints provided for consideration of approximately 17 hours on the bill.

In 2007, we got—not time constraints, but about the same amount of time. Now, unfortunately, after we thought in 2007 we were going to have agreement to do about the same time that we gave to you when you were in the majority, notwithstanding that, we went 50 hours over. Now, 50 hours, in terms of legislative time, is at least 2 weeks of time, unless of course you have a day like yesterday. But in terms of a normal day, that's 2 weeks. We simply cannot complete and do our business in that context.

So I tell my friend that we are considering a structured rule because we believe that if we are going to get our work done, that's necessary. We believe it has been amply shown—amply shown—in 2007, and because we were unable to reach, over 2½ months, an agreement on time constraints, that the only way you are going to allow us to get our work done is if we limit the time frame in which we can act.

□ 1530

Mr. MCCARTHY of California. I thank my friend for expressing the desire to get the work done in this House, and I will tell you from this side of the aisle, that is our desire as well.

Knowing when we talk about time, we believe we can get our work done on time as well. But having only been in this House 2½ years and seeing bills come to the floor and knowing, even when we brought the stimulus, the whole idea about time, that soon we found out, because somebody rushed the bill to the floor, that there were AIG bonuses in the bill at the time. I always think the American people believe it's okay to have some checks and balances; it's okay to have debate on the floor; it's okay to have some amendments asked upon the bill process.

And I ask my good friend who brought up the number of amendments, the thing that I would recall, though, this is in a world of preprinting, and when you deal with preprinting of amendments, that you have to submit them earlier, there are numerous ones you submit but they will not come to the floor. Much like when we started the debate this week, we did not enter the first Republican one until six of them had already been denied. So even though a quote will be named of a hundred and some amendments, that's not the number that we'll take up.

And when we talked about the ability of having an agreement on time, that came to pass after the bill had started. And I would think in the idea of making sure that the best products come out of this floor that a time idea would not be until you start the bill. Look to where the process is, and how would it be wrong to have a debate?

When I just watched the legislative branch today, we only had one amendment that we all agreed to. We had one chance of a motion to recommit, which we were able to save the taxpayers $100,000, where 374 people came together and said, yes, we could do better, that we don't have to settle for good; we could settle for great. But how much more money could we have saved had we had that opportunity to offer it?

And one thing I would say to the gentleman is if we did have an open rule, as it was before, and we talked about maybe taking away the preprinting, maybe we could be a little faster in the process. And I think looking at the history of what happened this week, we could have gotten it through faster in an open rule.

So I ask the gentleman, as he talks about having a closed structure in the process, is there any assurance that we know you're going to agree to that plan or maybe even have an open rule as we progress?

Mr. HOYER. I'm sorry. Would you repeat the question.

Mr. MCCARTHY of California. You had said earlier that you were looking to——

Mr. HOYER. I know what I talked about, but at the end you asked a question, and I'm not sure I got exactly what the question was.

Mr. MCCARTHY of California. Well, the assurance, will you stay with that, or is there any ability to open it up, to have an open rule?

Mr. HOYER. Let me respond to the gentleman's observation with respect to starting the bill without agreements on time. We did that in 2007. We went 50 hours over what we agreed to in time constraints the year before when you were in the majority. My belief is, and I tell my friend this very sincerely, and I think my friend knows my reputation about working across the aisle and working in an honest, open fashion, is that the agreement was that we would do exactly, not to the minute, but within the framework of the agreement that we gave to you to consider the bills that you brought to the floor in 2006. We expected the same consideration. Notwithstanding that, notwithstanding that, we went 50 hours over what I thought the agreement was.

Now, 50 hours, as I told the gentleman, is 2 weeks. And 2 weeks is a long time in terms of the weeks we have available to do our bills. In fact, at this current time, we have approximately 7 weeks left to complete the appropriations process, House, Senate, and sending it to the President, if we do it in a timely fashion. Now, usually we do not do that, and I think that's unfortunate. Both sides don't do that. But I'm very hopeful that we will do it.

Let me make one additional comment. You mentioned the AIG bonuses. Clearly, the AIG bonuses weren't in that bill to which you referred. That bill, of course, came from the administration of your party and the Secretary of the Treasury from your party. And as you know, when they originally submitted the bill, it was a 3-page bill for $700 billion.

Now, the gentleman is correct that we didn't have appropriate constraints in there to preclude AIG's doing that, but they certainly weren't in the bill. And to represent that as the case, I'm sure the gentleman did not mean to imply that they were in the bill. They clearly were not.

So I say to my friend we've had experience on this. It's not as if you would like to believe or represent that we have a clean slate, that we're coming at this just brand new, clean, and everybody wants to be fair and balanced. The fact of the matter is that did not occur in the last year. Unfortunately, we didn't do the appropriations process very well last year. Both parties point the finger at each other for the blame. Irrespective of whom was to blame last year, we didn't do it. I don't like that. I want to see the regular process pursued, and I intend to provide for timeframes in which to do that. And as I say, for 2½ months I pursued an effort to see if we could reach time agreements, as we gave to you in 2006. We have been unable to do that. I think that's unfortunate. But having failed to do that, I, frankly, want to tell the gentleman that I will not advise Mr. OBEY nor the Rules Committee nor the Speaker to proceed for an hour or 2 hours or 5 hours or 10 hours before we get an agreement on time constraints, which was the practice, frankly, in 2007, and I don't intend to go down that road again.

Mr. MCCARTHY of California. Just to clarify to my good friend that on the other side of the aisle in the other house, they had passed an amendment to deny the right for those AIG bonuses. And if I recall when I was sitting on this floor, those lights were all green saying ''yes'' to the resolution, that they would have 48 hours, the American people, to see that bill. But in the short timeframe, within the next day, that was not to be true. That was not the agreement that transpired on this floor that, yes, it was handed out after midnight and, yes, we voted on it the next day.

Mr. HOYER. Would my friend yield on that point?

Mr. MCCARTHY of California. I will gladly yield to my friend.

Mr. HOYER. For what purpose was the 48 hours asked for?

Mr. MCCARTHY of California. It was the motion to instruct. And one thing I would say——

Mr. HOYER. For what purpose was the 48 hours asked for?

Mr. MCCARTHY of California. If I may just finish, the one thing I was asking for was really for the American people to be able to see it, be able to read it and be able to understand it.

Mr. HOYER. Will the gentleman yield again?

Mr. MCCARTHY of California. Gladly, to my friend.

Mr. HOYER. Isn't that what preprinting of amendments attempts to do? I yield back.

Mr. MCCARTHY of California. I thank the gentleman.

One thing I would say as we continue forward, if I could just finish with this discussion, if it is your intention to close down and continue to have a preprinting, is there a number in the gentleman's mind that he could tell this side of the aisle that the Republicans would be able to have a number of amendments just to have a check and balance for the American people when we talk about the billions of dollars that will be spent in these appropriation bills, even though we're being denied the amount of time that we can debate it?

I yield to my friend.

Mr. HOYER. I thank my friend for yielding because that's a good question. That's exactly what I offered your leadership.

Mr. MCCARTHY of California. Do you have a number in mind?

Mr. HOYER. No. I offered it to your leadership. I didn't mention a particular number, but I offered that to your leadership for over 2½ months. Your leadership concluded that they could not make or would not make such an agreement. I tell my friend that it's difficult to put a number on the amendments because, as the gentleman says and as I told you, we asked for six amendments. We offered six amendments in 2004 to that bill that was considered yesterday, six. Now you may say you would have winnowed 102 down to a lesser number. I don't know what the lesser number would have been, whether it would have been 70 or whether it would have been 50 or whether it would have been 40. But as you know, without a structured rule, with 5 minutes for each Member of the House to speak, you can do the math. Five times 400, obviously, is 2,000 minutes. Divide that by 60, you have a lot of days to consider that bill.

I think the gentleman is probably correct, it would not have been 102 amendments, but I don't know what number there would have been, and it's impossible to put a number on it unless we know how many amendments are requested. If as was the case in 2004 and we only asked for six, giving us 10 would not have seemed to make much sense. On the other hand, if we asked for 20, maybe a higher number certainly would be in order.

So I say to my friend, we will have to see how many amendments are sought, but we are not going to go down the road we went down in 2007. And I say to the gentleman, in my opinion, the problem with his party is they're hoisted on the petard of their performance in 2007 in trying to argue that somehow we don't have reason to be concerned by filibuster by debate. Yesterday was filibuster by vote, and we wasted a lot of time yesterday, unfortunately. Many hearings were cancelled on health, on safety, on statutory PAYGO and other matters that we couldn't have hearings on because we were voting four times on an issue with essentially the same result each time.

Mr. MCCARTHY of California. I do appreciate the decades of service you have provided, and, again, I say I have only been here 2½ years. But as I always studied and watched Congress and understood the idea of a filibuster, never did I think a filibuster was 20 minutes. Never did I think when you came to the floor, on the very first amendment a Republican took up, that in 20 minutes somehow it got called a filibuster.

And from one perspective on this side of the aisle, please understand, you set the rules. Nowhere did we not abide by the rules. You asked for preprinting; we provided our amendments preprinted. You said to go along with the debate; we got into the debate. We were into 20 minutes. And I think the American people like the idea of debating on this floor.

But if I may move on, there is just one final question on this. The reason I asked you about the number of amendments on the Republican side, you've got to understand the questioning of why I would. We just took up a legislative branch, and you said you weren't sure about how many Republican amendments there could be in the future, but to my good friend, there were none. There wasn't one Republican amendment. So our ability within the rules as they're constructed, we have one motion to recommit, and you know what happened? 374 people in this Chamber joined hands together. That doesn't come around very often to save the taxpayers $100,000.

So think for one moment what the American people would save in a time of crisis, and you look in my district where it's 15.9 percent unemployment, if they see a few more dollars saved, it helps them a great deal.

But if I may move on, to my good friend from Maryland, I would like to ask him about cap-and-trade. The Speaker has announced and I have read a lot of what she has said about if you don't finish this bill in Agriculture and Ways and Means by a certain date, you lose the right of authority. And the Speaker had a goal of considering the cap-and-trade bill on the floor prior to the July 4th process. Does my friend believe that time will still be the case, that we will see the bill before July the 4th?

Mr. HOYER. The energy independence and climate bill to which the gentleman refers, as you know, was marked up in committee and passed out of committee prior to the May break. Since that time, there have been a lot of discussions, and the Speaker did, in fact, say that committees with concurrent jurisdiction ought to act by the 19th, today, to try to bring this matter to conclusion. As the gentleman knows, I did not announce that bill for next week. I don't want to say it's not possible, but I have, for the last 3 months, been telling people, particularly the press that asked me the schedule, that I thought the energy independence and climate bill would be on the floor either the last week in June or the first week we get back in July. So that was the timeframe from my expectations. At this point in time, I have no reason to believe that it's going to be on the floor next week, but I want to make it clear to the Members that work is being done as we speak on this bill. The Agriculture Committee and Ways and Means in particular are working on this bill. We believe this is a very critical and important bill. This is one of the President's priorities. So I say to the gentleman that I have not announced it on the schedule. My present expectation is that it will not be on for next week, but if agreement was reached today or tomorrow and it was possible to move forward, it is possible. And if we have the time to do that, it is possible that we would consider it next week.

Mr. MCCARTHY of California. If I just may follow up on that, should I believe what I read in the paper, that even though this bill has three different committees of jurisdiction with the Agriculture and the Ways and Means bill, if it was not taken up by a certain date, would they lose the jurisdiction right to take up the bill before it came to the floor, or will we expect it to come out of those committees before the floor?

□ 1545

Mr. HOYER. I think that, obviously, is going to be up to the Speaker and committee Chairs as they discuss this. But I think, again, we deal with time constraints, and we want to do things right. But we know that if you simply do not set targets to get things done, the legislative process, which I have been at for over 40 years, sometimes can delay, and you don't get things done. So you set target dates to get things done, and this is what she has done. I don't think it's so much a question of losing jurisdiction as it is a sense of trying to get something done

by a date so that you can then move on to final passage on the floor of the House.

Mr. MCCARTHY of California. I thank the gentleman.

And if I may move on to another subject. During the debate of the war supplemental, one major issue was dropped from the bill. The bipartisan provision to prevent release of detainee photos was removed from the final version, knowing the release of these photos could create greater tension in the very region that our troops are now fighting. As the gentleman knows, the Senate unanimously passed the Lieberman bill yesterday, preventing the release of detainee photos. I am just wondering why the bill didn't come to the floor today to protect our troops.

Would you consider that to be brought up next week?

Mr. HOYER. I appreciate the gentleman's question. I think many of us share the view that the present action was well advised as it relates to the safety and security of our troops. On June 11, as the gentleman may know, just a few days ago, the President wrote to the Chairs of the House and Senate Appropriations Committees and said as follows:

''I deeply appreciate all you have done to help in the efforts to secure funding for the troops. I assure you that I will continue to take every legal and administrative remedy available to me to ensure that DOD and detainee photographs are not released.''

In light of that—and of course, the court has put a stay on the release, as I'm sure the gentleman knows. So there is no present intention by the administration to release these photos. So while the Senate acted yesterday, obviously there's no need for us to act immediately on this. I am sure that the committee will consider it in due course.

Mr. MCCARTHY of California. I thank the gentleman. And knowing that and with the Senators knowing that as well, they still passed it yesterday unanimously.

Do you believe we could take it up next week?

Mr. HOYER. I think we could do a lot of things next week.

Mr. MCCARTHY of California. I look forward to that. I appreciate that.

Mr. HOYER. Well, I didn't say that we would do that next week. You asked me, could we. We could.

Mr. MCCARTHY of California. Well, I would never bet against you. I appreciate the opportunity to bring that up.

And to my good friend from Maryland, knowing that this is the last colloquy before the Fourth of July break, as we look forward to when we come back, there are a lot of big topics coming before this House. I will tell you from a personal level, it was a little disturbing on some of the items I'm reading about. Because in this House on this side of the aisle, I participated really for the first time coming back this year of inviting our President to our conference, inviting President Obama to the conference because we wanted to work in a bipartisan manner. We worked on the idea of the stimulus bill where we got together and we created ideas that he asked for, and we gave it to him. We could create twice as many jobs with half as much money, scored by his own administration. And when I look forward, one thing that we did early on was, this leadership on this side of the House signed a letter to the President, talking about, we want to work together on health care. We want to find common ground. We want to make sure that all Americans have access to health care. We want to make sure that we solve this problem. And in doing that, we even put together our own working group. We set out our principles, and we continue to put them forward. And one of the concerns I had when I tried to find information from the other side of the aisle—I would go to the President's Web page. First there were eight items; and as we got closer, it would get down to three items. They were actually taking things off the Web site. But then when I read in the newspaper Politico where people are being directed on your side of the aisle not to talk to Republicans on the health care issue—I don't know if you read that quote, but I can provide it to you. And then when I hear of other people that are outside of these Chambers working on it, being told not to talk to Republicans or they would not be put in the room, I'm just wondering if there's a chance that that behavior will change and that we will have the opportunity to work together, that we will have the opportunity for our ideas to be presented. That is something the American people would want, that we could work in a bipartisan—much like earlier when a Republican produced the motion to recommit, and 374 people came together to save the taxpayers $100,000.

I yield to my friend from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I'm not sure what quote and who was instructed not to speak to Republicans because I have had a number of discussions with my good friend ROY BLUNT. So I didn't follow that direction, I haven't give that direction, and I want to make it clear that from the Speaker's perspective and mine, anybody on our side of the aisle who wants to sit down with anybody on your side of the aisle at any time to discuss health care issues, either in committee or in subcommittee, they are more than free to do so; and I would encourage them to do so. In fact, as I think the gentleman may know, all of the three committee Chairs of Energy and Commerce, Education and Labor and Ways and Means have been sitting down with their ranking members.

Now there was a change in ranking members, as you know, on the Education and Labor Committee. Frankly, I'm not sure that you've made the change on Education and Labor. Maybe you have.

Mr. MCCARTHY of California. Yes, we have.

Mr. HOYER. In any event, so I'm not exactly sure about Mr. MILLER. But I know that Mr. RANGEL has had discussions with Mr. CAMP; and I know that Mr. WAXMAN has sought and indicates to me—and I wasn't there—but he's had discussions with his ranking member as well, Mr. BARTON.

So let me assure the gentleman that we welcome bipartisan participation. I told that to Mr. BLUNT. Mr. BLUNT and I, I think as you know, have a history of working together successfully on behalf of legislation in this body, and I have great respect for him. He heads up your health task force. We have had discussions; and I've asked him to provide me with any suggestions that his task force has that he believes would be useful for us to discuss further; and I'm very hopeful that he will do so. As you know, we put a discussion draft on the table today for discussion. Our side has put some principles out as well. I'm hopeful. I know the President's hopeful that we can discuss those. We did have an unfortunate experience, as the gentleman recalls, when the President said he wanted to sit down and talk about the stimulus, and he was coming down to meet with your caucus, and a half-hour before he got there, your leadership instructed all of your Members to vote ''no'' on the bill before talking to the President. I thought that was unfortunate. But notwithstanding that, it's our intention to continue to try to seek bipartisan input and agreement where that can be possible.

Mr. MCCARTHY of California. Well, I thank the gentleman. The only thing I would say, having been in that caucus, the President came to the caucus that we had invited him to prior to our retreat because we wanted to speak to this President before. And I will tell you, knowing that these are closed-door sessions, but this is probably one of the best caucuses I had been to. I thought it was very honest, open, talked about the issue, discussed the issue. There were times when the President disagreed with us. He said, I philosophically disagree. But other times he said, You know what, that's a good idea. Let's work on that. But as the President left that caucus, the other side introduced the bill, so in essence in part we felt crushed with the opportunity to even work in a bipartisan manner. But we continued along the trail where we put the working group together, and we didn't go out and score the bill our way. We took the President's scoring, which will tell you how many jobs and how much money it would cost; and our focus was on small

business and job creation. It created twice as many jobs with half the amount of money. Our whip, Mr. ERIC CANTOR, personally handed it to the President; and the President said, This isn't crazy at all.

So we, on this side of the aisle, really look forward to working in a bipartisan manner and especially after seeing the scoring on the latest health care bill from the Democratic side, where it would only help 15 million of those uninsured but costs more than $1 trillion, knowing that that does not solve the problem, but continues to cost taxpayers tremendous amounts of money. I appreciate your assurance that maybe the attitude has changed, that the quote from Congressman JIM COOPER to the Politico where he was told not to work with Republicans, that that will change. I appreciate your work on that and the words you have said today.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY of California. Gladly.

Mr. HOYER. Because I know the gentleman doesn't want to mischaracterize my remarks.

I have never said we have changed our opinion. That has been our opinion expressed by our President, expressed by me and expressed by others, that we desire to work in a bipartisan mode. But the gentleman surely understands that there were, I can tell you, people on your side of the aisle who indicated to me that they wanted to vote for a number of the pieces of legislation that dealt with the stimulus; but the party pressure was so great to vote ''no'' that they didn't feel comfortable doing it. I may in private give you those names so you can check on the veracity of my representation.

Mr. MCCARTHY of California. Well, I appreciate the gentleman because when I was sitting here on the floor, and I saw 17 of your Members join with everyone voting ''no,'' the bipartisan support, that there was a better way, that there was an opportunity. That kind of goes back to the whole debate about amendments. I always thought, coming to this floor, that maybe the power of the idea should win, and no one should be afraid of an idea or an amendment, that we would actually be better. But I think the opportunity to spend time with the gentleman—and I appreciate it if some Members on your side thought differently in the past, that we can get the message out. I appreciate the work that you have done.

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

ADJOURNMENT TO TUESDAY, JUNE 23, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday next for morning-hour debate.

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

There was no objection.

PROTESTS RESULTING FROM IRANIAN PRESIDENTIAL ELECTION

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

Mr. GARRETT of New Jersey. It has now been 1 week since the Iranian people went to the polls to elect their new political leader. And in the last 7 days, the results of the election have been questioned, the media in Iran has been suppressed, thousands of demonstrators have protested, and some of these demonstrators have been injured and killed. Yet this very morning the supreme leader of Iran compared the election to a family disagreement. He offered no apologies for the deaths of the civilian protesters and, instead, simply blamed the Western media for being Zionist-controlled.

As a Member of Congress, I am appalled at this response and the apparent mockery of a fundamental democratic freedom, the freedom to protest and report on one's own government. We know the demonstrators were harassed rather than defended, and we know that Internet connections were cut and cell phone services disabled. Even foreign radio and television satellites were jammed.

So I ask, is this the behavior indicative of a country that recognizes liberties? I was proud earlier today to vote for H. Res. 560 and express my support for the Iranian citizens who recognize the need for their voices to be heard.

CONGRATULATING THE LADY GOLDEN TIDE SOFTBALL TEAM

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to congratulate the Lady Golden Tide softball team of Curwensville, Pennsylvania, for capturing the State softball championship in their division.

This is the team's second Pennsylvania Interscholastic Athletic Association Class A title in 3 years. They won on June 12 by a single run against a powerhouse team from Old Forge, the Lady Blue Devils, who had a record of 18 wins and 3 losses.

Tide Coach Allen Leigey said in an interview, ''This group of girls has been great, and we're really going to miss the seniors. They've done everything we've asked, and their winning attitude is just tremendous.''

Winning Lady Tide pitcher Holly Lansberry also hit the winning run for the team in a 1–0 game. The Lady Blue Devils were on a 17-game winning streak, but the momentum was with the Tide. After the Curwensville run scored, the Lady Blue Devils were shut out by a double play in the sixth inning.

All these women deserve praise for their competitive spirit and their team effort. Coach Leigey can be justifiably proud of these young women who worked hard to get to the finals and to come home champions.

Congratulations to the Lady Golden Tide.

MORE NUCLEAR ENERGY IN THE UNITED STATES

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

Mr. WAMP. Madam Speaker, as the House and the Senate continue to look for solutions to a problem of climate change and global warming, as the chairman of the Nuclear Energy Working Group here in the House, I just would remind everyone that we built our first 100 nuclear reactors in this country in less than 20 years; and we could build another 100 in the next 20 years if we really wanted to take a global leadership role on climate change, carbon reduction, pro-America, 5,000 jobs per plant. We can reprocess the spent fuel and turn it back into energy as they do in other countries, like Japan and France. All around the world they're looking back at us saying, Why does the United States not move towards nuclear power and nuclear energy? We need it from a competitiveness standpoint, from a jobs and economic standpoint, and to lead the world towards cleaner air. Nuclear is the way to go.

□ 1600

SPECIAL ORDERS

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

ENSURING A SOUND CREDIT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, last Sunday, Treasury Secretary Geithner and the President's economic adviser, Larry Summers, both Wall Street men, wrote an editorial laying out their case for financial regulatory reform, or at least that is what they called it. It fell far short of the mark.

They stated the basis of their proposal is the theory ''the financial system failed to perform its function as a

reducer and redistributor of risk.'' Let me repeat that. Their fundamental principle is ''the financial system failed to perform its function as a reducer and redistributor of risk.'' They then advised the President to use that idea as the basis of what he proposes.

I beg to disagree. The purpose our financial system should be to assure sound credit. A financial system should be structured to promote responsible lending and responsible savings practices. We have seen the result of a financial system that lost its way and traveled down the road of high risk-taking with other people's money, a system with no boundaries, no accountability and inherently unstable.

Securitization and risk were at the heart of that failed system. Have we learned nothing? Securitization may spread out risk, but it does not spread out damage when it fails. We see that clearly enough today.

Who on Wall Street who led the charge on high risk-taking is suffering today? They are getting bonuses. I cannot say that for those Americans who are losing their jobs, their homes and their businesses.

Enshrining securitization and risk at the heart of their proposal is absolutely the wrong end of the road to be starting at. Securitization has nothing to do with sound credit. Securitization removes the connection between the lender and the borrower. It does nothing to assure sound credit, nor encourage savings and prudent lending. The lender sells the loan, and they are done. What does the lender care if the profit has been made? They don't.

We don't need more securitization, more credit default swaps, more derivatives and more obligations that are hedged so many times that no one can even find them.

The financial regulatory reforms the administration released this week do not restore prudent financial behavior. That is what is necessary to lead us out of this economic darkness. America needs a credit system that is safe and sound, not risky and not overleveraged.

Yesterday in The New York Times, and I will place this article in the RECORD, Joe Nocera said that if President Obama wants to create regulatory reform that will last for decades, he needs to do what Roosevelt did. ''He is going to have to make some bankers,'' and I would add security dealers, ''mad.''

But why are Mr. Geithner and Mr. Summers protecting Wall Street? To date, the executive branch has been barking about the too-big-to-fail institutions. But the best they have done is nip at the edges of real reform and fixing what is wrong. Did AIG teach us nothing? An institution that is too big to fail is too big to exist.

Wall Street's bailout taught banks exactly the wrong lesson. It taught them, be reckless. The U.S. Government will make sure you do not take a hit. Just keep your campaign contributions rolling our way.

Take a look at derivatives in their proposal. Why only regulate normal boring derivatives when the derivatives that got us here are the exotic ones that are being protected from regulation? Do we need yet another credit default swap debacle to teach us that every derivative needs to be regulated in a transparent way and over the counter? Didn't the President campaign on transparency? Isn't the best disinfectant sunshine? Let the sun shine too on the Federal Reserve.

Do you know that the Federal Reserve is responsible for regulating mortgage lending? But did the Federal Reserve act when the FBI warned in 2004 that the subprime mortgage fraud could become an epidemic? No. So if the FBI warned an epidemic was ahead on something that the Federal Reserve regulated and the Federal Reserve failed to act, what makes us think that they can actually regulate anything, and why should we give them more power, which the administration proposal does?

Many more questions need to be asked about financial regulatory reform. We should not rubber-stamp the administration's first idea. Our people want a sound credit system. We should ask for no less.

The first goal of our banking system, as opposed to a securities system, should be to create a safe and sound credit system, one that promotes responsible savings and lending practices. Prudent financial behavior by individuals and institutions should be its primary purpose. The administration's priorities tell me they plan a much larger role for higher-risk securities in whatever system they are envisioning, which to me threatens higher-risk behavior.

Banks traditionally have served as intermediaries between people who have money—depositors—and those who need money—borrowers. The banks' value-added was their ability to loan money sensibly and manage and collect the loans. Securitization broke down that system. The banks didn't much care about making sensible loans as long as they could sell them. The regulators didn't stay on top of it because they foolishly thought the banks had gotten the loans off their balance sheets and the chickens would not come home to roost.

[From The Washington Post, June 15, 2009]

A NEW FINANCIAL FOUNDATION

(By Timothy Geithner and Lawrence Summers)

Over the past two years, we have faced the most severe financial crisis since the Great Depression. The financial system failed to perform its function as a reducer and distributor of risk. Instead, it magnified risks, precipitating an economic contraction that has hurt families and businesses around the world.

We have taken extraordinary measures to help put America on a path to recovery. But it is not enough to simply repair the damage. The economic pain felt by ordinary Americans is a daily reminder that, even as we labor toward recovery, we must begin today to build the foundation for a stronger and safer system.

This current financial crisis had many causes. It had its roots in the global imbalance in saving and consumption, in the widespread use of poorly understood financial instruments, in shortsightedness and excessive leverage at financial institutions. But it was also the product of basic failures in financial supervision and regulation.

Our framework for financial regulation is riddled with gaps, weaknesses and jurisdictional overlaps, and suffers from an outdated conception of financial risk. In recent years, the pace of innovation in the financial sector has outstripped the pace of regulatory modernization, leaving entire markets and market participants largely unregulated.

That is why, this week—at the president's direction, and after months of consultation with Congress, regulators, business and consumer groups, academics and experts—the administration will put forward a plan to modernize financial regulation and supervision. The goal is to create a more stable regulatory regime that is flexible and effective; that is able to secure the benefits of financial innovation while guarding the system against its own excess.

In developing its proposals, the administration has focused on five key problems in our existing regulatory regime—problems that, we believe, played a direct role in producing or magnifying the current crisis.

First, existing regulation focuses on the safety and soundness of individual institutions but not the stability of the system as a whole. As a result, institutions were not required to maintain sufficient capital or liquidity to keep them safe in times of system-wide stress. In a world in which the troubles of a few large firms can put the entire system at risk, that approach is insufficient.

The administration's proposal will address that problem by raising capital and liquidity requirements for all institutions, with more stringent requirements for the largest and most interconnected firms. In addition, all large, interconnected firms whose failure could threaten the stability of the system will be subject to consolidated supervision by the Federal Reserve, and we will establish a council of regulators with broader coordinating responsibility across the financial system.

Second, the structure of the financial system has shifted, with dramatic growth in financial activity outside the traditional banking system, such as in the market for asset-backed securities. In theory, securitization should serve to reduce credit risk by spreading it more widely. But by breaking the direct link between borrowers and lenders, securitization led to an erosion of lending standards, resulting in a market failure that fed the housing boom and deepened the housing bust.

The administration's plan will impose robust reporting requirements on the issuers of asset-backed securities; reduce investors' and regulators' reliance on credit-rating agencies; and, perhaps most significant, require the originator, sponsor or broker of a securitization to retain a financial interest in its performance.

The plan also calls for harmonizing the regulation of futures and securities, and for

more robust safeguards of payment and settlement systems and strong oversight of ''over the counter'' derivatives. All derivatives contracts will be subject to regulation, all derivatives dealers subject to supervision, and regulators will be empowered to enforce rules against manipulation and abuse.

Third, our current regulatory regime does not offer adequate protections to consumers and investors. Weak consumer protections against subprime mortgage lending bear significant responsibility for the financial crisis. The crisis, in turn, revealed the inadequacy of consumer protections across a wide range of financial products—from credit cards to annuities.

Building on the recent measures taken to fight predatory lending and unfair practices in the credit card industry, the administration will offer a stronger framework for consumer and investor protection across the board.

Fourth, the federal government does not have the tools it needs to contain and manage financial crises. Relying on the Federal Reserve's lending authority to avert the disorderly failure of nonbank financial firms, while essential in this crisis, is not an appropriate or effective solution in the long term.

To address this problem, we will establish a resolution mechanism that allows for the orderly resolution of any financial holding company whose failure might threaten the stability of the financial system. This authority will be available only in extraordinary circumstances, but it will help ensure that the government is no longer forced to choose between bailouts and financial collapse.

Fifth, and finally, we live in a globalized world, and the actions we take here at home—no matter how smart and sound—will have little effect if we fail to raise international standards along with our own. We will lead the effort to improve regulation and supervision around the world.

The discussion here presents only a brief preview of the administration's forthcoming proposals. Some people will say that this is not the time to debate the future of financial regulation, that this debate should wait until the crisis is fully behind us. Such critics misunderstand the nature of the challenges we face. Like all financial crises, the current crisis is a crisis of confidence and trust. Reassuring the American people that our financial system will be better controlled is critical to our economic recovery.

By restoring the public's trust in our financial system, the administration's reforms will allow the financial system to play its most important function: transforming the earnings and savings of workers into the loans that help families buy homes and cars, help parents send kids to college, and help entrepreneurs build their businesses. Now is the time to act.

[From the New York Times, June 18, 2009]

TALKING BUSINESS—ONLY A HINT OF ROOSEVELT IN FINANCIAL OVERHAUL

(By Joe Nocera)

Three quarters of a century ago, President Franklin Roosevelt earned the undying enmity of Wall Street when he used his enormous popularity to push through a series of radical regulatory reforms that completely changed the norms of the financial industry.

Wall Street hated the reforms, of course, but Roosevelt didn't care. Wall Street and the financial industry had engaged in practices they shouldn't have, and had helped lead the country into the Great Depression. Those practices had to be stopped. To the president, that's all that mattered.

On Wednesday, President Obama unveiled what he described as ''a sweeping overhaul of the financial regulatory system, a transformation on a scale not seen since the reforms that followed the Great Depression.''

In terms of the sheer number of proposals, outlined in an 88-page document the administration released on Tuesday, that is undoubtedly true. But in terms of the scope and breadth of the Obama plan—and more important, in terms of its overall effect on Wall Street's modus operandi—it's not even close to what Roosevelt accomplished during the Great Depression.

Rather, the Obama plan is little more than an attempt to stick some new regulatory fingers into a very leaky financial rather than rebuild the dam itself. Without question, the latter would be more difficult, more contentious and probably more expensive. But it would also have more lasting value.

On the surface, there was no area of the financial industry the plan didn't touch. ''I was impressed by the real estate it covered,'' said Daniel Alpert, the managing partner of Westwood Capital. The president's proposal addresses derivatives, mortgages, capital, and even, in the wake of the American International Group fiasco, insurance companies. Among other things, it would give new regulatory powers to the Federal Reserve, create a new agency to help protect consumers of financial products, and make derivative-trading more transparent. It would give the government the power to take over large bank holding companies or troubled investment banks—powers it doesn't have now—and would force banks to hold onto some of the mortgage-backed securities they create and sell to investors.

But it's what the plan doesn't do that is most notable.

Take, for instance, the handful of banks that are ''too big to fail''—and which, in some cases, the government has had to spend tens of billions of dollars propping up. In a recent speech in China, the former Federal Reserve chairman—and current Obama adviser—Paul Volcker called on the government to limit the functions of any financial institution, like the big banks, that will always be reliant on the taxpayer should they get into trouble. Why, for instance, should they be allowed to trade for their own account—reaping huge profits and bonuses if they succeed—if the government has to bail them out if they make big mistakes, Mr. Volcker asked.

Many experts, even at the Federal Reserve, think that the country should not allow banks to become too big to fail. Some of them suggest specific economic disincentives to prevent growing too big and requirements that would break them up before reaching that point.

Yet the Obama plan accepts the notion of ''too big to fail''—in the plan those institutions are labeled ''Tier 1 Financial Holding Companies''—and proposes to regulate them more ''robustly.'' The idea of creating either market incentives or regulation that would effectively make banking safe and boring—and push risk-taking to institutions that are not too big to fail—isn't even broached.

Or take derivatives. The Obama plan calls for plain vanilla derivatives to be traded on an exchange. But standard, plain vanilla derivatives are not what caused so much trouble for the world's financial system. Rather it was the so-called bespoke derivatives—customized, one-of-a-kind products that generated enormous profits for institutions like A.I.G. that created them, and, in the end, generated enormous damage to the financial system. For these derivatives, the Treasury Department merely wants to set up a clearinghouse so that their price and trading activity can be more readily seen. But it doesn't attempt to diminish the use of these bespoke derivatives.

''Derivatives should have to trade on an exchange in order to have lower capital requirements,'' said Ari Bergmann, a managing principal with Penso Capital Markets. Mr. Bergmann also thought that another way to restrict the bespoke derivatives would be to strip them of their exemption from the antigambling statutes. In a recent article in The Financial Times, George Soros, the financier, wrote that ''regulators ought to insist that derivatives be homogeneous, standardized and transparent.'' Under the Obama plan, however, customized derivatives will remain an important part of the financial system.

Everywhere you look in the plan, you see the same thing: additional regulation on the margin, but nothing that amounts to a true overhaul. The new bank supervisor, for instance, is really nothing more than two smaller agencies combined into one. The plans calls for new regulations aimed at the ratings agencies, but offers nothing that would suggest radical revamping.

The plan places enormous trust in the judgment of the Federal Reserve—trust that critics say has not really been borne out by its actions during the Internet and housing bubbles. Firms will have to put up a little more capital, and deal with a little more oversight, but once the financial crisis is over, it will, in all likelihood, be back to business as usual.

The regulatory structure erected by Roosevelt during the Great Depression—including the creation of the Securities and Exchange Commission, the establishment of serious banking oversight, the guaranteeing of bank deposits and the passage of the Glass-Steagall Act, which separated banking from investment banking—lasted six decades before they started to crumble in the 1990s. In retrospect, it would be hard to envision even the best-constructed regulation lasting more than that. If Mr. Obama hopes to create a regulatory environment that stands for another six decades, he is going to have to do what Roosevelt did once upon a time. He is going to have make some bankers mad.

TRIBUTE TO U.S. ARMY SPECIALIST JARRETT GRIEMEL

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

Mr. POE of Texas. Madam Speaker, the State of Texas lost a warrior this month in the Forward Operating Base Gardez in Afghanistan, a remote and desolate place in the middle of the badlands in this war zone. Army Specialist Jarrett Griemel died on Wednesday, June 9, 2009, from injuries he suffered in Afghanistan. He was just 20 years of age.

This is a photograph right here, Madam Speaker, of Specialist Griemel. Specialist Griemel is the 28th warrior to have died in Iraq or Afghanistan with connections to my Second Congressional District in Texas.

Jarrett was a young man who personified the best qualities of the young people in America today. Born in San Angelo, Texas, and raised in La Porte, Texas, Jarrett was living the life he had always made plans to live, that being a life filled with the achievement and adventure that he desired.

Jarrett was a patriot. He joined the Army his junior year in high school, and he had already completed basic training before graduating with honors from La Porte High School.

He was a member of the swim team and the surf club, and he loved the outdoors and especially the beach and water sports. Jarrett spent his spare time parachuting and cliff diving. Jarrett lived his life to the fullest.

In February of last year, Jarrett married his high school sweetheart, Candice, at a small ceremony in front of a justice of the peace. She joined him in Alaska, where he was deployed by the Army, to begin their young married lives together. Jarrett had a lifetime goal of eventually becoming a surgeon.

Jarrett was an athletic young man with bright red hair and an infectious smile. His brother Chase says he and Jarrett were typical adventurous boys growing up. They spent time in the woods catching snakes and bugs. He wanted to travel, see the world and live a life of excitement and adventure. And Jarrett did just that.

Jarrett was a petroleum supply specialist assigned to the 425th Brigade Special Troops Battalion, 4th Brigade combat Team (Airborne) of the 25th Infantry Division Battalion at Fort Richardson Alaska, home of the Arctic Warriors. The 3,500-soldier brigade is still in the midst of deploying in support of Operation Enduring Freedom in Afghanistan.

Madam Speaker, our American warriors live under the most grueling of conditions in Afghanistan. Jarrett's experience in the outdoors growing up would come in handy in the rugged and cursed terrain.

Having been to Afghanistan myself, I have witnessed how the hot desert sun is unrelenting as our soldiers patrol the dusty, rocky mountains and deserts. The only real relief from the heat is the freezing cold night in the desert, one harsh extreme to another.

Even in the ''desert of the sun and the valley of the gun,'' our troops are not deterred. The elements do not stop the best-trained, best-prepared, most-lethal military in the history of the world. The United States Army is on patrol in the mountains and cursed land of Afghanistan.

Our brave men and women in uniform are unequaled anywhere in the world. They are an all-volunteer force. They are educated, motivated, but they are tenacious. They bleed red, white, and blue. They meet and exceed any task our country sends them to accomplish with great skill and with great pride. They are America's backbone. Our heroes. The best of our Nation. Our amazing examples of the youth of this country.

Jarrett was a proud and accomplished soldier, and at just 20 years of age he was only 1 day from becoming a sergeant when he died in Afghanistan.

Texas is proud to have called him a soldier, a son, and a hero. He will always be remembered by his family, his friends, and a grateful Nation for his service. His love of country, excellence in achievement, and love of his family will be forever engraved on the hearts of every life he touched.

Jarrett's wife, Candice; his mother, Trena Dorsett, and her husband, Donnie, of La Porte, Texas; his father, Michael Griemel; his brothers, Chase, Jason, and Brandon; and his sister, Brianna, are all a living testimony to the memory of this one brave soldier's love of life, love of his country, and love of fellow citizens.

Madam Speaker, it has been said without the brave efforts of all the soldiers, sailors, airmen and marines and their families, this Nation would not stand so boldly, shine so brightly, or live so freely.

Madam Speaker, Jarrett Griemel was one of those soldiers. He was an American soldier, the rare breed who take care of the rest of us, and we will forever be indebted to him, his life, and his service to our Nation.

And that's just the way it is.

DIFFERENCES BETWEEN DEMOCRAT AND REPUBLICAN ENERGY PLANS

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

Mr. OLSON. Madam Speaker, I rise today to discuss the differences between the Democrat and Republican energy plans.

As we move into summer, energy prices are creeping up, as they do each year, placing higher costs on those in our country who can least afford them. We need an energy plan that ensures a reliable, safe and affordable energy supply.

Democratic leaders in Washington have proposed a plan that would replace our present energy supply with unreliable and costly energy alternatives. The cornerstone of this plan would reduce carbon emissions through an aggressive cap-and-trade program. This program would set nationwide limits on greenhouse gas emissions and create a market-based trading program for companies to meet the cap. The goal of this plan is to force reductions in carbon emissions through government rationing of carbon credits for energy producers.

The nonpartisan Congressional Budget Office analysis of this plan concluded that the potential job loss in my home State of Texas alone by the year 2020 could go as high as 311,600. Let me say that again. Over 300,000 jobs lost in my State by 2020, resulting in a staggering loss in personal income of up to $22.8 billion. That cost is simply too high. It is not cap-and-trade; it is cap-and-tax.

My Republican colleagues and I believe we can still achieve an energy plan that keeps costs affordable, lowers emissions and grows energy jobs right here in America.

□ 1615

I'm opposed to a plan that dramatically little increases the cost of energy for American consumers. That is why my Republican colleagues and I have crafted a comprehensive energy bill that not only increases energy production here in America, but ensures that all forms of energy have the ability to compete to provide clean, reliable, and affordable energy for all Americans.

The American Energy Act is a blueprint of solutions for American energy problems. We must create an environment where all producers have the opportunity to compete to provide safe, reliable energy, instead of the current stranglehold of bureaucratic red tape and regulatory obstacles producers face.

We have an important opportunity to reduce carbon emissions sought by Democrats through increased use of nuclear energy. The American Energy Act would allow nuclear energy to compete with other energy sources based on its merits, such as being affordable, domestic, and, most importantly, emissions-free.

The U.S. Department of Energy is now in the process of awarding financing for four American power companies to build new nuclear power reactors to allow more nuclear power to come online between 2015 and 2020. And we can bring more energy onto the grid if we streamline the application process, as the American Energy Act does.

The goal of this plan is not to promote one form of energy over the other, but to allow the market system to determine which producers can achieve the goal of providing a safe and reliable energy supply to meet our Nation's needs.

Americans need safe, reliable and affordable energy, not government-mandated emission programs that increase consumer costs and kill American jobs. We need a plan that promotes all forms of energy to meet that goal.

Madam Speaker, the Republican energy plan is a commonsense approach to increasing domestic energy sources, creating American energy jobs, and promoting a clean environment without dipping in the pockets of American families.

FEDERAL AIR MARSHAL SERVICE

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

Mr. DUNCAN. Madam Speaker, probably the most needless, useless agency in the entire Federal Government is the Air Marshal Service.

In the Homeland Security Appropriations bill we will take up next week, we will appropriate $860 million for this needless, useless agency. This money is a total waste: $860 million for people to sit on airplanes and simply fly back and forth, back and forth. What a cushy, easy job.

And listen to this paragraph from a front-page story in the USA Today last November: ''Since 9/11, more than three dozen Federal air marshals have been charged with crimes, and hundreds more have been accused of misconduct. Cases range from drunken driving and domestic violence to aiding a human-trafficking ring and trying to smuggle explosives from Afghanistan.''

Actually, there have been many more arrests of Federal air marshals than that story reported, quite a few for felony offenses. In fact, more air marshals have been arrested than the number of people arrested by air marshals.

We now have approximately 4,000 in the Federal Air Marshals Service, yet they have made an average of just 4.2 arrests a year since 2001. This comes out to an average of about one arrest a year per 1,000 employees.

Now, let me make that clear. Their thousands of employees are not making one arrest per year each. They are averaging slightly over four arrests each year by the entire agency. In other words, we are spending approximately $200 million per arrest. Let me repeat that: we are spending approximately $200 million per arrest.

Professor Ian Lustick of the University of Pennsylvania wrote last year about the money feeding frenzy of the war on terror. And he wrote this: ''Nearly 7 years after September 11, 2001,'' he wrote this last year, ''what accounts for the vast discrepancy between the terrorist threat facing America and the scale of our response? Why, absent any evidence of a serious terror threat, is a war to on terror so enormous, so all-encompassing, and still expanding?

''The fundamental answer is that al Qaeda's most important accomplishment was not to hijack our planes but to hijack our political system.

''For a multitude of politicians, interest groups and professional associations, corporations, media organizations, universities, local and State governments and Federal agency officials, the war on terror is now a major profit center, a funding bonanza, and a set of slogans and sound bites to be inserted into budget project grant and contract proposals.''

And finally, Professor Lustick wrote: ''For the country as a whole, however, it has become maelstrom of waste.'' And there is no agency for which those words are more applicable than the Federal Air Marshal Service.

In case anyone is wondering, the Air Marshal Service has done nothing to me, and I know none of its employees. But I do know with absolute certainty that this $860 million we are about to give them could be better spent on thousands of other things.

As far as I'm concerned, it is just money going down a drain for the little good it will do. When we are so many trillions of dollars in debt, a national debt of over $13 trillion, we simply cannot afford to waste money in this way.

MESSAGE FROM THE SENATE

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

S. 814. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

S. Con. Res. 23. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

EVENTS OF THE WEEK

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

Mr. KING of Iowa. Madam Speaker, I appreciate the honor to be recognized to address you this evening on the floor of the House of Representatives, and at the conclusion of what some considered to be a long week here in Congress. And I'd like to go back and reflect upon some of the events that took place this week and perhaps look into the future.

And always our deliberation here on the floor of the world's greatest deliberative body should be about perfecting legislation and moving America forward in the right direction.

Looking back upon some of the things that have taken place this week that are unprecedented, some would say that yesterday, and it was unprecedented, more votes on the floor of the House of Representatives than ever in the history of the United States of America. After all of these years, from 1789 until 2009, we had more votes on the floor, almost a third more votes on the floor than ever before. The previous record was 40 votes. I think yesterday, 54.

One would ask, why is that? And the answer to that is, because the majority decided they were going to shut down the deliberation and the debate here in the House.

And I take all of us back to think about the continuum of events, the Constitution that underpins us, the directive in the Constitution that all spending has to start in the House of Representatives, not in the Senate, Madam Speaker, but in the House of Representatives.

In fact, if we shut this operation down here, no new spending could be initiated in the United States Government, at least constitutionally, because it all has to start in the House. That is our duty. It's one of our most important duties, not our only duty by any means.

And we've had a tradition of going through a number of appropriations bills, 13 in number, as I recall, and it gets changed a little bit from year to year as the configuration of the Appropriations Committee gets changed. But we've run through those appropriation bills in the years that I've been here under Republican leadership, starting, by my recollection, at least, every one out with an open rule that allowed every Member of Congress to introduce an unlimited number of amendments, and offer and debate those amendments on the floor of the House, ask for a recorded vote if they chose to do so, ask for a re-vote if they chose to do so. In fact, there could be a movement for reconsideration if we chose to do so.

If every Member offered amendments, of course this place would slow down dramatically and it would come actually to a halt. But for all of these years of the United States Congress, we got our work done under open rules because we found ways to come together and come to a conclusion so this government's business could be done in a legitimate fashion, with debate on both sides, with amendments that are offered that seek to perfect the legislation that's there, with fiscal responsibility on our part of the aisle, at least, and sometimes on the part of the Blue Dogs who used to come up and try to slow the growth of the government of their own party.

But that has not been the case this week, Madam Speaker, and that is the reason for the unprecedented number of votes that took place here on the floor. And that's because the majority party decided to shut down the process and disallow amendments and disallow debate in order to shield their spending, in order to protect them from, let me say, an alternative view. Some would call it criticism.

But addressing you tonight, Speaker pro tem, Speaker PELOSI received the gavel that you hold this evening in January of 2007. The first woman Speaker in the history of the United States. I've been here to witness the swearing in of that historic event, as well as the swearing in of the first African American President of the United

States. Historical moments. And both of those moments were coupled with a degree of optimism that flowed on both sides of the aisle, Democrats and Republicans, although I will stipulate that there had to have been more euphoria on the Democrat side of the aisle than there was on the Republican side of the aisle. But just the same, a level of euphoria on each side, a sense of optimism, a sense of we have reached some historical milestones.

But, Madam Speaker, when we reach that moment, that is no time to rest on our laurels. That's no time to come to a conclusion that the people who have been honored so in such a historically unprecedented fashion should be exempt from criticism or exempt from dissent, nor should they be handed all the power of the government of the United States, whether they're the President or the Speaker of the House. But it seems as though that's the attitude of significant numbers of Members here in the House of Representatives.

And so if I take you back to the 12 years that Republicans were in the majority here in the House, from 1994 until 2006, those were elections, sworn in '95 and until January of 2007 were actually the times that our span served, we offered appropriations bills under an open rule that allowed amendments, an unlimited number of amendments, to be filed. They didn't have to be filed into the CONGRESSIONAL RECORD. Nobody had to come here with their play book and open it up and say, here's the play I'm going to run, do you think you can play defense on that. We just said, offer your amendments into the RECORD, and we'll deal with them when they come up. And as long as we haven't passed that title of the bill in our deliberations, the amendment will be in order. And if you have amendments that you'd like to offer at the end of the bill, we're going to allow for an unlimited number of amendments to be filed at the end of the bill as well.

And so Democrats and Republicans were able to record their dissent from each of the appropriations bills by filing amendments, seek to perfect the legislation that was there, and either expand the spending or reduce the spending as their conscience and their constituents dictated. That went on through the 12 years of Republican leadership.

And I will also make a point that there were times when we had too many amendments and there were times when leadership came together and negotiated a unanimous consent agreement. And there were times when some people didn't all agree, but didn't really have much opportunity to object. And I have been one of those people that saw unanimous consent agreement reached and didn't have an opportunity to object.

But at least the leadership was talking about how to perfect legislation, how to bring the most important amendments to the floor for debate and for vote so we could bring the will of the American people and the wisdom of the American people together and move this country forward.

That's how it was here in this Congress from 1995 until the beginning of 2007, when Speaker PELOSI took the gavel, named a whole group of new committee Chairs, a new appropriations Chair, a new Ways and Means Chair, a new Financial Services Chair, the list goes on. And as the appropriations bills were brought to the floor, Republicans and Democrats offered amendments to those bills, and there were—and that debate, although it was extended more than it was this year, was shut down by unanimous consent agreement.

□ 1630

Okay. I can accept that. I don't like it, but I can accept it. That was the last time we had a legitimate process, Madam Speaker, because the 2007 appropriations cycle didn't even have an appropriations bill come to the floor, not 1 of 10, not 1 of 13—zero—because Democrats didn't want to take a vote on bills to spend money, and they didn't want to take a vote on the amendments that would be seeking to slow this massive growth in government, so they stacked it all up and put it into one continuing resolution that kicked the can down the road until after the last election when they brought up an omnibus spending bill that put everything into one bill. Then that bill appeared on the Internet. It was after 11 o'clock at night. The following morning, there were 3,600 pages, as I recall, and around $450 billion in spending all wrapped up and stacked into one bill. Actually, it may not have been 3,600, but it was a lot of pages of legislation. We had overnight to read it, and we are held accountable for everything that we vote for or against in this Congress. We have to have an opportunity to read the legislation no matter how good our staff is. We can't even delegate that we break the bill up into pieces and tell each one of our staff to read 100 pages. It's impossible.

Furthermore, there was no opportunity to tell what was in the bill. Even more difficult was to figure out what wasn't in the bill, and that all has to be evaluated if we are going to be operating and running the finest country that has ever had the privilege of being sovereign on the face of this Earth.

Yet our process is broken. Our process has been usurped. Because of the sense that power can dictate, then it has dictated. So, for 2 years, we haven't had a legitimate appropriations process here in the United States Congress, not until this week, not until the Justice Appropriations bill was offered. Even then, it wasn't a legitimate process. It was offered under a rule that I had never seen before, and I believe it was historically unprecedented, which was: print all of your amendments into the RECORD and then we'll make them all in order. Now, they can announce this in advance. They can tell us what the Rules Committee is going to decide in advance. We filed all of our amendments into the RECORD, 127 of them or some number near that, and that allowed the majority to read our entire playbook. It allowed the majority to evaluate the political implications and the economic implications of every amendment, and it allowed the majority to plan their strategy. What was their strategy?

The strategy was: well, we dare not let them debate this because they're going to bring up things that are embarrassing. We dare not allow votes because the Members will be held accountable. Who will hold them accountable? The voters. So, in order to protect the vulnerable Members of the United States Congress, the constitutional duty and the deep traditions of this Congress have been suspended by the majority party, and they were suspended with the structured rule that allowed for these 127 amendments, of which I had some; but even that, Madam Speaker, wasn't good enough. Twenty-some minutes into the debate on the first amendment, the majority party moved to recess to the call of the gavel, and they decided to go up to the Rules Committee and change the rules again.

Now, it is a very bad deal when you change the rules from the Constitution and from the tradition of this body, from these 200-and-some years of this constitutional Republic that we are. That is a very serious thing, but those changed rules are the ones we started out with. Once we got 20 minutes into the debate on the first Republican amendment, they then decided to change the rules again, Madam Speaker, and went up to the Rules Committee, which, by the way, is the heart of the power of this Congress. The people who decide what debate will take place here on the floor are up there on the third floor—that way. It's a tiny, little room, and it doesn't have television cameras in it, and you can't tune into it on C–SPAN, and there is no live feed that goes out of there.

I brought an amendment up a couple of years ago to present it when the Chair of the Rules Committee said, Well, we're going to make sure that we report every vote out and that we put it into the RECORD. I simply brought an amendment up there that would require the Rules Committee to print every vote into the RECORD. The Chair became—let me just say to understate it—unreasonable and emotional in that I would seek to codify a promise that she had made. Didn't I trust her?

Well, the answer to that, I think, is obvious, because the rules got changed

twice in the middle of the game. The second time, they decided they would only allow amendments to come to the floor of the House that they thought were good for them politically. So these 127 amendments got chopped down to 23 amendments. Of the 23 amendments, 20 of them were about spending.

You know, it surprises me, but the Democrats didn't mind voting for more spending and voting against reducing spending with the exception of this $100,000 on capital bicycles today. Trillions of dollars have been spent, but they did get mobilized, some of them, about the spending on the capital bicycles.

So the rules were changed from tradition. Then they were changed in the middle of the game. This Justice Appropriations bill came to the floor, and it was set up so that there wouldn't be embarrassing votes.

For example, the Speaker of the House has declared the CIA to be willfully lying to the Congress of the United States of America and to her, and this issue is unanswered and unspoken to, and the security of the United States of America is hinged upon our ability to have a working and trusting relationship to fund the CIA and the 14 other members of the intelligence community and our Department of Defense, I might add, and our domestic law enforcement, I might add. Well, now there is no relationship between the Speaker of the House and the intelligence community other than one of being directly at odds against each other, with the Speaker's declaring the CIA up here in the secure room in the Capitol to be lying to the person who is third in line for the Presidency—the Speaker of the House of Representatives.

Yes, they lied to me. They did it all the time. They misled the Congress of the United States of America.

That's the statement—not retracted, not clarified, no evidence given. Just an allegation.

Now, when someone accuses someone else of lying outside of these doors and on the street, in the family, at the workplace or in private society, they had better have the evidence before they accuse somebody of being a liar. That is the standard in America. If you think somebody is not telling you the truth, you don't call him a liar unless you have the facts. We have worse than that here in the Congress because there is a statute that has been passed that directly prohibits anyone from lying to Congress, especially about domestic or international terrorism, and that's what these briefings were about. They were about enhanced interrogations that most of America, Madam Speaker, thinks took place down at Gitmo, waterboarding among them. The truth is that no waterboarding took place at Gitmo. None of it took place in this hemisphere, and I can't verify that there were any enhanced interrogation techniques that took place even in this hemisphere, let alone at Gitmo by United States forces.

So that's a long subject, and I won't go into that, Madam Speaker, except to say, to the extent when that declaration was made by the Speaker of the House, that declaration of the CIA's lying, it was an allegation of willfully committing repeated felonies against the Congress of the United States.

This is an untenable position. We cannot have a situation where the most powerful Member of the House of Representatives, the person third in line for the Presidency, can declare our intelligence community to be willful liars, to be lying to us here in this Congress and to be in violation of Federal statute. We cannot just simply decide, because the Speaker doesn't want to talk about it anymore, we aren't going to talk about it either.

I am bringing this up because this is the only arena that exists. This is the only forum that exists right now. We could not force a vote on it. We could not shut off funds. We could not direct the Speaker. We could not bring any language, because it was shut down in the Rules Committee. I will submit that the security clearance for the Speaker of the House of Representatives must be suspended until this matter is cleared up. It is her responsibility to clear it up, not mine. It is not the part of some outside working group or of some factfinding force. It is for the person who made the allegation.

Madam Speaker, I would ask you to reflect. When Jesus stood in front of the high priest, Caiaphas, Caiaphas asked him, Jesus, did you really say these things? Did you really preach in this fashion?

Christ said to Caiaphas, It's you who say I did. Ask them. They heard me. I was open.

The guard struck Jesus, and Jesus said again to Caiaphas, If I have spoken wrongly, then you must prove the wrong, but if I have spoken rightly, why do you strike me?

That's the standard. When someone speaks rightly, you can't attack him. You can't strike him. You can't challenge him. You can't beat him. You can't call him a liar; but if he speaks wrongly, the one who makes the allegation of speaking wrongly must prove the wrong. That's the standard in the Book of John. That's the standard in this American culture. That needs to be the standard here in the United States Congress. We need to hold the Speaker accountable for this for the very sake of the integrity of this institution and for the very sake of the security of the United States of America, which, surely, is put at risk when you think about the majority party, the majority party that is all trying to work together, to get along and to follow the direction of the Speaker, all of the staffs of all of the committees—the committee Chairs, the subcommittee Chairs, the rank-and-file members, the Armed Services people, the Select Committee on Intelligence, which just had their markup in secret. That won't hit the press. You won't know what went on in there in the Select Committee on Intelligence. You won't know what kind of debates took place, because that's in secret. You won't understand how partisan the Select Committee on Intelligence is today because the committee has been stacked with people who will support the Speaker.

Madam Speaker, the American people don't have any insight into what goes on within the intelligence zones here in this Congress nor do they have an opportunity to view it, because a lot of it is classified. I can tell you, when you have a partisan committee, partisan votes, partisan debates in secret in the Committee on Intelligence, and when you have all of the intelligence agencies that are now colored with the allegation from the Speaker of the House that they willfully lied to the Congress of the United States, let me ask:

Does that produce more funding for on-the-ground intel? for more devices? for more technology? Is America safer because of this tension, this conflict? Are we less safe? Are there more of our resources put to bear to gather this intelligence that we need so that we can direct our military to protect us from attacks from terrorists, both foreign and domestic, or is it less resources?

When you send a brother and a sister out to the kitchen to clean up the table after dinner at night and they're fighting, does the job get done better or worse? Does it get done quicker or sooner? When people are at odds with each other, that lack of cooperation ultimately leads to less efficiency and to a poorer product.

One of the problems that we had that left us vulnerable for September 11 were the silos of intelligence when we didn't have our members of the intelligence community sharing intelligence. They weren't communicating as well as they should have. That is the foundation for the reason of establishing the Director of National Intelligence and for putting it under at least one command. I have concerns about the results of that as well, but that was the reason, and now we have a silo of politics here under the Speaker of the House, who declares Intelligence to be lying to Congress. She continues to go up to the fourth floor to receive intelligence briefings from an intelligence community that is probably walking on egg shells.

The CIA, itself, directed by Leon Panetta, has laid out that they have the documents and that they have the proof, and their notes show that the

Speaker was briefed in line with what had been taking place with the enhanced interrogation techniques of three individuals and that it had already taken place prior to the briefing that she received on September 4 of 2002.

This is an untenable position. It must be rectified, and it can't go on. This Congress has been shut down partly so we don't have a debate on this issue.

Another reason this Congress has been shut down—and I'm talking about the open amendment process to appropriations bills—is there is a partisan interest in protecting ACORN. It can't be anything else. Most everybody in America at this point has heard of ACORN, the Association of Community Organizations for Reform Now. ACORN was in the news constantly throughout the election cycle last fall. I've been watching ACORN for 4 to 5 years. ACORN has been involved from the beginning, and here is a series of things, and I'll just lay them out and then talk about them to the depth that I can at this point, Madam Speaker.

□ 1645

ACORN's involvement early on way back in the Community Reinvestment Act. This Congress passed the Community Reinvestment Act in 1977 and then refreshed it under Bill Clinton in the 1990s. The Community Reinvestment Act recognized something that was wrong, and that was that we had lenders who looked at neighborhoods and concluded that the real estate value in those neighborhoods was declining because of violence, because of activities going on in those neighborhoods.

And so they drew what they called—they did what they call redlining. They drew a red line around those neighborhoods and concluded they weren't going to loan money for homes for real estate in those neighborhoods because the value of the real estate was going down.

If you looked at the racial makeup of the residents of those redlined areas, often it was African Americans in those inner-city parts. Some of them contributed to the decline in the value of the real estate. Some of them were victims of the decline in value of the real estate. The Community Reinvestment Act was passed to encourage lenders to—let me just say in simplistic terms—make bad loans in bad neighborhoods, to loan into the redline neighborhoods so they could improve the percentage of home ownership, get more people into their own homes, and the theory is they will take care of them: They'll have a nest egg to work with, and they will be more stable with everything they do. The families will be more stable, too.

I don't disagree with the philosophy of the Community Reinvestment Act. I disagree with the result of what came about. And what came about was ACORN seizing on the Community Reinvestment Act and learning that they could go in and, essentially, intimidate lenders. If lenders wanted to expand or open up a branch office, they had to meet the standards of the Community Reinvestment Act. Vaguely written. But those standards were easier to prove if you had the approval of ACORN. If you had the disapproval, it was hard to get them approved because ACORN established political connections, and supported political candidates, and became a get-out-the-vote machine for Democrats.

Now, think in terms of Chicago politics. I think Chicago is a city in America that best illustrates the foundation that is ACORN.

And so ACORN intimidated lenders. They got groups together—some would say gangs; I'm calling them groups. And they went into lenders' offices and sometimes shoved the banker's desk over to the wall and surrounded him and hollered at him and screamed at him, intimidated the lender into making bad loans in bad neighborhoods. They intimidated lenders and banking institutions to write nice big checks to ACORN, and ACORN used that money to operate, and if they wrote a big enough check, ACORN wouldn't be in there demonstrating or jamming the entryways to the banks and shutting down their commerce. These were intimidation shakedown tactics. ACORN is just one of the entities that did that. We know of a few others, and I think the name Jesse Jackson comes to mind for most people when I raise this subject matter. There were other entities out there that did the same thing.

But ACORN was in the center of this. And not only that, but ACORN found themselves in a situation where they could go out and identify and broker the people who would qualify for these low-interest loans, subprime loans—a lot of subprime loans were promoted by ACORN. The lending institutions made those loans because then ACORN would be off of their back and allow their doors to stay open, and they kept this relationship going.

ACORN also found themselves in a position to be brokering these subprime loans through into the secondary market of Fannie Mae and Freddie Mac. So I think already, Madam Speaker, you see the pattern here.

The Community Reinvestment Act was a foundation that allowed ACORN to go in and intimidate lenders and set themselves up where they became the broker for home mortgage loans that many times were subprime loans that were sold in the secondary market to Fannie Mae and Freddie Mac And on up through the line to the investment banks, where these loans were sliced, diced, sorted, shuffled, cut, stacked, and tranched.

And all of that went on to the point where you couldn't trace where all of the loans had gone anymore, but the collateral still was attached to the mortgage loans. And this became part of the core of the financial meltdown that we've experienced in the last several months.

That's transgression number one for ACORN.

Transgression number two is ACORN's pledge to go out and register—I think their goal was 1.3 million new voters for the 2008 election cycle. So they put their minions out into the streets across the streets of America. Interesting. They've been active doing this before. There were investigations that came up in 2006. In the 2006 election in the State of Washington, ACORN turned in in one sample 1,800 voter registration forms, and the number of legitimate registration forms out of 1,800 was six. Only six were real. The rest were phony. I didn't do the percentage on that, but I can tell you it's not very good.

And so they brought about a prosecution there and got some kind of settlement. But that was 2006. There were other incidents scattered across the country. The focus of these incidents seemed to show up in swing States, swing States like Ohio, States that they wanted to affect the result of the election. Of about five or six important swing States, ACORN was the most active in them.

Now, this is also an organization that has received, as a matter of fact, more than $53 million of our tax dollars to fund them. To do what? Well, in part, facilitate bad loans in bad neighborhoods sold up through Fannie Mae and Freddie Mac—which have since been nationalized, by the way, because of the insolvency in part created by some of those transactions—and a get-out-the-vote Democrat drive that took place in many of the cities, Chicago for example, and registered hundreds of thousands of fraudulent voter registrations. And in fact by ACORN's own admission, over 400,000 fraudulent registrations were filed by ACORN in that cycle leading up to the 2008 election.

And I asked for investigations. I asked for congressional inquiries. I asked for the Justice Department to look into ACORN. And I had no sympathy on this side of the aisle. I temporarily had some sympathy from the chairman of the Judiciary Committee, Mr. CONYERS, who for about 3 weeks was on record as believing there was evidence there that may warrant that we take it up and investigate ACORN. But 3 weeks after he expressed the sentiment, he concluded there wasn't enough evidence there.

There is a lawsuit against ACORN that has been won and a settlement that's been achieved. We have put hundreds of pages of data into the records here in this Congress, and still they

conclude that there is not enough evidence there to bear looking into it. We've named hundreds of—I don't know if it's hundreds—we've named dozens of post offices this year. We debate these on the floor under suspension. We vote and name post offices. We've got time to name post offices, but we don't have time to look into ACORN, which is corrupting our election process and has undermined the financial integrity of the United States of America?

And furthermore, we have to suspect that there is a real lack of enthusiasm on the part of the administration, as well as the Democrats in the Congress and the House and in the Senate, because when we look back through the history of the President of the United States, we find a consistent association with ACORN on the part of Barack Obama. Barack Obama, who was a lawyer for ACORN and argued for them in a voter registration case, albeit pro bono, but still their employee, still representing ACORN in court.

And when someone does that pro bono, does that tell you they agree with them or disagree with the agenda of ACORN? I think we all can agree that if you're going to take a case for free and argue in court that surely you must agree with the principles and the people that you're working for. You're not going to see me go represent Planned Parenthood in court for free or for a check, for that matter, because I disagree with the agenda of Planned Parenthood.

Barack Obama clearly agreed with the agenda of ACORN. When he worked for them for free and represented them in court, that makes him their employee as their attorney.

Now, if that's not compelling enough, Madam Speaker, we'll take another component of this. Barack Obama headed up Project Vote. Project Vote is a subsidiary of ACORN. That's not disputed. They're the get-out-the-vote machine in Chicago. That's not disputed. The head of ACORN in Chicago hired President—well, at that time Barack Obama—to train the people that were going to work under Project Get-Out-the-Vote and also those that would go into the bankers' offices and encourage them to make bad loans in bad neighborhoods.

Part of this enterprise that has all of the trappings of a criminal enterprise headed up in Chicago by—I will check the name—- but I believe it's Margaret Talmage, who hired Barack Obama to head up Project Vote, and he got paid. The canceled checks exist. He worked for Project Vote as an employee, hired by the head of ACORN in Chicago to work for their subsidiary to get out the vote and to train people in community-organizing activities and postures himself as if community-organizing is a highly virtuous endeavor.

Well, hardly anybody knows what a community organizer does. And I suspect that it's different from community-to-community, county-to-county, State-to-State, and nation-to-nation.

But when it comes to community organizing in Chicago, clearly there are those who adhere to the mission of Saul Alinsky, the great community organizer, Rules for Radicals Saul Alinsky—whom also Hillary Clinton studied under, by the way directly, and whom Barack Obama seems to be a philosophical protégé.

But the ''Rules for Radicals'' clearly applied to ACORN. They were activists. They did intimidate. It was part of their M.O. ACORN, Project Vote, and dozens and dozens of other subsidiaries of ACORN scattered across this country. And ACORN central headquarters is down in New Orleans. It's been moved from downtown New Orleans out to the outskirts of New Orleans at 2609 Canal Street. A $2.5 million building, roughly relatively new and modern, that houses many of the subsidiary corporations that one can connect.

And I've filed a list that is incomplete but is a list of 174 of the more than 250 corporations that are affiliated with ACORN. I filed them into the CONGRESSIONAL RECORD as part of the amendments that were to go on the justice appropriation's bill that was managed by Mr. MOLLOHAN and concluded yesterday. But of course, those amendments were denied not quite in secret, but up here where you can't hardly get six reporters in the room if there are going to be a dozen Members of Congress, if they're pleading to be heard here on the floor.

So that's the record. That's the standard. 2609 Canal Street, ACORN's building. One should go on Google Earth and take a look at that and zero in on it and see what it looks like, Madam Speaker, and the corporations that are involved as subsidiaries, the inner-connecting spider web of corporations.

By the way, Louisiana is one of the easiest States in the union to incorporate in. I don't think it's a coincidence that ACORN is there with their central headquarters. But they have headquarters scattered across this country in 50 cities, at least that they announce—and I don't know how many States—and activities going on, and also they say over 100,000 members—that number actually is higher than that, around 175,000 families.

Annual dues for an individual, whether you're poverty stricken or aren't, I understand is around $120. So they raised some of that money from dues from people that may or may not be able to afford that. Fifty-three million dollars from our tax dollars, and now—actually, we don't know the whole picture because it takes a lot of work to unravel this spider web of corporations that exist that are affiliated and part and parcel of ACORN that have interconnecting boards of directors and sometimes copy-and-paste boards of directors where if the board of—let's just say Project Vote or one of the other subsidiaries happened to meet and then walk into another room and you would sit down with ACORN and that board met, you might look around and not find any faces that are different. They might all be the same. Some of these interconnecting corporations, subsidiaries of ACORN, have identical boards of directors and identical addresses and identical corporate filings with the exception of the name and the date that they're filed.

This is a copy-and-paste reproductive method that allows them to go out and take all kinds of money in from every avenue, pour that through, commingle those fungible funds and spend them however they like, including getting out the vote for Democrats, registering hundreds of thousands of fraudulent votes.

And when ACORN's asked about this, Madam Speaker—and that question came up in a little debate with the head of ACORN last night—they say, Well, ACORN's not under investigation or indictment. Not true. They clearly are. Absolutely in Nevada they are. But they are alleging that there were only investigations or indictments of their employees that were just a few, not very well managed, maybe rogue employees that were out there registering.

Well, it turns out to be a fact that ACORN's policy in print was, in some of the States, to pay commissions for people to sign up voter registrations. Clearly against the law in a number of the States across the country and many of the States across the country, including Nevada. We will see more of these investigations and convictions unfold.

□ 1700

Now, why am I concerned about this, Madam Speaker? The answer is, first, it is essential that we maintain a legitimate, reliable and honorable election process in America. If first you corrupt the voter registration rolls, the next thing that happens is the votes themselves are corrupted. And ACORN's position is, well, maybe we gave you 400,000 or more fraudulent voter registration forms, but never fear, there were no fraudulent votes that came from that. In fact, the Attorney General of Nevada, who happens to be a Democrat and is involved in the prosecution of ACORN, and I applaud him for that, says that he's certain that there were no fraudulent votes that came from this. I don't know how anybody can be certain that there were no fraudulent votes that came from 400,000 or more fraudulent registrations. That defies my ability to imagine. 400,000 fraudulent voter registrations and no fraudulent votes? That is a leap of faith that I can't take.

It's logical to me that the more fraudulent registrations you have, the more fraudulent votes you have. It's not logical that every fraudulent registration would be a fraudulent vote, but it's clearly logical that with over 400,000 fraudulent registrations, you're going to get fraudulent votes. How many, is the question. Who were they? We don't know because a fraudulent vote is almost the perfect crime. If you can walk into a polling place and the poll worker says, Who are you, and you answer, my name is Joe Schmo and I live at—let's just use a previously used address, 2609 Canal Street, New Orleans, and if there's someone registered under that name, they hand you a ballot and you go vote, no ID required, no picture ID required. In fact, in New Mexico—and this is part of the CONGRESSIONAL RECORD where the Secretary of State of New Mexico testified before the Judiciary Committee about 3 years ago—it comes down to this: if I am working as a poll worker in New Mexico registered to vote in New Mexico and someone walks into that polling place and says, I'm Steve King and I live at—names the address that I live at, even if they say they are me and I'm working the polls, by law in New Mexico I can't challenge that fraudulent voter. It's against the law to challenge voters in New Mexico and many other States because the liberals have so corrupted the process.

First, they passed Motor Voter, so that when people get a driver's license they ask them, Do you want to be registered to vote? Well, who says no? Also, there is a little spot on there that attests that you are a citizen of the United States. Well, who says no? What if you don't understand the language, are you really going to read that as a legal document and know that if you attest that you're a citizen of the United States, that you're guilty of perjury?

By the way, out of 306-or-so million Americans, does anybody know anybody that has been prosecuted for falsely attesting that they are a citizen on a voter registration form? No. That's an unprosecuted crime; a crime of perjury, which exists as a felony in every State that I know of, unprosecuted. So our voter registration rolls were corrupted by the low standard of Motor Voter.

And then we had the Florida fiasco in 2000. And there, if we looked across what was going on in Florida, there were allegations of voter fraud on both sides. I don't know that there wasn't some on both sides. But what I saw was indicators that there could have been significant votes shifted. And I think all the scrutiny that came into those counties in Florida helped. I think it was a good thing that a lot of people went down and watched the hanging chad count.

But I also have seen film of the director of the Miami-Dade County Election Board, Michael—last name starts with an L, and I actually can't remember it, it's been 9 years. In a previous election, there is videotape of the hanging chads that would come in. How did they deal with the hanging chads in Miami-Dade County? And I've seen this videotape; I don't think it could be reconstructed in any way. They had 70 volunteers from the League of Women Voters—now, they haven't been on my side very much, they really don't seem to be very bipartisan to me—long table, 70 volunteers from the League of Women Voters. They were set down at a table, and they would bring in these punch-card ballots and set them on one side of each of the ladies that were there working, issue them two or three nice sharp No. 2 lead pencils—like you take your Iowa basic skills with where I come from—and they would pick up these hanging chad ballots, these punch-card ballots, and clean them up. If any chad is hanging and it's still dangling there, they would punch the pencil through the hole, break it off, and stack these cleaned-up ballots over on this other side where, once they got done cleaning up the hanging chads, these 70 volunteers from the League of Women Voters, then the process ballots would go through the vote counting machine. Now, does that give you a lot of confidence if you put somebody there at a table to decide your vote for you by where they poke the pencil and which chad is hanging? Not me it doesn't. That process should have never happened.

The Collier brothers did investigative research on election fraud down in Florida. Neither one of these gentlemen are alive today—and I don't have any sign of foul play and I don't allege such a thing, I just haven't been able to track what brought about their demise.

But I read a fair amount of material. And they did a movie in investigative journalism where they went into the previous election board director of Miami-Dade County that took care of the voting machines, sitting in a warehouse out along the edge of the swamp. And they walked in and said, What do you do? Well, I fix these vote-counting machines and I keep them up in shape. Well, how do you make this all work? And they got to talking about how the elections got rigged. And he said, Here's how it is—and the video exists. He pulled some plastic gears out of a drawer and he showed, here it is, we grind one of these teeth off on this plastic gear, we put it in the vote-counting machine, and then where we put that gear makes a difference in which side gets an extra vote for every 10 that comes through. Openly in the videotape.

And they went up into the loft in the attic and filmed a bunch more of that before they got suspicious and they had to skedaddle out of there with their cameras. I saw those things while I was doing this research back then.

I bring this out, Madam Speaker, because, just because this wasn't a particularly close election in November of 2008 doesn't mean that we shouldn't be alarmed about the corruption of our election process; 537 votes made the difference in Florida, and Florida made the difference on who would be the next leader in the Free World, Madam Speaker.

And those 537 votes could easily be blended through the more than 400,000 fraudulent registration forms that ACORN has admitted to turning in that corrupted voter registration rolls and opened the door for the corruption of our election process.

Now, I have discussed the Community Reinvestment Act, and now I have discussed the voter registration fraud process. And these are the ''get out the vote'' people for Democrats, please don't forget. And if we do forget—I should put another fact out.

President Obama, as a candidate for President, then-Senator Obama, hired ACORN to get out the vote and wrote the check to one of their subsidiary corporations for over $800,000. There's three ways the President is tied—more than three ways the President is tied to ACORN. One is as their attorney, one is as an employee of Project Vote, heading up Project Vote in Chicago, receiving paychecks, ACORN through Project Vote into President Obama. The third one is hiring ACORN to get out the vote.

There are rumors that donor lists got circulated back and forth; I haven't been able to chase that down. The fourth component is the White House has hired ACORN to participate in the census.

Now, over 400,000 fraudulent registrations turned in, admitted by ACORN—I suspect significantly more. I have never met someone who admitted to such wrongdoing and admitted to it in the full magnitude of their wrongdoing. They always try to minimize. So at least 400,000. And now the President, who has worked for ACORN in two capacities, hired ACORN in at least one capacity, now hires ACORN in another capacity as President of the United States to help with the census, to help count the people of the United States.

Now, if you want to direct what goes on in America, if you want the power of this country, there are two ways: through the ballot box and influence the elections so you get your people in these seats here and in the seats in the Senate and in the White House, where there is tremendous power. That's one component. Another component is through the United States Census.

What does it do? Well, the Constitution requires us to count the people every 10 years, count the people—not by formula, not by some magic formula, but actually count the people. It

costs a lot of money, and it takes a lot of people out there to do it to actually count them.

But once the people are counted, it affects two big things: one is the redistricting process, where new lines get drawn on the maps of all the States of the Union. And those maps are drawn and approved by the State legislatures. And some of them it's very, very partisan, and they decide how they expand the number of Democrat or Republican seats, whoever happens to be in charge. In my State I am really fortunate because it's far less partisan than it is in any other State that I know of. But that determines, in a large way, who will be in the majorities in the State legislatures after the next elections. Some seats will be lost and some seats will be won because of the lines that are drawn that are the result of the census that is taking place in 2010.

Not only does it make a difference in who is in the majority in the State legislatures—and every State is bicameral, with the exception of Nebraska, which is unicameral—but also it makes a difference in the congressional districts, these 435 districts that are seated here in this Congress, Madam Speaker. And when those lines are changed, it makes a difference on sometimes who comes to this Congress. It makes a difference on whether a few more Republicans get elected or a few more Democrats get elected. And if you can stack the count in certain areas, you can expand the number of seats and make a difference on who holds the gavel here behind me, Madam Speaker.

If we just look at the count of illegals in America, there is a study done by a reputable organization, Dr. Steve Camerata, as I recall, that comes to a conclusion that there are between nine and 11 congressional seats in America. This is an election or two ago, so the analysis probably shifts down. But it was between nine and 11 seats in America that are shifted because we count illegals along with legals for purposes of apportionment. It takes, in my opinion, a constitutional amendment to fix that. But someone like MAXINE WATERS in California, it will require perhaps 50,000 votes to get reelected to Congress because I suspect she doesn't have as many legal Americans there and a lower percentage of citizens, and certainly a lower incidence of people voting. My particular seat, it will take about 120,000 votes to be elected or reelected to the Fifth District of Iowa because we have a high percentage of citizens and a low percentage of illegals.

The census makes a difference. And if the census is an accurate count, then we can draw better lines. If the census is an inaccurate count, then the lines will be drawn to favor the partisan interests of the people that produce the inaccurate count.

Now, if I were going to look across the entire United States of America and try to come up with entities that have the wherewithal to significantly provide the manpower for this census and who had the most ability to corrupt the process, number one on my list of alarm would be ACORN and all of their affiliates for all these reasons that I've said. Now, how can anyone expect to get a legitimate count on the census from the very people that have produced the illegitimate voter registration forms? And yet President Obama, his administration has contracted with ACORN to assist with the census.

Madam Speaker, the question came up—actually, it came up last night in national media—about do I have any proof of this because ACORN denies it. And Madam Speaker, I have in my hand the documents that do determine—these are documents that come from the U.S. Census Bureau, and they read that, let's see, they were looking for some entities that could help with the census. Their goal was to work with national organizations and corporations that could help us reach the hard-to-count populations. And as I look down through this information that includes an agreement with ACORN, it says, Our overall goal was to work with organizations that could reach the hard-to-count populations.

And here's what they did to identify who to partner with. They went to a list of national organizations, they added advisory committees, they have used a cluster segmentation approach. They looked at the economically disadvantaged, the unattached mobile singles—that's a term I had not seen before—in high-density areas with ethnic enclaves. Okay. These are legitimate places where we would have difficulty with the census, and I recognize and agree with that. But then they had criteria for not partnering with a group. One is if they didn't meet the criteria above that I mentioned. The second one is if they're hate groups. Now, I would like to see that list of hate groups that's filed under the United States Census Bureau.

□ 1715

It seems as though the Department of Homeland Security had identified conservatives as hate groups. It seems as though the FBI had the resources to send investigators out to mill through the crowds on TEA Bag Day, April 15, Tax Day. The FBI was looking at the people that came to the courthouse square to voice their objection to the oppressive taxes that have been imposed upon this country and the irresponsible spending, and they're identified as hate groups. Conservative groups, hate groups. I don't know of a liberal group that would be on that, but I hope that we are able to make that request and get a list in the CONGRESSIONAL RECORD of who are the hate groups. I suspect I'm probably alleged to be on some of them.

Then other groups that were not considered were law enforcement groups, anti-immigrant groups. I don't know what an anti-immigrant group is. I know there are some anti-illegal immigrant groups. I don't know of a single anti-immigrant group, but that gives you a sense of the biased ideology that lays this out. Also, any groups that might make people fearful of participating in the census. I don't know who that might be, but it gives them a way out. Or maybe any groups that did not serve the hard-to-count population.

So it looks to me like they have written some regs here that will qualify ACORN. I have in my hand a document from the U.S. Census Bureau, National Partnership, and it is a document that says the Association of Community Organizations for Reform Now, ACORN, their tasks check-marked and dated January 13, 2009, 3:02 p.m.: ''Dear sir or madam, I am writing to inform you that on behalf of the 2010 census partnership program, we would like to invite you to become a national partner with the Census Bureau for the 2010 census.''

ACORN is already in. It's not a matter of conjecture. ACORN is involved in the census. And if we don't suspend that here in this Congress, the result will be, I fear, a corruption of the census process that is nearly as serious as the corruption of the election process.

Why would you go to the people that have exactly the wrong track record and put them in control? Why did the President ask to move the Census within the White House and out of the Department of Commerce? Why is Rahm Emanuel involved in directing this, the man from Chicago, the Chicago politics visits and arrives at the White House with the President?

And, by the way, if one goes back also and even begins to think that President Obama wasn't involved with ACORN and this is just a random hiring process that took place because it made sense, I would point out also that President Obama chaired for a time and sat on the board for a longer time of the Woods Foundation in Chicago, which distributed funds to community organizing groups and directed funds to ACORN. As chairing the Woods Foundation, he sent money to ACORN. He also sat on the board of the Chicago Annenberg Challenge. This is a liberal education initiative, the brainchild of the unrepentant terrorist William Ayers. William Ayers recruited President Obama, at that time State Senator Obama, to sit on the board of the Chicago Annenberg Challenge, which what did they do? Raised money and distributed it to places including ACORN.

So I think I have given you enough threads, Madam Speaker, to understand that President Obama is tied in with ACORN, part and parcel. He's been their attorney. He's been an employee under the Project Vote. He's

hired them and written them a check out of his campaign for over $800,000, sat on the board of the Woods Foundation and the Chicago Annenberg Challenge. Both of them sent other money to ACORN. William Ayers, the unrepentant terrorist, was the founder of the Chicago Annenberg Challenge. And by these documents here, Madam Speaker, ACORN is working on the census and at a minimum providing temporary employees to work on the census to count the people. And we know what's happened to our election process. It's been corrupted. And, by the way, there are news reports of fraudulent votes and prosecutions on fraudulent votes and people that voted multiple times that were enabled by the registrations of ACORN. Some of that, Madam Speaker, is in the news today.

So I revere this election process, and I would rather lose elections than I would lose the integrity of the election process. And I'm happy enough to accept the results of a legitimate census no matter what it is. If it draws a district out of Iowa, I will lament that. I want to have the most representation possible from Iowa. But we have got to have a real count and we have got to deal with integrity. And when we have corrupt organizations that have all the trappings of a criminal enterprise, this Congress should shut off funding to that criminal enterprise.

But, instead, we don't get a vote and we don't get a debate because the rules are unprecedentedly changed and corrupted up there on the third floor in the Rules Committee where nobody goes, and if many did, they couldn't get in. We need cameras there. We need the press there, and we need open rules here on the floor. And we need people that are willing to engage in this debate and take come whatever may. If you believe in yourself, stand up and say so. I will be happy to yield to you. But I see it never happens. You sit on your hands, and you accept this power that you happen to have right now.

But the American people are going to take it back, and they are going to give it to the people that they trust.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. HOYER) for today on account of family reasons.

Mr. DEFAZIO (at the request of Mr. HOYER) for today on account of official business in district.

Mr. FATTAH (at the request of Mr. HOYER) for today after 1 p.m.

Mr. KANJORSKI (at the request of Mr. HOYER) for today after noon on account of official business in district.

Mr. WELCH (at the request of Mr. HOYER) for today after 2 p.m. on account of son's graduation.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today on account of prior family commitments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 25 and 26.

Mr. JONES, for 5 minutes, June 25 and 26.

Mr. MORAN of Kansas, for 5 minutes, today, June 25 and 26.

Mr. OLSON, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 22, 23, 24, 25 and 26.

Mr. DUNCAN, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, June 23.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 23. Concurrent resolution supporting the goals and objectives of the Praque Conference on Holocaust Era Assets; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837. An act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building.''

H.R. 2344. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 2346. An act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

H.R. 2675. An act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 16, 2009 she presented to the President of the United States, for his approval, the following bill and joint resolution.

H.R. 1256. To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

H.J. Res. 40. To honor the achievements and contributions of Native Americans to the United States, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 23, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2336. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8071] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2337. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2338. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1048] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2339. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1046] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2340. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8073] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2341. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2342. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8075] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2343. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Issue and Cancellation of Federal Reserve Bank Capital Stock [Regulations D and I; Docket No.: R-1307] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2344. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Impact Aid Programs [Docket ID: ED-2008-OESE-0008] (RIN: 1810-AB00) received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2345. A letter from the Asst. General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2346. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2347. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2348. A letter from the Acting, Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification [FAC 2005-29, Amendment-4; FAR Case 2007-013; Docket 2008-0001; Sequence 19] (RIN: 900-AK91) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2349. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2350. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Mentor-Protege Program (RIN: 2700-AD41) received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2351. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Time-in-Grade Eliminated, Delay of Effective Date (RIN: 3206-AL18) received May 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2352. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Determining Rate of Basic Pay; Collection by Offset From Indebted Government Employees (RIN: 3206-AL61) received May 29,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2353. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2354. A letter from the Chief, FWS Endangered Species Listing Branch, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Alabama Sturgeon (Scaphirhynchus suttkusi) [FWS-R4-ES-2008-0058; 92210-1117-0000-FY08-B4] (RIN: 1018-AV51) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2355. A letter from the Dep. Chief of Staff, National Security Division, DOJ, Department of Justice, transmitting the Department's final rule — Amendments to the Justice Department Regulations Regarding Countries Whose Agents Do Not Qualify for the Legal Commercial Transaction Exemption Provided in 18 U.S.C. 951(d)(4) [Docket No.: OAG 124; A.G. Order No. 3018-2008] received June 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2356. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment [Docket ID: OTS-2008-0013] (RIN: 1550-AC27) received June 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2357. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Disbursing Official Offset (RIN: 1510-AB22) received June 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. House Resolution 477. A resolution directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year shipbuilding plan relating to the long-term shipbuilding strategy of the Department of Defense, as required by section 231 of title 10, United States Code; with an amendment (Rept. 111–167). Referred to the House Calendar.

Mr. SKELTON: Committee on Armed Services. House Resolution 478. A resolution directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year aviation plan relating to the long-term aviation plans of the Department of Defense, as required by section 231a of title 10, United States Code; with an amendment (Rept. 111–168). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 2510. A bill to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes (Rept. 111–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 2728. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; with an amendment (Rept. 111–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1016. A bill to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 111–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act'' (Rept. 111–172). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1752. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; with amendments (Rept. 111–173). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Financial Services, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means discharged from further consideration. H.R. 2454 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KIRK (for himself and Mr. LARSEN of Washington):

H.R. 2960. A bill to authorize the Secretary of Defense to pay an additional amount of assignment special pay to members of the Armed Forces who agree to serve in Afghanistan for up to six years or the duration of the

United States mission in that country; to the Committee on Armed Services.

By Mr. MCCARTHY of California (for himself, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. RADANOVICH, Mr. NUNES, and Mr. MCKEON):

H.R. 2961. A bill to create additional permanent and temporary judgeships for the eastern district of California, to provide for an additional place of holding court in the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Ms. SPEIER:

H.R. 2962. A bill to amend title XVIII of the Social Security Act to exclude certain advanced diagnostic imaging services from the in-office ancillary services exception to the prohibition on physician self-referral; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. TIM MURPHY of Pennsylvania, Mr. CARNEY, Mr. WELCH, Mr. TONKO, Mr. BRALEY of Iowa, Mr. HONDA, Mr. BRIGHT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KISSELL, Mr. CHILDERS, Ms. FUDGE, Mr. KAGEN, Mr. FATTAH, Mr. BOSWELL, Ms. KAPTUR, Mr. MASSA, Mr. ALTMIRE, Mr. SIRES, Mr. CONNOLLY of Virginia, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, and Mr. DINGELL):

H.R. 2963. A bill to amend the Internal Revenue Code of 1986 to provide incentives for improving small manufacturers' computer technology; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BEAN, Ms. BORDALLO, Mr. THOMPSON of Mississippi, Mr. CASSIDY, Mr. CAO, Mr. REICHERT, Mr. HASTINGS of Florida, and Mr. AUSTRIA):

H.R. 2964. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Ways and Means.

By Mr. ALTMIRE (for himself, Mr. WU, Mr. GRAVES, Ms. VELÁZQUEZ, Mr. SCHOCK, Mr. NYE, Mrs. HALVORSON, and Mr. BRIGHT):

H.R. 2965. A bill to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York:

H.R. 2966. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona (for herself and Mr. FLAKE):

H.R. 2967. A bill to amend the Internal Revenue Code of 1986 to deny the alternative fuel and alternative fuel mixture credits for black liquor; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona (for herself and Mr. JONES):

H.R. 2968. A bill to amend title 38, United States Code, to eliminate the required reduction in the amount of the accelerated death benefit payable to certain terminally-ill persons insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself, Ms. MATSUI, Mr. CARNAHAN, Ms. SCHWARTZ, Mrs. NAPOLITANO, Mr. INSLEE, and Mr. BLUMENAUER):

H.R. 2969. A bill to authorize the Administrator of the Environmental Protection Agency to establish water system adaptation partnerships; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CHAFFETZ):

H.R. 2970. A bill to amend title 5, United States Code, to increase the maximum age limit for an original appointment to a position as a Federal law enforcement officer in the case of any individual who has been discharged or released from active duty in the Armed Forces under honorable conditions, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. WU, Mr. DEFAZIO, Mr. WALDEN, and Mr. SCHRADER):

H.R. 2971. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BOUSTANY (for himself, Mr. CAO, Mr. ALEXANDER, Mr. CASSIDY, Mr. MELANCON, Mr. SCALISE, and Mr. FLEMING):

H.R. 2972. A bill to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL:

H.R. 2973. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Mr. CAMPBELL (for himself, Mr. BUYER, and Mr. BROWN of South Carolina):

H.R. 2974. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 2975. A bill to improve the medical care by reducing the excessive burden imposed by the civil liability system on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 2976. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. RADANOVICH, Mr. NUNES, and Mr. MCCARTHY of California):

H.R. 2977. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of sustainable water and environmental management in the Sacramento-San Joaquin Delta, California, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. SARBANES, Ms. NORTON, and Mr. CONNOLLY of Virginia):

H.R. 2978. A bill to amend title 5, United States Code, to increase the maximum age to qualify for coverage as a ''child'' under the health benefits program for Federal employees; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, Mr. WATT, Mr. FATTAH, Mr. CLEAVER, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Ms. LEE of California, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, Ms. WATERS, Mr. RANGEL, Mr. PAYNE, Mr. JOHNSON of Georgia, Mr. CLAY, Mr. AL GREEN of Texas, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. RUSH, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, and Mr. THOMPSON of Mississippi):

H.R. 2979. A bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2980. A bill to amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary of Veterans Affairs for survivors of certain veterans rated totally disabled at time of death; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS of Colorado, Mr. ANDREWS, Ms. ROS-LEHTINEN, Mr. CASTLE, Mr. KIRK, Mr. LANCE, and Mr. PLATTS):

H.R. 2981. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Ms. HERSETH SANDLIN, Mr. PASTOR of Arizona, and Mr. WU):

H.R. 2982. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. COHEN, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H.R. 2983. A bill to require the videotaping or electronic recording of strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. MICA, Mr. YOUNG of Alaska, and Mr. COBLE):

H.R. 2984. A bill to amend title 46, United States Code, to assist in the defense of United States mariners and vessels against piracy, to ensure the traditional right of self-defense of those vessels against piracy, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 2985. A bill to establish a public diplomacy international exchange program to be known as the Ambassador's Fund for Strategic Exchanges, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORAN of Virginia (for himself, Ms. NORTON, Mr. CONNOLLY of Virginia, Mr. WITTMAN, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, Mr. WOLF, and Mr. HOYER):

H.R. 2986. A bill to amend the Act of May 29, 1930 (Chapter 354; 46 Stat. 482; commonly known as the Capper-Cramton Act), to authorize a grant program to preserve resources in the National Capital region, and for other purposes; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. HOLT, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. PAYNE, Mr. PIERLUISI, Mr. REYES, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SERRANO, Mr. SIRES, Ms. WATERS, Mr. WEXLER, and Mr. WU):

H.R. 2987. A bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H. Res. 565. A resolution appointing and authorizing managers for the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas; considered and agreed to.

By Ms. WATERS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP of Georgia, Mrs. BONO MACK, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GALLEGLY, Mr. AL GREEN of Texas, Ms. HARMAN, Mr. ISSA, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. MACK, Mr. MCCARTHY of California, Mr. MCKEON, Mr. MCCLINTOCK, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Mr. PAYNE, Mr. RADANOVICH, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. WATSON, Mr. WATT, and Mr. WAXMAN):

H. Res. 566. A resolution congratulating the 2008-2009 National Basketball Association Champions, the Los Angeles Lakers, on an outstanding and historic season; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL (for himself, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Ms. WATSON, and Mr. ROYCE):

H. Res. 567. A resolution congratulating the University of California, Irvine's men's volleyball team for winning the 2009 national championship; to the Committee on Education and Labor.

By Mrs. CAPITO (for herself, Mr. BARRETT of South Carolina, Mr. CAMPBELL, Mr. COHEN, Mr. GONZALEZ, Mr. SHUSTER, Mr. SESTAK, and Mr. WOLF):

H. Res. 568. A resolution recognizing the 150th anniversary of John Brown's raid in Harpers Ferry, West Virginia; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself, Mrs. MYRICK, Mr. LATHAM, Ms. DELAURO, Mr. MITCHELL, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. HINCHEY, and Mr. MCGOVERN):

H. Res. 569. A resolution supporting the work of citizen diplomacy organizations and encouraging the convening of a Presidential Summit on Global Citizen Diplomacy; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan (for himself, Mr. CULBERSON, Mr. GARRETT of New Jersey, and Mr. ROYCE):

H. Res. 570. A resolution directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the immigration status of any detainees and foreign persons suspected of terrorism; to the Committee on the Judiciary.

By Mr. WALZ (for himself, Mr. ELLSWORTH, and Mr. WILSON of South Carolina):

H. Res. 571. A resolution expressing the sense of the House of Representatives that the Federal Government should relinquish its temporary ownership interests in the General Motors Corporation and Chrysler Group, LLC, as soon as possible and should not micromanage or unduly intercede in management decisions of such companies; to the Committee on Financial Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced A bill (H.R. 2988) for the relief of Fernando Javier Cervantes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. KING of Iowa.

H.R. 24: Mr. NYE, Mr. SCHIFF, Mr. HIMES, Mr. STEARNS, Mr. MCCAUL, Mr. KING of New York, Mr. REICHERT, Mr. BRIGHT, Mr. ROSKAM, and Mr. STARK.

H.R. 52: Mr. MASSA.

H.R. 118: Mr. SMITH of New Jersey.

H.R. 147: Mrs. HALVORSON.

H.R. 179: Mr. ROTHMAN of New Jersey and Mr. TIERNEY.

H.R. 299: Mr. FILNER and Mr. BACA.

H.R. 406: Mrs. DAHLKEMPER.

H.R. 468: Mr. LATHAM and Mr. ARCURI.

H.R. 528: Mr. PETERS.

H.R. 571: Ms. BERKLEY.

H.R. 610: Mrs. DAHLKEMPER and Ms. CORRINE BROWN of Florida.

H.R. 621: Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLVER, Mr. PRICE of North Carolina, Mr. BILBRAY, Mr. ROTHMAN of New Jersey, Ms. ROS-LEHTINEN, and Ms. RICHARDSON.

H.R. 649: Mr. MORAN of Kansas.

H.R. 669: Ms. KOSMAS.

H.R. 690: Mr. GARRETT of New Jersey and Mr. BURGESS.

H.R. 704: Mr. TEAGUE.

H.R. 716: Mr. COHEN.

H.R. 745: Mr. GARRETT of New Jersey.

H.R. 827: Mr. AL GREEN of Texas and Mr. DRIEHAUS.

H.R. 948: Mr. HONDA.

H.R. 949: Mr. CONNOLLY of Virginia, Mrs. DAHLKEMPER, and Mr. CARNAHAN.

H.R. 995: Mrs. MCCARTHY of New York, Mr. BAIRD, Mr. MASSA, Mr. HALL of New York, Mr. TOWNS, Mr. SHERMAN, Mr. OBERSTAR, Ms. BALDWIN, Mr. MORAN of Virginia, Mr. MCMAHON, Mr. PASCRELL, Mr. TONKO, Ms. JACKSON-LEE of Texas, Ms. MATSUI, Ms. VELÁZQUEZ, Ms. TITUS, Ms. WATSON, Mr. RUSH, Ms. ESHOO, Mr. HIGGINS, Mr. OLVER, Mr. DEFAZIO, Mr. WEXLER, Mr. MARKEY of Massachusetts, Mr. REYES, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, Mr. ORTIZ, and Mr. RODRIGUEZ.

H.R. 1016: Mrs. MCCARTHY of New York and Mr. MASSA.

H.R. 1024: Mr. JACKSON of Illinois.

H.R. 1025: Mr. PIERLUISI and Mr. SERRANO.

H.R. 1032: Mr. BUTTERFIELD.

H.R. 1064: Mr. MITCHELL, Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. UPTON, Mr. GRAYSON, Mr. RAHALL, Mr. HIGGINS, Mr. LUJÁN, Mr. SALAZAR, Mr. WILSON of Ohio, Mr. MCMAHON, Mr. PALLONE, Mrs. MALONEY, and Mr. GORDON of Tennessee.

H.R. 1066: Mr. KLEIN of Florida.

H.R. 1074: Mr. STUPAK and Mr. BILBRAY.

H.R. 1084: Mr. CONYERS, Mr. CARNAHAN, Ms. BERKLEY, Ms. EDWARDS of Maryland, Ms. DELAURO, Mr. HIGGINS, Mr. KAGEN, Mr. STARK, and Mr. COURTNEY.

H.R. 1177: Mr. FARR.

H.R. 1205: Ms. KOSMAS, Mr. CLEAVER, and Mrs. BONO MACK.

H.R. 1222: Mr. WALDEN.
H.R. 1245: Mr. PAUL and Mr. MILLER of Florida.
H.R. 1247: Mr. BLUMENAUER.
H.R. 1255: Mr. BURGESS.
H.R. 1322: Mr. WEXLER and Mr. SIRES.
H.R. 1346: Ms. KOSMAS.
H.R. 1422: Mr. WITTMAN.
H.R. 1428: Mr. PERRIELLO, Mr. MILLER of North Carolina, and Mr. PAYNE.
H.R. 1441: Mr. PAUL.
H.R. 1454: Mr. CAO and Mr. NUNES.
H.R. 1470: Mr. GUTHRIE.
H.R. 1505: Mr. ROE of Tennessee.
H.R. 1517: Mr. BILIRAKIS.
H.R. 1521: Mr. BARTON of Texas, Mrs. MCMORRIS RODGERS, and Mr. PASCRELL.
H.R. 1548: Mr. MASSA.
H.R. 1558: Mr. OLVER and Mr. ACKERMAN.
H.R. 1585: Mr. ARCURI.
H.R. 1600: Mr. PETERSON and Mr. BISHOP of New York.
H.R. 1612: Ms. MARKEY of Colorado and Mr. HODES.
H.R. 1618: Ms. ESHOO.
H.R. 1677: Mr. ENGEL, Mr. WAMP, and Mr. YOUNG of Alaska.
H.R. 1681: Mr. DAVIS of Alabama.
H.R. 1702: Ms. SCHAKOWSKY and Mr. DOGGETT.
H.R. 1704: Mr. FOSTER.
H.R. 1740: Mr. BOEHNER.
H.R. 1744: Mr. CARNAHAN.
H.R. 1751: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. LARSEN of Washington.
H.R. 1776: Mr. HOLDEN, Mr. POMEROY, and Mr. CARNEY.
H.R. 1826: Ms. BALDWIN.
H.R. 1835: Mr. ADERHOLT and Mr. DAVIS of Alabama.
H.R. 1841: Mr. MASSA.
H.R. 1844: Mrs. MCCARTHY of New York and Mr. VAN HOLLEN.
H.R. 1880: Mr. CUELLAR.
H.R. 1891: Mr. PAUL and Mr. SOUDER.
H.R. 1912: Mr. WOLF.
H.R. 1933: Mr. LANGEVIN, Mr. MORAN of Virginia, and Mr. CHANDLER.
H.R. 2006: Ms. WASSERMAN SCHULTZ.
H.R. 2035: Mr. MURTHA.
H.R. 2049: Mr. PRICE of Georgia, Mr. TERRY, Mr. CASSIDY, Mr. LAMBORN, Mr. BURGESS, and Mr. AKIN.
H.R. 2055: Ms. MATSUI and Mr. QUIGLEY.
H.R. 2067: Mr. COURTNEY.
H.R. 2095: Mr. LEWIS of Georgia.
H.R. 2097: Mr. WITTMAN.
H.R. 2102: Mr. HOLT and Mr. CAPUANO.
H.R. 2119: Mr. COBLE.
H.R. 2125: Mr. DUNCAN.
H.R. 2139: Mr. WEXLER, Mr. COBLE, Mr. LATOURETTE, Mr. MORAN of Virginia, Mr. SIRES, Mr. COHEN, Mr. FARR, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, and Mr. PRICE of North Carolina.
H.R. 2140: Mr. DAVIS of Kentucky and Mr. HELLER.
H.R. 2193: Mr. KIRK and Mr. KISSELL.
H.R. 2194: Ms. MATSUI, Mr. MARKEY of Massachusetts, Mr. MCKEON, Mr. WITTMAN, Mr. PENCE, Mr. KILDEE, Mr. MASSA, Mr. MILLER of Florida, Mr. JOHNSON of Illinois, and Mr. YARMUTH.
H.R. 2213: Mr. BLUMENAUER.
H.R. 2245: Mr. SHERMAN, Mr. TONKO, Mr. LIPINSKI, Mr. SCHIFF, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. CARSON of Indiana, Mr. DOYLE, Mr. COSTELLO, Mr. OBERSTAR, Mr. WOLF, Ms. NORTON, Mrs. LOWEY, Mr. LANGEVIN, and Mr. SIRES.
H.R. 2254: Mr. MASSA, Mrs. MALONEY, Mr. HIGGINS, Mr. ALTMIRE, Mr. WEXLER, and Mr. MORAN of Virginia.
H.R. 2259: Mr. QUIGLEY.
H.R. 2266: Mr. RODRIGUEZ, Mr. HONDA, Mr. ANDREWS, and Mr. PERLMUTTER.
H.R. 2267: Mr. RODRIGUEZ, Mr. HONDA, Mr. ANDREWS, and Mr. PERLMUTTER.
H.R. 2269: Mr. CLEAVER.
H.R. 2271: Mr. PITTS.
H.R. 2296: Mr. TERRY.
H.R. 2324: Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. MORAN of Virginia, and Mr. GRIJALVA.
H.R. 2339: Ms. SHEA-PORTER, Mr. TONKO, and Mr. OLVER.
H.R. 2345: Mrs. BACHMANN, Mr. DENT, Mr. CASSIDY, and Mr. LINDER.
H.R. 2404: Mrs. NAPOLITANO and Mr. CARSON of Indiana.
H.R. 2414: Mr. PETRI, Mr. KIND, Mrs. CAPPS, and Mr. LARSEN of Washington.
H.R. 2421: Mr. Adler of New Jersey, Mr. AKIN, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BONNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BUCHANAN, Mr. CAMPBELL, Mr. CAO, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. COSTELLO, Mr. MARIO DIAZ-BALART of Florida, Mrs. EMERSON, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRAVES, Mr. GUTHRIE, Mr. GUTIERREZ, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. LEE of New York, Mr. LINDER, Mr. LUCAS, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. MCHUGH, Mr. MICA, Mr. GARY G. MILLER of California, Mr. NEAL of Massachusetts, Mr. PAULSEN, Mr. PENCE, Mr. PETRI, Mr. PLATTS, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REHBERG, Mr. ROONEY, Mr. ROSKAM, Mr. SCHOCK, Mr. SESSIONS, Mr. SMITH of Texas, Mr. SOUDER, Mr. THORNBERRY, Mr. TIBERI, Mr. UPTON, Mr. WAMP, and Mr. SCALISE.
H.R. 2435: Mr. CONNOLLY of Virginia.
H.R. 2438: Mr. COLE and Mrs. CHRISTENSEN.
H.R. 2452: Mr. MCNERNEY and Ms. ESHOO.
H.R. 2478: Mr. LEWIS of Georgia, Mr. WOLF, and Ms. CLARKE.
H.R. 2499: Ms. KOSMAS.
H.R. 2502: Mr. SESTAK.
H.R. 2523: Mr. TEAGUE.
H.R. 2547: Mr. TEAGUE.
H.R. 2561: Mr. BISHOP of New York and Mr. CHAFFETZ.
H.R. 2579: Ms. CASTOR of Florida.
H.R. 2583: Mr. PETERSON.
H.R. 2648: Ms. WATERS and Mr. KILDEE.
H.R. 2667: Ms. WOOLSEY.
H.R. 2669: Mr. PETERSON.
H.R. 2683: Mr. FILNER.
H.R. 2692: Mr. UPTON, Mr. TIAHRT, and Mr. BERRY.
H.R. 2708: Mr. HARE, Mrs. KIRKPATRICK of Arizona, Mr. GEORGE MILLER of California, and Mr. MICHAUD.
H.R. 2729: Ms. GIFFORDS.
H.R. 2736: Mr. GEORGE MILLER of California, Mr. SCOTT of Virginia, Mr. KANJORSKI, Mr. LOBIONDO, Mr. DOYLE, Ms. EDWARDS of Maryland, and Mr. MCDERMOTT.
H.R. 2743: Mr. COBLE, Mr. ROGERS of Kentucky, Mr. OLSON, Mr. GINGREY of Georgia, Mr. MATHESON, Mr. EHLERS, Mr. MURTHA, and Mr. RAHALL.
H.R. 2746: Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. GONZALEZ, Mr. TONKO, Mr. CONNOLLY of Virginia, Mr. ROGERS of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, and Mr. BRADY of Pennsylvania.
H.R. 2770: Ms. CORRINE BROWN of Florida.
H.R. 2786: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2793: Mr. BARTLETT and Mr. SIMPSON.
H.R. 2796: Mr. COBLE and Mr. EHLERS.
H.R. 2799: Mr. CRENSHAW, Mrs. MYRICK, Mr. MCCAUL, Ms. JENKINS, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. GOHMERT, Mr. REICHERT, Mr. JONES, Mr. AKIN, Mr. SMITH of Texas, Mr. POE of Texas, Mr. BROWN of South Carolina, Mr. MORAN of Kansas, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. BURGESS, Mr. MARCHANT, Mr. BERRY, Mr. SALAZAR, Mr. SHUSTER, Ms. BORDALLO, Mr. DUNCAN, Mr. ROSS, Ms. GIFFORDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. STUPAK, Mr. BISHOP of Utah, Mr. FORBES, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. MILLER of Florida, Mr. PETRI, Mr. BILIRAKIS, Mr. SHIMKUS, Mr. KINGSTON, Mr. KING of Iowa, Mr. BILBRAY, Mr. SESSIONS, Ms. GRANGER, Mr. THORNBERRY, Mr. MCCLINTOCK, Mr. PUTNAM, Mr. MCHENRY, Mr. TURNER, Mr. SOUDER, Mr. GARY G. MILLER of California, Mr. CAMP, Mr. COBLE, Mr. COLE, Mr. KING of New York, Ms. WATERS, Mr. GALLEGLY, Mr. GRAVES, and Mr. SNYDER.
H. R. 2802: Mr. CULBERSON.
H. R. 2815: Mr. CHAFFETZ.
H. R. 2817: Ms. WATERS.
H. R. 2819: Ms. BORDALLO.
H. R. 2825: Ms. WATSON.
H. R. 2844: Ms. MCCOLLUM and Mr. WELCH.
H. R. 2846: Ms. GINNY BROWN-WAITE of Florida.
H. R. 2875: Ms. FOXX, Mr. MACK, Mr. CALVERT, Mr. HOEKSTRA, Mr. SCHOCK, Mr. CULBERSON, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. BARRETT of South Carolina, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. CHAFFETZ, Mr. TIAHRT, Mr. COLE, Mr. KING of Iowa, Mr. BONNER, Mr. POSEY, Mr. OLSON, Mr. LUETKEMEYER, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. PAULSEN, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. HENSARLING, Mr. PITTS, Mr. LEE of New York, Mrs. BLACKBURN, Mr. GOHMERT, Mr. LOBIONDO, Mr. ROGERS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mr. KING of New York, Mr. RADANOVICH, and Mr. MCCARTHY of California.
H. R. 2882: Ms. MATSUI and Ms. NORTON.
H. R. 2900: Mr. HENSARLING, Mr. PAUL, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. COBLE, Mr. ROHRABACHER, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. CHAFFETZ, and Mr. DUNCAN.
H.R. 2904: Mr. BARRETT of South Carolina.
H.R. 2906: Mr. FRANK of Massachusetts.
H.R. 2920: Mr. HALL of New York and Mr. LEVIN.
H.R. 2935: Mr. COHEN and Mr. MICA.
H.R. 2936: Mr. BOCCIERI.
H.R. 2941: Mr. BURGESS, Mr. LEWIS of Georgia, and Ms. ROS-LEHTINEN.
H.R. 2942: Mr. SHUSTER, Mr. CARTER, Mr. BISHOP of Utah, Mr. KINGSTON, and Mr. MICA.
H.J. Res. 42: Mr. NUNES, Mr. KING of Iowa, Mr. TURNER, Mr. BURGESS, Mr. TIM MURPHY of Pennsylvania, and Mr. BRADY of Texas.
H.J. Res. 56: Mr. HOLT.
H. Con. Res. 112: Mr. PERLMUTTER.
H. Con. Res. 117: Mr. POSEY.
H. Con. Res. 129: Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. COURTNEY, Mr. KINGSTON, Mr. MORAN of Virginia, and Ms. BORDALLO.
H. Con. Res. 132: Mr. POE of Texas.
H. Con. Res. 143: Mr. FILNER.
H. Con. Res. 152: Ms. LORETTA SANCHEZ of California and Mr. JACKSON of Illinois.
H. Con. Res. 156: Mr. MARKEY of Massachusetts and Mr. NADLER of New York.
H. Res. 57: Ms. RICHARDSON.
H. Res. 81: Mr. MASSA.
H. Res. 209: Mr. TIERNEY.

H. Res. 266: Mr. PAYNE, Mr. SHERMAN, Mr. COSTA, Mr. HIGGINS, Mr. CARNAHAN, Mr. MANZULLO, Mr. TERRY, Mr. FORTENBERRY, Mr. SCOTT of Virginia, Mr. MCCAUL, and Mr. KILDEE.

H. Res. 293: Mr. CARSON of Indiana.

H. Res. 314: Mr. WEXLER, Ms. BALDWIN, Mr. BRIGHT, Mrs. DAHLKEMPER, Mr. LARSEN of Washington, Mr. CLAY, Mr. ELLSWORTH, Mrs. EMERSON, Mr. SARBANES, Ms. SCHAKOWSKY, and Ms. WASSERMAN SCHULTZ.

H. Res. 363: Mr. HONDA.

H. Res. 395: Ms. WASSERMAN SCHULTZ.

H. Res. 409: Mr. BROUN of Georgia, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.

H. Res. 433: Mrs. CAPPS.

H. Res. 443: Mr. BISHOP of New York.

H. Res. 482: Mr. PRICE of North Carolina.

H. Res. 491: Mr. BOCCIERI, Mr. BRALEY of Iowa, Mr. BRIGHT, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DRIEHAUS, Mrs. HALVORSON, Mr. HEINRICH, Mr. HIMES, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. KISSELL, Ms. KOSMAS, Ms. ZOE LOFGREN of California, Mr. MAFFEI, Ms. MARKEY of Colorado, Mr. MASSA, Mr. MINNICK, Mr. PALLONE, Mr. PASCRELL, Mr. PERRIELLO, Mr. PETERS, Ms. PINGREE of Maine, Mr. QUIGLEY, Ms. RICHARDSON, Mr. ROONEY, Mr. SCHAUER, Mr. SCHIFF, Mr. SPACE, Ms. TITUS, and Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 507: Mr. PETERSON.

H. Res. 512: Mr. NEAL of Massachusetts, Mr. MOORE of Kansas, and Mr. HINOJOSA.

H. Res. 538: Mr. SARBANES, Ms. SPEIER, Mr. GRAYSON, Ms. ESHOO, Mr. ENGEL, Mr. HASTINGS of Florida, Ms. BALDWIN, Ms. TITUS, Mr. TONKO, Mr. LEVIN, Mr. CROWLEY, Mr. TANNER, Ms. LEE of California, Mr. MASSA, Mr. WELCH, Ms. TSONGAS, Mrs. EMERSON, Ms. CASTOR of Florida, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. ROTHMAN of New Jersey, Mr. FALEOMAVAEGA, Mr. YARMUTH, Mr. MINNICK, Mr. GENE GREEN of Texas, Mrs. MALONEY, Mr. CONNOLLY of Virginia, Mr. INSLEE, Mr. ACKERMAN, Mr. WEXLER, Mr. SIRES, Mr. BERMAN, Mr. CARNAHAN, Mr. ANDREWS, Mr. WAXMAN, Mr. KIND, Mr. MCGOVERN, Mr. ROSS, Mr. MAFFEI, Mr. MCMAHON, Mr. KISSELL, Mr. PAUL, Mr. PAYNE, Mr. PENCE, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mrs. BONO MACK, Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. SMITH of Nebraska, Ms. FALLIN, Mr. SHUSTER, and Mr. GORDON of Tennessee.

H. Res. 543: Mr. PALLONE.

H. Res. 549: Mr. HERGER, Mr. MACK, Ms. FOXX, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. FORBES, Mr. LAMBORN, Mr. PUTNAM, and Mr. POE of Texas.

H. Res. 550: Ms. WATSON, Mr. INGLIS, Mr. MEEKS of New York, Mr. ELLISON, and Mr. MILLER of North Carolina.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 3, by Mr. LATOURETTE on House Resolution 359: Elton Gallegly, Steve Buyer, Gregg Harper, Rodney P. Frelinghuysen, Thomas E. Petri, Ron Paul, Roscoe G. Bartlett, John Linder, and C. W. Bill Young.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2892

OFFERED BY: MR. OLSON

AMENDMENT NO. 1: Page 24, line 23, after the dollar amount insert ''(reduced by $36,000,000)''.

Page 39, line 21, after the dollar amount insert ''(increased by $36,000,000)''.

Page 41, line 9, after the dollar amount insert ''(increased by $36,000,000)''.

EXTENSIONS OF REMARKS

COMMEMORATING MS. ARLENA CHRISTIAN-BROWN ON THE OCCASION OF HER 92ND BIRTHDAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate Ms. Arlena Christian-Brown on the occasion of her 92nd birthday.

Ms. Christian-Brown was born on July 11, 1917, in Bonita, LA, to West and Classie Christian. She is the second of 19 children, and the oldest daughter living today.

Currently, Ms. Christian-Brown is a resident of Jones, Louisiana and together with her late beloved husband, Ross Brown, raised eight children.

Ms. Christian-Brown has been an active member of her community, attending and participating in church throughout her life. Over the years, Ms. Christian has served as an usher, choir member and a mother on the motherboard.

As her friends and family prepare to join together on July 11 to celebrate this exciting birthday, Ms. Christian-Brown continues to exemplify how dedication, hard-work, patience and a strong faith can make a difference in her community. She has instilled fairness, honesty and religious conviction in her children and grandchildren.

Today, Ms. Christian-Brown is the proud grandmother of 19 grandchildren, 13 great-grandchildren (one deceased) and one great-great-grandchild.

I ask my colleagues to join me in wishing Ms. Christian-Brown a very happy 92nd birthday.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 2847.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 2847

Provision: Title I, International Trade Administration

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 201 Sikes Hall, Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide $350,000 to the National Textile Center at Clemson University. These funds will be used to support research and development, undergraduate and graduate education, and technology transfer at Clemson University in the area of polymers, fibers, and textiles research. Activities carried out with these funds will include research projects with direct military implications, as well as training of students, both of which support industry in the United States. I certify that neither I nor my spouse has any financial interest in this project.

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF BLUFORD AND BETTY WARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Bluford and Betty Ward on the occasion of their 50th wedding anniversary.

Bluford Ward and Betty Crutchfield met growing up in the small farming community of Allentown, Florida. The two met while in school at Allentown School, now known as Central High School, and their friendship grew into something more over the years. Bluford and Mrs. Betty married on June 20, 1959 at Calvary Baptist Church, right down the road from where they grew up.

Bluford and Betty Ward live the American dream. They began their life together in Allentown where they live to this day. Bluford and Betty are the proud parents of three children—Sherry, Terry, and Jennifer—and four grandchildren. I am honored to call Bluford and Mrs. Betty my friends.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Ward on their 50th wedding anniversary. They are truly an outstanding family from the First District of Florida.

ONE RIOT, ONE RANGER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. POE of Texas. Madam Speaker, about 100 years ago, there was a fight brewing in Dallas. Back then there was a different type of 9–1–1. When you needed to bring in the big guns, you knew who to call. So the Dallas mayor made his urgent plea for help and was waiting anxiously for the Calvary to ride into town, so to speak. As Captain Bill McDonald stepped off the train, the mayor was elated, but wondered out loud where the rest of 'em were? "Hell! ain't I enough? There's only one prize-fight!" Those words have become synonymous with the Texas Rangers: One Riot, One Ranger.

This past weekend I had the honor and privilege to speak to over 300 Texas Rangers in Waco, Texas. I was like a kid in a candy shop! Some were not active Rangers anymore, but don't think that made any real difference in their appearance or demeanor. Just like a Marine; once a Ranger, always a Ranger. There is no "ex-Ranger."

As I mingled through the sea of starched shirts, jeans and cowboy hats, I thought I had died and gone to Heaven. You can always spot a Ranger. Long, lean and mean with a silver star made out of a Mexican sliver dollar and six guns. It was like I was talking to Gus McCray and Woodrow Call of Lonesome Dove. The legends of the greatest law enforcement agency ever known were alive and well. And me, a mere U.S. Congressman, was getting to hang out with them!

The Texas Rangers can be traced back to the earliest days of Texas history, technically long before we were Texas. They are the oldest law enforcement organization on the North American continent with statewide jurisdiction. Stephen F. Austin got a few men together to protect the early settlers from Indians in the early 1800s. They got their name from their primary duty—patrol the range and keep the peace. For over 200 years, their purpose hasn't really changed.

In 1835, at the beginning of the Texas Revolution, the Corps of Rangers was established; and in 1847, they officially became known as the Texas Rangers. Twenty-five men under the command of Silas M. Parker were designated to protect the frontier between the Brazos and the Trinity; ten men under Garrison Greenwood were assigned to the east side of the Trinity; and 25 men under D.B. Frazier to patrol between the Brazos and the Colorado. They did what even the U.S. Army could not do—protect the settlers from the Indians.

Through the years the Texas Rangers have increased and decreased in numbers and their charges have varied, but their duty has never waivered. During the Texas Revolution, while the Texians' focus was on defeating Santa Anna's army, the Rangers focused on protecting the settlements from Indians. During the Mexican-American War, they became know as the "Los Diablos Tejanos"—the Texas Devils, for their fierce protection of the frontier.

Their storied history can fill pages and pages; their duties and contributions are just too long to list. But, the famous words of Captain Bill McDonald have evolved into the Ranger creed and pretty much say it all: "No man in the wrong can stand up against a fellow that's in the right and keeps on a-comin."

They have been the focus of legend, lore, radio shows, Hollywood movies and television

dramas. One Ranger, and the outlaw who wronged him, even made their way to my courtroom. Back in 1988, the Lone Ranger flew into Houston Intercontinental Airport to speak at a charity for disabled kids. When he left town a baggage handler stole his luggage. (Yes, the real Lone Ranger; some people know him as the actor Clayton Moore, but believers know he is actually the Lone Ranger.) Inside this bag were his twin ivory handled Colt .45s—might as well have been the Hope Diamond itself.

Well, when it came to sentencing I really had no choice in the matter. This was the Lone Ranger after all and he had been wronged. It was my duty as a Texan and a man of the law to punish this outlaw in the name of everything holy and sacred—600 hours shoveling manure at the Houston Police Department Mounted Patrol stables.

And through it all, I refused to reveal the true identity of the Lone Ranger. I allowed him to remain ''masked'' and wear his white hat in the court—even over the loud objections of the defense attorney. I was not about to go down in history as the man who un-masked the Lone Ranger!

These lawmen have always had a certain swagger; a certain something about them that made them Rangers. Another legendary Ranger, who lived up to his nickname, ''Rip'' (Rest in Peace) Ford said this about the men that served under him: ''A large proportion . . . were unmarried. A few of them drank intoxicating liquors. Still, it was a company of sober and brave men. They knew their duty and they did it. While in a town they made no braggadocio demonstration. They did not gallop through the streets, shoot, and yell. They had a specie of moral discipline which developed moral courage. They did right because it was right.''

Whether they be fact or fiction, Texas Rangers are a special breed. But, would we really expect anything less from Texas? Nowadays they mainly work alone. They are the finest law enforcement agency in the world.

By the way, Ranger Captain Bill McDonald successfully stopped the Dallas Prize Fight Riot—by himself.

And that's just the way it is.

HONORING THE ACHIEVEMENTS OF DR. RITA S. JONES

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor Dr. Rita S. Jones who is retiring as superintendent of Great Valley School District in Chester County, Pennsylvania after faithfully serving more than 39 years as a dedicated teacher and outstanding administrator.

Dr. Jones started her distinguished career in a third-grade classroom in Johnstown, Ohio in 1971. She came to Pennsylvania in 1978 as assistant superintendent/director of special projects in the Downingtown School District and then became superintendent in the Daniel Boone School District in 1986. For the last 16 years, Dr. Jones has served as superintendent at Great Valley.

Dr. Jones has earned the respect of parents, teachers and staff for her excellent leadership and contagious optimism while challenging teachers and students to work hard and maximize their potential. Fellow educators throughout the state recognized Dr. Jones' commitment to a high standard of educational excellence in 1998 when she was named Pennsylvania Superintendent of the Year.

After the school day ended, Dr. Jones continued serving her community by giving her time and talents to the Brandywine Branch of the American Red Cross, The March of Dimes, Chester County Futures and several other professional and civic organizations.

Colleagues and friends will celebrate her wonderful career on Monday, June 22, 2009 during a dinner at The Desmond Hotel and Conference Center in Malvern.

Madam Speaker, I ask that my colleagues join me today in honoring Dr. Rita S. Jones for her 39 years of distinguished service as a teacher and administrator and recognizing her unwavering commitment to educational excellence.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, FY2010 Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Account: National Aeronautics and Space Administration

Legal Name of Requesting Entity: Texas Tech University

Address of Requesting Entity: 19th and University Avenue, Mail Stop 2131, Lubbock, TX –79404

Description of Request: I have secured $1,000,000 for the Engineering Support For Extended Human and Robotic Space Flight Missions with Texas Tech University at Abilene. Funding for this project will contribute directly to NASA's initiative of returning to the moon and further exploring Mars. For human and robotic missions, the center for Space Sciences is addressing the need for a decrease reliance on mission control due to the communication delays that occur in long distance missions. For human missions the center is also addressing the need for greater autonomy in dealing with the physical needs of the astronauts, including long term water recycling, which currently limits the habitation period possible without re-supply, and the ergonomics and human factors aspect of human performance in zero and reduced gravity environments. The major research areas will include recyclable/renewable water resources, autonomous/renewable control systems and ergonomics/human factors crew support. This project supports the space flight industry and related programs throughout Texas. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE ACHIEVEMENTS OF DR. MURIEL A. HOWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. HIGGINS. Madam Speaker, I rise today to congratulate and honor Dr. Muriel A. Howard of Western New York. After serving as president of Buffalo State College for 13 years, Dr. Howard will leave to become the president of the American Association of State Colleges and Universities in Washington, D.C. It is my privilege to highlight Dr. Muriel A. Howard as a woman whose extraordinary efforts as president of Buffalo State College have forever shaped and enhanced this fine institution in the 27th Congressional District.

Born in North Carolina, Dr. Howard was raised on a farm in Wilmington along with her five siblings. Dr. Howard learned at an early age the importance of hard work and social responsibility. Her parents and grandparents instilled the importance of education in their children. Dr. Howard always sat in the front row, excited and eager to learn. When her parents chose to move the family to Queens, education remained the top priority. Her mother drove her children to the best school in Queens.

Dr. Howard continued her education at City University of New York's Richmond College where she received a degree in sociology and a minor in education. Dr. Howard also has a master's degree in education from the University at Buffalo, and a doctorate of philosophy, in educational organization, administration, and policy from the University at Buffalo. At Harvard University, she earned a certificate in the Institute for Educational Management.

Accordingly, University at Buffalo presented Dr. Howard with leadership opportunities. She served as vice president of public service and urban affairs for 23 years, becoming the first woman to serve as vice president at SUNY Buffalo. Dr. Howard's distinction as one of Western New York's finest leaders led to the honor of being named the seventh president of Buffalo State College—the first woman president at the institution.

At Buffalo State College, Dr. Howard challenged the status quo and transformed it into a diversified college. The college is now known for its leadership in arts and culture because of the new $30 million Burchfield Penney Art Center that would not have been possible without her efforts.

Nationally, Dr. Howard has been a leader in education. She has been involved on a number of boards including: the American Council of Education; the Division III President's Council of the National Collegiate Athletics Association; the American Association of State Colleges and Universities, Merchants Insurance

Company, Farm Credit Services of Western New York, and the Fleet Bank Community Relations Advisory Board.

Dr. Howard also has served the great state of New York through many organizations such as the New York State Department of Education Commissioner's Council on Higher Education, the New York State Blue Ribbon Commission on Youth Leadership and the State University of New York Advisory Council on Teacher Education to name a few.

Her unrelenting devotion and selfless service will be missed at Buffalo State College and in the Western New York community. On behalf of the Western New York Community, I thank Dr. Muriel A. Howard for her friendship, and for her service to Western New York and Buffalo State College. I congratulate Dr. Howard on this most recent achievement and wish her the best of success as she assumes the role of president of the American Association of State Colleges and Universities in Washington, D.C. I look forward to continuing the partnership we've formed and with gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of New York's 27th Congressional District, Dr. Muriel A. Howard.

IN RECOGNITION OF VEGAN EARTH DAY 2009 AT PIERCE COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Vegan Earth Day 2009. On June 21, 2009 members of the community will promote and celebrate the healthy and environmentally sound, vegan lifestyle, abstaining from the consumption or use of animals or any animal bi-products.

Studies show that a vegan saves a ton and a half of carbon emissions per year. Vegans also require much less water in the production of their food. With the effects of climate change becoming more evident and water becoming more of a precious commodity, these individuals are leading the way to a cleaner and greener future by promoting the consumption of fruits, vegetables, nuts, grains and other organic foods. I also stand in recognition of the event's organizer, Bob Linden, as he continues to demonstrate outstanding leadership on conservation, humane treatment of animals, and healthy eating habits. This year's Vegan Earth Day will feature environmental and health experts, live music, animal adoptions and activities for kids that set the stage for other organizations across the country to follow in their footsteps.

Madam Speaker and colleagues, please join me in honor of the program coordinator, Bob Linden, Pierce College, and the event volunteers as they celebrate Vegan Earth Day. I stand in recognition of the important contributions such an event will add to the promotion of living environmentally-conscious lifestyles across the country.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Ms. SCHWARTZ. Madam Speaker, during an absence yesterday, I regrettably missed rollcall votes No. 365, No. 378, No. 388, and No. 395. Had I been present, I would have voted in the following manner:

Rollcall No. 365: ''no''; rollcall No. 378: ''no''; rollcall No. 388: ''yes''; rollcall No. 395: ''no.''

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed one vote. I would have voted as follows:

Rollcall No. 365, on agreeing to the Hodes of New Hampshire Amendment to H.R. 2847, I would have voted ''yea.''

HONORING EFFORTS TO END HOMELESSNESS IN HUDSON COUNTY

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. SIRES. Madam Speaker, today I rise to honor efforts in my district to end homelessness. County and municipal governments, non-profit organizations, and business leaders, with guidance from the federal government, have joined together to end chronic homelessness. For nearly three years, the Alliance to End Homelessness in Hudson County has worked collaboratively to develop the ten-year plan with input from government officials, non-profit organizations, and those agencies working closely with Hudson County's homeless population. The Alliance's ten-year plan consists of 45 action steps to end homelessness that includes building 650 units of housing and providing health care and support services to homeless individuals and homeless families dealing with temporary dislocation due to fire, job loss, domestic abuse and other crisis. This collaboration is important because wide support is needed to solve this problem. Recognizing that, United Way of Hudson County is honoring TD Bank for their work to end homelessness; Governor Jon Corzine for his leadership in the state on this issue; and Dr. Philip Mangano the former Executive Director of the U.S. Interagency Council to End Homelessness for his guidance and advice in establishing Hudson County's Alliance. So I rise today to offer my support to the United Way of Hudson County and the Alliance to End Homelessness in Hudson County and I wish them continued success in their fight against homelessness.

A SPECIAL TRIBUTE TO GOLDEN HERITAGE FOODS

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an exceptional company located in Ohio's Fifth Congressional District. Golden Heritage Foods, a successful honey processing and distribution company, was named the 2009 ''Enterprise of the Year.''

Madam Speaker, there is no question that local businesses serve as one of the key building blocks of our state. Golden Heritage Foods was established in 2002 through the joining of Barkman Honey Company located in Hillsboro, Kansas, and Stoller's Honey in Latty, Ohio. Since that time, the company has grown to become the second leading producer of branded retail honey sales and the top provider of honey in the United States to the food service industry.

While the company itself is relatively young, their legacy was well established prior to its founding due to over 40 years of hard work and dedication exhibited by both the Barkman and Stoller families. Not only has Golden Heritage Foods provided quality products since their opening, they have also created over 100 jobs for the citizens of Kansas and Ohio.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Golden Heritage Foods and its founders, Brent Barkman and Dwight Stoller. Our communities are well served by having dedicated entrepreneurs who assist in the growth and prosperity of our great nation. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great company on being named Van Wert, Ohio's 2009 ''Enterprise of the Year'' and wish them success in all future endeavors.

WE STAND UNITED FOR FREEDOM

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mrs. MILLER of Michigan. Madam Speaker, I come to the floor today to show support for those in Iran who are standing up for their rights and for those who seek freedom across the globe.

Tyrants who use violence and fear to suppress the voices of their citizens who seek freedom lose their legitimacy to govern.

Those who seek freedom and liberty across this globe must know that the American people stand with you.

We stand with you because we have a supreme desire to live up to the belief espoused in the founding document of our nation—

We hold these truths to be self evident—that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

And to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

That is why we stand consistently with nations who conduct free, fair, and open elections.

That is why we stand with citizens of nations who are brave enough to stand up and demand their freedom.

America does not seek to impose any individual on the Iranian government or the Iranian people.

But America will always stand with those who peacefully demand their voices are heard.

IN HONOR OF GEORGE L. FORBES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of George L. Forbes and in recognition of his deep commitment to country and community. George L. Forbes is being honored today with a Lifetime Achievement Award from the National Association for the Advancement of Colored People (NAACP). For 17 years, Mr. Forbes has served as President of the NAACP, and helped support their mission of ''ensuring the political, educational, social, and economic equality of rights of all persons'' and eliminating racial discrimination in our country.

George Forbes has committed his life to serving and helping others. He served in the United States Marine Corps from 1951 to 1953. He taught social studies in the Cleveland public school system while completing his own education. In 1964, George was elected to the Cleveland City Council and his impressive career in public service included being Majority Leader of Cleveland City Council, Co-Chairman of the Cuyahoga County Democratic Party, and the longest serving City Council President in the city's history. In 1971 George co-founded Cleveland's first black-owned law firm, Forbes, Fields, & Associates Co. L.P.A.

The NAACP is not the first to bestow high honors on this remarkable man. His vocation for bettering the lives of those around him has earned him recognition from the Black Affairs Council, Cleveland State University Maxine Goodman Levin College of Urban Affairs, the National Association of Securities Professionals, the National Action Network Inc., and Baldwin Wallace College where he taught courses in Political Science. With this outstanding record of service, it's no wonder that the Cleveland Plain Dealer named Mr. Forbes as one of the 50 most influential people in Cleveland's history.

Madam Speaker and colleagues, please join me in honor and recognition of George L. Forbes as he receives the Lifetime Achievement Award from the NAACP. Mr. Forbes is the prime candidate for this prestigious recognition. His legacy and unwavering commitment to public service will serve as inspiration to others for decades to come.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2892

Account: Science & Technology/Research, Development, Acquisition, & Operations

Legal Name of Requesting Entity: Long Island Forum for Technology

Address of Requesting Entity: 111 West Main Street, Babylon, NY 11706

Description of Request: $1,000,000 will be used to continue a pilot program to identify and transition advanced technologies and manufacturing processes that will achieve significant productivity and efficiency gains in the homeland security industrial base. It is an appropriate use of taxpayer funds because this project will increase quality while reducing the costs of products delivered to first responders.

HONORING THE MEMORY OF JOSEPH WILLIAM MCCRAY, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Joseph William McCray Jr. was a devoted family man and an outstanding community leader.

A native of Pensacola, Mr. McCray was raised in the Carver's Court neighborhood in north Mobile. He was a graduate of Central High School and attended Tennessee State University.

A veteran of the U.S. Army, Mr. McCray dedicated over three decades to the South Alabama Regional Planning Commission Area Agency on Aging serving as the nutrition coordinator. He was instrumental in the development and operation of nutrition centers for the elderly in Mobile, Baldwin and Escambia counties. Following his retirement, he served as the director of the U.J. Robinson Memorial Adult Day Care Center. He had also served as the District 2 commissioner for Mobile's Human Relations Commission.

Mr. McCray joined the Mobile Area Mardi Gras Association (MAMGA) in the early 1970s and quickly became involved in all of the association's committees, including serving as financial secretary. He was instrumental in organizing MAMGA's joint functions with the Mobile Carnival Association. In 1992, Mr. McCray was elected as the third president of MAMGA and served until 1996. He is one of only a few men widely known as ''Mr. Mardi Gras.''

Mr. McCray was a past president of 100 Black Men of Greater Mobile, and he recently received their coveted Achievement Award. He was also a 3rd Degree Knights of St. Peter Claver and was a past president of the Comrades Social Club. An active member of his church, Prince of Peace Catholic Church, Mr. McCray served on the Parish Council, the Building and Grounds Committee, and many other affiliations within the parish.

Madam Speaker, I ask my colleagues to join me in remembering a man who dedicated his life to south Alabama. Mr. McCray will be dearly missed by his family—his wife of 44 years, Faye C. McCray; his son, Joseph McCray III; his sisters, Jolita Dorsett and Severia Norton; and his grandchildren, Julian Christopher and Reagan Michelle McCray—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them during this difficult time.

INCREASING THE LEVEL OF EXPERTISE AND CULTURAL AWARENESS IN AFGHANISTAN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KIRK. Madam Speaker, today I introduced legislation along with my colleague from Washington, Mr. LARSEN, to enhance the ability of General McChrystal to bring our mission in Afghanistan to a successful completion.

One of the key problems facing our mission in Afghanistan is the limitation on service for nearly all military and most civilians deployed there. Nearly all Americans serve no longer than 12 months, costing the overall U.S. effort critical military, language and personal relationship experience needed to sustain momentum in the war effort.

General McChrystal intends to implement a ''classic counterinsurgency campaign'' designed to win the support of the Afghan people and drive a wedge between them and the Taliban. In a tribal culture like Afghanistan, it will be essential for General McChrystal to have people with established, personal relationships with local leaders in order for his strategy to succeed.

Our legislation authorizes a $250,000 incentive bonus for servicemembers to agree to serve in Afghanistan for the duration of the mission, up to six years. This bonus would be paid at the end of their service in Afghanistan. The bill authorizes an additional $250,000 incentive bonus for a servicemember who volunteers for the duration who scores a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari. These soldiers would receive a payment of $500,000 at the completion of their service in Afghanistan.

These ''for the duration'' volunteers would quickly become the elite of our effort, bringing the most skills to bear for senior commanders and troops in contact with the enemy. The knowledge they would bring cannot be taught in the U.S., it can only be gained through experience in the field. Just a handful of these soldiers in each Afghan province will make a world of difference.

HONORING THE 90TH ANNIVERSARY OF A&W RESTAURANT

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MCNERNEY. Madam Speaker, I ask my colleagues to join me in celebrating the 90th anniversary of A&W, a famous and treasured American company.

Founded in Lodi, California, a city I am honored to represent, meals and root beer floats at A&W are a tradition for many families.

A&W started as a root beer stand owned by Roy Allen, who sold root beer for a nickel a mug on a downtown corner. The soda proved so popular that the company quickly expanded to four sites, and the concession evolved into what is thought to be the country's first ''drive-in.''

Later, Mr. Allen asked Frank Wright, one of his employees, to join him in business and the two formed the partnership that became A&W.

There are more than 675 A&W All American Food outlets in 15 countries and territories around the world, and A&W produces the world's number one selling root beer.

I ask my colleagues to join me in commemorating A&W's 90 years of exceptional service.

HONORING FRED H. SWANSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to Mr. Fred H. Swanson. On June 29, 2009, after 26 years, Fred is retiring from his position as Director of the University of California Kearney Research and Extension Center near Parlier, California, a tenure that saw the transformation of a quiet UC field station into a world-class agricultural research facility.

Mr. Swanson's journey began only five miles from Kearney on the family farm. Upon graduating from high school, Fred left for college to the University of California, Davis. In 1965, upon receiving his Bachelor of Science Degree in Viticulture, the adventurous side of Fred led him to take a position growing food for thousands of workers who were tasked with constructing dams in West Pakistan. Three years later, the job finished with West Pakistan's electricity capacity successfully doubled and the 35-acre farm effectively turned over to the Pakistan army. With the completion of this project, Mr. Swanson returned to California where he took a post managing a vineyard in the McDowell Valley of Mendocino County.

Mr. Swanson was then hired as a UC Cooperative Extension viticulture farm advisor for Fresno County, a position he held for 10 years. Fred then returned to expand his own farming operation while helping others with their farms. During this time, Fred met the legendary viticulture specialist Fred Jenson which led Mr. Swanson to apply for the open directorship at the Kearney Ag Station.

Since 1983, Fred has made outstanding contributions to the Kearney Ag Station. One of his early additions was the purchase of 75 acres of farmland across the street from the original parcel. With this purchase, the total amount of land available for research grew to 330 acres with 45 different varieties of agricultural crops including stone fruit, nut crops, raisins, wine and table grapes, specialty vegetables, blueberries and kiwifruit being grown on this acreage.

In 1989, Swanson made one of his most visible improvements with the construction of a two-story state of the art laboratory, office and meeting complex. This laboratory and office complex provided UC scientists, recognized worldwide for their pioneering agricultural research, the facilities needed to further their research. Additionally, under Fred's direction, a 20,000 square foot greenhouse complex was completed in 2003. This complex continues to give Valley agricultural scientists access to 24 high quality greenhouse modules with computer controlled heating, cooling and lighting systems. Among his many awards, Fred's accomplishments have been recognized by the University of California, Davis through the Award of Distinction from the College of Ag & Environmental Sciences and the Citation for Excellence by the Cal Aggie Alumni Association.

Madam Speaker, it goes without saying that Mr. Swanson's dedication and accomplishments to the San Joaquin Valley's agriculture community have gained him respect and appreciation from all who have worked with him and know him. With retirement now a reality, Fred is preparing to spend more time with his wife Cheryl, as well as enjoying fishing and hunting trips. We owe Fred a magnificent collective thank you. I honor Fred Swanson, before you my colleagues, for his productive years of service to agriculture and the nation.

IN HONOR OF ELLEN PSENICKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ellen Psenicka, whose forty-year tenure as reporter, editor and publisher of the award-winning Neighborhood News, continues to enlighten, entertain and unite Cleveland's southeast community every Wednesday, highlighting current events along our city streets—from the neighborhoods of Slavic Village, to the streets of Garfield Heights, to the steps of Cleveland City Hall.

Ellen grew up in Sandusky, Ohio and went on to attend Ohio University, where she earned a Bachelor's degree in Journalism. Shortly following graduation, in June, 1969, Ellen was hired as a reporter by Jim Psenicka, publisher of the Neighborhood News. A few years later, Jim and Ellen were married, and they worked in dedication to each other, to the newspaper and to the community until Jim's passing in 2001. At that time, Ellen accepted the torch of leadership passed to her by Jim, and she continues to carry on his legacy of excellence in journalism, and his commitment to the Greater Cleveland Community.

Ellen's spirit of volunteerism and focus on the betterment of the community is evident throughout Southeast Cleveland and its suburbs. Her kind and humble nature draws people to her, and she has garnered the admiration and respect of everyone she knows. She is a longtime member of the Garfield Heights Historical Society and serves as a board member for Cleveland Central Catholic High School. She is currently serving her second term as President of the Kiwanis of Southeast Cleveland. As a member and leader in Kiwanis, Ellen has been instrumental in leading several fundraising efforts aimed at local student scholarship awards, and recently, a fundraiser and recognition dinner honoring Dr. Javier Lopez which raised greatly-needed funds for his medical missions to Central America. Ellen has always reached out with a generous heart wherever and whenever needed. Her efforts in volunteerism also include her tireless dedication in her efforts to save St. Michael's hospital.

Madam Speaker and colleagues, please join me in honor and recognition of Ellen Psenicka, as she celebrates her 40th Anniversary with the Neighborhood News. The Neighborhood News is read by tens of thousands of people weekly, and continues to inform and unite us all. Ellen's commitment to bringing us the news of the neighborhood and her generosity as a community leader and volunteer serves to brighten and strengthen our entire community.

HONORING THE MEMORY OF SHERIFF EDWARD JACKSON ''JACK'' DAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BONNER. Madam Speaker, Thomasville and indeed all of Clarke County recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Edward Jackson Day, known to his friends and family as ''Jack,'' served the people of Clarke County as a law enforcement officer for nearly four decades—as a sheriff's deputy, chief deputy, and eventually as sheriff of Clarke County. He devoted his 71 years to his family, his faith, and to keeping the residents of Thomasville and surrounding communities safe.

Jack began his law enforcement career as an auxiliary state trooper in 1967, and was promoted to a full-time deputy three years later. In 1978, he became chief deputy under Sheriff Roy Sheffield. When Sheriff Sheffield retired in 1993, Jack was appointed sheriff of Clarke County and served in that capacity until his retirement in January of 2007. He was a past president of the Alabama Sheriff's Association and a member of the National Sheriff's Association, the Fraternal Order of Police and the Democratic Executive Committee. In addition, Sheriff Day was an avid hunter and a member of Oliver Lodge No. 334 F&AM.

Sheriff Day was also an active member of his church, Pineview Baptist Church, where he

served as a deacon. He served on the board of the Southwest Alabama Children's Advocacy Center, as well as the advisory boards of the Department of Youth Services and Life Tech community. He was also a former board member and chairman of the Boys and Girls Club.

As he prepared to retire as sheriff, Jack noted, ''You learn to take the bad times with the good times. We've had some tragedies, but we've had a lot more good times and I'm glad for that. You always remember you're there to protect and serve the people.''

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout south Alabama, as well as a wonderful husband, loving father, grandfather, and great-grandfather. Jack Day will be dearly missed by his family—his wife, Wilma Gates Day; his son, Mayor Sheldon Allison Day; his daughter, Daphne Elaine Day; his two sisters, Mary Ellen Day Parten and Jerry Ann Day Little; his five grandchildren, Jeffrey Devin Deas, Brittney Elaine Deas, Leslie Allison Dellinger, and Kaitlin Elizabeth Day and Thomas Zachary Day; and his three great-grandchildren, Carrigan Elizabeth Day, and Malya Elizabeth Deas and Devin Baine Deas—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

LESSONS TO BE LEARNED FROM MAYOR SCARCELLA OF STAFFORD, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. PAUL. Madam Speaker, public officials looking for ways to increase economic growth and attract new residents and businesses to their cities, counties, or states could learn a lot from the city of Stafford, Texas, and Mayor Leonard Scarcella. Stafford has flourished since 1995 when, under Mayor Scarcella's leadership, the city eliminated the property tax.

Thanks to the absence of property taxes, Stafford residents enjoy cheaper mortgages and have more disposable income than similarly situated residents of towns with property taxes. The extra income as a result of the freedom from property taxes is particularly beneficial during today's tough economic times.

The loss of property tax revenue has not deprived Stafford residents of quality city services; in fact, Stafford resident Alice Rolston told the Houston Chronicle that the police check on her home when she is on vacation, many homeowners living in towns with high property taxes can't count on that type of service.

Entrepreneurs looking to start up businesses are attracted to Stafford because of the lack of property taxes, Fortune magazine ranks Stafford the 36th best American city to start and run a small business.

While Stafford sales, franchise, and permit fees account for some of its ability to operate without a property tax, the major factor in the city's success is the city's fiscally prudent management. Stafford Councilman Cecil Willis says the mayor watches every penny in the city's budget. City employees often perform two or more functions and the city council even debates whether to authorize the purchase of light bulbs and pencils.

Madam Speaker, Mayor Scarcella is also a good argument against term limits, as he is one of the few elected officials who remains as committed to low taxes today as when he led the fight to eliminate the property tax. Mayor Scarcella should serve as a role model to us all in how to effectively govern without burdening the people with excessive taxes.

HONORING DR. TONY STEWART

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to express great sadness about the untimely passing of Elizabeth City-Pasquotank Public Schools Superintendent Dr. Tony Stewart.

Dr. Stewart has served as superintendent for the past nine years, and he had earned the respect of the community as a talented and dedicated educator who worked tirelessly to ensure every student received the best possible education. I will remember him for always stressing the responsibility and importance of working to make a difference in the lives of others.

He started his career in 1963 as a teacher, assistant principal and athletic director at Spotsylvania High School in Virginia before serving as a principal for several other schools in Virginia. Dr. Stewart's first job as a superintendent was at Culpeper County Schools in Virginia, where he served for 13 years starting in 1981. He became superintendent of North Carolina's Burke County Schools in 1994, where he served until coming to Elizabeth City-Pasquotank in 2000.

Dr. Stewart received his bachelor's and master's degrees from Appalachian State University and completed postgraduate work at the University of Virginia and Virginia Tech University. He received his doctorate in education from Nova Southeastern University in 1995 and also completed the Principal's Executive Program at the University of North Carolina that same year.

Madam Speaker, I ask that everyone join me in offering our deepest condolences to his family, friends, loved ones, community and colleagues. Dr. Stewart has been a tremendous asset to the community and he will be greatly missed.

NATIONAL CAPITAL REGION LAND CONSERVATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MORAN of Virginia. Madam Speaker, I am pleased to be joined today with Representatives ELEANOR HOLMES NORTON, GERALD CONNOLLY, ROB WITTMAN, DONNA EDWARDS, CHRIS VAN HOLLEN, FRANK WOLF and STENY HOYER to introduce legislation National Capital Region Land Conservation Act of 2009. The legislation amends the Capper-Cramton Act of 1930, authorizing appropriations of up to $50 million per year for cost share grants to State, regional and local governments to acquire land in the greater Washington Metropolitan area (as defined by the U.S. Census) for a variety of conservation, environmental and recreational purposes. The program would be administered by the U.S. National Park Service.

Few cannot help but notice the green spaces that make up the central core of our nation's capital. Were it not for some visionaries at the turn of the 19th Century, however, our nation's capital would be a different place today. There would be no Mall, monument core, Rock Creek Parkway, Union Station, Lincoln Memorial or Tidal Basin. These icons that define the city today were part of the 1902 McMillan plan, named after Senator James McMillan of Michigan, who chaired the Senate Committee on the District of Columbia. The commission Senator McMillan established to draft the master plan included some of the greatest American architects, landscape architects and urban planners of the day including such luminaries as Daniel Burnham, Frederick Law Olmsted, Jr. and Charles McKim and sculptor August Saint-Gaudens. The commission's plan, in many respects, was an early form of urban renewal that removed many of the slums that surrounded the Capitol, replacing them with new public monuments, open spaces and government buildings.

As visionary as the plan was, it also took some vision and political muscle to make it a reality. That credit falls largely to two Members of Congress: Senator Arthur Capper of Kansas and Rep. Louis Cramton of Michigan. Both Members embraced the vision and worked over a period of years to enact legislation to advance the McMillan plan. Best known among these laws is the Capper-Cramton law of 1930 authorizing land purchases and creating today's the National Capital Park and Planning Commission.

Today, more than a century since the McMillan plan and more than 70 years since the enactment of Capper-Cramton, the time is now for a new plan, one that is responsive to the development patterns and demographics that were never envisioned at the turn of the last century. In 1902, the population of the District of Columbia was 278,000. Outside a few dirt roads and a few railroad junctions that ran into Northern Virginia and Maryland, the suburbs didn't exist. Dairies and farming hamlets populated Northern Virginia and Montgomery and Prince Georges County, Maryland.

Today, the District is home to 600,000 residents and swells to more than 1,000,000 during the workday. A network of roads and heavy rail radiate out from the city, like spokes on a wheel, linking more than 5,300,000 people who are spread out into the suburbs and fringe communities that consider themselves part of the greater metropolitan Washington, D.C. region. Today, we need a program for the greater metropolitan region.

We also need a program that helps lead the way in public investments to preserve the

green infrastructure of parklands, fresh drinking water sources, steep slopes, stream valleys, forests, wetlands, wildlife corridors, scenic view sheds, historic sites and land buffering national monuments, battlefields that surround the national capital region and are endangered of being lost to development. Safeguarding these green assets is critical to this region's economy, quality of life, and environmental protection. Green infrastructure have been long recognized as essential elements of urban design and critical to safeguarding our region's drinking water supplies and restoration of the nationally important Chesapeake Bay and the Potomac River, truly our ''Nation's River.''

Unless we act now to protect the remaining green infrastructure around our Nation's Capital, we run the risk of permanently degrading the environment in and around Washington, D.C. Between 1990 and now, the region's population grew by about 10 percent but the amount of impermeable surface grew about 40 percent. Forecasts predict that by the year 2030, the Greater Washington, D.C. region will grow by an additional 2 million persons.

I believe Congress can and should help the nation's capital address this growing need to preserve this region's green infrastructure by amending the time honored and visionary CapperCramton Act. The original Act gave life to many of the elements that we appreciate and consider invaluable today. It is time once again to act and preserve our source of fresh drinking water, connect this region's network of nonmotorized trails, provide buffers to protect scenic vistas along the Potomac particularly above Great Falls, and in Charles and Saint Mary's Counties in Maryland, and pocket parks in the more urbanized parts of the region.

I encourage you to support this act.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. REICHERT. Madam Speaker, along with 136 of my colleagues, I was unable to return to the House floor in time for an unexpected recorded vote on a motion to rise late in the evening of June 16, 2009. Had I been present for the vote, I would have voted ''no'' so that the House would consider an amendment to assess the economic impact of the delay in enacting the Colombia Free Trade Agreement.

IN TRIBUTE OF DR. RANDOLPH E. BROOKS

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. LANCE. Madam Speaker, later this month, doctors of optometry from around the country will assemble at the Gaylord Resort at National Harbor for Optometry's Meeting®, the American Optometric Association's 111th annual convention. On Saturday, June 27th, Dr. Randolph E. Brooks of Saccasunna, New Jersey will be elected as the association's 88th president. Randy's enthusiasm and many contributions to his profession earned him this prestigious recognition.

Doctors of optometry are the nation's largest eye care profession serving patients in nearly 6,500 communities nationwide, and in more than 3,500 of these communities they are the only eye doctors. Dr. Brooks has dedicated his life to serving the public both as an optometrist and a community leader.

Dr. Brooks' dedication and motivation will propel him to a most successful term as he leads the American Optometric Association in its mission to improve eye care in the United States.

Dr. Brooks has compiled an impressive record in his profession and his community. After graduating from the State University of New York at Albany, Dr. Brooks enrolled at the New England College of Optometry and later established Advanced Eyecare Associates, a three doctor practice in New Jersey with specialty interests in ocular disease, contact lenses, pediatric eye care and vision therapy. Starting out in 1977 in Budd Lake, New Jersey and later moving to Ledgewood, Dr. Brooks has grown his practice to a staff of fifteen at the Ledgewood facility.

Dr. Brooks was first elected to the American Optometric Association's Board of Trustees in 2000. Prior to the election to the AOA Board, Dr. Brooks was twice named the New Jersey Society of Optometric Physicians' Optometrist of the Year. He also is a past president of the New Jersey Society of Optometric Physicians. Randy's leadership record extends to his community service as a Paul Harris Fellow of the Roxbury Rotary Club, past president of the Mount Olive Lions Club, and as a Board of Directors member of Temple Shalom.

Dr. Randolph Brooks has distinguished himself in the Northwestern New Jersey community through his unique vision and spirit. I wish to convey heartfelt congratulations to Randy and his family on the occasion of his installation as the 88th president of the American Optometric Association, as well as many thanks for working to enrich the lives of those around him.

I ask my colleagues to join me in commending Dr. Randolph E. Brooks.

HONORING THE MEMORY OF MR. CHRIS C. DE LANEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BONNER. Madam Speaker, south Alabama and indeed the entire state recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Chris C. De Laney, a devoted family man, lawyer, and philanthropist was dedicated to the continued growth and prosperity of Mobile. A 1948 graduate of the University of Alabama Law School, Mr. De Laney was the first attorney for the University of South Alabama (USA) and was instrumental in the school's negotiations to obtain the old Mobile General Hospital.

He also helped found The University of South Alabama foundation as well as USA Hospital, Southland and Doctor's hospitals, the Historic Blakely Foundation, The Southland Foundation, The Dauphin Island Foundation, and First Small Business Investment Company of Alabama.

Mr. De Laney was appointed as Mobile's acting district attorney in 1979. He also served as chairman of the Alabama Consumer Protection Council, chief executive officer and chairman of Altus Bank, as well as many other business, civic, and religious organizations including Boy Scouts of America and the Isle Dauphine Club.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Mr. Chris De Laney will be deeply missed by his family—his loving wife of 64 years, Cleo J. De Laney; his four sons, David C. De Laney, Bryan C. De Laney, Michael C. De Laney, and Robin C. De Laney; his nine grandchildren; and his four great grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING A LOCAL MUSICIAN'S CAREER

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. PUTNAM. Madam Speaker, a great education is a well-rounded education. This means students should not only be exposed to technical subjects such as math and the sciences, but the humanities and arts as well. Today I wish to honor the life and career of a woman who made great contributions to Florida's music culture as well as inspiring many young students, Mrs. Billye-Mullins Smith.

A resident of Winter Haven, Florida, Mrs. Smith was a musician, music educator, and music composer who has impacted the life of many young school children since the mid–1940s. She authored the Opus I Music Study program, which provided a great study for aspiring young musicians. Her late husband, Carroll Smith II, provided the lyrics for the song she composed entitled, ''I Want To Wake Up In The Morning Where The Orange Blossoms Grow,'' which is more commonly known as, ''The Florida Song.''

This song touched many Floridians statewide. It originally started as a piece to be played in front of the Winter Haven Lions Club meeting with her husband singing backed by her piano. In short order, this piece made its way from the Lions Club meeting into elementary school classrooms. Since then, several generations grew up singing about the orange blossoms and birds of the great state of Florida.

Mrs. Smith was honored on Sunday, March 22, 2009 at the Lakeland Center in the Yourkey Theater.

INTRODUCTION OF THE LEGISLATION TO INCREASE THE NUMBER OF PERMANENT FEDERAL DISTRICT COURT JUDGESHIPS IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA AND FOR OTHER PURPOSES

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today in support of legislation I introduced, along with my colleagues Congressman WALLY HERGER, Congressman DAN LUNGREN, Congressman TOM MCCLINTOCK, Congressman BUCK MCKEON, Congressman DEVIN NUNES, and Congressman GEORGE RADANOVICH, which would create four new permanent district court judgeships and one temporary district court judgeship in the U.S. District Court for the Eastern District of California, as well as designate Bakersfield, California, as a place of holding court for the Eastern District of California.

For the year ending September 30, 2008, according to the most recent data available from the Administrative Office of the United States Courts, the Eastern District of California had 1,305 pending cases per judge, a 50.2% increase since 2003, and weighted filings of 970 per judge, a 26.5% increase since 2003, which is substantially above the weighted filing standard used by the Judicial Conference of the United States to determine when additional judgeships are needed. Moreover, in 2008, the Eastern District of California had the highest number of pending cases and weighted filings per judge of all other district courts in the Ninth Judicial Circuit, including the district courts that serve Los Angeles and San Francisco.

In the 2005 Biennial Judgeship Survey, the Judicial Conference of the United States recommended four additional permanent judgeships for the Eastern District of California. Specifically, the report states:

''The Court is requesting three permanent judgeships and conversion of the temporary judgeship to a permanent position based on a steadily increasing and consistently high weighted caseload. The Judicial Conference has recommended conversion of the temporary position since 1997, and also recommended one permanent judgeship and one temporary judgeship in 1997 and 1999, two permanent judgeships since 2001, and three permanent judgeships in the 2003 survey.''

More recently, during the March 2009 biannual meeting, the Judicial Conference voted to ask Congress to create sixty-three new federal judgeships, fifty-one of which would be for district courts. Within this proposal, the Judicial Conference recommended the Eastern District of California receive four additional permanent judgeships and one temporary judgeship. My bill seeks to implement the Judicial Conference's recommendations for the Eastern District of California, which includes at its southern-most point, Kern County, which I represent.

My bill would also designate Bakersfield, California, as a place of holding court for the Eastern District of California. Such a designation does not require or imply a district court be located in Bakersfield. This designation would simply make Bakersfield eligible to have the Eastern District of California locate a district court judge there should caseload require. Under current law, the City of Fresno, the City of Redding, and the City of Sacramento are all currently designated as a place of holding court for the Eastern District of California.

The current population of Bakersfield is 315,837, which is similar in size to Fresno (pop. 470,508) and Sacramento (pop. 460,242), and significantly larger than Redding (pop. 89,780). That said, Bakersfield is a fast growing city in California and, due to affordable housing and its proximity to Los Angeles, is expected to continue to grow in the future. To that end, the City's population is projected to grow by more than 14 percent to over 557,000 by 2015 and Kern County is projected to grow by more than 24 percent to nearly one million over the next decade, growth well above the 8.7 percent national population growth rate projected by the U.S. Census Bureau for 2010 to 2020.

Furthermore, Kern and Inyo Counties currently account for almost 23% of the Fresno division civil filings and 9% of Eastern District civil filings. As these counties continue to grow, it is reasonable to assume that filings will increase, and this designation provides the Eastern District of California the flexibility to locate a district judge in Bakersfield in the future.

In terms of geography, the Eastern District of California is the largest judicial district of the four federal district court districts in California, encompassing over 87,000 square miles (34 of California's 58 counties) and almost 600 miles long. According to the U.S. Attorney's Office for the Eastern District of California, this judicial district is the eighth most populous and physically the tenth largest of all 94 U.S. District Court judicial districts in the United States. Thus, travel within the sprawling Eastern District is time-consuming, not to mention expensive.

Furthermore, there is no major metropolitan area designated as a place of holding court in the southern region of the Eastern District of California. Redding is located in the north of the judicial district, Sacramento is located in the north central area of the district, and Fresno is located in the south central area of the district. A designation for Bakersfield would make the largest city in the southern part of this judicial district at minimum eligible to have a district court judge in the future.

The Sixth Amendment of the U.S. Constitution guarantees ''the right to a speedy and public trial.'' In order to preserve this constitutional right in the Eastern District of California, I fully support the Judicial Conference's judgeship recommendations, as well as making Bakersfield, California, eligible as a place of holding court. My bill would ensure the U.S. District Court for the Eastern District of California has the requisite number of judges to execute its duties in a timely manner for the citizens the Court serves, ensure the Court has the resources to adjudicate current and future cases, which are only expected to increase, and ensure the equitable administration of justice in California.

HONORING KIRK LINDSEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Kirk Lindsey for his dedication to his family and community. Mr. Lindsey passed away on Wednesday, June 10, 2009, at Doctors Medical Hospital in Modesto, California surrounded by friends and family. Mr. Lindsey was 62 years old.

Kirk Lindsey was born on May 12, 1947 in San Jose, California, to Robert and Carol Lindsey. He attended Abilene Christian University where he earned a Bachelors of Science degree in Business Administration. He also participated in the Masters of Business Administration program at Pepperdine University. In 1969, Mr. Lindsey was commissioned into the United States Army after completing ROTC at Hardin Simmons University in Abilene, Texas. After serving in Korea Mr. Lindsey returned to California in 1971.

Mr. Lindsey became President of Brite Transportation System, Incorporated, in Riverbank, California; a company he founded in 1972. Brite Transportation was created to transport agricultural products and products of preservation. In 1976, Mr. Lindsey became the Managing General Partner of B&P Bulk, also an agricultural trucking company. Between the two companies there are offices currently operating in Riverbank, El Centro, Hanford and Woodland, California.

Mr. Lindsey was always very involved with his community. At the time of his passing, he served on the California Transportation Commission which is responsible for the programming and allocation of funds for the construction of highway, passenger rail and transit improvements throughout California. He was appointed to this position by former Governor Gray Davis on November 10, 2000, and Governor Arnold Schwarzenegger on April 7, 2004 (reappointed on February 14, 2008). He had previously served as commissioner of that organization. He was the current chairman of the Stanislaus County Private Industry Council, President of the Modesto Chamber of Commerce and a past President of the California Trucking Association. Mr. Lindsey was a founding member of the Riverbank Chamber of Commerce, served as Vice-President of the California Casualty Insurance Board and served on the Board of Directors of Parkridge Christian Estates. He worked closely with the Stanislaus Economic Development and Workforce Alliance and the California Workforce Investment Board.

Mr. Lindsey placed a special emphasis on education. He was the founder and President of the Beyer High School Educational Foundation. He served on the school's accreditation committee, was past President of the Beyer Booster Club and was a committee member for the Beyer Crab Feed for eighteen years. This past school year Mr. Lindsey completed his twentieth year as Beyer High School's boys and girls swimming and water polo coach. Outside of the school, he served on board of the Stanislaus Partnership in Education.

Through all of his community involvement, he made time for family, church and travel. His passion was traveling; he visited over seventy-five countries. He was a member of the Davis Park Church of Christ since 1972.

Mr. Lindsey was preceded in death by his father. He is survived by his mother, Carol Lindsey of San Jose; his wife, Cyndi of Modesto; his sister Anne Lucier of Sacramento; his daughters, Shannon Suesens and her husband John of Sacramento, Whitney Lindsey and Tiffany Lindsey of Modesto and Ashleigh Lindsey of Portland, Oregon; and grandson Brendan Suesens of Sacramento. He is also survived by his nieces, Christine and Courtney Lucier of Sacramento, Stacy Gorton of Seattle, Washington and his grand-nephew Cameron Lucier of Sacramento.

Madam Speaker, I rise today to posthumously honor Kirk Lindsey. I invite my colleagues to join me in honoring Mr. Lindsey's life and wishing the best for his family.

FATHERS DAY 2009

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MICA. Madam Speaker, as we recognize Fathers Day 2009, probably never before has fatherhood been so challenged. The traditional position of fathers in American society and in the family as an institution is in serious trouble.

On a recent flight back to Washington I happened to open a local newspaper to birth notices. Nearly half of the births recorded were out of wedlock and about a dozen of the birth notices did not identify a father. In fact, today 28% of Caucasian, 51% Hispanic, and 70% African American children are born out of wedlock, while white males face a challenging role, their African American counterparts' fatherhood role has been dramatically eroded.

As we reflect on the plight of fatherhood in our community some sobering facts reveal a crisis that cannot and should not be ignored. The U.S. Census Bureau reports that not having a father has serious economic consequences. There are nearly twenty million children living in a single parent household. With no father present these households account for 45% of our poverty rate. The U.S. Department of Justice found that 46% of unwed mothers would leave poverty if they married the fathers of their children. A recent examination by the National Fatherhood Initiative revealed that African American newborns today are tremendously disadvantaged. Today, half of all children and 80% of African American children can expect to spend at least part of their childhood living apart from their fathers.

These staggering figures portray an absence in our society that is detrimental to our nation's youth. We must understand the consequences that result from denying our children a proper upbringing. Although Fathers Day is a time to celebrate and rejoice with our loved ones, we cannot forget about the increasing number of our children that are being raised without a father. Children growing up without a father are more likely to have behavioral problems, and be incarcerated. Those children are less likely to attend college, become married, and form healthy relationships.

Unfortunately this trend has become prevalent in our communities. As a result this problem has become repetitive through generations at an alarming rate. We must work to raise awareness of the positive effects fatherhood has on a child's life. We must also find ways to stem the decline of meaningful relationships between a father and his child in our society.

I recently read a commentary on The Importance of a Loving Father by Dr. Walter E. Barker, a Florida licensed Marriage and Family Therapist. ''Fathers are very important to their sons' and daughters' development. A mother gives the child unconditional love and acceptance and the father's love is more conditional on the child's finding success and accomplishment out in the larger world. He wants his children to find what makes them happy and then take that gift and talent to make a contribution to the larger society. Fathers want their children to have a strong work ethic and to be willing to assert themselves in the world.''

By supporting the family structure, better education and job training we can begin to reverse the diminished role of fathers in our country. We must all work to help raise awareness on this pressing issue. The importance of fatherhood should not be overlooked by our society if we are to ensure a promising future for the children in America.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 405, a motion to reconsider, I was unavoidably detained.

Had I been present, I would have voted ''yes.''

HONORING WALTER DICKERSON ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor the long and distinguished career of Walter Dickerson, on the occasion of his retirement as director of the Mobile County Emergency Management Agency.

Born in Claiborne, Maryland, Walt graduated from Robert Russa Moton High School in 1965. Following his graduation, he joined the United States Marine Corps and went on to serve for 21 years, working his way up through the enlisted, warrant officer, and commissioned officer. He earned a Bachelor's degree in business management from National University. He retired from the Marine Corps after 21 years of service as a decorated Vietnam veteran.

Following his time in the Marines, Walt served as the Integrated Logistics Support Manager for the AAI Corporation and was the department head of Integrated Logistics Support at Teledyne Power Systems. In 1996, he joined the Mobile County Emergency Management Agency, where he has served in a number of capacities including plans and operations officer, director of plans and operations, and executive director and area director of homeland security.

Walt's true gift to the Mobile community was manifested through his efforts during the aftermath of Hurricane Katrina. He received the Blacks in Government Port City Chapter Community Service Award for his contribution to the community following Hurricane Katrina, and he testified twice before Congress on Mobile's successful preparation and response to Hurricane Katrina. He was also recognized by the Alabama Senate, the Mobile County Commission, and the Mobile City Council for his performance during Hurricanes Ivan, Dennis, and Katrina.

Walt is a member of the Port City Chapter of Blacks in Government and the International Association of Emergency Managers. He is the past president of the Society of Logistics Engineers as well as the Alabama Association of Emergency Managers. He is also greatly involved in the community serving as chairperson for the Tommie Agee Charity Foundation, vice president of the Gulf City Golfers Association, the Mobile Area Mardi Gras Association, Summit to Advance Values in Education, and American Legion Post 77. He is a 32nd Mason and a Shriner. Walt is also a charter member of Mobile's Monford Pointe Marine Association.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I am certain that his family, his many friends, and the countless people who have benefited from his hard work and dedication join me in praising his accomplishments and extending thanks for his service to the city of Mobile and the state of Alabama. On behalf of a grateful community, I wish Walt the best of luck in all of his future endeavors.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall No. 380, I was present the entire eight hours. Due to a apparent machine malfunction, I was not recorded as voting. This amendment is both fiscally responsible and addresses another excess in spending that continues to drive upward our national debt, crippling current economic growth and saddling future generations with an unacceptable burden which will strangle taxpayers and reduce critical essential benefits to social services, especially seniors.

Had I been present, I would have voted ''aye.''

RECOGNIZING JUNETEENTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to recognize June 19, 2009, or ''Juneteenth,'' the oldest nationally celebrated commemoration of the ending of slavery in the United States.

The observance of June 19th as the African American Emancipation Day originated in Galveston, Texas in 1865, and is now celebrated around the United States. This day was chosen because it was on June 19th that the Union soldiers landed at Galveston, Texas with news that the war had ended and that the enslaved were now free—a full two and a half years after President Lincoln's Emancipation Proclamation became official on January 1, 1863. The day was largely celebrated within African-American communities until the Civil Rights movement, when Reverend Ralph Abernathy called for people of all races, economic levels, and professions to come to Washington, D.C. to show support for the poor at the Poor People's March on Juneteenth in 1968. Many of the participants returned home and initiated Juneteenth celebrations in their own communities.

Every year, the celebration of Juneteenth grows in popularity across the United States. It is a day when we recognize and remember the evils of slavery and the suffering it caused. But it is also a day that celebrates African American freedom and emphasizes education and achievement with celebrations, guest speakers, picnics and family gatherings. Participants of all races, nationalities and religions celebrate and take the time to reflect on the past and rejoice in the present and future.

Madam Speaker, I would also like to note that in California's 37th Congressional District the city of Carson, Compton, and Long Beach, which I am proud to represent, celebrated Juneteenth in a very special way. In Long Beach, The MusicUntold Orchestra and Chorale performed the Bicentennial Symphony, by composer Roy Harris, which is considered the most powerful musical statement ever made on slavery in the United States. Ollie Woodson, formally of the Temptations, performed at the Carson celebration and the Compton celebration featured Howard Hewitt and the Whispers.

As we celebrate Juneteenth, Madam Speaker, I urge all Members to recognize this day and take a moment to honor the women and men that dedicated their lives to ending slavery.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. ELLISON. Madam Speaker, for the entire legislative day of June 18, 2009, I have an excused absence to attend my son's school graduation. If I were present, I would have voted ''no'' on Rollcall votes No. 356, 359, 360, 361, 362, 364, 366, 367, 368, 369, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, and 407.

I would have voted ''aye'' on Rollcall votes No. 357, 358, 363, 365, 371, 384, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, and 408.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. FRANKS of Arizona. Madam Speaker, on Rollcall No. 356, I intended to vote ''yes.''

The motion would have struck $97.4 million from the Federal Prison System in the Commerce, Justice, Science and Related Agencies Appropriations Act of 2010. It would have brought funding in line with the President's request.

I believe the level of spending in the underlying bill was irresponsible in light of the crushing level of debt that America is facing. This amendment was a small step in a broader effort that I supported to make this a fiscally responsible bill.

INTRODUCING A BILL TO DESIGNATE THE ''DR. MARTIN LUTHER KING, JR. POST OFFICE'' IN PORTLAND, OREGON

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BLUMENAUER. Madam Speaker, today I am introducing a bill to designate the facility of the United States Postal Service located as 630 Northeast Killingsworth Avenue in Northeast Portland, Oregon as the ''Dr. Martin Luther King, Jr. Post Office.'' This post office shall serve to remind us of the civil rights leader who inspired a nation and served as a catalyst for change. Our nation has come a long way since the days of the civil rights movement and Dr. Martin Luther King Jr.'s dream of equality and brotherhood between all people continues to inspire.

In fact, this bill is a result of a community effort led by local letter carriers Jamie Partridge and Isham Harris. In 2007, Mr. Partridge and Mr. Harris collected employee signatures supporting this naming, as well as letters of support from the Piedmont and Concordia Neighborhood Associations, and the Sabin Community Association.

I am pleased to carry their effort forward and am proud that Representatives WU, DEFAZIO, WALDEN, and SCHRADER, the full Oregon Congressional delegation, have joined as original cosponsors in the House. Senators WYDEN and MERKLEY will soon introduce companion legislation in the Senate.

Naming one of our community's postal facilities after one of the century's most inspiring leaders is a personal reminder of Dr. King's achievements and the work that remains to be done. I look forward to working with my colleagues to ensure the swift passage and enactment of this bill.

CONGRATULATING THE ANDERSON LADY ORANGE

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate the Anderson Lady Orange on winning Ohio's 2009 Division III Women's Lacrosse State Championship, for the second year in a row. In the past three seasons, the Lady Orange have a record of 44 and 11, including 15 wins this season.

Led by Head Coach Paul Eldridge, Anderson defended their state title by defeating Bexley 9–8. Scoring in the championship game for the Lady Orange was Kate Shingleton—five goals, Shelby Smith—two goals, Caroline Eldridge, and Chelsea Ritter. Goalie Ashlee Heckard finished the game with five saves. Senior Kate Shingleton was named the tournament's Most Outstanding Offensive Player.

Madam Speaker, please join me in congratulating these talented young women for their historic lacrosse season and wish them the best of luck in all their future endeavors. Go Lady Orange!

RECOGNIZING THE ACHIEVEMENTS OF PERKINS BRAILLE AND TALKING BOOK LIBRARY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to congratulate the Perkins School for the Blind on being recognized by the Library of Congress as the 2008 Talking Book Library of the Year.

The Perkins School for the Blind, the first school for the blind in the United States, began with its founding over 175 years ago. Within a few short years, Perkins became known for its effective instructional techniques, including teaching Laura Bridgman, the first known deaf blind person to be educated. Perkins School is also responsible for nurturing the talents of Helen Keller, who came to Perkins on her way to breaking down barriers and perceptions about what people who are blind or deaf blind can accomplish.

Since first joining Congress, I've held the deep belief that there is no reason why anyone living in our country should not have equal opportunity to the literary genius of our nation and world. This belief, has led me to support efforts like that of the Perkins School, which always innovate with accessibility in mind.

The Perkins Braille and Talking Book Library, for over 174 years, has distinguished itself as a leader in providing innovative literary accessibility to those amongst us with visual and other disabilities.

In 2008, the Perkins School Braille and Talking Book Library circulated over 442,935 book and magazines, served 22,814 borrowers, and loaned over 5,000 play machines and accessories. The great staff of the Perkins School researched 13,164 title inquiries and found over 89 percent of those titles in an accessible format.

The Perkins School for the Blind should be commended for their tremendous effort to educate not only those with visual and other disabilities, but all of us. Because of the work of institutions like the Perkins School for the Blind, millions of individuals actively learned that with training and opportunity, those with visual and/or other disabilities can attain self-sufficiency and independently thrive throughout their lives.

Madam Speaker, I'm proud to congratulate the Perkins School for the Blind.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was included within the legislation H.R. 2647, as reported. To the best of my knowledge, none of these six requests: (1) are directed to an entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that neither my spouse, nor I, have any personal financial interests in these requests.

Project Title: Optimizing Natural Language Processing of Open Source Intelligence (OSINT)

Amount: $1.5 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Research and Development, Army

Address of Requesting Entity: Attensity, Inc., 90 South 400 West, Suite 600, Salt Lake City, Utah 84101

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project, in conjunction with the University of New York at Buffalo, would fund research and development of an ''all-source'' fusion tool for collecting open-source data from the web, blogs, social networking sites, and RRS feeds, to provide more effective defense intelligence analysis and improving military decision making in asymmetric warfare situations

Project Title: PCC Apron NW End Taxiway A

Amount: $5.1 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Military Construction, Air Force

Address of Requesting Entity: Hill AFB, Utah. 75th Air Base Wing, Hill AFB, Utah 84056

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project would correct runway deficiencies and allow for more aircraft to be prepared for flight at the same time that airstrip landing and take-off operations are being conducted, increasing military readiness, safety, and reducing jet fuel costs

Project Title: Propellant Conversion to Fertilizer Program for Tooele Army Depot

Amount: $3.4 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Research and Development, Army

Address of Requesting Entity: Archtech, Inc., 14100 Park Meadow Drive, Chantilly, VA 20151

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project would fund new conventional ammunition demilitarization method at Tooele Army Depot, Utah, as an environmentally-responsible alternative to the Army's current ''open-pit, open-burn'' method of disposal

Project Title: Repair Technology Insertion Program (RepTIP)

Amount: $5.2 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Research and Development, Air Force

Address of Requesting Entity: General Atomics Inc., 16969 Mesamint Street, San Diego, CA 92127

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project would fund the development of repair and overhaul technologies that increase productivity and reduce the cost of sustaining weapons systems in military depots, and incorporates Level II roller bearing refurbishment, heat tolerant tube fabrication, inside-diameter protective coatings to metals, heat-treat, and foundry process improvements for the 309th Maintenance Wing, Ogden Air Logistics Center, at Hill AFB, Utah

Project Title: Small Responsive Spacecraft at Low-Cost (SRSL)

Amount: $4.5 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Research and Development, Air Force

Address of Requesting Entity: Space Dynamics Laboratory, Utah State University, 1695 North Research Park Way, North Logan, Utah 84341

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project would continue previous-years' efforts in conjunction with the Air Force Research Labs to develop and demonstrate technologies for new, low-cost space systems with military utility. Current space-based reconnaissance assets are cost-prohibitive and too massive to be used in a quick-reaction tactical environment. This effort could lead to providing local field commanders a dedicated space asset for tactical actionable intelligence under the Operationally Responsive Space (ORS) construct

Project Title: UAV Sensor and Maintenance Development Center

Amount: $5.5 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2647

Account: Research and Development, Air Force

Address of Requesting Entity: Space Dynamics Laboratory, Utah State University, 1695 North Research Park Way, North Logan, Utah 84341

Matching Funds: None

Detailed Spending Plan: Not applicable

Description and Justification of Funding: Project would provide technical assistance to the Ogden Air Logistics Center at Hill AFB, Utah, in the areas of developing, calibrating, and integrating sensors and other payloads onto Unmanned Aerial Vehicles (UAVs), which will facilitate future development of UAV capability within the military

JUNETEENTH

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. FRANKS of Arizona. Madam Speaker, today, June 19th, marks the anniversary of what has become known as Juneteenth,'' the name given to emancipation day by African-Americans in Texas. On that day in 1865, Union Major-General Gordon Granger read General Orders, No. 3 to the people of Galveston. It stated:

''The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property . . .

It was an event in the early days of the 19th century, and especially in the darkest of hours during the Civil War that turned brother against brother and cost nearly 600,000 American lives, that few would ever have believed was possible, Madam Speaker.

And yet here in America, where the words ''all men are created equal'' were formally recognized by government for the first time in history as a self-evident truth, we recognized that reducing the status of a black man to less than human simply because he was black was something that was both abominable to God, and fundamentally incompatible with the principles of human freedom on which America was built.

Abraham Lincoln realized that truth, Madam Speaker. He said this about our Founding Fathers:

''In their enlightened belief, nothing stamped with the Divine image and likeness was sent into the world to be trodden on, and degraded, and imbruted by its fellows. They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages. Wise statesmen as they were, they knew the tendency of prosperity to breed tyrants, and so they established these great self-evident truths, that when in the distant future some man, some faction, some interest, should set up the doctrine that none but rich men, or none but white men, were entitled to life,

liberty and the pursuit of happiness, their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began—so that truth, and justice, and mercy, and all the humane and Christian virtues might not be extinguished from the land; so that no man would hereafter dare to limit and circumscribe the great principles on which the temple of liberty was being built.

Mr. Lincoln helped us decide as a nation, Madam Speaker, that regardless of what it cost, we would choose to once again recognize Imago Dei, the image of God in man, and although millions never would have believed it possible, the United States chose to abolish slavery once and for all.

Yet today, Madam Speaker, few people who remember and celebrate Juneteenth realize that freedom has not yet fully come to all in the African-American community.

Today, Madam Speaker, in the land of the free and the home of the brave; in the same nation that threw off the yoke of slavery and overturned the abomination of a Supreme Court decision that said the black man was not a person and not worthy of protection under the law; today in America, Madam Speaker, the lives of one in two black unborn children are lost before they ever see the light of day for the first time.

And though some, captive to an invincible blindness, would deny this reality, Madam Speaker, we are all witness to what has been the deadliest form of discrimination in our country's history: the systematic elimination of millions. Today, fully one-half of all black Americans conceived in this country are killed before they are born, primarily at government-funded abortion clinics placed in our inner cities.

Every day, Madam Speaker, almost 1,500 unborn black children are aborted. Black babies are aborted at between four and five times the rate of that of white babies. The daily killing of 50 percent of unborn black American children has cost the lives of close to 14 million black children. That equates to no less than a genocide against black America. It is a tragedy that beggars my ability to describe.

This Juneteenth, as we recognize a great victory for human freedom and equality, Madam Speaker, we must also recognize that the most fundamental freedom and basic civil right of all—the right to live—especially for black Americans, has never been more threatened or under attack.

But Juneteenth should also give us hope, because it shows us that nations caught up in something as tragic as slavery can rise to victory and change history.

Madam Speaker, I have a painting in my office depicting this floor and this chamber on Juneteenth, celebrating the end of slavery in America. It is a scene of pandemonium and celebration, illustrating the feeling of that day among men and women who realize something truly historic and great had happened—that an entire race of human beings had been recognized for the children of God that they were, and that America had been used to end the 7,000-year reign of the acceptance of human slavery in the world.

That picture gives me great hope, Madam Speaker, because it shows that even something as evil and entrenched in human society as was human slavery can be changed.

And Madam Speaker, because I have the privilege of living in America, I am just idealistic enough to believe that we can also rise to the occasion in this country and change history again, and end this tragic genocide called abortion on demand.

And you know the irony, Madam Speaker, is that it may be African-Americans, who were once enslaved in this country and who are now recognizing that abortion on demand is killing more of their little brothers and sisters than did slavery, who will be the ones to help lead America to place this modern day genocide behind us forever.

By the grace of God may it be so, Madam Speaker.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2892

Account: State and Local Programs/Emergency Operations Center

Legal Name of Requesting Entity: Mobile County Commission

Address of Requesting Entity: 205 Government Street, Mobile, AL 36644

Description of Request: Provide $800,000 for the initial federal share of construction of a new Emergency Operations Center in Mobile, Alabama. Mobile County is home to one of the country's ten largest ports with a new container terminal and a number of chemical manufacturing facilities. As a gulf-front county, Mobile County faces an annual risk of severe hurricanes and flood related emergencies. A new Emergency Operations Center is necessary for the all-hazards approach Mobile County Emergency Management Agency must take in response to these diverse natural and potentially terrorist threats. Mobile County's existing Emergency Operations Center no longer has the necessary space or the appropriate equipment to meet the County's needs, given the leadership role the County has taken in regional planning and preparation for man-made and natural disasters. The County will use $200,000 of the requested funds for interoperable communications equipment; $125,000 for computer hardware/software/infrastructure; $150,000 for Incident Management Software; $150,000 for Information Management Display System; and $175,000 for Engineering Design. This project specifically furthers National Homeland Security strategic goals by facilitating an integrated federal, state and local response to disasters of all types. The City of Mobile and the County of Mobile will provide a 25% local cost-share.

HONORING 11TH DISTRICT BASEBALL STANDOUTS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to recognize two exceptional high school athletes from Georgia's 11th Congressional District who have distinguished themselves among our nation's top amateur baseball players. With the third pick in the 2009 Major League Baseball Amateur Draft, the San Diego Padres selected Cartersville High School outfielder Donavan Tate, and three picks later, another Northwest Georgian, East Paulding County High School pitcher Zack Wheeler was selected by the San Francisco Giants with the sixth pick overall.

Donavan Tate made quite a name for himself in high school while leading his Purple Hurricanes to back to back state baseball championships. In his senior season, he batted .474 with nine home runs and 42 RBIs.

Zack Wheeler was also dominant in high school, striking out 149 batters in 76 innings this season and finishing with an unblemished 9–0 record and a 0.54 ERA—including a no-hitter in the state playoffs. Zack's fastball hovers in the high 90s so it is no surprise that the Giants used their first pick to bring this young right hander to their organization.

As an avid baseball fan, it is truly an honor to have two of the top six draft picks for 2009 call Georgia's 11th Congressional District home. I ask that my colleagues join me in recognizing the talent and hard work of these two athletes and wishing them the best of luck as they start this new chapter of their lives.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 2647

Account: DoD RDT&E, Technology Transfer

Legal Name of Requesting Entity: Technology Service Corporation

Address of Requesting Entity: 116 West Sixth St., Suite 200, Bloomington, IN 47404

Description of Request: Provide an earmark of $3,000,000 to continue support of the National Radio Frequency Research, Development, and Technology Transfer Center, which provides an efficient method of transitioning new technologies into DoD programs of record to provide for performance improvements at lower cost for the war fighter.

HONORING TERRY BRADLEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Terry Bradley upon his retirement as the Superintendent of the Clovis Unified School District. Superintendent Bradley will be honored by the Clovis Unified School District at a reception to be held Thursday, June 18, 2009.

Superintendant Bradley has been in education for forty-three years. Prior to moving to the Central Valley, he was a teacher and school business administrator for ten years. In 1986, while working for Clovis Unified School District as the chief business official, he received his doctorate degree in school management from the University of LeVerne. Dr. Bradley served as the chief business official for twenty-six years, and then was appointed to the Superintendent position on July 1, 2002.

Dr. Bradley has been a visiting professor at the University of Southern California, the University of San Francisco and California State University, Fresno. He has held leadership positions in several professional organizations, including the Association of School Business Officials, the California Association of School Business Officials, and the Association of California School Administrators (past chairman). He is a past chairman, and currently serves, on the Board of Directors for both Californians for Schools and the Coalition of Adequate Student Housing. Dr. Bradley is also active in the California Association of School Business Officials' mentoring program, where he helps to develop leadership and professional skills in future school business officers.

Madam Speaker, I rise today to commend and congratulate Terry Bradley upon his retirement from Clovis Unified School District. I invite my colleagues to join me in wishing Superintendent Bradley many years of continued success.

IN HONOR OF FRANKLIN D. MELLOTT, EXECUTIVE OFFICER, NAVAL AIR STATION, LEMOORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to Commander Franklin D. Mellott, United States Navy, upon his retirement after twenty three years of service to the United States Navy and to the Nation.

Commander Mellott has served the United States Navy with distinguished service over his exceptional career. His devotion to the Navy and the Nation is inspiring.

My initial experience with Commander Mellott began when his service commenced in 2006 as Executive Officer for Naval Air Station Lemoore, which is located in my 20th Congressional District in Kings County, California. I met with Commander Mellott at the base to introduce myself and my staff and from that day on, a great working relationship was formed. Commander Mellott served as Committee Chair for my 20th District Academy Committee. During this time, he devoted countless extra hours to coordinating the committee and assisting my office with academy nominations. Whether we were calling Frank to ask a question or to follow up on issues my office was working on with the base, Frank was always professional, courteous and helpful. His volunteer service to my office will always be remembered.

It is so fitting that the President of the United States has presented Commander Franklin Mellott with the Meritorious Service Medal for his outstanding leadership as Executive Officer of NASL. I ask that excerpts from the Citation be printed.

''For outstanding meritorious service as Executive Officer, Naval Air Station Lemoore, California, from June 2006 to June 2009. Commander Mellott displayed extraordinary leadership and exceptional insight in supporting half the fleet's tactical air combat power at the Navy's largest and busiest master jet base. Brilliantly assisting the Commanding Officer in every facet of business and operations, he provided superior support to Commander Strike Fighter Wing Pacific, four operational air wings, 16 squadrons, and a work force of more than 10,000 military and civilian personnel through mishap-free control of more than 700,000 operational and training sorties. Under his leadership, the installation opened more than 2,500 cubic miles of new training airspace to the fleet, the largest new training airspace the Navy has developed in more than 25 years, completed several large military construction projects valued at over $150 million, provided support to 16 helicopters fighting wild fires in Northern California, and provided award winning services to a community of more than 25,000 constituents. Additionally, he helped orchestrate and align Navy efforts to preserve the strategic value of Naval Air Station Lemoore in the future with an exceptionally diplomatic strategy to influence current land-use decisions by local governments and to develop productive forums for perpetual engagement. Singularly responsible for good order and discipline aboard the installation, he balanced justice with mercy in the effective handling of countless delicate and emergent law enforcement and operational matters during his tour. His actions culminate a 23 year career of distinguished service to the Navy and the Nation. Commander Mellott's decisive, principled, and visionary leadership and inspiring devotion to duty reflected great credit upon him and upheld the highest traditions of the United States Naval Service.''

Commander Mellott has always been available to myself and my staff and we are sad to say goodbye. He is a man of outstanding character and we will remain grateful for his unwavering dedication and exceptional insight.

On behalf of the United States Congress, I wish to express my sincere thanks for his hard work, selfless service, and dedication to the United States Navy.

I want to personally wish Frank continued success and my best wishes go out to his wife, Sheri, and his children; sons, Alex and Nathaniel and daughter, Francesca as they embark on their new endeavors in Pennsylvania.

TRIBUTE TO CAPTAIN ROBERT A. SHAFER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from my Congressional District who has dedicated his life to defending the people of this country and preserving the basic freedoms and liberties that we hold dear. Commanding Officer Captain Robert A. Shafer of the United States Navy is a true American hero and today I thank him for his 28 years of naval service. On Monday, January 22, 2009, Captain Shafer will be honored at his retirement and Change of Command Ceremony at the Naval Surface Warfare Center, Corona, California.

Captain Robert A. Shafer graduated from the United States Naval Academy in 1981. He was commissioned an Ensign and immediately began training as a Surface Warfare Officer in Coronado, California.

During his career, Captain Shafer's assignments included Combat Information Center Officer aboard the USS *O'Brien* (DD–975); Weapons Officer and Combat Systems Officer aboard the USS *Antietam* (CG–54); Executive Officer of the USS *San Jacinto* (CG–56); and Commanding Officer of the USS *Vincennes* (CG–49). Captain Shafer also completed seven deployments, primarily to the Western Pacific, Indian Ocean and the Arabian Gulf during this time.

Following his Division Officer tour, Captain Shafer attended the Naval Postgraduate School in Monterey, California. There he earned a Master of Science Degree in Mechanical Engineering and completed the requirements for a Weapons Systems Engineering subspecialty. Additionally, he is a graduate of the U.S. Army Command and General Staff College as well as the Naval War College.

Subsequent shore tours include duty as Executive Assistant and Instructor in the Department of Weapons and Systems Engineering, United States Naval Academy; and as Fleet Liaison for the Technical Director, Aegis Combat Systems.

His previous shore tour included assignment as Chief Staff Officer for PEO Theater Surface Combatants, Aegis Combat Systems Engineer, Director, Battle Force Systems Engineering, and duties as Military Deputy for the Director of Integrated Combat Systems for PEO Integrated Warfare Systems.

Captain Shafer's awards include the Meritorious Service medal with 3 Gold Stars, the Navy Commendation Medal with Gold Star, and the Navy and Marine Corps Achievement Medal with 3 Gold Stars, as well as various unit and campaign ribbons which include five Battle ''E'' awards.

Captain Shafer will retire from naval service with more than just his experience, decorated career and remarkable accomplishments; his enduring legacy will serve as a shining example and constant reminder of what it means to be an American.

SENATE—*Monday, June 22, 2009*

The Senate met at 2:01 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we come to You today because we need You. We can't work well without Your help and blessings. Guide our lawmakers, give them the wisdom to listen to Your voice and follow Your leading. Lord, remind them that no one knows what a day might bring, so they must not put things off until a tomorrow that may never come. Help them to use their lives wisely and not foolishly, generously and not selfishly. As they labor, may they remember that one day they shall give an account of their work to You. To that end, empower them to live for Your honor.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each during that period of time. Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act. The time from 4:30 until 5:30 will be equally divided and controlled between the two leaders or their designees. At 5:30, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Dorgan amendment. The filing deadline for first-degree amendments is today at 3:30 p.m.

TRADE PROMOTION ACT

Mr. REID. Mr. President, later today Democrats will move forward on a bill sponsored by Democrats and Republicans—lots of Republicans—a bill that creates jobs at a time when we need them the most. I encourage the Republicans to join with those of us who want to move forward on this piece of legislation. Democrats will do our jobs—using this great legislative body to legislate—and make life better for struggling Americans. I encourage my Republican colleagues to do the same.

The travel promotion bill is critical for our economy. Tourism and travel generate $1 trillion in economic activity every year—$1 trillion. In its first year, this bill will create 40,000 new jobs.

There isn't a State in the Union that doesn't depend on tourism. I can remember the first time I went to a place where we had a Democratic retreat in Virginia. I walked out of my room and I saw this huge body of water and I thought: Gee, I didn't know we were on the ocean. It was just a huge—must have been a mile at least to the other side of that body of water. It was the James River. It was a river.

The reason I mention that is I have had the good fortune of traveling around Virginia. It is a wonderful place to visit. There are all kinds of tourist attractions in Virginia. But every State is about the same. Every State has its unique possibilities and places to go. I have been to virtually every State in the Union. There are so many wonderful places. I know Virginia better because for quite a long time my non-Nevada home was in Virginia and three of my five children graduated from schools in Virginia. It is a wonderful place, and tourism is very important to Virginia. This bill is important to Virginia.

Again, travel and tourism generate $1 trillion in economic activity around the country every year, and in its first year, this bill will create more than 40,000 jobs. The bill will cut our deficit. We are not asking for money from the public trough to take care of this. This bill will cut our deficit by $425 million over the next decade. We save money by doing this. We make money by doing this. We will be taking the strategies that have made Las Vegas such a success and bringing them to our entire Nation's tourism industry. It is one of the many ways we are working to create jobs and help our economy recover.

So far, the minority has shown no interest in either creating jobs or in helping our economy recover. I hope that, in this case, past is not prologue.

One of my floor staff here said they saw a Republican staffer just a short time ago and the Republican staffer said: Why won't you let us offer amendments?

That is some kind of game being played. I have had conversations with the Republican leader and with other Republican Senators on this bill, and I have said: Let's move on with this legislation. Under the rules, the amendments ultimately have to be germane, but I have said: I don't care if they are germane or not. If you want to offer amendments, that is what we have done all year and we will do it here.

They wanted to offer four amendments on TARP, and I said: Well, that has nothing to do with tourism, but if you want to do that, go ahead and do it.

In response, Senator SANDERS, from Vermont, told me that he had an amendment he wanted to offer. I said: Listen, BERNIE, if you want to offer a nongermane amendment, you can do it. If they want to offer a nongermane amendment, they can; otherwise, we are not going to do that.

So we have all these nongermane amendments they want to offer, and he has one he wants to offer. His amendment simply restates the law and makes it a little stronger, and in effect what it does is takes a look at the oil companies to see if they are manipulating prices. So the Republicans said: No, we are not going to agree to that; we want you to take all of our amendments, we will vote on them, and none for you. Well, that is not fair, it is not reasonable, and it is only an excuse for Republicans to again stymie legislation.

So let's get the facts straight. At the start of the debate, we offered Republicans nongermane amendments. They could have more amendments than we could have. We agreed to do that. Not a single one of the Republican amendments was related to this bill, and

some of the amendments were even duplicates. But I said: Let's go ahead and do it anyway. Of course, the Republicans said no. They refuse to let us move forward, once again wasting the American people's time and money. They refuse to let us move forward—I repeat—once again wasting the American people's time and money.

It is difficult to watch what is going on here and come away with a sense that the Republicans have even the slightest interest in legislating or that they have the slightest understanding of what families are facing across the country. Just last week, in the Roll Call publication, a Republican Senator said—and it is on the front page—''Senate GOP Still Saying No.'' A Republican Senator said this last week in one of the newspapers that cover Capitol Hill, Roll Call:

Democrats need to know when they bring [bills] up, we're going to extend debate as long as we can—even if we can't win it.

So I say to this Republican Senator and all Republican Senators: This isn't a game. I say to those watching and listening today: The next time Republicans trot out their stale standard talking points about congressional approval ratings or the inefficiency of government, pay attention to see whether they also quote their fellow Republican Senator who admits they are not here to work. These partisan tactics have consequences. These consequences will be evident on every kitchen table, every family budget, and every American's peace of mind.

I encourage Republicans to finish this legislation. I have said that if there are nongermane amendments they want to file, even though we have no obligation to do that, we will have those amendments during the 30-hour postcloture time and dispose of them. I don't understand what the deal is here. This is the 18th time we have had to file cloture this year—the 18th time. In spite of that, we have been able to get a lot of work done. But I do encourage Republicans to join with us in moving this legislation forward. It is important.

I look around the floor, and I see Virginia, Nevada, and Arizona Senators here. Tourism is very important. It will create jobs. It will cut our deficit. It is not a bad combination. So I would encourage Republicans to join in this important travel promotion bill and to openly pass it so we can bring jobs home, helping our country prosper once again. We know if we can get past this procedural hurdle where we need 60 votes, all Democrats will vote to move forward. That is the right thing to do. Shouldn't we get even the sponsors of the bill to join in?

We haven't stopped the amendment process. They are going to have to come up with a different reason for voting against it than that because everyone has had an opportunity.

So I hope we can move forward. It was a bill that was originally going to be managed by Senators DORGAN and ENSIGN. Senator MARTINEZ has been heavily involved. I thought we had things all worked out with him and Senator DORGAN on Thursday, but it all fell apart because of the inability to have Senator SANDERS have his amendment.

I simply don't understand what excuse they have for not moving forward with this legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona.

IRAN

Mr. MCCAIN. Mr. President, there is a news report from the Associated Press entitled ''Iranian Police Use Force To Break Up Protest.'' The article reads as follows:

Tehran, Iran—Riot police attacked hundreds of demonstrators with tear gas and fired live bullets in the air to disperse a rally in central Tehran Monday, carrying out a threat by the country's most powerful security force to crush any further opposition protests over the disputed presidential election. Witnesses said helicopters hovered overhead as about 200 protesters gathered at Haft-e-Tir Square. But hundreds of anti-riot police quickly put an end to the demonstration and prevented any gathering, even small groups, at the scene. Iran says at least 17 protesters have been killed in a week of unrest so far after the electoral council declared hard-line President Mahmoud Ahmadinejad winner of the June 12 election.

Severe restrictions on reporters have made it almost impossible to independently verify any reports on demonstrations, clashes, and casualties. Iran has ordered reporters for foreign news agencies to stay in their offices, barring them from any reporting on the streets.

The story goes on. Demonstrations followed by repression, followed by murder in the streets. As these things seem to evolve, an event took place yesterday which may be the defining moment in the struggle of the Iranian people to be able to peacefully disagree with their government, in this case, because of a corrupt and fraudulent election, without being killed in the streets and beaten and imprisoned.

It has to do with a woman named Neda. I quote from an ABC news story dated June 22, 2009.

She sinks to the ground—and a few minutes later she is dead. A video that has been repeatedly posted on the Internet purports to show the last moments of Neda, a young Iranian woman shot in the heart by government sharpshooters. Overnight she has become a symbol of the opposition. [Her] shaky blurred images: A young woman collapses onto the pavement, a dark pool of blood spreads beneath her body. Two men kneel next to the woman and press on her chest, screaming. The camera phone which is filming her zooms in on her face. Her pupils roll to the side. Blood streams out of her nose and mouth.

''Neda, don't be afraid! Neda, stay with me. Neda, stay with me!'' [cries one man.]

Another man beseeches someone to take her in a car. Then the footage stops.

The video footage appeared on the social networking sites Facebook and Twitter on Saturday evening. It immediately became a viral sensation, being forwarded repeatedly. User groups were determined to get around YouTube's attempts to block the immensely graphic film. They posted the clip so often it became impossible for YouTube to remove it.

So we have seen, as we have in cases of other brutal repressions throughout history, a living example or the dying example of martyrdom. By Sunday morning, Neda became the fifth most common topic on Twitter. She had already become a kind of Joan of Arc.

''It took only one bullet to kill Neda, it will take only one Neda to stop Iranian tyranny'' was one posting from Tehran on Twitter.

Neda died with open eyes. Shame on us who live with closed eyes.

''They killed Neda, but not her voice'' was another.

During the day, thousands of people replaced their profile pictures with tributes to the young woman such as ''I am Neda,'' or ''Neda forever.'' Others posted images of a broken heart in green, the color of the opposition movement.

So a debate has been going on as to how much the United States of America, its President, the Congress, and the American people should speak out in favor and in support of these brave Iranians—the average age in Tehran is 33 years of age—and their quests for the fundamentals of freedom and democracy that we have enjoyed for more than a couple of centuries.

Today, I and all America, pay tribute to a brave young woman who was trying to exercise her fundamental human rights and was killed in the streets of Tehran. All Americans are with her, our thoughts and our prayers for her, her family, and her countrymen.

I ask unanimous consent to have two news articles that I quoted printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From abcnews.go.com June 22, 2009]

NEDA, IS SHE IRAN'S JOAN OF ARC?

NEDA HAS BECOME A SYMBOL AND MARTYR FOR THE IRANIAN OPPOSITION

(By Ulrike Putz)

BEIRUT.—She sinks to the ground—and a few minutes later she is dead. A video that has been repeatedly posted on the Internet purports to show the last moments of Neda, a young Iranian woman shot in the heart by government sharpshooters. Overnight she has become a symbol of the opposition. They are shaky, blurred images: A young woman collapses onto the pavement, a dark pool of blood spreads beneath her body. Two men kneel next to the woman and press on her chest, screaming. The camera phone which is filming her zooms in on her face. Her pupils roll to the side, blood streams out of her nose and mouth. ''Neda, don't be afraid! Neda, stay with me. Neda, stay with me!'' cries one man. Another man beseeches someone to take her in a car. Then the footage stops.

It cannot be confirmed if the 40-second film, which was posted on the Internet on Saturday, really shows the death of a young Iranian demonstrator. Like almost all the video and photo material coming out of Iran these days, it is impossible to verify its authenticity. However, even if it may never be certain if these images really show the death of a young woman named Neda, she has still become an icon, a martyr for the opposition in Iran. Neda has given the regime's brutality a bloody face and a name. Overnight ''I am Neda,'' has become the slogan of the protest movement.

The video footage appeared on the social networking sites Facebook and Twitter on Saturday evening. It immediately became a viral sensation, being forwarded repeatedly. User groups were determined to get around YouTube's attempts to block the immensely graphic film. They posted the clip so often that it became impossible for YouTube to remove it. The first postings were furnished with a commentary. A supposed eyewitness described what was happening. He gave details, presumably in order to underscore the clip's veracity. The incident occurred on the Karekar Avenue, at the corner of Khoravi Street and Salehi Street in Tehran at 7:05 p.m. local time, he reported.

COULD NEDA CHANGE THE COURSE OF IRAN'S HISTORY?

A young woman, watching the protests together with her father, the commentary said, was shot in the heart by a sharpshooter with the Basij, the government militia. ''I am a doctor, so I rushed to try to save her,'' the man says. ''But the impact of the gunshot was so fierce that the bullet blasted inside the victim's chest and she died in less than two minutes.'' ''The film is shot by my friend who was standing beside me,'' he continues. ''Please let the world know.'' Persian-speaking Internet users quickly supplied a translation. The screams, ''Stay with me, Neda!'' are said to have come from the young woman's father. By Sunday morning ''Neda'' was the fifth most commented topic on Twitter. She had already become a kind of Joan of Arc. ''It took only one bullet to kill Neda. It will take only one Neda to stop Iranian tyranny,'' was one posting from Tehran on Twitter.

''Neda died with open eyes. Shame on us who live with closed eyes,'' was one entry. ''They killed Neda, but not her voice,'' was another. During the day thousands of people replaced their profile pictures with tributes to the young woman, such as ''I am Neda'' or ''Neda forever.'' Others posted images of a broken heart in green, the color of the opposition movement. Many blogs, including that of the New York Times, are now speculating if the footage could change the course of history. There are parallels being drawn to the images that became iconic during the Islamic Revolution. The film could become as much as a symbol as those now historic images from 1979 which showed the Shah's troops shooting on unarmed demonstrators.

IRANIAN POLICE USE FORCE TO BREAK UP PROTEST

(By Nasser Karimi and Jim Heintz)

TEHRAN.—Riot police attacked hundreds of demonstrators with tear gas and fired live bullets in the air to disperse a rally in central Tehran Monday, carrying out a threat by the country's most powerful security force to crush any further opposition protests over the disputed presidential election.

Britain, accused by Iran of fomenting post-election unrest, said it was evacuating the families of diplomats and other officials based in Iran—the first country to do so as Iran's worst internal conflict since the 1979 Islamic Revolution escalated.

Witnesses said helicopters hovered overhead as about 200 protesters gathered at Haft-e-Tir Square. But hundreds of anti-riot police quickly put an end to the demonstration and prevented any gathering, even small groups, at the scene.

At the subway station at Haft-e-Tir, the witnesses said police did not allow anyone to stand still, asking them to keep on walking and separating people who were walked together. The witnesses asked not to be identified for fear of government reprisals.

Just before the clashes, an Iranian woman who lives in Tehran said there was a heavy police and security presence in another square in central Tehran. She asked not to be identified because she was worried about government reprisals.

''There is a massive, massive, massive police presence,'' she told The Associated Press in Cairo by telephone. ''Their presence was really intimidating.''

Iran says at least 17 protesters have been killed in a week of unrest so far after the electoral council declared hard-line President Mahmoud Ahmadinejad winner of the June 12 election. His main challenger, Mir Hossein Mousavi, charged the election was a fraud and insists he is the true winner. His followers have been staging near-daily rallies, at least one of them drawing a massive crowds of hundreds of thousands.

Severe restrictions on reporters have made it almost impossible to independently verify any reports on demonstrations, clashes and casualties. Iran has ordered reporters for foreign news agencies to stay in their offices, barring them from any reporting on the streets.

The country's highest electoral authority, the Guardian Council, acknowledged on Monday that there were voting irregularities in 50 electoral districts, the most serious official admission so far of problems in the election. But the council insisted the problems do not affect the outcome of the vote.

Earlier Monday, the elite Revolutionary Guard issued its sternest warning so far in the post-election crisis. It warned protesters to ''be prepared for a resolution and revolutionary confrontation with the Guards, Basij and other security forces and disciplinary forces'' if they continue their near-daily rallies.

The Basij, a plainclothes militia under the command of the Revolutionary Guard, have been used to quell street protests that erupted after the election result was announced.

The Guard statement ordered demonstrators to ''end the sabotage and rioting activities'' and said their resistance is a ''conspiracy'' against Iran. On Sunday, acting joint chief of the armed forces Gen. Gholam Ali Rashid issued a thinly veiled warning to Mousavi, saying ''we are determined to confront plots by enemies aimed at creating a rift in the nation.

Mousavi vowed Sunday night to keep up the protests, in defiance of Supreme Leader Ayatollah Ali Khamenei, who holds ultimate power in Iran. In a sermon to tens of thousands on Friday, Khamenei said demonstrators must stop their street protests or face the consequences and he firmly backed Ahmadinejad's victory.

''The country belongs to you,'' Mousavi's latest statement said. ''Protesting lies and fraud is your right.''

Mousavi's Web site called Monday for supporters to turn on their car lights in the late afternoon as a sign of protest.

Mousavi's latest statements posted on his Web site also warned supporters of danger ahead, and said he would stand by the protesters ''at all times.'' But he said he would ''never allow anybody's life to be endangered because of my actions'' and called for pursuing fraud claims through an independent board.

The former prime minister, a longtime loyalist of the Islamic government, also called the Basij and military ''our brothers'' and ''protectors of our revolution and regime.'' He may be trying to constrain his followers' demands before they pose a mortal threat to Iran's system of limited democracy constrained by Shiite clerics, who have ultimate authority.

Mousavi ally and former president Mohammad Khatami said in a statement that ''protest in a civil manner and avoiding disturbances in the definite right of the people and all must respect that.''

Britain's Foreign Office said it was pulling staffers' dependents out because ''the families of our staff have been unable to carry out their lives as usual.''

In Washington, President Barack Obama said he does not want to become a scapegoat for Iran's leadership as the postelection upheaval continues, but Republicans continued criticizing him for being overly cautious.

The Czech EU presidency summoned the Iranian charge d'affaires to reject claims by Iran that the 27-nation bloc has been interfering in its internal affairs.

Iran state media reported at least 10 people were killed in the fiercest clashes yet on Saturday and 100 were injured.

A graphic video that appears to show a young woman dying within minutes after she was shot during Saturday's demonstrations has become the iconic image seen by millions around the world on video-sharing sites such as YouTube.

Police said Monday that 457 people were arrested on Saturday alone, but did not say how many have been arrested throughout the week of turmoil.

The country's highest electoral authority agreed last week to investigate some opposition complaints of problems in the voting. The Guardian Council said Monday it found irregularities in 50 voting districts, but that this has no effect on election outcome. Council spokesman Abbas Ali Kadkhodaei was quoted on the state TV Web site as saying that its probe showed more votes were cast in these constituencies than there were registered voters.

But this ''has no effect on the result of the elections,'' he said.

Mousavi has demanded that the election result be annulled and a new vote held.

Khatami said ''taking complaints to bodies that are required to protect people's rights, but are themselves subject to criticism, is not a solution''—effectively accusing the Council of collusion in vote fraud.

The government has intensified a crackdown on independent media—expelling a BBC correspondent, suspending the Dubai-based network Al-Arabiya and detaining at least two local journalists for U.S. magazines.

English-language state television said an exile group known as the People's Mujahedeen had a hand in the street violence and broadcast what it said were confessions of British-controlled agents.

The exile group, also called the Mujahedeen-e-Khalq, is the military wing of the Paris-based National Council of Resistance of Iran. The council says it is dedicated to a democratic, secular government in Iran, but the military wing has been blacklisted by the United States and the European Union as a terrorist organization.

The Foreign Ministry lashed out at foreign media and Western governments, with ministry spokesman Hasan Qashqavi accusing them of ''a racial mentality that Iranians belong to the Third World.''

''Meddling by Western powers and international media is unacceptable,'' he said at a news conference shown on state TV, taking particular aim at French President Nicolas Sarkozy.

''How can a Western president, like the French president, ask for nullification of Iranian election results?'' Qashqavi said. ''I regret such comments.''

HEALTH CARE

Mr. MCCAIN. Mr. President, I would like to talk a bit about health care, since that seems to be a major issue also of concern to all Americans. Today is June 22, 2009. Millions of Americans still lack health insurance coverage, and we need to pass reforms that help them get coverage. Yet more time has gone by with no plan from the majority. While we wait, how many more people will forgo needed care today? How many emergency rooms will have to care for Americans who could have received care earlier, and at a lower cost, from a medical professional if they had insurance?

The majority talks about reform and how critical it is to move with urgency. They also assert that the economic recovery depends on health care reform. So many of us would like to know: Where is the plan? It is impossible for us to move forward in any manner, let alone with urgency, if we do not even have a complete bill.

On Tuesday June 9, after months of waiting, the majority in the HELP Committee, on which I serve, offered a partial list of health reform proposals, indicating that the missing pieces would be shortly forthcoming. The majority quickly pulled together a roundtable to discuss a wide variety of issues. They even held some walkthroughs with our side on issues of prevention, quality, et cetera.

The following week we were told we would receive the missing pieces ''soon'' or ''early last week.'' Then we were told they would come forward with the missing pieces ''this past Friday.''

Now it is Monday and we have received nothing. While we have waited, the Congressional Budget Office told us what many of us had expected and feared about this bill: The cost of the bill would have a cost exponentially higher than many had predicted. In fact, the incomplete bill would cost over $1 trillion, and this cost would only cover one-third of the 48 million Americans who are currently uninsured.

So we wait and wait and wait, having no details of the much-wanted government plan or the proposal regarding penalties the other side wants to impose on employers who either cannot provide health coverage or who are not able to provide the coverage according to the government dictate.

Now we hear this Friday might be the day we have a chance to see what they have been working on behind closed doors. Friday also happens to be the day of the Fourth of July recess. The President and congressional Democrats have told the American people that health care reform legislation must be passed by the Senate prior to the August recess.

Given that we will not have the text of the legislation prior to the Fourth of July recess, I am skeptical that the HELP Committee and the Finance Committee will be able to complete their work, combine two possibly divergent bills on the Senate floor, and pass a bill during the 5 weeks remaining in the July work session.

One thing I have found out around here is that we miss a lot of things, but we never miss a recess. The Senate passed the budget blueprint in late April. That included a possible budget reconciliation process for considering health care reform legislation.

One must wonder. One must wonder if the majority is intentionally pushing back the schedule and dragging out this process so that a bipartisan process and solution is not feasible. Under budget reconciliation, which sounds arcane to most Americans, the majority would be allowed to jam this important policy through the Senate with 51 votes instead of the typical 60, with limited time for debate and

endments.

I am left to wonder if this contingency was not planned on all along, to use reconciliation, to muscle through the health reform we all know is desperately needed but to circumvent the normal procedures of the Senate.

I and my colleagues on this side of the aisle continue to await the Democrats' complete bill and their plan to make taxpayers pay for this trillion dollar new government program. So many questions remain until the missing parts of the bill are provided.

When will we get details of the government insurance plan we are told is essential to reform? When will we see what employer health care mandates look like? How much will the complete plan cost? How will it be paid for? Each day the majority fails to provide a complete plan, along with the complete cost and how it will be paid for, is another day that millions of Americans go without health insurance.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. DORGAN. Mr. President, as this country tries to pull itself out of a very significant economic crisis in which millions of Americans have lost their jobs, lost their homes, lost hope, there are a number of things we have to do that also threaten the future of this country, in addition to trying to restore some economic health, and those include health care to be sure—we are working on this issue of health care; the second is an energy policy that makes us less dependent on foreign oil, where we are far too vulnerable and far too dependent; and the third is the relentless march of increased Federal budget deficits. All three of these issues, in my judgment, threaten our country's future. I wish to speak about them in the coming days. Today, I wish to talk about health care specifically.

Let me again say, I do that with the understanding that first and foremost we have to pull this country out of the difficulties we are in with the general economy and try to find ways to promote economic growth and put people back to work with jobs that pay well and give them the opportunity to care for their families. That is what gets America moving again. But when we do that, when we begin to restore this economy to economic health, the vulnerabilities that will remain are health care, energy, and the Federal budget deficits far into the future. So let me talk about health care just a bit.

I know there is a lot of discussion in the committees, the two relevant committees, the Finance Committee and

the so-called HELP Committee, both of which are writing pieces of the health care reform bill.

It is true that increased health care costs—the increased cost of insurance for families, businesses, and governments—are on the march. Now it consumes over 17 percent of the domestic product of this country. Of all the goods and services we produce, over 17 percent of that is consumed by health care. And the rate of increase is unsustainable. Families will not be able to pay the extra cost year after year after year. We are told that nationally it now costs about $12,000 for a family health insurance policy.

So what do we do about this? Well, we hear a lot of discussion on the floor of the Senate, when we start talking about health care, where people will say: Well, now you are talking about a government-run health care system in which a bureaucrat is going to make decisions about how much treatment your doctor can provide to you personally.

That is just absurd. That is not what this discussion is about. But if we can get back to some thoughtful discussion rather than thoughtless discussion on health care, maybe we can all reach an agreement of how to improve this system. I personally think this system needs improving. Let me describe some things I think we should do.

First of all, we do not have a health care system so much as we have a sick care system. We do not pay any attention in this country to the things that can keep you from being sick or getting sick; we just pay a lot of money to put you into acute-care beds once you have gotten sick. That makes no sense at all. We ought to change the entire model to say it is much, much less costly to do the preventive things than it is to pay for acute-care beds in a hospital once someone gets sick.

This is all about behavior in many respects, and nobody wants to talk much about that. But behavior is a very important part of this. We are told that two-thirds of the American people are overweight and one-third are obese. Just that alone imposes unbelievable costs on this health care system of ours.

By the way, attendant to that issue of obesity and being overweight is the march of diabetes. The incidence of diabetes in this country is unbelievable. It just ratchets up and up and up every year.

Now, you wonder about that, wonder about America's children and the number of children who are overweight and obese. Walk into a school and then find out that in a number of schools in our country, they have decided to make money by allowing the soda machines, the pop machines, from the largest manufacturers in this country to sell Coke and Pepsi and other soft drinks in the school hallways. You can buy not only a soft drink full of sugar, you can then buy, perhaps, a bag of Doritos to go with it in the middle of the afternoon at school. So what kind of message is that in a country in which a substantial number of the people—especially children—are vastly overweight and in which we, by the way, minimize physical fitness in our schools because we have become very obsessed—and necessarily so—we care now more about math and sciences and getting out of our school system more engineers, more people steeped in the maths and sciences. But should that be at the expense of physical fitness? What kind of a brain is walking around without a physical being to propel it? How about some physical fitness in our schools? How about moving soda machines or the soft drink machines and the Doritos and Cheetos out of the school hallways? Those things are just common sense. It is about personal behavior, and it is about what we do in this country.

By the way, the reason those machines are there is, if they can put machines in the hallways of schools, the companies will provide money to the schools. So that is how we are going to fund our school system these days—through soft drinks and chips? It does not make much sense to me.

With respect to this issue of personal responsibility and behavior, let me describe a meeting we held about a week and a half ago with the CEO of Safeway corporation. I know he has met with groups of Republicans and Democrats here in the Congress. He said something very interesting, and I am using numbers that I think approximate what he said. They may not be precise, but I believe he told us there are between 40,000 and 50,000 employees at Safeway corporation who are nonunion. He began a project with those 40,000 and 50,000 people in health care, and now he is beginning to try to move that into the union contracts.

Here is the project. That company says to its employees: I want responsibility for four areas in exchange for lower cost health insurance. We believe behavior is an important part of controlling health care costs. No. 1, if you have high blood pressure, we want you taking medicine to control your high blood pressure. No. 2, if you have high cholesterol, we want you taking medicine to control your high cholesterol. And I believe he said the company is paying for that. No. 3, if you are smoking, you have to have stopped or be on a program to stop. No. 4, if you are overweight, you have to be on a program to deal with that issue.

Cholesterol, high blood pressure, weight, and smoking—in each case, from a baseline of the cost of health insurance policies, those who are engaged in behavior that addresses these four issues have gradations of lesser costs for their health insurance premiums. In other words, it is about personal behavior and taking responsibility for addressing the things that can keep you healthy.

He indicated to us that they have had flat costs for 5 years in that body of employees dealing with this criteria in health care. That is a success. If that is the model he is using, saying: You have a responsibility.

By the way, even in their cafeteria, where they have partially subsidized company food during the lunch hours, just as an example, he said: We still serve unhealthy things. But we charge much, much more for it—once again trying to induce the behavior to take a healthy alternative.

So I think what Steve Burd, the CEO of Safeway, has suggested represents something we need to consider as we write our health care legislation.

There is another element that was brought to my attention recently and I think has been brought to the President's attention and Members of the Congress, and that is a New Yorker article written by Atul Gawande, a doctor from Harvard. He visited McAllen, TX, and El Paso, TX, and wondered why in one city you have the highest costs per capita for health care and why the other city is just average. What caused this? He has a lot of conclusions, and I think very interesting conclusions, about overutilization in health care, and the movement of doctors' ownership with respect to the business side of health care. The doctors' ownership in a cancer clinic, ownership in a new heart clinic, those kinds of things that he suggests promote substantial overutilization.

The fact is, in our part of the country, where it is reasonably sparsely populated—the northern Great Plains—almost every hospital of any size wants to have a cardiac surgical unit so they can do open-heart surgery. They do not all need to do that. In fact, it duplicates services, which then ends up costing more because you are duplicating services. But every hospital wants it. So many of our States have more than is necessary of cardiac surgical suites.

This weekend, I was reading about two hospital groups merging, and one of them indicated that one of the advantages would be they would be able to then perform perhaps procedures they do not now perform, citing especially heart transplants. Why would we want duplication of a lot of facilities doing heart transplants? It does not seem to make sense to me. There are not so many done in the United States that we should not at least try to suggest that you do not need too many heart transplant centers.

Some say: Well, then who should tell them they cannot do that?

Well, if you just decide that overutilization is all right; whatever it costs, it costs; whatever it pays, it pays, I think I can tell you that you

cannot solve this issue. Again, I am not suggesting government-run health care, but I am saying we ought to be reasonably smart about what we are doing, and that has not always been the case.

I wish to talk about one of the fastest rising areas of health care costs for a moment; that is, the issue of prescription drugs.

By the way, maybe they ought to tone down some of this advertising or knock it off. You get up in the morning and brush your teeth. If you have a television set near and have it on just for listening purposes, you are no doubt going to hear a commercial that says: Do you know what, you should go ask your doctor whether the purple pill is right for you. I do not know what a purple pill is, but they have described a purple pill that is going to do something for you, and they ask you to go ask your doctor if you should be taking the purple pill because you cannot get it unless a doctor thinks you need it.

We have massive amounts of advertising on prescription drugs in this country. In fact, some have indicated that the promotion and advertising and marketing of prescription drugs exceed research and development by the companies that manufacture prescription drugs. Frankly, for anything that is prescribed only by a doctor and capable of being prescribed only by a doctor, why do you have direct-to-consumer advertising? Most nations like ours do not allow it. I believe there is only one other of the industrialized nations that does—something to consider about perhaps reducing health care costs.

But I want to talk about the other side of prescription drugs.

Mr. President, if I might by unanimous consent show these two bottles.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Lipitor is one of the most popular prescription drugs in the United States, I believe, for lowering cholesterol. These bottles are identical. One is blue and one is red. They look identical because they are produced by the same company. It is produced in Ireland. Lipitor is produced in Ireland and shipped around the world. The difference between these two bottles is not the medicine inside. It is the same pill, made by the same company, in the same place. The difference is it is shipped to different places. This one is shipped to Canada, and this one is shipped to the United States. The U.S. consumer has the pleasure of paying twice the cost as the Canadian consumer. But it is not just Canadian. It is French. It is Italian. It is British. It is that almost every other industrialized country pays a fraction of the price we do. Why should the American consumer be charged the highest price in the world for this prescription drug? Because those who apply the price have the ability to do it.

Some of us—Senator MCCAIN, myself, Senator KENNEDY, Senator GRASSLEY—Republicans and Democrats—Senator SNOWE, especially, my cosponsor on the importation of prescription drug legislation—some of us believe the American people ought to have the ability and the advantage of the world marketplace to purchase that identical prescription drug—FDA approved, produced in an FDA-inspected plant—to be able to purchase it from anywhere in the world at a fraction of the price.

We put together legislation that dramatically improves the safety of our domestic prescription drug supply and the drugs coming in.

By the way, a lot of the prescription drugs we take are imported. Lipitor is imported into this country. The pharmaceutical industry—which has always opposed our legislation because they want to charge the highest prices in the world to the U.S. consumers—they say: Well, if you do this, if you allow Americans to import FDA-approved drugs, there is a greater possibility of counterfeiting. Our legislation actually will dramatically improve safety because we require pedigree—we do all kinds of safety mechanisms that do not now exist with respect to our prescription drug supply.

So my point is, this is not rocket science. Do you want to reduce health care costs? I would say to the Finance Committee, and the HELP Committee, make sure you put this piece in your legislation because some of the fastest rising costs in this country are prescription drugs, and we know how to solve that. If we pass the legislation Senator SNOWE and I have introduced, with broad bipartisan support, that allows the importation of FDA-approved prescription drugs by American consumers, it will require the pharmaceutical industry to reprice their drugs and allow our consumers to have fair prices for the prescription drugs they take.

By the way, our legislation is actually a winner. It is $50 billion dollars in cost savings and deficit reduction, according to the CBO evaluation.

So the fact is, there are a lot of things we can do and a lot of things that represent common sense. I know some will want to put together a health care proposal that would look like a Rubik's Cube with all kinds of moving pieces. It need not be that complicated. I just described some of the things we can do that represent common sense.

Let me make one more point. Medicare has been a very successful program. When Medicare was started, the fact is, they established a base funding for Medicare that represented the cost for health care delivery at that time from that place. The result is, those areas with the highest costs got the biggest reimbursements. And it is still true today that some of the States—including my State—measured with some of the highest quality of health care in this country get the lowest reimbursement because they are the most efficient. That is preposterous. Whatever we do on health care, it has to address that issue. Let us at least, after nearly 40 years, begin to decide we will not reward inefficiency and we will not reward higher costs.

I am not suggesting this is unbelievably simple; it is not. In many ways, I kind of wish we could hearken back to the old days, but in the old days we didn't have the medical miracles and the medicine we have now. In my hometown of 300 people—a small town—we did have a doctor. He came as a young man and stayed until he died, and he provided health care. There was no Medicare. He provided health care to anybody who needed it, and if they couldn't pay him, he would take some chickens or a hog or a side of beef. If he was out on a ranch or a farm and delivered a baby and they didn't have any money, and somebody else had money, he would charge a little extra to make up for the people who couldn't pay, so he administered his own health care system.

Then we couldn't look inside the human body. We didn't have the miracle medicines through the NIH and PhRMA and others that allow us to stay out of an acute care bed. We didn't have all of those things. So now health care has become much more complicated. According to the New Yorker magazine article, which I recommend to everybody, when we have decided to make health care a ''business proposition'' where you can get several doctors together and open a cancer center, that becomes something in which you promote overutilization. And it is happening in parts of our country. We need to be concerned about that and try to evaluate what can we do together to deal with it.

One final point. Some of my colleagues march to the floor every single day and allege that a bill that doesn't yet exist is going to be a government takeover of health care. Well, apparently they are clairvoyant, because we don't yet have a bill. When that bill exists, they have every right to come to the floor and describe the facts about the bill. One would hope in this debate we could stick to those facts, but there is not yet a fact that allows somebody to say there is a government takeover of health care, because there is not yet a bill out of either of our committees. There have been some introductions of topics and legislative proposals, but that is far different than a bill from a committee. We will have undoubtedly a robust debate on this, and we should. Health care is a very important element in this country's economy. It is growing, and growing too fast, and we need to deal with it to make sure all Americans have access to health care.

A sick child should not have to wonder whether they get to see a doctor depending on how much money their parents have in their wallet or their bank account. That is not what health care ought to be in this country. So we can and will do much better.

I indicated I wish to talk about the future threats to this country, one of which is the march of health care costs. The second, in my judgment, is our unbelievable vulnerability on foreign oil and energy. The third is deficits. I will talk about the following two in the coming days as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, the Presiding Officer wishes to speak for 5 minutes. I would be glad to speak after that. I ask unanimous consent that following the Senator from Virginia being recognized to speak for up to 5 minutes, then I be recognized to speak.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am not sure whether we are in a quorum call.

The PRESIDING OFFICER. We are not.

TARP RECIPIENT OWNERSHIP TRUST ACT

Mr. WARNER. Mr. President, I rise today to discuss bipartisan legislation that I am cosponsoring with my colleague Senator CORKER concerning the Federal Government's recently acquired ownership stake in a number of private companies.

I think we all know the taxpayers have been on a roller coaster ride for the past 9 months, and from their perspective, each twist and turn has left us more deeply invested in troubled markets and oftentimes troubled companies. Americans are concerned about getting their money back and want to keep politics out of how we manage these investments we have had to make over the last few months.

Last week, Senator CORKER and I introduced S. 1280, the TARP Recipient Ownership Trust Act. What will this bill do? Three very simple things. First, it will remove politics from our management of taxpayer investments in private companies. Second, it will ensure these investments are managed in order to maximize taxpayer returns. Third, it will allow us to plan for removing the government from the private sector by setting a date certain for selling these investments.

To achieve these goals, Senator CORKER and I are proposing that if the government owns more than 20 percent of a private company we place that ownership stake in an independent trust. This trust would be run with a fiduciary duty for taxpayers by three independent directors appointed by the President. These directors would agree to perform this work for free as a service to the country and in doing so would give the American taxpayers what they deserve: the upside of the massive investments they have provided over the past 9 months. The trust wouldn't be an open-ended ownership in these companies; the trust would have to sell all of these assets by the end of 2011, though they could ask for a brief extension if it were, again, in the interest of the taxpayers' return. In this way, taxpayers can know we won't own stock in these companies for the next 20 years. In practice, this means that taxpayer ownership of AIG, Citigroup, and General Motors would be managed in order to maximize the return on these taxpayer investments.

We have all seen how political and contentious the TARP program is becoming. I know back when we voted on this matter earlier this year how controversial it was. I still think it was unfortunate that we got into this circumstance but fortunately the right thing to do. While there are a lot of challenges about how we got into this program, if we did look around—actually, Steven Pearlstein of the Washington Post pointed out in an article recently that if 9 months ago, if 6 months ago, or even 3 months ago, back in the middle of March when the stock market was at its all-time low in terms of reacting to this crisis, any economist would have said by the end of June, would you be willing to look at a circumstance where the market was up 25, 30 percent—although it was a little bit down today—if many of the banks we had invested TARP funds in were actually trying to repay those TARP funds, and if we had seen the housing market, at least in many communities, start to stabilize, would we view that as a good outcome. Well, that is basically where we are. While we have enormous problems, we are seeing some progress. But one needs only to look at the number of TARP-related amendments that have been filed in the Senate in these past months. As a matter of fact, the leader was speaking today about the number of TARP amendments that could potentially be on the travel bill that we will have before us to know that this has become a lightning rod.

Some of the reasons for this concern are truly relevant and they are because the American people don't know when and how the TARP program is supposed to end. The American people, unfortunately, who invested in individual companies—some of the companies that now we have invested in—don't know how much we as the public will get back, or whether we, as the public investment, will politically interfere with the management of these companies. That is, again, why we need to implement this legislation Senator CORKER and I have laid out that will put these ownership shares in this independent fiduciary trust.

I don't support cutting off TARP right now or limiting the tools it currently provides the administration, including the limited reuse of money that is repaid to the government. TARP already has a sunset date after which more funds cannot be spent, and since markets are not back to normal, even though there is improvement, we shouldn't prevent the use of the tools we currently have. But we do need to set parameters for managing our investments and winding them down in order to take the politics out of this program.

American taxpayers deserve to have their investments managed in order to maximize their returns. That is what the trust will do, and I hope we will consider using this model for other investments as well.

This trust will also help us take some of the politics out of the TARP program, and that is why I am proud of this legislation as bipartisan and led by my friend from Tennessee, Senator CORKER. I hope my colleagues will join in supporting this bipartisan legislation, S. 1280, the TARP Recipient Ownership Trust Act. While this measure won't resolve all of our concerns surrounding TARP, I hope it can serve as a model to maximize the taxpayer returns on their investment.

Let me also take one additional moment to speak about another investment-related matter. Under the leadership of Senator JACK REED from Rhode Island, when the initial investments and the initial TARP plan were put together, Senator REED, I think appropriately, said if we invest in banks in addition to getting a traditional return, we, the public, who are taking these risks ought to see some upside potential for taking the risks in terms of warrants. Luckily, the Congress went along with that and we did receive warrants from a number of the banks we invested in. I personally am very happy to see that a number of these banks are starting to repay the investments the public made. However, there remains the question: What are we going to do with the warrants? Senator REED and I have asked Secretary Geithner a number of times, and we hope he would also consider placing these warrants into some type of independent trust as well so that, again, we, the taxpayers, can receive the upside of these investments.

We took the risks with these banks during these troubled times. I am happy to see these banks return these funds. However, for the banks to buy back or sell back these warrants at what I believe today is still a discounted price would not allow us, the taxpayers, to maximize our investments. So, again, I hope Secretary

Geithner responds to the requests that Senator REED and I have made in making sure that these warrants are appropriately put into the same type of independent fiduciary trusts that I am proposing for the private investments we have made under TARP.

I yield the floor.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CORNYN. Mr. President, health care reform is very much in the news and very much on the agenda of the Senate, as the American people know. So far, they have learned very little about how Congress plans to address what is broken in our health care system.

As the Presiding Officer knows, two committees in the Senate are primarily given the responsibility for writing a health care reform bill. Of course, the HELP Committee—the Health, Education, Labor and Pensions Committee—chaired by Senator KENNEDY, the Senator from Massachusetts, and the Finance Committee, chaired by Senator BAUCUS. The ranking member, of course, is Senator CHUCK GRASSLEY from Iowa. These two committees, as well as the President of the United States, are considering numerous proposals that deserve the careful attention of the American people and of Congress, because this legislation, however it turns out, could fundamentally affect the relationship between patients and their doctors as well as the relationship between the individual and our government.

In the Kennedy bill, which has been proposed and which is pending now before the Health, Education, Labor and Pensions Committee, there are several troublesome provisions. One, a government-run plan which would compete, allegedly, with the private sector. But as we all know, the government is the 800-pound gorilla, and there is no true competition when government is involved. In fact, one projection is that as many as almost 120 million people would ultimately find themselves in a single-payer, government-run system, because essentially the Federal Government would undercut those private health plans to the point where individuals would find themselves with no choice other than to have the government direct their health care.

Another troublesome provision is the so-called pay or play mandate. It goes without saying, almost, but I will say it anyway, that small businesses create the vast majority of jobs in America. Yet this proposal, I think mistakenly, would impose a punitive tax on small businesses that are unable to keep their doors open and provide health insurance for their employees. We want to allow small businesses to provide health care to their employees by bringing down the costs, and we have a number of mechanisms to do that. But the idea that we are going to impose a punitive tax on small businesses that do not provide a health care plan for their employees will destroy jobs, so people will not only be without insurance, they will be without jobs, period—a bad idea.

Third, the Kennedy bill would provide new Federal subsidies to individuals making as much as $110,000 a year—astonishing. At a time when we are looking at spending or borrowing as far as the eye can see and deficits up to $2 trillion, unfunded liabilities in the tens of trillions of dollars, there is actually a proposal before the HELP Committee that would increase the size of Federal entitlement programs and increase the tenuous position of this Medicaid Program which would then fund health insurance for people making up to $110,000 a year.

Fourth, the Kennedy bill would impose a medical advisory council.

I always get a kick out of the innocuous names given to some pretty sinister stuff up here. I would say it is sort of akin to calling the former Soviet Union's politburo an advisory council. In fact, this medical advisory council—comprised of unelected and unaccountable bureaucrats—would have the power to dictate personal health decisions.

I don't know anybody who thinks that is a good idea; certainly nobody I have talked to. This Kennedy proposal, with all due respect to our friend and colleague from Massachusetts, is chock full of bad care policies. The worst part of it is, they will not lower health care costs for people who have health insurance now. In fact, they will make our debt burden and the debt burden of our children and grandchildren much worse.

The price tag on government programs keeps growing and growing and growing here in Washington, DC. In fact, the President's proposal for his budget this year projected a ''downpayment on health care reform.'' Well, I have told people that where I come from we don't make downpayments on something unless we know exactly what it is we are buying. So far the American people don't know what they are being asked to buy.

Indeed, the other part of that—and this just staggers my imagination—is that we already spend almost twice as much as the next closest industrialized nation on health care per capita. We spend roughly 17 percent of our economy—our gross domestic product—on health care. Why does anybody think it is a good idea to spend even more? If we were getting a good value for that spending, that would be one thing, but we know this current level of spending is full of fraud and waste and other problems. So why in the world would we want to make matters worse by spending more money on top of a flawed health care delivery system?

Talking about money—and I know it is hard to imagine how much we are talking about—it used to be that $1 million was a lot of money; then a billion dollars seemed like a lot of money—and it is—and now we are sort of becoming increasingly immune to these big numbers when people talk about trillions of dollars and more. For example, earlier this month, the proposal that Senator KENNEDY made—that is pending now in front of the Health, Education, Labor, and Pension Committee—was scored by the Congressional Budget Office, which is responsible for giving us good numbers in an impartial, nonpartisan way, so we can make sound policy decisions. They said the Kennedy bill would cost more than $1 trillion over the next 10 years. The problem is, that was only for part of the bill. In other words, that was not the complete cost of the bill proposed by our friend and colleague from Massachusetts, Senator KENNEDY.

To make matters worse, the Congressional Budget Office said the bill would only cover one-third of the uninsured. Ironically, it would ultimately chase millions of people off the insurance coverage they have right now. So it strikes me as a very bad answer to a very real problem.

Last week, we also learned of the Congressional Budget Office's estimate for the Senate Finance Committee proposal—the second committee that is dealing with health care, and the committee on which I am privileged to serve. Here again, the Congressional Budget Office—the number crunchers, the folks with the green eyeshades who try to call them as they see them so we can take that into account in determining policy decisions—said the proposal coming out of the Finance Committee would cost $1.6 trillion more over 10 years. So on top of the 17 percent of our gross domestic product, we are talking about proposals that would spend $1 trillion to $1.6 trillion of additional money on top of a broken system.

Well, two things are becoming increasingly clear so far; that is, it seems like there is less concern in Washington about lowering health care costs than shifting those costs to the taxpayers. The costs related to a Washington takeover of health care keep going up and up. You would think these huge price tags would convince some folks in Washington we ought to call a time out, to back up and come back with a different idea. You would think it would cause Senators and Congressmen and other leaders here in Washington—the President—to come up

with a new approach, to be open to different alternatives where we could actually lower costs, not only for the taxpayers but for small businesses and individual consumers. Instead, we see proposals coming out of the White House and the Halls of Congress calling for more spending and more debt.

Of course, one thing that happens around Washington when people don't like the news being delivered by nonpartisan agencies, such as the Congressional Budget Office, is they try to shoot the messenger. Last week, Speaker PELOSI accused the Congressional Budget Office of providing misleading analyses of health care reform bills. I don't believe that is the case. I actually believe the professionals at the Congressional Budget Office are doing very difficult but unpopular work. They are speaking truth to power here in Washington and making the folks who would pass these enormous unfunded bills and impose this huge debt on generations hereafter somewhat unhappy. But I think they are doing an important service by telling us the facts.

Last week, I commended the Director of the CBO—Dr. Doug Elmendorf—for saying that CBO will ''never adjust our views to make people happy.'' God bless Dr. Doug Elmendorf for his integrity and his commitment to telling the truth. We need to learn how to deal with the truth, not try to remake it or cover it up.

The second part of these proposals that causes me grave concern is this notion that we actually need to spend more money in order to be able to save money in the end. We need to spend money to save money. I know the distinguished occupant of the Chair had a very successful business career, and maybe that is true in the private sector—sometimes you have to invest money in order to make money or save money later—but I can't think of a single Federal Government program where that worked—you have to spend more money in order to save money. It does not happen around here.

Let me cite somebody who perhaps is certainly more authoritative than I am: Professor Katherine Baicker of the Harvard School of Public Health. She said:

> Universal insurance is likely to increase, not reduce, overall health care spending.

Professor Baicker predicted months ago what the Congressional Budget Office has recently concluded. The Congressional Budget Office said:

> By themselves, insurance expansions would also cause national spending on health care to increase, in part because insured people generally receive somewhat more medical care than uninsured people.

The Washington Post recognizes this as well. In an editorial this morning, it said:

> It is quite likely that any legislation that emerges will create a hugely expansive health-care entitlement with no guarantee of the upward cost spiral being slowed.

The Post also said:

> . . . given a national debt already growing out of control and the risks that health-care costs won't be controlled, you may worry about taking on a large new burden ($1.6 trillion over 10 years . . .).

I think that is exactly right. That is what makes people anxious about what they hear coming out of Washington under the name of health care reform.

I think it is fair to say that the ''spend more to save more'' thinking is what resulted in the wasteful and counterproductive stimulus bill that was passed earlier this year—a bill that we got on our desks—the conference report—at 11 p.m. on a Thursday night and were required to vote on less than 24 hours later, when virtually no one had even had a chance to read it. I was comfortable with my vote, because I voted against it, for many reasons but one of them being I didn't know exactly what was in there.

The stimulus bill was a very partisan bill, passed over the nearly unanimous opposition of congressional Republicans. But we were told something along the lines of what we now hear: Spend more to save more. We heard that spending was good, for its own sake, and that borrowing and spending was the quickest route to economic recovery. We were told we had to rush through this binge of spending—borrowed money—or else unemployment would rise to over 8 percent.

Well, the results are in, and they are not very good. The national unemployment rate is now 9.4 percent—not 8 percent. In many States, it is well into double digits. A lot of stimulus money has been simply wasted, and the bulk of it is stuck here in Washington.

I think what we ought to do is take it and return it to deficit reduction, so we can, hopefully, lower the burden we have imposed on our children and grandchildren under a ruse, under the pretense that we were actually going to use that money to get the economy back on track. It hasn't happened. While we are seeing some so-called green shoots of the economy beginning to spring up, with improved results on Wall Street, we know unemployment is very high and we are not out of the woods yet.

Indeed, we are looking at the prospect of runaway inflation, unless the Fed does a very tricky balancing act as it contracts its balance sheet and unwinds a lot of lending it has done in the past. Because one result is that as the economy improves, inflation will be a great risk. Of course, the Fed has a tough balancing act to play, because if they crank up interest rates too soon, it may well kill the recovery and we will be back in the position we find ourselves in now.

The bottom line is, we can't spend more to save more. It didn't work in the stimulus bill, and it is not going to work when it comes to health care. Proponents of a so-called public plan or government plan—what I call a government takeover, or Washington takeover of health care—are saying that it works as well as Medicare at keeping costs low. As a matter of fact, that is the model they started out with. They said: Medicare for all, until they realized that wasn't a very good example because of the fiscal unsustainability of Medicare spending that we see now with tens of trillions of dollars in unfunded liabilities and also the fact that a lot of Medicare beneficiaries, while they have the promise of coverage—of Medicare—they can't find a doctor to see them. Medicare rates are so low that many physicians—for example, where I live, in Travis County, in Austin, TX, only 17 percent of physicians will see a new Medicare patient because reimbursements rates are so low.

We need to fix Medicare, yes, but we don't need to take the current broken system and blow it up and make it the system for 300 million people and consider that we have done our job.

I mentioned the $38 trillion in unfunded liabilities. It is estimated Medicare will go insolvent in the year 2017 unless we do something about it. In fact, many beneficiaries of Medicare know it is inadequate alone, so they buy supplemental policies. Medicare forces many providers, as I mentioned, to limit the number of patients they accept because reimbursement rates are so low. Here is another part of why Medicare is a bad model. The Washington Post estimates that $60 billion of taxpayer money is stolen or wasted or lost to fraud in Medicare each year. Surely, we need to fix that problem.

Senator MARTINEZ and I have introduced legislation that we believe will cut that figure down dramatically and make sure more of that money goes to treat Medicare beneficiaries rather than being stolen or defrauded by some unscrupulous health care providers.

Medicaid only works as well as it does because of cost shifting to people with private insurance.

Economists will tell us that cost shifting occurs when a health care provider accepts low government reimbursement rates but can only do so if it anticipates collecting higher rates from those with private insurance. This cost shifting acts like a hidden tax on millions of American families and small businesses. One respected actuary estimates that cost shifting increases the average American family's health care premium by more than 10 percent or $1,500. That means those listening who have private health insurance, their family will pay $1,500 more each year because of this cost shifting phenomenon because Medicare and Medicaid reimburse at below-market rates. So those are hardly a model for what we ought to be doing. Adding another new government plan on top of

the ones we have, of course, will only increase the costs. We will never lower health care costs by putting Medicare all in place or what some might call Medicare on steroids. We need new approaches.

Mr. President, there are better alternatives. We have a bill that has been proposed by Senators BURR and COBURN on our side of the aisle. Several members on the Finance Committee, including myself, are working on a proposal that will empower patients and consumers, and not the government; that will not get between doctors and patients and will not rely on denying or delaying access to care in order to keep costs down. We believe innovation is one of the things that has made health care in America among the greatest in the world, and that is why we believe we need to retain, protect and nurture that innovation and that quality health care: to empower patients to use a market that plays by the rules to help lower their costs.

I have seen that as recently as a few weeks ago in Austin, TX, when I visited with a number of employees of the Whole Foods Company that is headquartered in Austin—a grocery company—where these workers have health savings accounts or high deductible insurance. They call them wellness accounts. I was told that 80 percent of the employees at Whole Foods don't have to pay any money out of pocket for health care. Since they have wellness accounts, or money they control, they have been empowered to become good, smarter consumers in health care.

So they will call health care providers and say: How much are you going to charge me for this? They will shop and compare different providers to make sure they are getting the best price for the best quality outcome. I think that kind of thing, which imposes market discipline but which requires transparency, is one way we can hold down costs and empower individuals rather than just turn it all over to Uncle Sam.

Let me say, in conclusion, we keep hearing we must put health care reform on the fast track in Washington, DC, although we see the schedule slipping because of the sticker shock at the huge numbers coming out of the CBO. I have told folks back in Texas that we know the train is leaving the station, but we don't yet know whether that train will safely arrive with all of its occupants healthy and alive or whether what we are witnessing is, in essence, a slow-motion train wreck in Washington, DC.

The more the American people learn about what is in these bills and how much they cost, they will want us to slow down so we can make better decisions and we can get this right.

I think we owe them that. I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are to report the pending legislation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TRAVEL PROMOTION ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1023, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

Pending:

Reid (for Dorgan/Rockefeller) amendment No. 1347, of a perfecting nature.

Reid amendment No. 1348 (to amendment No. 1347), to change the enactment date.

Reid amendment No. 1349 (to the language proposed to be stricken by amendment No. 1347), to change the enactment date.

Reid amendment No. 1350 (to amendment No. 1349), of a perfecting nature.

Reid motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions.

Reid amendment No. 1351 (to the instructions on the motion to recommit), to change the enactment date.

Reid amendment No. 1352 (to amendment No. 1351), of a perfecting nature.

Reid amendment No. 1353 (to amendment No. 1352), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the legislation that is now the business of the Senate, on which we will have a cloture vote at 5:30, is legislation that probably demonstrates that agreement is near impossible in this body.

If you cannot agree on tourism, what can you agree on? Tourism ought not to be the subject of very substantial controversy. Yet it is.

Last week, in an article in Roll Call, it says ''Senate GOP still saying no.'' The quote is:

When they bring bills up, we are going to extend the debate as long as we can, block everything.

So this legislation is simple, and it is bipartisan. Republicans and Democrats have both supported this legislation. I was the author of it. We have Republican and Democratic cosponsors. It is the Travel Promotion Act. Why should we promote travel?

If you watched the U.S. Open Golf Tournament today, you might have seen the country of Turkey advertising during that golf tournament. They were running an advertisement saying: Come to Turkey. We want you to travel to Turkey and see the wonders of our great country.

Why would they do that? Most countries are now aggressively involved in trying to attract international destination tourism to their country. Why is that the case? We know on average that an international traveler spends about $4,500 per trip, and that means they are purchasing hotel rooms and car rentals and going to see exhibits and parks and all kinds of things. The fact is, it is job creating in a country where international travelers visit. So most countries are now very active trying to attract people to their countries. Japan is, as are Great Britain, Italy, Turkey, France—you name it.

I have some charts. Here is an example of what is happening out there. This is an advertisement: ''Sweet secrets from Japan.'' To learn about Japan and its culinary arts and traditions, this is an advertisement saying: Come to Japan. Come and travel in the country of Japan.

Here is an advertisement from France. Picasso, Normandy Landings. Come and see France with the Eiffel Tower.

Here is one for Belgium. ''Travel to Belgium where fun is all in fashion,'' they say.

Brussels, ''Sophisticated simplicity, the capital of cool.''

This one says: ''One special reason to visit India in 2009. Any time is a good time to visit the land of Taj. But there's no time like now.'' Come to India.

The list goes on and on.

Here is Ireland. ''The Emerald Island. Go where Ireland takes you.'' And here is a beautiful picture of Ireland saying: Come to our country.

Finally, we have Australia. ''Arrive for an experience to remember. Depart with an adventure we'll never forget.'' Come to Australia.

I describe these and the fact that Turkey advertises on a golf tournament because here is what happened to visitors to the United States since 2000: Between 2000 and 2008, we have had a 3-percent decrease in visitors to our country from other countries. Mr. President, 633,000 fewer people have come to the United States to visit per year that existed in 2000. Over 8 years, we have actually lost ground and had fewer people visit the United States. Contrast that with the number of international visitors around the world, which is up 40 percent. The United States is down 3 percent.

We have constructed—Republicans and Democrats together—a piece of legislation, which I have brought to the floor, that attempts to get our country into the game to say let's compete with Australia, France, Italy, Turkey, and Belgium and ask international visitors and travelers to come to our country to see the wonders of our great country. Spend some money here to create jobs here and create economic development here. We are not doing that now. We are not even in the game.

So we suggest a private-public partnership we believe could be very helpful in attempting to stimulate international visitors to our country. The Travel Promotion Act will encourage visitors from all around the world. We establish a corporation for travel promotion.

We fund it with a very small charge on international visitors coming to our country, as most countries do, by the way, a $10 fee on those who are coming from the countries that had the visa waiver provision with our country.

Here is what has been said about our country recently, and here is perhaps why fewer people are visiting the United States. The Sydney Morning Herald said, ''Coming to America is not easy.'' I think there was a feeling around the world post-9/11, we are very interested in trying to keep some people out of here. Obviously we wanted to keep terrorists out. But we made it pretty difficult for people to come visit, get a visa, stand in line, wait for months. The Guardian said, ''America, more hassle than it's worth.'' The Sunday Times in London says: ''Travel to America? No thanks.''

So a group of us, a large group, over 50 in the last Congress, put legislation together saying: Let's find a unique way to promote our country. We put together the Travel Promotion Act. And by the way, unlike almost every other piece of legislation that comes to the floor of the Senate, that costs money and would increase the deficit if not paid for, the Congressional Budget Office says: Enacting this bill would reduce budget deficits by $429 million—that is almost a half a billion dollars—between 2010 and 2019. So this would reduce the budget deficit. We are not talking about something that spends money. This reduces the budget deficit over 10 years by nearly $500 million.

We fund this, in large part, with a small $10 fee from the visa waiver countries in which visitors are traveling to our country. As I have described, Australia has a $37 departure fee; Guatemala, $30; the Philippines, $15; United Kingdom, $80 to $160. The fact is, this goes on all around the world. We are proposing a very modest fee on visitors from visa waiver countries.

Newspapers all across this country have supported this. Dallas Morning News: The Travel Promotion Act is a sensible first step toward putting the welcome mat back on America's doorstep.

The Detroit Free Press: Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come here and leave us some of their money? There is no good reason not to pass this bill.

The Los Angeles Times: Considering that the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results, and nearly nothing promoting tourism, we might do well to invest a little money in wooing travelers.

The Sacramento Bee: This country needs to reclaim its status as a global magnet for visitors, even in the post-9/11 climate. And Congress could help by passing the Travel Promotion Act by the end of this year.

This ought to be something that we bring up and almost pass by unanimous consent. Guess what kind of a tortured journey this bill has been on. First and foremost, the bill is reported to the floor—and you have got to have a motion to proceed. You cannot just bring it to the floor. If someone insists, no, no, you have got to have a debate and then a vote on whether you should even proceed to the bill.

So we did. Not because we should have had to do that, just because someone said: You know what, we are going to decide to be a human set of brake pads and slow down everything that happens in the Senate and prevent anybody from getting anything done.

So on a travel bill, the Travel Promotion Act, that actually reduces the Federal budget deficit and tries to attract international visitors to our country, which would be a good thing—there is a lot here to see and experience, and almost everyone who leaves after visiting the United States of America has an unbelievably good opinion of what we are about. This is a great country, yes, with a lot of attractions, but a country whose culture and character is something we need to exhibit to everybody in this world to say: Here is who we are. Here is what America is about. Here is the grand idea that is the most successful democracy in history. Come here. Visit here. Become a part of what we are experiencing on your international travels.

We are not doing that now. But we suggest we should. The bill that is broadly bipartisan to do that is to be brought to the floor of the Senate. We are told: No, you cannot do that. First you must have a debate, and then a vote on the motion to proceed.

So we have to file what is called a cloture petition, which takes 2 days to ripen. You lose 2 days. Then we have a vote. And the vote is 90 to 3 in favor of it. The implication there is we should not have had to have a vote and waste a couple of days. But we did.

Then, after the cloture vote, 90 to 3, we were told: No, you cannot go to the bill yet, there is 30 hours postcloture, and we insist on burning all 30 hours postcloture.

We had 2 days for the cloture petition, then a 90-to-3 vote, then we had 30 hours wasted time postcloture. Why? Because someone insisted upon it. And so now all of a sudden we are on the bill.

Well, last Thursday and Friday, I worked, Senator REID worked, and many others worked to see, all right, we are on the bill. Now can we figure out what kind of amendments are going to be offered.

We had a discussion over there in the middle of the aisle with Senators MCCONNELL, REID, MARTINEZ, and others. We agreed we would begin with amendments on each side. Perhaps we started with three and two, then we said five amendments on the Republican side and three amendments here at least to start the process.

Can you give us a list of your amendments? We got a list of the amendments, five amendments on what is called the TARP program, the Troubled Asset Relief Program, having nothing at all to do with this bill. We said: That is fine. Okay. You want to have five debates and votes on TARP. Okay.

Here are our three amendments, two of which had to do with the studies. The other was an amendment by Senator SANDERS that said to the Commodity Futures Trading Commission that we want them to use all of the authority they now have, plus any emergency authority, use the authority you now have to start finding a way to shine the light on these unbelievable speculators who are running up the price of gasoline. Not a very controversial amendment. It does not give the CFTC any new authority. It deals with the question of the runup in the price of gasoline. It does not give anyone any new authority. But the Republican side said: Nope, we are not going to allow you to offer that amendment. We are going to tell you which amendments we intend to offer. We said, okay, that is fine, whatever amendments you have, God bless you, go ahead and offer them.

But they say, but you cannot describe to us a set of amendments, three, five to three, and if the three includes an amendment to try to see if you can shut down some of the excess speculation using the authority that the Commodity Futures Trading Commission now has, we are not willing to do that.

Most people would listen to all of this and say, it is the same old thing. Nobody can agree on anything. But, you know, in every circumstance where there is disagreement, there has to be someone who is holding out. Right? We come to the floor today without an

agreement on amendments, so the majority leader had to file a cloture petition. We have a cloture vote at 5:30 today.

This Congress cannot even agree on tourism, for God's sake. Unbelievable to me. How dysfunctional can a legislative body become? You cannot agree on tourism.

But let me at least talk for a minute, before I talk about the importance now of having a cloture vote and requiring to have a cloture vote on this, let me talk about what the other side objects to with an amendment that my colleague wants to offer. I agree that the amendment does not relate to the bill, but their first five amendments had nothing to do with the bill either. So why should the minority be telling the majority what kind of amendments they can offer?

But here is the amendment. People remember when the price of oil went from about $40 up to $147 a barrel in day trading; went up like a Roman candle, then came right back down. The same hotshots, the same speculators, who made a fortune pushing up the price of oil, made a fortune on the upside, the same folks made a fortune on the downside. The victims are the people who drive up to the gas pump having to pay $4, $4.50 for gasoline.

Let me show you what has happened. The Commodity Futures Trading Commission—I mean nobody knows what that is much outside of Washington, DC, CFTC. We have all of these acronyms. Well, it is a group of people who have done their level best imitation of a potted plant for a long time. They decided to do very little in areas where much was needed.

The oil futures market is a very important market. You need to hedge, we understand that. The futures market is established for a very specific reason, and it is an important market. But speculators have broken the back of that market. Here is what happened. Thirty-seven percent of the trades in the oil futures market were by speculators in 2000. Now it is 80 percent. That is what caused the price of oil to go up to $147 a barrel. They were speculating on the way up; they turned it and were speculating on the way down and made money on both sides.

Before I show what has happened to the price of oil now—by the way, it is starting again. Demand is down because of the recession, and the supply of oil is up, and the price is going up.

What does that tell you? It tells you the same shenanigans are going on. And the CFTC, which is supposed to be our agency, that is the referee with the striped shirt and the whistle, supposed to be watching what is going on and taking action to shut some of it down, once again, not much going on. Senator SANDERS says: We ought to ask them, at least ask them, to use all of their authority to shut it down.

We have a government agency called the EIA, Environmental Information Administration. It costs about $100 million a year, actually over $100 million a year. Their job is to know everything there is to know about energy, and to make the best estimates they can make. I want to show a chart that shows the runup to the $147 a barrel for oil.

This chart shows 2007–2008. The yellow line is the estimates by our agency, the EIA, saying: Here is where we think the price of oil is going. Each yellow line—this, for example, is January 2008. They said: Here is where we think the price of oil is headed. March 2008: Here is where we think it is headed. Of course, this was the price.

One would ask the question, and reasonably so: Who are these best informed people at EIA who are supposed to give us an estimate of what is going on? Well, what is going on now? What we see now is an EIA projection made in January of this year, the yellow line.

The EIA says: Here is where we think oil is going to go now. But, of course, anybody who drives a car and has stopped at a gas pump recently understands what is happening to the price of oil. The price of oil is something now over $70 a barrel, on the march from $37 a barrel. That is happening at a time when demand is down and supply is up.

I taught economics in college ever so briefly. But the supply-demand curve is something you can learn the first day. When supply is up and demand is down, price is not supposed to go up. If it is going up, there is something wrong. There is something happening. And that is what is happening now.

Where will it go? Will it go to $90? I notice one of our big investment banks thought it would go to $90. I would love, if I had subpoena capability, to find the position that investment bank was holding in oil futures as they made that announcement. But that is an aside for another day.

The question is: Is it reasonable to have an amendment by Senator SANDERS to say: We want the Commodity Futures Trading Commission to use all of their authority to try to understand what is going on? The other side says: Absolutely not. We do not intend to allow you to offer that amendment.

I mean, I do not understand why. Whose interests would they be supporting or protecting? The speculators? Big investment banks? Those who are holding oil offshore in ships? Those investment banks that actually have bought oil storage for the first time in history to take oil out of supply and store it, and wait as the price goes up and make money? Is that whose interests are at stake here?

Let me come back to the point I was making. We tried very hard Thursday and Friday to reach an agreement on amendments on both sides. We said: Absolutely. You want amendments. You want all five amendments on the TARP program? It has nothing to do with the bill. By all means, feel free. Start offering. We are ready. And the other side said: Well, you give us all we want, but we do not intend to agree to much of anything you want, kind of a one-way agreement that they would have known was destined to fail.

Again, I do not understand how we have gotten to a point on a piece of legislation that should be so noncontroversial, sufficient so that with a 90-to-3 vote on the motion to proceed, it is brought to the floor of the Senate, a bill that had over 50 cosponsors last year here in the Senate, a bill that deals with travel and promotion of travel and tourism, that we now have this unbelievable impasse.

We had to have 2 days with a cloture motion on a motion to proceed that passed 90 to 3 and then have 30 hours postcloture. Then we were going on this merry-go-round last Thursday and Friday with an absurd proposition that the minority wants to decide what amendments the majority can have, despite the fact that the majority says: You can have whatever amendments you want. They must have missed the last couple of elections. They apparently think they run the Senate.

What runs the Senate is consensus—consensus by people who care about getting things done on important issues. If you cannot do something on tourism, how on Earth are you going to do something on health care and energy and climate change and a lot of things that matter a lot about this country and the future? If you cannot do a tourism bill, what can you do? It is pretty unbelievable to me.

I know we can have people come and explain, even until they are completely out of breath, why they object to everything. I just described: Senate GOP still saying no. Democrats need to know when bills are coming up, we are going to extend the debate as long as we can—on and on and on.

How about just picking out one or two little issues—one or two issues—that would advance the country's interests and say: Do you know what, on this issue we will just park the politics at home. We have to leave the politics back in the office. We will come to the floor and say: What is good for the country?

I will tell you what is good for the country here on this issue; that is, in a very troubled world, where a lot of people have looked askance at this country and we have gotten some bad reputation around here and there—and some bad information about America—I will tell you what is good: to have people come to this country and just be around for a bit and experience this great country of ours and understand when they hit our shores this is a citadel of freedom. You can do everything you want.

This is an unbelievable place, and we need people in the world to understand it and to understand especially this: You are welcome to come here. We want you here. We want you to come and see and sample and understand what America is about. That is what this bill is. If we cannot even agree on that, how on Earth will we agree on the big issues of the day?

We will have a cloture vote at 5:30. My guess is, the minority will say: We believe this vote needs to be a leadership vote. All of you have to vote against cloture because we haven't offered the first amendment. Do you know why you have not offered the first amendment? Because you would not agree on anything. We tried Thursday. We tried Friday. You would not agree on anything. We agreed on all your amendments, and you would not agree on a thing. So here we are—I and my Democratic and Republican cosponsors on this bill we have worked on now for 2 years—coming now to a cloture vote in which some will say to others: You can't vote for cloture because we haven't had any amendments.

I hope perhaps between now—10 to 4 o'clock—and 5:30, if there are well-meaning people in this Chamber who really wish to make progress for our country, we could have an agreement on amendments and then just go forward. Let's do that.

I was there when Senator REID said to the minority leader: Look, let's just at least start. We do not have to have a whole list of all the amendments. Let's just start. If you want the first five amendments—whatever it is you want—bring them on. We will have the amendments. And we will give you three of ours. Let's just start the process.

We could not even get that done Thursday and Friday.

The American people deserve better than that from all of us. They deserve a Senate that works. And if the Senate cannot work on bipartisan legislation dealing with tourism, can you name a subject where it will work?

My hope is that in the next hour and a half, perhaps some will come to the floor who have the interest and the ability to reach an agreement, so we can begin the amendment process and finish the bill this week. We can do that. We should not defeat this cloture motion. In fact, we should vitiate the motion—if we could get the leadership of the other side to come to the floor and say: We agree with what you proposed last week.

Let's start. Let's start now. Let's have some amendments tonight and have some votes. We can do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

COLOMBIA FREE TRADE AGREEMENT

Mr. KYL. Mr. President, next week President Uribe of Colombia will be meeting with President Obama at the White House. I hope this meeting will serve as an opportunity to get the Colombia Free Trade Agreement back on track.

I support the Colombia Free Trade Agreement because of its importance to Colombia but also because I think it is important for U.S. firms to gain access to the markets of fast-growing developing nations abroad. Our economy will revive only if we create jobs. Enacting this Colombia Free Trade Agreement will help to do that.

America's two-way trade with Colombia reached $18 billion in 2007, making Colombia our fourth largest trading partner in Latin America and our largest export market for U.S. agricultural products in South America.

Exports are the only major sector of the private economy actually making positive contributions to U.S. economic growth. In my own State of Arizona, nearly 80 percent of all of our manufactured goods were exported. On average, net exports added more than 1 percentage point overall to our economic growth last year, in part offsetting the negative consequences of the housing downturn. So if U.S. manufacturers and farmers were not able to sell their products abroad, the current economic downturn would be much worse.

Enacting the Colombia Free Trade Agreement would help more than 10,000 U.S. companies that export to Colombia, 8,500 of which are small and medium-sized firms, by opening a significant new export market.

America's market is already open to imports from Colombia. In 2008, for example, over 90 percent of U.S. imports from Colombia entered the United States duty free under our most-favored-nation tariff rates and various preference programs, such as the Andean Trade Preference Act and the Generalized System of Preferences. However, more than 97 percent of U.S. exports to Colombia are subject to duties that range from 14 to 50 percent. Once the agreement is approved, over 80 percent of U.S. consumer and industrial exports to Colombia will enter duty free. So each day Congress does not approve the Colombia free-trade deal, the U.S. exporters pay $2 million in unnecessary tariffs.

Let me review very briefly the events of the past 2 years to understand the current state of affairs.

On May 10, 2007, Democrats and Republicans agreed to a framework that modifies future trade agreements to include provisions improving labor and environmental standards in order to move the Peru, Colombia, and South Korea free-trade agreements.

After the Peru Trade Promotion Agreement was signed into law in December 2007, Democrats broke the deal with us in order to extract more concessions. This time, they said that in exchange for passing the Colombia Free Trade Agreement, the Bush administration would need to accept an expansion of TAA benefits by increasing the refundability of the health care tax credit from 65 to 80 percent, expanding the TAA eligibility to service workers, and doubling the mandatory funding for worker retraining from $220 to $440 million.

When the Bush administration tried to jump-start the process last year by introducing the Colombia Free Trade Agreement, Speaker PELOSI responded by unilaterally rescinding Colombia's fast-track authority, essentially killing any chance of moving the agreement.

We missed another opportunity to enact the Colombia Free Trade Agreement on the stimulus bill. Although the majority did find room to enact a multibillion-dollar trade adjustment assistance expansion—that is what T-A-A stands for—which was considered a prerequisite to any additional free-trade agreement, now that it is the law, we are not moving forward on the Colombia Free Trade Agreement.

Interestingly, the President's budget would permanently extend trade adjustment assistance at a cost of $4.6 billion over 10 years. But it does not include one dollar to implement any of the pending trade agreements such as those with Colombia, Panama, or South Korea.

I urge my colleagues to use President Uribe's visit as an opportunity to move forward and renew this Nation's commitment to trade not only to assist an important American ally that needs our help but to enact a true stimulus bill that will promote American manufacturing exports and create badly needed jobs. I ask that we get our staffs to begin working together to develop a plan to ensure passage of the Colombia Free Trade Agreement.

Finally, let me respond briefly to Democrats' charges that Colombia has not done enough to protect human rights. The Colombian Government has demobilized and brought to justice over 31,000 members from 35 paramilitary groups, principally from the AUC or the United Self-Defense Forces of Colombia. In addition, more than 10,500 members of the far-left insurgent groups FARC, the Revolutionary Armed Forces of Colombia, and ELN, which is the National Liberation Army, have chosen to demobilize, individually leaving their units and turning themselves in to Colombian authorities. The Colombian Government is also providing protection to over 10,600 individuals. The largest protection program is run by the Ministry of Interior and Justice and provides protection to more than 9,400 individuals, including 1,900 trade union members. Of the program's $39.5 million budget, one-third—over $13 million—goes to protect trade unionists. As a result,

President Uribe has improved the security situation in Colombia dramatically. Kidnappings are down by 83 percent, terror attacks are down by 76 percent, homicides have decreased by 40 percent, and homicides against trade unionists have dropped by twice as much—over 80 percent.

This is important progress by the Government of Colombia. It is an important ally of the United States. It deserves our support. And, as importantly, exporters in the United States deserve congressional support, enabling them to export their products without the kinds of barriers that currently exist.

The trade agreement is in our best interest, and I hope my colleagues will insist that very soon we get the Colombia Free Trade Agreement back on track so this important legislation can pass the Congress, be signed into law, and begin to help our economy generate jobs and stimulate economic growth. It is an important agreement that has languished far too long, and we need to get it moving again.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

HEALTH CARE

Mr. MCCONNELL. Madam President, as the debate over health care reform continues, a number of different approaches have now emerged. But one thing unites us: All of us agree health care reform is needed. The question is, what kind of reform—a reform that cuts costs and expands access or a so-called reform that leads to a government takeover where premiums are increased but health care is delayed, denied, and rationed? The American people want reform, but they want reform that allows them to keep their current insurance while preserving the freedoms, choices, and quality of care they now enjoy. That is why Republicans have proposed a series of reforms to lower costs and improve access, without—without—destroying what people like about our current health care system.

As it turns out, President Obama has said he is open to some of the ideas Republicans have put forward, such as the need to reform our medical liability laws to discourage junk lawsuits and the need to encourage wellness and prevention programs that have proven to be effective in cutting costs and improving care. In fact, during a speech last week to the American Medical Association, the President discussed one particular wellness and prevention program at the Safeway supermarket chain, which has dramatically cut that company's health care costs and employee premiums. The President even said he would be open to helping businesses across the Nation adopt wellness and prevention programs such as the Safeway plan. Yet the bill the Democrats are trying to rush through the Senate would actually ban this program from being copied and implemented by other companies. That makes absolutely no sense.

All last week, we heard eye-popping cost estimates for health care proposals coming out of Capitol Hill—proposals that wouldn't even solve the entire problem but would bury us deeper and deeper in debt. If the goal is to decrease costs, why wouldn't Democrats in Congress support a plan we know has been effective in doing so—especially if the President himself supports it? One would think this would be an easy bipartisan feature of any Democratic plan.

According to Safeway CEO Steve Burd, Safeway's per capita health care costs have remained flat even as the per capita health care costs of most American companies have increased by nearly 30 percent since Safeway implemented its wellness and prevention plan back in 2005.

Safeway's plan has also reduced the health care costs for employees and their families by offering incentives for workers who adopt healthier lifestyles. Those employees who choose to participate in the plan are tested for tobacco usage, for a healthy weight, and for their blood pressure and cholesterol levels. Employees who pass these tests are given discounts on their premiums.

For example, if employees pass all four tests, their annual premiums are reduced by $780 for individuals and $1,560 for families. If employees miss their goals the first time, the company provides support for improvement and financial incentives for those who make progress.

All of this makes health care more affordable, and it also helps to improve the health and quality of life of Safeway's workers. The company's obesity and smoking rates are now about 70 percent of the national average, and employees like the plan so much that 76 percent of them want more incentives that reward healthy behavior.

Safeway executives estimate if the United States had adopted its approach in 2005—4 years ago—the country's direct health care bill would be $550 billion less than it is now—if we had simply adopted the Safeway approach 4 years ago.

The Safeway program has proven so successful that the company wants to increase its incentives for rewarding healthy behavior. Unfortunately, current laws restrict it from doing so, but instead of offering legislation that corrects the problem, the so-called reform bill being pushed through the HELP Committee would do the opposite. It would actually prohibit companies from implementing the Safeway program.

Let me repeat that: The bill that is currently being pushed through the HELP Committee doesn't let companies consider an employee's health status when providing insurance—meaning employers would be banned from rewarding healthy behavior as Safeway does and offering lower premiums to workers who manage their chronic diseases, eliminate high-risk behaviors such as smoking, or lose weight. In other words, it would prohibit companies from implementing programs that have been proven to cut health care costs. I thought that was the point of health care reform.

When it comes to making health care more affordable, we should all support ideas that work. Americans want health care ideas that cut costs and improve care. The Safeway model is an excellent place to start. The President supports it, Republicans support it, and Safeway's experience has shown that it works. If Democrats in Congress are serious about making health care more affordable, they should support it too. Instead of the rush-and-spend approach that has led to a chaotic process and hugely expensive health care proposals that don't even address the whole problem, Democrats should slow down and consider ideas that have been shown to not only be effective in delivering care but also effective in reducing costs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, in about an hour, we will be asked to vote on whether the Senate can continue to do what the Senate is supposed to do and that is to amend and debate. When I ran for the Senate, the people of Tennessee sent me up here to represent them. They expected that when I got here, I would have a chance to say what I had to say on their behalf, and sometimes what I think may not be so important but what they think is important. The people of Tennessee know the history of the Senate—as Senator BYRD has so often said—is distinguished only by a couple things. One is virtually an unlimited right to amend, and another is a virtually unlimited right to debate.

What is going to happen at 5:30 is we are going to be asked to vote to cut off amendments and cut off debate. A vote of yes will be a vote to obstruct our right to amend, obstruct our right to debate and to make it impossible for

me to represent the people of Tennessee, who voted for me with the idea that I might be able to do that.

Let me explain a little more what I mean by that. A great many people write books about America, but unquestionably I think the best regarded such book is a book by Alexis de Tocqueville, entitled ''Democracy in America.'' When the young Frenchman came to this country, he ran across Davy Crockett and all sorts of people. When he wrote about what he thought might be, in the long term, the greatest danger to the American democracy, he said he thought it might be the ''tyranny of the majority.'' He was afraid that in our type of system, what might happen is that the majority would get control and run over the minority.

The Senate was one of the institutions created to avoid that. So when we get a situation where we have only 40 or 41 Republican Senators and 57 or 58 or 56 or more Democratic Senators, the minority always has a right to make sure there is no tyranny of the majority. It has been the other way and it will be again; when I first came here the Republicans held the majority, and we had 55 Republicans at one point. So a vote of yes at 5:30 is a vote to obstruct the right of Senators to represent the people who hired them to come and offer amendments and speak for them.

Ironically, this vote will give the majority the right to suppress a majority view—because what is the issue that is attempting to be suppressed? The issue is whether we ought to get the government in Washington out of the automobile business. I think most people in the country are thinking we are having too many Washington takeovers. That is not the American way. We know we have had trouble in this country economically, but taking over banks, insurance companies, student loans, car companies, and now maybe taking over health care—the American people don't like that.

We have a series of amendments to be offered—both Republican and some with bipartisan support—which would say: Let's get the government out of the automobile business and put it back in the hands of the American people and the free enterprise system of America. That is a majority view in this country.

According to an AutoPacific Survey in the Nashville Tennessean, 81 percent of Americans polled agree that the faster the government gets out of the automotive business the better; 95 percent disagreed that the government is a good overseer of corporations, such as General Motors and Chrysler; 93 percent disagree that having the government in charge of General Motors and Chrysler will result in cars and trucks Americans want to buy. Most Americans don't want a car that a United States Senator engineered, designed, and sold. That is not what we are here for. They know better than that.

According to a Rasmussen Poll of June 13 and 14, 80 percent of those polled believe the government should sell the government stake in the auto companies to private investors ''as soon as possible.'' And 71 percent of those polled believe the government should sell their stake to private investors as soon as possible.

According to the Wall Street Journal on June 18, nearly 70 percent of those surveyed said they had concerns about Federal intervention into the economy, including the President's decision to take an ownership interest in General Motors, put limits on executive compensation, and the prospect of more government involvement in health care. We have a situation where the President is calling the mayor of Detroit to get into the question of whether the headquarters of General Motors is going to be there or in Warren, MI. We have the chairman of the House bailout committee—the House Financial Services Committee—calling the president of General Motors saying: Don't close the warehouse in my district. And all of us in Congress are saying: Please build a car in my district. We will have some Congressmen saying: Don't buy a battery from South Korea; buy one made in my district. We have automobile company executives driving to Washington in their congressionally approved hybrid cars to spend 4 hours testifying and then drive home. How many cars do they design, build, and make while doing this? The American people know the car companies cannot compete if they have 435 congressional political meddlers, 100 senators, plus a whole administration, trying to tell them how to compete in a very complex business.

Senator BENNETT of Utah and I, cosponsored by the Republican leader, Senator KYL, and others, have a bill called the Auto Stock for Every Taxpayer Act. We would like to offer it as an amendment this week and get a vote on it. The Auto Stock for every Taxpayer amendment would say that the Treasury can't use any more TARP funds to bail out General Motors or Chrysler. Also, while the government owns stock in these companies, the Secretary of the Treasury, or his designee, has a fiduciary responsibility to the taxpayer to maximize returns on that investment. And most importantly, our amendment says that within a year after General Motors comes out of bankruptcy, the government should distribute its stock to the 120 million Americans who pay taxes on April 15.

In other words, let's have a big stock distribution, the same way Procter & Gamble did when it distributed stock in Clorox or the same way other companies do every year. We have a core business, the car company, that has nothing to do with the owner, the United States government, and we should give the car company to the owners—the 120 million people who pay taxes. That is what we should do. And the rationale is: I paid for it, I should own it. That is the first amendment we want to offer.

Senator CORKER, with a couple of cosponsors, including Senator WARNER from the other side of the aisle, has another idea, which I am glad to support. It is a little different approach to the same idea. He would create a limited-liability corporation to manage the government ownership stake in companies in which the government owns at least 20 percent. By the fall of this year that will probably include AIG, Citigroup, and General Motors. The government's assets would be placed in a trust and managed by three independent, nonpolitical trustees. The trustees would have to liquidate the government's interest by December 24, 2011. And there is a waiver process in case the trustees think there is a problem with that deadline.

That is a responsible, interesting approach. Why shouldn't Senator CORKER and Senator WARNER have a chance to offer that amendment? That is what the majority of people in America would like to see done.

Senator JOHANNS, a distinguished former Governor of Nebraska, has his Free Enterprise Act of 2009. He has 29 cosponsors. He would like to require congressional approval before the Federal Government can use TARP funds to acquire ownership of an entity through stock.

Senator THUNE, a member of the Republican leadership, has the Government Ownership Exit Plan Act of 2009. He would require the Treasury to sell any ownership of a private entity by July 1, 2010, and prohibit the government from acquiring any additional ownership stake in private companies.

Well, I think you can get the drift, Madam President. We have a number of Senators, mostly from this side but some cosponsored from the other side, who say that the American people are tired of Washington takeovers. They know cars aren't going to get better in this country if the government is meddling with them and designing them and building them and making them. I can just imagine what we will have if we meddle. We will have a purple polka dot car that gets 50 miles per gallon and will have a windmill on top and a solar panel on the side, and it will have this part made in this Congressman's district and that part made in that Senator's State, and it probably won't run 5 miles. Then we will lower the price to get people to buy it, all the while losing money, losing competition, and putting real competitors out of business. And then we will have no American automobile industry left. So

we need to get the government out of the car business and stop the Washington takeover. And over 80 percent of the American people agree.

So what are we doing in the Senate? We are going to vote at 5:30 to say: No, Senators. No, Senator CORKER. No, Senator WARNER. No, Senator ALEXANDER. No, Senator BENNETT. We are going to say no to the other Senators, you can't continue to debate. You can't continue to offer your amendments. We are going to obstruct your right to do that. We are going to keep you from representing the people of Tennessee, the people of Utah, or the other people you were sent here to represent. We are going to stop the debate; stop the amendment.

That is the tyranny of the majority that Alexis de Tocqueville envisioned. That is not the way the Senate has been running this year. This year in the Senate, Senator REID has made a good-faith effort, and Republican Senators appreciate that, in saying we are going to have some amendments. That means we are going to have some amendments offered on which some of us don't really want to vote. There have been some amendments I really didn't want to vote on, including some offered by people on my side of the aisle, but that is what we do in the Senate. So why are we doing this? Why are we saying suddenly, no amendments?

So I would hope Senators would agree that at 5:30 we should vote no. We should vote no. And by voting no, we would be saying: Let's continue to debate. Let's continue to amend. A vote yes is a vote to obstruct. A vote no is to continue to debate and continue to amend. And the issue is, shall we take the government ownership of automobile companies and put it, as soon as it is practicable, back in the hands of the American people, where it belongs, in our free enterprise system? That is the American way.

We have at least four different options. We have a whole menu here. If you don't like the Alexander-Bennet amendment, vote for the Corker amendment. If you don't like that, vote for one of the other amendments. We have four ways to go about it, all carefully thought out, all in front of everybody. Why don't we do that? That is what the Senate does.

So I prefer the way the Senate has operated pretty much all the time, up to today, which is to say: Senators, offer your amendments, take your votes. Today is an aberration—a change away from the way the Senate should function. My old friend, the late Alex Haley, author of Roots, used to say: Find the good and praise it. Well, I can find plenty of good in the way the majority leader has conducted the Senate this year by allowing debate and amendments. I would consider this an aberration.

I hope we will vote to continue to amend, to continue to debate, and get the Senate back to the practice we had most of this year, which is to say: If you have an amendment, Senator, bring it on over, call it up, and we will vote on it, and then we will go on to the next thing.

Madam President, I ask unanimous consent to have printed in the RECORD an article from the American Spectator entitled ''Are There Obamashares in Your Future?''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARE THERE OBAMASHARES IN YOUR FUTURE?

(By Peter Hannaford)

As they were steering General Motors into bankruptcy at early this month, the President Goodwrench team arranged for the United Auto Workers' pension fund to get 30 percent of the stock when the ''new'' company comes out at the other end. Bond holders will get 10 percent and the U.S. Government will keep 60 percent for itself.

If the ''new'' GM becomes profitable it may eventually pay back the $50 billion the government has advanced to it, but the term ''government ownership'' lacks the ring of legitimacy that ''taxpayer ownership'' has.

U.S. Senator Lamar Alexander (R–T) wants to do something about that. He is the lead sponsor for the Auto Stock for Every Taxpayer bill which would distribute the government's stock in GM (and Chrysler, too) to the 120 million Americans who paid income taxes on April 15. He says, ''That is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans in the market place.''

This is no voice in the wilderness. A recent AutoPacific poll reports that 81 percent of Americans agreed that ''the faster the government gets out of the automotive business, the better.'' Conversely, 95 percent of those polled disagreed with the statement, ''. . . the government is a good overseer of corporations such as General Motors and Chrysler.'' And 93 percent disagreed that ''having the government in charge [of the two automakers] will result in cars and trucks that Americans will want to buy.'' So much for the flimsy cars with which President Goodwrench wants to fill the market.

To make sure his proposal to put automaker stock in the hands of actual taxpayers gets the attention it deserves, Sen. Alexander the other day began a program to draw attention to the downsides of Washington management of auto companies. He introduced on the floor of the Senate his ''Car Czar'' awards. As he put it, ''It's a service to taxpayers from America's new automotive headquarters, Washington, D.C.''

The Car Czar awards, he adds, ''. . . will be conferred on Washington meddlers who make it harder for the auto companies your government owns to compete in the world marketplace.'' The first award went to Rep. Barney Frank (D–MA) ''for interfering in the operation of General Motors.''

Rep. Frank is Chairman of the House Financial Services Committee, well known for his oft-denied roll in pressuring Fannie Mae and Freddie Mac to push banks to make risky home loans.

Two weeks ago, it turns out, Mr. Frank learned that General Motors, as part of its restructuring plan, would close a parts distribution warehouse in Norton, Massachusetts by year's end. Despite the President Goodwrench team's constant pressing of GM to cut more and more, anything in Barney Frank's district is out of bounds if he has anything to say about it, and he did. He put in a call to GM CEO Frederick ''Fritz'' Henderson and—voila—the Norton warehouse was saved. This warehouse has 90 employees. We can assume that they and their spouses will show their gratitude to Mr. Frank at the polls in November next year. That's 180 votes. He should really think in larger terms. If he were to sponsor a House version of Sen. Alexander's Auto Stock for Every Taxpayer legislation, think of the thousands of grateful citizens in his district who would support him. Indeed, they might even demand that the local federal building be named after him.

Mr. ALEXANDER. I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I appreciate the comments of the Senator from Tennessee. I don't know how the vote will come out at 5:30 today, but I do know it is almost unanimous—perhaps it is unanimous on this side and the other side of the aisle—that we all want the auto industry to return wholly to the private sector; that this was an extraordinary situation.

I represent, as the Senator from Tennessee represents, a lot of autoworkers—in his case, union and nonunion alike. I have a good many nonunion autoworkers in my State—union and nonunion alike—and I think all those companies—certainly GM and Chrysler workers and people in the community—want this industry back on its feet and want it run by the private investors, as it should be.

CUYAHOGA RIVER

Madam President, today marks the 40th anniversary the Cuyahoga River in Cleveland burned. The June 22, 1969, fire wasn't the first or the biggest on the Cuyahoga or in rivers all over the country in those days when rivers were full of chemicals and all kinds of discharge that could catch fire from a spark from a railroad train passing through or from something else passing over the river. But 40 years ago, that fire in the Cuyahoga River was a catalyst that helped create the Environmental Protection Agency and then the landmark Clean Water Act. The fire helped push the government to recognized its responsibility to safeguard our environment. When the EPA was established in July of 1970—as I said, in large part the impetus came from that fire on the Cuyahoga in 1969—it marked a sustained effort by citizens

to demand that their government protect our health and sustain our environment. Like so many times throughout our Nation's history, citizen activism served as a vehicle for change.

Prior to that fire in 1969—I was born in 1952—I remember as a small child and as a teenager going 60 miles north of where I grew up to the shores of Lake Erie and seeing dead fish along the lake and seeing what was left of a wonderful living lake—one of the Great Lakes. The greatest natural resources of this country are the five Great Lakes. I remember seeing the pollution and the damage that came from the effluent that human beings, that individuals and farmers and industry dumped into that lake and its rivers over many, many years.

Galvanized by Rachel Carson's 1962 ''Silent Spring,'' the environmental movement engaged the public and educated elected officials and industry leaders about threats to human safety and environmental sustainability. That citizen call to action spurred decades worth of environmental laws that have improved our quality of life and improved the health of our Nation's streams, lakes, and rivers.

When the Clean Water Act was passed in 1972, only about 30 percent of the Nation's waters were safe for fishing and swimming. Think about that. In 1972, fewer than a third of the Nation's waters were safe for fishing and swimming. Two decades later, the EPA reported that 56 percent of rivers and lakes meet safety standards—much progress but clearly not nearly enough.

As a result of the Clean Water Act, thousands of communities around the Nation benefit from wastewater treatment plants, improved habitats, increased fish stocks, and safer recreational waters. Just as the health of our Nation's water has improved, so too has the river in my community—the Cuyahoga River.

The Cuyahoga, which is a Native-American word meaning ''crooked river,'' winds through northeast Ohio. In fact, when you land at the Cleveland airport, you can see the river winding its way right through downtown Cleveland. So there are banks of the river through several miles as it goes into Cuyahoga County. It ultimately flows into Lake Erie in the city of Cleveland.

When scientists began studying the fish populations of the Cuyahoga, they found that only a few species were able to survive in the polluted waters. Many of the fish that remained were deformed. But after years of hard work by the Cuyahoga River Community Planning Organization, by citizens, by industry leaders, and by government agencies, more than 60 different fishes species can now be found in the river.

That tells you what the efforts of government can do. It took more than a few activists in the city of Cleveland, it took more than the Cleveland city health department, it took more than the Cuyahoga County health department, it took more than the State EPA, it took a strong national government and the Environmental Protection Agency—created, if you remember, during the Presidency of Richard Nixon, with a Democratic Congress. Ultimately, the creation of the Environmental Protection Agency, giving the Federal Government the ability to come in, when necessary, and mandate that local officials and local industry do what is needed to clean the water, to clean the air, is a lesson we should all learn.

Today, as one of only 14 American Heritage Rivers, the Cuyahoga flows through the Cuyahoga National Park where bald eagles now nest. Throughout Ohio—something you would never have thought of happening 30 years ago—our clean and abundant water supplies, such as the Cuyahoga, are critical to farming, clean energy development, and to regional economic competitiveness. Water-related recreation and tourism provide jobs and billions of dollars in revenues for communities and cities such as Lorain, cities in Lake County, cities such as my wife's hometown of Ashtabula, and cities such as Toledo.

Wildlife depends on clean water and on healthy wetlands. The Cuyahoga will not burn anytime soon, but that doesn't really mean the hard work is complete. We must continue to protect our wetlands and our streams, to bolster our fisheries, to increase habitat restoration and recreational opportunities throughout the Great Lakes. It will mean the Federal Government will need to provide hundreds of millions of dollars of assistance for all five of the Great Lakes. It will mean billions of dollars of investment around the Great Lakes in recreation and fishing and in economic development and in safe drinking water. These efforts include reducing the number of combined sewage overflows into our waterways and removing the toxic sediments that were dumped in the rivers leading to the Great Lakes—the Maumee, the Cuyahoga, the Ashtabula, and others—before the Clean Water Act.

After years of hard work, the continuing restoration of the Cuyahoga is a symbol of progress and a symbol of success. The community restoration effort on the Cuyahoga is an indication of the undeniable importance of the EPA and the Clean Water Act. It is a testament to what can be accomplished when citizens and government join to tackle a problem.

In the communities that make up the Cuyahoga River watershed—among them Beachwood, Hudson, Euclid, Akron, and Barberton—2009 is the year of the Cuyahoga. But there is no reason we shouldn't dedicate every day to cleaner water in a more sustainable environment.

I commend the thousands of citizens who for more than 40 years worked to make the Cuyahoga a source of pride for our communities. Their collective efforts made their government recognize its role in protecting our health and preserving our environment. I am confident that 40 years from now, my grandchildren and generations of Ohioans will enjoy the clean waters of the Cuyahoga River and of Lake Erie.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I rise today to draw attention to our efforts on the Tourism Promotion Act of 2009 and, specifically, to focus on my small State of Delaware.

Coming to Delaware, the ''First State,'' one is treated to a myriad range of great tourist attractions from arts and culture, to sports and gaming, from marvelous recreation to dozens of fairs and festivals.

In the area of arts and culture, Delaware boasts such notable stops as the Nemours Gardens and mansion, the home of Alfred I. DuPont and the now world famous DuPont Children's Hospital.

Visitors can also tour the beautiful Bellevue State Park, the Delaware Art Museum, or even see a show at the DuPont Theater at the Hotel DuPont in Wilmington.

The State of Delaware, the first State to ratify the Constitution, also has significant historical sites for tourists to enjoy.

Visitors can view the birthplace of the DuPont Company at Delaware's Hagley Museum and Gardens. The luxurious, 100-room home of Henry Francis DuPont is also open to the public at Winterthur Museums and Gardens.

Since Delaware was one of the original 13 colonies, we are proud to boast several pre-Revolutionary War historical sites. The Amstel House and the John Dickinson Mansion and Plantation can offer visitors a rare insight into life before the Revolution.

Our Constitution Park offers a tribute to our ratification of the Constitution, made even more significant by the fact that Delaware was the first State to do so.

Civil War buffs can visit Fort Delaware, where Confederate prisoners of war were interned, while those interested in more contemporary military history can visit the Dover Air Force Base's Air Mobility Command Museum.

Delaware's sports and gaming opportunities are nearly limitless.

The Dover Downs Hotel and Casino combines luxury and entertainment for its guests. The Delaware Park Race Track also offers excitement for its customers with slots and horse racing.

NASCAR fans will love the Dover International Speedway, the famous ''Monster Mile,'' where official

NASCAR races are held several times each year.

Delaware may not boast any Major League sports teams but we are very proud of our Minor League baseball team, the Wilmington Blue Rocks.

Our Blue Rocks fans are some of the most loyal in the country and a night out to watch them play promises fun for the entire family. For golf enthusiasts who do not want to lose their skills while on vacation, Delaware has excellent golf courses where strokes can be refined and perfected.

Delaware's outdoor attractions are also world class. Killen's Pond, a State park since 1965, features a beautiful 66-acre millpond where visitors can enjoy boating and fishing.

Delaware's greatest strength in the outdoors realm, however, is our beautiful beaches. These beaches stretch for miles and offer ample opportunity for fun on the shore and ocean. If you get enough of sand and surf, the boardwalk presents a wide variety of shops, restaurants, and entertainment to visitors. Some of Delaware's best, and tax-free, shopping can be found on the boardwalk.

Our various fairs help celebrate who we are as Delawareans and also offer entertainment.

The Delaware State Fair features concerts, with famous artists alongside rising local bands. It also provides a carnival atmosphere and numerous agricultural and livestock events.

The Saint Anthony's Italian Festival, which Vice President BIDEN and I enjoyed just over a week ago, is a favorite among Delaware residents. Its food and entertainment always draws large crowds, and it is actually one of the largest ethnic festivals on the east coast.

Other ethnic festivals that Delaware celebrates include an African-American festival, an Indian festival, and a Greek festival, and many more.

In other words, something for just about everyone.

Those who enjoy theatrics can come to Delaware's Shakespeare Festival, where talented actors show their appreciation for Shakespeare by performing various scenes from his many plays.

The Rehoboth Beach Independent Film Festival offers movie lovers a chance to view excellent films that they wouldn't get a chance to see in theaters.

Delaware also boasts six wineries, including the award winning Nassau Valley, where visitors can enjoy excellent wine in a pleasant atmosphere.

So you can see Delaware is truly a place where folks from all across the country can come for fun and excitement in a ''small but plentiful'' tourist haven.

And I know that Delaware is not alone. All 50 States, and all the territories, offer something special, and I believe we should do everything we can to spread that message.

That is why I am glad to be a cosponsor of the Tourism Promotion Act. Obviously, I hope it will help remind people across the world what Delaware can offer, but I believe it will help promote travel across the country.

We have heard the statistics. International travel is booming, 48 million more international trips last year than in 2000 but the United States is not sharing in that bounty. In fact, we lost travelers over that same time period.

An estimate I saw says that if we had merely kept pace with the expansion of international travel, we would have seen 58 million more travelers since 2000. That would mean nearly 250,000 more jobs.

In today's economy, we could sure use that help.

However, I cannot leave the floor without commenting on another great State for tourism; that is, the State of the Presiding Officer, the State of North Carolina. I spent this weekend in North Carolina. I encourage North Carolina to anyone who is looking for a wonderful place to go for a vacation.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, at 5:30 we will be having a cloture vote, and the cloture vote deals with the underlying legislation called the Travel Promotion Act. As I said earlier this afternoon, if the Congress cannot agree on something such as tourism, what is to become of the issues of health care, energy, climate change or so many other significant controversial issues that come before us?

This underlying bill is very simple. It is bipartisan. Over 50 Members of the Senate have cosponsored this bill in the last Congress. It actually reduces the Federal budget deficit by close to a half billion dollars. As I indicated, it should bear no controversy at all. It is simply the development of a public-private partnership that would begin to market our country, as most other countries are doing, in order to attract destination international tourism to our country.

All the other countries are doing this. If you watched the golf tournament today—the U.S. Open—in the middle of the golf tournament, they broke to a commercial. It was the country of Turkey saying: Come to Turkey. Come and visit the wonders of Turkey.

Well, good for Turkey. They are out trying to promote international tourism. But the same is true with France and Italy and Japan and India and Great Britain—so many other countries.

Why are they doing that? They are doing it because it is unbelievably job creating to have international tourism come to your country. On average, an international tourist spends about $4,500 on hotels and cars and tourist attractions and food. So it is unbelievably job creating and boosting to the economy of the host country.

But even more important than that, our country needs to do this. From 2000 to 2008, we now have 633,000 fewer visitors per year from overseas than we had 8 years ago.

Why is that the case? It is because some people believe we do not want them to visit our country. Quite the opposite is true. So we suggest, rather than to keep losing economic opportunities from international tourism, let's at least join the discussion and get in the game by promoting tourism to our country as a destination for international tourism. Let's at least get in the game.

So our bill creates this public-private partnership and establishes the capability to begin promoting our country. Why is that important? Well, obviously economic development and jobs. But even more important, at a time when there has been so much controversy about our country and actions abroad, and so on, to invite people to our country and have them come here and visit this country is to have them leave with a wonderful impression about the United States of America. There just is not any way to visit our country and leave with a bad attitude about what the United States is and what it means.

This is a great place, the greatest democracy in all of history, with unbelievable freedoms that many people in the world do not have. But it is a wonderful country, full of natural resources and wonderful people. To come here and visit is to leave and believe very positive things about our country. That, it seems to me, makes a lot of sense these days.

Madam President, a colleague was on the floor just a bit ago saying, well, he could not vote for cloture at 5:30 because he was not allowed to offer his TARP amendment. Of course, TARP has nothing to do with the underlying bill. We said that he could offer the amendment. The rules of the Senate allow somebody to offer a TARP amendment. He says, however, that the majority—that is us—is saying: We are going to obstruct your right to amend the bill.

This colleague must not have been around last Thursday and Friday when we were negotiating to try to get an agreement. Their side would offer the

first five amendments. We said you can offer your first five amendments. All of them were so-called TARP amendments—the troubled asset relief program. Well, TARP amendments—having nothing to do with tourism and travel, but that is fine. We said: OK, you can offer that.

So how is it somebody comes to the floor of the Senate now and says they are being obstructed? We said: You can offer them. But then what they said was: Well, we want five TARP amendments, and here are your three amendments. One of your three amendments is one by Senator SANDERS that we will not allow you to offer. We object to that.

What was the Sanders amendment? It was pretty simple. The Sanders amendment would require that the Commodity Futures Trading Commission use existing authority to begin trying to tackle this question of what is happening in the runup of oil prices. The Commodity Futures Trading Commission has acted like a potted plant for a long time. Oil prices went to $147 a barrel in mid-2008. Yet, the CFTC was explaining to us: Well, that is just supply and demand.

That is total nonsense—total nonsense. It had nothing to do with supply and demand. It had to do with speculators breaking that oil futures market. So the CFTC did nothing about it.

Right now, the supply of oil is up; demand is down; and the price is going up. Once again, there is something wrong. So the Senator from Vermont wanted to offer an amendment. So I included it in the list of the amendments we would offer to the Republicans last Thursday and Friday, saying: OK, you want to offer five amendments that have nothing to do with the bill. That is fine. You can do that. Here are the three amendments we propose to start with.

They said: No, no, no. You cannot offer the Sanders amendment.

Wait a second. The minority is going to decide what the majority can offer? We have just said to the minority: You can offer your five TARP amendments that have nothing to do with this bill. That is fine. So now we have somebody coming to the floor this afternoon saying he has to vote against cloture because the majority says: We are going to obstruct your right to amend? Nothing could be further from the truth.

In fact, the decision by the minority has put us in this position. So apparently we will have people coming to the floor of the Senate with the belief that somebody obstructed their right to amend the bill. But the TARP amendments they proposed were agreed to by us, that we would allow them, they were fine to be offered. Everyone thought that was the case. We will have some people come to the floor apparently deciding to vote against cloture on this bill because they say somebody obstructed their right to amend. That is just totally without foundation. It is Byzantine to me that here we are in the Senate on a piece of legislation called the Travel Promotion Act, which is designed to promote tourism, to create jobs and to promote this country's interests. It is widely bipartisan. It has been around now for 2½ years or so, with no great controversy I know of. We have before us a bill for which we were required to file cloture and wait 2 days for a cloture vote just on the motion to proceed to it. Once we got to the motion to proceed, we had a vote—and guess what. Ninety to three we said: Yes, let's proceed to it.

Then the minority said: And, oh, by the way, no, you can't proceed yet because we are going to insist on the 30 hours post-cloture. So you have to wait 30 more hours. Total, complete, thorough delay.

So it does not sit well with me for anybody to come here to say that somebody is being obstructed.

The PRESIDING OFFICER. The time controlled by the majority has expired.

Mr. DORGAN. Madam President, I ask unanimous consent that unless a member of the minority comes to claim time, that we be allowed to continue, I be allowed to continue. If a member of the minority does come to the Senate floor, I certainly would relinquish the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, it does not wash at all for somebody to suggest somehow they have to vote against cloture because they are denied their right.

Over in that aisle, on Thursday, we had a discussion—Senator REID, Senator MCCONNELL, myself, Senator MARTINEZ—and then back and forth in the cloakrooms. We offered amendments back and forth just to get started on the bill. It was not a final list of amendments. It was just a way to try to get started. For all five of the amendments proposed to be offered by the minority, we said: Fine, they have nothing to do with the bill, but that is fine. If you want to offer them, offer them. But don't come to the floor on Monday saying the majority is obstructing your right to offer an amendment, which we said you could offer. How do you explain that contradiction?

Again, my point: If this Congress cannot even agree on tourism, how is it going to agree on anything. How are we going to make progress on health care? How are we going to make progress on comprehensive energy legislation or climate change or a range of difficult international situations? How are we going to reach some sort of understanding that we represent one interest in this country, and that ought to be the public interest in the United States of America?

We all work for the same people. Not everything has to be partisan. There is so much rancid partisanship these days. I was with the majority leader when we stood there. I understood what he was saying. He was saying to the minority: Let's get started. If you want amendments, fine, offer amendments. There was nothing but agreement by our majority leader to say to the Republicans, offer some amendments. Give us some amendments you want to offer and then go ahead and offer them.

Mr. SANDERS. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. SANDERS. Madam President, first, I thank my friend from North Dakota for his efforts on the very important issue of tourism but also for consistently standing up for consumers who are sick and tired of paying artificially high prices at the gas pumps. I wish to take this moment, if I might, to explain what my amendment is.

Mr. DORGAN. Madam President, rather than yield for a question, let me yield the floor so the Senator from Vermont can explain his amendment, and then reclaim the floor if there is not a Member of the minority present.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1330

Mr. SANDERS. Madam President, I thank my friend.

Let me begin by saying this amendment enjoys widespread support from a very diverse coalition of organizations throughout this country that share the common concern that the price of gas and oil is soaring and they do not understand why. What they do know is that it is hurting consumers, especially in rural areas in North Dakota and Vermont and throughout this country, and it is hurting business groups throughout this country. These groups, among others, include the Petroleum Marketers Association of America, Public Citizen, the Gasoline and Automotive Service Dealers of America, the United Egg Producers, the Western Peanut Growers, Friends of the Earth, and the New England Fuel Institute. All of these organizations, for different reasons, are worried about the impact of rapidly rising oil prices on consumers.

All of us took economics 101, and what they told us in economics 101 is when supply is low and demand is high, prices go up. When supply is broad and demand is minimal, prices go down. Well, right now, unfortunately, it seems we can throw economics 101 right out the window, because at this moment the supply of oil in the United States is as high today as it was 20 years ago and demand for oil in this country is lower than it was a decade ago. So the question we are wrestling with now is: If supply is high and demand is low, why are oil prices soaring?

Up until today, as a matter of fact, gasoline prices increased for 54 straight days—the longest streak on record dating back to 1996. Today the national average for a gallon of gasoline is $2.69 a gallon—up more than $1 since late last year.

There is mounting evidence that the runup in oil and gas prices has little to do with the fundamentals of supply and demand and has everything to do with excessive speculation by some of the same Wall Street firms that received the largest taxpayer bailout in the history of the world. They are back again, not having caused enough damage by driving our country and much of the world into a deep recession. Now they are back into their speculation and driving up oil prices which are having an enormously negative impact on consumers all over our country.

Clearly, as a Congress, as a Senate, we have a responsibility to do everything we can to prevent the manipulation of oil and gas prices so that they reflect the basic economics supply and demand curve, not excessive speculation. This would not only help Americans struggling to fill up their gas tanks this summer, but it would have a positive impact, by the way, in expanding the number of international travelers visiting the United States, the fundamental purpose of the Travel Promotion Act that our amendment is a part of—would like to be a part of.

The amendment I am offering or wish to offer would simply require the Commodity Futures Trading Commission to use its emergency authority to prevent the manipulation of oil prices. What is so horrible about that? What has caused our Republican friends to jump up in fear and say this amendment can't be offered?

Let me mention to my Republican friends that last July the House of Representatives passed an identical bill by a vote of 402 to 19—the same bill. An overwhelming majority of Republicans in the House voted for that bill, but for some reason our Republican colleagues here do not want to give us the opportunity to vote for it today.

I thank Majority Leader REID and Senator DORGAN for trying to work out a compromise with the Republicans that would have enabled a vote on this amendment. Under this agreement, as Senator DORGAN has said, the Republicans would have been able to receive a vote on their top five nongermane amendments. They had five and we had one major nongermane amendment. It is very hard for me to understand—and maybe my friend from North Dakota has some thoughts on this one—I have a very hard time understanding what their fear is. What are they afraid of, if this amendment passes? Are they afraid we would be able to take action against the excessive speculation that is currently taking place on Wall Street?

That is the only answer I can think of, and it is a pretty poor and unfortunate answer. The American people are hurting. We are in a recession. People have lost their jobs. People have seen a decline in their income. The American people are sick and tired of paying artificially high prices at the gas pump, and people in New England are worried about what happens next winter when they have to heat their homes with oil.

I wish to mention in conclusion, interestingly enough, just yesterday—just yesterday—the Guardian, a British newspaper, reported:

> Staff at Goldman Sachs can look forward to the biggest bonus payouts in the firm's 140-year history after a spectacular first half of the year.

I don't mean to pick on Goldman Sachs. There are a number of other financial outfits that may be engaged in excessive oil speculation as well, but Goldman Sachs is the leading trader of oil and gas derivatives. So here we are, Goldman Sachs, among others, now paying out huge bonuses after having been bailed out by the taxpayers of this country and they are back at their same old tricks of engaging in excessive speculation, which is what my amendment begins to address.

I am amazed our Republican friends would refuse to allow an amendment to come to the floor of the Senate that was passed overwhelmingly in the House with very strong Republican support in that body.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, as I have indicated previously, the underlying bill on which we are going to have a cloture vote is bipartisan. There were over 50 cosponsors here in the Senate in the last Congress. Republicans and Democrats alike have supported it. We are apparently going to have a cloture vote that some—judging by what one of my colleagues said earlier—will feel they have to vote against. They will vote to stop this bill because they feel their right to amend was obstructed, despite the fact that their right to amend was explicitly agreed to. Working on bad information is not a great way to vote, in my judgment.

Let me make an important point. I indicated earlier this is one of the few pieces of legislation that will be brought to the floor of the Senate that actually reduces the Federal budget deficit by $425 million. That is pretty unbelievable, but there are two other big issues. One is at a time when we are seeing hundreds of thousands of Americans a month losing their jobs, losing their homes, losing hope because we are in a deep recession, at a time when we have all of this unemployment, we should be voting to move forward with a piece of legislation that tries to boost employment by increasing travel to our country by overseas visitors. These visitors are going to spend a substantial amount of money—$4,500 per tourist. And we know we now have 633,000 fewer international tourists coming to America than we did 8 years ago. Why is that the case? The decline in tourism began after the terrible, tragic attack on this country on September 11, 2001. Following that, we obviously decided we wanted to try to keep terrorists out of this country. But we also made it harder for regular tourists. It was harder to get a visa. There were longer lines. Then the Iraq war began and a lot of people were upset with our country for unilateral actions in Iraq, and so on. We have gone through nearly a decade now in which people are traveling around the world more and more often, but they are going to Spain, France, Great Britain, Turkey, India, and Japan—all of which are advertising aggressively internationally to say, come to our country, be a part of our experience. See the beauty of India or Japan or Australia. But our country is not involved in that competition, and we should be, because there is no better place on this Earth. I know I am not objective about that, but to come here is to love this country and to understand the great character and culture that exists here.

This piece of legislation will create jobs and opportunity in this country, but even more important, it will create goodwill all across this world from people who visit here and go home and have a better understanding of what America is about. At a time when we are in a deep recession, do we want to create jobs? I hope so. At a time when we care about what the world thinks about us, do we want to improve our standing in the world? I hope so.

We will have a cloture vote in 3 or 4 minutes. I am told now, some who have cosponsored the bill, even, will probably come down and vote against cloture because they will claim they don't have the right to offer amendments. Well, they surely do. We agreed they could offer their first five amendments last Thursday. It is just that they said we can't offer our amendments because they object, for example, to the Sanders amendment.

We said: You can offer five; we will offer three.

They said: That is fine, except we won't allow you to offer the Sanders amendment. We won't agree to that.

Again, my question: If the Senate has come to the point where it can't agree on tourism, what hope is there for big, controversial, and important issues that we will confront later this year?

My hope is that perhaps some will understand the goodwill with which the majority leader and I and others offered the minority the right to offer the amendments they chose to offer. It was the minority that decided they didn't want to agree. It would be difficult for me to see some of those who

were given the ability to offer the amendments come to the floor and vote against a bill they support because they say they weren't given an opportunity to offer amendments. It is pretty hard to square that circle, and my hope is they will understand that before they vote. It will be very nice if perhaps on this one vote, it wouldn't be considered a leadership or a partisan vote and it wouldn't be based on misinformation, but instead we decided that this is about tourism, it is about promoting jobs and economic opportunity in our country, and it is about boosting the reputation of this country around the world by having people visit the United States and understanding the full breadth of what the American experience is about.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan amendment, No. 1347, to S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Mark Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call be waived.

The question is: Is it the sense of the Senate that debate on amendment No. 1347 offered by the Senator from North Dakota, Mr. DORGAN, to S. 1023, the Travel Promotion Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 34, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—53

Akaka	Feinstein	Menendez
Baucus	Gillibrand	Merkley
Bayh	Hagan	Mikulski
Bennet	Harkin	Murray
Bingaman	Inouye	Nelson (NE)
Boxer	Johnson	Nelson (FL)
Brown	Kaufman	Pryor
Burris	Kerry	Reed
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Conrad	Leahy	Stabenow
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	Lincoln	Webb
Ensign	Martinez	Whitehouse
Feingold	McCaskill	

NAYS—34

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bennett	DeMint	McConnell
Bond	Enzi	Reid
Brownback	Graham	Risch
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Wicker
Collins	Johanns	
Corker	Kyl	

NOT VOTING—12

Begich	Murkowski	Udall (CO)
Byrd	Roberts	Vitter
Hutchison	Specter	Voinovich
Kennedy	Tester	Wyden

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. I ask unanimous consent the cloture motion on the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

Mr. REID. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 140.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be legal adviser of the Department of State

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Harold Hongju Koh, of Connecticut, to be legal adviser of the Department of State.

Harry Reid, Mark L. Pryor, Sheldon Whitehouse, Daniel K. Inouye, Russell D. Feingold, Christopher J. Dodd, Roland W. Burris, Richard Durbin, Patty Murray, Jon Tester, Mark Udall, Amy Klobuchar, Jack Reed, Max Baucus, Jeff Merkley, Blanche L. Lincoln, Maria Cantwell, Byron L. Dorgan.

Mr. REID. Madam President, I ask the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Madam President, I ask the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask now we proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT

Mr. REID. Madam President, let me say a brief word on the cloture that was not invoked on the travel bill. I hope everyone understands what obstructionism is. This is obstructionism at its best. It goes along with what the Republicans said they wanted to do and that is stop everything, as indicated in the Roll Call newspaper last week.

This is a bill that saves the government money, almost a half billion dollars over 10 years. It would create, in the first year after passage of the bill, 40,000 jobs.

Republicans killed this over the most fictitious reasoning. They said they were not allowed to offer amendments. That is absolutely false. In fact, we had an agreement that they could offer amendments. There were no restrictions on what they could offer. They wanted to offer amendments regarding TARP. They wanted to offer five of those. Fine, I said, go ahead. We had one amendment we want to offer. They said: No, we just want to offer ours, you can't offer yours.

Every State would benefit from this legislation because tourism is so important and popular in every State, but the Republicans killed this. Is there any wonder they have lost, during the last two election cycles, by election, 15 Republican Senators? Is it any wonder? They are so enthralled with the status quo they want no improvements of anything, including they don't want to save the government a half billion dollars, they don't want to improve tourism because this may be another victory for President Obama.

I am certainly aware of the work done by the committee. The Commerce Committee works so hard. Senator ROCKEFELLER was ill. He badly injured himself. Senator DORGAN stepped forward to get it out of that committee so we could do this. It is good for every State. Tourism is good for New Hampshire, it is good for Nevada, it is good for North Dakota, it is good for Wyoming, and it is good for Idaho. The Republicans killed our ability to save half a billion dollars. They killed our ability to create 40,000 new jobs. Tourism is a trillion-dollar industry in this country. The Republicans killed this legislation.

Mr. DORGAN. Madam President, if the Senator will yield for a question.

Mr. REID. I would be happy to.

Mr. DORGAN. Last Thursday, the majority leader and I stood in that aisle. The question was going to be, under what conditions would this Travel Promotion Act come to the floor of the Senate? We said: You know what, tell us what amendments you need. Tell us which amendment you wish to offer and we will give you some. So it ended up five amendments on their side, three on ours, as a start. It was not going to be a limit, but we were going to start with five and three. They showed us their five. None had anything to do with this bill. We said: Fine, you can offer those five, no problem. They were all about TARP, troubled assets and so on. We said fine. Then we showed them the three to be offered on this side, and they looked at three of them and said this one we will not allow to be offered. All of a sudden, the minority was deciding they could offer all of theirs, but they will not allow the majority to offer one amendment that deals with the issue of the price of gasoline.

The result was we now had a vote against cloture on an issue dealing with travel promotion on a piece of legislation that raises $500 million and reduces the deficit $500 million in 10 years. It is pretty unbelievable to me. I asked the question earlier today, if we can't agree on a piece of legislation that in the last Congress was supported by over 50 Senators, Republicans and Democrats, dealing with promotion of tourism and creating jobs and promoting this country's economic interests by asking international tourists to come to this country, you are welcome to come and see America and understand what America is about—if we cannot agree on that, how on Earth will we agree to get amendments on energy, health care, climate change, and so on? It is so disappointing.

Mr. REID. Madam President, if I could respond to my friend, we had, this year, 11 Republican sponsors of this bill. Nine of them voted against cloture, nine of the eleven. That, to me, is hard to calculate as being within the realm of sensibility. What in the world did they accomplish, other than maybe they are following the Senate GOP, still saying no?

But should they say no to things—maybe they should have a better rationale, saying we can't do this, it is a government program; we can't do this, it costs money; we can't do this, we don't have time to do it.

None of those apply. It does not cost government money. We have time to do it. It is not a government program.

Mr. DORGAN. Madam President, let me make one additional point. Unfortunately, too much of politics these days is there is my team and your team. On this kind of legislation I would have thought this was about our team, all of us working together on a bill that Republicans and Democrats had cosponsored, on a bill that is actually going to reduce the Federal budget deficit by a half billion dollars and on a bill that, at a time when we are in deep recession, promotes tourists to come to this country, who would, on average, spend $4,500 in this country to create new jobs.

We have a substantial number, hundreds of thousands—633,000 fewer visitors to the United States from overseas than we had in the year 2000. Think of that, 633,000 fewer people visited this country from overseas than did in the year 2000. Every other country is experiencing a very substantial increase: France, England, Italy, Yugoslavia—not Yugoslavia, again, I made the mistake—it is Turkey and Japan and India, so many other countries—Kosovo; they are all advertising, all pushing for international tourism, to come to their country because they know it creates jobs and, more importantly, they understand when you go there you leave those countries with a good impression.

If ever there were a time when we need people to come to this country and leave with an understanding of culture and character of this country and at the same time create jobs in this country by buying gas, renting hotel rooms, buying airplanes seats, going to the tourist attractions, and understanding about America, it is now.

My hope is, in the next day or so, we might be able to find a way to bring those who voted against cloture to understand we have said, you know what, if you want to offer amendments, offer amendments. There is no obstruction anyplace.

One of our colleagues came to the floor and said: I am voting against cloture because I was obstructed from offering my amendment, and that was a colleague who had an amendment on a list we said explicitly yes to. How does one reconcile statements that are not accurate? My hope is maybe we can find agreement in the next day or two.

Mr. REID. Madam President, the problem we have is one of time now. They have stalled and killed so much time on this bipartisan good piece of legislation. I think they should hear from their constituents. We should go ahead and invoke cloture. If there are germane amendments, we can do them. But I do not think we will go through the kabuki of having TARP amendments and all this.

We have tried in good faith to get this piece of legislation finished. If they want to finish this legislation, they should march up here and invoke cloture, which needs to be done. They can still offer germane amendments.

They may not like this bill. They may want to offer other amendments as they relate to this legislation. Unless I can be convinced otherwise—and I certainly can be, if I can be proven to be wrong; I am happy to be as reasonable as I can be—I think this is such a revolting development in a body that has pledged to do good things for the country. We have done a lot of good things this year. We have done it with little help from the Republicans. We have gotten some but not much. So they are stalling to prevent President Obama from accomplishing anything, even on a bill to save this country money.

Ms. KLOBUCHAR. If the majority leader would yield for a question, one of the things I found out with our hearing that you so kindly testified at about tourism—and I am chairing that subcommittee—now is, one, this was bipartisan, as you pointed out. There were Republicans there. They pledged their support for this bill.

But the second thing is when we talk about tourism, it is not we are not only talking about the CEOs of airline companies. The jobs, as you know, we are talking about in Nevada, are jobs such as maids or the people who work at the flower shops or the people who work in the frontline in the restaurants or the people, the bellboys. Those are real jobs.

One out of eight people employed in this country is employed in the tourism industry. What I heard in Nevada was something like 400 conventions had been canceled out of Las Vegas. We are just starting to see some improvements in our State. We call Duluth the Las Vegas of Minnesota. But we are starting to see improvements with business travel picking up, with some hope for consumers.

This bill would bring in those key people to spend $4,500 every time they come into this country, and that is the international travelers. So if the majority leader would comment on what this means to real people, the bill the Republicans have now stopped, as we are trying every day to get more jobs in this country.

Mr. REID. Madam President, my father-in-law, may he rest in peace, emigrated from Russia and wound up in Duluth, MN. At that time, it was a booming town, very tough town. I have never been to Duluth. I have been to Minneapolis a few times, but I never had the opportunity to see the Land of a Thousand Lakes—I think that is what they call it.

Ms. KLOBUCHAR. Ten thousand.

Mr. REID. Ten thousand. Well, in Nevada we do not have many lakes, we do not have five lakes. But I would love to come and spend some time in Minnesota. It is a wonderful tourism destination, in the winter as cold as it is there, and a lot of things to do there, and in the summer.

As Senator DORGAN mentioned, we should be promoting our country so people like my father-in-law from Duluth or Minneapolis or wherever could go visit and have a good time being a tourist.

It is the same in Nevada, New Hampshire, Illinois. Every State in the Union is heavily dependent on tourism, and the Republicans do not seem to much care.

This bill is probably finished for the year, and that means 40,000 less jobs. That means this country will go in the red more for not having the stimulation the economy would get from this bill.

I appreciate very much the subcommittee and the committee getting this bill on the floor. We thought we were going to have this love fest here, because this bill helps every State in the Union, helps every State in the Union create jobs, as the Senator from Minnesota said so rightly, jobs not manufacturing things, which is important; I wish we could do more to help that—not jobs that provide entertainment in the sense of the word of going to watch a ball game or something such as that. That is tourism. My son and the pals he runs around with traveled one summer all around the country watching ball games. That is tourism. And as the Senator from Minnesota mentioned, the reason tourism jobs in Nevada are so important, we have one union that has 60,000 members. Who are those members? They are maids, they are car valets, they are waiters, waitresses.

I think it is a shame that we have, because of the Republicans looking for an excuse to make President Obama look bad—President Obama wants this done. This is part of his program, tourism.

I appreciate the comments of my friend from Minnesota.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

AMERICAN AUTO INDUSTRY OWNERSHIP

Mr. NELSON of Nebraska. Madam President, I rise to discuss a ''Sense of the Senate'' resolution I have submitted with several colleagues to address the government's recent move to take significant ownership stakes in two icons of American business: Chrysler and General Motors. Joining me as cosponsors are Senators COLLINS, LANDRIEU, LIEBERMAN, KLOBUCHAR and MCCASKILL.

This resolution puts the Senate on record and makes absolutely clear: the Federal Government is a ''temporary shareholder'' in GM and Chrysler, and it should divest its shareholder position as expeditiously as possible.

No one ever wanted the government to be in the car business, but the alternative was worse and the turmoil in the auto industry extends far beyond Detroit as most Americans know.

Dealerships across my State of Nebraska are feeling the impacts of decisions made by automakers following their bankruptcies. Chrysler has decided to terminate franchise agreements with 9 dealerships in Nebraska and GM intends to terminate franchise agreements with 21 dealerships in Nebraska.

These decisions are affecting dealerships and their employees in communities such as Arapahoe, Hastings, David City, Omaha, Auburn, Milford, Lincoln, Scottsbluff, and West Point have already been impacted by the auto bankruptcies. Auto parts manufacturing plants in communities like Kearney, Cozad, Grand Island, and Seward are also feeling the results of the downturn in the auto industry.

According to the Nebraska New Car and Truck Dealers Association, more than 13,600 Nebraskans work in jobs tied to the auto industry in my State and account for $267 million in wages for Nebraska individuals and families.

However, now that an investment has been made, we owe it to the American taxpayers to be clear about what will happen with their money.

The resolution states that the Federal Government is a temporary stakeholder in the American automotive industry and should take all possible steps to protect America on taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible.

The government should not be involved in day-to-day operations, and as soon as the auto companies have regained their financial footing the government must divest. Its involvement should not be open-ended.

Further, this resolution calls on the Government Accountability Office and the inspector general for the Troubled Assets Relief Program, or TARP, to continue providing oversight. In addition, the GAO and inspector general will report to Congress on automotive companies receiving financial assistance, so that the Federal Government may complete divestiture without delay.

This is not a partisan issue. Our deep economic crisis has already cost millions of Americans their jobs, and to add a collapse of the auto industry could add a devastating blow it would take years from which to recover.

We have had Presidents of both political parties recognize the need to address the current downfall of the auto industry and recognized the need to remove government involvement as quickly as possible.

On December 19, 2008, President Bush stated: ''The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.''

On March 30 this year, President Obama stated: ''We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.''

So, to conclude, the government's move is aimed at providing stability for the automotive industry and for American workers across our great Nation in these uncertain economic times.

Our sense-of-the-Senate resolution affirms what the President has made clear: taxpayers should be protected and the government should get out of the auto business as soon as possible. Through this resolution, the Senate leaves no question about the government's future role in the U.S. auto industry.

MULTIPLE SCLEROSIS SOCIETY'S HOPE AWARD WINNER

Mr. REID. Madam President, I extend my warmest congratulations to John Ascuaga for this honor, as well as to his wife Rose and his entire family. I also commend the National Multiple Sclerosis Society for recognizing his contributions not only in the business world, but also for his generous philanthropic efforts.

John Ascuaga's Nugget for decades has been a first-class operation and a favorite destination of Nevadans and Americans from across the country. More than that, though, it has kept Sparks alive.

I have worked with John for many years. A first-generation American and a veteran, he has lived the American dream. And John would be the first to tell you he has done so with the support of his entire family, including his daughter, Michonne, whose leadership continues to keep the Nugget flourishing. Congratulations, John.

90TH ANNIVERSARY OF RENO RODEO

Mr. REID. Madam President, I rise to extend my warmest congratulations to Gordon Cowan, John Solari, and the Reno Rodeo on this historic milestone.

The Reno Rodeo is celebrated throughout Nevada for its first-class entertainment and dedication to philanthropy, which continues this week for the 90th consecutive year.

The Nation's third largest regular-season rodeo, Nevadans look forward every year to its cowboys' skill and showmanship and its preservation of the great traditions of the West.

Particularly this year, the non profit Reno Rodeo's contributions to Nevada's economy are significant—it draws 120,000 fans and generates millions for the hotels, casinos, restaurants, and stores in northern Nevada.

But the Reno Rodeo is not only important to our economy—it is a central part of our community as well. Incredibly, the rodeo is run by only two full-time staff members and countless volunteers. Since 1986, it has donated more than $5 million to various causes, including charities, community partnership grants, and educational scholarships to schools including the University of Nevada, Reno. It has also given generously to literacy, high school rodeo and therapeutic equestrian programs.

Nevada is particularly proud of the Exceptional Kids Rodeo, which for more than a quarter-century has given children with special needs the opportunity to interact with the rodeo cowboys, animals and the exciting rodeo experience.

The ''Wildest, Richest Rodeo in the West'' is one of Nevada's oldest and proudest cultural institutions, and we wish it many more decades of success.

APPROPRIATIONS COMMITTEE SUBCOMMITTEE MEMBERSHIPS

Mr. INOUYE. Madam President, I ask unanimous consent to have the attached subcommittee memberships for the 111th Congress printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEES

Senator Inouye, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Pryor, Specter, Brownback, Bennett, Cochran, Bond, McConnell, Collins. (10–6)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson, Pryor, Shelby, Gregg, McConnell, Hutchison, Alexander, Voinovich, Murkowski. (10–7)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Hutchison, Bennett, Brownback. (11–8)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, Voinovich. (10–8).

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Landrieu, Lautenberg, Nelson, Tester, Collins, Bond, Alexander. (5–3)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Specter, Voinovich, Cochran, Gregg, Shelby, Brownback, Murkowski. (9–6)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Tester, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins. (10–6)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Pryor, Specter, Cochran, Gregg, Hutchison, Shelby, Alexander. (9–5)

LEGISLATIVE BRANCH

Senators Nelson, Pryor, Tester, Murkowski. (3–1)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Pryor, Hutchison, Brownback, McConnell, Collins, Murkowski. (8–5)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Lautenberg, Specter, Gregg, McConnell, Bennett, Bond, Brownback, Voinovich. (9–6)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Specter, Bond, Shelby, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich. (12–8)

REMEMBERING SERGEANT CHRISTOPHER SHERMAN ENEY

Ms. MIKULSKI. Madam President, this August, 25 years ago, Capitol Police Sergeant Christopher Sherman Eney died in the line of duty. I rise to remember Sergeant Christopher Sherman Eney and the great sacrifices of our law enforcement officers.

The men and women who make up the Capitol Police protect not only Members of Congress but all the people visiting Capitol Hill, from foreign dignitaries to Girl Scout troops. Sergeant Eney was a loyal and dedicated member of the U.S. Capitol Police. He served on the force for twelve years.

On August 24, 1984, U.S. Capitol Police officers participated in SWAT training. That evening, the officers wanted to practice a particularly difficult exercise just one more time. During this final activity, Seg. Eney was accidentally shot and killed.

Sergeant Eney's life was cut tragically short. He was 37 years old. He left behind his wife Vivian and their two daughters: Shannen and Heather. My thoughts and prayers are with Sergeant Eney's family as we remember that tragic day.

Shortly after Sergeant Eney's passing, Vivian spoke of her husband and other fallen officers. She could not have spoken truer words when she said, ''It is not how these officers died that made them heroes, it is how they lived.'' Her famous words are forever engraved on the National Law Enforcement Officers Memorial.

It is up to us to honor Vivian's words. Twenty five years later, we remember Sergeant Eney as a man dedicated to risking his life for his Nation. He was a brave and courageous man. He lived

every day protecting his country and the future of his children.

I am so proud of every U.S. Capitol Police officer who puts their life on the line. I ask my colleagues to join me in thanking them for their service.

HONORING OUR ARMED FORCES

STAFF SERGEANT EDMOND LO

Mrs. SHAHEEN. Madam President, I wish to express my sympathy over the loss of U.S. Army SSG Edmond Lo, a 23-year-old native of Salem, NH. Staff Sergeant Lo was killed while attempting to neutralize an improvised explosive device in Samarra City, Iraq, early in the morning of June 13, 2009.

Staff Sergeant Lo was born and raised in Salem. He attended Salem High School, where he became a leader of the Air Force Junior ROTC program before graduating in 2004. Lo was determined to join the Army after graduation, even turning down a host of college acceptance letters in order to enlist. He became a member of the Army's 797th Ordnance Company—stationed out of Fort Hood, TX—and was on his second tour of duty in Iraq.

In high school, Edmond Lo earned the nickname ''Mr. Dependable.'' Those who knew him described him as kind, hardworking and strong-willed. Even after his first tour of duty, Staff Sergeant Lo kept a close connection to the community where he grew up, returning to Salem High School to share photographs from his first trip to Iraq.

New Hampshire is proud of Staff Sergeant Lo's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Staff Sergeant Lo is survived by his parents David and Rosa, as well as two brothers and three sisters. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Army SSG Edmond Lo.

NEW YORK UNIVERSITY'S COMMENCEMENT CEREMONY

Mr. SCHUMER. Madam President, I ask unanimous consent to have printed in the RECORD the remarks given by Secretary of State Hillary Clinton at New York University's commencement ceremony in New York City, on May 13, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HONORABLE HILLARY RODHAM CLINTON, SECRETARY OF STATE

Thank you. Thank you so much. Thank you. And does it get any better than this, a graduation ceremony for one of the great universities in the world in the home of New York Yankees? Nothing could be better. And thanks to all of you for cheering a visitor. I didn't realize that was permitted in Yankee Stadium.

I am honored to receive this degree. And on behalf of the other honorees, I say thank you. Thank you for giving us this singular privilege of being part of this commencement ceremony. As I look out at this huge crowd of graduates, family, and friends, I can only reflect on what an extraordinary moment in history you are receiving your degrees, a moment in time of our country and the world where your talents and your energy, your passion and commitment is more needed than ever. There is no doubt that you are well prepared for a world that seems somewhat uncertain but which will welcome the education that you have received on behalf of not only of yourselves and your families, but your communities and your country.

CHALLENGES FOR GRADUATES

As Secretary of State, I am well aware of the challenges that we face. You, as new graduates, and your generation will be up against those challenges: climate change and hunger, extreme poverty and extreme ideologies, new diseases and nuclear proliferation. But I am absolutely convinced that you and we are up to the task. There is no problem we face here in America or around the world that will not yield to human effort, to cooperation, to positive interdependence that makes clear humanity is going on, our challenges are ones that summon the best of us, and we will make the world better tomorrow than it is today.

Now, I know that it is fashionable in commencement speeches to be idealistic, and that may sound so, but at the root of my conviction is a strong sense of reality. Because you see, I don't think we have a choice. We can sit on the sidelines, we can wring our hands, we can retreat into cynicism, and we know what the results will be: We will cede the field to those whose ideologies are absolutely anathema to people of conscience and faith all over the world. So our positive interdependence, which is a fact, will prepare us to meet these challenges. But they can no longer be seen just as government-to-government. There is a time and an opportunity, and with the new technologies available, for us to be citizen diplomats, citizen activists, to solve problems one by one that will give in to hard work, patience, and persistence, and will then aggregate to the solutions we seek. Now, I know we cannot send a special envoy to negotiate with a pandemic, or call a summit with carbon dioxide, or sever relations with the global financial crisis. To confront these threats and to seize the opportunities that they also present, we need to build new partnerships from the bottom up, and to use every tool at our disposal. That is the heart of smart power. But smart power requires smart people, people who have gone the distance for their education, who have opened themselves up to this increasingly complex and interconnected world, and this changing global landscape requires us to expand our concept of diplomacy.

Now, when I was graduating so many years ago, diplomacy was the domain of privileged men working behind closed doors. Today, our diplomats are not limited, and our diplomacy is no longer confined to the State Department or our embassies. We are laying the foundation for 21st century statecraft. Where? In the classrooms of NYU, in the board rooms of the businesses of this great city, in the halls of academia, in the operating rooms of our great hospitals. We are looking for those personal commitments and connections, and that is where all of you come in.

SERVICE AND DIPLOMACY BY YOUNG PEOPLE

The biggest challenges we face today will be solved by the 60 percent of the world's population under the age of 30. And already, young people, like all of you, are using their talents and ingenuity to help fashion their own brand of service and diplomacy.

A few examples: In the nation of Colombia, two young college graduates, fed up with the violence in their country, used Facebook to organize 14 million people into the largest antiterrorism demonstrations in the history of the world. In a few short weeks, their peaceful efforts did as much damage to the terrorist networks as years of military action.

I know that one of your graduates spent months on the slopes of Mount Kilimanjaro searching for sustainable development models to bring to women and families and help them lift themselves out of poverty. Another of your classmates was studying in China last year when the devastating earthquake struck, and that has led to work ever since to deliver supplies and assistance to villagers in remote areas. International students have gone on to fight for human rights in Rwanda, build civil society in the nation of Georgia, run businesses, and lead governments. And many of you, I know, used social networking platforms to make Barack Obama the President of the United States of America.

President Obama and I deeply understand how important it is for the young people of our country, but the young people of every country, to be given the opportunity to translate your beliefs and ideals into service and action, just as John Kennedy did when he created the Peace Corps and as President Bill Clinton did when he created AmeriCorps. This is in the tradition of citizen service.

So we need to figure out ways to prepare all of our institutions of government, including and especially the State Department, to harness the efforts of those who do not enter the Foreign Service but still engage in your own type of foreign service. Our State Department personnel are skilled, dedicated, passionate, and effective. And for those of you still looking for jobs, we are hiring a new generation of diplomats.

I hope many of you will join our ranks in the Foreign Service and the Civil Service, but I know that not all will choose to become professional diplomats, and I also know that the State Department alone cannot tackle these great problems. So my message to you today is this: Be the special envoys of your ideals; use the communication tools at your disposal to advance the interests of our nation and humanity everywhere; be citizen ambassadors using your personal and professional lives to forge global partnerships, build on a common commitment to solving our planet's common problems. By creating your own networks, you can extend the power of governments to meet the needs of this and future generations. You can help lay the groundwork for the kind of global cooperation that is essential if we wish, in our time, to end hunger and defeat disease, to combat climate change, and to give every child the chance to live up to his or her Godgiven potential.

EDUCATIONAL EXCHANGES

This starts with opportunities for educational exchanges, the kind of dorm room and classroom diplomacy that NYU is leading on. I want to commend my friend, your

president, the trustees of this great university, for understanding and believing in the importance of educational exchanges.

You know, study abroad is like spring training for this century. It helps you develop the fundamentals, the teamwork, and the determination to succeed. And we want more American students to have that opportunity. That's why we are increasing funding for Gilman scholarships by more than 40 percent. More than 400 New Yorkers have used Gilman scholarships to spend a semester abroad, including nine students from NYU last year.

Now, of course, study abroad is a two-way street, and we should bring more qualified students from other countries to study here. NYU provides a prime example of what international students can bring to a campus and how they can benefit themselves and their countries. Over 700,000 international students came to the United States last year, and NYU had the second largest number of any school in the country.

Now, the benefits from such exchanges are so great that I am committed to streamline the visa process—particularly for science and technology students so that even more qualified students will come to our campuses in the future. We're also doing more to marry technology with global service. That's why today I am pleased to announce that over the next year the State Department will be creating Virtual Student Foreign Service Internships to harness the energy of a rising generation of citizen diplomats. Working from college and university campuses, American students will partner with our embassies abroad to conduct digital diplomacy that reflects the realities of the networked world. And you can learn more about this initiative on the State Department's website.

But I know that you don't have to wait for us to create a new program. When you go home today, go online and find the website called Kiva, K–i–v–a, where you can help someone like San Ma, a mother in Vietnam who is seeking a microcredit loan to buy rice seed and fertilizer for her family farm; or log on to Heifer International's site, and for less than the cost of a dinner out, you can donate a flock of geese to a hungry family in Asia or Africa; or help Wangari Mathai's Green Belt movement in planting trees and offsetting carbon emissions and empowering women in Africa.

GLOBAL SERVICE

Now, supporting these projects and others like them doesn't require a lot of time or money. But for the people you help and the planet you protect, your participation can be not just a game changer, but a life changer. Global service also means promoting good governance. We need informed citizens, both here at home and around the world, to hold their governments accountable for getting results and finding solutions.

And this is not only directed at the graduates today, but there are a lot of proud mothers and fathers and husbands and wives and grandparents and children and others who have seen you to this day. And this is an offer and a challenge to all of us. In the times that we face, we know we don't have a person to waste, we don't have an idea to overlook. In fact, we have to be even more committed to reaching out and crossing the divides that too often separate us. For those who have come to this country to celebrate a child or a friend's graduation, please take home this message: America more than ever wants your help; in fact, needs your help as we build these new partnerships and as we seek solutions to the global crises that cannot be solved by any one people or one government alone.

We need each other. We always have. It's just so much more apparent today. A flu starting in one country spreads quickly around the world. An extremist ideology starting with a few people explodes across the internet. A global financial crisis affects farmers and small business people in every corner of the globe. That is a new reality. But equally important is that we also now have the tools to work together to forge this common approach to these common threats.

So, Class of 2009, you have an historic opportunity. Every class is told that, and to some extent I suppose it is always true. But just in the course of this commencement ceremony, you've heard several references to the global economic crisis. The times that you are graduating in are, yes, perhaps more difficult and somewhat more daunting. But that's when we really rise together. One of the best lines from one of my favorite baseball movies, A League of Their Own—said it well, ''If it were easy, anybody could do it.''

You know, when the Yankees moved in to their old stadium next door in 1923, there was only person on the roster from west of St. Louis. Their team mostly looked the same, talked the same, and came from the same kind of cities and towns and rural areas across America. Think about the team that plays in this new stadium. It includes players from Mexico, Japan, Taiwan, Panama, four other countries. The Dominican Republic alone is home to seven Yankees. In the same way, NYU has evolved as well. The university was founded to serve the City of New York. Today it serves the world.

THE BEST INSURANCE POLICY: AN NYU EDUCATION

We know that there is much yet ahead that none of us can predict. There is no way to stop change. Change will come. What is unknown is whether it will bring progress or not. But you have done what you needed to do to get the best insurance policy you could, and that is an NYU education. And so armed with that education, I have every confidence that you will not only succeed by the dint of your own hard work and effort, but you will contribute far beyond your own personal needs. This is your moment. You've made it to the big leagues, and you are up to bat. Go out and give us a future worthy of this great university, of this great city, of this great country, and of the world we all wish to create together.

Thank you, congratulations, and Godspeed.

Thank you, Mr. President. I yield the floor.

ADDITIONAL STATEMENTS

COMMENDING RONALD BOYD

● Mr. JOHNSON. Madam President, today I wish to recognize the work and career of Ronald Boyd of Watertown, SD. Ron is retiring this month after serving the American Legion of South Dakota for the past decade.

Ron served in the U.S. Navy for 27 years. In 1999, Ron and his wife Marsha moved to Watertown where Ron joined the American Legion Department Headquarters Staff as the Department Assistant Adjutant. He was appointed Acting Department Adjutant in July 2000 and Department Adjutant at the Mid Winter Conference in February 2001.

During his tenure as Department Adjutant, Ron provided important counsel and advice to veterans, family members, VA officials, veterans' service officers, State legislators and congressional members on a range of issues. In particular, under his leadership, the American Legion in South Dakota has provided dozens of forums for veterans and their families in towns all across South Dakota to inform them of their benefits as veterans. I have always appreciated the time he has taken to visit with me in Washington, DC, and in South Dakota and update me on the events and issues important to the members of the American Legion.

It is with great honor that I share his impressive accomplishments with my colleagues, and I thank him for his service to this Nation and its veterans. Ron's consistent dedication to serving his country is admirable. His commitment to both the Navy and the legion reflect Ron's strong character and work ethic. Countless veterans have benefited from his loyalty and devotion. I wish Ron, and his wife Marsha, all the best in retirement and thank him for his many years of service.●

125TH ANNIVERSARY OF BERESFORD, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Beresford, SD. This progressive community will have a chance to reflect on its past and future, and I congratulate the people of Beresford for all they have accomplished.

Founded as a railroad depot town in 1883, Beresford was named after investor Lord Charles Beresford. The first building in Beresford was a saloon, soon followed by a general store called Sunnyside. The Beresford Study Club started a library in 1923 with donated books and fundraised for more. The library continues to serve as a valuable resource for the community.

Beresford and its citizens are a credit to the State of South Dakota. I am proud to join with the community members of Beresford in celebrating the last 125 years, and looking forward to a promising future.●

125TH ANNIVERSARY OF BRITTON, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I rise in order to pay tribute to the 125th anniversary of the founding of the community of Britton, SD. Britton is a progressive and friendly community infused with hospitality, beauty and spirit.

Founded when J.B. and F.B. Squier laid claims in the vicinity, Britton developed further after Colonel Isaac

Britton, general manager of the Dakota & Great Southern Railroad, visited and determined the area to be an ideal place for a railroad. Many changes have taken place since that first claim shanty in 1884, and the community now includes an impressive two-story school building and expanded medical facilities, both highly acclaimed. Britton has also established a strong economic base with over 25 businesses.

As the county seat of Marshall County, Britton continues to be a thriving community with many recreational opportunities including a nine hole golf course, new library, movie theater, bowling alley, swimming pool, three city parks and Prayer Rock Museum.

One hundred twenty-five years after its founding, the ''Gateway to the Glacial Lakes'' remains a vital community and a great asset to the wonderful State of South Dakota. I congratulate Britton and its citizens on reaching this historic anniversary.●

125TH ANNIVERSARY OF CLEAR LAKE, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Clear Lake, SD.

This county seat was founded when the Burlington, Cedar Rapids and Northern Railroad went through the area. The first depot was a box car, with other businesses quickly being erected including a general store, a butcher, and a blacksmith. Clear Lake also had a notable system to alert the town to fires, first with a triangle, then a bronze bell that is displayed in the town today.

Clear Lake is noted for its prosperous farmland and picturesque lake. This thriving town celebrated their achievement of 125 years with a weekend celebration filled with music, food and contests. Its population continues to grow as the citizens find new ways to hold onto their heritage while looking to the future. I am proud to represent Clear Lake, and would like to congratulate them on their historic anniversary.●

125TH ANNIVERSARY OF EMERY, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Emery, SD. I offer my congratulations to the people of Emery on reaching this momentous occasion.

Emery was named after the original settler, Sloan Miller Emery, who came to the area after leaving the banking industry in Minnesota. Soon after its original settlement, businesses began to sprout including a post office, a grain elevator, and several stores. A medical practice was started in 1891. Emery has continued to thrive throughout the years, and will be celebrating their anniversary July 3–5, 2009 with games, hot air balloon rides, and fireworks.

After 125 years, the city is stronger than ever. I am pleased to publicly honor the achievements of this wonderful South Dakota community as they reach this juncture, and wish them all the best in the future.●

125TH ANNIVERSARY OF LEOLA, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Leola, SD. I am proud to honor the people of Leola on this memorable occasion, and to extend my congratulations to them.

Settlers founded Leola in 1884 as a homestead site and named it after the daughter of Captain E.D. Haynes. The community quickly grew, getting its first newspaper, The Leola Blade, in 1885. Known as the ''Rhubarb Capital of the World'', Leola holds a biannual festival to celebrate and sample the various uses of this unique fruit. The town also has a Threshing Bee in September of every year to honor their forefathers' way of life with live demonstrations of antique threshing machines and an antique tractor show.

Located near the Ordway Prairie Memorial Preserve, Leola is also an excellent place for nature and history lovers to experience beautiful South Dakota prairie and its wildlife as the settlers did so many years ago.

The seat of rural McPherson County is a close-knit community infused with hospitality, beauty, and an exceptional quality of life. Small communities like Leola are the epitome of what makes South Dakota great, and I am proud to represent this thriving town.●

125TH ANNIVERSARY OF TORONTO, SOUTH DAKOTA

● Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the community of Toronto, SD.

Toronto was founded by four farmers who all donated land to the township. The farmer who donated the most land, Mr. McCraney, named the new community after his hometown of Toronto, Canada. The Burlington, Cedar Rapids and Northern Railroad built a depot which became a popular landmark, providing a gathering place for the citizens. In 1898, Toronto became the smallest town in the United States to have electric lights, with telephone service following 3 years later. This resilient town made it through seven major fires as well as severe bouts of small pox and Spanish influenza. I have a personal bond to the community as my grandparents Reverend Peder and Anna Ljostveit are buried in the Toronto Cemetery.

The citizens will be celebrating this momentous anniversary July 3–5, 2009, with craft and quilt shows, meals, pageants, and games including a contest for yard decorations. This celebration will give Toronto the occasion to reflect on their strong, progressive past as well as look forward to its promising future. I congratulate Toronto and its people and reaching this historic milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2009.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration

of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 22, 2009.*

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2410. An act to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

The message further announced that Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. GOODLATTE, and Mr. SENSENBRENNER are appointed managers on the part of the House to conduct the trial of the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 279, One Hundred Eleventh Congress, agreed to March 31, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary;

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they may consider necessary.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2410. An act to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes; to the Committee on Foreign Relations.

H.R. 2847. An act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. LEAHY, Mrs. LINCOLN, Mr. DURBIN, Mr. SANDERS, and Mr. ROBERTS):

S. 1313. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1314. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. KOHL):

S. 1315. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term ''first applicant'' for purposes of filing an abbreviated application for a new drug; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. JOHNSON, Mr. DODD, and Mr. LIEBERMAN):

S. 1316. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 1317. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1318. A bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds; to the Committee on Environment and Public Works.

By Mr. COBURN (for himself, Mr. KYL, Mr. THUNE, Mr. GRAHAM, Mr. CRAPO, Mr. INHOFE, Mr. ENZI, Mr. BURR, Mr. WICKER, Mr. BROWNBACK, Mr. MCCAIN, Mr. CHAMBLISS, Mr. ENSIGN, Mr. GRASSLEY, Mr. VITTER, Mr. BARRASSO, Mr. DEMINT, and Mrs. HUTCHISON):

S. 1319. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on Rules and Administration.

By Mr. TESTER:

S. 1320. A bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. BURR):

S. Res. 199. A resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. ENZI), the Senator from Kentucky (Mr. BUNNING) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay

health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 624

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 658

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 714

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 779

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 849

At the request of Mr. CARPER, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 849, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 883

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1280

At the request of Mr. CORKER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals

of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 158

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 158, a resolution to commend the American Sail Training Association for advancing international goodwill and character building under sail.

AMENDMENT NO. 1337

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1337 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

AMENDMENT NO. 1343

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 1343 intended to be proposed to S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. JOHNSON, Mr. DODD, and Mr. LIEBERMAN):

S. 1316. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill that would provide authority for the establishment of branch banking facilities on Indian reservations so that the Federally-chartered Native American Bank could enable access to financial services to Indian tribes and their citizens.

Many years ago, as part of my service as Chairman of the Senate Indian Affairs Committee, I met with tribal leaders to discuss the challenges of economic development in Indian country. At that time, I suggested that they might give consideration to a means by which tribal governments could pool their resources and thereby provide the capital that other tribal governments could employ on a short-term loan basis to undertake reservation-based projects that held the potential of stimulating economic growth in their tribal communities.

The tribal leaders with whom I met were very interested in this idea, and in the ensuing years, went forward and established the Native American Bank—which is headquartered in Denver—but continues to manage its first affiliated bank on the Blackfeet Indian Reservation in Montana.

As my colleagues know, there are few financial institutions located either on or near Indian reservations, and sadly, there is evidence that some financial institutions have found it apparently necessary to either charge very high rates that they associate with the risk of doing business in Indian country, or to deny financial assistance altogether.

The Native American Bank has stepped into that latter void and has been providing meaningful financial services to tribal governments and their citizens for a number of years.

This bill contains amendments to the McFadden Act that have been carefully sculpted to address only this narrow expansion of capacity on the part of financial institutions serving Indian country, and I am pleased that Senator JOHNSON, a member of the Senate Banking Committee, has agreed to join me in co-sponsoring this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—RECOGNIZING THE CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY TO THE CONTINUING PROSPERITY OF THE UNITED STATES

Mr. KOHL (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 199

Whereas the recreational boating community in the United States includes over 59,000,000 individuals;

Whereas the boating industry contributes more than $33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

Whereas recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That the Senate —

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefitting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1354. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table.

SA 1355. Mr. KERRY (for himself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1356. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1357. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1358. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1359. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1360. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1362. Mr. HATCH (for himself, Mrs. LINCOLN, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1023, supra; which was ordered to lie on the table.

SA 1363. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1354. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United

States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. TRUSTED PASSENGER/REGISTERED TRAVELER PROGRAM.

(a) ASSESSMENTS AND BACKGROUND CHECKS.—

(1) IN GENERAL.—Subject to paragraph (2) and not later than 120 days after the date of enactment of this Act, to enhance aviation security through risk management at airport checkpoints through use of a trusted passenger program (referred to in this section as the ''Registered Traveler program''), established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 114 note), the Assistant Secretary of Homeland Security for the Transportation Security Administration shall—

(A) reinstate an initial and continuous security threat assessment program as part of the enrollment process for the Registered Traveler program; and

(B) allow appropriate providers to perform private sector background checks as part of the Registered Traveler program enrollment process with assurance that the program shall be undertaken in a manner consistent with constitutional privacy and civil liberties protections and be subject to approval and oversight by the Assistant Secretary.

(2) REQUIREMENTS.—The Assistant Secretary shall not reinstate the threat assessment component of the Registered Traveler program or allow certain background checks unless the Assistant Secretary—

(A) determines that the Registered Traveler program, as carried out in accordance with this subsection, is integrated into risk-based aviation security operations; and

(B) expedites airport checkpoint screening for members of the Registered Traveler program who have been subjected to a security threat assessment and the private sector background check under this subsection.

(b) TREATMENT OF INDIVIDUALS WITH TOP SECRET SECURITY CLEARANCES.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish protocols to—

(1) verify the identity of United States citizens who—

(A) participate in the Registered Traveler program; and

(B) possess a valid top secret security clearance granted by the Federal Government; and

(2) allow alternative screening procedures for individuals described in paragraph (1), including random, risk-based screening determined necessary to respond to a specific threat to security identified pursuant to a security threat assessment.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act and if the Assistant Secretary determines that the Registered Traveler program, as carried out in accordance with subsection (a), may be integrated into risk-based aviation security operations under subsection (a), the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(1) the level of risk reduction provided by carrying out section (a);

(2) the manner in which the Registered Traveler program has been integrated into risk-based aviation security operations; and

(3) the changes to the Registered Traveler program, including screening protocols, that have been implemented to realize the full potential of the Registered Traveler program.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize any nongovernmental entity to perform vetting against the terrorist screening database maintained by the Government of the United States.

SA 1355. Mr. KERRY (for himself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 9. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.

(a) SHORT TITLE.—This section may be cited as the ''Arts Require Timely Service Act'' or the ''ARTS Act''.

(b) EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by striking ''(D) Any person'' and inserting the following:

''(D)(i) Except as provided under clause (ii), any person''; and

(B) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien who has extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium processing services referred to in section 286(u), without a fee.''.

SA 1356. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 23, line 6, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any

audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall—

''(A) report to the Secretary;

''(B) ensure that the Office is effectively carrying out its functions; and

''(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

''(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SA 1357. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 10, strike line 11 and all that follows through page 25, line 10, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall—

''(A) report to the Secretary;

''(B) ensure that the Office is effectively carrying out its functions; and

''(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

''(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the

processes through which individuals are admitted into the United States.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SA 1358. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 10, strike line 11 and all that follows through page 25, line 10, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in

amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—From the amounts collected under clause (i)(I), $100,000,000 shall be deposited into the Treasury and credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be deposited into the Treasury as an offsetting collection, subject to appropriation for use by the Secretary of Homeland Security for the electronic travel authorization system authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall—

''(A) report to the Secretary;

''(B) ensure that the Office is effectively carrying out its functions; and

''(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

''(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on

Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SA 1359. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 19, strike line 17 and all that follows through page 20, line 10, and insert the following:

''(B) FEES.—

''(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than $20 per travel authorization and distributed as follows:

''(I) $10 of each fee shall be deposited in the general fund of the Treasury for transfer to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009, consistent with section 4(b) of such Act.

''(II) The amount of each fee not transferred under subclause (I) shall be deposited into the Treasury as an offsetting collection subject to appropriation for the Secretary of Homeland Security—

''(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

''(bb) to ensure recovery of the full costs of providing and administering the System.

''(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

SA 1360. Mrs. FEINSTEIN (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

Beginning on page 17, strike line 7 and all that follows through page 18, line 4, and insert the following:

''(B) FEES.—

''(i) IN GENERAL.—Not later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. Such fee shall be not less than $20 per travel authorization and distributed as follows:

''(I) $10 of each fee shall be deposited in the general fund of the Treasury for transfer to the Travel Promotion Fund established by section 4(a) of the Travel Promotion Act of 2009, consistent with section 4(b) of such Act.

''(II) The amount of each fee not transferred under subclause (I) shall be deposited into the Treasury as an offsetting collection subject to appropriation for the Secretary of Homeland Security—

''(aa) to carry out the exit system required by section 217(i) and similar programs at sea and land ports of entry; and

''(bb) to ensure recovery of the full costs of providing and administering the System.

''(ii) EXCEPTION.—Any amount collected for distribution under clause (i)(I) for a fiscal year that exceeds the maximum amount that may be transferred to the Travel Promotion Fund under subsections (b), (c), and (d) of section 4 of the Travel Promotion Act of 2009 for such fiscal year shall be made available to the Secretary of Homeland Security under clause (i)(II).

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 23, line 6, and insert the following:

(4) REVIEW OF INFORMATION.—

(A) SUBMISSION.—The Corporation shall submit all information relating to United States Government travel and visa requirements proposed to be disseminated to foreign travelers under paragraphs (1)(A) and (3) to the Secretary of State and Secretary of Homeland Security for review in order to ensure that the travel promotion campaigns funded through the Travel Promotion Fund are factually accurate.

(B) REVIEW AND FEEDBACK.—Not later than 10 business days after receiving information from the Corporation under subparagraph (A), the Secretary of State and the Secretary of Homeland Security shall each—

(i) complete a review of the factual content of the information submitted by the Corporation under subparagraph (A); and

(ii) correct any factual errors discovered in such information.

(C) LIMITATION.—The Secretary of State and the Secretary of Homeland Security shall limit their review under this paragraph to the factual content of the information that the Corporation is proposing to disseminate.

(D) CHANGES.—The Corporation shall make all reasonable changes to the factual content of the information it proposes to disseminate to foreign travelers based on the feedback received from the Secretary of State and the Secretary of Homeland Security to ensure that such information is accurate.

(E) EFFECT OF FAILURE TO RESPOND.—If the Corporation does not receive a response from the Secretary of State or the Secretary of Homeland Security within 10 business days after the receipt of the information submitted under subparagraph (A), the factual content of the proposed information campaign shall be deemed to have been authorized by the Secretary of State and the Secretary of Homeland Security.

(f) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ⅔ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) FISCAL ACCOUNTABILITY.—

(1) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(3) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

SEC. 3. ACCOUNTABILITY MEASURES.

(a) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) FUNDING.—

(1) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c), to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—No amounts may be made available to the Corporation under this section after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) CARRYFORWARD.—

(1) FEDERAL FUNDS.—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

SEC. 5. ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—From the amounts collected under clause (i)(I), $100,000,000 shall be deposited into the Treasury and credited to the Travel Promotion Fund established under section 4 of the Travel Promotion Act of 2009, and any additional amounts shall be deposited into the Treasury as an offsetting collection, subject to appropriation for use by the Secretary of Homeland Security for the electronic travel authorization system authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

SEC. 6. ASSESSMENT AUTHORITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than $20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

SEC. 7. OFFICE OF TRAVEL PROMOTION.

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

''SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall—

''(A) report to the Secretary;

''(B) ensure that the Office is effectively carrying out its functions; and

''(C) perform a purely advisory role relating to any responsibilities described in subsection (c) that are related to functions carried out by the Department of Homeland Security or the Department of State.

''(4) RULE OF CONSTRUCTION.—Nothing in this section may be construed to override the preeminent role of the Secretary of Homeland Security in setting policies relating to the Nation's ports of entry and the processes through which individuals are admitted into the United States.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to advise the Secretary of Homeland Security on ways to improve the experience of incoming international passengers and to provide these passengers with more accurate information;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) to advise the Secretary of Homeland Security on ways to enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Travel Promotion Act of 2009, and periodically thereafter, as appropriate, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives, which describes the Office's work with the Corporation, the Secretary of State, and the Secretary of Homeland Security to carry out subsection (c)(2).''.

SA 1362. Mr. HATCH (for himself, Mrs. LINCOLN, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. DEPOSIT OF TARP REPAYMENTS AND PROCEEDS INTO TREASURY TO REDUCE THE PUBLIC DEBT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Tarp Asset Recycling Act of 2009'' or the ''STAR Act of 2009''.

(b) AMENDMENT TO TARP AUTHORIZATION.—Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking ''outstanding at any one time'' and inserting '', in the aggregate (or such higher amount, in the aggregate, as has been obligated or expended under this Act as of the date of enactment of the STAR Act of 2009)''.

(c) DEPOSIT OF FUNDS INTO TREASURY.—

(1) IN GENERAL.—On and after the date of enactment of this Act, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this section.

(2) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting '', and repayments of obligations arising under this Act,'' after ''section 113''.

SA 1363. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1347 proposed by Mr. DORGAN (for himself and Mr. ROCKEFELLER) to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 17, strike lines 22 through 24 and insert the following: ''(i)(I) shall be transferred to the general fund of the Treasury and made available for the purposes provided for in section 4 of the Travel Promotion Act of 2009.''.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 25, 2009 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing to examine S. 797, the Tribal Law and Order Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 22, 2009 at 3 p.m., to conduct a hearing entitled ''Over-the-Counter Derivatives: Modernizing Oversight To Increase Transparency and Reduce Risks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Monday, June 22, 2009 at 3 p.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 23, 2009

Mr. MERKLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; further, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Madam President, tomorrow we will work on an agreement to consider the Legislative Branch appropriations bill. If we are able to reach an agreement, we could have votes in relation to the bill.

Earlier today, the majority leader filed cloture on the nomination of Harold Koh to be legal adviser of the State Department. If we are unable to reach an agreement to consider the nomination, that cloture vote would occur Wednesday morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, June 23, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE MICHAEL D. GRIFFIN, RESIGNED.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE SHANA L. DALE, RESIGNED.

DEPARTMENT OF ENERGY

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE EDWARD F. SPROAT III, RESIGNED.

DEPARTMENT OF STATE

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR,

TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

ERTHARIN COUSIN, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U. S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

KENNETH E. GROSS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

JERRY P. LANIER, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

TEDDY BERNARD TAYLOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 23, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine type 1 diabetes research progress.
SD–106

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010.
SR–232A

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities.
SR–418

10 a.m.
Environment and Public Works
To hold hearings to examine the nominations of Colin Scott Cole Fulton, of Maryland, and Paul T. Anastas, of Connecticut, both to be an Assistant Administrator of the Environmental Protection Agency.
SD–406

Judiciary
To hold hearings to examine the nominations of A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy, Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security, and Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General, Department of Justice.
SD–226

10:30 a.m.
Aging
To hold hearings to examine emergency preparedness, aging and special needs.
SD–562

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
Business meeting to markup proposed budget estimates for fiscal year 2010 for the Commerce, Justice, Science and Related Agencies.
SD–138

Commerce, Science, and Transportation
To hold hearings to examine consumer choices and transparency in the health insurance industry.
SR–253

Foreign Relations
To hold hearings to examine the nomination of Capricia Penavic Marshall, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service, Department of State.
SD–419

JUNE 25

Time to be announced
Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Raphael William Bostic, of California, and David H. Stevens, of Virginia, both to be an Assistant Secretary of Housing and Urban Development.
Room to be announced

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

10 a.m.
Environment and Public Works
To hold hearings to examine impacts of highway trust fund insolvency.
SD–406

Judiciary
To hold hearings to examine ''The Matthew Shepard Hate Crimes Prevention Act''.
SD–226

Joint Economic Committee
To hold hearings to examine predatory lending and reverse redlining.
Room to be announced

11 a.m.
Foreign Relations
To hold hearings to examine the nomination of Maria Otero, of the District of Columbia, to be Under Secretary of State for Democracy and Global Affairs.
SD–419

12 noon
Judiciary
Business meeting to consider S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, H.R. 985 and S. 448, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 396, for the relief of Marcos Antonio Sanchez-Diaz, and the nominations of B. Todd Jones, to be United States Attorney for the District of Minnesota, and John P. Kacavas, to be United States Attorney for the District of New Hampshire.
SD–226

2:15 p.m.
Indian Affairs
To hold hearings to examine S. 797, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country.
SD–628

3:30 p.m.
Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine the impacts of mountaintop removal coal mining on water quality in Appalachia.
SD–406

JUNE 26

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

JULY 14

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land.
SD–366

JULY 15

9:30 a.m.
Veterans' Affairs
To hold hearings to examine bridging the gap in care of women veterans.
SR–418

JULY 29

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation.
SR–418

POSTPONEMENTS

JUNE 24

2 p.m.
Judiciary
To hold hearings to examine the EB–5 Regional Center Program, focusing on job creation and foreign investment in the United States.
SD–226

SENATE—*Tuesday, June 23, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, Ruler of all nature, protect our Senators from the seductive influences of power and prestige. Today, deliver them from the delusion of self-importance which their position and status subtly nurture. Remind them of the example of the greatest man who ever lived. He said: ''Those who would be greatest must be servants of all.'' In disagreement and confrontation, help them to respect and esteem each other as they struggle together for the resolution of complex issues. Lord, give them the humility to know that no one has a monopoly on Your truth and that all need each other to discover Your guidance together.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business. Senators will be allowed to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the next 30 minutes. The Senate will be in recess from 12:30 p.m. to 2:15 p.m. today to allow for weekly caucus luncheons. We will continue to work on an agreement to consider the legislative appropriations bill today. Senators could expect votes in relation to that bill during today's session.

MAKING TECHNICAL CORRECTIONS TO THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 1777.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I rise to speak in support of this bill and our need to make important technical corrections to the Higher Education Opportunity Act. I thank Senator KENNEDY for his willingness to approach this bill in a bipartisan manner, I always believe that working together we produce a better policy.

Any time this body considers a bill that has over 1,000 pages, there is bound to be a need to do some ''clean up'' and to correct unintended consequences. Fortunately, we were also provided an opportunity to broaden benefits to the children who have lost a parent in either Iraq or Afghanistan since 2001. It is important that we do all we can to support these individuals whose families have made the ultimate sacrifice for our country. I am appreciative of Senators BURR and ALEXANDER for their leadership in getting this bill done.

A college education is not a luxury in the 21st century economy. It is a necessity. This bill will improve the ability of our student assistance programs to function and meet the needs of institutions of higher education, students and their families.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1364) was agreed to.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

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

The bill (H.R. 1777), as amended, was read the third time and passed.

CONDOLENCES TO WASHINGTON METRO CRASH VICTIMS

Mr. REID. Mr. President, before we turn to legislative matters, I wish to express my personal condolences and those of the Senate to the people affected by yesterday's tragedy, and that was a lot of people. That tragedy took place on the Washington Metro system. Nine people were killed and scores more injured yesterday evening as they simply made their way home during rush hour. The accident has shaken this city and this body. Like so many other commuters, many who work on Capitol Hill rely on the Metro system every day. It has been reliable, and it has been safe. My heart goes out to the families who lost loved ones and those who were injured. As we learn more about what caused this terrible accident, we will work to ensure it never happens again.

HEALTH CARE

Mr. REID. Mr. President, this new year began with so much hope. When we began the 111th Congress, I had hoped Republicans would leave their Republican games in the 110th Congress. I had hoped they would have listened when the American people reviewed their record and said no to the party of no.

I wrote the following at the time, this past January:

We have no choice but to govern differently. The times demand it. If we do not govern differently, we will have taken no good lessons from the bad experience of the Bush years.

That goes for Republicans and Democrats alike.

In my first address to this Chamber this year, I reminded both Republicans and Democrats that when we retreat to partisanship, when we fail to reach for common ground, we rob ourselves of the ability to create the change the American people demanded.

As the health care debate approached in April, I reached out to our Republican colleagues and wrote this:

Rather than just saying no, you must be willing to offer concrete and constructive proposals. We cannot afford more of the obstructionist tactics that have denied or delayed Congress' efforts to address so many of the critical challenges facing this nation.

Last week, I reminded the other side that our hands remain outstretched across the aisle. I assured them we still save them a seat at the negotiating table. And just yesterday, I encouraged our Republican friends to join with us to pass an important bill that would promote foreign travel to the United States—creating jobs, reducing our deficit, and strengthening our economy in the process. Everyplace in America, there are hotel rooms and motel rooms that are not occupied as they should be. The legislation killed yesterday by the Republicans would have had more people coming to those hotel and motel rooms.

At the beginning of this year, at the beginning of this Congress, at the beginning of this debate, and even up to the beginning of this week, my commitment to bipartisanship and finding common ground has not changed one bit. Unfortunately, a stubborn group of Senate Republicans has not changed either.

Yesterday, Republicans blocked a bill that had 11 Republican cosponsors. I assumed when they sponsored that bill they were in favor of the bill. That is kind of an idea people get around here. They blocked a bill that would support a trillion-dollar industry in an otherwise slow economy. They blocked a bill that would create 40,000 new jobs right here at home over the next year. It would have cut our deficit by $425 million and helped our economy recover.

Perhaps, though, we shouldn't be surprised. Just last week, a Republican Senator said the following:

Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win.

That is what he said.

Given their commitment to obstruction, it is remarkable we have gotten anything done this year, let alone such a strong catalog of important accomplishments that have helped us revive our economy, strengthen our national security, protect our environment, demand accountability, promote equality, and ensure progress. But if Republicans are going to stand in the way of a bill that creates tens of thousands of new jobs, cuts our deficit by hundreds of millions of dollars, and helps every single State in the Union, how are we going to do the other important work the American people sent us here to do? What is it they want to do?

As my good friend from North Dakota, Senator DORGAN, said yesterday on the floor:

If we can't agree on a piece of legislation that was offered by over 50 Senators, Republicans and Democrats, dealing with promotion of tourism and creating jobs and promoting this country's economic interests by asking international tourists to come to America and see what America is all about—if we can't agree on that, how on Earth will we get agreements on energy, health care, climate change, and so on? It is so disappointing.

I don't know if anyone could put it any better than Senator DORGAN did. I couldn't.

Reforming health care and pursuing energy independence are daunting tasks. No one claims it is simple, but nearly everyone knows it is essential. No one claims the answer is obvious, but everyone knows we must work toward one. Yet, if Republicans refuse to find common ground on the easy things, how will we do so on the hard ones?

It is difficult to understand, but it is clear to anyone following this debate that our Republican friends are not interested in making the difficult but necessary decisions to dig our economy out of this ditch and move us further down the path of recovering prosperity. They have said publicly and privately they are waiting on President Obama's failure. At this point, it has been a bad bet because President Obama is still—today in the press, his popularity is approaching 70 percent.

Instead, they like to echo talking points written by pollsters. They like to repeat the tired, trite, and baseless claim that if we reform health care—85 percent of Americans want us to reform health care, but they are saying that if we improve health care, they will be denied and delayed in getting health care. It is absolutely incomprehensible what their reasoning is. Nothing could be further from the truth.

First, let me state once again the facts. No matter what Republicans claim, the government has no intention of choosing any part of your medical plan. Remember, we are talking a public option, a public choice. The government has no intention of choosing for you any part of your medical plan or meddling in any of your medical relationships. If you like the coverage you have, you can keep it. In fact, it is the name of a whole section of the HELP Committee's bill. Section 131 is called ''No Changes to Existing Coverage.'' That is what the title of the bill section is. Every time you hear Republicans say otherwise, you know they are not interested in an honest debate.

Second, let me reiterate once again the reality. The only thing being delayed is urgently needed reform that ensures all Americans have access to quality, affordable health care. The only thing at risk of being denied is Americans' ability to stay healthy, get healthy, or care for a loved one. It is being delayed by a party that has made such stalling tactics their speciality, as evidenced last night.

The party of no is showing no interest in sitting down with us at the negotiating table. The party of no has shown no interest in legislating. And I am most concerned that the party of no has shown no interest in helping the millions of people who have no insurance and the 20 million who are underinsured and the millions more who are paying too much for health care they could lose with one pink slip, one accident, or one illness. Millions of people are afraid they are going to lose their insurance. That is what this debate is about. It is not just about people who have no insurance, it is about people who have insurance, to keep it. In the last 8 years, the number of uninsured in this country has gone up by 10 million people—10 million people.

So I remind my Republican colleagues again, this is not about winning and losing. This is not the time for ideology. This is not the place for political games. For the millions of Americans who have paid crushing health care costs or those with no coverage at all, it is about a concrete and critical crisis that children, families, and small businesses feel every single day. It is about the parent who cannot afford to take their kid to the doctor because insurance is too expensive. It is about the small businesses that have to lay off employees because they cannot afford skyrocketing health care payments. It is about small businesses that have to eliminate health insurance because they cannot afford it. It is about the three in five families who put off necessary medical care because it costs too much.

American families in every one of our States are counting on us to work together in our common interests. They are not counting the political points scored by either party. Senate Democrats want nothing more than to work with Republicans to create a bipartisan health reform bill that ensures quality and affordable help for all Americans. That is why the HELP Committee has held 14 bipartisan roundtables, 13 committee hearings, and 20 meetings of committee members to discuss various proposals—each one with the goal of reaching a bipartisan agreement. Hardworking Americans are too often casualties of our health care system. They deserve better than to also be the casualties of this kind of politics.

It is not too late for Republicans to join us for a serious discussion and sincere dialog about how to move this country forward. As I did at the beginning of this year, this Congress, this debate, and this week, I still have hope they will.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK IV, DAY II

Mr. MCCONNELL. Mr. President, the Secretary of Health and Human Services recently said that when it comes to health care, the status quo is unacceptable, and I agree with her. She then went on to say that there are a lot of people on Capitol Hill who are content with doing nothing, though she didn't name names. On that point, I totally disagree. Republicans and Democrats all share the belief that health care reform is needed. The question is what kind of reform it should be.

Some have proposed a government-run health care system that would force millions to give up the private health plans they have and like and replace them with a government plan where care is denied, delayed, and rationed. This so-called ''reform'' is not the kind of change Americans want. They want health care that is more affordable and accessible, but that preserves the doctor-patient relationship and the quality of care they now enjoy.

And that is why Republicans are proposing reforms to make health care less expensive and easier to obtain without destroying what's good about our system. Republicans want to reform our medical liability laws to discourage junk lawsuits and bring down the cost of care; we want to encourage wellness and prevention programs that have been successful in cutting costs; we want to encourage competition in the private insurance market to make care more affordable and accessible; and we want to address the needs of small businesses without creating new taxes that kill jobs. But instead of embracing these commonsense ideas that Americans support, Democrats in Congress are trying to rush through a health care bill that will not only lead to a government-run system, but will do so by spending trillions of dollars and plunging our country deeper and deeper into debt.

Recently, the independent Congressional Budget Office told us that just one—just one—section of the bill being discussed in the HELP Committee would spend $1.3 trillion over a decade. And Senator GREGG, the ranking member on the Budget Committee, estimates the HELP bill could end up spending more than $2 trillion—more than $2 trillion on a bill that would not even solve the entire problem.

The American people don't want us to spend trillions of dollars we don't have on a health care system they don't want. And yet that is exactly what Democrats plan to do, even though they can't explain to anyone how they will pay for it. Despite the staggering costs of the Democrat health care plan, we're being told we need to rush it through the Congress for the sake of the economy. When Republicans ask how Democrats are going to pay for it, or what impact it will have on our health care system and the economy, the only words we hear are rush and spend, rush and spend.

We heard similar warnings earlier this year when Democrats pushed through their stimulus bill, and voted on it less than 24 hours after all of the details were made public. Well, if the American people learned anything from the stimulus, it is that we should be suspicious when we are told that we need to spend trillions of dollars without having the proper time to review how the money will be spent or what effect it will or will not have.

Democrats also said the stimulus money wouldn't be wasted and that they would keep track of every penny spent. Yet already we are learning about outrageous projects like a $3.4 million turtle tunnel that is 13 feet long or more than $40,000 being spent to pay the salary of someone whose job is to apply for more stimulus money.

The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't exceed 8 percent. But just last week, the President said that unemployment would likely rise to 10 percent.

So when Democrats now predict that their health care plan will cut costs, Americans should be skeptical. And they have good reason to be, since independent estimates show that every health care proposal Democrats have offered would only hurt the economy.

Americans should also be skeptical when it comes to Democrat promises that people will be able to keep their current insurance. Just last week, the independent Congressional Budget Office said that just one section of the HELP Bill will cause 10 million people with employer-based insurance to lose the coverage they have. And that is even before we have seen a finished product. The bill is still missing significant sections, such as a government plan that Democrats want, which could force millions more to lose their current coverage.

The stimulus showed that when politicians in Washington say the sky is going to fall unless Congress approves trillions of dollars right away, we should be wary. Yet just a few months later, Americans are hearing the same thing from Democrats in the health care debate: rush and spend, rush and spend. Americans want health care reform, but they want the right health care reform. They want us to take the time and care necessary to get it right. And that is why the Democrats' rush and spend strategy is exactly the wrong approach.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Arizona is recognized.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, today, the HELP Committee will meet to discuss another new government program that seeks to promote prevention and wellness. While prevention and wellness are important and can lead to lower overall health care costs, we already have several programs focused on prevention and wellness.

The HHS Fiscal year 2010 budget request for prevention is $700 million. In the recent omnibus approps bill there were $22 million worth of earmarks for legislators' pet projects for prevention and wellness, and $310.5 million worth of earmarks under the Health Resources and Services Administration. Yet the health care bill proposed by the majority includes $80 billion new spending on new prevention programs without even acknowledging the existing programs or suggesting improvements to them. In other words, wellness and fitness has become another trough to put both feet in for earmarks and pet projects of members.

We already have $1.8 trillion in Federal debt. Yet the majority keeps on spending on new government programs that intervene in the markets and our personal lives. Where will it stop?

The Center for Disease Control has devised programs focused on weight loss and obesity, smoking and tobacco, drinking and alcohol, injury and accident prevention. These programs receive hundreds of millions of taxpayer dollars each year. But the health reform bill being considered by the HELP Committee adds billions more for prevention on top of these programs.

This reckless spending by the majority is irresponsible. The majority should focus on whether the existing programs achieve the stated objectives. The Federal Government does nothing to measure effectiveness of prevention programs and has not a single metric for program performance. Before we create a new Federal entitlement program costing billions, we should first measure the effectiveness of our current programs.

I can tell you what is working. Employers all over the country are creating innovative, voluntary programs to promote healthier lifestyles and bring down costs. However, instead of removing hindrances to more employer prevention and wellness programs, the majority's first instinct is to create another government entitlement program

and set up roadblocks to employer innovation.

I would now like to take a moment to put all of this in perspective. Today is Tuesday, June 23, and another day has passed without the Senate having a complete health care reform bill to consider. We don't yet know what the majority will propose for their so called ''government plan'' or how it will be paid for. What we do know is that a Congressional Budget Office preliminary estimate believes that the incomplete bill will cost over $1 trillion but cover only one-third of those current uninsured. So I dread the Congressional Budget Office cost estimate of a complete bill. Some fear that the final price tag for covering all Americans Auld cost taxpayers as much as $3 trillion.

We have a real problem here. Every day that goes by without the key elements of the majority's bill being available for consideration leads to another day where millions of Americans will become uninsured. This is an absolute disservice to our constituents and an embarrassment.

The President of the United States and the majority continue to allege that we will enact health care reform before we leave for the August recess. We are now approaching the July recess. We do not have an estimate or the language, much less the estimate, of two vital, important parts of any health care reform legislation: what will be the role of the employer and what will be the government mandate or the government role, and, finally, how much all this will cost the taxpayers.

So we are talking about one-fifth of the gross domestic product of this Nation, and we are expected, in a few short weeks, to enact overall health care reform with still the Members on this side of the aisle not being informed as to what the plan is, much less have a serious debate. There are meetings of the committees going on and discussion and nice things said about each other. I always enjoy that. But the fact is, we have not gotten down to the fundamental challenges of health care reform in America.

The days are growing shorter and the time is growing short. We cannot enact health care reform and fail. We cannot do that. The sooner the better that we get the full perspective of what is the proposal of the administration and the other side and how much it costs and what the fundamental issues are that are being addressed—such as employer mandates and government mandates. They are certainly not clear not only to us but to the American people.

We have to communicate to the American people how we are going to fix health care. We can't do that unless we have a complete plan to consider and present to them, as well as to Members on this side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

SOTOMAYOR NOMINATION

Mr. CORNYN. I would like to use the next 10 minutes or so to address the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court. I spoke last week a little bit on this nomination and the constitutional responsibility of the Senate to conduct a fair and, I believe, dignified hearing that will be held, now, on July 13, just a couple of short weeks from now. As I said then, and I will say it again, she deserves the opportunity to explain her judicial philosophy more clearly and to put her opinions and statements in proper context. I think every nominee deserves that. But I don't think it is appropriate for anyone—this Senator or any Senator—to prejudge or to preconfirm Judge Sotomayor or any judicial nominee.

This is an important process, as I said, mandated by the same clause of the Constitution that confers upon the President the right to make a nomination, and it is the duty of the Senate to perform something called advice and consent, a constitutional duty of ours. It should be undertaken in a responsible, substantive, and serious way.

Last Thursday I raised three issues I will reiterate briefly with regard to Judge Sotomayor's record. I would like to hear more from her on the scope of the second amendment to the Constitution and whether Americans can count on her to uphold one of the fundamental liberties enshrined in the Bill of Rights: the right to keep and bear arms. I would also like to hear more from Judge Sotomayor on the scope of the fifth amendment and whether the government can take private property from one person and give it to another person based on some elastic definition of public use. And, I want to hear more from her on her thoughts on the equal protection clause of the 14th amendment of the Constitution, which reads in part:

> No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

Obviously, the third issue is going to be very much in the news, probably again as soon as next Monday, when the Supreme Court hands down its decision in the Ricci v. DiStefano case, a case in which Judge Sotomayor participated on the panel before her court of appeals. That case, as you may recall, involves firefighters who took a competitive, race-neutral examination for promotion to lieutenant or captain at the New Haven Fire Department.

The bottom line is, the Supreme Court could decide the Ricci case in a matter of days, and the Court's decision, I believe, will tell us a great deal about whether Judge Sotomayor's philosophy in that regard, as far as the Equal Protection Clause is concerned, is within the judicial mainstream or well outside of it.

The Ricci case is one way the American people can get a window into Judge Sotomayor's judicial philosophy. Another way is to look at some of her public comments, including speeches made on the duty and responsibility of judging.

The remarks that have drawn the most attention are those in which she said:

> I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

As I said before, and I will say it again, there is no problem—certainly from me, and I do not believe any Senator—if she is just showing what I think is understandable pride in her heritage, as we all should as a nation of immigrants. But if the judge is talking about her judicial philosophy and suggesting that some people, some judges, because of their race, because of their ethnicity, because of their sex, actually make better decisions on legal disputes, then that is something Senators will certainly want to hear more about, this Senator included.

Judge Sotomayor has made other public remarks that deserve more scrutiny than they have received so far. For example, in a speech in 2002, Judge Sotomayor embraced the remarks of Judith Resnick and Martha Minow, who are two prominent law professors who have each proposed theories about judging that are far different than the way most Americans think about these issues. Most Americans think the people elect their representatives, Members of the House and Senate, to write the laws, and the judges, rather than rewriting those laws, should interpret those laws in a fair and commonsense way, without imposing their own views on what

The law should be.

Most Americans think that when judges impose their own views on a case, when they substitute their own political preferences for those of the people and their elected representatives, then they undermine Democratic self-government and they become judicial activists.

Professors Resnick and Minow have very different ideas than I think the mainstream American thinks on what a judge's job should be. Their views may not be controversial in the ivory tower of academia. Academics often encourage each other to engage in provocative theories so they can write about them and get published and get tenure.

But the American people generally do not want judges to experiment with

new legal theories when it comes to judging. They have a more commonsense view that judges should follow the law and not the other way around.

So where does Judge Sotomayor stand on some of these academic legal theories, which I think are far out of the mainstream of American thought? I am not sure. But in her 2002 remarks she said this:

I accept the proposition that as [Professor] Resnick describes it, ''to judge is an exercise of power.''

And:

as . . . Professor Minow . . . states ''there is no objective stance but only a series of perspectives—no neutrality, no escape from choice in judging.''

If I understand her quotes correctly, and those are some things I want to ask her about during the hearing, that is not the kind of thing I think most Americans would agree with. They do not want judges who believe that there is no such thing as neutrality in judging because neutrality is an essential component of fairness. If you know you are going to walk into a courtroom only to have a judge predisposed to deciding against you because of some legal theory, then that is not a fair hearing. And we want our judges to be neutral and as fair as possible when deciding legal disputes.

The American people, I do not think, want judges who believe they have been endowed with some power to impose their views for what is otherwise the law. Americans believe in the separation of powers, the separation between Executive, legislative and judicial power and that judges should, by definition, show self-restraint and respect for our branches of government.

I hope Judge Sotomayor will address these academic legal theories during her confirmation hearing. I hope she will clarify what she sees in the writings of Professors Resnick, Minow, and others whom she finds so admirable.

I hope she will demonstrate that she will respect the Constitution more than those new-fangled legal theories and that she will respect the will of the people as represented by the laws passed by their elected representatives and not by life-tenured Federal judges who are not accountable to the people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will the Chair please let me know when I have consumed 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

HEALTH CARE

Mr. ALEXANDER. Mr. President, this morning one of our bipartisan breakfasts occurred which we have here every so often. Senator LIEBERMAN and I and other Senators organized it. 16 Senators there attending this morning's breakfast. The Presiding Officer is often a participant in those meetings. At this morning's breakfast we discussed health care. As we listened to the chairman, ranking member, and other senior members of the Finance Committee one of the things we said is that we agree on about 80 percent of what needs to be done.

But one of the areas where we do not agree is cost. Another area is whether a so-called government-run insurance option will lead to a Washington takeover of health care. A lot of us are feeling like we have had about enough Washington takeovers: our banks, our insurance companies, our student loans, our car companies, even our farm ponds, and now health care.

Government-run insurance is not the best way to extend coverage to low-income Americans who need it. The chairman of the Finance Committee indicated that his bill would be paid for. But on the Health, Education, Labor, and Pensions Committee, on which I serve, that is not the case. The bill is not even finished yet, and already, as the Senator from New Hampshire has pointed out, in the 5th through the 14th year, 10 years, it would cost 2.3 trillion new dollars, raising the Federal debt to even further unimaginable levels.

Let me mention an aspect of cost which is often overlooked. Federal debt is certainly a problem, but as a former Governor, I care about the State debt and State taxes. The States do not have printing presses, they have to balance their budgets. So when we do something up here that puts a cost on States down there, they have to raise taxes or cut programs.

We know the programs they have to cut: education, and health care programs, both are important to people in Illinois and people in Tennessee.

The Medicaid Program in the Kennedy bill that we are considering would increase Medicaid to 150 percent of the Federal poverty level, which sounds real good until you take a look at the cost.

In Tennessee alone, if the State had to pay its share of the requirement, about one-third, that would be $600 million. It would be another $600 million if, as has been suggested, it is required that the State reimburse physicians up to 110 percent of Medicare. So that is $1.2 billion of new costs just for the State of Tennessee.

The discussion has been that the Federal Government will take that over for a few years and then will shift that back to the States. Well, my response is that every Senator who votes for such a thing ought to be sentenced to go home and serve as Governor of his or her State for 8 years and figure out how to pay for it or manage a program like that.

In our State, we talk about money. Up here, a trillion here, a trillion there. But $1.2 billion in the State of Tennessee equals to about a 10-percent income tax on what the people of Tennessee would bring in. We do not have an income tax. So that would be a new 10-percent income tax.

So one of my goals in the health care debate is to make sure we do not get carried away up here with good-sounding ideas and impose huge, unfunded mandates on the States, which, according to the tenth amendment to the Constitution, we are not supposed to. But we superimpose our judgment upon the Governors, the legislators, the mayors, the local politicians who are making decisions about whether to spend money to lower tuition or improve the quality of the community college or provide this form of health care or build this road or bridge. That is their decision. And if we want to require something, we should pay for it from here.

I am going to be very alert on behalf of the States and the citizens of the States to any proposal that would shift unfunded mandates on State and local governments. I hope my colleagues will as well.

My suggestion to every Governor in this country is, over the next few days, to call in your Medicaid director, ask that Medicaid director to call the Senate and say: Tell us exactly how much the Kennedy bill and the Finance Committee bill will impose in new costs on our State if the costs are shifted to the States. Then when we come back at the first of July, we can know about that cost.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. ALEXANDER. I thank the Chair very much. So my interest is not just in additions to the Federal debt but not allowing unfunded mandates to the States.

I ask unanimous consent to have printed in the RECORD an article from the New York Times from June 22, 2009, showing what condition the States are in. Almost all are in a budget crisis and not in any position to accept this.

I also would like to thank the Senator from Arizona for allowing me to go ahead of him so I can go to the committee and offer an amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 2009]

STATES TURNING TO LAST RESORTS IN BUDGET CRISIS

(By Abby Goodnough)

In Hawaii, state employees are bracing for furloughs of three days a month over the next two years, the equivalent of a 14 percent pay cut. In Idaho, lawmakers reduced aid to public schools for the first time in recent memory, forcing pay cuts for teachers.

And in California, where a $24 billion deficit for the coming fiscal year is the nation's worst, Gov. Arnold Schwarzenegger has proposed releasing thousands of prisoners early and closing more than 200 state parks.

Meanwhile, Maine is adding a tax on candy, Wisconsin on oil companies, and Kentucky on alcohol and cellphone ring tones.

With state revenues in a free fall and the economy choked by the worst recession in 60 years, governors and legislatures are approving program cuts, layoffs and, to a smaller degree, tax increases that were previously unthinkable.

All but four states must have new budgets in place less than two weeks from now—by July 1, the start of their fiscal year. But most are already predicting shortfalls as tax collections shrink, unemployment rises and the stock market remains in turmoil.

''These are some of the worst numbers we have ever seen,'' said Scott D. Pattison, executive director of the National Association of State Budget Officers, adding that the federal stimulus money that began flowing this spring was the only thing preventing widespread paralysis, particularly in the areas of education and health care. ''If we didn't have those funds, I think we'd have an incredible number of states just really unsure of how they were going to get a new budget out.''

The states where the fiscal year does not end June 30 are Alabama, Michigan, New York and Texas.

Even with the stimulus funds, political leaders in at least 19 states are still struggling to negotiate budgets, which has incited more than the usual drama and spite. Governors and legislators of the same party are finding themselves at bitter odds: in Arizona, Gov. Jan Brewer, a Republican, sued the Republican-controlled Legislature earlier this month after it refused to send her its budget plan in hopes that she would run out of time to veto it.

In Illinois, the Democratic-led legislature is fighting a plan by Gov. Patrick J. Quinn, also a Democrat, to balance the new budget by raising income taxes. And in Massachusetts, Gov. Deval Patrick, a Democrat, has threatened to veto a 25 percent increase in the state sales tax that Democratic legislative leaders say is crucial to help close a $1.5 billion deficit in the new fiscal year.

''Legislators have never dealt with a recession as precipitous and rapid as this one,'' said Susan K. Urahn, managing director of the Pew Center on the States. ''They're faced with some of the toughest decisions legislators ever have to make, for both political and economic reasons, so it's not surprising that the environment has become very tense.''

In all, states will face a $121 billion budget gap in the coming fiscal year, according to a recent report by the National Conference of State Legislatures, compared with $102.4 billion for this fiscal year.

The recession has also proved politically damaging for a number of governors, not least Jon Corzine of New Jersey, whose Republican opponent in this year's race for governor has tried to make inroads by blaming the state's economic woes on him. Mr. Schwarzenegger, who sailed into office on a wave of popularity in 2003, will leave in 2011—barred by term limits from running again—under the cloud of the nation's worst budget crisis. And the bleak economy has played a major role in the waning popularity of Gov. David A. Paterson of New York.

Over all, personal income tax collections are down by about 6.6 percent compared with last year, according to a survey by Mr. Pattison's group and the National Governors Association. Sales tax collections are down by 3.2 percent, the survey found, and corporate income tax revenues by 15.2 percent. (Although New Jersey announced last week that a tax amnesty program had brought in an unexpected $400 million—a windfall that caused lawmakers to reconsider some of the deeper cuts in a $28.6 billion budget they were set to approve in advance of the July 1 deadline.)

As a result, governors have recommended increasing taxes and fees by some $24 billion for the coming fiscal year, the survey found. This is on top of more than $726 million they sought in new revenues this year.

The proposals include increases in personal income tax rates—Gov. Edward G. Rendell of Pennsylvania has proposed raising the state's income tax by more than 16 percent, to 3.57 percent from 3.07 percent, for three years—and tax increases on myriad consumer goods.

''They have done a fair amount of cutting and will probably do some more,'' said Ray Scheppach, executive director of the governors association. ''But as they look out over the next two or three years, they are also aware that when this federal money stops coming, there is going to be a cliff out there.''

Raising revenues is the surest way to ensure financial stability after the stimulus money disappears, Mr. Scheppach added, saying, ''You're better off to take all the heat at once and do it in one package that gets you through the next two, three or four years.''

While state general fund spending typically increases by about 6 percent a year, it is expected to decline by 2.2 percent for this fiscal year, Mr. Pattison said. The last year-to-year decline was in 1983, he said, on the heels of a national banking crisis.

The starkest crisis is playing out in California, where lawmakers are scrambling to close the $24 billion gap after voters rejected ballot measures last month that would have increased taxes, borrowed money and reapportioned state funds.

Democratic legislative leaders last week offered alternatives to Mr. Schwarzenegger's recommended cuts, including levying a 9.9 percent tax on oil extracted in the state and increasing the cigarette tax to $2.37 a pack, from 87 cents. But Mr. Schwarzenegger has vowed to veto any budget that includes new taxes, setting the stage for an ugly battle as the clock ticks toward the deadline.

''We still don't know how bad it will be,'' Ms. Urahn said. ''The story is yet to be told, because in the next couple of weeks we will see some of the states with the biggest gaps have to wrestle this thing to the ground and make the tough decisions they've all been dreading.''

In one preview, Gov. Tim Pawlenty of Minnesota, a Republican, said last week that he would unilaterally cut a total of $2.7 billion from nearly all government agencies and programs that get money from the state, after he and Democratic legislative leaders failed to agree on how to balance the budget.

In an example of the countless small but painful cuts taking place, Illinois announced last week that it would temporarily stop paying about $15 million a year for about 10,000 funerals for the poor. Oklahoma is cutting back hours at museums and historical sites, Washington is laying off thousands of teachers, and New Hampshire wants to sell 27 state parks.

Nor will the pain end this year, Ms. Urahn said, even if the recession ends, as some economists have predicted. Unemployment could keep climbing through 2010, she said, continuing to hurt tax collections and increasing the demand for Medicaid, one of states' most burdensome expenses.

''Stress on the Medicaid system tends to come later in a recession, and we have yet to see the depth of that,'' Ms. Urahn said. ''So you will see, for the next couple years at least, states really struggling with this.''

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

HEALTH CARE

Mr. KYL. I wish to commend the Senator from Tennessee because he has been a leader in pointing out the problems that these new health care expenditures would impose upon our States. It is important to have the Governors of the States and the State legislators to begin to let Washington know what they think about these new costs that they are somehow going to have to bear.

Let me begin at the outset here, on the same subject, to make it clear that Republicans are very eager for serious health care reform, just as I think the American people are.

That is why we support new ideas that would actually cut health care costs and make all health care more affordable and accessible. Republicans want to reform our medical liability laws to curb frivolous lawsuits. We want to strengthen and expand wellness programs that encourage people to make healthy choices about smoking, diet, and exercising. All those have huge impacts on the cost of health care.

We also wish to address the needs of the unemployed, those who work for or own a small business, those with preexisting conditions, all of these we can address. And this can and must be done without imposing job-killing taxes and regulations. In short, we favor innovation, not just regulation.

Our Democratic friends would like to take a different route. Many of them would like to impose a one-size-fits-all Washington-run bureaucracy that we believe, ultimately, would lead to the kind of delay and denial of care we have heard about in Canada and Great Britain. I have spoken at length about the trouble with health care rationing, so today I would like to talk about the cost of a new Washington-run health care system.

The administration often argues that we need Washington-run health care to help the economy. Well, ''Washington bureaucracy'' and ''economic growth'' are not phrases that tend to have a positive correlation. Is it realistic to think that adding millions of people to a new government-run health insurance system will somehow save money or help the economy?

As the Wall Street Journal recently editorialized about the so-called plan:

> In that kind of world, costs will climb even higher as far more people use ''free'' care and federal spending will reach epic levels.

One wag quipped: ''If you think health care is expensive now, just wait until it is free.''

In fact, the first estimate from the nonpartisan Congressional Budget Office shows that just a portion of the Democratic plan, covering only one-third of the uninsured, will cost over $1 trillion—$1 trillion to cover 16 million more people.

That is just for one part of the proposed plan. That works out to about over $66,000 per person.

The administration said last weak it wants to rework the plan to bring the cost down below $1 trillion. Well, that will help. They have not provided a specific number. But what I would like to know is: Do they consider anything below $1 trillion acceptable—$999 billion, $800 billion? What is acceptable here? Is it trying to get it down below $1 trillion so the sticker shock is not quite so great?

The American people are very worried about our increasing national debt. This only makes the problem worse, not better.

As the Republican leader mentioned in his radio address Saturday, the President used this same economic argument to sell the $1.3 trillion stimulus package: ''We have to move quickly to pass new government spending to help the economy.'' Four months later, unemployment has risen to 9.4 percent, much higher than the 8-percent peak the administration said it would be if we quickly passed the stimulus legislation. Now the administration is asking for billions more for a Washington-run health care plan.

As the New York Times noted last Friday, while the Democrats' bill outlines massive amounts of new spending, it does not explain how it intends to pay for it. That is an important detail. Congress would either have to run up more debt on top of the historic debt already produced by the President's budget and the stimulus bill, or it will have to raise taxes. That is one area in which our colleagues on the other side of the aisle have actually offered a lot of new ideas: Taxes on beer, soda, juice, and snack food, along with new limits on charitable contributions have all been proposed. But actually, they are a drop in the bucket relative to the amount of new taxes that would be required to fund their plan.

I would like to know: When will we draw the line and try something other than new taxes and massive new government spending to solve the problem?

Americans want health care reform, but most of them don't want to be saddled with mountains of new debt. As a June 21 New York Times article reported, a new survey shows—and I am quoting—''considerable unease about the impact of heightened government involvement on both the economy and the quality of respondents' own care.''

The American people are very worried that their own care, which they are generally satisfied with, will be negatively impacted as a result of the so-called ''reform'' that is being proposed. That same survey, which was an NBC New York Times survey, also showed that while 85 percent of Americans want serious reform, only 28 percent are confident that a new health care entitlement will improve the economy. So as the President is trying to sell this on the basis that we need it for the economy, only 28 percent of Americans believe that is the case. Frankly, I share their skepticism. It is going to hurt, not help.

We need to reform health care right. I think there is much more virtue in doing it correctly over doing it quickly. President Obama promised change, but there is nothing new about dramatically increasing government spending and adding even more to our national debt. I hope some of my friends on the Democratic side, as well as Republicans, can agree that when it comes to health care reform, we should embrace real changes that support medical innovation and put patients first. That is the answer. That is what the American people want.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. DURBIN. Mr. President, the Senate is considering many issues now of great importance, but none more important to the American people than the future of health care in this great Nation.

This weekend, a new poll was released by the New York Times and CBS. Eighty-five percent of the people surveyed said the health care systems in America need fundamental change or to be completely rebuilt—85 percent. So people sense all across this country that though we have great hospitals and doctors, there is something fundamentally flawed with our system, and we can understand why. We are spending more money than any other country on Earth and we are not getting the medical results we want; and there is real uncertainty that average people won't be able to keep up with the costs of health insurance, the battles with health insurance companies over coverage, and whether at the end of the day they can have the quality health care every single person wants for themselves and their family.

They asked the American people which party they trusted to deal with health care reform, and 18 percent said they trusted the party on the other side of the aisle—the Republicans, while 57 percent trusted the Democratic majority. Even one out of every four Republicans said that the Democrats would do a better job in creating a better health care system.

People on this side of the aisle want a bill that works with the current system and fixes what is broken. We not only want to respond to the 85 percent of people who want change, we are listening to 77 percent of the people who say they are satisfied at this moment with the quality of their own care. So the starting point is if you have health insurance you like and it is good for your family, you can keep it. We are not going to change that. It is a tricky balance but one we have to address: how to preserve what is good but fix what is broken.

One of the foundations is the so-called public option. A lot of people don't know what that means, but it basically says there should be an option to private health insurance companies that is basically public in nature. We have a lot of public health now in America. Medicare is the obvious example. Forty million people count on Medicare to provide affordable, quality care in their elderly years and during their disabilities. The Medicaid Program is another one for the poor people in our society. We have veterans health care. There are ways that we involve the government in health care that have been proven to be successful—not just for years but for decades.

Many folks on the other side of the aisle come to the floor warning us about government involvement in health care. I have not heard a single one of them call for the end of Medicare or the end of veterans' care, not a one of them. We asked the American people: What do you think about a government health care plan as an option—a choice—for you so that you can choose from the well-known names in health insurance, private companies, but then you also have one other choice; you can pick the public plan, the public interest plan, the government plan. This poll taken by the New York Times and CBS found that there was broad bipartisan backing for a public option. Half of those who call themselves Republican say they would support a public plan, along with nearly three-quarters of Independents. This chart here shows the question: Would you favor or oppose the government offering everyone a government-administered health insurance plan such as Medicare that would compete with private health insurance plans? All respondents—72 percent—said they favored it. Only 20 percent were opposed.

So three to one favor the idea of a public health care plan. Fifty percent of Republicans do, 87 percent of Democrats, and 73 percent of Independents.

Then we asked the harder question: Are you willing to pay more or higher taxes so that all Americans can have health insurance that they can't lose no matter what happens? Look at this number: Fifty-seven percent of all who responded said they are willing to pay higher taxes if it means that everybody has peace of mind that health insurance would be there. Those making less than $50,000, 64 percent of those folks support it, and those with incomes over $50,000, 52 percent supported it as well.

Many of the people coming to the floor on the other side of the aisle don't agree with the vast majority of Americans when it comes to this issue. I commend my colleagues on the other side of the aisle for at least coming to engage us in this debate, but we do see things a lot differently. We have heard a lot of Republicans coming to the floor discussing health care. Many of them have been critical of change. Maybe it has been made clear to a majority of the American people that those who are waiting on Congress to act may see some on the other side of the aisle reluctant and slow, while those on our side of the aisle are trying to follow President Obama to a solution. Regardless of the reason, it seems that most of the Republicans' approach to this can be summarized in three words: deny, delay, and ration. That is what we have heard from the Republicans on health care reform.

The Republican leader started it 2 weeks ago. We heard it from him again last week, and no doubt we will hear it from him again this week, as well as from the Republican whip. Perhaps they think if they keep drilling home these three words—deny, delay, and ration—that people will lose their appetite for change in our health care system.

When our economy was in a deep freeze earlier this year with the recession that President Obama inherited, he called on us to enact landmark legislation to try to get this economy moving forward. It was an effort that was resisted by the other side of the aisle. We ended up with three Republicans at the time who supported us, even though the President asked them personally to be engaged, to be involved, and to help us solve this problem. But they denied that the problem was as great as it was. They wanted to delay consideration of the legislation, drag it out as long as possible, and then they wanted to limit, or ration, the dollars we put into recovery. They thought the economy would get well all by itself. If we had given in to their view, I am afraid unemployment figures today would be even higher, economic output anemic, and many of our States facing bankruptcy today would be faced with even worse circumstances. So we went forward. We would not allow the Republican approach when it came to recovery and reinvestment in the American economy.

We see the strategy now repeatedly from the Republican side of the aisle. It seems to be their approach to governing or not governing. They want to deny requests on the floor to move to legislation. Last night was the most recent. Here is a bill which nobody argues against to increase tourism in the United States, bring in more foreign visitors who will spend more money, who will help hotels and restaurants and airlines and businesses, large and small. Eleven Republicans cosponsored it. Last night we said, OK, let's pass it. Let's get it done. Let's move on. This is the type of thing that is good, but it shouldn't take all of this time to do. Only 2 of the 11 Republicans who cosponsored the tourism bill were willing to vote for it last night. They wanted to delay this again. They want us to end up this week accomplishing little or nothing. At the end of the week, if they get us to do nothing, they consider it a successful week. I don't see how it can be. This bill we are talking about on tourism is designed to help create jobs in this country—something we desperately need.

Health care is a serious issue which we need to move on and not delay. Democrats believe the role of the Federal Government is to keep the best interests of the American people in mind. Half of those questioned in the New York Times-CBS poll said they thought the government would be better at providing medical coverage than private insurers. Incidentally, that number is up from 30 percent a couple of years ago. Nearly 60 percent said Washington would have more success in holding down the costs, up from 47 percent.

The American people know the government doesn't want to deny people health care, delay their services, or ration, but it is no surprise the Republican leaders still use these words. That is their playbook. It is a playbook that was written by a pollster, an adviser and counselor whom I know—Frank Luntz. Mr. Luntz has been around a long time. He is the guru, the go-to guy, the great thinker on the Republican side of the aisle. He calls himself in his own publications Dr. Frank Luntz. Well, it looks as though when it comes to strategy on health care reform, the Republicans are more focused on Dr. Frank than they are on the realities that doctors and patients face in America every single day. Dr. Frank give them a 28-page memo on how to stop health care reform before we had even put a bill on the table.

There are those who want to stop health care reform before they know what is in it. Do you know who they are? They are the people who are today making a fortune on the current health care system. They see their profitability at risk if there is health care reform.

It is no wonder that you hear Dr. Frank come up with proposals for the Republican side of the aisle, which are then repeated here on the floor of the Senate. On page 15 of his marching orders, Frank Luntz wrote:

> It is essential that ''deny'' and ''denial'' enter the conservative lexicon immediately.

On page 24, he said:

> Of the roughly 30 distinct messages we tested, nothing turns people against what Democrats are trying to do more immediately than the specter of having to wait.

On page 23 of the memo of Dr. Frank Luntz, he wrote:

> The word ''rationing'' does induce the negative response you want. . . .

He says that to his Republican followers.

> . . . ''rationing'' tests very well against the other health care buzzwords that frighten Americans.

That last phrase caught my attention, because more and more of what we hear from the other side of the aisle in criticizing President Obama's agenda is fear—be afraid, very afraid, be afraid of change.

The American people weren't afraid of change last November; they voted for it. They asked for change in the White House. I think they said it overwhelmingly. We have seen change. What we hear from the Republican side is to be afraid of change. That is their mantra, whether it is a question of changing the economy as it was under the Bush administration, changing health care as it has been for years, changing education so that we get better results, the Republicans say be afraid of this, be frightened.

I think that is, unfortunately, their motto. They have used it time and again. I don't think it is what Americans feel. We are a hopeful nation, not a fearful nation. We want to be careful but not afraid. We want to make the right decisions and make them on a cooperative basis and bring everybody in a room and try to come up with a reasonable answer. But we should not be afraid to tackle these things and not frightened by the prospect that it might be hard work. As the President said about health care reform, if it were easy, it would have been done a long time ago. That is something we all need to look at and understand.

I can tell you that Democrats recognize the status quo, the way we have been doing things forever, isn't working for millions of Americans when it comes to health care. The idea of having the public insurance plan option is a course to make sure that we keep the private profitable health insurance companies honest, and see that they have some competition; otherwise, we are stuck with the current system,

where they can make a blanket decision that people with preexisting conditions have no coverage or they can decide what your doctor thinks is the best procedure is something they won't pay for.

American families deserve health insurance that does not force families to face limitless out-of-pocket expenses. Americans want real health insurance reform. This public option is going to promote that kind of choice.

My colleagues on the other side of the aisle continue to assault this idea of public insurance, insisting it is too much government. The minority leader on the Republican side said Americans don't deserve a health care system that forces them into government bureaucracy that delays or denies their care and forces them to navigate a web of complex rules and regulations. Of course they don't.

Raising that fear, as suggested by Dr. Frank Luntz, the Republican strategist, is what they want to do—plant the seeds in the minds of people that any change will be bad. I don't think the American people feel that way. If you want to see a bureaucracy, try getting through a call to your health insurance company after you get the letter that says they won't cover the $1,500 charge for the procedure your doctor ordered. Talk to someone who can no longer get health insurance because of an illness they had years ago, a preexisting condition, or because they are too old in the eyes of health insurance companies. Ask them how streamlined or efficient conversations are with insurance companies today.

If you want to see a bureaucracy, talk to a small businessman in Springfield, a friend of mine, who had to jump through a series of hoops to find a way to continue health care coverage for his employees and keep his business going. Plain and simple, health insurance today is a bureaucracy. It is one most people know firsthand. Americans and small business owners face it every day.

We need to move to a new idea, an idea not based on the health insurance companies' model. Frankly, they are the ones who are profiting.

Last year was a bad year for most American businesses. According to CNN and Fortune Magazine, only 24 Fortune 500 companies' stocks generated a positive return last year. Among those that didn't have that were GM, United Airlines, Time-Warner, Ford, CBS, and Macy's. All these companies lost billions in what financial analysts tell us was the fortune 500's ''worst year ever.''

There were two sectors of the economy that did well—the oil industry and the health insurance industry. The top four health insurance companies in America—UnitedHealth Group, WellPoint, Aetna, and Humana—made more than $7.5 billion in combined profit last year, while the bottom fell out for virtually every other company, short of the oil industry, across the board.

The goal with the Democratic health reform bill is to create health care that values patients over profits and quality more than bottom line take-home pay and bonuses.

Republicans want to preserve a broken system, one with escalating costs and no guarantee the policy will be there when you need it. Rather than help insurance companies, Democrats want to put American families first and help those struggling with high health care costs.

This is a moment of truth for us in this Congress. This isn't an easy issue. Right now, the Finance Committee and HELP Committee are working hard to put together health care reform. Without it, things are going to get progressively worse. The cost of health care will continue to rise to unsupportable levels. Even if individuals have a good health insurance plan today, it may cost too much tomorrow. Even if they think their health insurance covers them well today, they may be denied coverage tomorrow. Businesses that want to keep insuring their employees worry over whether they can be competitive and still pay high health insurance premiums. Individuals worry about this as well.

The last point I want to make is that I think the President is right to say to us that we have to get this job done. I say to my friends on the other side of the aisle: Don't deny the obvious. Don't come to the floor and deny the need for health care reform. It is real. We need it in this country, and 85 percent of the American people know it. The Republican leadership should come to know it in the Senate.

Second, don't dream up ways to delay this important deliberation. That isn't serving our country well. If justice delayed is justice denied, the same is true regarding health care reform. Delaying this into another Congress and another year doesn't solve the problem. It makes it worse. We need to face it today, and we need a handful of Republicans who will step away from the Republican leadership and say they are willing to talk, that if this is a good-faith negotiation to find a reasonable compromise, they are willing to do it. It has happened in the past—even a few months ago; it can happen again. It will take real leadership on their side.

The President said his door is open. The same thing is true on the Democratic side. The door is open for those who want to, in good faith, try to solve the biggest domestic challenge we have ever faced in the Senate. We have that chance to do it. We honestly can do it if we work in good faith.

But denying the problem, delaying efforts to get to the problem, and deciding we are only going to do a tiny bit of it so we can move on to something else is, unfortunately, a recipe for disaster. It is one the American people don't deserve and one we should avoid.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 1321 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. UDALL of Colorado. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I ask unanimous consent that Senator SESSIONS and I be granted 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Madam President, this morning I would like to turn my attention to the nomination of Judge Sonia Sotomayor to the Supreme Court and more specifically to the so-called empathy standard that President Obama employed in selecting her for the highest Court in the land.

The President has said repeatedly that his criterion for Federal judges is their ability to empathize with specific groups. He said it as a Senator, as a candidate for President, and again as President. I think we can take the President at his word about wanting a judge who exhibits this trait on the bench. Based on a review of Judge Sotomayor's record, it is becoming clear to many that this is a trait he has found in this particular nominee.

Judge Sotomayor's writings offer a window into what she believes having empathy for certain groups means when it comes to judging, and I believe once Americans come to appreciate the real-world consequences of this view, they will find the empathy standard extremely troubling as a criterion for selecting men and women for the Federal bench.

A review of Judge Sotomayor's writings and rulings illustrates the

point. Judge Sotomayor's 2002 article in the Berkeley La Raza Law Journal has received a good deal of attention already for her troubling assertion that her gender and ethnicity would enable her to reach a better result than a man of different ethnicity. Her advocates say her assertion was inartful, that it was taken out of context. We have since learned, however, that she has repeatedly made this or similar assertions.

Other comments Judge Sotomayor made in the same Law Review article underscore rather than alleviate concerns with this particular approach to judging. She questioned the principle that judges should be neutral, and she said the principle of impartiality is a mere aspiration that she is skeptical judges can achieve in all or even in most cases—or even in most cases. I find it extremely troubling that Judge Sotomayor would question whether judges have the capacity to be neutral ''even in most cases.''

There is more. A few years after the publication of this particular Law Review article, Judge Sotomayor said the ''Court of Appeals is where policy is made.'' Some might excuse this comment as an off-the-cuff remark. Yet it is also arguable that it reflects a deeply held view about the role of a judge—a view I believe most Americans would find very worrisome.

I would like to talk today about one of Judge Sotomayor's cases that the Supreme Court is currently reviewing. In looking at how she handled it, I am concerned that some of her own personal preferences and beliefs about policy may have influenced her decision.

For more than a decade, Judge Sotomayor was a leader in the Puerto Rican Legal Defense and Education Fund. In this capacity, she was an advocate for many causes, such as eliminating the death penalty. She was responsible for monitoring all litigation the group filed and was described as an ardent supporter of its legal efforts. It has been reported that her involvement in these projects stood out and that she frequently met with the legal staff to review the status of cases.

One of the group's most important projects was filing lawsuits against the city of New York based on its use of civil service exams. Judge Sotomayor, in fact, has been credited with helping develop the group's policy of challenging those exams.

In one of these cases, the group sued the New York City Police Department on the grounds that its test for promotion discriminated against certain groups. The suit alleged that too many Caucasian officers were doing well on the exam and not enough Hispanic and African-American officers were performing as well. The city settled a lawsuit by promoting some African Americans and Hispanics who had not passed the test, while passing over some White officers who had.

Some of these White officers turned around and sued the city. They alleged that even though they performed well on the exam, the city discriminated against them based on race under the settlement agreement and refused to promote them because of quotas. Their case reached the Supreme Court with the High Court splitting 4 to 4, which allowed the settlement to stand.

More recently, another group of public safety officers made a similar claim. A group of mostly White New Haven, CT, firefighters performed well on a standardized test which denied promotions for lieutenant and for captain. Other racial and ethnic groups passed the test, too, but their scores were not as high as this group of mostly White firefighters. So under this standardized test, individuals from these other groups would not have been promoted. To avoid this result, the city threw out the test and announced that no one who took it would be eligible for promotion, regardless of how well they performed. The firefighters who scored highly sued the city under Federal law on the grounds of employment discrimination. The trial court ruled against them on summary judgment. When their case reached the Second Circuit, Judge Sotomayor sat on the panel that decided it.

It was, and is, a major case. As I mentioned, the Supreme Court has taken that case, and its decision is expected soon. The Second Circuit recognized it was a major case too. Amicus briefs were submitted. The court allotted extra time for oral argument. But unlike the trial judge who rendered a 48-page opinion, Judge Sotomayor's panel dismissed the firefighters' appeal in just a few sentences. So not only did Judge Sotomayor's panel dismiss the firefighters' claims, thereby depriving them of a trial on the merits, it didn't even explain why they shouldn't have their day in court on their very significant claims.

I don't believe a judge should rule based on empathy, personal preferences, or political beliefs, but if any case cried out for empathy—if any case cried out for empathy—it would be this one. The plaintiff in that case, Frank Ricci, has dyslexia. As a result, he had to study extra hard for the test—up to 13 hours each day. To do so, he had to give up his second job, while at the same time spending $1,000 to buy textbooks and to pay someone to record those textbooks on tape so he could overcome his disability. His hard work paid off. Of 77 applicants for 8 slots, he had the sixth best score. But despite his hard work and high performance, the city deprived him of a promotion he had clearly earned.

Is this what the President means by ''empathy''—where he says he wants judges to empathize with certain groups but, implicitly, not with others? If so, what if you are not in one of those groups? What if you are Frank Ricci?

This is not a partisan issue. It is not just conservatives or Republicans who have criticized Judge Sotomayor's handling of the Ricci case. Self-described Democrats and political independents have done so as well.

President Clinton's appointee to the Second Circuit and Judge Sotomayor's colleague, Jose Cabranes, has criticized the handling of the case. He wrote a stinging dissent, terming the handling of the case ''perfunctory'' and saying that the way her panel handled the case did a disservice to the weighty issues involved.

Washington Post columnist Richard Cohen was similarly offended by the way the matter was handled. Last month, before the President made his nomination, Mr. Cohen concluded his piece on the subject as follows:

> Ricci is not just a legal case but a man who has been deprived of the pursuit of happiness on account of his race. Obama's Supreme Court nominee ought to be able to look the New Haven fireman in the eye and tell him whether he has been treated fairly or not. There's a litmus test for you.

Legal journalist Stuart Taylor, with the National Journal, has been highly critical of how the case was handled, calling it peculiar.

Even the Obama Justice Department has weighed in. It filed a brief in the Supreme Court arguing that Judge Sotomayor's panel was wrong to simply dismiss the case.

So it is an admirable quality to be a zealous advocate for your clients and the causes in which you believe. But judges are supposed to be passionate advocates for the evenhanded reading and fair application of the law, not their own policies and preferences. In reviewing the Ricci case, I am concerned Judge Sotomayor may have lost sight of that.

As we consider this nomination, I will continue to examine her record to see if personal or political views have influenced her judgment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator MCCONNELL for his thoughtful comments. He is a former member of the Judiciary Committee, a lawyer who has studied these issues and cares about them deeply, and I value his comments. I do think that, as Senator MCCONNELL knows, and while he is here, once a nominee achieves the Supreme Court, they do have a lifetime appointment and these values and preferences and principles on which they operate go with them. So it is up to us, I think my colleague would agree, to make sure the values and principles they bring to the Supreme Court would be consistent with the rule of law. So I appreciate the Senator's comments.

Mr. MCCONNELL. If the Senator from Alabama will yield.

Mr. SESSIONS. I will yield.

Mr. MCCONNELL. I commend Senator SESSIONS for his outstanding leadership on this nomination and his insistence that we be able to have enough time to do the job—to read the cases, read the Law Review articles, and to get ready for a meaningful hearing for one of the most important jobs in America. I think he has done a superb job, and I thank him for his efforts.

Mr. SESSIONS. I thank the Senator. I would note that there are only nine legislative days between now and the time the hearing starts, so we are definitely in a position where it is going to be difficult to be as prepared as we would like to be when this hearing starts. We still don't have some of the materials we need.

My staff and I have been working hard to survey the writings and records of Judge Sotomayor.

Certainly, the constitutional duty of the Senate to consent to the President's nomination is a very serious one. In recent years, we have seen judicial opinions that seem more attuned to the judge's personal preferences than to the law, and it has caused quite a bit of heartburn throughout the country. We have seen judges who have failed to understand that their role, while very important, is a limited one. The judge's role is not policy, politics, ethnicity, feelings, religion, or personal preference because whatever those things are, they are not law, and first and foremost a judge personifies law. That is why lawyers and judges, during court sessions—and I practiced hard in Federal court for all of 15 years, so I have been in court a lot—when they go to court, they do not say even the judge's name and usually don't even say ''judge.'' They refer to the judge as ''the Court.'' They say, ''If the Court please, I would like to show the witness a statement,'' or a judge may write, ''This Court has held,'' and it may be what he has written himself, or she. All of this is to depersonalize, to objectify the process, to clearly establish that the deciding entity has put on a robe—a blindfold, according to our image—and is objective, honest, fair, and will not allow personal feelings or biases to enter into the process.

So the confirmation process rightly should require careful evaluation to ensure that a nominee—even one who has as fine a career of experience as Judge Sotomayor—meets all the qualities required of one who would be situated on the highest Court. As this process unfolds, it is important that the Senate conduct its evaluation in a way that is honest and fair and remember that a nominee often is limited in his or her ability to answer complaints against them.

So the time is rapidly approaching for the hearings—only nine legislative days between now and July 13—and there are still many records, documents, and videos not produced that are important to this process.

My colleagues and friends are asking: What have you found? What evaluations have you formed? What are your preliminary thoughts? And I have been somewhat reluctant to discuss these matters at this point in time, as we continue to review the record. In truth, the confirmation process certainly must be conducted with integrity and care, but it is not a judicial process, it is a political process. The Senate is a political, legislative body, not a judicial body, and it works its will. Its Members must decide issues based on what each Member may conclude is the right standard or the right beliefs.

I have certainly not formed hard opinions on this nominee, but I have developed some observations and have found some relevant facts and have some questions and concerns. It is clear to me that several matters and cases must be carefully examined because they could reveal an approach to judging that is not acceptable for a nominee, in my opinion. I see no need not to raise those concerns now. Discussing them openly can help our Senate colleagues get a better idea of what the issues are, and the public, and the nominee can see what the questions are now, before the hearings start. Unfortunately, the record we have is incomplete in key respects, and it makes it difficult for us to prepare.

As I review the record, I am looking to try to find out whether this nominee understands the proper role of a judge, one who is not looking to impose personal preferences from the bench. Frankly, I have to say—to follow up on Senator MCCONNELL's remarks—I don't think I look for the same qualities in a judge that the person who nominated her does—President Obama. He says he wants someone who will use empathy—empathy to certain groups to decide cases. That may sound nice, but empathy toward one is prejudice toward the other, is it not? There are always litigants on the other side, and they deserve to have their cases decided on the law. And whatever else empathy might be, it is not law. So I think empathy as a standard, preference as a standard is contrary to the judicial oath. This is what a judge declares when they take the office:

> I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me.

So I think that is the impartial ideal. That is the ideal of the lady of justice with the scales and the blindfold, which we have always believed in in this country and which has been the cornerstone of American jurisprudence.

So what I have seen thus far in Judge Sotomayor's record—and presumably some of her views are the reason President Obama selected her—cause me concern that the nominee will look outside the law and the evidence in judging and that her policy preferences could influence her decisionmaking. Her speeches and writings outside the court are certainly of concern, some of which Senator MCCONNELL mentioned.

I wish to discuss some other areas that I think are significant also. She has had extensive work with the Puerto Rican Legal Defense and Education Fund and been a supporter, presumably, of what it stands for. So that is one of the matters I will discuss a bit here. Also, I will discuss her decision to allow felons, even those convicted and in jail, the right to vote, overruling a long-established State law. Some other matters I will discuss include the New Haven firefighters case.

Looking at the long association the nominee has had with the Puerto Rican Legal Defense and Education Fund—an organization that I have to say, I believe, is clearly outside the mainstream of the American approach to matters—this is a group that has taken some very shocking positions with respect to terrorism. When New York Mayor David Dinkins criticized members of the radical Puerto Rican nationalist group and called them ''assassins'' because they had shot at Members of Congress and been involved in, I guess, other violence, the fund, of which judge Sotomayor was a part, criticized the mayor and said they were not assassins and said that the comments were ''insensitive.''

The President of the organization continued, explaining that for many people in Puerto Rico, these men were fighters for freedom and justice.

I wonder if she agreed with that statement and that the statements of the mayor of New York were insensitive. These Puerto Rican nationalists reconstituted into groups such as the FALN, which we have recently had occasion to discuss in depth. The FALN itself was responsible for more than 100 violent attacks resulting in at least 6 deaths. I find it ironic that once again we find ourselves discussing these murderous members of FALN, when not long ago we were considering whether to confirm Attorney General Eric Holder, who was advocating pardoning them and President Clinton did. Now we find ourselves wondering about this nominee to the Court and what her views are on these matters and how her mind works as she thinks about these kinds of issues.

We do not have enough information, unfortunately, to assess these concerns effectively. We requested information relating to Judge Sotomayor's involvement with the fund, a typical question of all nominees but critically important for a Supreme Court nominee. But we have not received information. Indeed, we have received 9 documents totaling fewer than 30 pages relating to

her 12 years with the organization. So it is not possible for us to make an informed decision at this point on her relationship with an organization that seems to be outside the mainstream.

What we know, basically, is from publicly available information, and what has been provided this committee, is that this is a group that has, time and again, taken extreme positions on vitally important issues such as abortion. In one brief, which was in support of a rehearing petition in the U.S. Supreme Court, a brief to the Supreme Court, the Fund criticized the Supreme Court's decision in two cases that both the State and Federal Government should restrict the use of public funds for abortion—the question of public funding of abortion.

Incredibly, the Fund joined other groups in comparing these types of funding restrictions to slavery, stating:

> Just as Dred Scott v. Sanford refused citizenship to Black people, these opinions strip the poor of meaningful citizenship under the fundamental law.

In their view, the equal protection clause of the U.S. Constitution prohibited restrictions on either Federal or State Government provision of funding abortions.

I think this is an indefensible position. We do not know how much Judge Sotomayor had to do with developing these positions of the Fund—but certainly she was an officer of it, involved in the litigation committee during most of this time—because we do not have the information we requested.

We do know the Fund and Judge Sotomayor opposed reinstatement of the death penalty in New York based not on the law but on what they found to be the inhuman psychological burden it places on criminals, based on world opinion, and based on evident racism in our society. What does this mean about how Judge Sotomayor would approach death penalty cases? I think she has affirmed death penalty cases, but on the Supreme Court, there is a different ability to redefine cases. These personal views of hers could very well affect that.

Recently, five Justices of the Supreme Court decided, based in part on their review of rulings of courts of foreign countries, that the Constitution says the United States cannot execute a violent criminal if he is 17 years and 364 days old when he willfully, premeditatedly kills someone. They say the Constitution says the State that has a law to that effect cannot do it.

Looking to ''evolving standards of decency that mark the progress of a maturing society''—this is what the Court said, as they set about their duty to define the U.S. Constitution; this is five Members of the Supreme Court, with four strong dissents: looking to ''evolving standards of decency that mark the progress of a maturing society,'' we conclude the death penalty in this case violated the eighth amendment.

There are at least six or eight references in the Constitution to a death penalty. If States don't believe 18-year-olds should be executed, or 17, they should prohibit it and many States do. But it is not answered by the Constitution. But five judges did not like it. They consulted with world opinion and what they considered to be evolving standards of decency and said the Constitution prohibited the imposition of a death penalty in this case, when it had never been considered to be so since the founding of our Republic. I don't think that is a principled approach to jurisprudence. That is the kind of thing I am worried about if we had another judge who will think like that on the bench.

I will ask about some other cases, too, that give me pause. For centuries States and colonies, even before we became a nation, have concluded that individuals who commit serious crimes, felonies, forfeit their right to vote, particularly while they are in jail. It is a choice that States can make and have made between 1776 and 1821. Eleven State constitutions contemplated preventing felons from voting. New York passed its first felon disenfranchisement law in 1821. When the 14th amendment was adopted in 1868, 29 States had such provisions. By 2002, all States except Maine and Vermont disenfranchised felons. For years, these types of laws have been upheld by the courts against a range of challenges. But in Hayden v. Pataki, in 2006, Justice Sotomayor stated her belief that these types of laws violate the Voting Rights Act of 1965, even though that act makes no reference to these long-standing and common State laws and even though they are specifically referenced in the fourteenth amendment to the Constitution itself.

In her view, with analysis of a few short paragraphs only, the New York law was found—or she found—she concluded that the New York law was ''on account of race,'' and therefore it violated the Voting Rights Act.

It was ''on account of race'' because of its impact and nothing more. Statistically, it seems that in New York, as a percentage of the population, more minorities are in jail than nonminorities. Therefore, it was concluded that this act was unconstitutional. I think this is a bridge too far. It would mean that State laws setting a voting age of 18 would also violate Federal law because, within the society or in most of our country, minorities would have more children under 18 so that would have a disparate impact on them.

I do not think this can be the law, as a majority of the colleagues on that Court explained, and did not accept her logic. Actually, her opinion was not upheld.

I look forward to asking her about that. I am aware that Judge Sotomayor would say she is acting as a strict constructionist by simply applying literally the 40-year-old Voting Rights Act of 1965. I do not think so. I remember when Miguel Estrada, that brilliant Hispanic lawyer whom President Bush nominated to the appellate courts and who was defeated after we had seven attempts to shut off a filibuster on the floor of the Senate but could never do so, said during his hearings that he didn't like the term ''strict construction.'' He preferred the term ''fair construction.''

He was correct. So the question is, Is this a fair construction of the Voting Rights Act, that it would overturn these long-established laws when no such thing was considered in the debate on the legislation? That historic laws, which limit felons voting, are to be wiped out, even allowing felons still in jail to vote? I do not think so and neither did most of the judges who have heard these cases.

With regard to the New Haven firefighters case, I will say we will be looking into that case in some length. Stuart Taylor did a very fine analysis of it when he was writing, I believe, at the National Journal. He recognized that no one ever found that the examination these firefighters took was invalid or unfair. As he has explained, if the ''belated, weak, and speculative criticisms—obviously tailored to impugn the outcome of the tests—are sufficient to disprove an exam's validity or fairness, no test will ever withstand a disparate-impact lawsuit. That may or may not be Judge Sotomayor's objective. But it cannot be the law,'' says Mr. Stuart Taylor in his thoughtful piece. The firefighters, you see, were told there was going to be a test that would determine promotion, that it would determine eligibility for promotion. The tests were given at the time stated and the rules had been set forth. But the rules were changed and promotions did not occur because the Sotomayor court, in a perfunctory decision, concluded that too many minorities did not pass the test, and no finding was made that the test was unfair. We will be looking at that and quite a number of other matters as we go forward.

I will be talking about the question of foreign law and the question of this nominee's commitment to the second amendment, the right to keep and bear arms. The Constitution says the right to keep and bear arms shall not be infringed. We will talk about that and some other matters because, once on the Court, each Justice has one vote. It only takes five votes to declare what the Constitution says. That is an awesome power and the judges must show restraint, they must respect the legislative body, they must understand that world opinion has no role in how to define the U.S. Constitution, for heaven's

sake. Neither does foreign law. How can that help us interpret the meaning of words passed by an American legislature?

Oftentimes, world opinion is defined in no objective way, just how the judge might feel world opinion is. I am not sure they conduct a world poll, or what court's law do they examine around the world to help that influence their opinion on an American case?

This is a dangerous philosophy is all I am saying. It is a very serious debate. There are many in law schools who have a different view: there is an intellectual case out there for an activist judiciary or a judiciary that should not be tethered to dictionary definitions of words. Judges should be willing and bold and take steps to advance the law they would set and to protect this or that group that is favored at this or that time.

I think that is dangerous. I think it is contrary to our heritage of law. I am not in favor of that approach to it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, today on the floor some of my colleagues have begun their attacks on President Obama's historic and incredibly qualified nominee to the Supreme Court, Judge Sonia Sotomayor. They clearly decided, for ideological reasons, that they were going to oppose whoever President Obama appointed before the hearings even started. We have heard people try to attach a lot of labels to Judge Sotomayor over the past few weeks, but it has become clearer and clearer as we look hard at Judge Sotomayor's record and vast experience that attacking this nominee is like throwing rocks at a library. It is uncalled for and it doesn't accomplish anything. Her opponents are grasping at straws, because it turns out we have before us one of the most qualified, exceptional nominees to come before this Senate in recent history.

Let there be no doubt: Sonia Sotomayor's nomination to be a Justice to the Supreme Court is a proud moment for America. It is proof that the American dream is in reach for everyone willing to work hard, play by the rules, and give back to their communities, regardless of their ethnicity, gender, or socioeconomic background. It is further proof of the deep roots the Hispanic community has in this country.

But let's be clear: We get to be proud of this nominee because she is exceptionally qualified. We get to be proud because of her vast knowledge of the law, her practical experience fighting crime, and her proven record of dedication to equal justice under the law. Those are the reasons we are proud. Those are the reasons she should be confirmed without delay.

We should not be hearing any suggestions that we need infinitely more time to discuss this nomination. It should move as promptly as the nomination of John Roberts, and that is exactly what we are going to do.

A little while ago at a press conference, we heard from prominent legal and law enforcement organizations that explained how the people who have actually seen her work know her best: as an exemplary, fair, and highly qualified judge. They came from across our country, from Florida to Texas, Nebraska, and my home State of New Jersey. They shed light on how important her work has been in the fight against crime, how her work as a prosecutor put the ''Tarzan murderer'' behind bars, how as a judge she upheld the convictions of drug dealers, sexual predators, and other violent criminals. And they made it clear how much they admire her strong respect for the liberties and protections granted by our Constitution, including the first amendment rights of people she strongly disagreed with.

Judge Sotomayor's credentials are undeniable. After graduating at the top of her class at Princeton, she became an editor of the law journal at Yale Law School, which many consider to be the Nation's best. She went to work in the Manhattan district attorney's office, prosecuting crimes from murder to child abuse to fraud, winning convictions all along the way.

A Republican President, George H.W. Bush, appointed her to the U.S. District Court in New York, and a Democrat, Bill Clinton, appointed her to the U.S. Court of Appeals. She was confirmed by a Democratic majority Senate and then a Republican majority Senate. Her record as a judge is as clear and publicly accessible as any recent nominee and clearly shows modesty and restraint on the bench.

She would bring more judicial experience to the Supreme Court than any Justice in 70 years, and more Federal judicial experience than anyone in the past century. Her record and her adherence to precedent leave no doubt whatsoever that she respects the Constitution and the rule of law.

Judge Sotomayor's record has made it clear that she believes what determines a case is not her personal preferences but the law. Her hundreds of decisions prove very conclusively that she looks at what the law says, she looks at what Congress has said, and she looks above all at what precedent says. She is meticulous about looking at the facts and then decides the outcome in accordance with the Constitution.

On top of that, Judge Sotomayor's personal background is rich with the joys and hardships that millions of American families share. Her record is proof that someone can be both an impartial arbiter of the law and still recognize how her decisions will affect people's everyday lives.

I think it says something that the worst her ideological opponents can accuse her of is being able to understand the perspective of a wide range of people whose cases will come before her.

Judge Sotomayor deserves nothing less than a prompt hearing and a prompt confirmation. As the process moves forward, I plan to come back to the floor as often as is necessary to rebut any baseless attacks leveled at this judge.

It fills me with pride to have the opportunity to support President Obama's groundbreaking nominee, someone who is clearly the right person for a seat on the highest Court of the land.

It is an enormous joy to be reminded once again that in the United States of America, if you work hard, play by the rules, and give back to your community, anything is possible.

Madam President, with that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the status of the Senate at the present time?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

FOOD SAFETY RAPID RESPONSE ACT OF 2009

Mr. CHAMBLISS. Mr. President, I rise today to talk for a few minutes about the Food Safety Rapid Response Act of 2009. I do this in conjunction with my colleague from the State of Minnesota, Senator KLOBUCHAR. I recognize her first for her strong leadership on this legislation. She and I both are a member of the Senate Committee on Agriculture, Nutrition, and Forestry. On that committee, she has been extremely active, and on this particular issue we have had the opportunity to dialog on any number of occasions. Thanks to her cooperation and her leadership, we have developed and are cosponsoring the Food Safety Rapid Response Act of 2009, which is designed to improve foodborne illness surveillance systems on the Federal,

State, and local level, as well as improve communication and coordination among public health and food regulatory agencies.

In the wake of the recent salmonella outbreak at the Peanut Corporation of America in my home State of Georgia, the Senate Agriculture Committee held a hearing to review the response from the Centers for Disease Control and Prevention and the Food and Drug Administration. The mother of a victim of the outbreak testified at the hearing and shared her personal story and frustrations in dealing with numerous Federal bureaucracies over this issue.

This hearing brought to light a clear need to develop a more effective national response to outbreaks of foodborne illness, especially in the area of coordination among public health and food regulatory agencies, to share findings and develop a centralized database. The Food Safety Rapid Response Act of 2009 will expedite much needed improvements to identify and respond to foodborne illnesses throughout the country.

Key components of this legislation include the following: First, directing the CDC to enhance the Nation's foodborne disease surveillance system by improving the collection, analysis, reporting, and usefulness of data among local, State, and Federal agencies, as well as the food industry; second, directing the CDC to provide support and expertise to State health agencies and laboratories for their investigations of foodborne disease. This includes promoting best practices for food safety investigations. And, third, establishing regional food safety centers of excellence at select public health departments and higher education institutions around the country to provide increased resources, training, and coordination among State and local personnel.

Both Senator KLOBUCHAR and I are very proud of the excellent work done at universities in our respective home States in the area of food safety and epidemiology.

The University of Georgia is home to the world-class Center for Food Safety which has for more than 17 years assisted the CDC with foodborne disease outbreak investigations.

The University of Georgia Center for Food Safety is known for its leadership in developing new methods for detecting, controlling, and eliminating harmful microbes found in foods and is the go-to organization for the CDC, FDA, and the food industry when seeking solutions to difficult food safety issues.

The Center for Food Safety frequently provides FDA, CDC, and State health departments advice and assistance in isolating harmful bacteria, such as salmonella and E. coli O157 from foods.

I am hopeful the Food Safety Response Act of 2009 will be considered as part of comprehensive food safety legislation in the months ahead. Both Senator KLOBUCHAR and myself are cosponsors of the FDA Food Safety Modernization Act, a bipartisan measure to enhance current Food and Drug Administration authority to better protect our Nation's food supply.

Whether produced domestically or imported, Americans must be able to trust that the food sold in their grocery stores and restaurants is safe and secure. It is critical to ensure that the Food and Drug Administration has the tools it needs to properly monitor and inspect the food that is consumed in this country.

The FDA Food Safety Modernization Act affords regulators the authority they need to better identify vulnerabilities in our food supply while maintaining the high level of food safety most Americans enjoy and take for granted.

The legislation calls for an increase in the frequency of FDA inspections at all food facilities, grants the FDA expanded access to records and testing results, and authorizes the FDA to order mandatory recalls should a private entity fail to do so voluntarily upon the FDA's request.

The Food Safety Modernization Act strikes an appropriate balance for the various roles of Federal regulators, food manufacturers, and our Nation's farmers to ensure that Americans continue to enjoy the safest food supply in the world. America's farmers are committed to providing the safest food possible to their customers and have a decades-long history of implementing food safety improvements to prevent both deliberate and unintentional contamination of agricultural products as they make their way from the farm to the retail store or to a restaurant. However, we must also be realistic in our expectations. Food is grown in dirt, and as a result a zero-risk food supply will be impossible to achieve. It is a goal that we must strive for, while at the same time being ever mindful of the realities of food production and the detrimental consequences of applying unreasonable demands on our producers or our farmers.

As the Congress updates our food safety laws, there will be indepth deliberations about specific provisions related to all aspects of food safety, such as product tracing, third-party audits, and facility inspections. As we tackle each of these issues, a few principles must guide our decisions.

First, regulation and inspections must be science and risk based. Relying on science- and risk-based analysis will focus our efforts and resources to vulnerable aspects of our food supply instead of developing a regime that only establishes more redtape, burdensome recordkeeping, or Federal intrusion.

Second, it is important to provide protections against unreasonable demands for records, as well as provide for protections against unauthorized disclosure of proprietary or confidential business information which the agency gains when reviewing the contents of written food safety plans and other records.

Finally, FDA's food safety functions should be funded through Federal appropriations as opposed to registration fees that go into a general fund that may or may not be used to enhance inspections. Costly user fees or flat facility registration fees applicable to all types and sizes of facilities should not be considered. Such fees pose questions of equity, particularly for small businesses that consume a negligible share of FDA resources.

An effective public-private partnership is critical to ensuring a safe food supply. The private sector has the responsibility to follow Federal guidelines and ensure the safety of their products. The Federal and State governments have the responsibility to oversee these efforts and take corrective actions when necessary. We need to have the ability to quickly identify gaps in the system and act swiftly to correct them. Both the Food Safety Rapid Response Act and the FDA Food Safety Modernization Act are important measures to achieve that goal.

Again, Mr. President, I commend the Senator from Minnesota. It has been a privilege to work with her to this point. I look forward to continuing to move this legislation in a positive direction and in a short timeframe so that we can make sure we are giving all of our oversight personnel and our regulators the proper authority and the resources with which to do their job.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am proud to stand here today with Mr. CHAMBLISS, the Senator from Georgia, in speaking out in favor of our bill to bring food safety to this country. It is interesting that we introduced this bill together because, of course, this latest outbreak that got so much attention nationally with the Peanut Corporation of America started in Georgia. No one knew that at the time as people got sick across the country, and it ended in Minnesota where, after three deaths in my State, it was the Minnesota Department of Health and the University of Minnesota working together that once again solved the problem, figuring out where the salmonella was coming from.

Today a Republican Senator from Georgia and a Democratic Senator

from Minnesota have come together to introduce this bill to say we want to do everything we can to prevent this from happening in the first place. That is why we both support the FDA bill. But it is also to say, when it does happen, we want to catch things as soon as possible so we have less people who get sick, less people who die, and a lot of that has to do with best practices. I am proud to stand with the Senator from Georgia today.

This past week, our country saw another food recall due to the outbreak of E. coli caused by refrigerated cookie dough manufactured by Nestle. The outbreak has sickened at least 65 people in 29 States, and it is the latest in a series of foodborne outbreaks in the last 2 years, or at the least, the outbreaks we know of since many cases of foodborne illness are never reported or those that are reported are never linked to an identifiable common source.

In the spring and summer of 2007, as you may recall, hundreds of people across the country were getting sick from salmonella. The source was ultimately traced to jalapeno peppers imported from Mexico.

Last fall, hundreds of people, as we just talked about, across the country again fell ill to salmonella. Again, this was traced back to the peanut butter processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, three of them in my home State of Minnesota.

In both of these outbreaks, more than half of the people who got sick or died did so before there was any consumer advisory or recall. Half of these people got sick or died before there was a consumer advisory or recall. In the case of the jalapeno peppers, people had been getting sick for almost 2 months before the advisory was issued about tomatoes, the original suspect, which turned out to be incorrect, hurting that industry. It was nearly 3 months before the first illness was reported in Minnesota, and then, once again, solved in Minnesota.

In the case of the peanut butter, people were getting sick for 3 months before the first illness was reported in my home State. For 3 months people got sick all across the country, and it was only when they got sick or died in Minnesota that it got solved.

We have to fix this situation. I am proud of my State. I am proud it was able to catch these two major food outbreaks. But we have to be doing it in other places as well.

The breakthrough in identifying the sources of contamination did not come from the Centers for Disease Control, despite their good work. It did not come from the Food and Drug Administration. It did not come from the National Institutes of Health. The breakthrough came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as a collaborative effort with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

With all due respect to their exemplary work, the Nation should not have to wait until someone from Minnesota gets sick or dies from tainted food before there is an effective national response to investigate and identify the causes. The problem is that the responsibility to investigate potential foodborne diseases rests largely with local and State health departments, and that is OK, if it worked everywhere the way it does in Minnesota. There is tremendous variation from State to State in terms of the priority and the resources they dedicate to this responsibility.

In Minnesota, it is a high priority, and we have dedicated professionals who have developed sophisticated procedures for detecting, investigating, and tracking cases of foodborne illnesses.

The peanut butter salmonella outbreak was so extensive and so shocking that it has finally put food safety on the agenda in Washington. It is a crowed agenda, as we all know, but food safety must be there.

In March, I joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety system. Other cosponsors are Senators DICK DURBIN, JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS.

This legislation is a comprehensive approach to strengthening the Food and Drug Administration's authority and resources. But I believe there is still much more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act. This legislation focuses on the Centers for Disease Control, as well as State and local capabilities, for responding to foodborne illness. It has three main provisions.

First, it would direct the Centers for Disease Control to enhance foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems. This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It also includes developing improved epidemiology tools and procedures to better detect foodborne disease clusters and improve tracebacks to identify the contaminated food products.

I can tell you, our State is proud to be the home of Hormel, Schwan's, Land O'Lakes, General Mills, and many other food processing companies, and they are eager to help because oftentimes they know the best way to trace back these foodborne illnesses. They want to have safe food and they are interested in helping.

Second, it would direct the Centers for Disease Control to work with State level agencies to improve foodborne illness surveillance. This includes providing support to State laboratories and agencies for outbreak investigations with needed specialty expertise. It also includes—and this is key—developing model practices at the State and local levels for responding to foodborne illnesses and outbreaks.

This is about the Minnesota model, these best practices. What happens in Minnesota, I will tell you—and I will bet it is as expensive in some other States, but what we do is smart. We take a team of graduate students—sort of food detectives—and they work together. Instead of having it go all over the State to a county nurse in one county and someone else in another county, this group of graduate students, working under the supervision of doctors and people who are professionals in this area, literally calls all at once. They work next to each other and they call people who have been sick or who are sick and that way, at one moment in time, they are able to immediately figure out what the people were eating and where the food came from. There are sophisticated laboratory techniques that go on everywhere, but what works here is this teamwork with graduate students.

Finally, this legislation would establish Food Safety Centers of Excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials so that other States can be doing exactly what Minnesota does. In particular, they would seek to distribute food safety best practices such as those that have become routine in my State.

Dr. Osterholm, at the University of Minnesota, is a national food safety and disease expert. Many of you may have seen him featured nationally with the latest H1N1 flu outbreak. He is credited with the creation of the Minnesota program. He has said that the creation of regional programs modeled on Minnesota would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is so sorely needed.

No one believes we are going to be able to do this all out of Washington. That is why we simply have to upgrade the places that our States are using, so when there is an outbreak we don't have to wait for people to get sick or die in Minnesota to solve these problems.

The recent outbreaks have shaken our confidence and trust in the food we

eat. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Yet for every foodborne illness that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab.

The annual cost of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be $44 billion. So there is a lot at stake, both in terms of life and money. I believe we can do so much better. I believe it because I have seen it in my State.

Senator CHAMBLISS, from the State of Georgia, where this latest outbreak occurred, believes it because he has seen the devastation to an industry's own State, where when you have one bad actor and then it gets out there and more people get sick and die, it doesn't help anyone in this country. The tragedy of so many families—three in my own State—hurts tremendously. So we know we can do better, and that is why we are introducing this bill on a bipartisan basis.

As a former prosecutor, I have always believed the first responsibility of government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action. I believe that together the Food Safety Rapid Response Act and the Food Safety Modernization Act will strengthen food safety in America and ultimately save both lives and money.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

TRIBUTE TO COLONEL RAMON M. BARQUIN

Mr. MARTINEZ. Mr. President, it gives me great pleasure to honor an individual who lived in pursuit of a free Cuba and a better America, COL Ramon M. Barquin, who died at the age of 93 on March 3, 2008.

Colonel Barquin was an accomplished military leader, an educator, a diplomat, and an entrepreneur. Although Cuba was his native home, he made our Nation a better place during the years he lived in exile.

Ramon Barquin was born in Cienfuegos, Cuba, on May 12, 1914. At the age of 19, he joined the Cuban army, served his country, and graduated from the Cuban Military Academy in 1941. During his years of military service, Colonel Barquin attended various U.S. Army schools here in the United States. Following a distinguished career in the military, Colonel Barquin found his passion in military education.

In the classroom, he worked to instill a culture of civic awareness within the military's ranks, founded the Cuban National War College, and eventually was promoted to director of Cuba's military schools. Following his career in Cuban military education, Barquin was appointed as Cuba's military attache to the United States and delegate to the Inter-American Defense Board, where he was elected vice chair and led the team that developed the plan for a joint defense of the Western Hemisphere. For his work, Colonel Barquin was honored in 1955 by our government with the Legion of Merit, Grade of Commander.

While serving as attache, he learned of the shifting political winds in Cuba and conspired to prevent freedom from losing a foothold in his native land. I can remember as a young boy in Cuba living through tumultuous times. But I also remember my father often remarking that in Colonel Barquin, Cuba had its best hope for democracy.

It was the colonel's concerns that led him to participate in a failed military revolt against the Batista dictatorship and later to actively work against Castro's totalitarian regime. When Castro came to power, he asked Barquin to serve as defense minister. Concerned with the regime's repressive nature, Colonel Barquin refused and instead chose to serve in an ambassadorial post in Europe. As a result of that, he was able to flee to the United States and begin a new life, now in exile.

After briefly living in Miami, Barquin rekindled his passion for education by establishing a consortium of educational institutions in Puerto Rico. They included a K–12 school called the American Military Academy, summer camps, a university—Atlantic College—and an institute for civic education known as Instituto de Democratica. He was recognized for his hard work and enterpreneurism by the Puerto Rican government as the 1995 Educator of the Year.

Graduates of the K–12 academy he founded had kind words of appreciation for the colonel's work and character. One student remarked: ''From the Colonel, I learned to love my country and he taught me the values that lead my life today.''

As a Cuban American, a Floridian, and a Senator, it gives me great pleasure to pay tribute to an individual with a legacy as awe inspiring as that of COL Ramon M. Barquin. His unwavering commitment to freedom and democracy, his generosity, and his zeal for serving others is, and will be, sorely missed.

I also know that probably one of his proudest accomplishments was a wonderful family. I am privileged to know his son Ramon, who also carries his name, and also some of his grandchildren. I know that is, without a doubt, what I am sure he feels was his greatest legacy while he lived among us. I know that history would have been very different if he had had an opportunity to follow through on some of his ideas and some of his hopes.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to speak to my colleagues on two issues this afternoon. One is the nomination of Judge Sotomayor to the U.S. Supreme Court and the second is on the public option in health care.

SOTOMAYOR NOMINATION

Mr. SCHUMER. Mr. President, several of my colleagues across the aisle have come to the floor to attack Judge Sotomayor's nomination to the Supreme Court. I must say, I think these attacks are entirely misplaced. I have always had a consistent standard for evaluating judicial nominees. I use it when voting for them. I use it when joining in, in the nomination process. I did under President Bush and continue to under President Obama. Those three standards are excellence, moderation, and diversity.

I am confident Judge Sotomayor meets these criteria. Based on my review thus far of her lengthy and impressive record on both the district court and court of appeals, her impressive career in both public and private sectors, and her stellar academic credentials.

I have also been deeply impressed with her personal story, a true story of an American dream. She pulled herself up from the projects in the Bronx to stand before this body as a nominee to the highest Court in the land. Her history is truly inspirational, a history of which we should all be extremely proud. It is a great American story. It is what the greatness of America is all about, as my friend from New Jersey said earlier.

I think some of the comments I have heard from my Republican colleagues this morning have distorted Judge Sotomayor's distinguished record, so let's take a minute to consider what the real story is and how Judge Sotomayor's record reflects the highest ideals of judging.

Judge Sotomayor's record reveals her to be both modest and moderate, dedicated to the rule of law and not outcome oriented.

For example, Senator SESSIONS spent some of his time this morning criticizing one particular case, Hayden v. Pataki, about felon disenfranchisement—because Judge Sotomayor's dissent would have resulted in an outcome

with which he did not agree. He neglected to mention that her opinion was based on the plain text of the statute before the court and he also left out some of the key, revealing comments she made in her dissent:

No one disputes that States have the rights to disenfranchise felons;

No. 2:

The duty of a judge is to follow the law, not question its plain terms;

And No. 3:

I trust that Congress would prefer to make any needed changes itself rather than have the courts do so for it.

These are the kind of statements, in the very case my good friend from Alabama uses to criticize the judge, that we have heard from people on the other side of the aisle over and over as to what a judge should do: Not replace his or her own judgment for that of a legislature or that of the law.

Judge Sotomayor was following text to a result, not the other way around. These quotes tell us a lot more about Judge Sotomayor's judicial philosophy and commitment to rule of law than simply looking at the outcome in any particular case. Even when we look at outcomes, the entirety of her record gives us a more accurate picture of her judicial philosophy than the outcome of any one case. She rejected discrimination claims in 81 percent of the cases she considered, and in those 78 cases rejecting discrimination claims she dissented from the panel she was on only twice.

When my office looked at her record on immigration cases she sided with the immigrant in asylum cases only 17 percent of the time. That is average for the entire Second Circuit. This should put to rest any notion she is swayed by outcomes rather than by law.

Obviously, she sympathizes with the immigrant experience, that has been clear. But she does not let those sympathies stand in the way of her judging what the law says and mandates. So she is clearly not a judicial activist, someone who reaches beyond the proper role of a judge to impose her personal preferences.

I think it is about time to debunk the notion of judicial activism, as some are using. I think that judicial activism is starting to become code for many of my friends on the other side of the aisle for ''decisions with outcomes with which I don't agree.'' When they say judicial activist, they are not looking at how close or far from the law. They are, rather, looking at: Well, I didn't agree with the ultimate decision.

That is why I prefer to use the term ''modest'' in describing my ideal judge. It was a term that was used by Justice Roberts when he was before us.

I will quote from the Federalist Papers as some of my colleagues have done. In Federalist No. 78, the primary source for justification for judicial review in the Constitution, Alexander Hamilton explains the role of a judge very simply: A judge must interpret the Constitution, interpret the laws, and when there is ''irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred.''

An ''irreconcilable variance''—that imposes a high bar on any judge who is tempted to strike down a law or a practice or any decision by a legislature or executive as unconstitutional. This is, by the way, exactly the standard Judge Sotomayor lived up to in Ricci, when she deferred to the elected local official in New Haven and to Federal title VII law and to firm Second Circuit precedent.

It has always been my view that a commitment to modesty is key in a judge. A judge who is modest understands that any concept of doing justice must have as its touchstone the meaning that the authors of the text intended to give it.

I also believe it is consistent with judicial modesty to acknowledge that our Constitution is written to endure. It does not live and breathe like a flesh-and-blood child does, who evolves through adolescence and adulthood to become unrecognizable.

I don't believe in using those terms. Rather, the Constitution endures. It endures because the people whom it governs, the people who retain all of the many rights that are not listed in the document itself, believe that it continues to apply to them. The only reason it continues to apply to them is through guardianship of judges who are modest in reaching their conclusions. They understand that people have to live by the Court's interpretation and judgment. They understand that people want justice and that justice means predictability, adherence to text, and the willingness to avoid patently absurd results.

I am looking forward to the confirmation hearing of Judge Sotomayor. She is a gifted lawyer, she is a respected and serious jurist, and her life experiences will only serve to enrich the views of the eight other justices, each of whom brings with him or her individual lessons, lessons taught by a hard-working grandfather in Pinpoint, GA; by an independent, studious-minded mother who died the day before her daughter graduated high school; by a hotel owner in Chicago, IL; or by a single Spanish-speaking mother who told her daughter that she could do anything through hard work and a good education.

Let's be reasonable and realistic. These experiences do not turn a good judge into a bad one or who is not an impartial one or whatever my colleagues on the other side of the aisle are suggesting.

To recognize the role of personal experience is simply to acknowledge that in the art and science of interpreting the Constitution and laws of our country we have to ask ourselves the following questions: Do we trust more the decisions of judges who, as I have said before, have ice water in their veins, who view their role as stripping themselves of their pasts and ruling in a vacuum, free of human experience and common sense, or do we trust more the decisions of judges who acknowledge and address their own life experiences even while striving always to be fair and within the law—as Judge Sotomayor herself has said?

These are questions I look forward to discussing at Judge Sotomayor's upcoming hearing.

HEALTH CARE

Mr. SCHUMER. Mr. President, I rise to discuss the necessity of including a public option in the health care legislation Congress is currently drafting. One of our top priorities, as we undertake health care reform, must be increasing competition among health insurance companies in order to get costs under control and give consumers better choices. A recent New York Times/CBS poll clearly shows that a large majority of the American people, 72 percent in fact, want a government-sponsored health care option that would compete with private health insurance companies—72 percent.

What is even more incredible, 50 percent of all Republicans in this country want a public option. There seems to be a disconnect between my colleagues on the other side of the aisle and even their Republican constituents.

Do you know why so many Americans want a public plan? Because, despite what many of my colleagues on the other side of the aisle would have you believe, they do not believe they have affordable choices. Fundamentally, this is what lies at the heart of our public plan proposal. We want to ensure all Americans have a guaranteed affordable choice when it comes to health insurance. Right now, too many of them do not.

In many areas of the country, one or two insurers have a stranglehold on the entire market, which produces costly premiums and health care decisions that often serve the interests of the insurer, not the patient. In fact, according to a study of the American Medical Association, 94 percent of insurance markets are highly concentrated. This is why a public health insurance plan is absolutely critical, to ensure the greatest amount of choice possible for consumers and provide at least one option that is patient—not profit—focused.

When you read what percentage one insurance company or two insurance companies have of a market in each State, you know that robust competition is missing from the health care market. That is why so many people

are worried about the future of the plans that they now have.

The public plan is not about government-controlled health care, socialism or any of the buzz words that have been tossed around as part of this debate.

I ask my colleagues, do they consider Medicare socialism? Would they like to abolish Medicare? Probably some of them would. But Medicare—hello, my friends—is a government-run plan. It is very popular with the American people. Very few propose eliminating Medicare. So let's be real here. The public option is about offering Americans a choice in the market that, far too often, offers them none.

I will tell you the choices too many Americans face: whether to pay for health insurance or health care or to pay for other necessities of life, because health care has become so expensive. That is not a choice anyone should have to make, and maybe that explains why the American people do not agree with the critics of the public plan.

Half of all Americans think the government plan will provide better health care coverage than private insurance companies, and a significantly lower percentage disagree with that statement.

Let's be clear: A public plan may not have special built-in advantages. It would be a coverage option that would compete on an equal footing alongside private insurance plans in the market for individual and small business coverage. If a level playing field exists, then private insurers will have to compete based on quality of care and pricing instead of just competing for the healthiest consumers. In this way, a public plan will accomplish many of our most important goals. It will not waste money on costs incidental to providing health care. It will not focus on profits at the expense of the best health outcomes. Instead, it will spend money on improving health delivery and on trying innovative technologies and systems in order to save, save money. It will force many insurers that have been shielded and protected from competition for far too long to compete with a plan that provides comprehensive care at an affordable rate. It will, most importantly, give all Americans a choice. In fact, I think the thing that really scares opponents of the public option is choice, that Americans might actually choose the public plan over the plan of private insurance companies, because then the curtain might be pulled back on their friends at the insurance companies and Americans will finally see the hidden costs that have caused their premiums to skyrocket, the wasteful spending that does not improve health outcomes but fattens bottom lines, and the protection from competition that has been offered to private insurers over the last decade.

To truly reform our health care system, Congress must pass legislation that includes a public option. A figleaf public plan is no plan at all, and I will not settle for such a figleaf.

It is important to remember how we arrived here. For a long time, when thinking hypothetically about health care reform, many in this country suggested that we move to a single-payer option.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) I would note that the Senator has used 10 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. The Republicans rejected the single-payer plan. So at the onset of this debate, we met them halfway with a framework that continues to largely rely on private insurers. So then we said: If we are going to continue to rely mostly on private insurance, can we at least introduce greater competition into the market by having a public plan as one option? The Republicans—most, at least; just about all, I think—rejected that too. We said: Well, what if we ensured that the public plan had to adhere to the same rules as private insurers, thus guaranteeing a level playing field? The Republicans here in the Senate—not in the country but the Republicans here in the Senate—still said no to even a level playing field.

So some Democrats came up with a new idea: What if we relied on a co-op model that has served rural States well? In a good-faith attempt to consider this idea, I proposed some ideas for ensuring that co-ops could do the job of keeping private insurers honest. Yesterday, Senator CONRAD indicated he could go along with many of these proposals. But Senator CONRAD has never been the problem here. He has been well open to negotiating on how to make a co-op plan have the kind of clout to go up against private insurance companies, be available to all Americans, be able to bargain with the providers, and be ready to go on day one to compete with the large nationwide insurance companies. Senator CONRAD has always been willing to entertain all of that. He has been a good-faith negotiator with the best interests at heart. It has been those on the other side of the aisle who have not been willing to negotiate. So I am losing confidence that Senate Republicans will ever agree to the types of changes to a co-op to make it a viable alternative, a viable substitute to a traditional public plan that is nationwide and available to everybody, that can go up against the private insurers and go up against the suppliers in buying power, that is formulated so that it hits the ground running on day one of the insurance exchange.

We can only bend so much to try to win over opponents of health care reform. We cannot bend so far that we break. We cannot say we are putting something else out there and not have it do the job because a public option is what really does the job. We must not let the scaremongering about the possible consequences of a public option deter us from doing what the American people overwhelmingly want and need. It is time to put the health needs of the American people, not the insurance companies, first. It is time to move past the partisan bickering and make sure the health care reform passed by Congress includes a real public option. It is the right thing, it is the smart thing, and it is what the American people want and what they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, it seems that you are always stuck with listening to me. I apologize for that.

I wish to respond to my colleagues' grand design of our new health care system in just a moment, but I would like to back up a little bit and discuss health care and some other things in context.

There is no question in anyone's mind that these are difficult times for America. Millions are unemployed, and the unemployment rate continues to climb. Our economy has been in decline for a number of months. Our military is strained all around the world at a time when our enemies seem to be gaining strength and increasing in numbers. Back here at home, our spending and borrowing and debt are out of control, and this massive government spending plan we call the stimulus has yet to show any results. We see government intervention in many areas of our economy—in the banks, financial markets, the takeover of Fannie Mae and Freddie Mac, the takeover of large insurance companies, our auto industry. People back home and all around the country are alarmed. As I heard someone say last week as they tried to explain their alarm to me, they threw up their hands and they just said, ''I am outraged out.'' They could not speak anymore.

My question for my colleagues today is, Is this a good time to create another government program? The answer on the other side has obviously been yes. Yesterday, they all voted, I believe, to get the Federal Government in the tourism business, to close off debate and pass a plan that would get the Federal Government to promote tourism in America all over the world. I think it is like $400 million—in today's terms, a small amount of money. But

the tourism industry, while hurting because of the economy, is certainly not in collapse, in need of a government bailout. The tourism industry spent billions of dollars on advertising last year.

It is not as if the rest of the world does not know we are here. The problem with tourism in America can be laid at the feet of an inept government. If you ask people abroad why they are not coming here in such numbers as they have in the past, we find the statistics show that we are the most unwelcoming at our Customs office, in the lines to get through to America. If you want to have a business convention or trade show in America, it is very likely you cannot get the visas for your customers to come here, so many of these conventions and trade shows have had to move overseas.

The problem with getting people here is in what the government is not doing well. We don't need to get the government in the tourism business. I have plants back home, such as BMW, that would like to bring people from their headquarters in Germany over here to train the American workforce, but they found it is easier just to send our people over there because it is so hard to get their people to come here. They could come here and stay in our hotels, eat at our restaurants, and improve our economy. But instead an inept government causes us to send Americans to stay in their hotels, eat in their restaurants, and rent their cars.

It is illogical for us to create a Federal tourism agency, a la Fannie Mae, a new government-sponsored entity that is going to help promote tourism, but it is this same kind of logic we are now using for health care. We are saying we have a crisis in health care, so therefore the government needs to get more involved and to take over various aspects of the health care industry, such as was just described by my colleague from New York. But if we look at this situation a little more clearly, we will see that it is the government that is causing most of our problems and not allowing the free market health care system to work.

Let's look at this a little bit closer because there was a whole lot of misinformation that was just shared on the floor here today. Let's look at health care coverage in America. You have about 60 percent now who are in employer-sponsored plans and almost another 10 percent who have purchased their own insurance on the individual market. So we have about 70 percent of people with private insurance. You have about 25 percent Medicare-Medicaid and another 4 percent or so who are in military plans on the government side. So you have between 25 and 30 percent of Americans who are now in a government health plan. And my colleague from New York was just bragging about how well the government health plans work in Medicare. Certainly, if you have Medicare and you can get a doctor to see you, it works just fine. But the problem is, every dollar that has come in from Medicare since its inception has been spent. The 2.5 precent that comes out of every paycheck has not been saved for our senior citizens, to pay for their health care; it has been spent and there is absolutely no money in the system to take care of America's baby boomers. This works like a government plan my colleague was just bragging about. It has trillions of dollars of unfunded debt that will fall on the heads of our children and grandchildren, trillions of dollars that we have no idea how we are going to pay for. And Medicare is hopelessly in debt at the State and the Federal level.

But even worse is this problem. And let's keep looking at government versus the private plans. I think most people in America would believe the best situation now in health care is to have a health insurance policy so you can pick your own doctor and decide with your doctor what kind of health care you are going to get. No plan is perfect. There are always problems in health care. It is very complex. But you have here about 70 percent of people who are in that situation, but every year their insurance costs more money.

My colleague was saying that is caused by private insurance, but let's find out the truth. Every year, these government plans pay physicians and hospitals less. They pay a physician less than their costs to see a patient. And I have doctors I know back in South Carolina and rural areas. They have to close their practice to new Medicare and Medicaid patients because once over 60 percent of their patients are Medicaid or Medicare, they can no longer make a living. That is happening all over the country. But you know how these costs are picked up. The hospitals and doctors who take Medicare and Medicaid have to charge private insurers more money every year because every year the government pays doctors less. That is why fewer and fewer of our best and brightest students are going to medical school and that is why we are headed for a real physician shortage in this country—not because of private health insurance but because of government plans.

We have about 16 percent who have no coverage in our country today. Those are the ones whom we say we are concerned with right now. The government requires hospitals to provide them service whether they have any insurance or money anyway, and where do these costs go? They are transferred to those who have private insurance. So every year the inept government is transferring huge amounts of costs over to those employers and those individuals who are buying private health insurance.

My colleagues are trying to say that the private market is what is failing us and we need to expand this part of the health care market—the part that is not paying doctors and hospitals to see patients, the part that is trillions of dollars in debt, and the part that is already beginning to ration health care for those who are under those plans.

If you want to know how the public option is going to work, I encourage you to drop by a Social Security office, take a number, and sit down and wait for them to get to you, or maybe go to a veterans hospital or another government service. Do we really want the government involved with health care? Health care is the most personal and private service we have as Americans. Do we want to turn health care over to the most impersonal, the most bureaucratic, the most wasteful and, in many cases, the most corrupt aspect of our society?

What we do need to do is look at how we can get these private plans in the hands of those who have no insurance. That is something we can do and we can do it for a lot less than the current administration is talking about. But before we talk about how we are going to get these people insured, let's look at who they are, because this is being misrepresented to exaggerate the problem, to create a crisis so we can justify another government takeover of another area of our economy.

We say we have about 46 million uninsured in America. Here is how that breaks down. We have about 6.4 million who actually have Medicaid today, but they are undercounted in the census. This has been proven and we know it to be true. We have another 4.3 million who are eligible for Medicaid or SCHIP or another government program, but they haven't signed up for it. We need to make more of an effort to get people to sign up for the programs they are eligible for. We have about 9.3 million who are noncitizens, many of whom are illegal in this country, and the taxpayer should not be paying for their health care. We have about 10 percent who have incomes of 300 percent or more over poverty and they are not buying health care. I have had some of those work for me when I was in business. I would offer to pay for most of their insurance. I would pay $500 a month, they would pay $50. Some people turn it down because they don't want to pay $50. There are some people who don't want to buy insurance. We have some people between 18 and 34 years old without insurance, and we have 10.6 million who are uninsured. If we look at this, at least half of these should not be subsidized by any type of government plan who are not already eligible for a plan or not citizens of our country. We could look at 20 million to 25 million.

I want to make clear that if there is one person in America who doesn't

have access to good health care, that is a crisis to them, and we need to do everything we can to make sure we are fair and that affordable health care policies are available to every American. That is my goal. That is the goal of the Republican Party.

This week—this afternoon, as a matter of fact—I am going to introduce a plan that will solve the problem at a fraction of the cost of what the Democrats and President Obama are proposing. In various ways, their plan is to expand the government option, whether it is a government health plan or a government-mandated plan on the private insurance market. One way or another, they want to expand government rather than expand private insurance. I know this for a fact.

This is my fifth year in the Senate. I have introduced a lot of resolutions that would help these people get insurance, and every time my Democratic colleagues have voted it down. We have had proposals for association health plans that would allow small businesses to come together and buy insurance at a lower price to offer their employees. They voted it down. I had a proposal I introduced called Health Care Choice that would do what my colleague from New York was talking about, which is break up that single State monopoly of a few health care plans. My plan would allow Americans to buy health insurance from any State in the country. Wherever a plan is registered, certified by that State, someone in South Carolina could buy it from Arizona or Colorado, and that is how most industries work in America. If I want to go across the line and buy a car in North Carolina, I am not prohibited to do that, but I can't do it if it is a health insurance plan. So we allow these quasi-monopolies to develop in every State. I have introduced a plan that would allow Americans the freedom to buy health insurance from any State in the country, and to a person the Democrats voted it down.

I have introduced a plan that would allow people to use what they have in a health savings account to pay for health insurance premiums. Common sense, right? They voted it down.

The fact is this: The people who want to expand the government option do not want these people to have private insurance, because they believe in government and they do not believe the private market can keep itself accountable. But the problems we have with the private market now can be attributed, to a large degree, to the government not paying its share of the costs, to the government having policies that keep quasi-monopolies in every State.

I have had a proposal that would allow individuals to deduct the cost of their health insurance, just as we allow employers. The Democrats to a person voted it down.

Folks, we don't have to look far to understand what is going on. The people who like taking over General Motors and Fannie Mae and Freddie Mac want these government health plans to be expanded all the way around this circle. This is something we have to stop. We can do it very simply if we use fairness and freedom.

My plea to all Americans, and particularly my colleagues, is before we give up on freedom in the health care area, let's let it work. That is what my proposal is.

This afternoon I am going to introduce a plan that tells every American: If you like the plan you have, whether it be Medicare or Medicaid or an employer plan or a military plan, you keep it; we are not going to mess with it. But if you have no coverage at all, or if you are buying your policy on your own on the open market, we are going to, for the first time, treat you fairly and give you the same tax break we give the people in the employer-sponsored plan.

This plan does this: If you are a family, we are going to give you a certificate for $5,000 to buy health insurance. If you are an individual, we will give you $2,000 a year to buy health insurance. Some will scream and say, Oh, you can't get a good policy for that, and you can, because I have bought it for my adult children who aged out of my plan.

My plan also includes the option for an individual to buy health insurance in any State so we will increase competition and lower the prices. The plan also allows an employer to put money in a health savings account for you that you can use to pay for your health care or to pay the premium to support you to buy additional coverage with your health insurance. We have a provision that deals with lawsuit abuse, and we have a provision that funds high-risk pools for States so people who have high-risk conditions, uninsurable conditions, preexisting conditions, can buy insurance they can afford at the State level.

The estimates are by the Heritage Foundation that within 5 years, more than 20 million of these uninsured—most of them—will have private insurance plans, because they can't use their health care certificate unless they use it to buy health insurance.

I would ask my colleagues this: If we had the option to get everyone in an individual or employer plan or expand these government plans, which aren't paying their way, which are transferring costs to other people, and which are hopelessly in debt, which way do we go? But we can fund my plan without one additional dollar of taxpayer money. The estimates are over the next 10 years, getting these people insured with private policies, giving them a $5,000 a year health care certificate, will cost about $700 billion. If that number sounds familiar, that is about how much money we have outstanding with the bailout money we call TARP here in this Congress. Instead of them bringing this money back and spending it on something else, my proposal pays for my plan by recapturing this TARP money. So as this bailout money comes back over the next 5 years, it can pay to give every American access to a plan they can afford and own and keep. It is basically no additional cost to the taxpayer at this point over what we are already committed for, for the bailout.

The choice belongs to Americans. Are we going to buy this idea that a government option is going to give us more choice, more quality, more personal attention? Will it attract more physicians into the profession? Any thinking American knows that isn't going to happen. The ideal plans now are those when individuals have a plan they own and can keep, they pick their own doctor, and the doctor and the patient decide what health care they are going to get. This is within our reach. We don't need a massive government takeover of health care in order to make health care accessible to every American. Let's not buy this idea that we are in such a crisis that we have to rush over the next couple of months to create another government program, another government takeover, when we see what happens to government-run health plans right in front of our eyes. It won't work. We can't afford it. They are going to end up rationing care. They are going to take employer plans, irrespective of what they say—if you have a low-cost government option that doesn't pay doctors enough to see you, you are going to see insurers dropping their health plans and you are going to end up in the lap of government whether you like it or not.

Let's not give up on freedom. Let's look at the facts. Have we seen any government program, over your lifetime or mine, that has actually done what it said it was going to do at the cost it said it would be done at? My colleagues know that is not true.

Social Security is so important to seniors, and a promise we must keep. It is hopelessly in debt, because this government has spent every dime Americans have put in it, and there is not a dime in the Social Security account to pay future benefits. The same with Medicare—trillions of dollars. This is a commonsense solution that every American can see, if we don't listen to the misrepresentations we are starting to hear in this body. Every American with a policy they can afford and own and keep is available to us, within our reach, without any government takeover of health care. We just have to believe that what made America great can make health care work, and that is freedom.

Mr. President, I yield the floor and note the absence of a quorum.

Mr. CORNYN. Mr. President, would the Senator withhold the quorum call?

Mr. DEMINT. I withhold.

The PRESIDING OFFICER. The Senator from Texas.

KOH NOMINATION

Mr. CORNYN. Mr. President, I rise to speak on the nomination of Harold Koh whom the President has nominated to be legal advisor to the State Department. This is a relatively obscure but very important position at the State Department. The legal advisor operates frequently behind the scenes but on such important issues as international relations, national security, and in other areas.

One area that is very important is that the legal advisor is often the last word at the State Department on questions regarding treaty interpretation; that is, international agreements between countries. The legal advisor often gives legal advice to the Secretary of State and the President of the United States during important negotiations with other nations. We also know from experience that the legal advisor can be a very important voice in diplomatic circles, especially if he or she views America's obligations to other nations and multilateral organizations in a particular way, particularly if they have strong views.

Professor Koh has an impressive academic resume and professional background. He is an accomplished lawyer and a scholar in the field of international law. Nevertheless, I do not believe that Professor Koh is the right person for this job. I believe that many of his writings, his speeches, and other statements are in tension with some very core democratic values in this country. I believe that his legal advice on transnational law, if taken to heart, could undermine America's sovereignty or security and our national interests.

I urge my colleagues not to take my word for this but look for themselves at Professor Koh's record and consider whether he is the right person to be advising Secretary Clinton and other diplomats at the State Department on legal issues pertaining to our relationship with other nations and such key issues.

I mention this notion of transnational jurisprudence, which is a little arcane, but I will explain what it is all about. Professor Koh has been an advocate for transnational jurisprudence, which is the idea that Federal judges should look at cases and controversies as opportunities to change U.S. law and to make it look more like international or other foreign law.

I am not saying that all foreign law is bad, but our Founders acknowledged that when we take the oath of office here, we pledge to uphold and defend the Constitution of the United States of America, not some unsigned, unratified international treaty or an expansive notion of international common law which Professor Koh embraces and advocates.

We know Americans don't have a monopoly on virtue and wisdom and certainly we can benefit from exchanging ideas with other democratic countries. But Professor Koh's notion that it is appropriate and proper for a Federal judge to look at foreign law in deciding what the Constitution of the United States means, and what the laws of the United States require, to me, is at complete tension with this idea that we will uphold American values and the American Constitution and American laws passed by our elected officials. We do not appropriately ask Federal judges to look at unratified treaties, some notion of international common law and, certainly, the laws of other countries in interpreting our laws in the United States.

Professor Koh seems to have a different view. He said Federal judges should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law.

He has argued that Federal judges should help ''build the bridge between the international and domestic law through a number of interpretive techniques.''

Where will these ''interpretive techniques'' lead us? Evan Thomas and Stuart Taylor asked that question in Newsweek magazine earlier this year. They answered based on their investigation:

> Were Koh's writings to become policy, judges might have the power to use debatable interpretations of treaties and ''customary international law'' to override a wide array of federal and state laws affecting matters as disparate as the redistribution of wealth and prostitution.

Transnational jurisprudence is not the only controversial view professor Koh holds. Again, as a law professor and dean of Yale Law School, I understand law professors advocating cutting edge and, indeed, provocative legal interpretations. But to say this is appropriate not in the classroom as a teaching exercise but, rather, important for Federal judges to do in the exercise of their article III powers is an entirely different notion altogether.

In 2002, Professor Koh gave a lecture titled ''A World Drowning in Guns,'' in which he argued for a ''global gun control regime.''

In 2007, he argued that foreign prisoners of war held by the U.S. Armed Forces anywhere in the world—not just enemy combatants held at Guantanamo Bay—are entitled to the same rights as American citizens under habeas corpus law as applied by our Federal courts.

Perhaps most timely, Professor Koh appears to draw a moral equivalence between the Iran regime's political suppression and human rights abuses, on the one hand, and America's counterterrorism policies on the other hand.

Professor Koh has written:

> [U.S.] criticism of Iranian ''security forces [who] monitor the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization'' is hard to square with our own National Security Agency's sustained program of secret, unreviewed, warrantless electronic surveillance of American citizens and residents.
>
> Furthermore, the United States cannot stand on strong footing attacking Iran for ''illegal detentions'' when similar charges can be and have been lodged against our own government.

The U.S. policies that Professor Koh is criticizing were authorized by the Congress in a bipartisan fashion, and each of us is accountable to our constituents for the decisions we make.

It is offensive to compare the policies of the U.S. Government with those of a theocratic dictatorship that responds to criticism with brutal violence against its own people.

We have heard enough moral equivalence regarding Iran over the last week and a half. We have heard enough apologies for the actions of the United States—and enough soft-peddling of the brutal suppression by the Iranian regime of their own people. We don't need another voice in the administration whose first instinct is to blame America—and whose long-term objective is to transform this country into something it is not.

For these reasons, I urge my colleagues to vote no on the cloture motion on this nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, before I begin, are we in morning business or on the Koh nomination?

The PRESIDING OFFICER. We are in morning business.

SOTOMAYOR NOMINATION

Mr. LEAHY. Mr. President, I thank Senator MENENDEZ and Senator SCHUMER for their outstanding statements to the Senate today. As I review Judge Sotomayor's record in preparation for her confirmation hearing on July 13, I am struck by her extraordinary career and how she has excelled at everything she has done. I know how proud her mother Celina is of her accomplishments. I was delighted to hear Laura Bush, the former First Lady, say recently that she, too, is ''proud'' that

President Obama nominated a woman to serve on our Supreme Court. I recall that Justice Ginsburg said she was ''cheered'' by the announcement and that she is glad that she will no longer be ''the lone woman on the Court.'' I contrast this reaction to President Bush's naming of Justice O'Connor's successor a few years ago when Justice O'Connor conceded her disappointment ''to see the percentage of women on [the Supreme Court] drop by 50 percent.'' Are these women biased, or prejudiced, or being discriminatory? Of course not. I hope that all Americans are encouraged by the nomination of Judge Sotomayor and join together to celebrate what it says about America being a land of opportunity for all.

A member of just the third class at Princeton in which women were included, Judge Sotomayor worked hard and graduated summa cum laude, Phi Beta Kappa, and shared the M. Taylor Senior Pyne Prize for scholastic excellence and service to the university. Think about that. She was a young woman who worked hard, including during the summers, to make up for lessons she had not received growing up in a South Bronx tenement. That is why she read children's books and classics, and arranged for tutoring to improve her writing. She went on to excel at Yale Law School, where she was an active member of the law school community, served as an editor of the prestigious Yale Law Journal, and as the managing editor of the Yale Studies in World Public Order working on two journals during her 3 years of law school. She was also a semifinalist in the Barrister's Union mock trial competition at the law school. Now, some Republican Senators have made fun of her achievements and some seek to belittle them. They question how she could be an editor without providing a major article that she edited. I know from my experience that members of student journals do not all edit major articles. It is an achievement to be affiliated with the Yale Law Journal in any capacity. They act as if she made this up. If this really is a major concern, and they wish to ask her about it at her confirmation hearing, they can. I have never known Sonia Sotomayor to be one who padded her resume. Frankly, she does not need to. Her achievements are extraordinary and impressive.

She is the first nominee to the Supreme Court in 100 years to have been nominated to three Federal judicial positions by three different Presidents. Indeed, it was President George H.W. Bush, a Republican, who nominated and then appointed her with the consent of the Senate to be a Federal district court judge. She has the most Federal court experience after 17 years of any nominee to the Supreme Court in 100 years. She is the first nominee in more than 50 years to have served as a Federal trial judge and a Federal appellate judge at the time of her nomination to the Supreme Court. She will be the only member of the Supreme Court to have served as a trial judge. She will be one of only two members of the Supreme Court to have served as a prosecutor.

I remember well when she was nominated to the United States Court of Appeals for the Second Circuit by President Clinton, and when an anonymous Republican hold stalled her appointment for months. Finally, in June 1998, a column in The Wall Street Journal confirmed that the Republican obstruction was because they feared that President Clinton would nominate her to fill a Supreme Court vacancy, if one were to arise. After that Supreme Court term ended without a vacancy, we were finally able to vote on her nomination and she was confirmed overwhelmingly. Not one word was spoken on the Senate floor and not one word was inserted into the CONGRESSIONAL RECORD by those who had opposed her to explain their opposition or to justify or excuse the shabby treatment her nomination had received.

It is apparent that some Republicans are responding to the demands of conservative pressure groups to oppose her confirmation by doing just that. The truth is that they were prepared to oppose any nomination that President Obama made. Just today, a number of Republican Senators have come to the Senate floor to speak against President Obama's nomination of Judge Sonia Sotomayor to the Supreme Court. The Senate Republican leader, the ranking Republican on the Judiciary Committee, and the head of the National Republican Senatorial Committee have all taken a turn.

My initial reaction to their effort is to note that they have doubly demonstrated why a hearing should not be delayed. In fairness, no one should seek to delay her opportunity to respond to their questions and concerns and to answer their charges. As I said when I set the hearing date after consulting with Senator SESSIONS, I wanted it to be fair and adequate—fair to the nominee and adequate to allow Senators to prepare. To be fair to her, we need to give her the earliest possible opportunity to answer. As for preparedness, those Republican critics were prepared to air their grievances and concerns and to discuss her record and her cases 3 weeks before the scheduled date of the hearing. What they clearly demonstrated today is that they are prepared to proceed with the July 13 hearing.

I do not agree with their characterization of her distinguished record on the Federal bench, or with their mischaracterization of her manner of judging. Judge Sotomayor's approach to the law should be clear to all after a 17-year record of fairly applying the law on the Federal bench. I remind them that when I asked Judge Sotomayor about her approach to judging she told me that, of course, one's life experience shapes who you are, but she went on to say this: ''Ultimately and completely''—and she used those words—as a judge you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich and a different one for poor. There is only one law. She said ultimately and completely, a judge has to follow the law no matter what his or her upbringing has been. That is the kind of fair and impartial judging that the American people expect. That is respect for the rule of law. That is the kind of judge she has been.

For all the talk we have heard for years about judicial modesty and judicial restraint from nominees at their confirmation hearings, we have seen a Supreme Court these last four years that has been anything but modest and restrained. One need look no further than the Lilly Ledbetter and Diana Levine cases, or the Gross case from last week, to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans.

The question we should be asking as we consider Judge Sotomayor's nomination is whether she will act in the mold of these conservative activists who have second-guessed Congress and undercut laws meant to protect Americans from discrimination in their jobs and in voting, laws meant to protect the access of Americans to health care and education, and laws meant to protect the privacy of all Americans from an overreaching government. We should be asking whether she will be the kind of Justice who understands the real world impact of her decisions.

I know Judge Sotomayor is a restrained and thoughtful judge. She understands the role of a judge. Her record is one of restraint. In fact, the cases her critics chose to highlight are cases in which she showed restraint and followed the law. I hope that she is also a judge who understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

I wish Republican Senators would pay less attention to the agitating from the far right, take a less selective view of a handful of Judge Sotomayor's cases to paint her—inaccurately—as an activist and, instead, consider her record fairly. She has been a judge that Kenneth Starr has endorsed. The other judges on the Second Circuit think the world of her, and have great respect for her judgment and judging. She is a nominee in which all Americans can take pride and have confidence. She has been a judge for all Americans and will be a Justice for all Americans.

I am sorry that some critics are seeking to caricature Judge Sotomayor and

mischaracterize her involvement with respectable mainstream civil rights organizations. Judge Sotomayor was a member of board of directors of the Puerto Rican Legal Defense and Education Fund, PRLDEF, now known as LatinoJustice PRLDEF, from 1980 until her resignation in 1992. Today, Republican critics chose to malign PRLDEF. This is a respected organization that was founded in the early 1970s with the support of Senator Jacob Javits, former Attorney General Nicholas Katzenbach, former New York Attorney General Robert Abrams, and legendary New York County District Attorney Robert Morgenthau, who was Judge Sotomayor's boss when she worked in his office as a prosecutor after graduating from Yale Law School.

It was modeled on the NAACP Legal Defense and Educational Fund. Its mission is to develop a more equitable society by creating opportunities for Latinos in areas where they are traditionally underrepresented. It seeks to ensure that Latinos have the legal resources necessary to fully engage in civic life. Financial support for PRLDEF comes from widely regarded foundations like Ford and Carnegie, and corporate contributions from businesses like Time Warner. These foundations and corporations are not radical. Neither is PRLDEF.

Other past directors of PRLDEF include the honorable Jose Cabranes of the U.S. Court of Appeals for the Second Circuit, former Congressman Herman Badillo, now a senior fellow at the Manhattan Institute, and former Governor of New York Hugh Carey. Jack John Olivero, a former regional director of the Equal Employment Opportunity Commission and deputy director of its Washington office was PRLDEF's fourth president and general counsel. The list goes on and on of distinguished lawyers who have served in leadership capacities at PRLDEF.

One of PRLDEF's core missions is increasing diversity in the legal profession. To that end, PRLDEF mentors youth from all backgrounds, assisting them in completing their law school applications, mentoring them throughout law school, and supporting them during their years as young lawyers. Thousands of attorneys, including prominent civic, government, and corporate leaders, credit PRLDEF for helping them realize their dreams of becoming lawyers.

We all know about this part of Sonia Sotomayor's life because she disclosed her board membership and status as an officer in response to the Judiciary Committee's questionnaire. We know about it because Judge Sotomayor not only reviewed her own records to provide documents from her time at PRLDEF, but she also went above and beyond what the bipartisan questionnaire called for and asked that PRLDEF conduct its own search of its records. Judge Sotomayor has now provided the committee with additional documents from this search related to her work for PRLDEF. The record before us is public and it is transparent. We already have a more complete picture of Judge Sotomayor's record than we ever had of the records of John Roberts or Samuel Alito.

The committee did not receive 15,000 pages of documents related to key parts of Chief Justice Roberts' career in executive branch until the eve of the hearings, and many of them were heavily redacted. The Bush administration refused to meet or even discuss the Democrats' narrow request for specific memoranda relating to 16 key cases on which John Roberts worked while he was the principal deputy to Solicitor General Kenneth Starr in the administration of President George H.W. Bush. As a result, the committee had little knowledge of highly relevant parts of John Roberts's work as a political appointee in the office of ''the people's lawyer''—the Solicitor General. Because John Roberts had fewer than 3 years on the bench at the time of his nomination, these documents would have provided a crucial window into his qualifications. But we never received them.

During the committee's consideration of the Alito nomination, we requested documents from Samuel Alito's 6 years in the Department of Justice. However, the Bush administration just days before his hearing refused to produce 45 of the 50 opinions Sam Alito had written or supervised while in the Office of Legal Counsel. The administration also refused to provide most of the documents he wrote while in the Solicitor General's Office. Indeed, in refusing our request for these documents, the Department of Justice wrote:

> Judge Alito has sat on the federal appellate bench for more than 15 years, and his decisions in that capacity represent the best evidence of his judicial philosophy and of the manner in which he approaches judicial decision-making.

I do not recall a single Republican saying that we did not have a complete record to consider those nominations of President Bush to the Supreme Court even though there were significant gaps in the records. We should not apply a double standard to the nomination of Sonia Sotomayor.

We have Judge Sotomayor's record from the Federal bench. That is a public record that we had even before she was designated by the President. Judge Sotomayor's mainstream record of judicial restraint and modesty is the best indication of her judicial philosophy. We do not have to imagine what kind of a judge she will be because we see what kind of a judge she has been.

I thank Judge Sotomayor for her quick and complete answers to the committee's questionnaire, and for going above and beyond what is required. My review of Judge Sotomayor's record has only bolstered the strong impression she has made over the past several years. She is extraordinarily qualified to serve on the Nation's highest court. She will bring to the Supreme Court more than just her first-rate legal mind and impeccable credentials. Hers is a distinctly American story. Whether you are from the South Bronx, the south side of Chicago or South Burlington, the American Dream inspires all of us, and her life story is the American dream.

I am confident that when elevated to the highest court in the land Judge Sotomayor will continue to live up to Justice Marshall's description of the work of the judge. Justice Marshall said:

> We whose profession it is to ensure that the game is played according to the rules, have an overriding professional responsibility of ensuring that the game itself is fair for all. Our citizenry expect a system of justice that not only lives up to the letter of the Constitution, but one that also abides by its spirit. They deserve the best efforts of all of us towards meeting that end. In our day-to-day work we must continue to realize that we are dealing with individuals not statistics.

It is a pretty awesome responsibility when a Justice of the Supreme Court is nominated. Most Justices will serve long after the President who nominated them is gone, long after most of the Senators who vote on that nominee are gone. We have 300 million Americans. There are only 101 Americans who get a direct say in who is going to be on the Supreme Court. First and foremost, the President of the United States, when he makes the nomination to the Supreme Court, and then the 100 Senators who either vote yes or vote no. So let's stop delegating our work to special interest groups. Let's delegate our work to ourselves. Let's do what we are paid to do. Let's do what we have been elected to do.

This is a historic nomination. It should unite the American people and unite the 100 of us in the Senate who will act on their behalf. It is a nomination that keeps faith with the words engraved in Vermont marble over the entrance of the Supreme Court: ''Equal Justice Under Law.''

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. SANDERS. Mr. President, I think most Americans understand that

our current health care system is disintegrating. Today, 46 million Americans have absolutely no health insurance, and even more are underinsured, with high deductibles and high copayments. At a time when 60 million people, including many with insurance, do not have access to a medical home—do not have access to a doctor of their own—close to 20,000 Americans die every single year from preventable illnesses because they do not get to a doctor when they should. This is six times the number of people who died during the tragedy of 9/11, but these deaths occur every single year.

I can vividly recall talking to physicians from Vermont—and I am sure the same is the case in Delaware and every other State in this country—who told me that patients walked into their office very sick, and they would say: Why didn't you come in here before? You are very ill. And they said: Well, I didn't have any insurance. I didn't want charity. I thought I would get better.

By the time people ended up walking in the door, their situation was so bad that the doctors lost those patients—people who should not have died. This is happening close to 20,000 times every single year in this country.

Recently, the Boston Globe had a big story—and this is in the State of Massachusetts, which supposedly has universal health care—which reported that patients with chronic illnesses, such as diabetes and heart disease, were not taking their medicines or not getting the treatments they needed because they couldn't afford the 25-percent copay. Yet Massachusetts has almost everybody covered.

So when we talk about the health care crisis, it is not just the number of people who have no health insurance, it is people who are underinsured. When you add that together, we have huge numbers of people who are not getting the medical care they need when they need it. The result is not only personal suffering, the result is that they end up going to the emergency room, costing the system far more than it should or they end up in the hospital at a highly inflated medical cost. This makes zero sense and is a manifestation of a dysfunctional health care system.

In the midst of all of this, somebody may say: Well, you have 46 million uninsured, you have more underinsured, people are dying needlessly, but at least you are not spending a lot of money. If you bought an old broken down car and you started complaining that it doesn't work well, I would say to you: Hey, what do you expect? You didn't spend a whole lot on your car.

The reality is—and this is an important point to make, because people say that Canada has problems. Canada does have problems. They say the United Kingdom has problems. Sure, they have problems. France has problems. Every country has problems. But the reality is that we are spending almost twice as much per capita on health care as any other nation. We should be doing far better in terms of health care outcomes than every other country on Earth, and that is certainly not the case. The reality is we are spending close to $2.7 trillion on health care, which is 18 percent of our GDP, and the skyrocketing cost of health care in America is unsustainable both from a personal point of view and a macroeconomic point of view.

At the individual level, the average American today is spending about $7,900 per year on health care. Do you believe that? How many people do you know in Delaware who are making $25,000, $30,000 a year who are spending $8,000 a person on health care? That is beyond comprehension.

Here is an important point to make. Despite this huge outlay, a recent study found that medical problems contributed to 62 percent of all bankruptcies in the year 2007. That means that this year there will be approximately 1 million Americans who are going bankrupt because of medically related problems. Stop and think: a million Americans going bankrupt because they can't pay their medical bills.

On a personal level, what does it mean? Imagine dealing with cancer, dealing with diabetes, dealing with heart disease, and at the same time having to stress out and worry about how you are going to pay the bill. I am not a doctor, but I can't help believing that it doesn't make one's recovery process any better when you are sitting around wondering whether you are going to go bankrupt. We are the only country in the entire world—the entire industrialized world—where people are worrying about having to go bankrupt because they committed the crime of getting sick. This is unacceptable, and we as a nation can and must do much better than that.

That is from the personal point of view. What about the macroeconomic point of view, the business perspective? Well, we know that large corporations, such as General Motors, for example, having so many economic problems, spends more on health care per automobile than they do on steel. That is a big corporation. We also have small businesses in the State of Vermont and around the country that are forced to divert hard-earned profits into health coverage for their employees rather than into new business investments. That is what they are faced with: Do they spend the money growing their business or do they provide health insurance to their workers?

Because of rising costs, it is no secret that many employers, many businesses, are cutting back on the level of their coverage, and passing more of the cost on to their workers. In more and more instances, you know what employers are saying? Sorry, can't do it anymore; we are not going to provide any health care coverage to the workers.

What we are looking at is a situation which is disastrous for millions of Americans on a personal level, and disastrous for our economy, making us uncompetitive with countries all over the world that have a national health care program.

There is one other point that should be made and that we don't talk about very often. Nobody knows what the exact figure is, but there are some estimates that as many as 25 percent of American workers are staying at their jobs today. You know why they are staying at the job they are at today? It is not because they want to stay at their job. They are staying in their job because they have a good health insurance policy which covers themselves and their families.

Stop and think from an economic point of view, from a personal point of view: Does it make sense that millions of people are tied to their jobs simply because they have decent health insurance policies? What sense does that make?

It is important—and I am sorry to say we don't do this enough—to ask a very simple question: How could it be that, according to the OECD in 2006—the best statistics that we have—the United States spent $6,700 per capita on health care—we are now spending more—Canada spent $3,600, and France spent $3,400? France spends about one-half of what we spend per capita, and most international observers say that the French system works better than our system. So as we plunge into health care reform, it would seem to me the very first question we should ask ourselves is: How do the French, among others, spend one-half of what we are spending and get better outcomes than we do?

In terms of how people feel about their own systems, according to a five-nation study in 2004 by the well-respected Commonwealth Fund, despite paying far more for our health care, it turns out that, based on that study, Americans were far more dissatisfied than the residents of Australia, Canada, New Zealand, and the UK about the quality of care they received. In that poll, one-third of Americans told pollsters that the U.S. health care system should be completely rebuilt—far more than the residents of other countries. Does that mean to say they do not have problems in Canada or the United Kingdom? Of course they do. Their leaders are arguing about their systems every single day. But according to these polls, more people in our own country were dissatisfied about what we are getting, despite the fact that we spend, in many cases, twice as much as what other countries are spending.

It seems to me, as the health care debate heats up—and we hope more and more Americans are involved in this debate—that we as a nation have to ask two fundamental questions. In one sense, this whole issue is enormously complicated. There are a thousand different parts to it. On the other hand, it really is not so complicated. The two basic questions are, No. 1, should all Americans be entitled to health care as a right and not a privilege—which is the way, in fact, every other major country treats health care. Should all Americans be entitled to health care as a right, universal health care for all of our people?

That, by the way, of course, is the way we have responded for years to police protection, education and fire protection. We take it for granted that when you call 911 for police protection, the dispatcher does not say to you: What is your income? Do you have police insurance? We can't really come because you do not have the right type of insurance to call for a police car or to call for a fire truck. When your kid goes to school, we take it for granted that no one at the front desk of a public school says: Sorry, you can't come in, your family is not wealthy enough. What we have said for 100 years is that every kid in this country is entitled to primary and secondary school because they are Americans and we as a nation want them to get the education they deserve. Every other major country on Earth has said that about health care as well. Yet we have not.

I think right now and I think what the last Presidential election was all about is most Americans do believe all of us are in this together and all of us are entitled to health care as a right of being Americans.

The second question we have to ask is, if we accept that, if we assume all Americans are entitled to health care, how do you provide that health care in a cost-effective way? There are a lot of ways you can provide health care to all people. You can continue to throw money at it.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. SANDERS. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. You can continue to throw billions and billions of dollars into a dysfunctional system. That is one way you can do it. I don't think that makes a lot of sense.

I think the evidence suggests that if we are serious about providing quality health care to every man, woman, and child in a cost-effective way, then our country must move to a publicly funded, single-payer, Medicare-for-all approach. Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. The function of a private health insurance company is not—underline ''not''—to provide health care to people, it is to make as much money as possible. In fact, every dollar of health care that is denied a patient, an American, is another dollar the company makes.

With 1,300 private insurance companies and thousands of different health benefit programs designed to maximize profits, private health insurance companies spend an incredible 30 percent of each health care dollar on administration and billing, exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions. Aren't we all delighted to know our health care dollars are now circulating all over the Halls of Congress, paying outrageous sums of money to lobbyists, making sure we do not do the right thing for the American people? Public programs such as Medicare and Medicaid and the Veterans' Administration are administered for far, far less than private health insurance.

Let me conclude by saying that I understand that the power of the insurance companies and the drug companies, the medical company suppliers—the medical equipment suppliers—is so significant, so powerful that we are not going to pass a single-payer, Medicare-for-all program. But at the very least, what polls overwhelmingly show is that the American people want a strong, Medicare-like public option in order to compete with the private insurance companies. That is the very least we can and must do for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOH NOMINATION

Mr. INHOFE. I do have a couple of comments to make concerning the remarks by my good friend from Vermont. I will do that at the conclusion of another subject I feel some passion about, and that has to do with the nomination of Harold Koh by President Obama. He is nominee for the position of Legal Adviser to the State Department.

I understand cloture has been filed on Harold Koh. I wanted to come to register my strong opposition and assure the American people that their representatives in Congress are not going to let this nominee sail through unopposed and to let them know there are some of us here in the Senate who will require full and extensive debate before this nominee receives a vote. I think in doing so you almost have to ask the question as to what ever happened to the understanding we have always had in this country as to what sovereignty really means.

As Legal Adviser to the State Department, Koh would be advising the Secretary of State on the legality of U.S. action in the international forum and interpreting and advocating for international law and treaties. The significance of this position and its effect on our sovereignty and security should not be understated. Koh is a self-proclaimed transnationalist. Adherents to this school of thought believe international law is equal to or should take precedence over domestic law and international court rulings have equal authority to the decisions of a representative government. That is very significant. I know he actually believes this and he adheres to this school of thought, that international law is equal to or should take precedence over domestic law. Koh's transnational principles could have serious implications on U.S. sovereignty, especially regarding the authorization of the use of force in the prosecution of the war on terror, gun rights, abortion, and many other issues.

Koh believes a nation that goes to war should have—must have United Nations Security Council authority, going as far as writing that the United States was part of an ''axis of disobedience'' by invading Iraq—or should we say by liberating Iraq.

In October of 2002, Koh wrote:

> I believe . . . that it would be a mistake for our country to attack Iraq without explicit U.N. authorization, because such an attack would violate international law.

Additionally, he supports ratification of the International Criminal Court, which could subject our troops to prosecution in a foreign court.

Implementation of this interpretation of international law raises a number of alarming questions. If the United States is required to gain U.N. authority for military action, what punitive actions might the United States be subjected to if it unilaterally uses preemptive force? Would our Navy SEALs have had to wait for authorization from the international body before rescuing the American being held hostage off the Horn of Africa? I think 99 percent of American people said they should have that authority and we should not have to go to any kind of an international court.

I don't know where this obsession has come from that nothing is good unless it is international anymore.

In 1992, George Will said:

> There may come a time when the United States will be held hostage to . . . the idea that the legitimacy of U.S. force is directly proportioned to the number of nations condoning it.

That was back in 1992, and this is what is happening today. I hope that day never comes. The decisions made to protect our great Nation should not

be made by members of an international body but by men and women who are elected by the people of these United States.

Equally concerning is Koh's treatment toward Department of Defense recruiting efforts. In October of 2003—some of us remember this—Koh led a team of Yale law faculty in filing an amicus brief in support of a lawsuit against the U.S. Department of Defense, claiming the Solomon amendment was unconstitutional. The Supreme Court rejected Koh's arguments unanimously. That was at a time when there were very few things that were unanimous in the Supreme Court. He was rejected unanimously.

Writing for the Court, Justice Roberts stated:

> Nothing about recruiting suggests that law schools agree with any speech by recruiters, and nothing in the Solomon amendment restricts what the law schools may say about the military's policies.

Further, Koh supports accession to the International Criminal Court, the United Nations Convention on the Law of the Sea Treaty, the United Nations Convention on the Rights of the Child, and the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms. What is this CIFTA that has been promoted by President Obama? That is that we yield to an international group in terms of how we manufacture and distribute weapons in this country.

All of these treaties would greatly impact the lives of everyday Americans and would require the United States to alter its domestic law to meet their respective parameters.

In 2002, Koh spoke at Fordham University Law School about a ''World Drowning in Guns.'' That gives an indication where he is coming from. His speech was published in the Fordham Law Review. Koh's topic was the international arms trade, but, as usual, his analysis had serious domestic implications. Koh wrote that American legal scholars should pursue ''the analysis and development of legal and policy arguments regarding international gun controls'' through constitutional research on the second amendment. In other words, Koh believes the best way to regulate guns in America is through international law, through a global gun control regime.

As Legal Adviser, Koh would be in a position to pass judgment on whether a proposed treaty would raise legal issues for the United States, including issues related to the second amendment. He would, therefore, be able to endorse treaties that could be used by the courts to restrict the individual right to keep and bear arms—an idea he is clearly and openly in favor of. It is simply not true to say that his beliefs about gun control—this is what some people say—the second amendment right, doesn't really matter because he will be in the State Department advising on international law. On the contrary, he wants to use international law to restrict constitutional freedoms in this country.

In his position, he will have the power to advise the administration and to testify before the Senate about what reservations might be needed when ratifying a treaty to protect constitutional freedoms. However, he has a history of advocating for treaties without conditions. He cannot be trusted to express reservations with treaties that I believe will negatively impact everyday Americans.

The fact that he is in the State Department doesn't make him safe, it makes him more dangerous. This is exactly where, with the possible exception of the Supreme Court, he wants to be. This is not an accident. It is his strategy. He realizes he cannot achieve his goals through legislation, so he has turned to international law. If he can establish that international law is binding on the United States, regardless of whether the Senate has ratified the treaty in question, activists can avoid Congress and work the issue through the courts.

If you believe the second amendment confers an individual right to bear arms on the American people, then I urge you to reaffirm that principle by voting against Harold Koh. If you believe our Nation should not be subjected, by a variety of treaties, to threats to our national sovereignty and American way of life, I urge you to reaffirm those values by voting against the nominee.

I mentioned several international treaties he has promoted. It is not just confined to our second amendment rights, it is everything else. The basis of his influence in these areas is that somehow international law should have precedence over our laws. This is something we have been in trouble with for a long period of time. Every time we yield to the United Nations, we end up with a very serious problem. I have talked to a number of our troops overseas who are very much concerned about being subjected to the international court.

Let me make one comment before I yield back any remaining time, and that is on the subject that was discussed by the Senator from Vermont.

HEALTH CARE

Mr. INHOFE. It is easy to say, and people will applaud when they say: You are going to end up getting something for nothing. You are going to get an education for nothing. You are going to get a college education. You are going to get health care for nothing. That sounds real good. Someone has to pay for all this stuff.

I suggest that if you go up to the Mayo Clinic in the Northern tier of the United States, you will look and you will see a very large population of patients from Canada who are there; patients who have been told: Well, yes, you have breast cancer. But because you are at a certain age, we are not able to operate on you. If we do, it is going to be a waiting period of some 18 months. At the end of that time, of course, the patient is going anyway.

We are talking about, in this country, we need to do something about it, about the way we have been running our health care system. I think improvements can be made. I remember one time the first lithotripter was used, I believe, in a hospital in my State of Oklahoma, in Tulsa, OK, at St. Johns Hospital.

That was a technique where you could submerge a patient and dissolve different things that were within them, kidney stones and that type of thing. However, they could not use it. So they had to surgically and very invasively operate on people and cut them open to remove these things that could otherwise have been dissolved.

But the problem was, we have, in our Medicare system, a lot of people who are making medical decisions who are not qualified. So we have a lot of improvements that need to be made. But by adopting a system that has been a failure everyplace it has been tried, whether it is Sweden or Great Britain or Canada, is not something we are prepared to do in this country. I know the effort is out there, and they are going to make every effort to see that that happens. We are going to make sure that does not happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I know that most of my colleagues seem to enjoy the government health care plan of which they are a member. I am always surprised when I hear my colleagues, first of all, almost all of whom are on the government health insurance plan, talking about the government not providing a decent health care plan.

I particularly am intrigued when I hear my colleagues say it is a dismal failure anywhere else in the world. I am not proud of this, as I stand on the floor of the Senate, but I know we spend twice what almost any other country does in the world on health care.

I also know that in the rankings, based on the rankings of various kinds of health care indexes, maternal mortality, infant mortality, life expectancy, immunization rates, the United States ranks near the last among the rich industrialized countries.

But in one category, the United States of America rates almost first among the rich industrialized countries; that is, life expectancy at 65. If an American gets to the age of 65, yes,

we do have some of the best health care in the world because everybody has the opportunity to join Medicare. And 99 percent of our society's elderly, 99 percent-plus, belong to Medicare.

When I hear my colleagues, most of whom are on the government health insurance plan paid for by taxpayers, saying that government cannot do health insurance in pointing to other countries saying it is a failure everywhere else, I look at them a little quizzically, because when I hear—when I talk to a Canadian, they have to wait too long, they underfund their system. But I do not see Canadians repealing their health care law because they are unhappy with it. I do not see the Brits doing it, I do not see the French or the Germans or the Japanese or the Italians. They spend less than we do, and they have higher life expectancies, they have a lower maternal mortality rate, lower infant mortality rates.

So maybe we can learn something. That being said, health care reform—I am right now working across the street with Chairman DODD and Senator COBURN and others in both parties writing health care legislation.

Health care reform, first and foremost, is about protecting what is working in our system—there is much that works well in our health care system—and fixing what is broken in our system. That is, in a nutshell, what we are doing. We are working to protect what works in our health care system. We need to fix what is broken. It is about giving Americans the choices in the health care they want.

It is about providing economic stability for millions of middle-class families in Ohio and around the Nation, in Delaware and other States, the Presiding Officer's State.

I know an awful lot of people, a huge number of people in our country, say: You know, I am pleased with the health insurance I have. It works pretty well. The copays may be a little too high, the deductibles may be too high, I argue with insurance companies more than I would like to. So they are generally happy. We want to protect what is working.

But an awful lot of families know they are a pink slip and an illness away from bankruptcy. A whole lot of families know they are watching their health care disintegrate or at least decline. They are seeing copays go up. They are seeing drug coverage scaled back. They are seeing their dental care and their vision care eliminated because their employers cannot afford it. So, again, we have to protect what works, we need to fix what is broken.

A part of economic stability for health care is the public health insurance option. It is an option. A public health insurance option would expand health insurance choices available to Americans. It would increase competition in the health insurance market.

There is hardly an American alive who has private health insurance that does not think they have been mistreated from time to time by their insurance company.

Bringing more competition to the insurance market with a public health insurance option—whether you take it, whether you stay in your private health insurance, your choice or you go unto the public health option, again your choice, some Medicare lookalike, you can make that choice.

But the existence of both of them will make them both better. It will make the public health insurance Medicare lookalike option better, it will make private insurance better, because, what? Presto. It is American competition. It is what works.

But every time meaningful health care reform has been debated over the last six decades, we have heard misleading shouts from conservatives, from insurance companies, from the American Medical Association.

They say government takeover. They say bureaucratic redtape. They say socialized medicine. We heard it in 1949, after President Harry Truman was first elected. He had been President for almost 4 years after succeeding President Roosevelt.

President Truman called for health insurance reform. They said it was socialized medicine. We heard it even back in the early 1930s, when Franklin Roosevelt was creating Social Security, thought about creating ''health security'' at the same time, a Medicare-like program. He backed off because of the opposition of the American Medical Association because he knew they would say ''socialized medicine.''

Then they said it a decade and a half later when Harry Truman was President. Then another decade and a half later, as you know, they, again, the doctors and the insurance companies and the conservatives and many in the Republican Party and both Houses, again, said ''socialized medicine,'' when we were passing Medicare.

We know Medicare is not socialized medicine. You have your choice of doctor, your choice of hospital, your choice of providers. Medicare is the payer, the government serves as the insurance company. That is not socialism. That is just a program the American people love.

We hear these same kinds of things now. We hear about a public health insurance option. We hear it is socialism, a government takeover, it is bureaucratic redtape. Yet at the kitchen tables of middle-class homes in Toledo and Dayton and Akron and Gallipolis and Zanesville and Mansfield and Lima in my State, hard-working families are talking about using mortgage payments to pay for a sick child's health care treatment.

Small business owners are talking about cutting jobs because health care insurance costs simply are too high. Around the Nation, middle-class Americans are talking about how public health insurance options are needed to help provide economic stability for their families.

As we debate reform, we cannot forget that millions of Americans are depending upon us, us in this Chamber, and our colleagues on the other end of the building, depending upon us to do the right thing.

We should listen to people such as Darlene, a school nurse from Cleveland. Darlene treats students who come from economically distressed neighborhoods, who lack access to healthy food, who lack access to safe recreation. Her students struggle in school because they are worried about a sick parent or grandparent who cannot afford health care.

Darlene wrote to me describing that one student has asthma and has a heart condition. This is a grade school student. But she does not have an inhaler because her parents are unemployed and they lack health insurance. She has asthma attacks, but she does not have an inhaler because her parents simply cannot afford it.

We are not going to pass a public health insurance option?

At a time when too many Americans are struggling to pay health care costs, the public health care option will make health insurance more affordable. Our Nation spends more than $2 trillion—$2 trillion—that is 2,000 billion dollars. Mr. President, if you had $1 billion, if you spent $1 dollar every second of every minute of every hour of every day, it would take you 31 years to spend that $1 billion.

We spend on health insurance 2,000 billion dollars, 1 trillion. Think how much that is. Yet too many of our citizens are only a hospital visit away from a financial disaster. We cannot afford to squander this opportunity for reform. We cannot settle for marginal improvement. Instead, we must fight for substantial reforms that will significantly improve our health care system.

Remember, it is about protecting what works and fixing what is broken. That is why we must make sure a public health insurance option is available for Americans, not controlled by the health insurance industry. We must preserve access to employer-sponsored coverage for those who want to keep their current plan. But that is not enough. Give Americans the choice to go with a private or public health insurance plan and let them compete with each other. It is good policy. It is common sense. A public insurance option will make health care affordable for small business owners such as Chris from Summit County.

Chris writes that his small business is struggling to keep up with rising health insurance costs for his employees. He is getting priced out of the

market. Chris explains how a public health insurance option would help reduce the cost to his small business and provide the employees the health care they need that he so much wants to provide to his employees whom he cares about, whom he knows are productive, who help him pay the bills.

Chris wants me and other Members of the Senate to push for real change for the health care system that helps small business owners and workers alike.

A public health insurance option would also make insurance affordable for Americans struggling when life throws them a curve, such as Karen from Toledo. She wrote to me explaining how she now takes care of her adult son who is suffering from advanced MS. Over the course of the last 5 years, her son lost his small business, lost his insurance, then was diagnosed with progressive MS. They spent years meeting with specialists, dealing with insurers, fighting for care.

All the while, Karen dropped out of her Ph.D. program because her savings were depleted and she needed to take care of her son and she had no one else to turn to.

And we are not going to pass a public health insurance option?

The public health insurance option would offer American workers and families such as Karen and her son affordable, transitional insurance if you lose your job and lose your insurance. We cannot let the health insurance industry dictate how the health care system works or limit the coverage option Americans deserve.

Anyone who has had to shop for individual health coverage knows how expensive it can be, even if you are eligible, such as Peter from Cincinnati. Peter retired after a successful career as an architect, where he enjoyed very good health care coverage. After he retired, he thought he would have no problem affording private health insurance coverage. But despite never filing a claim, his premiums and his deductibles kept rising, forcing him to buy a second policy. And merely 2 weeks after total knee replacement surgery, his secondary insurer dropped him and left him with a bill of $27,000. Peter asked that we fix what is broken.

And we are not going to pass a public health insurance option?

That is what we are here to do. Millions of Americans are demanding a public health insurance option that increases choice for all Americans and provides economic stability for our Nation's middle-class families. The stories of Darlene, Chris, Karen, and Peter must guide this administration and must direct this Congress to protect and provide health care for all Americans.

Health care reform is about protecting what works and fixing what is broken.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOH NOMINATION

Mr. DEMINT. Mr. President, I rise today, regretfully, to oppose the nomination of Harold Koh to be the State Department legal adviser. It is hard to do because in meeting Mr. Koh, I certainly enjoyed him. I have friends back in South Carolina who know him. He is certainly a very likable person. But his nomination to this important position requires some scrutiny about what his philosophy is when it comes to the United States and our international agreements and the sovereignty of our country.

I oppose Mr. Koh's nomination for many reasons, and most important of these is my belief that if confirmed, he will work to greatly undermine the principles of sovereignty that I believe all Americans expect of our Federal Government.

Let me talk a little bit about his role and what that would be if he is confirmed as the legal adviser to the State Department.

According to the State Department's Web site, the legal adviser would furnish ''advice on all legal issues, domestic and international, arising in the course of the department's work and negotiate, draft, and interpret international agreements involving peace initiatives, arms control discussions, and private law conventions on subjects such as judicial cooperation in recognition of foreign judgments.''

On a daily basis, Mr. Koh will also advise our government on a variety of Federal legal issues that he believes affect international law and our foreign relations. He will determine positions the United States should take when dealing with international bodies and in international conferences, and counsel administration officials on international negotiations, treaty interpretations, and treaty implementations.

As we move forward in the future as a country, one of the biggest debates we are going to have is what role does American sovereignty play in the world and how important is it, and there is a difference of philosophy here in Washington today.

So as we review this nomination, it is very important to us, particularly Republicans, that we start from the foundation in our State Department that we will act in the best interest of our country and the American people, and that our interests as a country are paramount in how we deal with the rest of the world. Of course, that does not mean that we don't try to support other countries as best we can, but the fact is, the role of the Federal Government is to protect and defend our people and our interests. So we need to make sure this key adviser to our State Department and our international relations believes those principles.

Many of Mr. Koh's supporters claim that the allegations that have been voiced against him, such as undermining the Constitution, are unjustified. However, Mr. Koh's own writings suggest otherwise. For example, in a 2004 law review article titled ''International Law As Part Of Our Law,'' Mr. Koh states:

> U.S. domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law, not simply to promote American aims but to advance the broader development of a well-functioning international judicial system. In Justice Blackmun's words, U.S. courts must look beyond narrow U.S. interests to the ''mutual interests of all nations in a smoothly functioning international legal regime'' and, whenever possible, should ''consider if there is a course of action that furthers, rather than impedes, the development of an ordered international system.''

Certainly we want good relations with countries all over the world, and we are looking at making treaties of various kinds, but an idea of a smoothly functioning international legal regime, when it subordinates the interests of the American legal regime, should cause all of us to stop and think. Our protection, our prosperity, our defense—everything we are as a country—depends first on our sovereignty, as does our support of other nations depend on our sovereignty. This idea of a global world order of some kind is frightening to many people, including myself.

It appears Mr. Koh is reinterpreting our own Constitution to comply with rules of foreign and international law instead of first protecting and defending our Constitution and seeing how we can interface with other governments. Frankly, this statement should frighten American citizens who believe in upholding our Constitution, and I hope it will get the attention of my colleagues. Certainly the President has the right to nominate anyone he wants, but it is our role as the Senate to provide advice, and in this case I think disclosure to the American people, of this nominee and how he might direct our State Department activities.

In 2002, in a hearing before the Senate Committee on Foreign Relations, Mr. Koh testified in support of ratification of the United Nations Treaty on the Convention of the Elimination of All Forms of Discrimination Against Women. Not only did Mr. Koh testify in support of ratifying this treaty, he opposed any conditions to ratification of

the treaty, even those proposed by the Clinton administration. This included the very important condition stating that the treaty is not self-executing; that it has no domestic legal effect absent an act of Congress.

Our rules here are that the President can sign a treaty, but it has to be ratified here in the Senate before it is executed. To insist that once this is agreed to by the administration it becomes self-acting violates those principles.

Mr. Koh also claims that allegations by those who opposed the treaty due to its promotion of abortion, the legalization of prostitution, and the abolishment of Mother's Day are untrue. However, one only needs to look at the policies issued by the committee—the United Nations body charged with monitoring countries' compliance with their legal obligations under the treaty—to know that Mr. Koh's claims are untrue.

For example, on May 14, 1998, the committee interpreted the treaty to require that ''all states of Mexico should review their legislation so that, where necessary, women are granted access to rapid and easy abortion.''

In February 1999, the same committee criticized China's law criminalizing prostitution and recommended that China take steps to legalize it.

This does not represent American values.

Also, in February 2000, the committee made the following outrageous statement regarding Belarus's celebration of Mother's Day:

The Committee is concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles.

As these former Soviet republics, countries all over the world, are looking to America for guidance as they develop their democracies and institutions of freedom, these kinds of statements coming out of the United Nations are concerning, and I certainly don't want this same philosophy coming out of our own State Department.

How can anyone argue that ratification of a radical treaty such as we have discussed will not undermine sovereignty? It is pretty obvious it would.

In a speech entitled ''A World Drowning in Guns,'' published in the Fordham Law Review in 2003, Mr. Koh states:

If we really do care about human rights, we have to do something about the guns.

That ''something'' is a ''global system of effective controls on small arms.''

In that same speech, Mr. Koh also expressed his disappointment that the 2001 United Nations gun control conference had not led to a legally binding document. He urged that the next steps be the creation of international arms registries, giving nongovernmental organizations, such as the International Action Network on Small Arms, power to monitor government compliance with international gun control and stronger domestic regulation.

In a May 4 column in Human Events, Brian Darling of the Heritage Foundation writes:

Koh advocated an international ''marking and tracing regime.'' He complained that the ''United States is now the major supplier of small arms in the word, yet the United States and its allies do not trace their newly manufactured weapons in any consistent way.'' Koh advocated a United Nations governed regime to force the U.S. ''to submit information about their small arms production.''

Dean Koh supports the idea that the United Nations should be granted the power to ''standardize national laws and procedures with member states of regional organizations.'' Dean Koh feels that the U.S. should ''establish a national firearms control system and a register of manufacturers, traders, importers, and exporters'' of guns to comply with international obligations. This regulatory regime would allow the United Nations members such as Cuba and Venezuela and North Korea and Iran to have a say in what type of gun regulations are imposed on American citizens.

This is not constitutional government in America.

Taken to their logical conclusion, Dean Koh's ideas could lead to a national database of all firearm owners, as well as the use of international law to force the U.S. to pass laws to find out who owns guns. All who care about freedom, should read his speech. Senators need to think long and hard about whether Koh's extreme views on international gun control are appropriate for America.

Let me cover a couple of other things. This one is about the Iraq war. Mr. Koh published a commentary in the Hartford Courant on October 20, 2002, entitled ''A Better Way to Deal With Iraq.'' Here is an excerpt from that article.

I believe that terrorism poses a grave threat to international peace and security. I lost friends on September 11 and have shared in the grief of their families. I believe that Saddam Hussein is an evil and dangerous man who daily abuses his own people and who wishes no good for our country or the world. I fear his weapons of mass destruction and believe they should be eliminated. Yet I believe just as strongly that it would be a mistake for our country to attack Iraq without explicit United Nations authorization. I believe such an attack would violate international law.

We need to think for a minute and digest what this means. Even though Mr. Koh believed that attacking Iraq would be in the best interest of America and the world, he believed we should wait on explicit directions from the United Nations before we acted. Both this commentary and his testimony before the Senate Committee on Foreign Relations demonstrate that Mr. Koh believes that if our President and Congress, empowered by our Constitution, decide military action is needed to defend our Nation from harm, we must get United Nations approval or our actions are illegal. This is an incredible position for the chief legal adviser to the State Department to adhere to.

Some may argue that Mr. Koh's position on the Iraq war is merely a principled liberal position. However, his belief that countries——

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. DEMINT. Mr. President, I ask unanimous consent for 1 more minute to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I encourage my colleagues to look at the record. Mr. Koh has a very winsome personality, which I appreciate, but the record gives us many reasons for concern that the State Department may not be acting in the best interests of our country under his legal counsel.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 84, H.R. 2918, which is the legislative branch appropriations bill; that once the bill is reported, the committee substitute amendment which is at the desk and is the text of S. 1294, as reported by the Senate Appropriations Committee, be considered and agreed to; that the bill, as thus amended, be considered original text for the purpose of further amendment, provided that points of order under rule XVI be preserved; provided further that points of order under the Budget Act and budget resolutions be preserved to apply as provided in those measures.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, Mr. President, I have no problem going to this bill, but we have been working with Members on our side on a finite list of amendments that we wish to be considered on this bill. I am happy to work with the distinguished leader to obtain an agreement, and if he wishes me to cover some of those amendments today, I will. But at this point I will object to the motion to proceed and hope that we can work out an agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my colleague, you can offer any amendments you want. We don't care. We just want to get on the bill. And if we can do it, we will be happy to work with the Senator from South Carolina at that time to come up with a list of amendments. The amendments are all governed under rule XVI.

Mr. President, I have a letter here. I have all day held off reading it. It is a letter signed by every Republican Senator, including the Senator from South Carolina. Let me read this letter written to me, dated March 24.

Dear Majority Leader Reid, As you develop the legislative calendar for the rest of this fiscal year we believe it is critical to allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the 12 appropriations bills independently through a deliberative and transparent process on the Senate floor.

For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to the floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process. As our President said on March 11, 2009, he expects future spending bills to be '' . . . debated and voted on in an orderly way sent to [his] desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one.''

The Senate should begin floor consideration of the appropriations bills during the early summer months to ensure that an appropriate amount of time is available to examine, debate and vote on amendments to the bills. We believe the Senate should pass at least eight of the appropriations bills by the August recess. In order to press for a more transparent process, we will consider using all available procedural tools to guarantee regular order for appropriations bills.

Noting our intentions, we hope you will plan accordingly as you work with the leadership of the House to develop the legislative calendar for the rest of this fiscal year. Thank you for your time and consideration.

It is signed by every one of the Republicans, including my friend from South Carolina.

I have here the manager of this bill, the wild-eyed liberal from Nebraska, BEN NELSON. If this is not a place to start—there is no one who has a more measured voice than the Senator from Nebraska. He is an experienced legislator. He has been Governor of his State. He understands problems, and he is a fine person. Why can't we move to this bill?

I say to my friend from South Carolina, we are happy to work on a finite list of amendments, but all we want to do is legislate. We want to get on this bill. The manager of the bill is here. This man has been here for days—well, that is not true, since yesterday—to go to this piece of legislation.

I hope my friend will allow us to go to this bill. We will work with him. Senator NELSON is one of the most reasonable people I have ever worked with. I do not see what fear my friend from South Carolina should have going to the bill. We have no games we are playing. We are not going to try to cut anybody off offering amendments. There will come a time, perhaps, when I talk to the Republican leader and say: Have we had enough of this?

Mr. DEMINT. I say to the Senator, I am prepared to grant a unanimous consent to move ahead right now if I can be guaranteed seven amendments: three by myself, two by Senator COBURN, and two by Senator VITTER. I will be glad to describe what those are if you like?

Mr. REID. I say to my friend, as I told the Senator in my opening statement, the appropriations bills have a little different rules than just a regular bill. But we are happy to work with him. I am curious to find out what amendments he is interested in.

Would you run over them with me?

Mr. DEMINT. Yes, I will be glad to. Again, this is a trust but verify.

Mr. REID. Just give me the general subject.

Mr. DEMINT. We had a few problems getting amendments on some other bills, so I just want to make sure we are in agreement and there are no surprises. I have three amendments we would like. One is related to the Capitol Visitor Center. The other is related to rescinding unspent stimulus money. And the other is asking for a GAO audit of the Federal Reserve.

Senator VITTER has an amendment related to, I believe, our pay raises, as well as a motion to recommit the—I guess he is going to have to explain that one to me.

Mr. REID. I understand that one.

Mr. DEMINT. Senator COBURN has a transparency of Senate expenses amendment as well as something about enumerated powers.

Mr. REID. I am sorry, minority powers?

Mr. DEMINT. Enumerated powers. The minority has no powers. But this is enumerated powers of the Constitution.

These are our amendments. If we can just get agreement now that these can be included, we will be glad to proceed.

Mr. REID. I say to my friend, I served as chairman of the subcommittee for quite a number of years and enjoyed it very much. It appears the GAO one, from the knowledge I have, will be within the confines of this bill very clearly.

Let's see, what else? The CVC, Capitol Visitor Center, I think that would be—I am looking to Senator NELSON. I think the Capitol Visitor Center would be in keeping with what we have in this bill.

The point is, without going into every detail at this time, anything that is not something that is subject to a rule XVI or some other problem because it is an appropriations bill, we are happy to work with the Senator. We have no problem. But as far as guaranteeing votes, I cannot do that because somebody may want to offer a second-degree.

Mr. DEMINT. I understand the leader's position. I will object and agree to work with you in the next few hours or tomorrow if we can get general agreement and perhaps some compromise if that is possible. We certainly don't want to hold this up, but we would like to participate in the debate with a few amendments.

Mr. REID. Mr. President, I understand the Senator is going to object. I do say you cannot have—we want to go to the bill. We want to play by the rules. As it says here:

In order to press for a more transparent process, we will use all available procedural tools to guarantee regular order for appropriations bills.

I want regular order on appropriations bills.

I think the Senator could check with his own floor staff; I can't guarantee votes. I can't guarantee these matters are germane because we have different rules on appropriations bills.

I think it is another indication of where we are just wasting time, the people's time. I made my case. I will come here tomorrow and try again. We are happy to work with the Senator from South Carolina.

I say to my friend from South Carolina, I understand he is well meaning. I understand that. The Senator is not a sinister person or trying to do something that is evil or bad. But I just think sometimes we would be better off, as indicated in the letter I received from you, just going to the bill and following the regular order. That is what I want to do.

Mr. DEMINT. If the Senator will yield for clarification, regular order would be motion to proceed, debate, cloture. What we are trying to do is shortcut the regular order with unanimous consent, which I am very willing to grant, with some assurances that we will have some amendments.

I think, just for clarification, if we went through the regular order—I think the request is to bypass regular order. I am more than willing to agree to that if we can get some assurances we will have amendments.

Mr. REID. The Senator has every assurance you will have amendments. I repeat, there are certain things I cannot agree to and some may want to file a second-degree amendment to an amendment that you offer. But I will be happy to have my staff work with you through the evening and see what we can come up with.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the leader for reading the letter I sent to him some time ago. I thank him for actually trying to bring forth an appropriations bill. I hope we can figure out some resolve. I think it is very important to our country that we actually go through an appropriations process that is thoughtful. I thank you for doing that today.

Mr. REID. Will my friend yield for just a brief comment? I want to go to the bill. I want to follow regular order. That is what I was asked to do. I am happy to have my staff work through the night to see if we can agree on a finite list of amendments. I hope we can do that.

Senator NELSON is the man to do that. He is a wonderful person, as I have already said. I am just disappointed it is such a struggle to get things done.

Mr. CORKER. Mr. President, if I could talk back to the respected leader, I thank him for bringing it forward. I do think it is important we work through eight bills before the recess begins, and I hope over the next couple of hours he and the distinguished Senator from South Carolina can reach some resolve that is an accommodation and we can move through this.

I thank the Senator very much for his patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

KOH NOMINATION

Mr. SPECTER. Mr. President, I have sought recognition to speak on behalf of Dean Harold Koh, dean of the Yale Law School, for confirmation to the position of Legal Adviser to the Department of State. I know Dean Koh personally. I have known him for more than a decade while he has taught at Yale and been the dean of the Yale Law School. He spoke at a class reunion. I was in the Yale Law School class of 1956 and hosted a reunion here in the Capitol on June 6, 2008. He was greeted by a number of prominent Members of the Senate at that time. I make these comments about my personal association with him in the interest of full disclosure, but the thrust of my recommendation is based upon his extraordinary record.

Harold Koh graduated from Harvard College, also Harvard Law School. He graduated Harvard College summa cum laude in 1975. He was Marshall Scholar at Oxford University, where he got a master's degree in 1977. He graduated cum laude from the Harvard Law School in 1980, where he was developments editor of the Harvard Law Review. He then clerked for Judge Richard Wilkey in the Court of Appeals for the District of Columbia, then for Supreme Court Justice Harry Blackmun. He then worked as a lawyer with the distinguished Washington firm Covington & Burling and then as Attorney-Adviser in the Department of Justice's Office of Legal Counsel. He then served in the Clinton administration as Assistant Secretary of State, was unanimously confirmed by the Senate, and served there from 1998 to 2001 when he returned to the Yale Law School, becoming its dean some 5 years ago.

He comes from a very distinguished family. His father was the first Korean lawyer to study in the United States. He attended Harvard Law in 1949. He was then counsel for—the father, that is—for the first Korean democratic government. When a military coup occurred, he left that position. He was the first Korean to teach at the Yale Law School in 1969.

Dean Koh has an extraordinary record. His curriculum vitae fills 8 pages of very small print. He has a long list of honorary degrees. He received a number of medals. His list of honors and awards goes on virtually indefinitely; his publications, books, and monographs occupy six and a half pages; his selected legal activities, another half a page; lectures that he performed, many; teaching activities, voluminous; boards of editors, professional affiliations, presentations, workshops, boards, bars, member of the bars with which he is associated.

I ask unanimous consent to have this full text printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. It is going to be extensive, but it is worth it. I have been a Member of this body for some time. I have never seen anyone with this kind of a resume. And I am going to ask Senator BYRD the next time I see him if he knows of anybody who has a resume which is this extensive and this impressive.

When you characterize the best and the brightest, Harold Koh would be at the top of the list. It would be hard to find anybody with a better record than Dean Harold Koh. His experience in international law is extensive, as in human rights. He would be an ideal Legal Adviser to the Department of State with his background and his experience. He has judgment, and he has balance. From my personal knowledge, I have total confidence that he will apply his legal knowledge and his background in a wise and sagacious way. He testified before the Judiciary Committee when I chaired the committee and in every way is exemplary.

It is a little surprising to me that it is necessary to have a cloture vote, to have 60 votes to take up the nomination of Dean Koh. But considering the politics of Washington and considering the politics of the Senate, perhaps we should not be surprised at anything. But having a very high surprise threshold, I say that I am surprised Dean Koh would require 60 votes to reach a confirmation vote. I urge anybody who has any doubts about the caliber of this man to get out their glasses, or you may need a magnifying glass to read all of his accomplishments. But certainly it would be a travesty if a man such as this was not confirmed.

In an era where we are trying so hard to bring quality people into government and so many people shun government because of the hoops and hurdles someone has to go through—Dean Koh would be exhibit A of the hoops and hurdles—it would be very discouraging for anybody else applying for a position which requires Senate confirmation. As strongly as I can, I urge his confirmation.

EXHIBIT 1

YALE LAW SCHOOL

EMPLOYMENT

2004: Dean of Yale Law School

1993: Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School (Procedure, International Human Rights, International Business Transactions, Constitution and Foreign Affairs, International Trade, International Organizations, International Law and Political Science)

1998–2001: Assistant Secretary of State for Democracy, Human Rights and Labor United States Department of State; Commissioner, Commission for Security and Cooperation in Europe; U.S. Delegate or Head of Delegation to United Nations General Assembly (Third Committee), the United Nations Human Rights Commission, the Organization of American States, the Council of Europe, the Organization for Security and Cooperation in Europe, the U.N. Committee Against Torture, Inaugural Community of Democracies Meeting (Warsaw 2000); U.N. Conference on New and Restored Democracies (Cotonou, Benin 2000)

1993–1998: Director, Orville H. Schell Jr., Center for International Human Rights, Yale Law School

1996–97: Visiting Fellow, All Souls College, Oxford University and Waynflete Lecturer, Magdalen College, Oxford University

1993: Visiting Professor, Hague Academy of International Law

1990–93: Professor, Yale Law School

1990, 2002: Visiting Professor of International Law, Faculty of Law, University of Toronto (intensive courses in international business and human rights law)

1985–90: Associate Professor, Yale Law School

1983–85: Attorney-Adviser, Office of Legal Counsel, United States Department of Justice

1982–85: Adjunct Assistant Professorial Lecturer in Law, George Washington University National Law Center

1982–83: Associate, Covington & Burling, Washington, DC

1981–82: Law Clerk to Hon. Harry A. Blackmun, Associate Justice, United States Supreme Court

1980–81: Law Clerk to Hon. Malcolm Richard Wilkey, Circuit Judge, United States Court of Appeals, D.C. Circuit

1978–79: Teaching Fellow, First-Year Legal Methods Program, Harvard Law School (Contracts and Civil Procedure)

DEGREES

1980: Harvard Law School, J.D. cum laude
Developments Editor, Harvard Law Review; Tutor, Mather House, Harvard College

1977: Magdalen College, Oxford University, Honours B.A. in Philosophy, Politics & Economics with First-Class Honours; (M.A. 1996);

Marshall Scholar; Magdalen College Underhill Exhibitioner; President, Magdalen College Middle Common Room

1975: Harvard College, Harvard University A.B. in Government, Summa Cum Laude; Phi Beta Kappa; Harvard National Scholar; Charles Bonaparte Scholar (Outstanding Junior Government Major); Harvard Club of Southern Connecticut Distinguished Senior; National Merit Scholar; State of Connecticut Scholar

HONORARY DEGREES

2009: New School for Social Research
2008: Iona College
2008: Jewish Theological Seminary
2005: University of Hartford
2005: Widener School of Law
2002: Doctor of Laws, Skidmore College
2001: Doctor of Laws, Connecticut College
2000: Doctor of Laws, University of Connecticut; Doctor of Humane Letters, Dickinson College
1999: Doctor of Laws, Suffolk Law School; Doctor of Humane Letters, Albertus Magnus College
1998: Doctor of Laws, CUNY-Queens Law School
1990: M.A., Yale University

MEDALS

2008: Western New England School of Law
2004: Presidential Medal, Central Connecticut State College
2000: Villanova Medal, Villanova Law School
2000: Arthur J. Goldberg Award, Jacob Fuchsberg Law Center, Touro Law School

OTHER HONORS AND AWARDS

2008: Judith Lee Stronach Human Rights Award, given for outstanding contribution to global justice by the Center for Justice and Accountability, San Francisco 7th Annual Sengbe Pieh Award, First and Summerfield United Methodist Church
IRIS Human Rights Award
2007: Green Bag Award for ''exemplary writing in a long article'' Green Bag Almanac and Reader (2007)
2007, 8, 9 Lawdragon 500 Leading Lawyers in America
2007–08: Connecticut Bar Association Young Lawyers Section Diversity Award
2007: Pacific Islander, Asian, and Native American (PANA) Distinguished Service Award
2006: Philip Burton Award for Advocacy, Immigrant Legal Resource Center
2006: Boston College 75th Anniversary Celebration Law School's Distinguished Service Award
Asian American Bar Association of New York Award
The Asian American Law Students Association (Pace Law School) Award of Distinction
2006: Named one of the Top Connecticut Super Lawyers by Connecticut Magazine (International Law)
2005: Louis B. Sohn Award, given by the International Law Section of the American Society of International Law for Lifetime Achievement in International Law
2005: Equal Access to Justice Award, New Haven Legal Assistance
2005: Allies for Justice Award
ABA National Lesbian and Gay Law Association
100 Most Influential Asian Americans of the 1990s, A Magazine
2002: Wolfgang Friedmann Award, given by Columbia Journal of Transnational Law ''to an individual who has made outstanding contributions to the field of international law''
2002: Connecticut Bar Association Distinguished Public Service Award
2002: John Quincy Adams Freedom Award, Amistad America
2001: Korean American Coalition Public Service Award
2000: Institute for Corean-American Studies Liberty Award
1999; 1994: FACE (Facts About Cuban Exiles) Excellence Award
1997: Public Sector 45'' (45 leading American Public Sector Lawyers Under the Age of 45), American Lawyer Magazine
1997: Named one of nation's leading Asian-American Educators, Avenue Asia Magazine
Asian-American Lawyer of the Year, Asian-American Bar Association of New York
1995: Trial Lawyer of the Year Award, Trial Lawyers for Public Justice (co-recipient)
1994: Cuban-American Bar Association
1994: Political Asylum Immigration Representation Project
1994: Asian-American Lawyers of Massachusetts
1994: Haiti 2004
1994: Korean-American Alliance
1993: Asian Law Caucus
1993: Asian-American Legal Defense & Education Fund, Justice in Action Award
1992: Co-recipient, American Immigration Lawyers' Association Human Rights Award
1991: Richard E. Neustadt Award, Presidency Research Section, American Political Science Association

FELLOWSHIPS

Fellow, American Philosophical Society (2007–); Honorary Fellow, Magdalen College (2002–); Fellow, American Academy of Arts and Sciences (2000–); Guggenheim Fellow (1996–97); Twentieth Century Fund Fellow (1996–), Visiting Fellow, All Souls College, Oxford (1996–97); James Cooper Lifetime Fellow, Connecticut Bar Association (2006–)

PUBLICATIONS

BOOKS AND MONOGRAPHS

Transnational Litigation in United States Courts (2008) (Foundation Press)
Transnational Business Problems (4th ed. 2008) (Foundation Press), with Detlev F. Vagts & William S. Dodge
Foundations of International Law and Politics (with Oona A. Hathaway)
The International Human Rights of Persons with Intellectual Disabilities: Different but Equal (Oxford University Press 2002) (with Stanley Herr and Lawrence Gostin, eds)
Deliberative Democracy and Human Rights (with Ronald C. Slye) (Yale University Press 1999) (translated into Spanish)
International Business Transactions in United States Courts, Recueil des Cours (Martinus Nijhoff 1998) (Monograph of Lectures in Private International Law at The Hague Academy of International Law)
Transnational Legal Problems (with Henry Steiner & Detlev Vagts) (Foundation Press 4th ed. 1994) and Documentary Supplement (1994)
The National Security Constitution: Sharing Power After the Iran-Contra Affair (Yale University Press 1990) (Winner, Richard E. Neustadt Award, awarded by the Presidency Research Section, American Political Science Association, to the best book published in 1990 that contributed most to research and scholarship on the American Presidency)
Justice Harry A. Blackmun Supreme Court Oral History Project, Federal Judicial Center/Supreme Court Historical Society (Editor 1996) (public release 2004)

ARTICLES AND BOOK CHAPTERS

Commentary in Michael W. Doyle, Striking First: Preemption and Prevention in International Conflict 99 (2008)
Human Rights and National Security: Chapter in Mark Green, et al., eds, Change for America: Progressive Blueprint for the Next Administration (2008)
Keynote Address: A Community of Reason and Rights, 77 Fordham L. Rev. 583 (2008)
A Day in Court Denied The Washington Post, Monday, March 31, 2008 Page A19
No Torture. No Exceptions. The Washington Monthly, January/February/March 2008
Tom Eagleton: True Senator, 52 St. Louis U. L Journal 25 (2008)
Mirjan Damaska: A Bridge Between Two Cultures, in Maximo Langer, et al., Festschrift for Mirjan Damaska (2008)
Sale v. Haitian Centers Council: Guantanamo and Refoulement (with Michael J. Wishnie), in Ford, Hurwitz & Satterthwaite, Human Rights Advocacy Stories (2000)
Repairing America's Human Rights Reputation, 40 Cornell Int'l L.J. 635 (2007)
Is there a ''New'' New Haven School of International Law? 32 Yale Law Journal 559 (2007)
''Repair America's Human Rights Reputation''—op-ed appeared in the Summer 2007 issue of the Yale Law Report as part of a collection of op-eds written by Yale Law School faculty members
Filártiga v. Pena-Irala: Judicial Internalization of the Customary International Law Norm Against Torture in International Law Stories (Noyes, Dickinson & Janis, eds.; Law Stories Series, Foundation Press 2007)
Tom Eagleton: True Senator, 52 SLU L. Rev. 1 (2007)
Preface to Eugene Fidell, Beth Hillman & Dwight Sullivan, Military Justice: Cases and Materials (2007)
Preface to William J. Aceves, The Anatomy of Torture: A Documentary History of Filártiga v. Peña-Irala (2007)
The Future of Lou Henkin's Human Rights, Movement, 38 Col. H.Rts Rev. 487 (2007)
The Bright Lights of Freedom, NPR: THIS I BELIEVE, Jay Allison & Dan Gediman, eds., (New York: Henry Holt & Company, 2006) 141–143; paperback edition (2007)
America and the World, 2020, in THE CONSTITUTION IN 2020 (Siegel & Balkin eds. 2009)
In Memoriam: Robert F. Drinan, S.J. (1920–2007) 95 Georgetown Law Journal 1709 (2007)
The Activist: Robert S. Drinan S.J., Stirring the Human Rights Revolution, BC Law Magazine 7 (Summer 2007) (tribute to Father Drinan)
A World Drowning in Guns, INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: BRIDGING THEORY AND PRACTICE, Thomas J. Biersteker, Peter J. Spiro, Chandra Lekha Sriram, and Veronica Raffo, eds., (London: Routledge Press, 2006) 59
Louis B. Sohn: Present at the Creation, Harvard International Law Journal, 2006
Unveiling Justice Blackmun, 72 Brooklyn L. Rev. 9 (2006)
Setting the World Right, 115 Yale L.J. 2350 (2006)
Why Transnational Law Matters, 24 Penn State Int'l L. Rev. 745 (2006)
The Healing Wisdom of Jay Katz, 6 Yale J. Health Policy, Law and Ethics 397 (Spring 2006)
Harry Andrew Blackmun, in Yale Biographical Dictionary of American Law (2007)
''The New Global Slave Trade,'' Displacement, Asylum, Migration 232 (Oxford Amnesty Lectures) (Kate Tunstall ed. 2006)
''A Law Unto Itself?,'' Yale L.J. (The Pocket Part), March 2006

Tribute to President Francis Daly Fergusson, upon her retirement from Vassar College, Vassar Quarterly, ''Energy in the Executive''

''Can the President Be Torturer in Chief?,'' Ind. L. Rev. 81:1145 (winner 2007 Green Bag Award for ''exemplary writing in a long article'' Green Bag Almanac and Reader (2007)

''Mark Janis and the American Tradition of International Law,'' Conn. J. Int'l L.

''Captured by Guantanamo''

Choosing Heroes Carefully (Tribute to John Hart Ely), 57 Stan. L. Rev. 723 (2005)

''The Bright Lights of Freedom,'' This I Believe, NPR

''The Value of Process,'' in Why Obey International Law?, 10 Int' Legal Theory 1 (2004)

''Standing Together,'' 15 Law & Sexuality, 15:1

''Internalization Through Socialization,'' Duke L.J. 54: 975 (2005)

''Commentary: A World Drowning in Guns,'' in International Law and International Relations 59–76 (Thomas Biersteker, Veronica Raffo, Peter Spiro and Chandra Sriram, eds Routledge 2006)

Preface to Jaya Ramji & Beth van Schaack, Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence Before the Cambodian Courts

The Ninth Annual John W. Hager Lecture, The 2004 Term: The Supreme Court Meets International Law, Tulsa Journal of Comparative & International Law 12: 1 (2004)

''The Wolfgang Friedmann Lecture: A World Without Torture,'' Columbia Journal of Transnational Law (2005)

International Law as Part of Our Law, 98 Am. J. Int'l Law 43 (2004)

Separating Myth and Reality about Corporate Responsibility Litigation, 7 J. Intl Econ. L. 263 (2004)

Snatched in Sudan, Captive in Khartoum, Times Higher Education Supplement, Feb. 20, 2004

Advice to the Next High Commissioner, Columbia Human Rights L. Rev. 2003

Transnational Legal Process After September 11, 22 Berkeley J. Int'l L. (2004)

Rights to Remember, Economist, November 2003 at 24

American Diplomacy and the Death Penalty (with Thomas Pickering) 80 Foreign Service Journal 19 (October 2003)

''On America's Double Standard: The Good and Bad Faces of American Exceptionalism,'' American Prospect (October 2004)

''America's Jekyll and Hyde Exceptionalism,'' chapter in Michael Ignatieff, American Exceptionalism and Human Rights (Princeton University Press 2005)

On American Exceptionalism, 55 Stan. L. Rev. (2003)

A World Drowning in Guns, 71 Fordham L. Rev. (2003)

Why the United States should ratify the Convention for the Elimination of Discrimination Against Women (CEDAW), 34 Case W. Res. L. Rev. 258 (2002)

Tribute to John Sexton, 60 Annual Survey of American Law (2003) (tribute to John Sexton)

A Tribute to Tom the Frank, 35 NYU Journal Int'l L. & Pol. (2003) (tribute to Thomas Franck)

The Law Under Stress After September 11, 31 Int'l Legal Info. 317 (2003)

International Human Rights of Persons with Mental Disabilities, 63Md. L. Rev. 1 (2004)

Wrong on Rights, Yaleglobal Online (2004)

In Memoriam: Dean Eugene V. Rostow, Yale Law Report 16 (Summer 2003)

Paying ''Decent Respect'' to the World Opinion on the Death Penalty, 35 U.C. Davis L. Rev. 1085 (2002)

Paying Decent Respect to International Tribunal Rulings, 2002 Proceedings of the American Society of International Law

Against Military Tribunals, Dissent Magazine 58 (Fall 2002)

One Year Later, America Deserves Mixed Reviews, Yale Daily News (September 13, 2002)

A Better Way to Deal with Iraq, Hartford Courant, October 20, 2002

''Preserving Our Values: The Challenge At Home and Abroad,'' chapter 6 in The Age of Terror: America and the World After September 11 at 143 (Strobe Talbott & Nayan Chanda, eds. Basic Books 2002)

''The Spirit of the Laws,'' 43 Harv. Int'l L.J. 23 (2002)

''The 2001 Richard Childress Memorial Lecture: A United States Human Rights Policy for the 21st Century,'' 46 St. Louis U. L. J. 293 (2002) (special issue with nine commentators)

''The Case Against Military Commissions,'' 96 Am. J. Int'l L. 337 (April 2002)

''Transnational Legal Process Illuminated,'' in Transnational Legal Processes: Globalisation and Power Disparities 327 (Michael Likosky ed. Butterworths Press 2001)

''The Globalization of Freedom,'' 26 Yale J. Int'l L. 305 (2001)

''A Passion for Service,'' 45 N.Y.L.S. L. Rev. 17 (2001) (tribute to Harry Wellington)

''An Uncommon Lawyer,'' 42 Harv. Int'l L.J. 7 (2001) (tribute to Abram Chayes)

''We Have The Right Courts for Bin Laden,'' N.Y. Times, Nov. 23, 2001 at A39

Six Civil Rights Experts Weigh in on Sept. 11, Time.com, 12–1–01

''The U.S. Can't Allow Justice to Be Another War Casualty,'' The Los Angeles Times; Dec. 17, 2001 at B11

''The Best Defense: Article I,'' The Hartford Courant (September 16, 2001)

''America the Pariah,'' Project Syndicate (August 2001) (op ed piece published in 20 foreign newspapers)

''Estados Unidos y Europa, divididos por la pena de muerte,'' LA NACION (Argentina) July 23, 2001

''A Dismal Record on Executing the Retarded,'' New York Times (June 14, 2001)

''A Wake Up Call on Human Rights'' Washington Post (May 8, 2001)

''A Breakthrough in North Korea,'' Washington Post (November 2, 2000)

''Complementarity Between International Organisations on Human Rights/The Rise of Transnational Networks as the ''Third Globalization,'' 21 Human Rights Journal 307 (2000)

''The Third Globalization: Transnational Human Rights Networks,'' Introduction to the 1999 Human Rights Report, U.S. Dept. of State, Country Reports on Human Rights Practices for 1999 at xv (vol. 1) (2000)

''The Right to Democracy,'' Introduction to the 1998 Human Rights Report, U.S. Dept. of State, Country Reports on Human Rights Practices for 1998 at xv (vol. 1) (1999)

''1998 Harris Lecture: How Is International Human Rights Law Enforced?'' 74 Indiana L. J. 1397 (1999)

''1998 Frankel Lecture: Bringing International Law Home,'' 35 Houston L. Rev. 623 (1998)

''Is International Law Really State Law?'', 111 Harv. L. Rev. 1824 (1998)

''Why Do Nations Obey International Law?'', 106 Yale L.J. 2599 (1997)

''Ten Lessons About Appellate Oral Argument,'' 71 Connecticut Bar Journal 218 (1997)

''Congressional Protection of International Human Rights,'' 170 Fed. R. D. 285 (1997)

''Book Review, Chayes & Chayes, The New Sovereignty,'' 91 American Journal of International Law 389 (1997)

''War and Responsibility in the Dole/Gingrich Congress,'' 50 Miami L. Rev. 1 (1996)

''Transnational Legal Process,'' 75 Neb. L. Rev. 181 (1996)

''The Constitution,'' in Encyclopedia of U.S. Foreign Relations (Oxford University Press 1996)

''A World Transformed,'' 20 Yale Journal of International Law vii (1995)

''America's Offshore Refugee Camps,'' 29 Richmond L. Rev. 139 (Allen Chair 1994)

''Refugees, The Courts, and the New World Order,'' 1994 Utah L. Rev. 999

''The 'Haiti Paradigm' in United States Human Rights Policy,'' 103 Yale L.J. 2391 (1994)

''Democracy and Human Rights in U.S. Foreign Policy?: Lessons from the Haitian Crisis,'' 48 SMU L. Rev. 189 (1994)

''The Haitian Refugee Litigation: A Case Study in Transnational Public Law Litigation,'' 18 Md. J. Int'l L & Trade 1 (1994)

''Reflections on Refoulement and Haitian Centers Council,'' 35 Harv. Int'l L.J. 1 (1994)

''Who Are the Archetypal 'Good' Aliens?'' 88 American Society of International Law Proc. 450 (1994)

''Justice Blackmun and the 'World Out There','' 104 Yale L.J. 23 (1994)

Broadening Access to International Law Resources Through New Technology,'' 89 American Society of International Law Proc.—(1995)

''Aliens in Our 'Beloved Community,''' Smithsonian Working Paper (1995)

''One Step Forward, One Step Back,'' Miami Herald, May 4, 1995 A27

Alliance for Justice, ''First Monday,'' October 3, 1994 (video panel)

''Terms for Assessment,'' Roundtable on Justice Blackmun, ABA Journal 52 (July 1994)

''Justice Done,'' New York Times, Apr. 8, 1994, at A27

''The Justice Who Grew,'' 1994 J. S.Ct. Hist. 5 (1994)

''DIANA: A Human Rights Data Base,'' 16 Human Rights Quarterly 753 (1994) (with N. Finke, T. Fitchett, and R. Slye)

''Bitter Fruit of the Asian Immigration Cases,'' 6 Constitution 68 (1994) (reproduced in Cong. Record, Jan. 6, 1995 at S569)

''Standing Up for Principle: A Personal Journey,'' 5 Korean and Korean-American Studies Bulletin 4 (1994)

''A Tribute to Justice Harry A. Blackmun,'' 108 Harv. L. Rev. 20 (1994)

Remarks at Proceedings Held on the Occasion of the Induction of Jose A. Cabranes As U.S. Circuit Judge, 2d Cir. (Sept. 26, 1994)

''The New New International Economic Order,'' 87 American Society of International Law Proc. 259 (1994)

''Aliens and the Duty of Nonrefoulement: Haitian Centers Council, Inc. v. McNary,'' 6 Harvard Human Rights Journal 1 (1993) (with the Lowenstein Human Rights Clinic)

''The Role of the Courts in War Powers Cases,'' in Constitutional Government and Military Intervention After the Cold War (M. Halperin & G. Stern eds.) (Westview Press 1993)

''The President Versus the Senate in Treaty Interpretation: What's all the Fuss About?'' 15 Yale Journal of International Law 331 (1990)

''Reply to Book Reviews of The National Security Constitution: Sharing Power After the Iran Contra Affair, 15 Yale Journal of International Law 382 (1990)

''A History of the Fast Track Approval Mechanism,'' Chap. 1, A. Holmer & J. Bello, eds., The Legislative Fast Track: Its Illustrative Use for the U.S.-Canada Free Trade Agreement (Prentice Hall 1990)

''The Iran-Contra Affair,'' The Guide to American Law Yearbook 1990 (West 1990)

''The Human Face of the Haitian Interdiction Program,'' 33 Virginia Journal of International Law 483 (1993)

''Two Cheers for Feminist Procedure,'' 61 University of Cincinnati Law Review 1201 (1993)

''Protecting the Office of Legal Counsel from Itself,'' 15 Cardozo Law Review 1601 (1993)

''The War Powers Resolution,'' in Cold War Patriot and Statesman: Richard M. Nixon 321 (L. Friedman and W. Levantrosser, eds.) (Greenwood Press, 1993)

''Against Specialization in The Teaching of International Law,'' Contemporary International Law Issues: Sharing Pan-European and American Perspectives 198 (1992)

''The Fast Track and United States Trade Policy,'' 18 Brooklyn J. Int'l L. 143 (1992)

''Dollar Diplomacy/Dollar Defense: The Fabric of Economics and National Security Law,'' 26 International Lawyer 715 (1992) (with John Choon Yoo)

''Los regimenes de formulacion de politica comercial del Congreso y del Ejecutivo estadunidenses y su relacion con un posible acuerdo de libre comercio entre Canada, Mexico y Estados Unidos,'' Mexico/Estado Unidos 1990 at 193 (G. Vega ed. 1992)

Remarks at Presentation of the Portrait of the Honorable Malcolm R. Wilkey, 992 F.2d lxxi (1993) (U.S. Ct. App. D.C. Dec 17, 1992)

Selections, Encyclopedia of the American Presidency (1993)

Closed Door Policy for Refugees,'' Legal Times 36 (July 26, 1993)

''We the People—and Congress—Have Yet to Be Heard'' (with Bruce Ackerman), L.A. Times (May 5, 1993)

''Reflections on Kissinger,'' Constitution (Winter 1993)

''The War Powers Debate,'' Ending the Cold War at Home 41 (1992)

''The Constitution and the Bill of Rights,'' 85 American Society of International Law Proc. 199 (1991)

''Foreword,'' Asian Americans and the Supreme Court: A Documentary History ix (H.C. Kim ed.) (Greenwood Press 1992)

''Begging Bush's Pardon,'' 29 Hous. L. Rev. 889 (1992)

Conversation/By Steve Kemper,'' Northeast Magazine, July 26, 1992

''Good News, Bad News,'' Constitution 13 (Spring-Summer 1991)

''Bush Honors the Law When It Pleases Him,'' Newsday (January 20, 1991)

''A Justice for Passion,'' 1990 Annual Survey of American Law (1991)

''Transnational Public Law Litigation,'' 100 Yale L.J. 2347 (1991)

''The Constitutional Roles of Congress, the Executive and the Courts in the Conduct of U.S. Foreign Policy,'' (with K. Stith-Cabranes and S.Y. Koh) (Woodrow Wilson Center monograph) (Fall 1991)

''The Coase Theorem and the War Power: A Response,'' 1991 Duke L.J. 122 (1991)

''Presidential War and Congressional Consent: The Law Professors' Memorandum in Dellums v. Bush,'' 27 Stanford J. Int'l L. 247 (1991)

''Summary Remarks, Conference on The Dynamics of U.S.-Korea Trade Relations: Economic, Political, Legal and Cultural,'' (East Rock Press, 1991)

''A Level Playing Field for Global Problems: Section 337 of the Tariff Act—A Case Study,'' Proceedings of the Eighth Annual Judicial Conference of the U.S. Court of Appeals for the Federal Circuit, 133 F.R.D. 257 (1990)

''The Liberal Constitutional Internationalism of Justice Douglas,'' He Shall Not Pass This Way Again: The Legacy of Justice William O. Douglas 297 (S. Wasby ed., U. of Pittsburgh Press, 1990)

''The Responsibility of the Importer State,'' Chapter 8, in G. Handl & R. Lutz, eds., Transferring Hazardous Technologies and Substances: The International Legal Challenge 171 (Graham & Trotman/Martinus Nijhoff, 1989)

''Don't Close the Books on Iran-Contra Mess,'' New Haven Register (May 13, 1990)

''Graduation Address to Yale Law School,'' (May 1989), excerpted in S. Lee & M. Fox, Learning Legal Skills 207 (1991) and Yale Law Report 14 (Fall 1989)

''What Congress Must Do To Reassert National Security Power,'' First Principles 5 (September 1988)

''Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair,'' 97 Yale Law Journal 1255 (1988) (republished as Chapter 6 in The Constitution and the Conduct of American Foreign Policy (David Gray Adler & Larry N. George eds. 1996))

''The Palestine Liberation Organization Mission Controversy,'' 82 American Society of International Law Proc. 534 (1988)

''Four Dichotomies in American Trade Policy,'' in Symposium, American Trade Policy: Actors, Issues, and Options, Special Issue No. 1, Yale L. & Pol'y Rev. 4 (1988)

''Introduction,'' Focus: Foreign Affairs Under the Constitution, 13 Yale J. Int'l L. 1 (1988)

''Rebalancing the Medical Triad: Justice Blackmun's Contributions to Law and Medicine,'' 13 Am. J. L. & Med. 201 (1988)

''The Treaty Power,'' 43 U. Miami L. Rev. 106 (1988)

''A Legal Perspective,'' Chapter 5, in Perspectives On A U.S.-Canadian Free Trade Agreement (R. Stern, P. Trezise & J. Whalley, eds.) (Brookings Institution 1987) (based on 12 Yale J. Int'l L. 193 (1987))

''The Legal Markets of International Trade: A Perspective on the Proposed United States-Canada Free Trade Agreement,'' 12 Yale Journal of International Law 193 (1987)

''Civil Remedies for Uncivil Wrongs: Combatting Terrorism Through Transnational Public Law Litigation,'' 22 Texas Int'l.L.J. 169 (1987)

''Why the President (Almost) Always Wins in Foreign Affairs,'' 81 American Society of International Law Proc. 248 (1987)

''Looking Beyond Achievement: After 'the Model Minority,' Then What?'', 3 Korean And Korean-American Studies Bulletin 15 (Fall/Winter 1987)

''Thoughts on Being a Korean-American Legal Academic,'' 1 Korean-American Journal 5 (May 1986)

''Asians in American Law'', Yale Law Report 28 (Fall 1986)

Book Review, H. Steiner & D. Vagts, Transnational Legal Problems and D. Vagts, Transnational Business Problems, 20 Int'l.Law 1417 (1986)

''Judge Wilkey's Contributions to International Law and the Foreign Relations Law of the United States,'' 1985 B.Y.U. Law Rev. 647 (1985)

''Malcolm R. Wilkey: Jurist and Scholar,'' 19 Int'l Law. 1289 (1985)

''Congressional Controls on Presidential Trade Policymaking after INS v. Chadha,'' 18 N.Y.U.J.Int'l.L.& Pol. 1191 (1986)

''Equality with a Human Face: Justice Blackmun and the Equal Protection of Aliens,'' 8 Hamline Law Rev. 51 (1985)

Note, ''The Constitutionality of Municipal Advocacy in Statewide Referendum Campaigns,'' 93 Harv.L.Rev. 535 (1980)

Case Comment, ''Discovery from Media Defendants in Public Figure Defamation Actions: Herbert v. Lando,'' 93 Harv.L.Rev. 149 (1979)

SELECTED CONGRESSIONAL TESTIMONY

Testimony before the Senate Judiciary Committee Subcommittee on the Constitution regarding Restoring the Rule of Law (September 16, 2008)

Testimony before the House Foreign Relations Committee regarding ''The 2006 Country Reports on Human Rights Practices and the Promotion of Human Rights in U.S. Foreign Policy'' (March 29, 2007)

Testimony before the Senate Committee on the Judiciary regarding ''Hamdan v. Rumsfeld: Establishing a Constitutional Process'' (July 11, 2006)

Testimony before the Senate Committee on the Judiciary regarding ''Wartime Executive Power and the National Security Agency's Surveillance Authority'' (February 28, 2006)

Testimony before the Senate Judiciary Committee regarding ''The Nomination of the Honorable Alberto R. Gonzales as Attorney General of the United States'' (January 7, 2005)

Testimony before the House Committee on International Relations regarding ''A survey and analysis of supporting human rights and democracy: The U.S. record 2002—2003'' (July 9, 2003)

''United States Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women,'' Hearing Before the U.S. Senate Foreign Relations Committee (June 13, 2002)

''Human Rights in Turkey,'' Hearing before the Commission on Security and Cooperation in Europe, Washington, DC (March 9, 2000).

''Country Reports on Human Rights Conditions,'' Testimony before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives Washington, DC, (March 8, 2000).

''The Global Problem of Trafficking in Persons: Breaking the Vicious Cycle,'' Hearing Before the House Committee on International Relations (Sept. 14, 1999)

''Human Rights at the End of the 20th Century,'' Hearing before the Commission on Security and Cooperation in Europe; Washington, DC, (March 17, 1999).

''Country Reports on Human Rights Conditions,'' Testimony

''Country Reports on Human Rights Conditions,'' Testimony before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives (March 3, 1999)

''Human Rights in China,'' Testimony International Operations and Human Rights, U.S. House of Representatives, Washington DC (January 20, 1999)

''U.S. Policy Toward Haiti'': Hearing Before the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Senate Committee on Foreign Relations, 103d Cong. 2d Sess. (Mar. 8, 1994)

''The Nonrefoulement Reaffirmation Act of 1992,'' House Foreign Affairs Committee (June 11, 1992)

''U.S. Human Rights Policy Toward Haiti,'' Hearing before Legislation and National Security Subocmmittee; House Government Operations Committee, 102nd Cong., 2nd Sess. 97 (April 9, 1992)

''The Constitutional Roles of Congress and the President in Waging and Delcaring War,'' Senate Judiciary Committee (January 8, 1991)

''Executive-Congressional Relations in a Multipolar World,'' Hearings Before the Senate Foreign Relations Committee, 101st Cong., 2d Sess. 92 (Nov. 26, 1990)

Testimony on H.R. 3665, the Official Accountability Act, before the House Judiciary Committee, Subcommittee on Criminal Justice, (June 15, 1988)

AWARDS AND HONORS

100 Most Influential Asian Americans of the 1990s, A Magazine; Named to the APublic Sector 45'' (45 leading American Public Sector Lawyers Under the Age of 45), American Lawyer Magazine (1997); Connecticut Bar Association Distinguished Public Service Award (2002); John Quincy Adams Freedom Award, Amistad America (2002); Korean American Coalition Public Service Award (2001); Honorary Citizenship, Pukcheju, Republic of Korea (1999); Institute for Corean-American Studies Liberty Award (2000); FACE (Facts About Cuban Exiles) Excellence Award (1999, 1994); Named one of nation's leading Asian-American Educators, Avenue Asia Magazine (1997); Asian-American Lawyer of the Year, Asian-American Bar Association of New York; 1995 Trial Lawyer of the Year Award, Trial Lawyers for Public Justice (co-recipient); Cuban-American Bar Association (1994); Political Asylum Immigration Representation Project (1994); Asian-American Lawyers of Massachusetts (1994); Haiti 2004 (1994); Korean-American Alliance (1994); Asian Law Caucus (1993); Asian-American Legal Defense & Education Fund, Justice in Action Award (1993); Co-recipient, American Immigration Lawyers' Association 1992 Human Rights Award; Richard E. Neustadt Award, Presidency Research Section, American Political Science Association (1991)

SELECTED LEGAL ACTIVITIES

Secretary of State's Advisory Committee on Public International Law (1994–98)

Editor, Justice Harry A. Blackmun Supreme Court Oral History Project, Federal Judicial Center/Supreme Court Historical Society (1994–96)

Co-author, Law Professors= Letter to Senate Judiciary Committee Regarding Military Commission, December 5, 2001, available at http://www.yale.edu/lawweb/liman/letterleahy.pdf

Counsel for U.S. Diplomats Morton Abramowitz, et al, Amicus Curiae in McCarver v. North Carolina, No. 00–8727 (U.S. cert. Dismissed Sept. 25, 2001) and Atkins v. Virginia (No. 00–8452) (U.S. argued Feb. 20, 2002) (arguing that execution of those with mental retardation violates Eighth Amendment's cruel and unusual punishments clause)

Consultant, United Nations High Commissioner on Refugees Global Consultations on reformation of the UN Refugee Convention, Cambridge University (Summer 2001)

Arbitrator, Binational Dispute Settlement Panel Convened Under Chapter 19 of the U.S.-Canada Free Trade Agreement, No. U.S.A.–93–1904–05, In re Certain Flat-Rolled Carbon Steel Products from Canada (Nov. 4, 1994)

Co-founder (with Michael Ratner), Allard K. Lowenstein International Human Rights Clinic at Yale Law School (1991-)

Counsel for respondents, Royal Dutch Petroleum Co. v. Ken Wiwa, et al., (U.S. S.Ct., No. 00–1168, cert. denied March 26, 2001)

Of counsel and oralist for plaintiffs, Cuban-American Bar Ass'n v. Christopher, 43 F.3d 1413 (11th Cir. 1995) (For work done on this case, received 1994 Human Rights Award from Cuban-American Bar Ass'n)

Lead counsel for plaintiffs, Sale v. Haitian Centers Council, Inc., 113 S.Ct. 2549 (1993), 823 F.Supp. 1028 (E.D.N.Y. 1993), and 969 F.2d 1326 (2nd Cir. 1992) (For work done on this case, recognized by Haiti 2004, Korean-American Alliance, Political Asylum Immigration Representation Project and as co-recipient, 1993 Justice in Action Award, Asian-American Legal Defense and Education Fund; Co-recipient, 1992 Human Rights Award, American Immigration Lawyers' Association; Asian Law Caucus)

Co-counsel for petitioners, In re civilian population of Chiapas, Mexico and certain Members of the Ejercito Zapatista de Liberacion Nacional (Inter-American Commission on Human Rights) (filed January 27, 1994); In re Haitian population of Bahamas

Co-counsel for plaintiffs, Doe v. Karadzic, 70 F. 3d 232 (1995); 176 F.R.D. 458 (S.D.N.Y. 1997) (represented from filing of complaint until 1998, when withdrew from representation to join U.S. government; after a two-week jury trial in September 2000, a jury awarded plaintiffs approximately $ 4.5 billion in compensatory and punitive damages); Greenpeace, Inc. (U.S.A.) v. France, 946 F. Supp. 773 (C.D. Cal. 1996); Paul v. Avril, 812 F. Supp. 207 (S.D. Fla. 1993) ($41 million judgment awarded); Todd v. Panjaitan, No 92–12255WD (D. Mass. decided October 25, 1994) ($14 million judgment awarded); Xuncax v. Gramajo, No. 91–11564WD (D.Mass., filed June 6, 1991); Ortiz v. Gramajo (D.Mass. 1992)($47.5 million judgment awarded); Doe v. Karadzic, 866 F. Supp. 734 (1994); No. 94–9035 (2d Cir. 1995); Belance v. FRAPH, No. 94–2619 (E.D.N.Y.) (Nickerson, J.) (For work done on Avril and Gramajo cases, named as co-recipient, 1995 Trial Lawyer of the Year Award, by the Trial Lawyers for Public Justice)

Amicus Curiae, U.S. Supreme Court, Argentine Republic v. Amerada Hess (1990); United States v. Alvarez-Machain, (1992); Nelson v. Saudi Arabia, No. 91–522 (1993); Jaffe v. Snow, No. 93–241 (1993); Trajano v. Marcos, 978 F.2d 493, 499–500 (9th Cir. 1992), cert. denied, 113 S. Ct. 2960 (1993); No. 93–9133 Negewo v. Abebe-Jira, 11th Cir. 1995; Abebe-Jiri v. Negewo, No. 90–2010, Slip Op. at 7 (N.D. Ga. Aug. 20, 1993)

Co-author (with ten other constitutional law scholars) of Memorandum Amicus Curiae of Law Professors in Ronald v. Dellums v. George Bush (D.D.C. 1990), reprinted in 27 Stanford Journal International Law 257 (1991); (with nine other constitutional law scholars) of Correspondence With Assistant Attorney General Walter Dellinger re Legality of United States Military Action in Haiti, reprinted in 89 American Journal International Law 127 (1995)

Co-author (with David Cole and Jules Lobel), ''Interpreting the Alien Tort Statute: Amicus Curiae Memorandum of International Law Scholars and Practitioners in Trajano v. Marcos,'' 12 Hastings Int'l & Comp. L. Rev. 1 (1988) (published Amicus Curiae Brief on behalf of nineteen international law scholars and practitioners in international human rights case)

Co-author, Brief Amicus Curiae Urging Denial of Certiorari, Tel-Oren v. Libyan Arab Republic, reprinted in 24 I.L.M. 427 (1985) (as Justice Department Attorney)

Litigation before Iran-U.S. Claims Tribunal, Case No. 55, Amoco Iran v. Islamic Republic of Iran (as Private Practitioner)

Co-counsel for Iranian Hostages in Persinger v. Iran (D.C. Cir. 1982) and Cooke v. United States (Cl. Ct. 1982) (as Private Practitioner)

Litigation before International Court of Justice in Nicaragua v. United States, 1986 I.C.J. 14 (as Justice Department Attorney)

NAMED LECTURES

Cecil Wright Lecture, University of Toronto School of Law (2002); Korematsu Lecture, New York University School of Law (2002); George Wythe Lecture, William and Mary College of Law (2002); Robert Levine Lecture, Fordham Law School (2002); Frank Strong Lecture, Ohio State University School of Law (2002); Barbara Harrell-Bond Lecture, Oxford University (2001); Edward Barrett Lecture, University of California at Davis School of Law (2001); Bruce Klatsky Lecture, Case Western Reserve University School of Law (2001); Richard Childress Lecture, St. Louis University School of Law (2001); Frankel Lecture, University of Houston Law Center (1998); Harris Lecture, University of Indiana Law School (1998); Scuola Santa Anna (Pisa, Italy) (1997); Bartlett Lecture, Yale Divinity School (1997); Waynflete Lectures, Magdalen College, Oxford University (1996); Enrichment Lecturer, George Washington University National Law Center (1995); Scholar-in-Residence, Hofstra University (1995); Ralph Kharas Lecture, Syracuse University (1995); Mason Ladd Lecture, Florida State University (1995); 1995 Martin Luther King Lecture, Smithsonian Institution (1995); Roscoe Pound Lecture, University of Nebraska College of Law (1994); Emmanuel Emroch Lecture, University of Richmond Law School (1994); George Allen Distinguished Visiting Professor, University of Richmond Law School (1994); Roy R. Ray Lecture, Southern Methodist University School of Law (1994); William H. Leary Lecture, University of Utah Law School (1993); Convocation Lecturer, Duke Law School (1993); McGill Law School (1993); Gerber Lecture, University of Maryland (Baltimore) (1993). Commencement Addresses at Yale Law School (1987, 1989, 2000), Skidmore College (2002); University of Connecticut School of Law (2000); Dickinson College (2000); Villanova Law School (2000); Touro College of Law (2000); Albertus Magnus College (1999); NYU Law School (1999); University of Maryland (Baltimore) School of Law (1995)

TEACHING ACTIVITIES

Faculty Member, Oxford/George Washington University Joint Programme in International Human Rights Law, New College Oxford, 1996, 1998, 2002; American University Human Rights Academy 2001; Aspen Institute, Law and Society Program (Moderator 2001; Harry Blackmun Fellow, 1992); Aspen Institute, Seminar for Judges on International Human Rights: Its Application in National Jurisprudence, Wye Plantation (1994, 95, 98); Federal Judicial Center, ''The Role of International Law in the U.S. Courts (March 1994); Faculty Member, American Law and Legal Institutions, Salzburg Seminar, Salzburg, Austria (1991); Center for National Security Studies National Security Law Institute for Professors (1991, 1992); Distinguished Visitor, The Policy Study Group, Tokyo, Japan (1990)

BOARDS OF EDITORS

Editorial Board, University Casebook Series, Foundation Press (1993–98, 2001–); American Journal of International Law (1992–); Editorial Review Board, Human Rights Quarterly (1994–96); Advisory Committee, Journal of Legal Education (1991–94); Editorial Advisory Board, Human Rights Watch World Report (Yale University Press)

PROFESSIONAL AFFILIATIONS

Executive Council, American Society of International Law (1998–present); Chair,

Nominating Committee, American Society of International Law (1998); National Council, Lawyers Committee for Human Rights (1997–98); Legal Advisory Committee, Connecticut Civil Liberties Union (1997–98); The Benchers (1994–); Coordinating Committee for Immigration, American Bar Association (1993–5); Oversight Committee, University of California at Berkeley School of Law (1991); American Society of International Law Board of Review and Development (1989–91); Advisory Board, Center for National Security Studies, American Civil Liberties Union (1991–93); Member, Executive Committee of International Law Section of American Association of Law Schools (1988–90); Member, Executive Committee of Civil Procedure Section of American Association of Law Schools (1991–93); Vice-Chair, International Legal Education Committee, American Bar Association Section of International Law and Practice (1991–93); Liaison Between ABA International Law Section and AALS (1990–91); Advisory Committee, Yale Center for International and Area Studies, Center for Western European Studies, International Security Program, International Relations Program, and Allard K. Lowenstein International Human Rights Project; Fellow, Timothy Dwight College

PRESENTATIONS AND WORKSHOPS

Faculty Workshops at more than twenty schools; scores of lectures and presentations on International Human Rights Law, U.S. Trade Policy and International Economic Law; International Litigation and Procedure; International and Foreign Affairs Law; European Community Law; Law Teaching; Immigration and Refugee Law; Asian-American Issues; and invited presentations at numerous judicial conferences and bar associations

BOARDS

Brookings Institution Board of Directors (2004–); Connecticut Bar Foundation Board of Directors (2004–05); Harvard University Overseer (2001–); Visiting Committee, Harvard Law School (1996–2002); Visiting Committee, Harvard Kennedy School of Government (2007–); Visiting Committee, University of Toronto Faculty of Law (2004); Board of Directors, American Arbitration Association (2007–); Board of Directors, Human Rights in China (2002–5); Member of Council, American Law Institute (2006–); Counselor, American Society of International Law, Washington, DC (honorary post; 2008–); Thomas J. Dodd Research Center National Advisory Board (2001–); Board, National Democratic Institute (2001–); Board of Human Rights First (formerly Lawyers Committee for Human Rights) (2001–); Board of Human Rights in China (2001–); Board of International Campaign for Tibet (2001–); Human Rights Watch (1994–98); Hopkins School (1997–); Interights (1996–98); St. Thomas's Day School (1993–96); Connecticut Civil Liberties Union (1993–7); Initiative for Public Interest Law at Yale (Chair, 1988–90); East Rock Institute (Secretary); YLS Early Learning Center (Treasurer 1987–88)

BARS

New York (1981); District of Columbia (1981); Connecticut (1985); U.S. Supreme Court (1985); U.S. Ct. App., Eleventh Circuit (1995); D.C. Circuit (1981); U.S. Dist. Ct., D.C. (1981); D. Conn. (1985); U.S. Claims Ct. (1983)

REFERENCES:

Hon. Malcolm R. Wilkey (ret.), Santiago, Chile, U.S. Ct. App. DC Cir. (Ret.)

Sen. Russell Feingold Washington, D.C.

Sen. Daniel Patrick Moynihan (ret.) Washington, D.C.

Judge Guido Calabresi U.S. Ct. App., 2d Cir.

Prof. Arthur R. Miller Harvard Law School

Larry L. Simms, Esq. Gibson, Dunn; Crutcher, D.C.

Peter D. Trooboff, Esq. Covington; Burling, D.C.

Mr. SPECTER. I yield the floor, and I suggest the asbence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BEGICH. Without objection, it is so ordered.

ENUMERATED POWERS ACT

Mr. COBURN. Mr. President, I wish to spend a few minutes this evening to outline where we are and one possible solution to help us as a nation. We are on a course to double the debt in 4½ years. We are on a course to triple the debt over the next 10 years. Think of what that means for our children and our grandchildren. That is not President Obama's fault. I am probably one of the few Republicans who will say that. It is Congress's fault, because Presidents don't get to spend money we don't let them spend. We are the ones who offer the spending bills.

How did we get here? How did we get to the point where we are borrowing money that we don't have against our children's future to spend on things we don't need? It is simple. We have forgotten what the Constitution says. We have ignored the Constitution at almost every turn.

Today, myself and 17 other Senators introduced a bill which is called the Enumerated Powers Act. It goes back to article I, section 8 of the Constitution. Here is what it says. It very plainly lists the responsibilities of the Federal Government. When you think we are going to have a $3.6 trillion budget and a $2 trillion deficit this year—and that is real accounting; that is not Washington gimmick accounting—how did we get to where we could do that? How did we get to where we can put our children and grandchildren in such dire straits in their future? We got to it by ignoring the enumerated powers of the Constitution.

If you go to the textbooks and read the history, you will see that Madison wrote that section. If you read what he had to say about what he meant in article I, section 8 of the Constitution, he said, People are going to try to get around this. People are going to try to say it doesn't mean what it means. But, in fact, here is exactly what we mean. Anything that we don't want the Federal Government doing, we are going to specifically reserve for the States. That is where the 10th amendment came from in the Bill of Rights. Because you can't limit what the Federal Government does without saying, Here are the things that should be done, but they should be done under the authority of the people and the States.

When Ben Franklin left the Constitutional Convention in 1787, he was asked by somebody in the crowd: What did the convention produce? He said: It produced a republic. Then he said: If we can keep it.

Well, I can tell my colleagues that ''if'' is a great big word. We have a Medicare Program that over the next 30 years has a $39 trillion unfunded liability. So the factors I have mentioned already don't have anything to do with that. That is $39 trillion on top of $11.5 trillion today and $2 trillion more we are going to add to the debt this year. Then we have Social Security, which is unfunded. We have Medicare Part D that has an $11 trillion unfunded liability. Then we have Medicaid, which is about $17 trillion. So what we have basically done is abandoned what our Founders thought was prudent so we could enhance politicians. We put that big ''if'' up there for our kids and our grandkids.

The task of keeping a republic now falls to this Congress. It doesn't look bright. We passed a stimulus bill, $787 billion. By the time you count the interest rate over the next 10 years, it is $1 trillion. We passed an omnibus bill that increased spending by each branch of the government over 9 percent. We passed an emergency supplemental that had $24 billion in it that we didn't need, but we spent it, which will raise the baseline in future years, which will raise spending even further. The first appropriations bills coming out are a 7-percent or 8 percent increase when inflation has been a minus four-tenths of 1-percent increase.

The whole purpose behind this bill is to say when you write a bill in this Congress and any Congress that follows it, you have to know in that bill where you get the authority in the Constitution to spend this money or to authorize this program. You can still introduce a bill without it, but it creates a point of order that says a Senator can challenge that bill on the basis of what the Constitution says because you have not clearly stated in this new piece of legislation where you get the authority as a Member of the Senate to author it when, in fact, it is outside the authority given to us under the Constitution. The bill then sets up a debate on which the Senate will have to vote. I am not so naive as to believe I will win a whole lot of those, but I know I will win something, because the American people want to hear that debate, and that debate is something they are not hearing today.

They are not hearing our justifications why we can take freedom away and we can make a bigger, more powerful Federal Government that is going

to borrow more money from their children to spend on things we don't need, money we don't have. The American people are entitled to hear the reasoning behind why we know so much better than they do, and to hear the reasoning why we can ignore the wisdom of our Founders in terms of our ability to grow the Federal Government.

The Federal Government is far too big and far too removed from people's lives today. That is why we are feeling this rumble out in the country. That is why people are worried about the deficits. That is why people are worried about their children's future, because the debt is going to triple over the next 10 years. We can't even come close. Interest payments next year are going to be close to $500 billion. Think about that. Just the interest on the debt is starting to approach a half a trillion dollars a year—a half a trillion dollars a year. Had we been prudent and not borrowed money, that would be a half a trillion dollars we could either give back to the American people or create tremendous abilities and opportunities in terms of solving some of the problems in front of us today. Health care, for example. The reason why we can't get a health care bill out of the HELP Committee is because nobody is satisfied with the tremendous costs that CBO has estimated because we are spending tons of money. We don't have the money, so we are now handicapped.

This bill, S. 1319, requires that each act of Congress shall contain a concise explanation of the authority, the specific constitutional authority under which this bill would be enacted. What it does is makes Congress go to the Constitution, and particularly article I, section 8, and say, here is where I get the authority. We won't win many of those arguments, even though many of the bills will be outside of the authority granted us under the Constitution.

Thomas Jefferson thought such an exercise was vitally important—we have ignored his advice—he thought it was important for Congress to undertake in order to study what those who ratified the Constitution had in mind. In a letter in 1823, he said this:

> On every question of construction, let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

There is no question what the context and the meaning was of our Founders when they wrote out the enumerated powers section. We have prostituted it to our own demise. The words of Benjamin Franklin ring true today: Can we keep it. If we can keep it.

S. 1319 is a little exercise in self-discipline for the Senate that maybe we ought to be explaining to the American people where we think we get the authority to trample on the 10th amendment, to tell them what to do, how to do it, and by the way, we need some money to tell you how to do that. The whole goal of the Enumerated Powers Act is to make us accountable. My whole goal in the Senate has been transparency. We ought to be transparent about how we get or where we get or from where we get the authority to grow the size of this government even further and to make it less effective.

Finally, in a recent speech, retiring Justice David Souter recently commented that the American Republic ''can be lost, it is being lost, it is lost, if it is not understood.'' He went on to cite surveys that show Americans cannot even name the three branches of government. That is why he and retired Justice Sandra Day O'Connor have both undertaken, in their retirement, efforts to restore America's civic education.

I am convinced that if Americans know what is in the Constitution, they will start holding us accountable. Part of our job ought to be to explain how we can be accountable. We have 17 Senators who think this is a good idea. That is a lot for a bill in the Senate. I encourage my colleagues to look at this bill, to become accountable and transparent with our constituencies.

I will end on one final note. When the Presiding Officer was sworn in this year, he took an oath. That oath said he would uphold the Constitution. Not once in his oath did it mention the State of Alaska from where he and the people he represents in the Senate hail, but his oath was sworn to the betterment of this country, not to the betterment of Alaska, as mine is to the betterment of the country, not to the betterment of Oklahoma. For Alaska and Oklahoma can't fare well if the country doesn't fare well. So our Founders knew that when we took this oath to uphold the Constitution, they knew our direction would be national interests and long term. We have fallen away from that. We have become parochial and we have become short term.

This bill says you can still cheat on the Constitution, but now you have to explain to the American people why you are cheating, and there will be a point of order against any bill that doesn't provide an explanation to the people.

That is one of the ways we get our country back because the American people become informed. I guarantee you many will become outraged when they hear some of the statements on why the Senate thinks we have the authority to do some of the things we do.

With that, I yield the floor.

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 303 of S. Con. Res. 13, the 2010 Budget Resolution, permits the Chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels and limits in the resolution for legislation that makes higher education more accessible and affordable, including expanding and strengthening student aid, such as Pell grants. These adjustments to S. Con. Res. 13 are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that the amendment in the nature of a substitute to H.R. 1777, a bill to make technical corrections to the Higher Education Act of 1965, and for other purposes, fulfills the conditions of the deficit-neutral reserve fund for higher education. Therefore, pursuant to section 303, I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 303 DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In billions of dollars]

Section 101–	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,892.510
FY 2011	2,844.937
FY 2012	2,848.106
FY 2013	3,012.328
FY 2014	3,188.867
(3) Budget Outlays:–	
FY 2009	3,358.952
FY 2010	3,004.544
FY 2011	2,970.592
FY 2012	2,883.053
FY 2013	3,019.952
FY 2014	3,175.217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 303 DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In millions of dollars]–

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:–	
FY 2009 Budget Authority	−22,425
FY 2009 Outlays	−19,056
FY 2010 Budget Authority	4,497
FY 2010 Outlays	1,539
FY 2010–2014 Budget Authority	50,374
FY 2010–2014 Outlays	44,507
Adjustments:	
FY 2009 Budget Authority	−187
FY 2009 Outlays	−202
FY 2010 Budget Authority	32
FY 2010 Outlays	36
FY 2010–2014 Budget Authority	188
FY 2010–2014 Outlays	199
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:–	
FY 2009 Budget Authority	−22,612
FY 2009 Outlays	−19,258
FY 2010 Budget Authority	4,529
FY 2010 Outlays	1,575
FY 2010–2014 Budget Authority	50,562
FY 2010–2014 Outlays	44,706

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On June 18, 2009, the Senate Appropriations Committee reported S. 1298, the Department of Homeland Security Appropriations Bill, 2010. The reported bill contains $242 million in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the $242 million in designated funding will result in $194 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

In addition, I am also revising part of the adjustment I made last week to the budgetary aggregates pursuant to section 401(c)(4) of S. Con. Res. 13 for the conference report to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009. Specifically, I am reducing the amount of the adjustment in budget authority and outlays by $11 million each in 2010.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,892.499
FY 2011	2,844.937
FY 2012	2,848.106
FY 2013	3,012.328
FY 2014	3,188.867
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,004.533
FY 2011	2,970.592
FY 2012	2,883.053
FY 2013	3,019.952
FY 2014	3,175.217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2009 Discretionary Budget Authority	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority	1,086,027	242	1,086,269
FY 2010 Discretionary Outlays	1,306,065	194	1,306,259

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to unexpected travel delays, I missed a recorded vote on the Senate floor on Monday, June 22, 2009. Had I been present, I would have voted yea on rollcall vote No. 211.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

PRISON RAPE ELIMINATION REPORT

● Mr. KENNEDY. Mr. President, I commend the members of the National Prison Rape Elimination Commission for its excellent report and recommendations. Sadly, rape and sexual abuse have often been regarded as inevitable facts of life in prisons across the country. Until now, the Federal Government had never conducted a reliable study of the issue—even though more than 2 million men and women are now behind bars nationwide. The shocking reality is that 1 in 10 of those 2 million will be victims of rape.

At greatest risk are the 100,000 juvenile inmates, the 200,000 men and women held in immigration detention centers, and the many inmates suffering from mental illness. Juvenile facilities in particular are regularly the site of shocking physical and mental abuse, and juveniles incarcerated in adult facilities are five times more likely to report being victims of sexual assault than those in juvenile facilities.

The recommendations contained in this new report identify the steps and standards needed to achieve safer conditions in our prison system. The members of the Commission deserve our gratitude for their skill and dedication in examining all aspects of this complex and serious problem, and so do all those who contributed their knowledge and expertise to the Commission's work. Their leadership is a major step toward resolving this festering crisis.

I look forward to the important work ahead by the Congress, the Attorney General, and the many dedicated professionals, advocates, and experts to implement the Commission's recommendations.●

COMMENDING SARAH ANDERSON

Mr. THUNE. Mr. President, today I rise to recognize Sarah Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Sarah is a graduate of Roosevelt High School in Sioux Falls, SD. Currently she is attending the Dakota State University, where she is majoring in elementary and K–12 education. She is a hard worker who has been

dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for all of the fine work she has done and wish her continued success in the years to come.

COMMENDING BRADY BEHRENS

Mr. THUNE. Mr. President, today I rise to recognize Brady Behrens, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Brady is a graduate of Roosevelt High School in Sioux Falls, SD. Currently he is attending the University of Nevada, Las Vegas, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Brady for all of the fine work he has done and wish him continued success in the years to come.

COMMENDING KATHERINE DOUGLAS

Mr. THUNE. Mr. President, today I rise to recognize Katherine Douglas, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Katherine is a graduate of T.F. Riggs High School in Pierre, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katherine for all of the fine work she has done and wish her continued success in the years to come.

COMMENDING HALEY VELLINGA

Mr. THUNE. Mr. President, today I rise to recognize Haley Vellinga, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Haley is a graduate of Washington High School in Sioux Falls, SD. Currently she is attending the Biola University, where she is majoring in communication. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Haley for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

THE NINE LOTHSPEICH BROTHERS

● Mr. DORGAN. Mr. President, there is no State in the Union that is prouder of its military heritage than North Dakota. When I began the North Dakota Veterans History Project a few years ago to record the stories of our veterans for future generations, the outpouring of interest around the State resulted in more than 1,500 interviews.

In the past, I have spoken in this Chamber about the nine North Dakota soldiers who earned Medals of Honor during a single campaign in the 1899 Philippine Insurrection, about the famed 164th Infantry Regiment of the North Dakota National Guard, about the ''Happy Hooligans'' of the North Dakota Air National Guard's 119th Fighter Wing, and about Woody Keeble who won the Medal of Honor for his heroism in Korea.

Today, I would like to tell you about some more North Dakota military heroes. On July 4 of this year, the city of Park River, ND, is going to devote part of its 125th anniversary celebration to recognizing the military service of a truly remarkable North Dakota ''band of brothers.''

In 1920, Edward Lothspeich of Langdon, ND, married Rose Dirkes of Sauk Centre, MN. They settled in Wales, ND, where Ed managed a lumber yard. In time, Ed and Rose Lothspeich became the proud parents of nine sons and one daughter.

The nine Lothspeich brothers hold a unique record in the history of the State of North Dakota. Each one of them served in U.S. Armed Forces. That is most from any single family in our State.

Let me tell you a bit about each of them.

Eugene Lothspeich, the eldest son, served in the Army from 1942 to 1945. He was a machine gunner with the 337th Infantry Regiment through three campaigns in Italy. He received the Purple Heart for wounds received in the Apennines.

Harold served in the Army from 1943 to 1946. He served in the Pacific theater and saw combat on the islands of Leyte and Luzon.

Edward served in the Navy from 1943 to 1946. He was a machinist's mate and repaired damaged ships while stationed in Hawaii and San Diego, CA.

Donald was inducted in the Army in 1950 and served for 2 years in Germany.

Gerald was drafted into the Army in 1950 and was stationed at Fort Lewis, WA, for 2 years, except for a short period when he was sent to Nevada to support nuclear weapons testing.

Lyle was inducted in the Army in 1951. He served in Hawaii, Iceland, and the U.S. Military Academy at West Point, where he was a rifle instructor.

Marlin served in the Air Force from 1951 to 1955. He served in Japan in the Air Force Medical Service Corps.

Franklin entered the Army in 1955. He served in Germany as a tank gunner.

Leon, the youngest of the nine Lothspeich brothers, served in the Army from 1954 to 1957. He was stationed in Germany where he worked with guided missiles.

From World War II, through the Korean conflict and into the early years of the Cold War, Leon, Eugene, Harold, Edward, Donald, Gerald, Lyle, Marlin, and Franklin Lothspeich served with honor and bravery. These nine men, a ''band of brothers,'' made many sacrifices for the safety and freedom of our country and the world.

Today I want to particularly honor three of the brothers who are still with us: Lyle, Marlin, and Franklin.

Our Nation is what it is today because of the soldiers, sailors, and airmen like the Lothspeich brothers who were willing to leave their homes so many years ago and travel around the world to protect our freedom. They did it without complaint and without question. They loved their country.

There is a verse that goes, ''When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom.'' These brothers I have just described are true patriots.

The story of the nine Lothspeich bothers is a remarkable one. It illustrates the strength of character and hardy determination that has served America so well for so many years. The Lothspeich brothers loved their country and answered the call of duty. They stood up for America, and I am honored to salute their service today in the Senate.●

125TH ANNIVERSARY OF BERESFORD, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Beresford, SD. Founded in 1884, the town of Beresford will celebrate its 125th anniversary this year.

Located in Lincoln and Union County, Beresford possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after Lord Charles Beresford, an admiral in the British Navy and railroad enthusiast, Beresford has continued to be a strong reflection of South Dakota's greatest values and traditions throughout its rich history. The city of Beresford has much to be proud of and I am confident that Beresford's success will continue well into the future.

The town of Beresford will commemorate the 125th anniversary of its founding with celebrations held on July 2 through July 5. I would like to offer my congratulations to the citizens of Beresford on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF BLUNT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Blunt, SD. Founded in 1884, the town of Blunt will celebrate its 125th anniversary this year.

Located in the plains region of Hughes County, Blunt possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after railroad engineer John E. Blunt, the town began as a railroad town, benefiting from the rapidly westward-expanding Chicago Northwestern Railroad. A shipping and transportation hotspot, Blunt became the home of numerous pioneers and homesteaders in the late 1800s who relocated to the Dakota Territory. Throughout its rich history, Blunt has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Blunt has much to be proud of and I am confident that Blunt's success will continue well into the future.

The town of Blunt will commemorate the 125th anniversary of its founding with celebrations held on June 27 through June 28. I would like to offer my congratulations to the citizens of Blunt on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF BRITTON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Britton, SD. Founded in 1884, the town of Britton will celebrate its 125th anniversary this year.

Serving as the county seat of Marshall County, Britton possesses the strong sense of community that makes South Dakota an outstanding place to live and work. As the ''Gateway to the Glacial Lakes,'' Britton has grown from a small railroad town where the first claims were laid in 1884 into a town where businesses and families thrive. Throughout its rich history, Britton has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Britton has much to be proud of and I am confident that Britton's success will continue well into the future.

The town of Britton will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Britton on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF EMERY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Emery, SD. Founded in 1884, the town of Emery will celebrate its 125th anniversary this year.

Located in Hanson County, Emery possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its rich history, Emery has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Emery has much to be proud of and I am confident that Emery's success will continue well into the future.

The town of Emery will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Emery on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF LEOLA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Leola, SD. Founded in 1884, the town of Leola will celebrate its 125th anniversary this year.

Serving as the county seat of McPherson County, Leola possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after the daughter of founder CPT E.D. Haynes, Leola began as a town for homesteaders looking for a new future in the West. Throughout, its rich history, Leola has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Leola has much to be proud of and I am confident that Leola's success will continue well into the future.

The town of Leola will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Leola on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF SENECA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Seneca, SD. Founded in 1884, the town of Seneca will celebrate its 125th anniversary this year.

Located in Faulk County, Seneca possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Seneca began 125 years ago as a very prosperous railroad town; and throughout its rich history, Seneca has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Seneca has much to be proud of and I am confident that Seneca's success will continue well into the future.

The town of Seneca will commemorate the 125th anniversary of its founding with celebrations held on June 26 through June 28. I would like to offer my congratulations to the citizens of Seneca on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF TORONTO, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Toronto, SD. Founded in 1884, the town of Toronto will celebrate its 125th anniversary this year.

Located in Deuel County, Toronto possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its rich history, Toronto has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Toronto has much to be proud of and I am confident that Toronto's success will continue well into the future.

The town of Toronto will commemorate the 125th anniversary of its founding with celebrations held on July 2 through July 5. I would like to offer my congratulations to the citizens of Toronto on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2069. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas F. Metz, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2070. A communication from the General Counsel, Selective Service System, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Director, Selective Service System; to the Committee on Armed Services.

EC–2071. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2009 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–2072. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to United States Policy in Iraq Act, section 1227 of the National Defense Authorization Act for Fiscal Year 2006, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Armed Services.

EC–2073. A communication from the Assistant Secretary, Global Strategic Affairs, Department of Defense, transmitting, pursuant to law, a report entitled ''Cooperative Threat Reduction Annual Report to Congress Fiscal Year 2010''; to the Committee on Armed Services.

EC–2074. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''95th Annual Report of the Board of Governors of the Federal Reserve System''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2075. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''Report to the Congress on Profitability of Credit Card Operations of Depository Institutions''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels'' (RIN0648-XP43) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2077. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category'' (RIN0648–XP65) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2078. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska'' (RIN0648–XP57) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2079. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XP60) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2080. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels'' ((WT Docket No. 02-55)(FCC09–49)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2081. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' ((CC Docket No. 50–286)(FCC09–44)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2082. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability'' ((WC Docket No. 07–244)(FCC09–41)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2083. A communication from the Chief of the Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Quino Checkerspot Butterfly (Euphydryas editha quino)'' (RIN1018–AV23) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Environment and Public Works.

EC–2084. A communication from the Director of Congressional Affairs, Federal and State Materials & Environmental Management, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks; Standardized NUHOMS System Revision 10'' (RIN3150–AI62) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2085. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''A National Assessment of Demand Response Potential''; to the Committee on Energy and Natural Resources.

EC–2086. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Home Affordable Modification Program'' (Rev. Rul. 2009–19) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Finance.

EC–2087. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Twenty-Fourth Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–2088. A communication from the Inspector General, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the 6-month period ending March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2089. A communication from the Administrator of Policy Development and Research, Employment Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Temporary Employment of H-2A Aliens in the United States'' (RIN1205–AB55) received in the Office of the President of the Senate on June 18, 2009; to the Committee on the Judiciary.

EC–2090. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Suspension of the Primary Season for Pacific Whiting Fishery for the Shore Based Sector South of 42 Degree N. Lat.'' ((RIN0648–XP43)(Docket No. 090428799-9802-01)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–32).

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes (Rept. No. 111–33).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of Colorado (for himself and Mrs. GILLIBRAND):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 1322. A bill to provide for the Captain James A. Lovell Federal Health Care Center in Lake County, Illinois, and for other purposes; to the Committee on Armed Services.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. BUNNING, Mr. BROWNBACK, and Mr. ENSIGN):

S. 1323. A bill to rescind ARRA funds rejected by State Governors and local governments and return them to the Treasury to reduce the national debt to be inherited by future generations; to the Committee on Appropriations.

By Mr. DEMINT:

S. 1324. A bill to ensure that every American has a health insurance plan that they can afford, own, and keep; to the Committee on Finance.

By Mr. SPECTER:

S. 1325. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. SHELBY, Ms. LANDRIEU, Mr. VITTER, Mr. DURBIN, Mr. BOND, Mr. HARKIN, Mr. JOHANNS, Mr. WICKER, Mr. LUGAR,

Mr. COCHRAN, and Mr. NELSON of Nebraska):

S. 1326. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. MENENDEZ):

S. 1327. A bill to reauthorize the public and Indian housing drug elimination program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1328. A bill to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. KENNEDY):

S. 1329. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1330. A bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1331. A bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the milk income loss contract program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself and Mr. ISAKSON):

S. Res. 200. A resolution designating September 12, 2009, as ''National Childhood Cancer Awareness Day''; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. Res. 201. A resolution recognizing and honoring the tenth anniversary of the United States Supreme Court decision in Olmstead v. L.C., 527 U.S. 581 (1999); considered and agreed to.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, and Mrs. MURRAY):

S. Con. Res. 30. A concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 369

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 461

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 571

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Illinois (Mr. BURRIS), the Senator from Alaska (Mr. BEGICH) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 685

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 705

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 772

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 848

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 848, a bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.

S. 879

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 879, a bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response.

S. 883

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1177

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1177, a bill to improve consumer protections for purchasers of long-term care insurance, and for other purposes.

S. 1181

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1181, a bill to provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals entering the Medicare program.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1267

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1267, a bill to amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for

low-income pregnant women and low-income families with young children, and for other purposes.

S. 1278

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1278, a bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers.

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 161

At the request of Mr. JOHNSON, the names of the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself and Mrs. GILLIBRAND):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, there is an old saying that ''you don't know what you've got until it's gone.'' It is true, especially when you are talking about water. We have a tendency to take water for granted when we turn on our faucets or showers and when we want to water our yards. We tend to use it inefficiently. We let the faucet run when we are brushing our teeth, or we water our lawns in the middle of the day when evaporation rates are at their highest.

When you grow up in the desert, as I did, you learn to treasure water. Everything in the West is shaped by it, and you know that it might not always be there when you need it. This will become—particularly in my part of the country, but also in the Presiding Officer's State as well—more apparent as we see lower snowpack and decreasing precipitation in the Southwest. Because of climate change dynamics and drought cycles, we are already experiencing those situations.

Water is the lifeblood of the West. Recent droughts in the Southeast of our country remind us that no one is immune from water shortages. It is with an eye to those experiences that I rise today to introduce legislation that would take a measured and practical step toward conserving it.

The Water Accountability Tax Efficiency Reinvestment Act of 2009—that is a mouthful, but if you boil it down to its acronym, it is the WATER Act—creates a tax incentive for individuals and businesses to purchase products and services that use water at least 20 percent more efficiently than comparable technology.

It is very similar to the existing tax credit we receive now for purchasing energy-efficient Energy Star products. Certainly, you see Energy Star products all over homes, and increasingly customers are purchasing them.

I thank my friend and colleague in the House of Representatives, Congressman MIKE COFFMAN, for introducing this measure in the House. I am pleased to work with him in a bipartisan way, as he is a Republican, and in a bicameral way.

I urge my colleagues to join us in supporting this bill. Why? The more we can conserve today, the more we can decrease the demands on existing water resources. Better yet, we can save our constituents and ourselves literally hundreds of dollars in the process.

What would the WATER Act do? It would create a 30-percent tax credit on the purchase of products that have earned the EPA's WaterSense label, with a maximum lifetime cap of $1,500. That is a handsome incentive for us as consumers.

Like the Energy Star label awarded by the EPA and Department of Energy, the WaterSense label would be reserved for those products that consume at least 20 percent less water than comparable items. These products are becoming much more common. They include many brands of faucets, toilets, shower heads, even irrigation services.

The predictions are that soon entire homes would become WaterSense certified.

Not only is it a bonus for the environment when we conserve water, but it is helpful to our wallets. The cheapest gallon of water, frankly, like the cheapest barrel of oil, is the one we don't use.

It is estimated by the EPA that with some simple adjustments in the way we use water, the average household can save close to $200 a year on their water and sewer bills.

There is an interesting nexus as well between energy and water use. If we conserve energy water, we use less energy. Less water means less energy to heat the water in our showers, our sinks, our dishwashers, and the energy that is used to supply and treat public water. EPA estimates if 1 percent of

American households used WaterSense-certified toilets, each year we could save enough electricity to power 43,000 homes for a month, lower water bills, and reduce demands on the environment. That is something we ought to be striving to accomplish.

Numerous groups already support this legislation as it is written. I focus in particular on my home State of Colorado where industry groups, water authorities, and local leaders in Colorado have signed on to this concept.

I wanted to also say that moving forward on this legislation gained added importance for me last month when I attended a briefing that the University Corporation for Atmospheric Research held. This particular briefing was focused on the ways we will have to adapt our management of water resources in response to the effects of climate change. I know the Presiding Officer and I share a real concern about climate change.

I used to think any discussion of adapting to climate change was misguided because we were giving in to the problem. We were saying we are going to let climate change occur. I have come to believe adapting to climate change is a recognition of reality. It is having impacts all across our country. If we do not act now, we will not be meeting our responsibilities to not only our constituents today but our children and their children in the future.

In my State, all you have to do is look, for example, at the Colorado River. Colorado, Wyoming, Utah, Arizona, New Mexico, California, Nevada, and the country of Mexico have an agreement that was reached about 80 years ago on how to divide up the Colorado River. When that agreement was reached, I believe, in 1922, we thought there were 16.5 million acre feet of water we could divide among all those States and communities. We now believe that time period, when we took those numbers interest account, was a particularly wet period in the history of the Colorado River Basin. Our best guess now is there is only about 14.5 million acre feet available, and 16.5 million versus 14.5 million—there is a 2-million-acre-foot deficit there, and it is causing increasing concern.

So these water shortages that are possible because of climate change, combined with drought cycles that are normal, have the potential to cause great political tension and controversy. The river levels in the Colorado basin most likely are going to get lower, and that means serious impacts for businesses, homes, and farmers in seven States and two counties. The longer we wait to take practical steps to adjust the steps of climate change, the harder it will become to deal with them.

The good news is we have options that will do more than help address global climate change. These are policies we ought to be adopting anyway. They simply have added significance now, and they make perfect common sense.

To return to the Water Act, which I came to the Senate floor to discuss, this is a prime example of how we can adapt and take some steps today that benefit all of us. If consumers in the Colorado River Basin install WaterSense products, they will decrease the demand on the overallocated Colorado River Basin, reduce their water and energy bills, and help head off an impending problem as a result of climate change. This is a win-win-win across the board.

Again, I come to the Senate floor to ask my colleagues to join me in supporting what is a commonsense, bipartisan, bicameral effort to save taxpayers money and take a big practical step toward greater water conservation.

As I close, I also add once again that we would be leading the world as it develops and the demand for water around the world increases. These products would be available in the marketplaces in China, India, Brazil, and the developing world, which would help our economy and help create jobs as well, which we are focused on singularly as Senators. I know that is important in the Presiding Officer's home State as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1321

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Accountability Tax Efficiency Reinvestment Act of 2009'' or as the ''WATER Act of 2009''.

SEC. 2. CREDIT FOR WATERSENSE LABELED PROPERTY.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30E. WATERSENSE LABELED PROPERTY.

''(a) ALLOWANCE OF CREDIT.—There shall allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the amounts paid or incurred by the taxpayer during such taxable year for certified WaterSense labeled property.

''(b) LIFETIME LIMITATION.—The aggregate amount of the credits allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $1,500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

''(c) CERTIFIED WATERSENSE LABELED PROPERTY.—For purposes of this section, the term 'certified WaterSense labeled property' means any property—

''(1) which is certified by a licensed independent third party as meeting specifications of the Environmental Protection Agency WaterSense program, and

''(2) the original use of which commences with the taxpayer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as a one person.

''(2) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (d)).

''(3) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to any property for which credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under subsection (a) with respect to such property (determined without regard to subsection (d)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30E,'' after ''30D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(D) Section 26(a)(1) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(E) Section 904(i) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(F) Section 1400C(d)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of

paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(e)(2).''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30E. WaterSense labeled property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 1322. A bill to provide for the Captain James A. Lovell Federal Health Care Center in Lake County, Illinois, and for other purposes; to the Committee on Armed Services.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1322

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2009''.

SEC. 2. EXECUTIVE AGREEMENT.

(a) EXECUTIVE AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this Act.

SEC. 3. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 2.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 2 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 2(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectualize and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 2, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 2 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 4. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 2. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 2 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 5. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Captain James A. Lovell Federal Health Care Center Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 2 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection (b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) FINANCIAL RECONCILIATION.—The executive agreement required by section 2 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 6. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 2.

(b) ADDITIONAL ELEMENTS.—The executive agreement required by section 2 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 7. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

By Mr. SPECTER:

S. 1325. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make permanent a tax credit for the production of Steel Industry Fuel, SIF. SIF is used by the domestic steel industry as a feedstock for the manufacture of coke, which is coal that has been carbonized and is used as a fuel in steel making.

Last fall, Congress enacted a new tax credit under the refined coal provision of section 45 of the Internal Revenue Code for the production of this fuel product made from coal waste sludge and coal. This tax credit supports SIF projects that may not otherwise be viable due to materials, process, technology and other transaction costs. As originally enacted, the SIF credit provides for a one-year credit period.

There are numerous reasons that favor extending the tax incentives for

SIF: it has significant energy, environmental, and economic benefits. First, SIF recaptures the BTU content of coal waste sludge; second, its production is the preferred method of coal waste sludge disposal and is done so in a manner approved by the Environmental Protection Agency, EPA; and third, it provides the economic and financial benefits of making our domestic steel industry more competitive by lowering production and operational costs.

The production of SIF is the most favorable method of disposing of coal waste sludge from an energy resource and environmental perspective. The disposal of coal waste sludge would otherwise be treated as a hazardous waste under applicable Federal environmental rules. The alternative methods of disposal are to transport the coal waste sludge off-site for incineration or to foreign countries for landfilling. Both options require the physical conveyance of a waste product, which is a dangerous, cumbersome, and expensive undertaking. The more obvious drawback is the failure to recapture the energy content of the coal waste sludge.

An extension of the SIF tax incentive is of critical importance in the current economic downturn, and its sunset would have a negative impact on the industry. Steel companies and coke plant operators are incurring losses as the demand for their product has dried up. There have been significant layoffs at the major domestic integrated steel producers, impacting thousands of workers in Pennsylvania, Illinois, Indiana, Michigan, Ohio, West Virginia, Kentucky, and elsewhere. Domestic steel manufacturers have been forced to operate at low capacity utilization rates and coke batteries have been placed on ''hot idle,'' a holding pattern to prevent the bricks that comprise the coke battery from cooling and damaging the battery. An extension of the SIF credit will enable these manufacturers to mitigate their losses while the economy recovers.

The current 1-year period for the SIF credit has been a significant hindrance in attracting the outside investment needed to finance SIF projects, especially in light of the prevailing economic conditions since the enactment of the credit. Steel industry fuel projects often involve lengthy negotiations to implement the transaction structure necessary to claim the SIF credit, which has effectively reduced the 1-year credit period to a lesser period for many projects. For this reason, the subsidy intended to be provided by the credit for the development of SIF projects requires a longer credit period.

Included in this legislation is an important clarification on an issue that has slowed negotiations with respect to SIF projects. It is expected that, for the convenience of the parties and for environmental safety, facilities producing SIF will typically be located on land leased from a steel company or other owner of a coking operation. Such a lessor will not be treated as having an ownership interest in the SIF facility because it leases land and related facilities, sells coal waste sludge or coal feedstock, and/or buys SIF so long as such person's entitlement to rent and/or other net payments is measured by a fixed dollar amount or a fixed dollar amount per ton, or otherwise determined without reference to the profit or loss of the facility. Similarly, a licensor of technology will not be treated as having an ownership interest in the SIF facility because it is entitled to a royalty and/or other payment that is a fixed amount per ton or otherwise determined without regard to the profit or loss of the facility. Such arrangements may also cause facilities that produce SIF to operate at a loss before the credit is taken into account; however, it is intended that the occurrence of such a ''pre-tax loss'' will not affect entitlement to this credit, regardless of whether such ''pre-tax loss'' is caused by the terms of the lease, license, supply or sales contracts between the parties. To that end, the bill provides necessary flexibility for varying circumstances of ownership interests and clarifies that the existence of such arrangements will not prevent the equity owner of a facility from receiving tax credits for its sales of SIF. This provision provides greater tax certainty to potential investors in SIF projects.

SIF is typically produced at facilities that are located on the premises of coke plants that are owned by integrated steel companies that are unrelated to the producer of such SIF. The SIF production facility is situated on or near conveyor belts that may be leased from the integrated steel company and production of SIF may occur while coal, and coal blended with petroleum coke, as described below, is transported on the conveyor belts. For commercial, liability, safety, environmental and other business reasons germane to the integrated steel companies that consume the SIF, SIF producers may purchase coal from the integrated steel producer, taking title and having risk of loss while such coal is transported on the conveyor belt, rather than directly purchasing the coal from the mine. The bill provides a safe harbor that establishes that the SIF producer shall be treated as the producer and seller of SIF that it manufactures from coal to which it has taken title. The bill further clarifies that the sale of SIF shall not fail to qualify as a sale to an unrelated party for purposes of the SIF credit solely because the sale is to a party that is also a ground lessor, supplier, and/or customer.

The bill also establishes that SIF may also be made using coal or coal that is mixed with some petroleum coke. Such ''pet coke'' has traditionally been used by steel companies/coke operators in a blend with coal as a feedstock for coke. The bill provides that its presence in SIF does not invalidate or otherwise reduce the credit.

SIF projects will expand our domestic energy resources by using what would otherwise be a hazardous waste of the coking process in a fuel product. The availability of the tax credit will attract outside investment to the steel and coke production industries and promote job growth in the domestic steel production industry and in related industries that service the steel and coke production industries. I urge my colleagues to support this legislation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1328. A bill to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to improve the administration of Chappie-Shasta Off-Highway Vehicle area by reducing unnecessary bureaucracy and aiding in proper enjoyment of these Federal lands.

This bill is simple. It interchanges the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management in Shasta-Trinity National Forest in California.

This legislation consolidates BLM's jurisdiction and management of the Off-Highway-Vehicle area while, in exchange, the Forest Service benefits by receiving small tracts of wilderness areas that are currently managed by the BLM but are contiguous to Forest Service land.

This exchange only affects land already controlled by the Federal government and will not change the designation of these lands. Furthermore, it will be beneficial to the local community which has supported this jurisdictional change.

These Federal lands, near Redding, California, have long been used by off-highway-vehicle enthusiasts. However, overlapped management of these areas by both the Forest Service and the Bureau of Land Management has caused unnecessary burden to these recreational opportunities.

It means users need two permits, often at substantial and unnecessary cost. Likewise, the overlapping management has resulted in different opening dates for the same area of land, frustrating the local off-highway-vehicle community and the thousands of tourists who travel there every year.

This jurisdictional exchange will reduce bureaucracy to ease recreational

access as well as provide for better Federal management of these areas.

The bill was developed in a collaborative manner, with input and agreement at the local level by the Forest Service and BLM, in conjunction with the local off-highway-vehicle community. The bill is also supported by the local community and the County Board of Supervisors.

This effort represents a sensible, common sense approach to problem solving and better government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1328

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act''.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Chief of the Forest Service (referred to in this Act as the ''Chief'') to the Director of the Bureau of Land Management (referred to in this Act as the ''Director''), to be administered by the Director, subject to the laws (including regulations) applicable to land administered by the Director.

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The Federal land referred to in subsection (a) is the land within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as depicted on the map entitled ''H.R. 689, Transfer from Forest Service to BLM, Map 1'' and dated April 21, 2009.

(2) EXCLUSION.—The land within the Shasta Dam Reclamation Zone shall—

(A) be excluded from the transfer of administrative jurisdiction under subsection (a); and

(B) continue to be administered by the Secretary of the Interior (acting through the Commissioner of Reclamation).

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE FOREST SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Director to the Chief, to be administered by the Chief, subject to the laws (including regulations) applicable to National Forest System land.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) is the land administered by the Director in the Mount Diablo Meridian, California, as depicted on the map entitled ''H.R. 689, Transfer from BLM to Forest Service, Map 2'' and dated April 21, 2009.

(c) WITHDRAWAL.—The Federal land described in subsection (b) is—

(1) withdrawn from the public domain; and

(2) reserved for administration as part of the Shasta-Trinity National Forest.

(d) WILDERNESS ADMINISTRATION.—The transfer of administrative jurisdiction from the Director to the Chief of certain land previously designated as part of the Trinity Alps Wilderness shall not affect the wilderness status of the wilderness land.

(e) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Shasta-Trinity National Forest, as adjusted under this section, shall be considered to be the boundaries of the Shasta-Trinity National Forest as of January 1, 1965.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) CORRECTIONS.—

(1) MINOR ADJUSTMENTS.—The Director and the Chief, may, by mutual agreement, make minor corrections and adjustments to the transfers under this Act to facilitate land management, including corrections and adjustments to any applicable surveys.

(2) PUBLICATIONS.—Any corrections or adjustments made under subsection (a) shall be effective on the date of publication of a notice of the corrections or adjustments in the Federal Register.

(b) HAZARDOUS SUBSTANCES.—

(1) NOTICE.—The Chief and Director shall, with respect to the land described in sections 2(b) and 3(b), respectively—

(A) identify any known sites containing hazardous substances; and

(B) provide to the head of the Federal agency to which the land is being transferred notice of any sites identified under subparagraph (A).

(2) CLEANUP OBLIGATIONS.—The cleanup of hazardous substances on land to which administrative jurisdiction is transferred by this Act shall be the responsibility of the head of the agency with jurisdiction over the affected land on the day before the date of enactment of this Act.

(c) EFFECT ON EXISTING RIGHTS AND AUTHORIZATIONS.—Nothing in this Act affects—

(1) any valid existing rights; or

(2) the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license, or permit on the land to which administrative jurisdiction is transferred under this Act, except that beginning on the date of enactment of this Act, the head of the agency to which administrative jurisdiction over the land is transferred shall be responsible for administering the interests or authorizations (including reissuing the interests or authorizations in accordance with applicable law).

By Mr. KOHL (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. KENNEDY):

S. 1329. A bill to authorize the Attorney General to award grants to State courts to develop and implement state courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY, Senator DURBIN, and Senator CARDIN to introduce the state Court Interpreter Grant Program Act of 2009. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective state court interpreter programs. This would help to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no interpreter certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding state court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 20 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than ''very well'' was more than 21 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the state Supreme Court called the State's interpreter program ''backward,'' and said that the lack of qualified interpreters ''undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.'' When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In Ohio, a woman was wrongly placed on suicide watch after an unqualified interpreter mistranslated her words. In February 2007 testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness

is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness' testimony. Justice Kennedy agreed that the lack of qualified court interpreters poses a significant threat to our judicial system, and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $15 million per year, over 5 years, for a state Court Interpreter Grant Program. The bill does not merely send Federal dollars to States to pay for court interpreters. It will provide much needed ''seed money'' for States to start or bolster their court interpreter programs to recruit, train, test, and certify court interpreters. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's court interpreter program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, 5 years later, it has certified 48 interpreters. Most of those are certified in Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and German. The list of provisional interpreters—those who have received training and passed written tests—is much longer and includes individuals trained in Russian, Hmong, Korean, and other languages. All of this progress in only 5 years, and with only $250,000 of Federal assistance.

This legislation has the strong support of state court administrators and state supreme court justices around the country. Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier. I strongly urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There geing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1329

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 40 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) a demonstration of need for the development, implementation, or expansion of a State court interpreter program;

(B) an identification of each State court in that State which would receive funds from the grant;

(C) the amount of funds each State court identified under subparagraph (B) would receive from the grant; and

(D) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (B).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $5,000,000 to be distributed among the highest State courts of States which have an application approved under subsection (c), and that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(A) the District of Columbia shall be treated as a State; and

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2010 through 2014 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—DESIGNATING SEPTEMBER 12, 2009, AS ''NATIONAL CHILDHOOD CANCER AWARENESS DAY''

Mr. UDALL of Colorado (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to 2/3 of childhood cancer survivors are likely to experience at least one life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

SENATE RESOLUTION 201—RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF THE UNITED STATES SUPREME COURT DECISION IN OLMSTEAD V. L.C., 527 U.S. 581 (1999)

Mr. HARKIN (for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the ''ADA''), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in Olmstead v. L.C., 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in Olmstead v. L.C. that ''institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life'' and that ''confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.'';

Whereas June 22, 2009, marks the tenth anniversary of the Olmstead v. L.C. decision;

Whereas, as a result of the Supreme Court decision in Olmstead v. L.C., many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in Olmstead v. L.C.;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

SENATE CONCURRENT RESOLUTION 30—COMMENDING THE BUREAU OF LABOR STATISTICS ON THE OCCASION OF ITS 125TH ANNIVERSARY

Mr. SCHUMER (for himself, Mr. BROWNBACK, and Mrs. MURRAY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 30

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity'';

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1364. Mr. REID (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 1777, to make technical corrections to the Higher Education Act of 1965, and for other purposes.

TEXT OF AMENDMENTS

SA 1364. Mr. REID (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 1777, to make technical corrections to the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''July 1, 2010'' and inserting ''the date of enactment of this Act''.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110-315) is amended by striking the period at the end and inserting '', except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.''.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking ''under part B'' and inserting ''under part B of title IV'';

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking ''With'' and inserting ''with'';

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking ''(Family Educational Rights and Privacy Act of 1974)'' and inserting ''(commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking ''under this title'' and inserting ''under title IV''; and

(B) in subsection (d)(3), by striking ''appropriate committees of Congress'' and inserting ''authorizing committees'';

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking ''borrowers who take out loans under'' each place the term appears and inserting ''borrowers of loans made under''; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

''(4) include a place to provide information on—

''(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

''(B) the applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

''(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

''(D) prior to completion of the program—

''(i) attains full State certification or licensure and becomes highly qualified; and

''(ii) acquires a master's degree not later than 18 months after beginning the program.'';

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking ''section 1111(b)(2)'' and inserting ''section 1111(b)(1)'';

(B) in subsection (c)(1), by striking ''pre-baccalaureate'';

(C) in subsection (d)—

(i) in the heading, by striking ''PRE-BACCALAUREATE'' and inserting ''THE''; and

(ii) in the matter preceding paragraph (1), by striking ''An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:'' and inserting ''An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:'';

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking ''to earn'' and inserting ''leading to''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''one-year'' before ''teaching residency program''; and

(II) in clause (iii)(I), by striking ''one-year''; and

(E) in subsection (i)(3), by striking ''consent of'' and inserting ''consent to''; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking ''serve graduate'' and inserting ''assist in the graduation of''.

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking ''Indian Tribal'' and inserting ''Tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(ii) in paragraph (2), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(iii) in paragraph (3)(A), by striking ''the Navajo Community College Assistance Act of 1978'' and inserting ''the Navajo Community College Act'';

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).'';

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking ''in any fiscal year'' and inserting ''for any fiscal year,'';

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''Notwithstanding subsections (a)'' and inserting ''(1) Notwithstanding subsections (a)''; and

(C) by adding at the end the following:

''(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).'';

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking ''section 304(a)(1)'' and inserting ''section 303(a)(1)''; and

(B) by striking ''of 1979'';

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking ''302'' and inserting ''312'';

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking ''402A(g)'' and inserting ''402A(h)'';

(B) in paragraph (4), by striking ''402A(g)'' and inserting ''402A(h)''; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking ''402A(g)'' and inserting ''402A(h)''; and

(ii) by amending subparagraph (F) to read as follows:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).''; and

(8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking ''College or University'' and inserting ''Colleges and Universities''.

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking ''1 through 8'' and inserting ''1 through 9'';

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking ''manner,,'' and inserting ''manner,'';

(B) in subsection (b)(1), by striking ''section 401'' and inserting ''this section''; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking ''$105,000,000'' and inserting ''$258,000,000''; and

(ii) in clause (viii), by striking ''$4,400,000,000'' and inserting ''$4,452,000,000'';

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110–315);

(4) in section 402A (20 U.S.C. 1070a–11)—

(A) in subsection (b)(1), by striking ''organizations including'' and inserting ''organizations, including''; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting ''to be'' after ''determined'';

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a–15(d)(2)(C)), by striking ''320.'' and inserting ''320'';

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c–3a(b)(1)(B))—

(A) in clause (i), by striking ''If a'' and inserting ''Except as provided in clause (ii), if a'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

''(ii) SPECIAL CONTINUATION AND TRANSITION RULE.—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day before the date of enactment of the Higher Education Opportunity Act (Public Law 110–315)).'';

(7) in section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)), by inserting ''and'' after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d–34(d)), by striking ''1134'' and inserting ''134''; and

(9) by adding at the end the following:

''Subpart 10—Scholarships for Veteran's Dependents

''SEC. 420R. SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.

''(a) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—The term 'eligible veteran's dependent' means a dependent or an independent student—

''(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(2) who, at the time of the parent or guardian's death, was—

''(A) less than 24 years of age; or

''(B) enrolled at an institution of higher education on a part-time or full-time basis.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

''(2) DESIGNATION.—Grants made under this section shall be known as 'Iraq and Afghanistan Service Grants'.

''(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this section and section 401.

''(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

''(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

''(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

''(3) a grant made under this section to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

''(A) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

''(B) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

''(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

''(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110–315) is amended by adding at the end the following new subsection:

''(i) EFFECTIVE DATE; TRANSITION.—

''(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

''(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.''.

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110–84), is amended by striking ''or 439(q)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110–84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (D), by inserting ''or 485(l)'' after ''section 485(b)''.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (F), by inserting ''or 485(l)'' after ''section 485(b)''.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078–3(c)(3)(A)), as amended by section 425 of the Higher Education Opportunity Act (Public Law 110–315), is amended by striking ''section 493C'' and inserting ''section 493C,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2009.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078–6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

''(1) SALE OR ASSIGNMENT OF LOAN.—

''(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

''(i) if practicable, sell the loan to an eligible lender; or

''(ii) on or before September 30, 2011, assign the loan to the Secretary if—

''(I) the Secretary has determined that market conditions unduly limit a guaranty agency's ability to sell loans under clause (i); and

''(II) the guaranty agency has been unable to sell loans under clause (i).

''(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances.

''(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

''(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

''(i) the guaranty agency—

''(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

''(II) may, in order to defray collection costs—

''(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

''(bb) retain such amount from the proceeds of the loan sale; and

''(ii) the Secretary shall reinstate the Secretary's obligation to—

''(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge the guaranty agency's insurance obligation; and

''(II) pay to the holder of such loan a special allowance pursuant to section 438.

''(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

''(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

''(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

''(E) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

''(F) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.'';

(ii) in paragraph (2)—

(I) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (1)(A)(i)''; and

(II) by striking ''paragraph (1)(B)(ii) of this subsection'' and inserting ''paragraph (1)(D)(ii)(I)'';

(iii) in paragraph (3)—

(I) by striking ''sold under paragraph (2)'' and inserting ''sold or assigned under paragraph (1)(A)''; and

(II) by striking ''sale.'' and inserting ''sale or assignment.'';

(iv) in paragraph (4), by striking ''which is sold under paragraph (1) of this subsection'' and inserting ''that is sold or assigned under paragraph (1)''; and

(v) in paragraph (5), by inserting ''(whether by loan sale or assignment)'' after ''rehabilitating a loan''; and

(B) in subsection (b), in the first sentence, by inserting ''or assigned to the Secretary'' after ''sold to an eligible lender''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110–315), is amended—

(A) in the matter preceding subparagraph (A), by striking ''Secretary),, or if'' and inserting ''Secretary), or if''; and

(B) in subparagraph (B), by inserting ''the reinstatement and resumption to be'' after ''determines''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2010.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking ''and'' after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting ''section'' before ''428B'';

(ii) in paragraph (3)(A)(i), by striking ''any institution of higher education or the employees of an institution of higher education'' and inserting ''any institution of higher education, any employee of an institution of higher education, or any individual or entity'';

(iii) in paragraph (4), by striking ''For the purpose of paragraph (1)(M)(i)(III) of this subsection,'' and inserting ''With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),''; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking ''clause (i) or (ii) of''; and

(II) in subparagraph (D), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''; and

(C) in subsection (c)(9)(K), by striking ''3 months'' and inserting ''6 months'';

(2) in section 428B(e) (20 U.S.C. 1078–2(e))—

(A) in paragraph (3)(B), by striking ''subsection (c)(5)(B)'' and inserting ''subsection (d)(5)(B)''; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078–3)—

(A) in subsection (a)(4)(E), by striking ''subpart II of part B'' and inserting ''part E'';

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking ''subsection (b)(2)(F)'' and inserting ''subsection (b)(2)''; and

(ii) by inserting a comma after ''graduated'';

(C) in subsection (d)(3)(D), by striking ''loan insurance fund'' and inserting ''loan insurance account''; and

(D) in subsection (f)(3), by striking ''subsection (a)'' and inserting ''this subsection'';

(4) in section 428G(c) (20 U.S.C. 1078–7(c))—

(A) in paragraph (1), by striking ''section 428(a)(2)(A)(i)(III)'' and inserting ''section 428(a)(2)(A)(i)(II)''; and

(B) by striking paragraph (3) and inserting the following:

''(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.'';

(5) in section 428H (20 U.S.C. 1078–8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: ''LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS''; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

''(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.'';

(6) in section 428J (20 U.S.C. 1078–10)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''or'' after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking ''12571'' and inserting ''12601'';

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078–11(g)(9)(B)), by striking ''under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))'' and inserting ''under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))'';

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking ''and (6)'' and inserting ''and (5)''; and

(B) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking ''section 1078 of this title'' and inserting ''section 428''; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting ''and'' after the semicolon at the end; and

(ii) in clause (ii), by striking ''; and'' and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking ''a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking ''section 501(1) of such Code'' and inserting ''section 501(a) of such Code''; and

(II) in subparagraph (G), by striking ''sections 428A(d), 428B(d), and 428C,'' and inserting ''sections 428B(d) and 428C,'';

(ii) in paragraph (2)(A)(vi), by striking ''section 435(m)'' and inserting ''subsection (m)'';

(iii) in paragraph (3), by striking ''section 435(m)'' and inserting ''subsection (m)''; and

(iv) in paragraph (5)(A), by striking ''to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part'' and inserting ''to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part'';

(C) in subsection (o)(1)(A)(ii), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (p)(1), by striking ''section 771'' and inserting ''section 781''; and

(11) in section 438(b)(2) (20 U.S.C. 1087–1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking ''427A(f)'' and inserting ''427A(i)'';

(B) in the first sentence of subparagraph (B)(i), by striking ''1954'' and inserting ''1986''; and

(C) in the second sentence of subparagraph (F), by striking ''427A(f)'' and inserting ''427A(i)''.

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking ''section 443'' and inserting ''this section'';

(2) in subsection (d)(1), by striking ''subsection (b)(2)(B)'' and inserting ''subsection (b)(2)(A)''; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''in accordance with such subsection''.

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''purchase of loans under this section'' and inserting ''purchase of loans under paragraph (1)''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

''(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

''(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

''(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

''(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''; and

(2) by amending subsection (b) to read as follows:

''(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

''(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

''(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

''(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).''.

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)'';

(B) in subsection (h), by striking ''(except as authorized under section 457(a)(1))''; and

(C) in subsection (k)(1)(B), by striking '', or in a notice under section 457(a)(1),'';

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 428J.''; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking ''12571'' and inserting ''12601''.

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

''(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by'';

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and''; and

(B) in paragraph (3)—

(i) by striking ''and (6)'' and inserting ''and (5)''; and

(ii) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc–1(a)), by striking '', in order to carry out the provisions of section 463(a)(8),'';

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking ''(I)'' and inserting ''(i)''; and

(II) by striking ''(II)'' and inserting ''(ii)''; and

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking ''credit bureaus'' and inserting ''consumer reporting agencies'';

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking ''12571'' and inserting ''12601'';

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking ''paragraph (5)(A), (5)(B)(i), or (6)'' and inserting ''paragraph (4) or (5)''; and

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking ''and the term'' and all that follows through the period at the end and inserting ''and the term 'early intervention services' has the meaning given the term in section 632 of such Act.''.

SEC. 406. NEED ANALYSIS.

(a) AMENDMENTS.—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking ''For the purpose of this title, except subpart 2 of part A,'' and inserting ''(a) IN GENERAL.—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),''; and

(B) by adding at the end the following:

''(b) SPECIAL RULE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

''(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

''(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(C) who, at the time of the parent or guardian's death, was—

''(i) less than 24 years of age; or

''(ii) enrolled at an institution of higher education on a part-time or full-time basis.

''(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).'';

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting ''of 1986'' after ''Code'';

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting ''of 1986'' after ''Code'';

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

''(III) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

''(III) is a dislocated worker or has a spouse who is a dislocated worker; or''; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

''(iii) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

''(iii) is a dislocated worker or has a spouse who is a dislocated worker; or'';

(5) in section 479C (20 U.S.C. 1087uu–1)—

(A) in paragraph (1), by striking ''under'' and all that follows through ''; and'' and inserting ''under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and''; and

(B) in paragraph (2)—

(i) by striking ''Alaskan'' and inserting ''Alaska'';

(ii) by inserting ''(43 U.S.C. 1601 et seq.)'' before ''or the''; and

(iii) by inserting ''of 1980 (25 U.S.C. 1721 et seq.)'' after ''Maine Indian Claims Settlement Act'';

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking ''12571'' and inserting ''12511'';

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking ''the following'' and inserting ''benefits under the following provisions of law''; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

''(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

''(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

''(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

''(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

''(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

''(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

''(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

''(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

''(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

''(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

''(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

''(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.''; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking ''12571'' and inserting ''12511''.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110–84), and shall take effect on July 1, 2009.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110–315) is amended by inserting '', except that the amendments made in subsection (e) shall take effect on July 1, 2009'' before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking ''or any State, or private, profit or nonprofit organization'' and inserting ''any State, or any private, for-profit or nonprofit organization,'';

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking ''413D(e), 442(e), or 462(j)'' and inserting ''413D(d), 442(d), or 462(i)'';

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting ''that'' after ''except''; and

(B) in subsection (e)(8)(A), by striking ''identify'' and inserting ''determine'';

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(1)(B)—

(i) by striking ''have (A)'' and inserting ''have (i)''; and

(ii) by striking ''and (B)'' and inserting ''and (ii)'';

(C) in subsection (f)(1), by striking ''part B'' and all that follows through ''part E'' in each place that the phrase occurs and inserting ''part B, part D, or part E'';

(D) in subsection (h)—

(i) in paragraph (2), by striking ''(h)(4)(A)(i)'' and inserting ''(g)(4)(A)(i)''; and

(ii) in paragraph (3), by striking ''(h)(4)(B)(i)'' and inserting ''(g)(4)(B)(i)''; and

(E) in subsection (n), by striking ''section 1113 of Public Law 97–252'' and inserting ''section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))'';

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking ''also referred to as the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''; and

(II) in subparagraph (I), by striking ''handicapped students'' and inserting ''students with disabilities'';

(ii) in paragraph (4)(B), by inserting ''during which'' after ''time period''; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting ''education'' after ''higher'';

(B) in subsection (e)(3)(B), by inserting ''during which'' after ''time period'';

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''of'' after ''foreign institution''; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking ''under this title'' each place it appears and inserting ''under this title, other than a foreign institution of higher education,'';

(D) in subsection (g)(2), by striking ''subparagraph (G)'' and inserting ''paragraph (1)(G)'';

(E) in subsection (i)—

(i) in paragraph (2), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)'';

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)''; and

(iii) in paragraph (5)(B), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(F) in subsection (k)(2), by inserting ''section'' before ''484(r)(1)''; and

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking ''subparagraph (B)'' and inserting ''paragraph (2)'';

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking ''or defined in subpart I of part C of title VII of the Public Health Service Act'' and inserting ''or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)''; and

(ii) by striking ''under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)'' and inserting ''under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(B) in subsection (b), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(C) in subsection (e)—

(i) by striking ''Health Education Assistance Loan'' and inserting ''loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(ii) in paragraph (2), by striking ''733(e)(3)'' and inserting ''707(e)(3)''; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(II) in the fourth sentence, by striking ''728(a)'' and inserting ''710''; and

(ii) in paragraph (2), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking ''))'' and inserting '')''; and

(B) in subsection (d)(3)(D), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting ''of 1993'' after ''Registration Act'';

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking ''students receives'' and inserting ''students receive'';

(ii) in subparagraph (F), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)''; and

(iii) in subparagraph (H), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)'';

(C) in subsection (f)(1), by striking ''496(c)(4)'' and inserting ''496(c)(3)''; and

(D) in subsection (g)(1), by striking ''subsection (f)(2)'' and inserting ''subsection (e)(2)'';

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking ''Any activities'' and inserting ''Any experimental sites''; and

(ii) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by adding at the end the following:

''(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

''(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary's biennial report under paragraph (2), without creating costs for the taxpayer; and

''(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.'';

(10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking ''has agreed to assign under section 463(a)(6)(B)'' and inserting ''has referred under section 463(a)(4)(B)''; and

(B) in the fourth sentence, by striking ''484(h)'' and inserting ''484(g)'';

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting ''the'' after ''enactment of''; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking ''regulations'' and all that follows through ''The'' and inserting ''regulations for this title. The''; and

(B) in paragraph (2), by striking ''ISSUES'' and all that follows through ''provide'' and inserting ''ISSUES.—The Secretary shall provide''.

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking ''for profit'' and inserting ''for-profit''.

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking ''which determination'' and inserting ''which the determination''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting ''the'' before ''Federal''; and

(B) in paragraph (7)(D), by striking ''institution, combination'' and inserting ''applicant, consortium,''; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after ''title''.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''Section 631 (20 U.S.C. 1132)'' and inserting ''Section 631(a) (20 U.S.C. 1132(a))''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking ''services through'' and all that follows through ''resource centers'' and inserting ''services through pre-college programs, undergraduate prelaw information resource centers'';

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking ''Sate'' and inserting ''State'';

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting ''of the National Academies'' after ''Institute of Medicine'';

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that meets each of the following:

''(A) Is offered by an institution of higher education.

''(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

''(C) Includes an advising and curriculum structure.

''(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

''(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

''(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

''(iv) Participation in internships or work-based training in settings with nondisabled individuals.

''(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.'';

(5) in section 772 (20 U.S.C. 1140l)—

(A) in subsection (a)(2)(A), by striking ''with in'' and inserting ''with''; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking ''subparagraph (C)'' and inserting ''clause (i)'';

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking ''Service'' each place the term appears and inserting ''Services'';

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking ''(as defined'' and all that follows through ''this Act)'' and inserting ''(as described in section 435(p))''; and

(ii) by striking ''435(j)'' and inserting ''428(b)'';

(C) in subsection (g)(2), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking ''consortia'' and inserting ''consortium''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''CONSORTIA'' and inserting ''CONSORTIUM''; and

(II) by striking ''consortia'' each place the term appears and inserting ''consortium''.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking ''regulation'' and inserting ''regulations'';

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PUBLIC HEALTH SERVICE ACT.—The terms 'accredited' and 'school of nursing' have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).'';

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking ''the Family Education Rights and Privacy Act of 1974'' and inserting ''section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after ''101(a)'';

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting ''the'' before ''grant'';

(B) in subsection (f)(2), by striking ''subpart'' each place the term appears and inserting ''section''; and

(C) in subsection (h), by striking ''use'' and inserting ''used'';

(6) in section 821 (20 U.S.C. 1161l)—

(A) in subsection (a)(1), by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(B) in subsection (c)(1)(B), by striking ''within'' and inserting ''in'';

(7) in section 824(f)(3) (20 U.S.C. 1161l–3(f)(3))—

(A) in subparagraph (A), by inserting ''a'' after ''submitting''; and

(B) in subparagraph (C), by striking ''pursing'' and inserting ''pursuing'';

(8) in section 825(a) (20 U.S.C. 1161l-4(a)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(9) in section 826(3) (20 U.S.C. 1161l-5(3)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking ''of for'' and inserting ''of'';

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking ''because of'' and inserting ''based on''; and

(B) in subparagraph (D), by striking ''purposes of this section'' and inserting ''purpose of this part'';

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking ''486A(d)'' and inserting ''486A(b)(1)'';

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting ''to be appropriated'' after ''authorized''; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and

inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''.

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

''(h) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

''(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.''.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting ''this section'' after ''to carry out''.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking ''and subsections (b) and (c) of section 209.'' and inserting ''and subsections (a), (b), and (c) of section 209.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 10 a.m., to hold a hearing entitled ''Confronting Drug Trafficking in West Africa.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 23, 2009 at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECEIVING ARTICLES OF IMPEACHMENT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeable to the notice communicated to the Senate, and at the hour of 10 a.m., Wednesday, June 24, 2009, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the said articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BEGICH. Mr. President, I ask unanimous consent that the following counsel and staff of the House of Representatives be permitted the privileges of the floor during Wednesday's proceedings with respect to the trial of the impeachment of Judge Kent: Alan Baron, Phillip Tahtakran, Branden Ritchie, Mark Dubester, Harry Hamelin, Ryan Clough, Elisabeth Stein, Michael Lenn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING BUREAU OF LABOR STATISTICS ON 125TH ANNIVERSARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 30 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 30) commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

There being no objection, the Senate will proceed to the concurrent resolution.

Mr. BEGICH. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 30

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity'';

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor

economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

HONORING THE SUPREME COURT'S OLMSTEAD DECISION

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 201, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 201) recognizing and honoring the tenth anniversary of the United States Supreme Court decision in Olmstead v. L.C., 527 U.S. 581 (1999).

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, this week marks the 10th anniversary of the landmark decision of the U.S. Supreme Court in Olmstead v. L.C.

In the Olmstead case, two Georgia women brought suit on the grounds that their needless confinement in a mental institution violated the Americans with Disabilities Act—ADA. Even though their treatment professionals concluded that the two could receive the services they required in a community-based setting, the women remained institutionalized.

The plaintiffs' argument—that their institutionalization violated the ADA—was consistent with our findings in the ADA. There we said:

Historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.

We also said:

Discrimination against individuals with disabilities persists in such critical areas as . . . institutionalization.

This is precisely what had happened to the two women in the Olmstead case, Lois Curtis and Elaine Wilson. Lois had been confined in an institution since the age of 14. Elaine had been living in a locked ward in a psychiatric hospital for more than a year.

Elaine told the district court judge in the case that, confined to the institution, she felt like she was sitting in a little box with no way out. Day after day, she endured the same routine, the same four walls. This is exactly the kind of exclusion and isolation that the ADA was designed to end. So Elaine and Lois brought suit under the ADA.

The Supreme Court agreed with them. The Court ruled that needless segregation is discrimination on two grounds. First, the Court said that needless segregation perpetuates the unwarranted assumption that individuals who are so isolated are incapable or unworthy of participating in community life. And, second, the Court said that confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational achievement, and cultural enrichment.

The Supreme Court said that, under title II of the ADA, States are required to provide community-based services and supports for individuals with disabilities who want to receive their necessary services and supports in non-institutional settings, where such placement is appropriate, and where such community-based placement can be reasonably accommodated.

I mentioned that Lois Curtis and Elaine Wilson were institutionalized for long durations. How did they fare afterwards?

At a hearing in the case, they both spoke of the little things that had changed. They could make new friends and attend family celebrations. They could make Kool-Aid whenever they pleased. They could go outside and take walks.

We all take these kinds of things for granted. But these kinds of ordinary activities are not ordinary if you are in an institution and someone else dictates every aspect of your life.

Since the Olmstead decision 10 years ago this week, we have made progress in giving individuals with disabilities the choice to receive their necessary services and supports in home- and community-based settings, rather than only in an institution.

Many of the provisions in my Money Follows the Person legislation were included in the Deficit Reduction Act of 2005. The goal of Money Follows the Person is that Medicaid money would follow the person with a disability from an institution into the community.

In 2007, the Centers for Medicare & Medicaid Services awarded more than $1.4 billion in Money Follows the Person grants to States, making it possible to transition 37,731 individuals out of institutional settings over the 5-year demonstration period. Thirty States and the District of Columbia were awarded grants to reduce their reliance on institutional care, while developing community-based long-term care opportunities—thus enabling people with disabilities to fully participate in their communities.

But our work is not nearly done. Despite our efforts, the institutional bias remains for low-income individuals with significant disabilities. States still spend about 60 percent of their Medicaid long-term care dollars on institutional services, with only about 40 percent going to home- and community-based services.

Although almost every State has chosen to provide some services under home- and community-based Medicaid waivers, to get these services individuals with disabilities must navigate a maze of programs where there are caps for costs, caps for the number of people served, and limits on the specific disabilities that are covered. In many States, there are also significant waiting lists for these basic services.

Some States have adopted the optional Medicaid benefit of providing personal care services under their Medicaid Program. But this is only 30 States, not everywhere. Services provided in an institutional setting still represent the only guaranteed benefit.

So while more than 2.7 million people in this country are already receiving home- and community-based services at a cost of more than $30 billion each year, there are an estimated 600,000 individuals with significant disabilities on Medicaid who do not have the same choices that were promised by the Olmstead decision. Their only choice is to live in an institution or to try to get by with the help of family and friends, often at the expense of their health.

To fulfill the promise of Olmstead, Congress must pass the Community Choice Act. This legislation, which I have introduced and continue to champion, would require Medicaid to provide individuals with significant disabilities the choice of receiving community-based services and supports,

rather than receiving care in an institution. These services and supports can include assistance with activities of daily living, such as eating, toileting, grooming, dressing, and bathing, as well as other health-related tasks.

We know that, over the long term, providing home- and community-based services is likely to be less expensive than providing those same services in institutions, especially in the case of adults with physical disabilities.

In 2007, 69 percent of Medicaid long-term care spending for older people and adults with physical disabilities went for institutional services. Only six States spent 50 percent or more of their Medicaid long-term care dollars on home- and community-based services for older people and adults with physical disabilities, while half of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars could support nearly three older people and adults with physical disabilities in home- and community-based services for every person in a nursing home.

The majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings. Olmstead says they should have that choice.

I think of my nephew Kelly, who became a paraplegic after an accident while serving in U.S. Navy. The Veterans' Administration pays for his personal care services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society.

The costs of the Community Choice Act would be mostly offset by the benefits of having people with disabilities who are employed, paying taxes, and contributing to the economy.

With appropriate community services and supports, we can fulfill the promise of the Olmstead decision, and we can make good on the great goals of the ADA—equal opportunity, full participation, independent living, and economic self-sufficiency for all people with disabilities.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the ''ADA''), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in *Olmstead* v. *L.C.*, 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in *Olmstead* v. *L.C.* that ''institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life'' and that ''confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.'';

Whereas June 22, 2009, marks the tenth anniversary of the *Olmstead* v. *L.C.* decision;

Whereas, as a result of the Supreme Court decision in *Olmstead* v. *L.C.*, many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in *Olmstead* v. *L.C.*;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Alaska (Ms. MURKOWSKI), from the Committee on Appropriations, and the Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senators from Texas (Mrs. HUTCHISON), from the Committee on Appropriations, and the Senator from North Carolina (Mr. BURR), At Large, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Utah (Mr. BENNETT), from the Committee on Appropriations, and the Senator from Oklahoma (Mr. INHOFE), At Large.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation and the Senator from Louisiana (Mr. VITTER), At Large.

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Georgia (Mr. ISAKSON), from the Committee on Commerce, Science and Transportation, and the Senator from South Carolina (Mr. GRAHAM), At Large.

ORDERS FOR WEDNESDAY, JUNE 24, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:55 a.m., Wednesday, June 24; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the impeachment proceeding under the previous order; that upon the conclusion of the impeachment proceedings, the Senate proceed to executive session, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees, and that at 11 a.m. the Senate proceed to vote on the motion to invoke cloture on the nomination of Harold Koh to be Legal Adviser of the Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BEGICH. Mr. President, under a previous order, tomorrow at approximately 10 a.m. the Senate will proceed

to impeachment proceedings and will conduct a live quorum call. Senators are encouraged to be in the Chamber and seated at their desks at 10 a.m. When a quorum is ascertained, the Senate will receive the House managers, who will deliver the articles of impeachment, and the Senators will be sworn in as a body in order to proceed with the impeachment of Samuel B. Kent, a Judge of the U.S. District Court for the Southern District of Texas. The Senate will then consider two resolutions by consent.

At 11 a.m., the Senate will proceed to the cloture vote on the Koh nomination.

ADJOURNMENT UNTIL 9:55 A.M. TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

Thereupon, the Senate, at 7:11 p.m., adjourned until Wednesday, June 24, 2009, at 9:55 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF VETERANS AFFAIRS

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS), VICE CHRISTINE O. HILL, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. JAMES W. HOUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. NANETTE M. DERENZI

HOUSE OF REPRESENTATIVES—*Tuesday, June 23, 2009*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

CELEBRATING THE 150TH ANNIVERSARY OF ALLEGHANY COUNTY, NORTH CAROLINA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to celebrate the 105th anniversary of Alleghany County, North Carolina. Alleghany County was created by an act of the North Carolina legislature in 1859. The county sits astride the Appalachian Mountains and the North Carolina High Country and boasts some of the most beautiful mountain scenery in North Carolina.

Since its creation in 1859, Alleghany County has been called home by countless hard-working North Carolinians, from farmers to small business owners who know the value of a hard day's work.

One of Alleghany's most notable native sons, Robert Doughton, served here in the House of Representatives for 42 years, from 1911 to 1953. Congressman Doughton was chairman of the House Ways and Means Committee for 18 of his 42 years in Congress. He also played a decisive role in creating the Blue Ridge Parkway, which we all know as one of the most beautiful scenic roads in America.

Today, Alleghany hosts the 6,000 acre Doughton Park named in his honor and known for its excellent wildlife viewing. The Blue Ridge Parkway itself also cuts a scenic path through Alleghany County, just a stone's throw from the county seat, the town of Sparta.

Alleghany County is a place of unique beauty and character, right off the beaten path. From the pristine waters of the New River to the distinct sounds of its local Blue Grass musical heritage, it is a one-of-a-kind place found only in the great State of North Carolina. The people here are friendly and welcoming, good-natured and full of common sense. I am proud to represent them in Congress and proud to join them in celebrating the 105th anniversary of this fine county.

CONTROLLING RUNAWAY FEDERAL SPENDING

Madam Speaker, I would also like to speak briefly this morning about the runaway Federal spending that we are seeing occurring in this Congress.

Here are the facts on spending from this year:

A $2 trillion deficit for FY 2009;

The second tranche of the TARP allowed to be spent, $350 billion;

The stimulus package, H.R. 1, $787 billion, but over $1 trillion with debt costs;

The omnibus appropriations bill, $409 billion.

President Obama's budget increased total spending to $4 trillion in 2009, or 28 percent of GDP, the highest Federal spending as a percentage of GDP since World War II. Federal spending is out of control.

Republicans in the last week or so have offered many, many amendments, most of which were designed to cut Federal spending. However, the Democrats don't want to hear those amendments. They say they would take too much time. Apparently, the Democrats can't spend the people's money fast enough.

Republicans believe Congress has the time to practice fiscal discipline. Republicans are going to stand up for the American people and fight runaway Federal spending.

TRUE FACTS ON THE STATE OF HEALTH CARE IN AMERICA

Madam Speaker, the other issue that needs to be addressed is the misleading comments made almost every day on this floor about the uninsured in this country. We hear over and over and over again a figure that 47 million Americans don't have health care. That is not true.

First of all, the number of people who are uninsured in this country is only 45.7 million: 9½ million of them are illegal aliens; 12 million of them are eligible for public programs, but they choose not to participate; 7.3 million have incomes of $84,000 a year and choose not to purchase insurance; and those only temporarily uninsured, 9.1 million. That brings us to 7.8 million who are American citizens, lower income and long-term uninsured.

We have to continue to correct the misleading numbers given on this floor every day by our colleagues across the aisle, and we are going to continue to do that.

THE ECONOMIC CASE FOR HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to highlight the economic need for health care reform. Indeed, as my friend from North Carolina just indicated, there are a lot of misleading statistics on health care. In fact, we just heard a few from her.

We have heard a great deal about the human costs of failing to reform health care. Forty-six million Americans lack health care insurance. A child without insurance, for example, is 5 times more likely to die of appendicitis than a child that has access to health care insurance.

The loss of any life is truly incalculable. However, there are those who would rather avoid talking about that child. They prefer to discuss the dollars and cents of health care. For those who worry only about the cost of reform, I would like to discuss the tremendous economic cost of doing nothing.

We know the cost of doing nothing. Without reform, small businesses will pay $2.4 trillion in health care for their employees over the next decade. Reforming the system and controlling costs could save those small businesses $800 billion by 2018 and save 168,000 jobs, unless we do nothing.

Currently, 46 million Americans lack health insurance. We know the economic costs of that. In 2008, Federal, State and local governments paid $442.9 billion to reimburse the uncompensated costs for visits to health clinics and hospitals by the uninsured. That places a tax burden on every American of $627 a year, Madam Speaker. If we

continue doing nothing, the tax burden in inflation-adjusted dollars will nearly triple by 2030.

As health insurance costs continue to rise, and they will, and as more Americans find themselves unable to afford insurance, and they will, those reimbursement costs will, of course, skyrocket. We know the cost of doing nothing, and we cannot afford that cost.

Americans have the most expensive health care system in the world. True, the quality of care at the highest levels is second to none. However, the dramatically rising costs each year render more and more people unable to access that quality care.

As chairman of Fairfax County, Virginia, Board of Supervisors, one the primary concerns I heard from county retirees was the rapidly rising cost of health care. Senior citizens and those on fixed incomes were especially concerned that the ever-growing premiums were forcing them to choose between health care and other necessities. Private industry is also feeling that pinch. Companies such as IBM have begun to eliminate retiree health care benefits altogether, precisely because of rising health care costs.

In 1960, health care costs in the United States were 5 percent of our Gross Domestic Product. Today, they represent 18 percent, and if we do nothing, the costs will rise to a staggering 34 percent of our entire GDP by 2040. Madam Speaker, our children will be paying seven times more for health care costs than we paid in 1960. That level of cost increase is unconscionable and unsustainable.

Workers currently receiving employer-provided health insurance are increasingly faced with two devastating scenarios; either the level of care they receive is reduced to counter the costs, or their health care costs rise each year, far outpacing their rise in wages. For many workers, they see both in a double whammy of paying more for less. This is evident in the growth in the average employer-sponsored health insurance family deductible. In just 7 years year, Madam Speaker, from 1999 to 2006, the average deductible grew 50 percent. For firms with less than 50 employees, the deductible increased from roughly $1,300 in 1999 to over $2,000 in 2006.

Currently 43 percent of those smaller firms offer their employees health care coverage. As costs continue to rise, this number will shrink and more Americans will find themselves uninsured and unable to afford affordable options. If we can continue to do nothing, government spending on health care will suffer equally. Spending on Medicare and Medicaid, currently 6 percent of GDP, will rise if we do nothing to 15 percent by 2040.

Studies have shown that slowing the cost growth in health care by 1.5 percentage points a year will result in dramatic decreases in the Federal budget deficit. By 2030, Federal deficits would be 3 percent of GDP smaller than it otherwise would have been, saving us hundreds of billions of dollars a year, something my friend from North Carolina just indicated she was concerned about. If we do nothing, we condemn our future to rapidly increasing budget deficits and a dearth of funding available for other essential government functions.

Madam Speaker, I support comprehensive health care reform.

RECESS

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

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at noon.

PRAYER

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

Lord, the summer solstice has already passed. So quietly and relentlessly daylight grows shorter. The full expression of family joy on a weekend holiday or a brief summer vacation is abruptly ended with the news of a Metro train crash. The bright light is suddenly dimmed when the cloud of fragile life passes by.

Lord, we lift up in prayer all those who died or were injured in yesterday's tragedy here in Northeast Washington. Be with their families, neighbors and friends.

As You restore confidence and peace to the fragile systems of routine in our workaday world, Lord, we bless You and praise You for all of the good days and the good times we try to hold onto as best we can, because they carry us through the times that are not so good.

Lord of the ages, it is You who hold all together and oversee the seasons of everyone's life, even as summer days grow shorter. Both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

H.R. 2967 STOPS LOOPHOLE ABUSE

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of H.R. 2967, a bill I introduced to save 324 jobs in my district and save American taxpayers billions of dollars.

Kraft paper companies have abused a loophole in the alternative fuels mixture tax credit to claim billions of dollars of subsidies with no benefit to the taxpayer. Their gimmicks have not encouraged alternative fuel use, and they are actually costing us jobs in recycled paper mills which should be growing our economy.

These mills, like the Catalyst paper mill in Snowflake, Arizona, cannot compete against rivals who claim Federal subsidies. Catalyst has been forced to let go more than a quarter of its workers, and is at risk of shutting down entirely.

This Congress has a duty to restore fiscal responsibility and help keep folks at work. This bill will help save jobs and eliminate waste. I urge my colleagues to give it their support.

THE SONS AND DAUGHTERS OF IRAN

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

Mr. POE of Texas. Mr. Speaker, the turmoil continues in Iran with the little man from the desert, President Mahmud Ahmadinejad, claiming victory in the apparent fraudulent presidential elections.

Leave it to the students of Iran to continue to protest, in spite of the government's shooting of students and others who risk their lives for the human right to peaceably assemble and freedom of speech.

Backed by the government-controlled press and the religious leaders, Ahmadinejad is trying to quell the hundreds of thousands who say his

claim to the imperial throne of the presidency is a fraud.

The sons of liberty and the daughters of democracy in Iran who wish to exercise the right of free speech and freedom to assemble should resolve this drama peaceably in order to ensure their human rights. And I hope our American policy would be morally and verbally supportive, as stated by President Kennedy years ago when he said, ''Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to ensure the survival and the success of liberty.''

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, June 22, 2009 at 5:29 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to the Western Balkans first declared in Executive Order 13219 of June 26, 2001.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–51)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2009.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 22, 2009.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 407) to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 407

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$117'' and inserting ''$123'';

(2) in subsection (b), by striking ''$230'' and inserting ''$243'';

(3) in subsection (c), by striking ''$356'' and inserting ''$376'';

(4) in subsection (d), by striking ''$512'' and inserting ''$541'';

(5) in subsection (e), by striking ''$728'' and inserting ''$770'';

(6) in subsection (f), by striking ''$921'' and inserting ''$974'';

(7) in subsection (g), by striking ''$1,161'' and inserting ''$1,228'';

(8) in subsection (h), by striking ''$1,349'' and inserting ''$1,427'';

(9) in subsection (i), by striking ''$1,517'' and inserting ''$1,604'';

(10) in subsection (j), by striking ''$2,527'' and inserting ''$2,673'';

(11) in subsection (k)—

(A) by striking ''$91'' both places it appears and inserting ''$96''; and

(B) by striking ''$3,145'' and ''$4,412'' and inserting ''$3,327'' and ''$4,667'', respectively;

(12) in subsection (l), by striking ''$3,145'' and inserting ''$3,327'';

(13) in subsection (m), by striking ''$3,470'' and inserting ''$3,671'';

(14) in subsection (n), by striking ''$3,948'' and inserting ''$4,176'';

(15) in subsections (o) and (p), by striking ''$4,412'' each place it appears and inserting ''$4,667'';

(16) in subsection (r), by striking ''$1,893'' and ''$2,820'' and inserting ''$2,002'' and ''$2,983'', respectively; and

(17) in subsection (s), by striking ''$2,829'' and inserting ''$2,993''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$142'' and inserting ''$150'';

(2) in subparagraph (B), by striking ''$245'' and ''$71'' and inserting ''$259'' and ''$75'', respectively;

(3) in subparagraph (C), by striking ''$96'' and ''$71'' and inserting ''$101'' and ''$75'', respectively;

(4) in subparagraph (D), by striking ''$114'' and inserting ''$120'';

(5) in subparagraph (E), by striking ''$271'' and inserting ''$286''; and

(6) in subparagraph (F), by striking ''$227'' and inserting ''$240''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$677'' and inserting ''$716''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,091'' and inserting ''$1,154''; and

(B) in paragraph (2), by striking ''$233'' and inserting ''$246''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,154	W–4	$1,380
E–2	$1,154	O–1	$1,219
E–3	$1,154	O–2	$1,260
E–4	$1,154	O–3	$1,347
E–5	$1,154	O–4	$1,427
E–6	$1,154	O–5	$1,571
E–7	$1,194	O–6	$1,771
E–8	$1,260	O–7	$1,912
E–9	[1] $1,314	O–8	$2,100
W–1	$1,219	O–9	$2,246
W–2	$1,267	O–10	[2] $2,463
W–3	$1,305		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,419.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,643.''.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$271'' and inserting ''$286'';

(B) in subsection (c), by striking ''$271'' and inserting ''$286''; and

(C) in subsection (d), by striking ''$128'' and inserting ''$135''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$462'' and inserting ''$488'';

(B) in paragraph (2), by striking ''$663'' and inserting ''$701'';

(C) in paragraph (3), by striking ''$865'' and inserting ''$915''; and

(D) in paragraph (4), by striking ''$865'' and ''$165'' and inserting ''$915'' and ''$174'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$271'' and inserting ''$286'';

(B) in subsection (b), by striking ''$462'' and inserting ''$488''; and

(C) in subsection (c), by striking ''$230'' and inserting ''$243''.

(f) DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO PARENTS.—Section 1315 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$163'' and inserting ''$569''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''$115'' and inserting ''$412''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$109'' and inserting ''$387''; and

(B) in paragraph (3), by striking ''$5,430'' and inserting ''$18,087''; and

(4) in subsection (g), by striking ''$85'' and inserting ''$308''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2008.

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

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this is the last week before the July 4 break, and we have a series of bills to suitably commemorate July 4 with bills that will really aid our veterans who have made July 4 possible.

I rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2009, S. 407, which is a companion to the House bill, H.R. 1533, which was introduced by one of our new members on the Committee on Veterans' Affairs and sure to be one of our body's most productive members, Mrs. KIRKPATRICK of Arizona. I thank the gentlelady for her leadership on this important bill.

The House leadership demonstrated its commitment to our Nation's veterans, their families, and their survivors by getting this bill to the floor, after reporting from the Committee on Veterans' Affairs, and by getting this companion bill, sponsored by Senator AKAKA, to the floor shortly after receipt in the House.

As it has done every year since 1976, Congress, with the passage of this measure, directs the Secretary of Veterans' Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, DIC, to their survivors and dependents along with other benefits in order to keep pace with the rising cost of living.

This disability COLA would become effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients. Last year, the COLA was set at 5.8 percent, an increase we all agree was direly needed, as the financial crush of the recession closed in on many of our disabled veterans' households.

While it is likely to be a lesser percentage of an increase this year, the measure will now move to the President's desk for his signature. Enactment ensures that veterans get a matching increase to the Social Security COLA on that date.

Mr. Speaker, this bill will benefit each of the nearly 3 million disabled veterans and their survivors, whether they are from the World War I era through the current conflicts in Iraq and Afghanistan.

We would be derelict in our duty if we failed to guarantee that those who sacrificed so much for this country receive benefits and services that keep pace with their needs. We fund the war; let's make sure that we fund the warrior and his or her families and their survivors.

I urge my colleagues to support passage of the Veterans' Compensation Cost-of-Living Adjustment Act, S. 407, without delay.

I reserve the balance of my time.

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

I agree with the chairman in the sense that this is the perfect time of the year to bring these bills forward. These are excellent bills that will help our veterans, and I rise in strong support of S. 407, the Veterans' Compensation Cost-of-Living Act of 2009.

I would like to thank my House colleagues, Mr. HALL of New York, chairman of the Disability Assistance and Memorial Affairs Subcommittee, and the gentleman from Colorado (Mr. LAMBORN), the ranking Republican on the subcommittee, as well as the House bill's sponsor, Mrs. KIRKPATRICK of Arizona, for their leadership on H.R. 1533 which passed on March 30, 2009.

Mr. Speaker, S. 407 would increase effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. The COLA adjustment includes veterans' disability compensation, additional compensation for dependents, clothing allowance dependency, and indemnity compensation to surviving spouses and children.

Mr. Speaker, this is an important annual authorization which provides much-needed assistance to our Nation's veterans, and I encourage all of my colleagues to support the bill.

□ 1215

Again, Mr. Speaker, I would like to thank the Subcommittee on Disability Assistance and Memorial Affairs Chairman John Hall and Ranking Member Doug Lamborn on these issues. I would also like to thank Committee Chairman Bob Filner and Ranking Member Steve Buyer for moving this bill forward for consideration.

I urge my colleagues to support S. 407 and yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 407.

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of S. 407; with all good intended purpose, this bill will increase the rates of compensation for veterans with service-connected disabilities and rates of dependency indemnity compensation, DIC, for the survivors of certain disabled veterans. It will also increase of the Cost of Living Allowance, COLA. At this time, I would like to thank my good friend Senator DANIEL AKAKA, Chairman of the Senate Veterans Affairs Committee and majority ranking members for introducing this bill as well as the Committee Minority Member Senator RICHARD BURR who is the original cosponsor, so are Committee Members JOHN D. ROCKEFELLER IV, PATTY MURRAY, BERNARD SANDERS, SHERROD BROWN, JIM WEBB, JON TESTER, MARK BEGICH, ROLAND BURRIS, ARLEN SPECTER, JOHNNY ISAKSON, ROGER F. WICKER, MIKE JOHANNS, LINDSEY GRAHAM, Senators FRANK R. LAUTENBERG, BLANCHE LINCOLN, and OLYMPIA J. SNOWE.

Mr. Speaker, this very important legislation could not have come at a time then it is most critical to address the needs of service-connected disabled veterans and survivors during these challenging economic times in our country. The testimonies offered by Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veteran Affairs, etc., in the April 29, 2009 Committee hearing have further substantiated this measure and all voted in favor without dissent.

This measure will also mandate an increase in the Cost of Living Allowance, COLA, for our disabled veterans and survivors.

Mr. Speaker, it is very important that we take care of our veterans. According to VA, as set forth in its fiscal year 2010 budget, the department will provide disability compensation to 3,154,217 veterans with service-connected disabilities in fiscal year 2010. I am pleased with the undivided attention we give to this legislation which underscores how much we appreciate our veterans' selfless military service to protect our country and the freedom and liberty we enjoy.

Again, I thank Senator DANIEL AKAKA and his Veterans Committee for this legislation and strongly urge my colleagues for their full support.

Mr. FILNER. I urge my colleagues to unanimously support S. 407.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 407.

The question was taken.

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

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

The yeas and nays were ordered.

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

WEB SITE INCLUSION OF VA SCHOLARSHIPS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1172) to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1172

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

SECTION 1. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.

(a) AVAILABILITY OF SCHOLARSHIP INFORMATION.—By not later than June 1, 2010, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs—

(1) a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization;

(2) a statement that the information described in paragraph (1) is not an all-inclusive list of scholarships available to veterans and their survivors; and

(3) a statement that the Secretary has not verified the information available on the Internet websites of the organizations referred to paragraph (1) and that the Secretary does not endorse any offer made by any sponsor of any such the website.

(b) MAINTENANCE OF SCHOLARSHIP INFORMATION.—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

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

The Chair recognizes the gentleman from California.

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

I thank the Speaker and also I thank my distinguished colleague from Arkansas, Congressman BOOZMAN, for introducing this bill, H.R. 1172, and for his bipartisan leadership working as the ranking member of the Subcommittee on Economic Opportunity with Chair STEPHANIE HERSETH SANDLIN of South Dakota. That committee is, I think, a model of bipartisan cooperation and we thank the gentleman from Arkansas for his efforts in that regard.

As many veterans service organizations have testified to our committee, the lack of program awareness continues to be a major barrier preventing veterans from accessing the benefits they have earned. The same is also true for non-VA related education assistance such as grants and scholarships. This legislation provides a commonsense solution to provide useful scholarship information to our Nation's veterans and their dependents. Providing a list of all available scholarships on the VA Web site will allow veteran advocates to reach a larger population and simplify the search for veterans and their families.

I am confident our Internet savvy veterans will come to rely on this tool to obtain up-to-date information on how to supplement their education benefits administered by the VA. Again I thank Congressman BOOZMAN for introducing this bill. I urge all my colleagues to join us.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in support of H.R. 1172, as amended, a bill to direct the Secretary of Veterans Affairs to include on the Internet Web site of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

Mr. Speaker, the goal of this bill, H.R. 1172, is to provide a place on the VA Web site that lists as many sources of scholarships for veterans as reasonably possible.

Beginning with the World War II GI Bill, the Department of Veterans Affairs has administered education programs designed to provide a wide range of education and training opportunities to veterans. Over the years, that mission expanded to include veterans, dependents, and survivors.

Since World War II, the number of degree-granting institutions and nondegree-training schools has significantly increased. According to the U.S. Department of Education, there are about 4,314 degree-granting institutions and about 2,222 nondegree-training entities that qualify for title IV education assistance programs.

Each of these may also offer non-Federal financial aid directly or indirectly to veterans through association with organizations such as foundations, but it is the very expansion of these

sources that makes it imperative to assist veterans in accessing scholarship information.

With the proliferation of schools, the rapidly increasing cost of education and training, and the sources of potential financial assistance for veterans, there is a need for a centralized source of financial assistance where a veteran can find links to at least some of the aid available. For example, an Internet search for ''veterans scholarships'' yielded 8,570 sources of information. Mr. Speaker, I believe that the VA should also include sources of financial assistance for dependents and survivors if providers of such financial aid notify VA about the availability of such assistance.

During the legislative hearing on H.R. 1172, VA expressed some concerns about the bill. In response to their concerns, in cooperation with Chairwoman HERSETH SANDLIN of the Subcommittee of Economic Opportunity, the committee amended the bill to better define the bill's objectives and to include appropriate limitations on VA's role in providing scholarship information to veterans. I appreciate the opportunity to work in bipartisan cooperation in making these changes. The substitute states that VA shall make reasonable efforts to notify schools and appropriate entities, such as foundations, of the opportunity to be linked by the VA Web site as a provider of scholarships for veterans.

The bill, as amended, also requires VA to include statements on its Web site noting that VA does not endorse or guarantee any assistance offered by an entity included on the Web site, nor should the individual consider the list to be all inclusive.

Finally, the amended bill sets an effective date of June 1, 2010, to enable VA to concentrate on getting the new post-9/11 GI Bill up and running, which is so important before adding to their workload. I believe this bill's provisions will help veterans identify scholarships intended for their use.

I urge my colleagues to support the bill.

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

Mr. FILNER. I would like to recognize the gentlelady from South Dakota (Ms. HERSETH SANDLIN) for as much time as she may consume, but I also want to thank her for her incredible leadership as Chair of the Subcommittee on Economic Opportunity. Lots of bills have come forward from this committee and will continue to do so, and we thank her for her leadership.

Ms. HERSETH SANDLIN. I thank the gentleman, the distinguished chairman of the Veterans' Affairs Committee, for yielding and for his kind words in support of the work of the Subcommittee on Economic Opportunity.

I rise today in strong support of H.R. 1172, as amended. I would like to thank the chairman, Mr. FILNER, Ranking Member BUYER, and the sponsor of the bill, subcommittee ranking member, Mr. BOOZMAN, for their leadership and bipartisan support of this bill, which the full committee passed on June 10.

As Mr. BOOZMAN discussed, this legislation directs the Secretary of the VA to include a list of organizations that provide scholarships to veterans and their survivors on its official Web site. This list will help increase the educational opportunities available to veterans and their survivors by providing an easy-to-find portal to this information.

A key part of the VA's responsibility to our veterans is properly managing and providing the educational benefits our veterans have earned through their service. Legislation such as H.R. 1172 helps fulfill this responsibility and will give veterans and their survivors easier access to college scholarships for which they are eligible.

As Chair of the Economic Opportunity Subcommittee, I am extremely pleased to work with Ranking Member BOOZMAN in a bipartisan manner to improve educational benefits for veterans. We have held a series of important hearings on the post-9/11 GI bill, as well as other educational assistance programs, such as the Vocational Rehabilitation and Education Service. I appreciate Mr. BOOZMAN's efforts and cooperation on this important oversight, and I am pleased to support his bill today.

I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. Mr. Speaker, I would like to again extend my thanks to the Subcommittee on Economic Opportunity chairwoman, STEPHANIE HERSETH SANDLIN, for her assistance on this bill, and also for her leadership in so many ways. STEPHANIE has done a tremendous job.

Again, I would also like to thank the full committee chairman, BOB FILNER, the ranking member, STEVE BUYER, and the committee staff on both sides that have worked very hard on this.

Mr. Speaker, I ask all of my colleagues to support H.R. 1172, as amended, and urge its immediate passage.

With that, having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1172, as amended.

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

There was no objection.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 1172—to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors. This important measure would provide an invaluable resource for our veterans and their survivors. In an effort to increase information accessibility, this bill would create a convenient section within the Veterans Affairs Department website for veterans and/or their survivors to view all available veteran scholarship opportunities that various public and private organizations sponsor throughout the year. I commend Rep. JOHN BOOZMAN for bringing this measure before the floor.

My veteran constituents frequently contact me with reports on the many administrative failures and shortcomings of the Department of Veterans Affairs. Slow processes and backlogs have become the expectation rather than an exception in the level of service our veterans receive. This is unfortunate as we send these brave men and women to armed conflict, and yet, we cannot provide them with the necessary tools and resources to become reoriented with society. This bill provides one solution to a relatively simple problem. I have no doubt, however, that many veterans and their families will appreciate this information, especially in light of the economic recession.

Mr. Speaker, I am pleased to add my voice of support for H.R. 1172. I look forward to working with my colleagues to ensure that we continue to provide the necessary resources towards improving our Department of Veterans Affairs' administration and services.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support H.R. 1172, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1172, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1016) to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1016

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provision of health care services to veterans could be more effectively and efficiently planned and managed if funding was provided for the management and provision of such services in the form of advance appropriations.

SEC. 3. PRESIDENTS' BUDGET SUBMISSIONS.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following accounts of the Department of Veterans Affairs:

''(A) Medical Services.

''(B) Medical Support and Compliance.

''(C) Medical Facilities.

''(D) Information Technology Systems.

''(E) Medical and Prosthetic Research.''.

SEC. 4. ADVANCE APPROPRIATIONS FOR CERTAIN ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ADVANCE APPROPRIATIONS FOR CERTAIN ACCOUNTS.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

''§ 117. Advance appropriations for certain accounts

''(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (c) shall—

''(1) be made available for that fiscal year; and

''(2) include, for each such appropriations account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

''(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the accounts of the Department specified in subsection (c) for the fiscal year following the fiscal year for which the budget is submitted.

''(c) ACCOUNTS SPECIFIED.—The accounts specified in this subsection are the following accounts of the Department of Veterans Affairs:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.

''(4) Information Technology Systems.

''(5) Medical and Prosthetic Research.

''(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 116 the following new item:

''117. Advance appropriations for certain accounts.''.

SEC. 5. COMPTROLLER GENERAL STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASE LINE MODEL PROJECTIONS.—The Comptroller General shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model (in this section referred to as the ''Model''), its equivalent, or other methodologies utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary of Veterans Affairs a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year concerning the year for which the budget is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall be made available to the public by the Comptroller General.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SEC. 6. REPORT TO CONGRESS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and House of Representatives a report on the requirements of this Act and the amendments made by this Act. Such report shall include—

(1) the Secretary's plans for improving the capability of the Department of Veterans Affairs to better and more accurately estimate future health care costs and demands; and

(2) a description of impediments, statutory or otherwise, to providing future year estimates and advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department.

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

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this is undoubtedly one of the most significant bills that this Congress will pass in this or any other session. The Veterans Health Care Budget Reform and Transparency Act was introduced in February, and this bipartisan measure is a response to years of chronic underfunding of the VA medical care system.

During the last two decades, the VA budget has been in place at the start of the fiscal year barely four times. We all know that this delay in providing vital funding puts the provision of health care to veterans at a risk and hampers the VA's ability to plan its health care expenditures, hire needed health care professionals, and plan needed construction.

In an unprecedented step, nine veterans groups formed the Partnership for Veterans Health Care Budget Reform. These groups, including The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, and the Vietnam Veterans of America, formed to advocate for a VA health care budget that is sufficient, timely, and predictable.

These groups put forward the idea that resources for VA health care should be provided through advanced appropriations so that when the fiscal year starts on October 1, the VA will know what its budget is a year in advance. That is what will happen when H.R. 1016 passes. It will ensure the VA can best plan and utilize taxpayer dollars to provide veterans with the health care they have earned and deserved. It provides the framework with which we can realize advanced appropriations for VA medical care accounts.

As part of the annual budget submission, the President will be required to submit a request for certain VA accounts for the fiscal year following the fiscal year for which the budget is submitted. As part of the administration's FY 2011 budget, the President will include budget estimates for VA medical care, information technology, and medical and prosthetic research accounts for FY 2012. The VA will be required to provide detailed estimates in the budget documents it submits annually to Congress.

Each July, the VA will be required to report to Congress if it has the resources it needs for the upcoming fiscal year in order for the Congress to address any funding imbalances. This will help to safeguard against the VA facing budget shortfalls such as it did just a few years ago.

H.R. 1016 provides the framework for advanced appropriations, and we look to our colleagues on the Appropriations Committee to provide the dollars. I want to express our thanks to our colleague, CHET EDWARDS, who chairs the Military Construction/VA Subcommittee, for providing advanced funding for the VA medical care accounts for 2011, providing for an 8 percent increase for fiscal year 2011 above the historic fiscal year 2010 levels.

□ 1230

I want to thank also Chairman OBEY for supporting advanced appropriations

and Chairman SPRATT of the Budget Committee for including advanced appropriations language in his budget resolution.

All of us, working together, have succeeded in providing veterans with their top legislative priority. They spoke and we listened. I ask the rest of the House to join us in support of this bill, H.R. 1016, which passed unanimously from the Veterans' Affairs Committee last week.

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

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

Mr. Speaker, I rise in strong support of H.R. 1016, as amended, a bill that would authorize appropriations for several veterans health care accounts a year in advance beginning with fiscal year 2011. I also thank Chairman FILNER for bringing this bill forward and trying to solve a problem that we've had in the past.

The goal of the bill is to provide an increased level of fiscal certainty regarding operations of the VA hospital system. By funding the accounts for medical services, medical support and compliance, medical facilities, information technology systems, and medical and prosthetic research, the Department of Veterans Affairs should be able to manage its health care personnel needs in day-to-day operations. I would note that the last three accounts that I mentioned were included in the bill by an amendment offered by the ranking member, Mr. BUYER, and adopted by the full committee. Adding these accounts has improved the bill by providing more complete medical funding needs.

Advanced funding alone will not solve the VA's ability to provide quality medical care. Without accurate predictive data, advanced appropriations will not necessarily provide the right amount of funding the VA needs to operate its health care system. Therefore, the bill also contains provisions that require a combination of reports and analysis to determine the quality of the data VA will be using in its financial model to determine funding needs.

Mr. Speaker, this bill, while not a perfect solution, is a very reasonable way to allow the advanced funding concept to be tested in practice, and I urge all of my colleagues to support H.R. 1016, as amended.

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

Mr. FILNER. Mr. Speaker, I would like to yield 5 minutes to the gentlewoman from Illinois (Mrs. HALVORSON). She is a new member of our committee and of this Congress, but she has added a dynamic element to our deliberations, and we thank her for her commitment to veterans.

Mrs. HALVORSON. Mr. Speaker, I rise in support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, which was introduced under the leadership of the chairman of the Committee on Veterans' Affairs, Mr. FILNER. I want to thank Mr. FILNER and the Subcommittee on Health Care chairman, Mr. MICHAUD, for their great leadership on this issue.

The Veterans Affairs health care system includes 153 medical centers with a facility in each State, Puerto Rico, and the District of Columbia. Almost 5.5 million people received care in the VA health care facilities in 2008, and VA's outpatient clinics registered over 60 million visits. This is one of the largest health care providers in the country.

However, in fiscal year 2009, for only the third time in the past 20 years, VA received its budget prior to the start of the new fiscal year. It isn't reasonable to expect that one of the largest, fastest-growing health care providers in the country can operate in the most efficient and effective manner if they don't know what their budgets will be.

The current budget process continues to hamper and threaten VA health care delivery. When VA does not receive its funding in a timely manner, it is forced to ration its care. So much-needed medical staff cannot be hired, equipment cannot be procured, waiting times increase, and the quality of care suffers.

H.R. 1016 will solve many of these problems and fund the VA 1 year in advance. It will allow the VA to spend money more efficiently while at the same time providing better and more comprehensive care for our veterans. H.R. 1016 will make sure that the VA has the resources that it needs in a timely manner so that it can provide quality care without having to question what funds will be available next month.

I am here today in an attempt to serve our veterans' best interest and to fight to make sure they receive the best care possible. To that end, I stand in favor of H.R. 1016 and strongly urge my colleagues to vote ''yes.''

I thank the chairman for yielding.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to another new Member from New Mexico (Mr. TEAGUE). He's also on a committee that has half of our committee's new members. They have added a real element of dynamism. We thank Mr. TEAGUE for his commitment to veterans also.

Mr. TEAGUE. Mr. Speaker, I rise today in support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009. I would like to thank the distinguished gentleman from California, BOB FILNER, for introducing this bill. I'm happy to be a cosponsor of this legislation. It is through his leadership, as chairman of the Committee on Veterans' Affairs, that we will finally be able to make advanced appropriations of the VA's health budget a reality.

I simply do not believe that it is right that we have lapsed in our care for our veterans when they have never lapsed in the defense of our country. I do not think that it's right that out of the last 22 budgets that we have passed for the VA, 19 of them have been late. Our veterans served their country and provided us with the security that we often take for granted, and we owe them quality health care.

Without a predictable and on-time funding source, it is difficult or impossible for the VA to provide our veterans with the high level of health care and services that they deserve. That is why I led 50 Members of Congress to demand a provision allowing for advanced appropriations in the fiscal year 2010 budget, and we were fortunate enough to convince the budget conference committee to support it.

As a result of allowing for advanced appropriation in the budget, tomorrow the Appropriations Committee will hold a hearing on the Military Construction and VA spending bill that contains $48.2 billion in advanced appropriations for the VA for fiscal year 2011. This represents a 15 percent increase over fiscal year 2009 levels and a step in the right direction for veterans health care.

Many people have compared advanced appropriations to a family budget. A family needs to know how much their income is before they know what they can spend. I think that about sums up why we need this bill. I think it's about common sense and being responsible. As a businessman, I never tried to make a purchase without knowing what my budget was going to be. I had to plan ahead and have a road map for all of the company's finances. Because the VA is a direct provider of services, they need to have the same ability to plan ahead. It's about delivering a quality product.

I urge my colleagues to take this giant step in improving the VA's ability to deliver quality health care services to our Nation's veterans.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, Mr. HARE of Illinois came to us as the successor of a legendary member of our committee, Mr. Lane Evans, who worked so hard for veterans during his whole career, and our thoughts are with him as he faces his disease. Mr. HARE was on our committee. He had to go off this year, but we miss him greatly, and he's one of the strongest leaders for veterans in our Nation. I yield to him such time as he may consume.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, and let me

thank Chairman BOB FILNER for introducing this important legislation.

In the 110th Congress, we gave the VA its largest funding increase in 77 years, and we did it on time. But, sadly, punctual VA funding has not always been the case. The VA received it's annual funding for health care programs late in the last 19 of 22 years.

This record of tardiness is deplorable. With the ongoing wars in Iraq and Afghanistan, the time to fix this broken system is now. Late funding is more than a missed deadline. It is a veteran with posttraumatic stress disorder who cannot access a treatment he or she needs. It is an injured hero who must wait for a prosthetic. It is a VA in disarray at a time when our wounded warriors are counting now more than ever on the department's services. That's why in the last Congress, I introduced the Assured Funding for Veterans Health Care Act. This bill would have replaced the annual appropriated discretionary funding for veterans health care with permanent direct spending authority.

Like the bill I introduced, advanced appropriations is the means to that end. That end is ensuring veterans receive the best possible care from a VA that has access to timely, sufficient, and predictable resources. The legislation that we're considering today will do just that. It will allow the VA to effectively budget and manage its health care programs and services, meaning it can hire the appropriate number of doctors, nurses, clinicians, and support staff to meet the demand for high-quality care for our veterans. Anything less is unacceptable.

I'd also like to acknowledge and commend Chairman DAVID OBEY and Chairman EDWARDS for their strong proactive leadership in putting in an advanced appropriation for VA health care in the fiscal year 2010 Military Construction and Veterans Affairs Appropriations bill.

I enthusiastically support H.R. 1016, and I once again want to thank Chairman FILNER for drafting a bill that would ensure the VA has sufficient, timely, and predictable funding.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. Mr. Speaker, again I would ask that my colleagues vote for this bill. I appreciate Mr. FILNER's hard work on the bill. I think it's a great step in the right direction. And then also I would like to thank Ranking Member BUYER for offering a good amendment that I think helped the bill also.

So with that I urge adoption of the bill.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1016, as amended.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I think as we approach the July 4 holiday, this is an appropriate way to say thank you to our Nation's veterans. As I said earlier, this is one of the most significant steps, if not a revolutionary step, taken for veterans in the budgeting process. This will assure that one of the largest health systems in the world, if not the largest, will have, in fact, funding available on time and in the need that is required for our Nation's veterans.

So I urge my colleagues to unanimously support this bill, H.R. 1016, as amended.

Mr. BUYER. Mr. Speaker, I rise in opposition to H.R. 1016, as amended, a bill to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, VA, and for other purposes.

In my view, it is premature for the House of Representatives to consider this legislation.

The bill was not considered by the Subcommittee on Health, to which it was referred, nor was there a full Committee legislative hearing, so the Administration has not provided its official analysis.

On April 29, 2009, we did hold a full Committee oversight hearing on the future funding of VHA. At this hearing, concerns were raised about not including the ''Information Technology Systems'' and the ''Medical and Prosthetic Research Accounts'' in an advance appropriations bill.

The Secretary of Veterans Affairs, the Honorable Eric K. Shinseki, testified that information technology is very much integrated into the medical care activities and should be included so that VA is not hindered in its ability to provide health care services and operate new facilities.

Additionally, the Congressional Research Service, CRS, testified that funding information technology under a separate, annual appropriation could create a situation where VA would not be able to purchase computer software even though it had procured medical equipment that is reliant on such software.

CRS noted potential difficulty for VA in procuring the necessary IT infrastructure for the opening of new clinics, as well as difficulties that could arise in VA research due to a mismatch between accounts.

I was pleased that during the Committee markup, my amendment was adopted to include the IT, and medical and prosthetic research accounts to address these issues.

However, the Government Accountability Office, GAO, also expressed reservations about its possible role in an advance appropriations proposal. In a written response of June 17, 2009, to one of my hearing questions, GAO made a strong statement which leads me to believe that section 5 of the amended bill is not workable. This section would require GAO to obtain budgetary information from VA before the department makes its fiscal year budget request. GAO questioned whether it could conduct the required studies before the President's budget request is submitted to Congress. GAO cited significant challenges in obtaining, evaluating, reporting on the relevant budgetary and technical information.

GAO indicated that its role in the process would be inadvisable because executive agencies have consistently resisted releasing detailed information about the President's budget prior to its submission to Congress.

Again, VA's official views on this issue are currently unknown, and this issue should have been addressed before H.R. 1016, as amended, was reported to the House.

There is nothing before us to indicate that the administration is agreeable to this arrangement.

The failure to follow regular order and the unnecessary haste with which this legislation is being advanced results in the House being asked to pass obviously flawed legislation, and I urge my colleagues to oppose H.R. 1016, as amended.

Mr. MICHAUD. Mr. Speaker, I rise in strong support of the Veterans Health Care Budget Reform and Transparency Act of 2009.

I am here today as an original co-sponsor of this legislation. I would like to express my appreciation for all of the Chairman's hard work on it.

This bill accomplishes a simple, but a crucial goal we all share: To provide timely funding for veterans health care.

I represent a district in a state of 1.3 million people. Out of that number, I am proud that over 155,000 veterans call Maine home.

Maine is a state that works hard to honor its veterans.

The talented and dedicated professionals at Maine's Togus VA Medical Center do terrific work. So do our community based outpatient clinics and all of VA's partners.

But too often in recent history, VA's ability to provide the best possible care has been hamstrung by the appropriations process.

In some cases, VA has not been funded until after the beginning of the fiscal year.

As a result, maintenance of facilities, cost saving investments in technology, and ultimately care for veterans was delayed or put in jeopardy.

This cannot be allowed to occur when we are dealing with the health care of our veterans.

There must be a timely, sufficient, and predictable funding stream. And that is exactly what this legislation is designed to achieve.

Passage of this legislation today is a huge step forward and will help make sure all veterans have access to the best possible health care.

I urge all of my colleagues to support this bill.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act.

The men and women who have served our nation in combat deserve to be provided with the very best that we have to offer. One part of achieving that is getting these men and women the best health care that they can possibly have. In turn, it is critically important that

the Veterans' Administration (VA) have assurances regarding their funding in a timely manner so that the VA can deliver health care in an efficient and timely manner.

This important legislation authorizes Congress to approve VA medical care appropriations one year in advance of the start of each fiscal year. While we still have much further to go in terms of making sure that every hero returning home has all the care that they need, this bill will at least ensure that the VA will be able to plan ahead of time and get the most out of each health care dollar that they are allocated. Furthermore, because many VA budget cycles have, in recent years, started on continuing resolutions, some decisions may have been made on the basis rather than on the basis of the most effective treatment. We cannot jeopardize the health of our nation's finest because of what amounts to nothing more than a bureaucratic difficulty.

I was proud to work with a number of colleagues to include a similar VA advanced appropriations provision in this year's congressional budget resolution, S. Con. Res. 13. Nevertheless, there is no reason why our veterans should need to count on Congress taking action every single year to keep this sensible policy in place. For this reason, it is imperative that we pass the Veterans Health Care Budget Reform and Transparency Act.

I am proud to be a co-sponsor of this important bill. I thank my good friend, the Chairman of the Veterans' Affairs Committee, Congressman FILNER for introducing it and I encourage all of my colleagues to vote in support.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 1016—To amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs. This bill would ensure sufficient, timely, and predictable veterans funding so that the Department of Veterans Affairs would have the federal funding to better serve veterans' medical needs and improve health care services. This is a very timely and important measure as many of our troops today are returning home in need of accessible and adequate health care services. Therefore I strongly commend my colleague BOB FILNER for bringing this measure before the floor.

This bill would authorize Congress to provide investments in the Department of Veterans Affairs medical care one year in advance so the department can have sufficient time to plan how to deliver the best care to an increasing number of veterans with increasingly complex medical conditions.

My military constituents often turn to me for support in confronting the many challenges they face when working with the Department of Veterans Affairs. We have come to understand, that many of the challenges in efficient health care services are attributable to the Department of Veterans Affairs' inadequate funding. For most of the past two decades, the appropriated funds for medical care have not been provided to the Department of Veterans Affairs in a timely manner. This has resulted in the department's problems in planning and managing care for enrolled veterans. Accordingly, this bill addresses this budgetary problem and allows for advance appropriations to ensure the department has the Federal backing to effectively address the medical needs of our nation's veterans.

As a vocal advocate for veterans' rights, I am pleased to add my voice of support for H.R. 1016. I look forward to working with my colleagues to ensure that we continue to provide the necessary resources towards improving our Department of Veterans Affairs' health care programs and administrative services.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H.R. 1016, ''Veterans Health Care Budget Reform and Transparency Act of 2009.'' I would like to thank my colleague, Congressman BOB FILNER, for introducing this bill, and providing leadership on this important issue.

Today I will defer to Thomas Jefferson who so auspiciously stated, ''The care of human life and happiness and not their destruction is the first and only legitimate object of good government.'' We must call attention as both the House and Senate discuss health care reform. Today, in the midst of two wars and an economic crisis, I know in this 111th Congress and with the 44th President of the United States, our government is now in the position of necessity where we must work to ensure comprehensive health care reform to all citizens.

The Veterans Health Care Budget Reform and Transparency Act of 2009 will ensure that one community who gave the ultimate measure for their country will have a quality health care system. I urge members of Congress to put away the partisan bickering and come together to support those who have given their lives for the country they love. There should be no reason why our veterans should not receive the adequate health care they deserve.

For 19 out of the past 22 fiscal years, appropriated funds for medical care were not provided to the Department of Veterans Affairs before the commencement of its new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans. Appropriation levels for health care programs in the Department have too often proven insufficient over the past decade, requiring the Secretary of Veterans Affairs to ration health care and Congress to approve supplemental appropriations. Medical technology available on the battlefields and in U.S. medical facilities are saving the lives of a high percentage of severely wounded soldiers, but they then often face long-term recovery and rehabilitation challenges.

By providing sufficient, timely and predictable funding we would ensure that we meet the vital obligation to provide health care to all veterans. Congress must take action in ensuring our veterans who return home sick, injured, or even healthy will receive the quality health care they deserve. As Congress begins to swiftly act in an unprecedented time, I urge my colleagues to put away partisan bickering and act as a single non-partisan government to ensure our citizens' happiness in a quality health care system.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1016, as amended.

The question was taken.

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, while I support the purpose of this bill, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1245

WOMEN VETERANS HEALTH CARE IMPROVEMENT ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1211) to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1211

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Women Veterans Health Care Improvement Act''.

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

TITLE I—STUDIES AND ASSESSMENTS OF DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES FOR WOMEN VETERANS

SEC. 101. STUDY OF BARRIERS FOR WOMEN VETERANS TO HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers to the provision of comprehensive health care by the Department of Veterans Affairs encountered by women who are veterans. In conducting the study, the Secretary shall—

(1) survey women veterans who seek or receive hospital care or medical services provided by the Department of Veterans Affairs as well as women veterans who do not seek or receive such care or services;

(2) build on the work of the study of the Department of Veterans Affairs entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008'';

(3) administer the survey to a representative sample of women veterans from each Veterans Integrated Service Network; and

(4) ensure that the sample of women veterans surveyed is of sufficient size for the study results to be statistically significant and is a larger sample than that of the study of the Department of Veterans Affairs entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008''.

(b) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary of Veterans Affairs shall conduct research on the effects of the following on the women veterans surveyed in the study:

(1) The perceived stigma associated with seeking mental health care services.

(2) The effect of driving distance or availability of other forms of transportation to the nearest medical facility on access to care.

(3) The availability of child care.

(4) The acceptability of integrated primary care, women's health clinics, or both.

(5) The comprehension of eligibility requirements for, and the scope of services available under, hospital care and medical services.

(6) The perception of the personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(7) The gender sensitivity of health care providers and staff to issues that particularly affect women.

(8) The effectiveness of outreach for health care services available to women veterans.

(9) The location and operating hours of health care facilities that provide services to women veterans.

(10) Such other significant barriers as the Secretary of Veterans Affairs may identify.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary of Veterans Affairs shall enter into a contract with a qualified independent entity or organization to carry out the studies and research required under this section.

(d) MANDATORY REVIEW OF DATA BY CERTAIN DIVISIONS WITHIN THE DEPARTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the head of each division of the Department of Veterans Affairs specified in paragraph (2) reviews the results of the study conducted under this section. The head of each such division shall submit findings with respect to the study to the Under Secretary for Health and to other pertinent program offices within the Department of Veterans Affairs with duties relating to health care services for women veterans.

(2) SPECIFIED DIVISIONS OF THE DEPARTMENT.—The divisions of the Department of Veterans Affairs specified in this paragraph are—

(A) the Center for Women Veterans, established under section 318 of title 38, United States Code; and

(B) the Advisory Committee on Women Veterans, established under section 542 of title 38, United States Code.

(e) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date on which the Department of Veterans Affairs publishes a final report on the study entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008'', the Secretary of Veterans Affairs shall submit to Congress a report on the status of the implementation of the section.

(2) REPORT ON STUDY.—Not later than 30 months after the date on which the Department publishes such final report, the Secretary of Veterans Affairs shall submit to Congress a report on the study required under this section. The report shall include recommendations for such administrative and legislative action as the Secretary of Veterans Affairs determines to be appropriate. The report shall also include the findings of the head of each specified division of the Department and of the Under Secretary for Health.

(f) DEFINITION OF FACILITY OF THE DEPARTMENT.—In this section the term ''facility of the Department'' has the meaning given that term in section 1701(3) of title 38, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $4,000,000 to carry out this section.

SEC. 102. COMPREHENSIVE ASSESSMENT OF WOMEN'S HEALTH CARE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive assessment of all health care services and programs provided by the Department of Veterans Affairs for the health care needs of women veterans. Such comprehensive assessment shall include assessments of specialized programs for women with post-traumatic stress disorder, for women who are homeless, for women who require care for substance abuse or mental illnesses, and for women who require obstetric and gynecologic care.

(b) SPECIFIC MATTERS STUDIED.—

(1) IDENTIFICATION OF PROGRAMS.—For each medical facility of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall identify each of the following types of programs for women veterans provided by the Department and determine whether effective health care services, including evidenced-based health care services, are readily available to and easily accessed by women veterans:

(A) Health promotion programs, including reproductive health promotion programs.

(B) Disease prevention programs.

(C) Health care programs.

(2) IDENTIFICATION OF RELEVANT ISSUES.—In making such determination, the Secretary of Veterans Affairs shall identify, for each medical facility of the Department of Veterans Affairs—

(A) the frequency with which such services are available and provided,

(B) the demographics of the women veterans population,

(C) the sites where such services are available and provided, and

(D) whether, and to what extent, waiting lists, geographic distance, and other factors obstruct the receipt of any of such services at any such site.

(c) AUTHORITY TO ENTER INTO A CONTRACT.—The Secretary of Veterans Affairs shall enter into a contract with a qualified independent entity or organization to carry out the studies and research required under this section.

(d) DEVELOPMENT OF PLAN TO IMPROVE SERVICES.—

(1) PLAN REQUIRED.—After conducting the comprehensive assessment required by subsection (a), the Secretary of Veterans Affairs shall develop a plan to improve the provision of health care services to women veterans and to project the future health care needs, including the mental health care needs of women serving in the combat theaters of Operation Enduring Freedom and Operation Iraqi Freedom.

(2) LIST OF SERVICES.—In developing the plan under this subsection, the Secretary of Veterans Affairs shall list the types of services available for women veterans at each medical center of the Department.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment conducted pursuant to subsection (a) and the plan required under subsection (d). The report shall include recommendations for such administrative and legislative action as the Secretary of Veterans Affairs determines to be appropriate.

(f) GAO REPORT.—Not later than 6 months after the date on which the Secretary of Veterans Affairs submits the report required under subsection (e), the Comptroller General shall submit to Congress a report containing the findings of the Comptroller General with respect to the report of the Secretary, which may include such recommendations for administrative or legislative actions as the Comptroller General determines to be appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $5,000,000 to carry out this section.

TITLE II—IMPROVEMENT AND EXPANSION OF HEALTH CARE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR WOMEN VETERANS

SEC. 201. MEDICAL CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE

(a) NEWBORN CARE.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1786. Hospital care and medical services for newborn children of women veterans receiving maternity care

''In the case of a child of a woman veteran who is receiving hospital care or medical services at a Department facility (or in another facility pursuant to a contract entered into by the Secretary) relating to the birth of that child, the Secretary may furnish hospital care and medical services to that child at that facility during the 7-day period beginning on the date of the birth of the child.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1785 the following new item:

''1786. Hospital care and medical services for newborn children of women veterans receiving maternity care.''.

SEC. 202. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA AND POST-TRAUMATIC STRESS DISORDER.

Section 1720D of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) The Secretary shall carry out a program to provide graduate medical education, training, certification, and continuing medical education for mental health professionals who provide counseling, care, and services under subsection (a). In carrying out such program, the Secretary shall ensure that all such mental health professionals have been trained in a consistent manner and that such training includes principles of evidence-based treatment and care for sexual trauma and post-traumatic stress disorder.

''(e) The Secretary shall submit to Congress an annual report on the counseling, care, and services provided to veterans pursuant to this section. Each report shall include data for the year covered by the report with respect to each of the following:

''(1) The number of mental health professionals, graduate medical education trainees, and primary care providers who have been certified under the program required by subsection (d) and the amount and nature of continuing medical education provided under such program to such professionals, trainees, and providers who are so certified.

''(2) The number of women veterans who received counseling and care and services under subsection (a) from professionals and providers who received training under subsection (d).

''(3) The number of graduate medical education, training, certification, and continuing medical education courses provided by reason of subsection (d).

''(4) The number of trained full-time equivalent employees required in each facility of the Department to meet the needs of veterans requiring treatment and care for sexual trauma and post-traumatic stress disorder.

''(5) Any recommended improvements for treating women veterans with sexual trauma and post-traumatic stress disorder.

''(6) Such other information as the Secretary determines to be appropriate.''.

SEC. 203. PILOT PROGRAM FOR PROVISION OF CHILD CARE ASSISTANCE TO CERTAIN VETERANS RECEIVING CERTAIN TYPES OF HEALTH CARE SERVICES AT DEPARTMENT FACILITIES.

(a) IN GENERAL.—

(1) PILOT PROGRAM REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a two-year pilot program under which, subject to paragraph (2), the Secretary shall provide child care assistance to a qualified veteran child care needed by the veteran during the period of time described in paragraph (3).

(2) FORM OF CHILD CARE ASSISTANCE.—Child care assistance under this section may include—

(A) stipends for the payment of child care offered by licensed child care centers (either directly or through a voucher program);

(B) the development of partnerships with private agencies;

(C) collaboration with facilities or programs of other Federal departments or agencies; and

(D) the arrangement of after-school care.

(3) PERIOD OF TIME.—Child care assistance under the pilot program may only be provided for the period of time that the qualified veteran—

(A) receives a health care service referred to in paragraph (4) at a facility of the Department; and

(B) requires to travel to and return from such facility for the receipt of such health care service.

(4) QUALIFIED VETERAN DEFINED.—In this section, the term ''qualified veteran'' means a veteran who is the primary caretaker of a child and who is receiving from the Department of Veterans Affairs one or more of the following health care services:

(A) Regular mental health care services.

(B) Intensive mental health care services.

(C) Any other intensive health care services for which the Secretary determines that the provision of child care would improve access by qualified veterans.

(5) LOCATION OF PILOT PROGRAM.—The Secretary shall carry out the pilot program at no fewer than three Veterans Integrated Service Networks.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $1,500,000 for each of fiscal years 2010 and 2011 to carry out the pilot program under this section.

(c) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program and shall include recommendations for the continuation or expansion of the pilot program.

SEC. 204. ADDITION OF RECENTLY SEPARATED WOMEN AND MINORITY VETERANS TO SERVE ON ADVISORY COMMITTEES.

(a) ADVISORY COMMITTEE ON WOMEN VETERANS.—Subsection (a)(2)(A) of section 542 of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; and''; and

(3) by inserting after clause (iii) the following new clause:

''(iv) women who are recently separated veterans.''.

(b) ADVISORY COMMITTEE ON MINORITY VETERANS.—Subsection (a)(2)(A) of section 544 of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ''; and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) recently separated veterans who are minority group members.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall first apply to appointments made on or after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this bill is a critical piece of legislation which expands and improves health care services available for women veterans through the Department of Veterans Affairs.

The bill will be explained in greater detail by the chairwoman of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, as the person who introduced the bill and we thank her for her steadfast commitment to helping women veterans.

Mr. Speaker, we had a roundtable at our full committee, where we had representatives and women veterans from all around the country. It was searing testimony which revealed serious weaknesses in the culture of the VA.

The VA health care system, after all, was built to accommodate the war-related illnesses and injuries of male veterans. The increased percentage of female veterans that has been occurring, especially with the war in Iraq and Afghanistan, has led many women veterans to say that we need some changes in the culture of the VA. Women walk through the lobbies of VA hospitals and are given catcalls. There are not sufficient women doctors available for the women who want them. The male doctors don't yet seem to have the respect for the sacrifice of women veterans.

There was one woman who testified who had an amputation of one arm from combat. When she showed up at the doctor's office, he just assumed that it was lost from something else like cancer. He didn't even think that this could be a combat-related injury. And we can go on and on, but we need to change the culture and change the resources and change behavior, and that's what this bill by Ms. HERSETH SANDLIN starts to do.

There are about 1.8 million women veterans today, or 7 percent of the nearly 24 million veterans that we serve. Assuming that the current enrollments remain the same, the number of female veterans who use the VA system will double in the next 5 years, making female veterans one of the fastest growing subgroups of veterans. In this environment of organizational transformation and changing demographics, H.R. 1211 has the potential to lay the foundation for improved health care services for our women veterans.

I urge my colleagues to support the legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 1211, as amended, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans from the Department of Veterans Affairs and for other purposes.

I appreciate the hard work of the gentlelady from South Dakota (Ms. HERSETH SANDLIN) on this bill and in bringing it forward. Throughout history, women have played a vital role in supporting our national defense. Currently women make up 8 percent, about 8 percent of the total veteran population, and VA estimates that by 2020, women veterans will comprise about 10 percent of the veteran population.

Women are the fastest-growing segment of the veteran population, and it's essential to make sure that VA is providing specialized programs and services to meet their unique physical and mental health needs.

I want to thank again my good friend and colleague, the gentlelady from South Dakota, for introducing this legislation, and I am pleased to have joined with her as an original cosponsor for H.R. 1211.

This legislation would expand and improve benefits and services for our female veterans, especially our newest generation of women veterans serving in Iraq and Afghanistan. The VA would be required to conduct independent studies to look at the barriers women veterans face in obtaining VA health care, assist the services currently being provided, and develop a plan to better meet their needs.

In the past 5 years, there has been a 30 percent increase in the number of women veterans of child-bearing age enrolling in the VA health care system. H.R. 1211, as amended, would aid this population by authorizing VA to provide care to newborns of women veterans receiving maternity care through VA. Additionally, the bill would establish a pilot program to provide child care assistance for certain qualified veterans while they are receiving care at the VA.

Recognizing that the largest number of women veterans are serving in Operation Enduring Freedom and Operation Iraqi Freedom, the bill would also ensure that recently separated women veterans have a voice on the advisory committee on women veterans and minority veterans.

I urge my colleagues to support 1211, as amended.

I reserve the balance of my time.

Mr. FILNER. I am proud to recognize the gentlelady from South Dakota (Ms. HERSETH SANDLIN) for as much time as she may consume. She is the author of this very, very important piece of legislation.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today in strong support of H.R. 1211, the Women Veterans Health Care Improvement Act, as amended, which the Veterans' Affairs Health Subcommittee passed on June 4 and the full committee approved on June 10.

I would like to thank Chairman FILNER, Ranking Member BUYER, Subcommittee Chairman MIKE MICHAUD and Subcommittee Ranking Member BROWN for their leadership and support of this bill, as well as my colleague on the Subcommittee on Economic Opportunity, the distinguished ranking member, Mr. BOOZMAN of Arkansas, for cosponsoring this important legislation.

I would also like to take a moment to give special recognition to Chairman FILNER for his leadership on this very important issue. He had mentioned the roundtable that the full committee hosted, his brainchild to bring all of the women who represent different veterans service organizations and women veterans themselves to speak to their experiences and to better inform and educate committee members about the extraordinary circumstances that they have faced time and time again as they have sought care in VA medical centers.

So I was extremely pleased to introduce this important legislation on February 26, 2009, proud of the bipartisan support the legislation has garnered. And the roundtable discussion hosted by Chairman FILNER illustrated even further how imperative the passage of this bill is for our women veterans.

Before I discuss the bill in greater detail and the needs of women veterans, I would also like to take this opportunity to thank the Disabled American Veterans for their continued leadership and the effort to address the needs of female veterans and their support for this important legislation.

I also want to thank Cathy Wiblemo and the rest of her team for the great work that they have done on the health subcommittee. Cathy and her staff did excellent work in assisting with this legislation and shepherding it through the legislative process.

Today women make up approximately 8 percent of veterans in the United States, and that percentage will continue to rise as more and more women answer the call to duty to serve their country. With an increasing number of women seeking access to care for a diverse range of medical conditions, the challenge of providing adequate health care services for women veterans is one that the VA must meet.

Unfortunately, services at VA facilities often fall short of properly providing for the health care needs of women. There is too much fragmentation of care and not enough clinicians with the correct training and experience.

Child care considerations aren't being met adequately for male or female veterans, and currently the VA does not cover care for the newborn child of an eligible veteran.

To answer these challenges and others, H.R. 1211 takes a number of important steps to help the VA provide the services and care that our women veterans need and sets the VA on a path toward providing even better care in the future.

H.R. 1211 authorizes the VA to conduct two important studies. First the VA will examine barriers to health care that women veterans experience within the VA system. The study will examine the full range of barriers, including the lack of comprehensive primary care, the sensitivity of VA providers regarding gender-specific issues, the stigma of seeking mental health care services, and the availability of child care.

The second study is a comprehensive assessment of the VA's women's health program, with the task of developing a strategy to improve services at every VA medical center. The bill also works to enhance the VA's sexual trauma and post-traumatic stress disorder programs for women by requiring the secretary of the VA to ensure that all mental health professionals have been properly and consistently trained to help women veterans.

Female veterans who have suffered such attacks have already suffered enough. They need to know before they begin treatment that every VA mental health professional is prepared to help them, understands the best methods and practices, and can make them feel secure in seeking treatment.

Child care concerns also have emerged as a crucial issue for women veterans seeking care. Sometimes veterans without access to appropriate child care are forced to forego important health care appointments.

H.R. 1211 begins to address this issue by authorizing a child care pilot program for patients and requires the VA to carry out this study in at least three veterans service networks. Possible forms of child care assistance include stipends for child care centers, the development of partnerships with private agencies and collaboration with other Federal agencies that have similar programs.

H.R. 1211 also requires the VA to provide 7 days of medical care for the newborn children of women veterans. Currently the VA has no provision to provide care for these infants. However, 86 percent of Operation Enduring Freedom and Operation Iraqi Freedom women veterans are under the age of 40, and this benefit represents an important update of VA policy.

Finally, the bill requires the VA to add recently separated women and minority veterans to serve on key advisory committees, such as the advisory committee on women veterans. The VA must ensure adequate attention is given to women veterans programs so quality health care and specialized services are available for both women and men.

I believe my bill will help the VA better meet these specialized needs and develop new systems to better provide for the health care of women veterans, especially those who are sexually assaulted, suffer from PTSD or who need child care services. Congress must honor our Nation's commitment to all of our veterans, and this legislation furthers that aim.

Again, I want to thank Chairman FILNER for his outstanding leadership on this issue, and I urge all of my colleagues to support H.R. 1211.

Mr. BOOZMAN. I would also like to thank my colleagues on the Health

Subcommittee, Chairman MIKE MICHAUD and Ranking Member HENRY BROWN of South Carolina, for their hard work on this bill. I would also like to thank Chairman BOB FILNER, Ranking Member STEVE BUYER, for working together to move this bill quickly and get it on this floor.

I would also like to acknowledge and thank Ms. HERSETH SANDLIN for her leadership and recognizing the problem and then moving forward with legislation that hopefully will be of great help to women veterans.

Mr. Speaker, I urge all of my colleagues to support H.R. 1211, as amended.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlelady from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Speaker, I rise in support of H.R. 1211, the Women Veterans Health Care Improvement Act.

I want to thank Ms. HERSETH SANDLIN for her dedication on this issue. As more women serve in the military, they are quickly becoming an important segment of VA users. Their numbers will double over the next 2 to 4 years, and many are under the age of 40.

This presents new challenges to the VA system, which historically was designed to serve male veterans. Significant changes to the VA need to occur to properly serve all veterans.

As we heard at the VA committee roundtable on women veteran issues, women veterans arrive at the VA with a variety of unique challenges. Many women veterans do not identify themselves as veterans and seek care outside of the system. Some feel stigmatized and are hesitant to speak out. Women who have sought care at VA facilities have complained that staff lacks understanding of the role of women in combat.

The most pressing of these challenges relate to mental health, including PTSD, depression, anxiety, and behavioral issues. A 2008 VA study reported that 15 percent of women in Iraq and Afghanistan experience sexual assault or harassment, and 59 percent of these women were at a higher risk for mental health problems.

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These are tragic numbers and we need to act immediately to address them. The difficulty women face in accessing the VA system and the lack of women-focused health care is unacceptable.

These women have sacrificed so much for our country. This bill takes the first step to meet these challenges and follows up on recommendations provided by Veterans Service Organizations by requiring the Secretary of the VA to study the barriers women face as they seek VA services.

Similarly, H.R. 1211 improves training and education for VA professionals to help treat women veterans. This education will help to address the concerns that many women veterans have that the VA doesn't understand their needs.

This is why I support H.R. 1211 and strongly urge my colleagues to vote ''yes'' on this important bill.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1211, as amended.

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

There was no objection.

Mr. FILNER. In closing, Mr. Speaker, I was listening to Ms. HERSETH SANDLIN talk about the need for pilot programs for child care. We've had testimony that if a woman veteran showed up with her child or children, they would be denied their appointment and sent home. I mean this is a way that the culture just must change, which this bill is the first step toward that change.

So I would urge my colleagues to support H.R. 1211, as amended.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Resolution 1211. This piece of legislation will assist our women veterans in obtaining better health care.

First, I'd like to commend the chief sponsor of this resolution, Ms. STEPHANIE HERSETH SANDLIN. I would also like to recognize my other colleagues for their strong support and co-sponsorship of this piece of legislation.

Currently, there are an approximated 200,000 female troops in our Armed Forces serving to help protect our Nation. It is not only an important issue but a matter of responsibility that we ensure the fair and first-rate treatment of our brave female troops when they return and/or retire from the Armed Forces.

This resolution will benefit our women veterans by providing graduate education for them. I believe education is a keystone for every U.S. citizen and our government should provide the right to an education for our valiant troops returning home. This gives the opportunity for women veterans who enlisted right after high school to continue on with their education at higher levels.

This legislation will also train and certify mental health professionals so we can aid any of our veterans who are in need of help. It is imperative that we service our veterans in the best way we can. On a day-to-day basis, thousands of veterans suffer from conditions such as sexual trauma and post-traumatic stress disorder. The number of female veterans that tested positive for military sexual trauma was 8,705 and this was a climb in number. It is crucial that we take care of our female troops especially because around 20 percent of female veterans test positive for sexual trauma while only 1.8 percent of male veterans test positive.

The resolution is also beneficial to our veterans due to the fact that this piece of legislation provides for the study and analysis of any current problems that our women veterans face in the current state of our system. It will help us make amends and additions to the structure of health care for our female veterans.

Another important piece of this legislation that will help Veterans Affairs greatly is including recently discharged women veterans in the Advisory Committee on Women Veterans and the Advisory Committee on Minority Veterans. This will only add more experience to the current committee because having recently discharged troops is important in knowing what health care issues recently discharged female military personal need.

Mr. Speaker, it is important that we take care of our veterans. These veterans put their life on the line to help protect all of us that live in this great Nation. It is of the essence to provide easy access to health care and to a better current health care system for our women veterans.

Again, I would like to thank my colleague Congresswoman STEPHANIE HERSETH SANDLIN for being the chief sponsor of this key resolution in aiding our women veterans. I strongly urge my other colleagues to support this resolution as well.

Mr. MICHAUD. Mr. Speaker, I rise in strong support of the Women Veterans Health Care Improvement Act.

This legislation will improve and expand health care for women veterans.

I would like to thank Congresswoman HERSETH SANDLIN for all of her hard work. She is a champion of our nation's veterans. I am honored to be a cosponsor of this legislation.

Women now make up approximately fourteen percent of the active military, and in the past recruiting class, they made up twenty percent.

Data released by the VA shows that the amount of women who are expected to use the VA health care system is expected to double within the next four years.

As a country, we must ensure that women veterans have a voice and that their needs are addressed.

Passing this bill into law will help identify and break down barriers faced by women veterans in accessing VA health care.

I urge all of my colleagues to support this crucial bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1211, ''Women Veterans Health Care Improvement Act.'' I would like to thank my colleague, Congresswoman HERSETH SANDLIN, for introducing this bill, and providing leadership on this important issue.

In the wake of the recent Democratic Presidential victory, we witnessed an historic time in our electoral system. Now is the time to address the major ongoing disparities that exist for our minority and women. Secretary of State Hillary Rodham Clinton once said, ''There cannot be true democracy unless women's voices are heard. There cannot be true democracy unless women are given the opportunity to take responsibility for their own lives. There cannot be true democracy unless all citizens are able to participate fully in the

lives of their country.'' And today, there cannot be true democracy unless women receive the same care and treatment in the military as their male counterparts. In addition to the health care reform debate, H.R. 1211 ''Women's Veterans Health Care Improvement Act'' will be an essential piece to the health care reform bill.

As the 111th Congress and 44th President of the United States undergo swift actions to reform our health care system it's important we get reform right! It will be a long-term problem if we don't implement the right kind of change now, which needs to include all Americans of every race, every gender, and in every condition. Without comprehensive reform, our government will have failed to serve our people in a time when the people elected for change.

This legislation will expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom. Women Veterans Health Care Improvement Act requires the Secretary of Veterans Affairs to: (1) study barriers encountered by women veterans to the provision by the Department of Veterans Affairs (VA) of comprehensive health care; (2) assess all health care services and programs provided by the VA for women veterans; (3) provide graduate education, training and certification for mental health professionals who provide counseling, care, and services to women veterans suffering from sexual trauma and post-traumatic stress disorder (PTSD); and (4) carry out a pilot program of child care for certain women veterans receiving health care from VA facilities.

For 19 out of the past 22 fiscal years, appropriated funds for medical care were not provided to the Department of Veterans Affairs before the commencement of its new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans.

By providing the access and care for women in the military, we will meet the vital obligation to provide health care to all veterans. Congress must take action in ensuring our veterans who return home sick, injured, or even healthy will receive the quality health care they deserve. As acts in an unprecedented time, I urge my colleagues to set aside the bickering and come together on a united front to ensure all of our citizen's happiness in a quality health care system. Only then can we live out the true meaning of our country, democracy.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

HIGHER EDUCATION TECHNICAL CORRECTIONS

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''July 1, 2010'' and inserting ''the date of enactment of this Act''.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking the period at the end and inserting '', except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.''.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking ''under part B'' and inserting ''under part B of title IV'';

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking ''With'' and inserting ''with'';

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking ''(Family Educational Rights and Privacy Act of 1974)'' and inserting ''(commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking ''under this title'' and inserting ''under title IV''; and

(B) in subsection (d)(3), by striking ''appropriate committees of Congress'' and inserting ''authorizing committees'';

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking ''borrowers who take out loans under'' each place the term appears and inserting ''borrowers of loans made under''; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

''(4) include a place to provide information on—

''(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

''(B) the applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

''(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

''(D) prior to completion of the program—

''(i) attains full State certification or licensure and becomes highly qualified; and

''(ii) acquires a master's degree not later than 18 months after beginning the program.'';

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking ''section 1111(b)(2)'' and inserting ''section 1111(b)(1)'';

(B) in subsection (c)(1), by striking ''pre-baccalaureate'';

(C) in subsection (d)—

(i) in the heading, by striking ''PRE-BACCALAUREATE'' and inserting ''THE''; and

(ii) in the matter preceding paragraph (1), by striking ''An eligible partnership that receives a

grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:'' and inserting ''An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:'';

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking ''to earn'' and inserting ''leading to''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''one-year'' before ''teaching residency program''; and

(II) in clause (iii)(I), by striking ''one-year''; and

(E) in subsection (i)(3), by striking ''consent of'' and inserting ''consent to''; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking ''serve graduate'' and inserting ''assist in the graduation of''.

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking ''Indian Tribal'' and inserting ''Tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(ii) in paragraph (2), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(iii) in paragraph (3)(A), by striking ''the Navajo Community College Assistance Act of 1978'' and inserting ''the Navajo Community College Act'';

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).'';

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking ''in any fiscal year'' and inserting ''for any fiscal year,'';

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''Notwithstanding subsections (a)'' and inserting ''(1) Notwithstanding subsections (a)''; and

(C) by adding at the end the following:

''(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).'';

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking ''section 304(a)(1)'' and inserting ''section 303(a)(1)''; and

(B) by striking ''of 1979'';

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking ''302'' and inserting ''312'';

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking ''402A(g)'' and inserting ''402A(h)'';

(B) in paragraph (4), by striking ''402A(g)'' and inserting ''402A(h)''; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking ''402A(g)'' and inserting ''402A(h)''; and

(ii) by amending subparagraph (F) to read as follows:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).''; and

(8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking ''College or University'' and inserting ''Colleges and Universities''.

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking ''1 through 8'' and inserting ''1 through 9'';

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking ''manner,,'' and inserting ''manner,'';

(B) in subsection (b)(1), by striking ''section 401'' and inserting ''this section''; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking ''$105,000,000'' and inserting ''$258,000,000''; and

(ii) in clause (viii), by striking ''$4,400,000,000'' and inserting ''$4,452,000,000'';

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110–315);

(4) in section 402A (20 U.S.C. 1070a–11)—

(A) in subsection (b)(1), by striking ''organizations including'' and inserting ''organizations, including''; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting ''to be'' after ''determined'';

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a–15(d)(2)(C)), by striking ''320.'' and inserting ''320'';

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c–3a(b)(1)(B))—

(A) in clause (i), by striking ''If a'' and inserting ''Except as provided in clause (ii), if a'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

''(ii) SPECIAL CONTINUATION AND TRANSITION RULE.—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day before the date of enactment of the Higher Education Opportunity Act (Public Law 110–315)).'';

(7) in section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)), by inserting ''and'' after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d–34(d)), by striking ''1134'' and inserting ''134''; and

(9) by adding at the end the following:

''Subpart 10—Scholarships for Veteran's Dependents

''SEC. 420R. SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.

''(a) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—The term 'eligible veteran's dependent' means a dependent or an independent student—

''(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(2) who, at the time of the parent or guardian's death, was—

''(A) less than 24 years of age; or

''(B) enrolled at an institution of higher education on a part-time or full-time basis.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

''(2) DESIGNATION.—Grants made under this section shall be known as 'Iraq and Afghanistan Service Grants'.

''(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this section and section 401.

''(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

''(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

''(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

''(3) a grant made under this section to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

''(A) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

''(B) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

''(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

''(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110–315) is amended by adding at the end the following new subsection:

''(i) EFFECTIVE DATE; TRANSITION.—

''(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

''(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the

amount of the scholarship promised to an individual student under the grant.''.

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110–84), is amended by striking ''or 439(q)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110–84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (D), by inserting ''or 485(l)'' after ''section 485(b)''.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (F), by inserting ''or 485(l)'' after ''section 485(b)''.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078–3(c)(3)(A)), as amended by section 425 of the Higher Education Opportunity Act (Public Law 110–315), is amended by striking ''section 493C'' and inserting ''section 493C,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2009.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078–6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

''(1) SALE OR ASSIGNMENT OF LOAN.—

''(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

''(i) if practicable, sell the loan to an eligible lender; or

''(ii) on or before September 30, 2011, assign the loan to the Secretary if—

''(I) the Secretary has determined that market conditions unduly limit a guaranty agency's ability to sell loans under clause (i); and

''(II) the guaranty agency has been unable to sell loans under clause (i).

''(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances.

''(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

''(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

''(i) the guaranty agency—

''(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

''(II) may, in order to defray collection costs—

''(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

''(bb) retain such amount from the proceeds of the loan sale; and

''(ii) the Secretary shall reinstate the Secretary's obligation to—

''(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge the guaranty agency's insurance obligation; and

''(II) pay to the holder of such loan a special allowance pursuant to section 438.

''(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

''(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

''(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

''(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

''(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.'';

(ii) in paragraph (2)—

(I) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (1)(A)(i)''; and

(II) by striking ''paragraph (1)(B)(ii) of this subsection'' and inserting ''paragraph (1)(D)(ii)(I)'';

(iii) in paragraph (3)—

(I) by striking ''sold under paragraph (2)'' and inserting ''sold or assigned under paragraph (1)(A)''; and

(II) by striking ''sale.'' and inserting ''sale or assignment.'';

(iv) in paragraph (4), by striking ''which is sold under paragraph (1) of this subsection'' and inserting ''that is sold or assigned under paragraph (1)''; and

(v) in paragraph (5), by inserting ''(whether by loan sale or assignment)'' after ''rehabilitating a loan''; and

(B) in subsection (b), in the first sentence, by inserting ''or assigned to the Secretary'' after ''sold to an eligible lender''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110–315), is amended—

(A) in the matter preceding subparagraph (A), by striking ''Secretary),, or if'' and inserting ''Secretary), or if''; and

(B) in subparagraph (B), by inserting ''the reinstatement and resumption to be'' after ''determines''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2010.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking ''and'' after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting ''section'' before ''428B'';

(ii) in paragraph (3)(A)(i), by striking ''any institution of higher education or the employees of an institution of higher education'' and inserting ''any institution of higher education, any employee of an institution of higher education, or any individual or entity'';

(iii) in paragraph (4), by striking ''For the purpose of paragraph (1)(M)(i)(III) of this subsection,'' and inserting ''With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),''; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking ''clause (i) or (ii) of''; and

(II) in subparagraph (D), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''; and

(C) in subsection (c)(9)(K), by striking ''3 months'' and inserting ''6 months'';

(2) in section 428B(e) (20 U.S.C. 1078–2(e))—

(A) in paragraph (3)(B), by striking ''subsection (c)(5)(B)'' and inserting ''subsection (d)(5)(B)''; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078–3)—

(A) in subsection (a)(4)(E), by striking ''subpart II of part B'' and inserting ''part E'';

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking ''subsection (b)(2)(F)'' and inserting ''subsection (b)(2)''; and

(ii) by inserting a comma after ''graduated'';

(C) in subsection (d)(3)(D), by striking ''loan insurance fund'' and inserting ''loan insurance account''; and

(D) in subsection (f)(3), by striking ''subsection (a)'' and inserting ''this subsection'';

(4) in section 428G(c) (20 U.S.C. 1078–7(c))—

(A) in paragraph (1), by striking ''section 428(a)(2)(A)(i)(III)'' and inserting ''section 428(a)(2)(A)(i)(II)''; and

(B) by striking paragraph (3) and inserting the following:

''(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.'';

(5) in section 428H (20 U.S.C. 1078–8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: ''LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS''; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

''(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.'';

(6) in section 428J (20 U.S.C. 1078–10)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''or'' after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking ''12571'' and inserting ''12601'';

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078–11(g)(9)(B)), by striking ''under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))'' and inserting ''under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))'';

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking ''and (6)'' and inserting ''and (5)''; and

(B) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking ''section 1078 of this title'' and inserting ''section 428''; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting ''and'' after the semicolon at the end; and

(ii) in clause (ii), by striking ''; and'' and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking ''a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking ''section 501(1) of such Code'' and inserting ''section 501(a) of such Code''; and

(II) in subparagraph (G), by striking ''sections 428A(d), 428B(d), and 428C,'' and inserting ''sections 428B(d) and 428C,'';

(ii) in paragraph (2)(A)(vi), by striking ''section 435(m)'' and inserting ''subsection (m)'';

(iii) in paragraph (3), by striking ''section 435(m)'' and inserting ''subsection (m)''; and

(iv) in paragraph (5)(A), by striking ''to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part'' and inserting ''to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part'';

(C) in subsection (o)(1)(A)(ii), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (p)(1), by striking ''section 771'' and inserting ''section 781''; and

(11) in section 438(b)(2) (20 U.S.C. 1087–1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking ''427A(f)'' and inserting ''427A(i)'';

(B) in the first sentence of subparagraph (B)(i), by striking ''1954'' and inserting ''1986''; and

(C) in the second sentence of subparagraph (F), by striking ''427A(f)'' and inserting ''427A(i)''.

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking ''section 443'' and inserting ''this section'';

(2) in subsection (d)(1), by striking ''subsection (b)(2)(B)'' and inserting ''subsection (b)(2)(A)''; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''in accordance with such subsection''.

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''purchase of loans under this section'' and inserting ''purchase of loans under paragraph (1)''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

''(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

''(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

''(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

''(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''; and

(2) by amending subsection (b) to read as follows:

''(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

''(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

''(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

''(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).''.

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)'';

(B) in subsection (h), by striking ''(except as authorized under section 457(a)(1))''; and

(C) in subsection (k)(1)(B), by striking '', or in a notice under section 457(a)(1),'';

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 428J.''; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking ''12571'' and inserting ''12601''.

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

''(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by'';

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and''; and

(B) in paragraph (3)—

(i) by striking ''and (6)'' and inserting ''and (5)''; and

(ii) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc–1(a)), by striking '', in order to carry out the provisions of section 463(a)(8),'';

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking ''(I)'' and inserting ''(i)''; and

(II) by striking ''(II)'' and inserting ''(ii)''; and

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking ''credit bureaus'' and inserting ''consumer reporting agencies'';

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking ''12571'' and inserting ''12601'';

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking ''paragraph (5)(A), (5)(B)(i), or (6)'' and inserting ''paragraph (4) or (5)''; and

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking ''and the term'' and all that follows through the period at the end and inserting ''and the term 'early intervention services' has the meaning given the term in section 632 of such Act.''.

SEC. 406. NEED ANALYSIS.

(a) AMENDMENTS.—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking ''For the purpose of this title, except subpart 2 of part A,'' and inserting ''(a) IN GENERAL.—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),''; and

(B) by adding at the end the following:

''(b) SPECIAL RULE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student

with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

''(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

''(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(C) who, at the time of the parent or guardian's death, was—

''(i) less than 24 years of age; or

''(ii) enrolled at an institution of higher education on a part-time or full-time basis.

''(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).'';

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting ''of 1986'' after ''Code'';

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting ''of 1986'' after ''Code'';

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

''(III) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

''(III) is a dislocated worker or has a spouse who is a dislocated worker; or''; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

''(iii) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

''(iii) is a dislocated worker or has a spouse who is a dislocated worker; or'';

(5) in section 479C (20 U.S.C. 1087uu–1)—

(A) in paragraph (1), by striking ''under'' and all that follows through ''; and'' and inserting ''under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and''; and

(B) in paragraph (2)—

(i) by striking ''Alaskan'' and inserting ''Alaska'';

(ii) by inserting ''(43 U.S.C. 1601 et seq.)'' before ''or the''; and

(iii) by inserting ''of 1980 (25 U.S.C. 1721 et seq.)'' after ''Maine Indian Claims Settlement Act'';

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking ''12571'' and inserting ''12511'';

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking ''the following'' and inserting ''benefits under the following provisions of law''; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

''(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

''(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

''(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

''(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

''(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

''(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

''(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

''(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

''(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

''(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

''(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

''(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.''; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking ''12571'' and inserting ''12511''.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110–84), and shall take effect on July 1, 2009.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110–315) is amended by inserting '', except that the amendments made in subsection (e) shall take effect on July 1, 2009'' before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking ''or any State, or private, profit or nonprofit organization'' and inserting ''any State, or any private, for-profit or nonprofit organization,'';

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking ''413D(e), 442(e), or 462(j)'' and inserting ''413D(d), 442(d), or 462(i)'';

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting ''that'' after ''except''; and

(B) in subsection (e)(8)(A), by striking ''identify'' and inserting ''determine'';

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(1)(B)—

(i) by striking ''have (A)'' and inserting ''have (i)''; and

(ii) by striking ''and (B)'' and inserting ''and (ii)'';

(C) in subsection (f)(1), by striking ''part B'' and all that follows through ''part E'' in each place that the phrase occurs and inserting ''part B, part D, or part E'';

(D) in subsection (h)—

(i) in paragraph (2), by striking ''(h)(4)(A)(i)'' and inserting ''(g)(4)(A)(i)''; and

(ii) in paragraph (3), by striking ''(h)(4)(B)(i)'' and inserting ''(g)(4)(B)(i)''; and

(E) in subsection (n), by striking ''section 1113 of Public Law 97–252'' and inserting ''section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))'';

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking ''also referred to as the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''; and

(II) in subparagraph (I), by striking ''handicapped students'' and inserting ''students with disabilities'';

(ii) in paragraph (4)(B), by inserting ''during which'' after ''time period''; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting ''education'' after ''higher'';

(B) in subsection (e)(3)(B), by inserting ''during which'' after ''time period'';

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''of'' after ''foreign institution''; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking ''under this title'' each place it appears and inserting ''under this title, other than a foreign institution of higher education,'';

(D) in subsection (g)(2), by striking ''subparagraph (G)'' and inserting ''paragraph (1)(G)'';

(E) in subsection (i)—

(i) in paragraph (2), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)'';

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)''; and

(iii) in paragraph (5)(B), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(F) in subsection (k)(2), by inserting ''section'' before ''484(r)(1)''; and

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking ''subparagraph (B)'' and inserting ''paragraph (2)'';

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking ''or defined in subpart I of part C of title VII of the Public Health Service Act'' and inserting ''or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)''; and

(ii) by striking ''under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)'' and inserting ''under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(B) in subsection (b), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(C) in subsection (e)—

(i) by striking ''Health Education Assistance Loan'' and inserting ''loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(ii) in paragraph (2), by striking ''733(e)(3)'' and inserting ''707(e)(3)''; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(II) in the fourth sentence, by striking ''728(a)'' and inserting ''710''; and

(ii) in paragraph (2), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking ''))'' and inserting '')''; and

(B) in subsection (d)(3)(D), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting ''of 1993'' after ''Registration Act'';

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking ''students receives'' and inserting ''students receive'';

(ii) in subparagraph (F), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)''; and

(iii) in subparagraph (H), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)'';

(C) in subsection (f)(1), by striking ''496(c)(4)'' and inserting ''496(c)(3)''; and

(D) in subsection (g)(1), by striking ''subsection (f)(2)'' and inserting ''subsection (e)(2)'';

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking ''Any activities'' and inserting ''Any experimental sites''; and

(ii) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by adding at the end the following:

''(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

''(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary's biennial report under paragraph (2), without creating costs for the taxpayer; and

''(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.'';

(10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking ''has agreed to assign under section 463(a)(6)(B)'' and inserting ''has referred under section 463(a)(4)(B)''; and

(B) in the fourth sentence, by striking ''484(h)'' and inserting ''484(g)'';

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting ''the'' after ''enactment of''; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking ''regulations'' and all that follows through ''The'' and inserting ''regulations for this title. The''; and

(B) in paragraph (2), by striking ''ISSUES'' and all that follows through ''provide'' and inserting ''ISSUES.—The Secretary shall provide''.

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking ''for profit'' and inserting ''for-profit''.

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking ''which determination'' and inserting ''which the determination''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting ''the'' before ''Federal''; and

(B) in paragraph (7)(D), by striking ''institution, combination'' and inserting ''applicant, consortium,''; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after ''title''.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''Section 631 (20 U.S.C. 1132)'' and inserting ''Section 631(a) (20 U.S.C. 1132(a))''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking ''services through'' and all that follows through ''resource centers'' and inserting ''services through pre-college programs, undergraduate prelaw information resource centers'';

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking ''Sate'' and inserting ''State'';

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting ''of the National Academies'' after ''Institute of Medicine'';

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that meets each of the following:

''(A) Is offered by an institution of higher education.

''(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

''(C) Includes an advising and curriculum structure.

''(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

''(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

''(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

''(iv) Participation in internships or work-based training in settings with nondisabled individuals.

''(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.'';

(5) in section 772 (20 U.S.C. 1140l)—

(A) in subsection (a)(2)(A), by striking ''with in'' and inserting ''with''; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking ''subparagraph (C)'' and inserting ''clause (i)'';

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking ''Service'' each place the term appears and inserting ''Services'';

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking ''(as defined'' and all that follows through ''this Act)'' and inserting ''(as described in section 435(p))''; and

(ii) by striking ''435(j)'' and inserting ''428(b)'';

(C) in subsection (g)(2), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking ''consortia'' and inserting ''consortium''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''CONSORTIA'' and inserting ''CONSORTIUM''; and

(II) by striking ''consortia'' each place the term appears and inserting ''consortium''.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking ''regulation'' and inserting ''regulations'';

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PUBLIC HEALTH SERVICE ACT.—The terms 'accredited' and 'school of nursing' have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).'';

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking ''the Family Education Rights and Privacy Act of 1974'' and inserting ''section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after ''101(a)'';

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting ''the'' before ''grant'';

(B) in subsection (f)(2), by striking ''subpart'' each place the term appears and inserting ''section''; and

(C) in subsection (h), by striking ''use'' and inserting ''used'';

(6) in section 821 (20 U.S.C. 1161l)—

(A) in subsection (a)(1), by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(B) in subsection (c)(1)(B), by striking ''within'' and inserting ''in'';

(7) in section 824(f)(3) (20 U.S.C. 1161l–3(f)(3))—

(A) in subparagraph (A), by inserting ''a'' after ''submitting''; and

(B) in subparagraph (C), by striking ''pursing'' and inserting ''pursuing'';

(8) in section 825(a) (20 U.S.C. 1161l–4(a)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(9) in section 826(3) (20 U.S.C. 1161l–5(3)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking ''of for'' and inserting ''of'';

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking ''because of'' and inserting ''based on''; and

(B) in subparagraph (D), by striking ''purposes of this section'' and inserting ''purpose of this part'';

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking ''486A(d)'' and inserting ''486A(b)(1)'';

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting ''to be appropriated'' after ''authorized''; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''.

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

''(h) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

''(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.''.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting ''this section'' after ''to carry out''.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking ''and subsections (b) and (c) of section 209.'' and inserting ''and subsections (a), (b), and (c) of section 209.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1777 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1777, a bill to make technical corrections to H.R. 4137, which is the Higher Education Act.

Mr. Speaker, the House originally passed this legislation on March 30, 2009. This is a revised version from the Senate. The Senate made additional conforming and technical changes, including a scholarship program for students whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001, clarifying the ''experimental site'' authority at the Department of Education. Let me explain some of these changes.

Currently, borrowers may rehabilitate their defaulted Federal student loans by making nine on-time payments. Once they meet this threshold, the guaranty agency may sell the loan to a lender, which results in the default being removed from the borrowers' credit reports.

Mr. Speaker, because of the current credit crunch, guaranty agencies have been unable to find lenders for these loans. The bill amends the loan to allow those loans qualified for rehabilitation to be assigned to the Department of Education for this purpose.

The bill makes three changes to the exemption of veterans' assistance in the calculation of the Federal financial aid. The first is to clarify that assistance under the Montgomery GI Bill is included in exempted veterans' benefits, and the second is to move the date of the exemption of veterans' benefits from the calculation of the estimated financial assistance from July 1, 2010, to July 1, 2009.

The third change is to provide scholarships in the amount of the maximum Pell Grant award to students whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001.

The bill ensures the continuation of the Department of Education's ''experimental site'' program on existing campuses for another year and defines a successful program as one that reduces administrative cost and increases student services, without additional cost to the government.

In closing, Mr. Speaker, I would like to thank our committee chairman, Representative GEORGE MILLER from California, and our ranking member, JOHN KLINE, along with our ranking member on the subcommittee, Representative BRETT GUTHRIE of Kentucky, for expediting this legislation and helping us make these needed corrections in a bipartisan manner.

I urge all my colleagues to vote ''yes'' on H.R. 1777.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I rise in support of this legislation, and I yield myself such time as I may consume.

The House easily passed this bill under suspension at the end of March and, as often happens with the legislative process, when it went to the Senate, a few changes were made. Therefore, we are here again today simply to give final approval to a bill we have already supported, and rightfully so.

The primary purpose of this legislation is to make technical changes to ensure smooth implementation of the bipartisan higher education reforms enacted last year. Second, it addresses a pressing issue facing the Federal student loan programs. And third, the legislation includes a provision to assist students who have lost a parent to the wars in Iraq and Afghanistan.

The technical corrections are just that, clarifications needed to ensure that the first comprehensive renewal of higher education programs in a decade can be put into place as Congress intended. The legislation will also help student loan borrowers who have fallen behind to rebuild their damaged credit by making these loans eligible for emergency liquidity measures enacted last fall. It's a simple change that will make a real difference for borrowers who are just trying to do the right thing by restarting regular payments on their Federal student loans.

The other change we are making in this bill is also important for a different set of students, students who have suffered a terrible loss but who have continued to move forward to achieve a postsecondary education. And I'm talking about the students who have lost a parent due to the military action taking place in Iraq and Afghanistan.

The Higher Education Act reauthorization bill that was passed by this body last Congress included a provision that would allow Pell-eligible students to automatically receive the maximum Pell Grant if one of their parents died as a result of their military service in Iraq or Afghanistan. The legislation before us today extends a similar benefit to students who may fall outside of the income limits placed on the Pell Grant program but who have also suffered the same type of loss.

Under this legislation, all students who have lost a soldier-parent as a direct result of fighting in the war in Iraq and Afghanistan will be eligible for a grant. The parents of these students have given their lives in service to our country.

A college student who loses a parent in the war loses so much more than we can fathom. These students will not have their parent around to move into their first dorm room or hear complaints about cafeteria food. They will not have their parent's consolation and encouragement to continue even after a poor test grade or a difficult professor. Of course, these students who lose a parent in Iraq or Afghanistan will not have the financial support of their parent in this time of rising college costs and economic uncertainty.

While this legislation does not provide students with the same type of support a parent could provide, I hope it will ease the financial burden of paying for college just a little bit.

The legislation before us easily passed the House once. I hope for a similar result again, and I urge my colleagues to join me in voting ''yes'' on this legislation.

I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 2647.

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

There was no objection.

RECESS

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

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: S. 407, by the yeas and nays; H.R. 1016, de novo; H.R. 1211, by the yeas and nays; H.R. 1172, by the yeas and nays; concurring in the Senate amendment to H.R. 1777, de novo.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 407, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 407.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 419]

YEAS—403

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

Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Blunt
Boyd
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Davis (AL)
DeGette
Grijalva
Gutierrez
Hastings (WA)
Higgins
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McCarthy (NY)
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1016, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1016, as amended.

The question was taken.

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

RECORDED VOTE

Mr. FILNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 409, noes 1, not voting 23, as follows:

[Roll No. 420]

AYES—409

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

NOES—1

Buyer

NOT VOTING—23

Blunt
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Cummings
Gutierrez
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining on this vote.

□ 1906

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE PAUL A. FINO OF NEW YORK

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

Mr. ENGEL. Mr. Speaker, it is with sadness that I announce the death of my predecessor once removed, Congressman Paul A. Fino of New York.

When I was growing up, you think of certain elected officials as larger than life. Paul Fino was certainly larger than life. He served eight terms here in the House, a State senator, served on the State Supreme Court, was chairman of the Bronx County Republican Party for many years, and one of the people who really represented New York.

He lived the American Dream. His father was a subway car mechanic. He leaves his wife, Esther, of 70 years, and his children, Lucille and Paul.

I remember growing up, he had these big signs that said Social Security at

60 and a national lottery. These were the things that he really believed in.

He lived to be 95, someone that we all respect and really remember and revere.

I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I join with Congressman ENGEL in mourning the passing of Paul Fino, who among other things, was I believe the last elected Republican congressman from the Bronx. He was an outstanding Congressman. He was a member of the New York State Supreme Court. In his retirement years he moved to Nassau County, and he never lost his love and his interest for Congress. In fact, every year he would call me to remind me to send him a program of the congressional baseball game. He loved this institution; he loved the Congress. He was a great man. And for those of us old enough to remember the 1961 mayor's race, he was the middleman on the most famous, ethnically balanced race in the history of New York of Lefkowitz, Fino, and Gilhooley. They touched all of the ethnic bases at that time. He was unsuccessful in that race, but he was successful in all his others.

With Mr. ENGEL, I mourn his passing.

Mr. ENGEL. I would ask for a moment of silence in honor of Congressman Paul A. Fino.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

WOMEN VETERANS HEATH CARE IMPROVEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1211, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 421]

YEAS—408

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

NOT VOTING—25

Blunt
Brady (TX)
Braley (IA)
Campbell
Coffman (CO)
Cohen
Conyers
Costa
Gutierrez
Kennedy
King (IA)
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1917

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 421, I was unavoidably detained. Had I been present, I would have voted "yea."

WEB SITE INCLUSION OF VA SCHOLARSHIPS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1172, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1172, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 422]

YEAS—411

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

NOT VOTING—22

Blunt
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Gutierrez
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1923

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PAULSEN. Mr. Speaker, on rollcall Nos. 419, 420, 421 and 422, my flight was delayed. Had I been present, I would have voted "yea" on all four bills.

HIGHER EDUCATION TECHNICAL CORRECTIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 1777.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken.

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

RECORDED VOTE

Mr. FLEMING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 22, as follows:

[Roll No. 423]

AYES—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich

Lamborn	Murtha	Scott (GA)
Lance	Myrick	Scott (VA)
Langevin	Nadler (NY)	Sensenbrenner
Larson (CT)	Napolitano	Serrano
Latham	Neal (MA)	Sessions
LaTourette	Neugebauer	Sestak
Latta	Nunes	Sherman
Lee (CA)	Nye	Shimkus
Lee (NY)	Oberstar	Shuster
Levin	Obey	Simpson
Lewis (CA)	Olson	Sires
Linder	Olver	Skelton
Lipinski	Ortiz	Slaughter
LoBiondo	Pallone	Smith (NE)
Loebsack	Pascrell	Smith (NJ)
Lofgren, Zoe	Pastor (AZ)	Smith (TX)
Lowey	Paul	Smith (WA)
Lucas	Paulsen	Snyder
Luetkemeyer	Pence	Souder
Luján	Perlmutter	Space
Lungren, Daniel E.	Perriello	Speier
	Peters	Spratt
Lynch	Peterson	Stark
Mack	Petri	Stearns
Maffei	Pingree (ME)	Stupak
Maloney	Pitts	Sutton
Manzullo	Platts	Tanner
Marchant	Poe (TX)	Tauscher
Markey (CO)	Polis (CO)	Taylor
Markey (MA)	Pomeroy	Teague
Marshall	Posey	Terry
Massa	Price (GA)	Thompson (CA)
Matheson	Price (NC)	Thompson (MS)
Matsui	Putnam	Thompson (PA)
McCarthy (CA)	Quigley	Thornberry
McCarthy (NY)	Rahall	Tiahrt
McCaul	Rangel	Tiberi
McClintock	Rehberg	Tierney
McCollum	Reyes	Titus
McCotter	Richardson	Tonko
McDermott	Rodriguez	Towns
McGovern	Roe (TN)	Tsongas
McHugh	Rogers (AL)	Turner
McIntyre	Rogers (KY)	Upton
McKeon	Rogers (MI)	Van Hollen
McMahon	Rohrabacher	Velázquez
McMorris Rodgers	Rooney	Visclosky
	Ros-Lehtinen	Walden
McNerney	Roskam	Walz
Meek (FL)	Ross	Wamp
Meeks (NY)	Rothman (NJ)	Wasserman Schultz
Melancon	Roybal-Allard	
Mica	Royce	Waters
Michaud	Ruppersberger	Watson
Miller (FL)	Rush	Watt
Miller (MI)	Ryan (OH)	Waxman
Miller (NC)	Ryan (WI)	Weiner
Miller, Gary	Salazar	Welch
Miller, George	Sánchez, Linda T.	Westmoreland
Minnick		Wexler
Mitchell	Sanchez, Loretta	Whitfield
Moore (KS)	Sarbanes	Wilson (OH)
Moore (WI)	Scalise	Wilson (SC)
Moran (KS)	Schakowsky	Wittman
Moran (VA)	Schauer	Wolf
Murphy (CT)	Schiff	Wu
Murphy (NY)	Schmidt	Yarmuth
Murphy, Patrick	Schrader	Young (AK)
Murphy, Tim	Schwartz	Young (FL)

NOT VOTING—22

Andrews	Larsen (WA)	Schock
Blunt	Lewis (GA)	Shadegg
Brady (TX)	Lummis	Shea-Porter
Campbell	McHenry	Shuler
Conyers	Mollohan	Sullivan
Costa	Payne	Woolsey
Gutierrez	Radanovich	
Kennedy	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1930

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on June 23, 2009, I was called away on personal business. I regret that I was not present for the following votes:

On the passage of S. 407, had I been present, I would have voted "yea."

On the passage of H.R. 1016, as amended, had I been present, I would have voted "aye."

On the passage of H.R. 1211, as amended, had I been present, I would have voted "yea."

On the passage of H.R. 1172, as amended, had I been present, I would have voted "yea."

On the passage of concurring on a Senate amendment to H.R. 1777, had I been present, I would have voted "yea."

REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–180) on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Ms. KOSMAS). Pursuant to clause 1, rule XXI, all points of order are reserved.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary of the Senate informs the House that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeably to the notice communicated to the Senate, and that at the hour of 10:00 a.m. on Wednesday, June 24, 2009, the Senate will receive the honorable managers on the part of the House in order that they may present and exhibit the said articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court of the Southern District of Texas.

COMMENDING THE PEOPLE OF IRAN WHO ARE DEMANDING A FREE AND FAIR ELECTION

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

Mr. ENGEL. Madam Speaker, I want to take this opportunity to commend the brave people of Iran who have been demonstrating in the streets of Tehran for freedom and democracy and demanding that they have a free and fair election.

The election that was held was obviously neither free nor fair. It was fraudulent. And the declared winner, President Ahmadinejad, obviously lost the election.

The people of Iran deserve better, and I want to commend those brave people. They remind me of the people in Tiananmen Square. They remind me of the people in Prague during the Prague spring of 1968. They remind me of people everywhere who stand up against oppression and stand for freedom.

I want the brave people of Iran to know that we in the United States are with them. We support them. We are against fraudulent elections. We are against dictatorships. We are against mullahs ruling the country without any real democracy.

And I would say to these people the United States is with you and we are watching.

ABC'S HEALTH CARE COVERAGE ONE SIDED

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

Mr. SMITH of Texas. Madam Speaker, tomorrow ABC News will devote an entire day of news programming to President Obama's health care plan.

The network will shill for the administration on every program from ''Good Morning America'' to ''World News Tonight'' to a prime-time town hall meeting broadcast from the White House.

ABC will not devote time to an opposing viewpoint and refused to air ads critical of the administration's health care plan.

I joined with dozens of other Members of Congress to send a letter to ABC News protesting this one-sided coverage. It is contrary to the journalistic code of ethics, which states that a journalist's duty is to seek truth and provide a fair and comprehensive account of events and issues.

ABC should adhere to this code of ethics and abandon its plans to broadcast unfair and biased coverage of the health care debate.

TRIBUTE TO BILL BANKS

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

Mr. TOWNS. Madam Speaker, I rise to pay tribute to Bill Banks, a person that really made a difference in the lives of so many.

Bill Banks passed 4 days ago, and, of course, he's going to be really, really missed. So at this time I would like to say to his wife and to his daughter and to all of those family members that, in spite of the fact that we've lost Bill, we can think in terms of the contribution that he has made and all the lives that he's touched.

I will say that I'm just so happy that I knew him, had an opportunity to work with him, and to live during his lifetime. He was really a person that reached out to the people of Brooklyn. And, of course, a lot of people are where they are today politically because of his involvement. He was truly a great political strategist.

Bill, we will miss you, but your work is something that will live on and on and on.

CALLING FOR THE PRESIDENT TO RESCIND THE JULY 4 CELEBRATION INVITATION TO IRANIAN DIPLOMATS

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

Mr. BURTON of Indiana. Madam Speaker, the 4th of July is a holiday that we hold very near and dear because it deals with our independence and our desire for freedom and liberty, and we celebrate that with a great deal of awe.

What bothers me right now is that this administration, in my opinion, is violating the sanctity of that day by inviting Iranian diplomats to our embassies around the world to help us celebrate the 4th of July. Let's just look at what Iran's doing.

Iran is still pursuing nuclear weapons; Ahmadinejad is still calling for the destruction of Israel; Iran is still pursuing long-range missiles; Iran is working to destabilize Iraq and killing American soldiers; Iran is still a state sponsor of terror; Iran continues to supply Hezbollah and Hamas, terrorist organizations. Now the Iranian regime has turned on its own citizens and killed many of them in the streets.

It is unthinkable, at a time when we are celebrating freedom and independence in this country, the 4th of July, that we're going to invite into our embassies people who support this kind of terrorism. It makes no sense. And if I were talking to the President, I would say, Mr. President, rescind that invitation. Rescind that invitation.

ADVOCATING FREEDOM FOR IRAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, it is evident by my colleague's remarks that Iran and the dilemma and complexity of its situation has grabbed hold of the hearts and minds of Americans and freedom-loving people around the world.

What struck me was the expression and the tragic incident that caused Neda, who is now known around the world as a symbol of the Iranian movement, to claim democracy in a free election. A 16-year-old who was shot through the heart, who lay bleeding in the street as her father feverishly tried to save her life.

No, Americans are not trying to tell the Iranian people whom they should vote for or whether the election was, in fact, a true election, a fair election. But we as freedom-loving people, who love democracy, who believe in our own country that we should have fair elections, we are standing with them as they petition their government to stand for the right side of the issue, which is to ask for a new election or a recount.

We also ask that lives are preserved and violence ends. We ask that the opposition be allowed to be heard. And we certainly ask for the ending of the interception of cell phones and the Internet where freedom-loving people would like to be able to speak to each other.

No, we are not advocating violence. We're not advocating intrusion. We are only advocating freedom for Iran.

CAP-AND-TRADE

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

Mr. FLEMING. Madam Speaker, word has it that the infamous cap-and-trade, or cap-and-tax, bill will be up for a vote this week.

Cap-and-trade, or what has been more appropriately named cap-and-tax, would create $640 billion in new taxes on American businesses and raise electric bills by $3,100 per household per year on average. The revenue from the new tax will be used to pay for various social programs this administration plans to enact such as the government takeover of our health care.

Simply put, cap-and-tax will cap our growth and trade our jobs. Companies looking to invest in our economy will simply move overseas to escape this enormous tax increase.

If you need a tangible example of why this doesn't work, look at Spain, which has been on this plan for 10 years. The result: utility prices have skyrocketed, and the unemployment rate today is 17½ percent. This is our view of the future.

Experts tell us that cap-and-tax will do nothing to cap greenhouse gases, but it will put the United States at a global economic disadvantage because China and India have no reason to enact or follow this policy. We will put Americans out of work but create jobs for developing countries.

We need a smart energy policy that will put Americans to work, not further squeeze the pocketbooks of this country's families.

THE WOMEN VETERANS HEALTH CARE IMPROVEMENT ACT

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

Mr. COHEN. Madam Speaker, tonight the House passed five bills, four of which dealt with important veterans issues, veterans compensation, the Cost-of-Living Adjustment Act, the Health Care Budget Reform and Transparency Act, and another that directs the Secretary of Veterans Affairs to include on their Web site certain information, one on education.

I was a sponsor of the fifth bill that was on the calendar, the Women Veterans Health Care Improvement Act, with the prime sponsor being Representative Sandlin. I was inadvertently out of the room at the time of that vote. I would have voted ''yes'' for that bill. It's an important bill. And that's why I'm a prime sponsor of it and regret the fact that I missed that vote. But I think what we did tonight for veterans was very important.

U.S. OPEN CHAMPION LUCAS GLOVER

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

Mr. INGLIS. Madam Speaker, the upstate of South Carolina is the home to many champions and many successes. Yesterday we crowned a new one. That new one is the 29-year-old Greenville, South Carolina, native Lucas Glover, who conquered the field yesterday in New York to win the 109th U.S. Open Golf Championship.

With people from around the upstate glued to the action, the soft-spoken Wade Hampton High School graduate and three-time All-American from Clemson University rallied from one shot down to break into the big time in the world of golf, winning his first major championship since joining the PGA tour in 2004.

We have come along to celebrate the culmination of Lucas' years of preparation. His family, wife, Jennifer, and close friends have been there all along, in the good times and the bad, in the disappointments and in the small triumphs. Yesterday they added a huge triumph, and we join them in the celebration.

Congratulations to our own U.S. Open golf champion, Lucas Glover.

□ 1945

PROTECT OUR PLANET

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

Mr. KUCINICH. Madam Speaker, we all want to protect our planet, but will the American Clean Energy and Security Act of 2009 do that? I don't think so.

The pollution targets are inadequate. Regulatory authority is stripped from the EPA. The bill relies on huge numbers of carbon offsets. For example, it

says you can have 2 billion tons a year of carbon offsets, which is roughly equivalent to 30 percent of all U.S. greenhouse gas emissions. Recent analysis suggests it might be 2026 until we see the emissions decline below 2005 levels.

The renewable targets are not strong enough. A recent analysis by the Union of Concerned Scientists indicates this target provides no new renewable energy over business as usual projections. Dirty-energy options qualify as renewable, including biomass burners and trash incinerators. The bill gives a significant number of pollution permits away free.

It opens up a carbon derivatives market in the U.S., and this bill would help establish one of the largest derivative markets in the world without adequate oversight or regulation. It taxes households to pay for an unproven carbon sequestration of capture and storage technology, and allocations for funding for international obligations are underfunded.

We can do better.

HEALTH CARE REFORM

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

Mr. PAULSEN. Madam Speaker, Capitol Hill and the Nation are abuzz over health care reform. While there is much speculation to what a reform plan will look like, one thing is for sure: We must avoid any plan that would lead to a government takeover of health care.

A government takeover of health care will stifle medical breakthroughs and take away the peace of mind that families around America have, knowing that they can get the timely treatment for their children, their parents and themselves. We need real comprehensive reform that protects what works and fixes what doesn't.

We need patient-centered reform where the patient is in control of their own care, not politicians, not bureaucrats, not special interests. We need to enact commonsense measures, like allowing small businesses to band together to purchase more affordable coverage for their employees. And we need a lower cost and focus on prevention by rewarding quality over quantity.

I know we can pass real comprehensive health care reform.

SPECIAL ORDERS

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

THE VETERANS ADMINISTRATION AND GOVERNMENT RUN HEALTH CARE

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

Mr. POE of Texas. Madam Speaker, as dangerous to the public's health and well-being as government-run health care is in Europe and Canada, we have our own American example that has some very serious problems. Last month there was a surprise inspection at Veterans Affairs clinics in the United States. The surprise inspections exposed that fewer than half of those clinics followed proper standards for colonoscopies.

Some mistakes could have exposed veterans to HIV and other diseases. Let me repeat: Less than half followed proper medical standards for colonoscopies.

Since February, the VA has informed 10,000 veterans in three States to get retested. More than 50 patients tested positive for infections, including some with HIV. But that's just the beginning of the medical malpractice by the VA.

VA patients with prostate cancer were put through their own particular set of horrors. In Philadelphia, a patient received a common surgical procedure where a doctor implants dozens of radioactive seeds to attack the cancer.

But the doctor's aim was more than a little off. Most of the radioactive seeds, 40 of them to be exact, ended up in the patient's healthy bladder instead of the prostate. The mistake was a serious one, and under Federal rules it was investigated by the bureaucrat regulators. The regulators allowed the doctor to rewrite his surgical plan to make his mistake just disappear.

In the private sector, somebody would have been held accountable for this negligence, but not with government-run health care VA style. They cover up their errors.

The patient had to undergo a second radiation implant. This time the unintended dose ended up in his rectum. Once again, more negligence. Two years later in 2005, the same doctor made the same mistake, putting more than half of the radioactive seeds in the wrong organ, and again the bureaucrat regulators did not object when he once again rewrote his surgical plan to cover up his mistake.

Had the bureaucrat regulators actually done their jobs, they would have uncovered what the media calls a rogue cancer unit. This one Philadelphia VA hospital, botched 92 of 116 treatments over 6 years, then covered it up.

Let me repeat, Madam Speaker, the VA government health care hospital in Philadelphia medically erred in 92 of 116 cancer treatments. The medical team continued to perform these radiation implants, even though for over a year the equipment that measured whether or not the patient had received proper radiation dosage was broken. Records proved that the radiation safety committee at the veterans hospital knew of this problem but took no action.

In Philadelphia, 57 of the implants delivered too little radiation to the prostate, either because the seeds were planted in the wrong organ or were not distributed properly inside the prostate. Thirty-five other cases involve overdoses to other parts of the body. An unspecified number of patients were both underdosed in the prostate and overdosed somewhere else in their body. This is a horrible way to treat America's veterans.

Another patient, 21-year veteran of the Air Force, had to remain in bed 6 months with pain so severe he couldn't even stand. He lost his job as a pastor at a local church and all of his income, thanks again to the incompetence of the Veterans Administration.

Adding insult to injury, this 21-year veteran of the Air Force didn't learn of the radiation injury from the Philadelphia VA hospital. He found out when he sought treatment in Ohio at a hospital where he underwent major surgery to treat the damage.

Because the bureaucrat regulators were covering up for the VA, it took a private hospital to not only diagnose but treat his injury. That is right, Madam Speaker, the good old private sector saved the veteran where the VA just took a pass.

The New York Times conducted its own examinations. They found that none of the safeguards that were supposed to protect veterans from poor medical care had worked. They also found none of the botched implants in Philadelphia were reported properly. So the errors weren't investigated for weeks, months and sometimes years.

During that time, many patients did not know their cancer treatments were flawed by our government-run health care. The regulators are now looking into the flawed implants in other government-run VA hospitals in Mississippi and Ohio. Who knows what they will find out there about the way government treats our veterans.

Madam Speaker, the Veterans Administration is a government-run health care program that treats our veterans cavalierly in these examples. Veterans should be able to go to any doctor or any hospital to be treated and not bound and tied to VA hospitals. And, also, this is a prime example of how things will be when the government takes over the health care of all Americans. Do we really want the government to control our health care? Not a healthy idea for Americans or for veterans.

And that's just the way it is.

CREATE A SAFE AND SOUND CREDIT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the first goal of our banking system, as opposed to a securities system, should be to create a safe and sound credit system, one that promotes responsible savings and lending practices. In this system, the availability of credit is crucial, and that's what's missing today across our country. Earlier today, Vice President JOE BIDEN held a town hall meeting in the Toledo, Ohio, area. He heard from Governor Ted Strickland and others that one of the biggest economic challenges facing Ohio remains an inability of businesses to obtain the credit they need. The reason is because our banking system suffered a heart attack last year and still hasn't fully recovered.

Safe and sound credit and prudent financial behavior by individuals and institutions should be our Nation's financial system's primary purpose. The administration's priorities tell me it plans a much larger role for higher-risk securities in whatever system they are envisioning, which to me threatens more higher-risk behavior. Banks traditionally have served as intermediaries between people who have money, depositors, and those who need money, borrowers.

The banks' value-added was their ability to loan money sensibly within parameters of $10 of loans with every dollar on deposit and thus sensibly and responsibly managing their deposits and collecting on the loans that they were to oversee.

Wall Street's high-risk securitization destroyed that system. The banks didn't much care about making sensible loans as long as they could sell them off somewhere. The regulators were not on top of this because the loans were off the banks' books. So why would the regulators care? These loans were now somebody else's problem, not theirs.

Where has the epidemic of securitization taken us?

Well, if you look at the government-backed Freddie Mac and Fannie Mae secondary markets, they became the larger purchaser of securitized mortgages. In case you forgot, its we, the taxpayers, who own both Fannie Mae and Freddie Mac.

But these securitized mortgage bodies bought too many bad loans, which contributed to those institutions' downfall. Who is profiting from this? Because, yes, there are certain organizations that are profiting royally from the downfall of Freddie Mac and Fannie Mae. It is not our constituents, it's not our Treasury, which collects our tax dollars.

There are four entities at least that are profiting, and I would like to target on one tonight, BlackRock. That's a company that isn't a bank. And why on that one in particular? Because its current CEO Lawrence Fink coincidentally, some might say, sold Freddie Mac its first $1 billion in collateralized mortgage obligations. Euromoney.com states, ''Larry Fink is one of the pioneers of the mortgage-backed securities market. As a trader at [then] First Boston a quarter of a century ago, he pitched the first collateralized mortgage obligation that Freddie Mac ever did.''

So Larry Fink had a hand in making financial instruments that have brought Freddie Mac and our financial system to its knees, yet the company he leads now profits from his mistake.

Now BlackRock just won a big contract with the Federal Reserve Bank of New York to manage the toxic assets of Freddie Mac and Fannie Mae in their collateralized mortgage obligations.

It's a mess that he help to create, but now we have hired the same man to clean it up? One question I have to ask is how can we be sure he isn't self-dealing or covering up what he did in the last quarter century? Some might say that relationship is a bit incestuous.

The administration's financial regulatory reform proposal includes some consideration for dealing with too-big-to-fail institutions but, rather than create an architecture that keeps risk in hand, what they are doing is they are allowing institutions like BlackRock to become too big to fail.

In fact, BlackRock's assets are now larger with the purchase of Barclays than the entire Federal Reserve system itself. So BlackRock, although not a bank, is getting too big to fail, perhaps? Is BlackRock favoritism an example of how we should be rebuilding our financial system?

Paul Krugman thinks not. He states, ''In short, Mr. Obama has a clear vision of what went wrong, but aside from regulating shadow banking, no small thing, to be sure, his plan basically punts on the question of how to keep it from happening all over again, pushing the hard decisions off to future regulators.''

Now is not the time to punt. It's the time for reform. The time the has been not as ripe since Roosevelt. We really need a President who will lead and a Congress as well, not following the guidance of Wall Street, but going back to prudent lending and recreating a safe and sound banking system across this country.

[From the New York Times, June 19, 2009]

OUT OF THE SHADOWS

(By Paul Krugman)

Would the Obama administration's plan for financial reform do what has to be done? Yes and no.

Yes, the plan would plug some big holes in regulation. But as described, it wouldn't end the skewed incentives that made the current crisis inevitable.

Let's start with the good news.

Our current system of financial regulation dates back to a time when everything that functioned as a bank looked like a bank. As long as you regulated big marble buildings with rows of tellers, you pretty much had things nailed down.

But today you don't have to look like a bank to be a bank. As Tim Geithner, the Treasury secretary, put it in a widely cited speech last summer, banking is anything that involves financing ''long-term risky and relatively illiquid assets'' with ''very short-term liabilities.'' Cases in point: Bear Stearns and Lehman, both of which financed large investments in risky securities primarily with short-term borrowing.

And as Mr. Geithner pointed out, by 2007 more than half of America's banking, in this sense, was being handled by a ''parallel financial system''—others call it ''shadow banking''—of largely unregulated institutions. These non-bank banks, he ruefully noted, were ''vulnerable to a classic type of run, but without the protections such as deposit insurance that the banking system has in place to reduce such risks.''

When Lehman fell, we learned just how vulnerable shadow banking was: a global run on the system brought the world economy to its knees.

One thing financial reform must do, then, is bring non-bank banking out of the shadows.

The Obama plan does this by giving the Federal Reserve the power to regulate any large financial institution it deems ''systemically important''—that is, able to create havoc if it fails—whether or not that institution is a traditional bank. Such institutions would be required to hold relatively large amounts of capital to cover possible losses, relatively large amounts of cash to cover possible demands from creditors, and so on.

And the government would have the authority to seize such institutions if they appear insolvent—the kind of power that the Federal Deposit Insurance Corporation already has with regard to traditional banks, but that has been lacking with regard to institutions like Lehman or A.I.G.

Good stuff. But what about the broader problem of financial excess?

President Obama's speech outlining the financial plan described the underlying problem very well. Wall Street developed a ''culture of irresponsibility,'' the president said. Lenders didn't hold on to their loans, but instead sold them off to be repackaged into securities, which in turn were sold to investors who didn't understand what they were buying. ''Meanwhile,'' he said, ''executive compensation—unmoored from long-term performance or even reality—rewarded recklessness rather than responsibility.''

Unfortunately, the plan as released doesn't live up to the diagnosis.

True, the proposed new Consumer Financial Protection Agency would help control abusive lending. And the proposal that lenders be required to hold on to 5 percent of their loans, rather than selling everything off to be repackaged, would provide some incentive to lend responsibly.

But 5 percent isn't enough to deter much risky lending, given the huge rewards to financial executives who book short-term profits. So what should be done about those rewards?

Tellingly, the administration's executive summary of its proposals highlights ''compensation practices'' as a key cause of the crisis, but then fails to say anything about addressing those practices. The long-form

version says more, but what it says—''Federal regulators should issue standards and guidelines to better align executive compensation practices of financial firms with long-term shareholder value''—is a description of what should happen, rather than a plan to make it happen.

Furthermore, the plan says very little of substance about reforming the rating agencies, whose willingness to give a seal of approval to dubious securities played an important role in creating the mess we're in.

In short, Mr. Obama has a clear vision of what went wrong, but aside from regulating shadow banking—no small thing, to be sure—his plan basically punts on the question of how to keep it from happening all over again, pushing the hard decisions off to future regulators.

I'm aware of the political realities: getting financial reform through Congress won't be easy. And even as it stands the Obama plan would be a lot better than nothing.

But to live up to its own analysis, the Obama administration needs to come down harder on the rating agencies and, even more important, get much more specific about reforming the way bankers are paid.

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TO DIE FOR A MYSTIQUE

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

Mr. JONES. Madam Speaker, thank you very much. Tonight, I want to take my time and refer to an article written by Andrew Bacevich. This was in the American Conservative of May 18, 2009. The title is ''To Die for a Mystique,'' subtitled ''The lessons our leaders didn't learn from the Vietnam War. I'm going to read two or three paragraphs and then close from this article.

''In one of the most thoughtful Vietnam-era accounts written by a senior military officer, General Bruce Palmer once observed, 'With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the United States' commitment.''

He further stated in the article, ''General Palmer thereby distilled into a single sentence the central lesson of Vietnam: to embark upon an open-ended war lacking clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again.''

I further read from the article, ''The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual conflict. We find ourselves in the midst of what the Pentagon calls the 'Long War,' a conflict global in scope (if largely concentrated in the Greater Middle East) and expected to outlast even General Palmer's 'Twenty-Five Year War.' The present generation of senior civilians and officers have either forgotten or inverted the lessons of Vietnam, embracing open-ended war as an inescapable reality.''

Madam Speaker, I submit this entire article for the RECORD.

[From The American Conservative, May 18, 2009]

TO DIE FOR A MYSTIQUE

(By Andrew J. Bacevich)

In one of the most thoughtful Vietnam-era accounts written by a senior military officer, Gen. Bruce Palmer once observed, ''With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the U.S. commitment.''

General Palmer thereby distilled into a single sentence the central lesson of Vietnam: to embark upon an open-ended war lacking clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again.

Palmer's book, which he titled ''The Twenty-Five Year War'', appeared in 1984. Today, exactly 25 years later, we once again find ourselves mired in a ''protracted war of an indeterminate nature with no foreseeable end to the U.S. commitment.'' It's déjà vu all over again. How to explain this astonishing turn of events?

In the wake of Vietnam, the officer corps set out to preclude any recurrence of protracted, indeterminate conflict. The Armed Forces developed a new American way of war, emphasizing advanced technology and superior skills. The generals were by no means keen to put these new methods to the test: their preference was for wars to be fought infrequently and then only in pursuit of genuinely vital interests. Yet when war did come, they intended to dispatch any adversary promptly and economically, thereby protecting the military from the possibility of public abandonment. Finish the job quickly and go home: this defined the new paradigm to which the lessons of Vietnam had given rise.

In 1991, Operation Desert Storm seemingly validated that paradigm. Yet events since 9/11, in both Iraq and Afghanistan, have now demolished it. Once again, as in Vietnam, the enemy calls the tune, obliging American soldiers to fight on his terms. Decision has become elusive. Costs skyrocket and are ignored. The fighting drags on. As it does so, the overall purpose of the undertaking—other than of avoiding the humiliation of abject failure—becomes increasingly difficult to discern.

The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual conflict. We find ourselves in the midst of what the Pentagon calls the ''Long War,'' a conflict global in scope (if largely concentrated in the Greater Middle East) and expected to outlast even General Palmer's ''Twenty-Five Year War.'' The present generation of senior civilians and officers have either forgotten or inverted the lessons of Vietnam, embracing open-ended war as an inescapable reality.

To apply to the Long War the plaintive query that Gen. David Petraeus once posed with regard to Iraq—''Tell me how this ends''—the answer is clear: no one has the foggiest idea. War has become like the changing phases of the moon. It's part of everyday existence. For American soldiers there is no end in sight.

Yet there is one notable difference between today and the last time the United States found itself mired in a seemingly endless war. During the Vietnam era, even as some young Americans headed off to Indochina to fight in the jungles and rice paddies, many other young Americans back on the home front fought against the war itself. More than any other event of the 1960s, the war created a climate of intense political engagement. Today, in contrast, the civilian contemporaries of those fighting in Iraq and Afghanistan have largely tuned out the Long War. The predominant mood of the country is not one of anger or anxiety but of dull acceptance. Vietnam divided Americans; the Long War has rendered them inert.

To cite General Palmer's formulation, the citizens of this country at present do appear willing to ''stand still'' when considering the prospect of war that goes on and on. While there are many explanations for why Americans have disengaged from the Long War, the most important, in my view, is that so few of us have any immediate personal stake in that conflict.

When the citizen-soldier tradition collapsed under the weight of Vietnam, the military rebuilt itself as a professional force. The creation of this all-volunteer military was widely hailed as a great success—well-trained and highly motivated soldiers made the new American way of war work. Only now are we beginning to glimpse the shortcomings of this arrangement, chief among them the fact that today's ''standing army'' exists at considerable remove from the society it purports to defend. Americans today profess to ''support the troops'' but that support is a mile wide and an inch deep. It rarely translates into serious or sustained public concern about whether those same troops are being used wisely and well.

The upshot is that with the eighth anniversary of the Long War upon us, fundamental questions about this enterprise remain unasked. The contrast with Vietnam is striking: back then the core questions may not have gotten straight answers, but at least they got posed.

When testifying before the Senate Foreign Relations Committee in April 1971, the young John Kerry famously—or infamously, in the eyes of some—asked, ''How do you ask a man to be the last man to die for a mistake?''

What exactly was that mistake? Well, there were many. Yet the most fundamental lay in President Johnson's erroneous conviction that the Republic of Vietnam constituted a vital American security interest and that ensuring that country's survival required direct and massive U.S. military intervention.

Johnson erred in his estimation of South Vietnam's importance. He compounded that error with a tragic failure of imagination, persuading himself that once in, there was no way out. The United States needed to stay the course in Vietnam, regardless of the cost or consequences.

Now we are, in our own day and in our own way, repeating LBJ's errors. In his 1971 Senate testimony, reflecting the views of other Vietnam veterans who had turned against the war in which they had fought, Kerry derisively remarked, ''we are probably angriest about all that we were told about Vietnam and about the mystical war against communism.''

The larger struggle against communism commonly referred to as the Cold War was both just and necessary. Yet the furies evoked by irresponsible (or cowardly) politicians more interested in partisan advantage

than in advancing the common good transformed the Cold War from an enterprise governed by reason into one driven by fear. Beginning with McCarthyism and the post-1945 Red Scare and continuing on through phantasms such as the domino theory, bomber gap, missile gap, and the putative threat to our survival posed by a two-bit Cuban revolutionary, panic induced policies that were reckless, wrong-headed, and unnecessary, with Vietnam being just one particularly egregious example.

The mystical war against communism finds its counterpart in the mystical war on terrorism. As in the 1960s, so too today: mystification breeds misunderstanding and misjudgment. It prevents us from seeing things as they are.

As a direct result, it leads us to exaggerate the importance of places like Afghanistan and indeed to exaggerate the jihadist threat, which falls well short of being existential. It induces flights of fancy so that otherwise sensible people conjure up visions of providing clean water, functioning schools, and good governance to Afghanistan's 40,000 villages, with expectations of thereby winning Afghan hearts and minds. It causes people to ignore considerations of cost. With the Long War already this nation's second most expensive conflict, trailing only World War II, and with the federal government projecting trillion-dollar deficits for years to come, how much can we afford and where is the money coming from?

For political reasons the Obama administration may have banished the phrase ''global war on terror,'' yet the conviction persists that the United States is called upon to dominate or liberate or transform the Greater Middle East. Methods may be shifting, with the emphasis on pacification giving way to militarized nation-building. Priorities may be changing, Af-Pak now supplanting Iraq as the main effort. But by whatever name, the larger enterprise continues. The president who vows to ''change the way Washington works'' has not yet exhibited the imagination needed to conceive of an alternative to the project that his predecessor began.

The urgent need is to de-mystify that project, which was from the outset a misguided one. Just as in the 1960s we possessed neither the wisdom nor the means needed to determine the fate of Southeast Asia, so today we possess neither the wisdom nor the means necessary to determine the fate of the Greater Middle East. To persist in efforts to do so—as the Obama administration appears intent on doing in Afghanistan—will simply replicate on an even greater scale mistakes like those that Bruce Palmer and John Kerry once rightly decried.

I further read and want to close and then make a few comments with this. This is the last paragraph. Let me say about Andrew Bacevich, he, himself, was a Vietnam veteran. He, himself, was a veteran of Desert Storm. He, himself, taught at West Point. He lost a son in 2007, a young lieutenant who was killed in Iraq. So I think he brings great credibility to this article that he has written.

This is the last paragraph in the article. ''The urgent need is to demystify that project, which was from the outset a misguided one. Just as in the 1960s we possessed neither the wisdom nor the means needed to determine the fate of Southeast Asia, so today we possess neither the wisdom nor the means necessary to determine the fate of the Greater Middle East.

''To persist in efforts to do so—as the Obama administration appears intent on doing in Afghanistan—will simply replicate on an even greater scale mistakes like those that Bruce Palmer and JOHN KERRY once rightly decried.''

Madam Speaker, I bring this forward because my friend from Massachusetts, JIM MCGOVERN, has put a bill in that would say simply to the Secretary of Defense: You need to come to the Congress and tell the Congress what the exit strategy is for Afghanistan. Some people would say end point.

Let me briefly explain, having an exit strategy and saying that to the Congress, you don't have to say in 2009, 2010, or 2015 or 2020, but tell the American people where we are going when we send our young men and boys and girls to die in Afghanistan without a plan, without benchmarks.

So, Madam Speaker, I don't know if Mr. MCGOVERN's amendment has been approved for debate tomorrow on the Armed Services bill, but I want to thank Mr. MCGOVERN for bringing this to the attention of the American people and the Congress, because we need to have benchmarks. We need to have an end point to the strategy in Afghanistan.

The military, I know, from marines down in my district, will tell you that our military is tired. They're worn out. They'll keep going back and forth, back and forth because they love this Nation and they love defending America. But we've got to be realistic about breaking the military, because we have got North Korea over here threatening. We've got the Chinese. We don't know what they might do. Yet we need to have a plan for victory in Afghanistan. We cannot do what the Bush administration did in Iraq and keep going on and on.

Madam Speaker, as I close, as I do every night on this floor, I have signed over 8,000 letters to families and extended families who have lost loved ones in Afghanistan and Iraq. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Madam Speaker, I ask three times; God, please, God please, God, please continue to bless America.

REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. KAPTUR, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–181) on the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

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

Mr. MORAN of Kansas. From its very beginning in the House Energy and Commerce Committee, H.R. 2454, the American Clean Energy and Security Act of 2009, has been forced upon Members of Congress with little time to consider the significant and potentially damaging consequences of this legislation.

On June 12th of this month, the Committee on Agriculture, on which I serve, held a 7-hour hearing to review this bill. We quickly learned that there is little solid economic analysis on how this legislation will affect our economy. Preliminary evidence makes it clear it will increase the cost of energy and, with it, the cost of everything we use in our lives on a daily basis.

We do know that the Congressional Budget Office has said this bill will raise government revenue by $846 billion over the next 10 years. In everyday terms, that means a huge tax increase. $846 billion, however, is just the beginning.

H.R. 2454 is permanent, and after the 10-year period analyzed by the CBO, free carbon allowances are phased out, auctioned carbon allowances are phased in, and total allowances are reduced. This means that future generations will be forced to pay much more than that indicated in the initial 10-year budget estimate.

Although billed as cap-and-trade, in reality Waxman-Markey is a cap-and-tax bill. Instead of government directly levying a tax, this legislation disguises that tax as a carbon allowance auction that subsequently requires electrical generation companies, petroleum, and other biofuel refiners, manufacturers, and others to collect the tax through increased costs.

The consequences go far beyond the price and our ability to turn on the lights in rural America. Kansans, who must always travel great distances to work, to school, and to receive their medical care, will pay disproportionately compared to those who have shorter distances to travel and can use public transportation.

Some had hope that agriculture and rural America would actually benefit,

somehow be made whole under this legislation. Under Waxman-Markey, this clearly is not the case.

Despite great potential for agriculture to sequester carbon, agriculture is not mentioned once in the section that defines offsets. Instead, H.R. 2454 directs the EPA to define the world of carbon offsets. This will lead to few benefits for farmers and ranchers and will allow the EPA to further intrude upon our farms.

EPA has consistently made harmful decisions that fail the test of common sense. Unless agricultural offsets are expressly defined and sole authority is given to the Department of Agriculture, farmers will never see benefits from this legislation.

But even if those offsets are defined and USDA is given that authority, it is difficult to see how agriculture will overcome the increased cost of inputs caused by this cap-and-tax system. In the best case scenario under Waxman-Markey, a farmer could mitigate 10 to 50 percent of the cost of the legislation. In the worst case scenario, farmers and ranchers could find themselves unable to access the carbon offset market at all and be forced to bear the full cost of this legislation. Either way, any hope for profitability in agriculture is bleak.

I am especially concerned about the livestock sector. Unlike crop farmers, ranch operations and feed yards have few opportunities to accumulate carbon – offsets.

Much emphasis has been placed upon our Nation's economic recovery since the market collapse of last fall. This bill is almost certain to destroy any chance of economic recovery if enacted in its current form.

Congress should be allowed to obtain sound technical and economic analysis and address this legislation's many, many, many flaws. If further legislative debate is denied, then we must do what common sense demands and defeat this bill. Congress rarely gets things right when we have ample time to properly consider policy changes, but it has never made good decisions when rushed by arbitrary timetables.

Congress should abandon the current pace set by the Speaker of the House. Otherwise, Members of Congress will have abdicated their responsibilities and farmers and ranchers, rural America, and in fact, the entire country will suffer the consequences.

HER NAME WAS NEDA: A GENERATIONAL CHANCE FOR FREEDOM

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

Mr. MCCOTTER. Her name was Neda. In Farsi, it means ''the voice.'' True to her name, she loved music, sought freedom, and she's dead, shot down in the streets by the Iranian regime's state-sanctioned murderers. She must not have died in vain.

Today, Iranians and Americans face a generational chance for freedom—one that ensures a rogue regime's implosion prevents a nuclear confrontation.

Regrettably, our President's ''post-American'' foreign policy presumes talk can thaw the murderous mullahs' hearts and attain a ''grand bargain'' for peace in our time; consequently, while Iranians demanded their freedom from a barbarous regime, the President vapidly opined: ''It is up to Iranians to make decisions about who Iran's leaders will be. We respect Iranian sovereignty.''

Then, as the crisis escalated, the President optimistically noted, ''You've seen in Iran some initial reaction from the supreme leader that indicates he understands the Iranian people have deep concerns about the election. And my hope is that the Iranian people will make the right steps in order for them to be able to express their voices, to express their aspirations.''

Tragically, the supreme leader's deep concern drove him to step on the throats of pro-democracy protestors, like Neda.

Next, on June 20, the President stated, ''The universal rights to assembly and free speech must be respected, and the United States stands with all who seek to exercise those rights.'' It was painfully evident just how far behind them he stood. ''The last thing that I want to do is to have the United States be a foil for those forces inside Iran who would love nothing better than make this an argument about the United States.''

With these contradictory statements of support and appeasement, the President returned to square one. ''The Iranian people will ultimately judge the actions of their own government. If the Iranian Government seeks the respect of the international community, it must respect the dignity of its own people and govern through consent, not coercion.''

In truth, the Iranian people have already judged the regime and found it wanting. The supreme leader, his cleric cronies and their puppet government have never respected the dignity of the Iranian people or governed through consent. This is why the regime stole the election and shoots peaceful, pro-democracy demonstrators. Implying otherwise mocks the Iranians risking and losing their lives for liberty.

As for the claim that American ''meddling'' in support of the demonstrators plays into the mullahs' hands, the Iranian regime will claim this regardless, for as our President noted, ''That's what they do.''

Yet, what matters is not what the regime says about America, but what the demonstrators think about America. Presently, brave Iranians watch as our President still holds an open hand to the regime that opened fire on them, that opened fire on Neda.

This is the passive, disastrous policy of Jimmy Carter that led to the rise of this rogue regime, not the courageous policy of Ronald Reagan that led to the demise of an evil empire.

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The surest, safest termination of Iran's nuclear weapons program and support of terrorism is to hasten this fanatical tyranny's collapse by supporting its people's liberty. Taking its rightful place amongst the community of free nations, a democratic Iran will necessarily realize and reverse the insanity of this terrorist regime's homicidal obsession with nuclear weapons. Thus, for their and our security, the United States and the world must do everything in our power to further the Iranian demonstrators' sacred claim to freedom. We know Neda did.

Further, in the grand strategy of our war for freedom over terrorism, how we aid pro-democracy Iranians will remind the world of who we are. We are Americans, the revolutionary children of freedom who have lived and died defending our liberty and extending it to the enslaved and oppressed. We will do no less today in support of our Iranian brothers and sisters.

Today Neda's voice calls to our consciences and warns that the fate of Iranians' liberty is entwined with the fate of America's security. We must not miss this generational chance for freedom; again, one that ensures a rogue regime's implosion, prevents a nuclear confrontation, and ensures that Neda and all of liberty's martyrs shall not have died in vain. As Americans, we must seize this moment and help Iranians seize their freedom. That's what we do.

HAYNESVILLE SHALE HYDRAULIC FRACTURING

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

Mr. FLEMING. Madam Speaker, like most of America, I support an all-of-the-above solution to this Nation's energy needs. I believe we can have it all when it comes to energy. We can aggressively pursue renewable energy, nuclear energy and other innovative alternatives while continuing efforts to expand our domestic supply of fossil fuels. We live in a country rich in energy sources, and Congress should encourage production from all available resources and technologies.

Tonight I'd like to focus on a reliable, clean-burning alternative fuel which is in extraordinary abundance right under our feet in this country, and that is natural gas.

Located in my district in northwest Louisiana, recent estimates have projected the Haynesville Shale contains 234 trillion cubic feet of potential natural gas production. This would make it the largest natural gas play in the United States and one of the largest in the world, the equivalent of 18 years' worth of U.S. oil production.

I want to point out to you, the crosshatch area is the so-called Haynesville Shale. As you can see, it overlies several parishes in Louisiana as well as several counties in Texas, a very wide area. Now of course for those listening, shale is nothing more and nothing less than a rock formation deep down in the Earth, somewhere around 2 miles in depth, that acts like a sponge that's full of either gas or oil, and sometimes both. Today we have great methods of extracting fossil fuels from the shale.

But let me turn to some more statistics regarding the Haynesville Shale. It's provided massive injections of capital into the Fourth Congressional District of Louisiana, my district. It's pumped $4.5 billion into the economy in FY 2008. It's created nearly $3.9 billion in household earnings in the same year. The greatest impact on indirect and household earnings was experienced by workers in the mining sector, with new household earnings of $191.3 million in 2008. It's created over $30 million in new earnings in seven separate sectors. Number one, mining, $191.3 million; health care, $56.7 million; management, $46.6 million; professional, scientific and technical services, $38.5 million; retail trade, $35.7 million; manufacturing, $33.5 million; and construction, $31.8 million.

It directly and indirectly created over 32,000 jobs. The new jobs created by the extraction activities in the Haynesville Shale are widely dispersed across industries. Large impacts have been felt in utilities, 5,229 jobs; mining 3,808; health care, 3,496 jobs; and retail trade, 3,433.

Those are a lot of numbers, but I think you understand that the magnitude is what counts here. Conservative estimates report that State and local tax revenues increased by at least $153.3 million in 2008 due to the extraction activities of the Haynesville Shale. Needless to say, Louisiana is not suffering from the effects of the recession, unemployment, or real estate that many other States are today, largely due to the Haynesville Shale. Some parishes are reporting a 300 percent increase in sales tax collections.

I wanted to talk a moment about how we get the natural gas out of that shale that we're talking about that's 2 miles deep in the Earth. The method is called hydraulic fracturing, or ''hydrofracking'' is a more common term. This method has been used for over 60 years and is responsible for 30 percent of America's recoverable oil and gas. Of wells currently operating today, over 90 percent have been fractured at least once.

Environmentalists and their allies in Congress are escalating their assault on affordable and reliable energy with the legislation that would place regulation of hydraulic fracturing under the Safe Drinking Water Act, SDWA, a law that was never intended for this purpose. This legislation would have far-reaching negative impacts on energy, energy producers and consumers alike. For years this process has been safely and effectively regulated by individual States; and of the more than 1 million wells fractured, not a single case of drinking water contamination has ever been recorded.

In my State of Louisiana, three different agencies have oversight related to this process. So you see, it's not an unregulated process to begin with. First is the Office of Conservation of the Louisiana Department of Natural Resources, then the Louisiana Department of Environmental Quality and, finally, the Department of Health and Hospitals, which tests potable water. Additionally, these agencies already work closely in association with existing Federal regulations under the EPA. As illustrated in these graphics, current industry practices ensure multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

Fresh water aquifers are located relatively close to the surface. In the Haynesville shale, for instance, the Wilcox aquifer is found at depths between 200 and 600 feet.

The practice of hydrofracking takes place at a depth of over 10,000 feet or roughly 2 miles.

To put this into perspective, the distance between the aquifer and the hydrofracking equals about 33 footballs fields or 8 Empire State Buildings stacked on top of each other.

To ensure that neither the fluid pumped through the well, nor the oil or gas collected, enters the water supply, steel casings are inserted into the well to depths of between 1,000 and 4,000 feet.

Oil and gas companies are required to set protective surface casing well beyond the water table. For example, in the Haynesville Shale, surface casing must be set at a minimum of 1,800 feet.

The space between this first casing string and drilled hole is filled with cement.

The casing, cement specifications and cementing process are governed by state and federal regulations as well as industry standards. In every case this process is supervised by state agency officials.

Federal regulation of ''hydrofracking'' under the EPA would result in a sharp increase in costs to small and independent producers, as well as a dramatic decrease in output and job creation.

Production in large shale plays such as the Haynesville Shale in Louisiana, the Barnett in Texas and the Marcellus Shale in the Northeast U.S. would essentially grind to a halt and billions of dollars in federal and state tax revenue would be lost.

It is crucial that Congress recognize what resources, such as the Haynesville Shale, will play in this country's long-term economic and national security.

THE TRIPLE PLAY ALTERNATIVE TO CAP-AND-TRADE

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

Mr. INGLIS. Last night in Spartanburg, South Carolina, we had a town meeting; and folks were joining in this debate we will be having here this week in Washington about climate legislation. There were folks who spoke passionately about the need to take action, and I'm in agreement with them. There is a need to take action and to discharge a stewardship obligation. Then there were others who really didn't buy the science of climate change. And so there was a good discussion, a good debate. There's going to be a debate here on this House floor, perhaps by the end of the week.

Madam Speaker, what I'd like to say tonight is that there is a need to act. There is a need to act in a way that wins a triple play for this century in America. If we play this right, it really is an opportunity to do three things simultaneously. One, improve the national security of the United States; two, create jobs; and three, clean up the air.

So let's hear about the triple play. It starts by stopping the current cap-and-trade proposal. The problem with cap-and-trade is: It's a massive tax increase in the midst of a recession; it's a Wall Street trading scheme that would make traders on Wall Street blush; and it punishes American manufacturing because the tax—the cap-and-trade, which is essentially a tax—is applied only to domestically produced goods and not to imported goods. So if that's the case, if it's really not going to accomplish what we want to accomplish, what would be better? I think it's important that those of us who are opposed to cap-and-trade come with something better. The ''better'' that I would propose is this: It's a revenue-neutral tax swap. Basically what we would do is we would reduce FICA taxes. That's the payroll taxes on your paycheck. You reduce those; and in an equal amount, you impose a tax on carbon dioxide. There's no additional take to the government, so it's revenue-neutral. You apply this transparent tax—it is admittedly a tax—to imported goods as well as domestically produced goods. The result is, there is one less reason to export productive capacity from the United States; and we achieve this triple play. We can simultaneously create jobs by propelling these new technologies with the alternative energies and fuels of the future. We can improve the national security of the United

States by breaking the addiction to oil. That will only come when the economics work out for the competing technologies. Currently the incumbent technology—gasoline, in the case of transportation fuel—has these negative externalities that aren't recognized. If they were recognized, if they were attached to the price of that product, the national security risks we are running, the environmental problems that it causes, the small particulates—even if you don't buy the climate change argument, the small particulates are quantifiable and real—if you attach all those negative externalities to that product, suddenly the marketplace could deliver competing technologies; and the fuels of the future could take off and could lead us to these jobs of the future and to clean up the air.

Madam Speaker, this is a fabulous opportunity. It starts with stopping the current cap-and-trade proposal. And then we come together, Republicans and Democrats, to find a better solution. I think we can find it in a revenue-neutral tax swap that makes free enterprise able to lead us into the fuels of the future.

HONORING FIRST SERGEANT JOHN BLAIR

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

Mr. GINGREY of Georgia. Madam Speaker, I rise to honor an American hero and a patriot who gave his life in defense of our Nation while serving with the Georgia National Guard in Afghanistan.

First Sergeant John Blair from Calhoun, Georgia, in my 11th Congressional District, was killed in action on June 20, 2009, just this past Saturday, when a rocked-propelled grenade struck his vehicle during an hour-and-a-half-long firefight with enemy forces after the convoy, which he was leading, was ambushed. Eyewitness accounts from soldiers serving alongside Sergeant Blair credit his actions with saving the lives of many of his fellow soldiers during the ambush. And as a credit to his leadership, his men kept their cool and they did their jobs, even after their commanding officer fell.

□ 2030

Blair has been described as a true leader, Madam Speaker, both for the American troops who served with him, as well as the 1st Brigade of the Afghan National Army's 203rd Corps who he was in charge of mentoring.

I want to quote a couple of lines that were written about Sergeant Blair in the military publication, ''Stars and Stripes'': ''Blair was their leader. He was tough, unrelenting. He cursed and reprimanded and gained not just their respect, but their fondness during the months of training for their deployment in Afghanistan. He could be harsh, but was fair and imparted to his men a sense of their potential.''

Other soldiers have echoed these comments, describing how Blair pushed them beyond their comfort levels to be their best and was even like a father figure for many of them.

Madam Speaker, Sergeant Blair carried these same characteristics to his service as a Gordon County sheriff's deputy and a Drug Task Force officer for many years in Calhoun, Georgia. In addition to his great service to our Nation and his community, John Blair was also a dedicated family man who was looking forward to spending quality time with his grandson when he returned home. What an amazing example of courage, selflessness and a love of country that Sergeant Blair provided, not only for his young grandson but, Madam Speaker, for all of us.

My prayers go out to his family. My deepest gratitude goes out to First Sergeant Blair for his selfless sacrifice for our Nation. I ask all Members to join me in honoring the distinguished memory of First Sergeant John Blair.

CAP AND TRADE ALL OUR JOBS TO CHINA

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

Mr. SOUDER. Madam Speaker, I come tonight a little stunned. Quite frankly, I didn't think the energy bill, the cap-and-trade bill, would actually ever reach a point where it would come before the House and for that matter the Senate. When we are in the unemployment state that we are in right now in America, it seems rather ridiculous to be bringing bills that would put so many hardworking people out of work.

The cap-and-trade bill, or as many of us call it, the cap-and-tax bill, are what a manufacturing district like mine would call a ''cap and trade our jobs to China bill.'' We are just reeling right now. Honestly, to talk about my district for a second, I have eight counties. The mean of unemployment in those counties is 15 percent. Two of the counties, Elkhart and LaGrange, are at 19 percent. Let me tell you about my best county. My best county, Allen County, my home, anchored by Fort Wayne with a little under 300,000 people, has an unemployment rate of approaching 11 percent. We have one of the biggest pick-up plants in the world that produces the Silverado and the Sierra. So I have been fighting hard to make sure that they are not knocked out of business. Our largest property tax payer, the GM plant is the second largest, is a mall that is part General Growth Properties. That is in chapter 11.

One of our large employers is a financial company that has 1,900 jobs, and they have applied for TARP funds. We are struggling with auto parts. The Fort Wayne Foundry, over 100 years in business, has just closed three plants because they are a major GM and Chrysler supplier and couldn't make it through the shut-downs after 100 years.

Now we are being asked to tax them through their energy. Now let me talk a little bit about how we get our energy in Indiana. We are 85 percent coal. We are 15 percent nuclear. The Heritage study showing impact by congressional district says that my congressional district is the number one damaged district.

The new figures from the National Association of Manufacturers this week show that my district is the number one manufacturing district. It is unusual. If you came to northeast Indiana, and I represent basically Fort Wayne up to South Bend going along the Michigan line and the Ohio line, if you came to my district, you would drive through an area where you would see lots of water, rivers, 100 lakes in Koskiusko County, 100 lakes in Steuben County. And in between that water is beautiful, green farmland. We aren't dry and parched like much of America. We have a very green area that gives us water, which is essential to most manufacturing. You can't build major manufacturing facilities where there isn't adequate water. And people still farm. We don't have the great big corporate farms. We have many small farms. Because one person from each family, sometimes even multi-families on a small farm, will be working at different auto parts plants, plastic parts plants and RV plants scattered throughout my district, thousands and thousands and thousands. They are at a direct threat.

Let me talk a little bit more about our energy. I have been to the alternative energy labs in Colorado, at Sandia Labs in New Mexico, and at the major places where we look at alternative energy. Indiana cannot get wind power. We don't have a way to get to 20 percent or such high figures in the traditional alternative energy. Some of my friends I have known for many years are putting in one of the biggest wind farms. It is the second most windy area in the State of Indiana. It is going to be miles and miles. We will be lucky to get to four percent if we build every windmill you can build in the State of Indiana. In solar, we don't get as much sun as Arizona and Nevada. We are pushing solar energy as hard as we can. One of my good friends has a new solar company working with the Germans that can get better solar power at homes.

But let's get this straight. I have two Steel Dynamics plants, the most efficient steel process in the United States, five Nucor plants and Valbruna

Steel. SDI, in one of their plants, takes as much energy as the City of Fort Wayne with nearly 250,000 to 300,000 people in it and everything therein. You cannot power a steel plant with solar panels or windmills. If we are going to make things in America, if we aren't going to ship everything in our country to China, we have to have reasonable, workable energy strategies.

I have been working on alternative energy since I came to Washington. There is a company in Fort Wayne that has been highlighted in the New York Times and all the other publications on geothermal called ''Water Furnace.'' California alone could save seven power plants by using geothermal. We need to push in every appropriations bill in every different way geothermal. I have an amendment proposed in the armed services bill to have many of our military facilities use geothermal.

I am working with Parker-Hannifin and Regal Boloit to improve air conditioning. Regal Boloit has a green energy process that saves 15 percent of energy in air conditioning. Parker-Hannifin, through an earmark and their own funds, has been working and they think they can get 20 percent more power out of wind turbines. Guardian makes windshields. It is converting part of one of their plants and working with Spain and other places to make windshields and to make solar panels that don't crack and are more efficient.

We are looking at major breakthroughs. But we cannot destroy the manufacturing base of America.

THE CONCEPT OF THE DIRECTION OF LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

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

Mr. CARTER. I thank the Speaker for allowing me to speak tonight. I'm back again to talk about issues that are important, I think, to this House. They are important to the American people, and they are especially important to the concept of leadership in this House of Representatives and just where it is going to go.

I want to go back for a moment before we go into current events and talk about some past events, when the Democratic majority took over the House of Representatives. In the lead-up prior to that time, we were having these speeches made by the presumed new Speaker of the House, Ms. PELOSI, about what we could expect from the new Congress. Now, this is not the first time I have mentioned this. But let's remind you again, to all the Members of this House, this is a quote from NANCY PELOSI in 2006: ''The American people voted to restore integrity and honesty in Washington, DC, and the Democrats intend to lead the most honest, the most open, and most ethical Congress in history.''

Now, this was the goal that was set up by the Speaker of the House. And she has now been serving as the Speaker of the House for two terms. And this was her mantra of what this House would stand for. And without getting off into the weeds of the internal politics of Rules Committee and stuff like that, which bores people to tears, I'm just talking about this honest, ethical and open-about-it Congress that we were promised.

In another speech, the Speaker of the House, the then presumed Speaker of the House, made the statement that what she was going to do was if the Democrats got to be in charge of this House, they were going to drain the swamp, that there was this culture of corruption that had created a swamp, and that they were going to drain the swamp and expose the corruption, and they were going to expose the misdeeds.

Now, I'm not here to tell you that there were not misdeeds that were brought forward. I'm not sure the Democrats had anything to do with exposing them. But they certainly came out through the process at that period of time. People went to prison, and rightfully so. They broke the law. But I will say that the leadership at that time went forward with those efforts, and they reached the unfortunate conclusion that several people went to prison. Several people had to leave the Congress.

But that doesn't mean because they found issues in the Republican Party that those were the only issues that were here. And for the last 6 or 8 weeks, I have been trying to say, who is going to look at these other issues? I'm not accusing anybody. I'm saying that accusations are being made by the press. Accusations are being made by other people. And they seem to fall on deaf ears. They seem to fall on the deaf ears of the leadership of the Democratic majority in this Congress. And they seem to fall upon the deaf ears of the so-called Ethics Committee, whose job it is to look into these things. And so we keep raising these issues wondering what is going on.

But now I have even more concerns. And these concerns are things that I think everybody is going to be concerned about. Because if you woke up on Sunday morning and you turned on the television, you saw that people are storming the streets of Iran. And people are getting killed because of an election. That is a pressure point now in our world that is as big a pressure point as Afghanistan or Iraq or any other place because it has the potential that nuclear weapons could be involved. We don't know exactly where Iran is on their development of their nuclear weapons, but we certainly know they are working on it. And they make no bones about it.

So we have got a possible nuclear power where there is a turmoil going on, and we are sort of sitting over here being quiet about it. And maybe that is the right thing to do. The President seems to be taking a position of kind of hands-off. And there certainly is a school that believes that is the right thing to do. And I'm not criticizing that. But I am saying that that is a thing that every American, and certainly every Member of this body, should be concerned about, because it could be a world-changing event that comes out of Iran. And it could be a world-changing event for the negative.

So why do I raise this? Well, that very same day, that very same day we heard more from our longtime adversary, the North Koreans. I'm ashamed to have to say this, but I'm old enough to remember the end of the Korean war. I was just a little kid, but I do remember. And we never made peace with the North Koreans. We made an armistice. We decided that we would time-out, no more war. And they went on their side of the 38th parallel, and the South Koreans went on our side of the 38th parallel.

Since that time, one of the great, miraculous transformations of an area has taken place in South Korea. And now when you visit South Korea, it is a prosperous nation. It has a functioning democratic government. And the South Koreans have a lot of bragging rights. They have a lot to be proud of.

Meanwhile, the North Koreans stayed in their same Soviet socialist-type republic, a communist regime. And, basically, with the exception of building a gigantic army, they have accomplished nothing since 1954, 1956, except to stir up a lot of trouble in that area and to develop nuclear weapons and a missile system.

Now, there are some that think that the North Koreans are just in this business to sell these weapons to other people and to give them something that they can trade, because they basically are practically without trade resources. But others like me fear that the North Koreans are just unstable enough that they can use the weapons in this army to kick open the doors to the second Korean war, or worse, a regional war.

□ 2045

They have done some things that in the past would have created havoc in countries. They fired missiles in the direction of Japan two or three times, and shot a couple of them over Japan. Here is a sovereign nation having a missile fired over their territory. They don't know what that missile is carrying or what it could do to their country if it came down. That is as close to

an aggressive act as I think you can get without hitting somebody.

And now they have announced to us specifically and to the world in general that they are going to test one of their longer-range missiles by firing it at Hawaii, a State in this Union. They could just as well be firing it at Idaho, or Alaska, or Texas, or Georgia or Maine. A sovereign State of this Nation—they have told us that they are going to fire a missile in that direction, basically at that State.

Now they are pompous and blowhards, but we don't know what they are really going to do. And we do know that they have tested nuclear weapons very recently, so they have nuclear capability.

Why do I bring these things up in relationship to the atmosphere created in this House by the failure of leadership to address issues that are part of draining the swamp? It is because I am going to make the argument that what has gone on in this House in the conversation between our Speaker and the CIA about who is telling the truth and who is not has a direct influence on these two Sunday morning news stories and others. Because yes, we folks sitting around the breakfast table, we get our information about what is going on in the world from the press. But you better hope, and having been a trial judge and told juries this for 20 years, you better hope that somebody is getting better information than what is in the press. And no offense to the press, but let's face it; they get it wrong once in awhile. And what we depend on is an intelligence system that doesn't get it wrong. We depend on an intelligence system that when they come to us and tell us that this is what our intelligence tells us, we feel that is fairly reliable news. We can't disclose it because it is top secret, but we can depend on our intelligence officials to come forward and give us information.

Now we have had this issue of enhanced interrogation of prisoners that has been an ongoing issue throughout the election, and now that the Democrats are in charge it continues to be, that we are a torturing Nation. Some people label it as torture and some people label it as enhanced interrogation. Whatever you call it, there was an issue whether or not the members of the Intelligence Committee of this House were informed about this when they started to do it.

Now those Members that have had the opportunity to speak have indicated, and that which was not top secret, that there were briefings on this issue. The Speaker of the House has said they are lying, I was never told about these enhanced interrogations. And she has repeated that until she realized, which we pointed out on the floor of the House, that lying to the United States Congress is a crime. Here is the statute: Except as otherwise provided in this section, whoever in any manner within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, makes any material, false, fictitious, fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false or fictitious fraudulent statement or entry, shall be fined under this title, imprisoned not more than 5 years if the offense involves international or domestic terrorism, as defined in section 2331, imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, of section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

Without going off on what is in these other sections, what this says, under our criminal law of the Federal Government, if you are lying about a material fact, and there can be nothing more material than the functions of our Intelligence Committee and our intelligence community and their relationship and whether or not something happened, and to accuse them of being unreliable and lying is accusing them of a crime.

By this accusation, by saying they didn't tell the truth, they never briefed me, she is accusing those people who did that, made that statement that we briefed of committing a crime. It may be a crime that only puts you in prison for 5 years and gives you a fine, or it could carry over to whatever these sections pertain to to carry it up to 8 years, or it could be as little as, what was the lowest, 4 years? I guess 5. Whatever it is, whatever the time, that incarceration for that period of time is serious incarceration. This is a serious accusation. These are serious contentions by the Speaker when she says: They didn't do that, they are lying.

They are lying to you, they are lying to the Congress, they are lying to the press. But most importantly, they are lying to Congress.

Now that is an issue that we should be concerned about because not just we need it resolved, and that is what I keep raising. I have been a judge in this country for 20 years, and its purpose is to resolve issues. My question is, who is going to resolve this issue? This issue needs to be resolved. Why does it need to be resolved? I gave you two examples: North Korea and Iran. Two hotspots boiling up. We are getting information. We should be, I assume we are getting, information from our intelligence community. If they are liars, can we trust them? Can we put the security of Hawaii on the shoulders of our intelligence community and trust their report as to whether or not there is a nuclear warhead on that missile that they have said they are going to fire at Hawaii? Can we, after the Speaker's accusations, trust this community? That's the question that I think we ought to be asking ourselves.

And once again, the 50th time I have probably said this in the last 6 weeks, what I am asking for is a place, someone to resolve these issues. And I have raised this resolution. The Speaker is the leader. She is the leader of this House, and she needs to resolve this issue. This is putting a crimp in our intelligence community. If I am an agent and I am reporting and I get accused of lying, I face criminal prosecution. And intelligence at its best is, like every other human endeavor, it has its flaws.

So once again, failure to show the leadership that it takes to resolve issues causes consequences we can't imagine until they look us in the face. And that is what I wanted to talk about here tonight. We have talked about the issues with Mr. RANGEL and the Rangel rule. And we have talked about issues of other Members of this Congress: Ms. WATERS, MOLLOHAN, MURTHA, VISCLOSKY, and all those guys. And I have talked about those issues and I have said, I don't know whether these accusations are true or not, but somebody needs to resolve them. If we are draining the swamp, someone needs to resolve those issues. If there is a lie going on to Congress and we are draining the swamp, somebody needs to drain that part of the swamp that has to do with this lie. That is what this is about. That is all I am trying to do. I am raising the question for you Members of this House and for the American public to think about.

What about this culture of corruption that obviously seems to be here? What about this issue of lying? It needs to be resolved. The security of our Nation is at stake.

I am not here by myself, and I have been talking way too long without recognizing a really good friend who has come down here to have a friendly visit about some of these issues that are unresolved, PHIL GINGREY from Georgia, one of my classmates and a good, close personal friend. And I yield to Mr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate the gentleman from Texas, Judge CARTER, yielding to me.

As the gentleman points out, this is a very, very serious time to be on the floor speaking to all of our colleagues on both sides of the aisle, and Representative CARTER and myself and others on our side of the aisle, as we bring these concerns to our fellow Members, Madam Speaker, it is not something that we do lightly. It is not something that we do lightly, and I hope my colleagues on both sides of the aisle understand that.

We have all grown up with the little sayings, the aphorisms or adages that you hear from your parents, or maybe at school or church, things like, If you live in a glass house, you shouldn't throw rocks. I remember my dad told me one time a story about Huey Long, the governor of Louisiana. I don't know whether it was in a reelection campaign or maybe even his first campaign for governor, he had a critic, maybe even an opponent in that race, a General Hugh Johnson, and General Hugh Johnson was awfully critical of Governor Huey Long and accused him of corruption and that sort of thing. Huey Long said to General Hugh Johnson something to the effect that, Don't criticize a speck in my eye if you have a plank in your own. In fact, Madam Speaker, that may be in Proverbs in the Bible as well. Maybe that is where Governor Huey Long got that from. But the point is you are reluctant, aren't we, we are reluctant to bring criticism against our colleagues knowing that we are not perfect. No one, indeed, is; except the one true Savior.

So it is a very serious thing when we come and express concern on the House floor about the action of our colleagues. But yet we are here tonight. We are obviously here tonight, and we are speaking about that. Judge CARTER, Madam Speaker, started off talking about the seriousness of the consequences of our integrity or lack of integrity as he talked about what happened years ago, and I remember it, too, in regard to the Korean Conflict, and then brought us into current time and talked about what is going on in North Korea now and what is going on in Iran.

The intelligence that we receive about things that are really bad things occurring across the globe has got to be wisdom, and it has got to be honest. You can't modify those two terms and say it is conventional wisdom or it is relative honesty. Wisdom and honesty don't have modifiers. It is either wisdom or it is not. It is either honest and truthful or it is not.

So as Judge CARTER talks about this situation with our distinguished Speaker of the House of Representatives in regard to whether or not what she said about the CIA was honest and truthful, or whether the CIA was honest and truthful in regard to their response, in fact John Podesta, I think, basically said, Look, the CIA spoke the truth.

□ 2100

The consequences, Madam Speaker, are so serious to this Nation, and indeed, to the world, that it is important. If you ask any citizen of this country and you say, ''Who do you think you depend on most to tell the truth, would it be the Speaker of the House or the Director of the Central Intelligence Agency?'' I'm not sure how most people would respond, Madam Speaker. I'm not sure how I would respond. You expect both of them, at that level of government, to be honest and truthful.

So it is disturbing to me as a Member of the House of Representatives, it's disturbing to me as a citizen of this country, as a dad, as a granddad, as a husband, as a father, to find out that maybe the Central Intelligence Agency is not telling the truth. And even worse than that, Madam Speaker, that possibly there is a pattern of the Central Intelligence Agency not telling the truth. That is just about as frightening a concept as you can possibly imagine.

What can we rely on? Should we have done what we did in Operation Enduring Freedom in regard to taking out al Qaeda and the Taliban and that regime change back in 2001, 2002 before Representative CARTER and I became Members of the Congress?

You know, it's a very, very disturbing thing, and that's why we're here tonight. And again, it is painful, but I'm not standing up here, Madam Speaker, I'm not standing up here saying that our Speaker, the Speaker, the first female Speaker in the history of this body who is now serving her third year as Speaker of the House of Representatives, I'm not saying that she was dishonest. I just simply am here to say we need to know, the American people need to know. And if the CIA lied once, even, but certainly if there was a pattern of giving misleading information to members of the Select Committees on Intelligence, then we've got some serious problems, Madam Speaker, we have some serious problems, and something needs to be done about that and needs to be done right now. Because, as Judge CARTER was saying, these things that are going on in Iran, in North Korea, and in other parts of the world, this can't wait. If we've got a problem, we need to solve this right now. So that's why we're here tonight.

And again, I appreciate my colleague from Texas for doing this gutsy thing because he's not perfect, Madam Speaker, and I'm not perfect. And again, I may have a little speck in my eye, you know, and the house I live in may have too much glass in it, but on the other hand, if we see things, and again, I'm not suggesting anybody—certainly not suggesting that our Speaker, the Speaker was lying, but if there's a problem, it needs to be brought forward for the betterment of this body. We owe that to the American people. We owe that to the American people.

Unfortunately, Madam Speaker, it seems that our House Committee on Standards of Official Conduct, the Ethics Committee, has been dysfunctional since the day I came here 7 years ago. I'm in my fourth term, Madam Speaker, and that body has been dysfunctional since the day I came here. It's supposed to be bipartisan. You have five members of each party, and yet we seem to be just sweeping things under the rug and not addressing problems like we should.

I'm going to yield back to the gentleman who controls the time here in just a second, but the point is just exactly what he said at the outset, Madam Speaker. I remember it so painfully well, because back in 2006, when we Republicans still were in the majority, I mean, every day, every evening during Special Order hours the then minority party, the Democrats, just pounded, pounded over and over again what they called a ''culture of corruption.'' And we did, on our side of the aisle, Madam Speaker, have a few Members—thank God not many, but three or four. That is too many, of course. One is too many—that were not conducting themselves in the manner that this House demands, that the sanctity of this House demands.

And by campaigning on that, along with, of course, the unpopularity of a prolonged conflict in Iraq and too much spending, absolutely too much spending, but of course it seems like a penny ante compared to what's going on now, but it caused us to lose our majority status, Madam Speaker, and it's painful. It's painful to find ourselves in this situation and to think that, Madam Speaker, and the Democratic minority at the time talked about, Ladies and gentlemen of the United States, you give us an opportunity, you let us control, and we will drain the swamp. We will end this culture of corruption.

And here again, I am mighty disappointed. We're not seeing any end to the culture of corruption, and it seems like more and more is being swept under the rug. And it shouldn't happen on either side of the aisle, and so that is why we're here. Again, it's painful, and we're not trying to hurt anybody. We're just trying to help the American people.

And I yield back to my colleague from Texas.

Mr. CARTER. And I thank my friend.

Let me say first, not being a Biblical scholar, but that's from The Sermon on the Mount. Jesus talks about trying to get the cinder out of your neighbor's eye before you take the plank out of your eye. And that's fine.

I know that most everybody thinks this is a very contentious place, and so when people start talking about these things, they think, oh, it's that same old stuff. I want you to know that the announced date of the firing of that rocket by North Korea is Independence Day, July 4. That is the day they say they are going to shoot a rocket at Hawaii.

Now, I'm assuming that the White House and the Select Committees on Intelligence of the House and Senate are very, very interested in knowing

accurate information about what's going to be on the nose of that rocket when it's fired because, quite frankly, if you want to restart the Korean War, how spectacular could it be that they will have an armed missile fired at one of our States and then invade across the 38th parallel. It could be disastrous.

Now, that's not my imagination working. It's happened before. I mean, the invasion took place. That's what started the Korean War. They've got one of the largest armies in the world. They're saying that they have canceled the armistice. Now, under technical rules of war, canceling an armistice reinstates the war. We're not treating it that way because regular rules of war kind of have been changed, not by what's written in the books but by usage. So we never really called it a war. We called it a conflict and so forth, like we've done in so many other things we do. But the reality is they said the armistice is off, which means that we should be technically back fighting. They said they're going to fire a missile on our Independence Day, the 4th of July.

Now, why do I bring that up? Because by my watch, this is the 23rd day of June. We've got to be able to trust our Intelligence Committee and our intelligence community in, what? That's the next 10 days. In the next 10 days we have to be able to have that confidence in them. And we've already got the third person in line for the Presidency of the United States telling this body that the intelligence community lied about what they said about a briefing.

Now, you know what? I'll even give you the way it could be handled. I mean, this place is full of things that go on that are very confusing. It could be: I made a mistake. I didn't understand the briefing. Yeah, I heard it, but I didn't realize what he was saying. There's lots of things to be said. But to sit here with this—it's trying to just go away. The President isn't talking about it anymore so it will just go away. But it's not going to go away if, on the 4th of July and the missile is on its way, we have the decision to make, do we take it down, shoot down that missile as it heads towards Hawaii, which it probably can't get there, but if it can, do we shoot it down or do we let it fall in the ocean and take our chances? Or do we let it fall on one of the islands in Hawaii and take our chances? Or what are we going to do?

Intelligence community, how safe do you think that launch is? They give us the facts. Now, the meeting is behind closed doors and somebody says, Well, yeah, they tell us it's got a nuclear warhead on it. But they lied to PELOSI. Are they lying to us? Do we want that? Is that good governance of this country?

And the reason you have to raise this issue is because there's so much politics that's involved around this. It's all about politics as well as what really happened. And at this point, with somebody announcing on the 4th of July they're firing a long-range missile, you've got to put politics aside at that point in time and say, Trust the community. They don't lie, because they're usually going to tell us what is happening with that missile. That's my whole thinking of this deal.

And the truth is, what I've been trying to talk about since day one of this conversation I've had when I brought up the Rangel rule and all these other things, is that if we, as Members of this House, have questions that we think need to be resolved, we have only one place to go, and that's to our colleagues in this House and say, These issues need to be resolved.

If there is nothing to them, we need to find out there's nothing to them, but they need to be resolved. And if you're draining the swamp, that means you're going to address issues as they come up. If something stinks over in this part of the swamp, you drain that swamp and find out what's stinking. That's what she meant when she said ''draining the swamp.''

Now, we pointed out parts of the swamp which our colleagues on the other side seem to be dwelling in right now, by accusation only, by press accusation. Let's clear those people's names. If there's nothing in that swamp, let's drain it. Let's find out. And that's the responsibility of the leadership of the majority and that's the responsibility of the Ethics Committee, and that's why we keep talking about those ethical issues.

Unfortunately, there may be more. We have to be prepared to do what we promised the American people, and the first thing we need to address is this issue of whether or not the community was lying to the American people.

I see we are joined by my good friend and loyal stalwart who always shows up when he sees me all by myself with PHIL on the floor, my friend STEVE KING from Iowa.

I will yield to you whatever time you would like to have, Mr. KING.

Mr. KING of Iowa. I thank the judge from Texas for yielding and for also organizing this Special Order, and the gentleman doctor from Georgia as well, who has been persistent and relentless here standing up for truth, justice, and the American way, and fiscal responsibility, constitutionality.

And as I'm reading The Washington Post language, the statement that came from our Speaker on November 8, 2006, ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, the most ethical, and the most, perhaps, moral Congress in history.'' And ''the most honest, most open, and most ethical Congress in history'' is that language.

I heard that constant drub of criticism that was coming here for several years. The 30s group came down here to the floor almost every night and made those kind of allegations. And I was looking at people over on this side of the aisle that were clearly committed to this cause and people that I would trust with everything I have, working hard, struggling to represent the American people. They took that kind of criticism, and some of the American people bought that kind of promise.

□ 2115

But today they know different. Today they know this Congress doesn't meet that standard.

The other statement here on National Public Radio: ''Under strong attack from Republicans, House Speaker PELOSI accused the CIA and Bush administration of misleading her about waterboarding detainees in the war on terrorism.''

Again: ''They mislead us all the time. I was fighting the war in Iraq at that point too, you know.''

Not really. Not really, Mr. Speaker. Here's what I remember. I remember when Speaker PELOSI grasped the gavel up here in January of 2007, and from that point in that Congress, she led at least 45 votes here on the floor of the House of Representatives that were designed to either unfund, underfund, or undermine our troops. And that's all a matter of record. It's all on a spreadsheet in my office, and I can lay it all into this CONGRESSIONAL RECORD, and actually I probably put it all into the CONGRESSIONAL RECORD at one point or another. But this isn't fighting the war in Iraq. She was fighting against the war in Iraq. And the goal was to get our troops out of there, declare defeat, and bring disgrace down upon the Bush administration for whatever that motive might be. But it was clear in the rhetoric that came that it wasn't in support of victory in Iraq, but every move, all 45 votes, as a matter of CONGRESSIONAL RECORD, undermined our troops.

And yet President Bush issued the surge order, and the surge strategy has clearly been a success. I traveled to Iraq with the gentleman from Texas, and I recall some real hot days over there. And I can remember that there was a time when we couldn't go to places like Ramadi or Fallujah because they were too dangerous, and I can remember coming back 6 months later and going shopping in Ramadi. And I can remember coming back a little later and meeting with the mayor of Fallujah, who declared Fallujah to be a city of peace. This all happened because of the nobility and the sacrifice and the courage and the bravery and the dedication of our U.S. military.

And you cannot talk about our military without talking about the Commander in Chief, and it was President

Bush who gave the order. And now we have reached this point where we have achieved as a Nation a definable victory in Iraq. And it's definable in a lot of ways, but it wasn't because of this quote that we're reading here about the Speaker fighting the war in Iraq at that point too, you know. No. She was fighting against it here on this floor, and it's a matter of record, and that point can't be allowed to pass.

So what has been achieved is a definable victory that's there. The ethnosectarian deaths have dropped 98 percent from their top. The civilian deaths have dropped 90 percent. Our American casualties there over the last year, and my data will be brought up to date on the 30th of this month, but as of the last day of June last year, and I pray to God that we don't have any more casualties there for all time, but the roughly accidental deaths in Iraq to Americans are roughly equivalent to those deaths that are hostile deaths, categorized as hostile deaths.

Now, that is a very good statistic if you are looking at war zone statistics. If you are at as great a risk from getting killed in a rollover of your Humvee as you are by the enemy, there has been a lot of progress that's been made there; a lot of progress made in the local governments with free elections. They've had a number of free elections and ratified a constitution. The last election they had was at least as peaceful as our last election and probably at least as legitimate as our last election as well. I think there is a lot to be celebrated in Iraq in the Middle East.

And I didn't mean to divert from the subject matter, but I think we should raise up to the CIA subject and ask what about the national security of the United States of America when the Speaker of the House declares those who are briefing her up in the secure room on the fourth floor to be a group of felonious liars that have continually, according to her, misled the Congress of the United States of America and lied to the Speaker of the House. And why would the Speaker go back up and be briefed again by people that she declared to be liars, and how could anyone separate the CIA from the other 14 members of the intelligence community? Would anyone actually go brief the Speaker after they had been declared to be a liar, summarily declared to be a liar, with no evidence, with no proof, simply an allegation?

Now, in this country if you believe that someone is not telling the truth, you don't raise that subject. You just accept what they say without challenging them unless you can prove they're wrong. That's the way it is in a Western Christiandom, as Winston Churchill declared Western Civilization. And I believe it's rooted in the Book of John when Christ stood before the high priest Caiaphas and Caiaphas said, Did you really do those things? Did you really preach these things? And Jesus said, Ask them. They were there. This all happened openly. And the guard struck Jesus for his insolent answer, supposedly. And Jesus said, If I speak wrongly, then you must prove the wrong, but if I speak rightly, why do you strike me?

If someone speaks wrongly, the one who challenges their integrity has the responsibility to prove they're wrong. Jesus said that to the high priest. The least we could do is ask the same standard of our Speaker to prove the wrong of the CIA.

And this will not go away. We cannot tolerate a situation where there's a mistrust between the highest levels of intelligence-gathering services in the United States of America that gather the intelligence information, that direct our military, our overt and our covert operations, and that go in and preempt terrorist strikes against Americans and other free people in the world and to have them intimidated by an allegation of telling a lie, which would be a felony, and there's a specific section in the code punishable by 8 years in the Federal penitentiary if a member of the intelligence community should lie to the United States Congress. And there it is: title XVIII, U.S. Code 1001, 8 years in the penitentiary for that. It's very specific.

So this has got to stop. It's got to be resolved. And this Congress has got to bring it to a head.

I appreciate the gentleman from Texas for having this Special Order and raising these issues, an opportunity to echo this out to the American people.

Mr. CARTER. I thank my friend.

Now I yield again to my friend from Georgia. He seems like he has something he wants to say.

Mr. GINGREY of Georgia. Of course I appreciate the gentleman's yielding, and once again I appreciate his having the courage, as well as the courage of my colleague from Iowa, Representative STEVE KING, to come to the floor and to talk about issues like this. As I said earlier in my remarks, it's very painful, very hard to do, but it is something that has to be done.

If the CIA, as I said before, if they are lying to someone who is third in line to the President, the Speaker of the House, and there's a pattern of that lying, we have got some serious problems. And it would seem to me that something of this magnitude would rise to the level of an Iran Contra issue or, indeed, a Watergate issue where you absolutely have to know who's lying, who knew what and when and who's telling the truth and who is not telling the truth. And we all know the consequences of those actions.

Again, I'm not suggesting, Mr. Speaker, that our Speaker, the Speaker, has lied. In my earlier remarks this evening, I misstated something. I said John Podesta. John Podesta is not the Director of the CIA. That's Leon Panetta. So we all have senior moments. I'm maybe a little older than the Speaker. I certainly look older. She's a very attractive Speaker, as we all know. But she could have had a senior moment in regard to this.

And, Mr. Speaker and my colleagues, don't you know that after this happened and she said that, don't you know that there was a meeting of the powers that be with the Speaker and with the CIA, with the Director of the CIA, and information was presented which would have shown that she either misspoke or didn't misspeak. And if she misspoke, how simple, Mr. Speaker, how simple it would have been to just say, ladies and gentlemen, not of the Congress, not of the House of Representatives, but more importantly ladies and gentlemen of the country, I was wrong about that. I didn't deliberately lie. I was just wrong about that. I didn't remember. I didn't remember that briefing. Or the opposite, that the CIA was wrong and didn't inform. And that puts the issue to rest.

Mr. Speaker, that's all our minority leader, the gentleman from Ohio, JOHN BOEHNER, the respected leader of the Republican House conference, that's all he said that should be done. Let's get to the bottom of this thing, put it to rest, and tell the truth. The truth will always serve you well, and the truth is not painful.

Mr. CARTER. Reclaiming my time, I don't want to keep belaboring this issue, but I think somebody ought to be thinking about it before they light the first firecracker on the 4th of July, that we have a country that has basically said as far as they are concerned they're back at war with us, telling us they're going to fire a missile at one of our 50 States and they're going to do it on the 4th of July.

Now, let's assume that we are going to get some intelligence on that. Let's start off with them saying it doesn't carry a warhead, let it go forward. And then the man that's going to have to make the decision is going to be the President of the United States. This is not a decision you do by committee. That's why we have an executive branch. He will collect that data, and then the question is do we shoot it down. We're pretty sure it doesn't carry a nuclear missile. But somewhere in the back of his mind he says, wait a minute. Wait a minute. They lied to NANCY PELOSI. How do I know they haven't done their work and they're telling me this to feel good about it? Maybe there is a missile on board. Or he thinks, I don't know what to do because I don't know whether I can trust my intelligence.

But he knows that the firing of our missile, which, by the way, according to my friend TRENT FRANKS, we have got missiles that can take this thing

down. So let's assume we execute one of those and we bring it down. And the North Koreans say, that's it, act of war, and here they come swarming across the 38th parallel into South Korea and they are marching that 80 miles to Seoul. And we get accused of starting a war. Or worst case scenario say, well, we can't trust the intelligence, don't shoot it down, and it hits the big island of Hawaii and goes boom. And now we're in it, and it's nuclear or maybe less than nuclear. Who knows. The point of this conversation is intelligence matters.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. CARTER. I yield.

Mr. GINGREY of Georgia. I thank the gentleman.

We were just before the Rules Committee, Mr. Speaker, submitting an amendment to the Defense Authorization Act of 2010, our National Defense Authorization Act, something like $525 billion. But $1.2 billion, as the gentleman from Texas was alluding to, was cut from the missile defense program. It was cut from the missile defense program at a time when Kim Jong Il is firing missiles and testing nuclear weapons, violating the nuclear test ban treaty. And our intelligence is telling us, as the gentleman from Texas just said, that these ballistic missiles that they're testing could reach Hawaii. Well, we are getting that information, Mr. Speaker, not necessarily from the CIA but from all of our intelligence agencies. Heck, there are 16 of them, and most of them are within the Department of Defense. The Defense Intelligence Agency is an example.

And, of course, we have a National Intelligence Director, which was insisted upon by the 9/11 Commission and the families of the victims. So, you know, it seems now to me, Mr. Speaker, that we are kind of getting a little loosey-goosey about all this stuff and thinking gosh, you know, the Speaker of the House said that the CIA lies. You can't trust them. So maybe that's why we are so ready to cut missile defense. We don't believe the intelligence.

Mr. CARTER. All the time she says they lie. All the time. It's not just this instance. Her statement was they lie to us all the time.

Mr. KING.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding.

You've raised a scenario here that disturbs me a great deal about what happens to the indecision when you don't trust your intelligence community because of an allegation that's made by the person that's third in line from the President of the United States. This isn't somebody sitting on a street corner somewhere. This is the person third in line to the President of the United States. The indecision that could come because of the doubt that's been planted, and every day that goes by there's no doubt because it's not resolved.

Let me submit another way that this hurts America's security beyond this point that you made, Judge, about the indecision that could allow a missile to land and hit the United States or to do an early strike, because we don't really know. But here's another scenario.

□ 2130

This cloud has been cast over the intelligence community, and it echoes over the top of our entire defense network that's there. There are people in this Capitol that work to please the Speaker, and many of them are staff.

And these are staff that are on committee. They are the Speaker's staff. They are in a position to write these bills in the middle of the night that get dropped on us about the time that the rooster crows in the morning. And then we are to figure out what's in them and what's not in them on a closed rule or a modified closed rule, and the Rules Committee deciding the debate now is in the Rules Committee.

And so we don't even get any debate here on the floor on the $1.2 billion, an opportunity to put people on the record—we may not, I think we probably will not, at least get that vote, but to put people on record and find out what this Congress thinks the collective wisdom of the American people is to be reflected here. And we can see the funding for the defense intelligence all the way across the board systematically and summarily undermined and reduced by staff people who are protected because we can't even offer the amendments here on floor, who are seeking to please the Speaker because she has made a comment into the record.

And how do you fix that lack of trust? It undermines the resources, I believe, going into the intelligence community that's there, and it causes others to look more critically upon the intelligence group all together with the CIA and others, which undermines the support of the public, undermines the support of Congress and undermines the resources that they will have to use.

And if we have people whose lives are out there on the line every day, and we do, they have got to be questioning themselves as to why do they do this. Do they really want to put themselves up for this kind of scrutiny, this kind of allegation. And if I were Leon Panetta, and if I was seeking to send somebody up here to brief the Speaker, I don't think you would ask for volunteers, because I don't think you would get any.

I think that has to be a direct order from the CIA. If you like your job, brief the Speaker. You might have it when you are done.

Mr. CARTER. As much as we don't want to get off process, so everybody is clear, let's put it this way: If you are listening to what we are talking about here today and you would like for us to have this addressed by the Members of the House, it takes the ability under the rules to raise the issue. And if we have what they call a closed rule or a modified closed rule, where only certain agreed-to amendments to a bill can come forward, we hate to talk about process, but that's how we are prevented from asking the questions that I would hope that many of the people that might be watching this would say somebody ought to ask the whole House about this.

Do we need that missile defense Mr. GINGREY mentioned? I kind of think we do. I would like my Member of Congress to do something about that. Maybe they might even go to the trouble to write their Member of Congress and say I would like to see you vote on this, vote in favor of it. But how are they going to see it if we are closed off from even offering it on this beloved floor, which is, of course, this sacred people's House. And that's why we think the rules ought to be open.

Mr. GINGREY of Georgia. Just briefly, that is exactly right, that people in these 435 congressional districts, Republican or Democrat, they need to know how their Member would vote on an issue such as that, something that important to this country in this time, they need an opportunity to hear that debate on this floor. You know, up or down, they need to know how their Member votes, and the point made by the gentleman from Texas is absolutely on target, and I just wanted to emphasize that.

Mr. CARTER. I think most everybody understands that these bills that come before this Congress have sometimes a thousand, well you saw the one JOHN BOEHNER dropped on the floor—it's about that thick.

I mean, they have got thousands of pages of things in them. So how you vote on a bill doesn't necessarily tell you what's in the weeds, like a couple of million dollars for missile defense, a couple billion dollars for missile defense. It doesn't tell you that. And if it's not discussed, you don't know and there is not any way we can tell you.

That's why the openness of this House is so important, why an open rule is so important.

Mr. KING of Iowa. I thank the gentleman from Texas, and I think I am watching the clock tick down here, and I will just conclude in a couple of minutes.

But as I said, I just came from the Rules Committee. And there is really not room in there for a tripod and a camera and not really room for the press to operate the way they need to, and there is not room there for staff to come and make sure they are there to run the errands we need.

I know the gentleman from Georgia knows this very well. He served on the Rules Committee. It occurs to me that if the debate is where the rules will take place in this Congress, let's move the Rules Committee down to the floor of the House of Representatives. And let's elect the members of the Rules Committee from the full House and let's make sure they are equally represented between Republicans and Democrats and put the C–SPAN cameras on them and have an opportunity to have a full-throated debate on every amendment that would be offered to the Rules Committee as if this were actually the full House.

Because they are functioning, with the function of the House of Representatives in the Rules Committee, we have got to turn the sunlight on what's going on up there. Either that, or we are going to have to go back to the open rule process that has been the long-standing tradition here in the United States Congress. This is unprecedented to see the systematic destruction of deliberative democracy taking place up there on the third floor out of sight of the public eye.

Mr. CARTER. Well, we have raised a lot of issues, we have talked about a lot of things. I think we expressed our personal concern about this issue of the veracity of our CIA and whether or not they have been lying to the Congress and to the Speaker of the House, the third most powerful person and the most important person in line for the presidency.

These are issues, as the ethics issues we have raised previously, issues that have places they could be resolved, either in the leadership of this House or the Ethics Committee, they need to be resolved, Madam Speaker. We need these issues resolved, and I would finalize this argument by saying, especially this intelligence issue, before the world blows up in our face.

I want to thank our colleagues for being here with us and for helping me with this today. And I really value their opinions, and I appreciate them expressing it.

Now, we will yield back the balance of our time, Mr. Speaker.

HEALTH CARE

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

Ms. PINGREE of Maine. Mr. Speaker, it's a great honor to be here tonight. The freshmen members like to take a little bit of time and come to the floor and talk about issues that we find are of great concern both to our country and back home in our district. And so tonight I am going be joined by a couple of my freshmen colleagues and we want to devote our time to talk about the issue of health care. Given the late hour, we may not see as many of our colleagues as we would at other hours of the day, but we know this is an important issue any hour of the day, and I am very happy to be here and to have this opportunity to talk a little bit about it.

This is certainly an important time about the—for the issue of universal access to health care and expanding the access to health care. I don't know about other Members, but I would think it's a universal feeling out there that this is the number one issue for so many Americans.

I started campaigning a long time ago. I got sworn into office last January. And I can say, during the entire time I was campaigning and since I have been elected to office, for so many people, this is their number one issue.

I hear this from individuals who don't have health care coverage, people who have insurance and don't find that their company is there when they need it. I hear it from big business owners who are challenged by the cost of health care, from small business owners who don't know if they can continue to cover their employees.

It is a universal issue. I hear it from providers, from doctors and nurses and others who say, You know, when I signed up to take care of people, to make sure that their health care needs were going to be met, I didn't expect a system that would fall apart in the way that it has. This is, as I say, a universal issue. People say to me, Health care ought to be a basic right. It is extremely important that this Congress does something about the issue of health care, and we want to see you do something.

The good news is that this Congress is working very hard on putting together legislation. The President budgeted $634 billion for health care reform in the budget that we have already passed, and the Speaker of the House is committed to passing a bill by the end of July. The President has asked us for a bill on his desk this fall.

The discussion draft was released in the House just this Friday, and I, personally, can say that I am happy to see a lot of the good things that are included in there, a public plan option, better insurance regulation, insurance companies won't be able to cut people out who have preexisting conditions, reasonable amount of cost-sharing and emphasis on prevention and wellness, investments in Medicare and Medicaid, many of the things that we have been talking about and that I hear about all the time from constituents in my district are in this bill.

More than anything else, people say to me you need to pass universal access to health care. You need to do something now. And I feel like we are right here in the middle of this, and we are moving forward on this.

In my own district, like many other of my freshmen colleagues, every chance I get during the break, on weekends, we have been meeting with groups of individuals. And as I said, this spans from constituents who I meet in the grocery store, who tell me about their individual challenges, to doctors, nurses, providers, nontraditional providers, to chambers of commerce. And, once again, what I hear is they all want change, and they want things to move forward.

I had the good fortune of being a State legislator in the past, and this was, back when I first ran for office in 1992 as a State legislator, again, one of our number one issues. And it's amazing to me now, 17 years since then, it hasn't gone away, in spite of the many things we attempted to do in my home State, the State of Maine, to take on the pricing of prescription drugs to attempt to expand access to more individuals in our State. On each and every one of those we made progress but we haven't gone far enough.

And when I hear from my colleagues, my former colleagues in the State legislature, my daughter, who is the Speaker of the House—and as you can imagine, I am very proud of her—the one thing they say to me is, You have got to do something about this. We have tried as hard as we can in our home State, but we can't go it alone. States across the country are feeling the exact same challenge, but they want now to have us at the congressional level to do something about this.

Now there are many things that we could talk about tonight. We even have a few charts and graphs, but let me just get started by recognizing my good friend and colleague, Mr. BOCCIERI from Ohio. I know he is hearing about this quite a bit in his home district, and it would be great if you could just talk a little bit about some issues and concerns and then we can keep going on this topic.

Mr. BOCCIERI. I thank the gentlelady from Maine not only for her extraordinary work on the House floor here but also on the Rules Committee. We appreciate your efforts to help move the country forward. There is no question, perhaps, the biggest issue that we will address in our freshmen tenure and perhaps for the time that we serve here in the United States Congress is health care. And there is perhaps arguably no more important issue that we could tackle as a Nation than to get our health care costs under control.

And I know the gentlelady from Maine is hearing what I am hearing back in my district, and that is that people, working families in our district, are one accident, one medical emergency, one diagnosis away from complete bankruptcy. And, in fact, in 2007, 60 percent of all bankruptcies were due to medical costs, some accident that a family had sustained or

some unsustainable costs that had arisen because they had contracted a disease or some sort of cancer. And we need to do our part here in Congress to make sure that we are working on this issue and getting these costs under control.

They predict right now that 16 percent of our gross national product is for paying health care. And that in a few decades that cost could grow as high as half of our gross national product. That is absolutely unsustainable for our future.

And we have an obligation to make sure that our country can be competitive, that we can have a workforce that is not only well educated and trained but has access to the basic fundamentals of prevention and healthy lifestyles and access to seeing the doctor that they choose.

And when I speak to my constituents back in Ohio, in northeast Ohio, I talk about the five Ps of health care, the five Ps, the fact that we need to cover all people. Now, when we talk about covering all people, we need to understand that by not doing so it's actually costing all of us paying into the system more money. Those 46 million uninsured or underinsured people who can't seek access to their doctor because their health care effectively ended when they got their pink slip at the job, because they can't afford a COBRA payment, they are uninsured or underinsured.

And when they use the hospital emergency room as their primary care physician, they are costing all of us paying into the system four if not five times more by using the hospital room, the emergency room as their primary care physician. We need to cover all people.

And to those Americans who might be listening tonight, we need to understand that the American taxpayer right now is paying to make sure that every man, woman and child in Iraq has access to universal health care coverage. Now, it's inconsistent that we would pay for Iraqis to see the doctor they want to but yet not Americans.

The second P is that we have portability, that our workers, when they get that pink slip, God forbid, that they can take their health care from job to job to job. Portability, covering all people.

The third P that we have in our five Ps is making sure that we provide incentives for prevention, because prevention should be tied into all of this with respect to healthy lifestyles ending the chronic diseases that plague so many.

□ 2145

And we have to end preexisting conditions—insurance companies using as a notion of disqualifying people from seeing their primary care physician the notion of preexisting conditions. And when that worker in a factory in Canton, Ohio, loses their job and they get hired by another factory with another set of health care principles and another set of health care opportunities, and they were a diabetic, God forbid, it becomes a preexisting condition now that they are seeking treatment from their physician for routine coverage that would have been covered previously.

We need to end preexisting condition. Portability, covering all people, adding prevention, and making sure that physicians and doctors are making and prescribing the types of health care that our patients should seek. Those are the five Ps that I hope we have in this great and robust dialog here on Capitol Hill.

So I thank the gentlelady from Maine for bringing this issue, and I hope that we have a very spirited discussion about how we can move this issue down the field.

Ms. PINGREE of Maine. We're joined by another one of our colleagues, but you mentioned some of the cost issues. Since we have a couple of charts, I thought I might just put them up here right now.

You talked a little bit about the expenses of health, and here's one that shows how our national health expenditures have really just, as they say, gone off the charts. This is one of those charts, actual and projected, that shows that we can no longer afford this.

People always say to us, How are you going to pay for health care? I say, when I talk to businesses, individuals, I say, How are we going to afford the system the way it is? And this is one of the charts that really, really shows that.

Let me just show another one right now. I think this is one that we don't have to tell any of our constituents. We, again, hear it all the time. We hear it from business owners who say they're worried that they can't cover the cost of their employees anymore or they have really cut back. But here's one that just shows, since 2000, health care premiums have doubled while wages have only gone up by just 3 percent.

So it is no wonder that people everywhere we go are saying to us, We're just dropping our coverage. They're just going without coverage or they're going for the $10,000 deductibles. How many constituents have you seen that say, I've got a $10,000 deductible and a very expensive plan, and I spend the whole year paying that $10,000. Why do I even have insurance? That's just something I feel like I hear all the time.

Why don't we welcome our other colleague, the other night owl here, Congresswoman HALVORSON from Illinois. And we're just so pleased to have you join us and hold forth.

Mrs. HALVORSON. Thank you. I want to thank Representative PINGREE for leading this hour tonight. It's great to join you, as well as our other colleague, Mr. BOCCIERI.

Health care has been a topic that comes up every year, but yet nobody finds the time to really, really put their nose to the grindstone and get something done about it. It's probably the top issue to all Americans every day, talking about how are they going to afford these skyrocketing costs. It's also an important topic for businesses across our country and especially for our national budget.

Tonight, I want to focus, I think, on the urgent need for health care reform. And it's a personal story for me. It's personal to me and my constituents who are struggling with the medical costs, and it's personal for so many Americans that are struggling with these health care costs across our country.

I know what it's like for someone to struggle with health costs because of a lack of access to good health insurance. I've seen my parents take this battle on. Growing up, my dad was self-employed, and my parents just couldn't afford health care. Being self-employed, it was virtually an expense that we could not take on. In fact, I'm not even sure I remember going to the doctor. It was just something we didn't do.

Later on in life, my mom was only 49 when she was diagnosed with breast cancer. I can remember my parents spending all their time focusing on how to pay for the bills instead of focusing on her health. And it was very, very depressing for the whole family.

I can remember her talking about—and, remember, she was only 49. She's okay today, but I can remember her spending the next 15 years of her life just wishing and hoping she could make it until 65 so that she would have health care again, because virtually with that preexisting illness she could never have health care again. And that was so sad to our entire family.

And I'm not the only one that's been through it. I hear story after story after story, and certainly true with so many people with preexisting illnesses. My mom was very fortunate. She won her battle with breast cancer. But even today, many, many families find themselves in that same situation, and it shouldn't be that way. Even families who do have health insurance find these rising costs or they have the false sense of security that they have health insurance, only to find some of these costs and some of these tests, that they're denied.

So, in order to compensate for the care for the uninsured, families are paying about $1,000, each family, in additional costs each year in their own health care plans to cover those without insurance. So, it's obvious we need health care reform.

As Congress takes up this health care issue, we have to follow and focus on the following priorities. We need to reduce costs. We need to preserve everyone's choice of doctors and their plans. We need to improve the quality of care. These are the keys to successful reform health care and reforming of health care in America.

The cost for an average American, for businesses, and for our country are out of control, and they're still rising. As Representative BOCCIERI said, 15 percent of our gross national product, and it's going up every year. And it's just becoming one of the biggest burdens not only on families, but on businesses also. So we need health care reform. We need to reduce these costs.

Secondly, when we're talking about health care, I don't think there's anything more important than a person's relationship with their doctor. And we need the health care reform that's going to allow you to keep that relationship with your doctor and your health care plan if you like them.

Finally, we need to improve that quality of care and we need good access to preventive medicine and we need to encourage Americans to stay healthy. This is a cultural thing, and it's not going to happen overnight. But we really need to invest in health and wellness and help change the culture of our society.

So I'm just so glad that I have the opportunity to spend an hour here with my colleagues talking about some of the things that we need to do.

Representative, thank you for having us tonight to make sure that we talk about this very important issue.

Ms. PINGREE of Maine. Well, I know that not too many of the American people are still up and watching us on C–SPAN, but those who are and those who see this later I think will be just so grateful that they're hearing one more conversation about moving this forward.

What they don't want to hear from us is, Well, we talked it all over but we backed down. We just tinkered with it around the edges. We couldn't really pass anything. We couldn't find a way to get to a conclusion. That is definitely not what they want to hear from us.

They want to hear, you're on the floor, you're working hard, you're going to pass a health care bill before you go home on recess.

I just want to add one thing, then I hope you all continue with the stories that you're hearing from your district. Just as you said, there are so many families with those kinds of stories that say, We have never had health care coverage. I pulled a few out of our office this afternoon, and they're endless, the things that people tell you, the sad things that people come up and tell you.

Here's one that says, I earn $20,000 a year. What good is a mandated policy that would cost me $400 a month with a 5K deductible? I have been stripped of my wealth over the past 30 years and in nonadjusted dollars I made more when I was 24 years old than I make now as a 53-year-old. We need taxpayer-funded health care. If it's good enough for our elected officials—which we all know very well—it should be good enough for all of us. We want health care to pass right now.

Here's another person who said to me something that I mentioned before. I feel like I hear this a lot in Maine. People who are self-employed. We have a lot of fishermen and farmers, woodcutters in our area, who go out and get these plans with huge deductibles. It's all that they can afford.

Here's somebody who said, I can only afford a catastrophic plan with a $15,000 deductible. It's essentially insurance to save my home if my wife or I get sick. I can't afford a colonoscopy, which would cost around $3,000 to $4,000. With a family history of colon cancer, the chances of my dying from this cancer are pretty good unless I was able to detect it early. But the health insurance industry doesn't care about my health. They only care about the profit and will help those who help them.

He is just feeling angry and saying, you know, you have got to do something about this now. That's one of the things that you mentioned.

We need a plan, and the proposals before us talk about wellness, early intervention, women getting mammography, getting those early checkups and treatments when you need it.

Before I turn it back over, I just want to share my own story, or a little bit of it anyway. I had a brother who died of melanoma, which is almost always a tragic and difficult form of cancer. He was diagnosed 20 years ago, so he would be about 60 years old today. He was 40 at the time.

But without going into all the details—and sadly, most of them haven't changed, but his employer dropped his coverage. He was unable to get the kind of coverage that he needed. He and his wife had to basically turn over all their assets so they could be eligible for Medicaid.

I can guarantee you that my brother spent the 18 months of his illness worrying about how he was going to provide for his family when he was gone. That shouldn't be. It shouldn't have been that way 20 years ago. It's shocking to me to think that this is 20 years later and, really, people have the same problems, or worse.

We haven't fixed the system. It's only gotten more difficult.

So, hold forth.

Mr. BOCCIERI. The gentlelady from Maine is absolutely correct about how this dilemma that is facing our country has impacted many families not only across our districts but across the country. We have a responsibility and an obligation to fix this issue so that we can remain competitive as a country and help our citizens.

Now, I want to tell you about a personal story myself. As an Air Force pilot who was deployed all over the world, I had to get shots so that I wouldn't get sick when I went overseas. I received a couple of anthrax shots as part of our mobility deployment, and I was having these terrible reactions. My knees were swelling up. They were getting red. So the flight surgeon suggested that I should go see a rheumatoid specialist. I waited nearly 3 months to get in to see this rheumatoid specialist, and then I waited 2½ hours in the doctor's office when I finally got there.

When the nurse ushered me into the doctor's waiting room there, I sat on the table for about 20 minutes. The doctor came in. He did some movements with my knee and he said, Son, you're getting older. I said, Doctor, I could have made that diagnosis. But, I said, These are recurring as a coincidence to these shots that I have been getting.

So he went in the corner, wrote a prescription, and said, Call me in a month after taking these pills to see if this works. I said, Doctor, I'm 30-something years old. I'm in good shape. I want to figure out why this is happening. We went back and forth for a couple of minutes and he said, Son, I have got to get down the room to see 15 other patients so that I can keep the lights on in this building. And I thought to myself, Is that what we have reduced health care to? Is that what we have enabled our system to give and administer to our citizens? They deserve better.

And that's why our choices for the bills that we are introducing are going to add some significant improvements. One, we're going to make sure that Americans have more choices to see the doctor that they want, to develop and sign onto the plans that they want and to make sure, number two, the number two guidepost we have is that bureaucrats and bean counters are not deciding the type of health care that our citizens should get.

And, lastly, we want to make sure that families understand that there's enough money in the system. We hear from the other side about how are we going to pay for this. This is going to be more resources coming down here to Capitol Hill and being disbursed out.

We know this much, that one-third of the $2.5 trillion that we spend every year on health care, one-third of that never reaches the doctors, never reaches the patients. It's lost somewhere out in the administration of the system.

□ 2200

We know one-third of that money could be given and could be used to

cover the 46 million uninsured and underinsured. So conceivably there is enough money in the system to pay for those people who are uninsured and underinsured. In fact, we hear that families have found that nearly 7 percent, in 1987, 7 percent of their median household income was being used and devoted for health care. And now it has grown to nearly 20 percent. In fact, Americans spend more than any industrialized country on health care, nearly $7,000 over the aggregate for a year, for a family, for a working family. And yet our health care and our life expectancy is on par with Cuba. It is on par with Cuba.

So we have got to make systematic and fundamental changes, as the gentlewoman said, to focus on prevention. Four cents of every dollar is only focused on prevention. Yet we have some of the worst chronic diseases that continue over this period.

So we want to stress that folks will have more choices, that bureaucrats and bean counters won't decide, but doctors and physicians will decide the type of health care that they get, and there is enough money in the system to pay for itself. Those are the three guideposts; those are the three beacons that we are using as we drafting the legislation here in the House.

I yield back.

Ms. PINGREE of Maine. I just want to reinforce one of the points you made about what you hear from physicians. I don't know about you guys, but I feel like every time I sit down and meet with a group of doctors, I feel like I'm in a completely different era than when I first ran for office in 1992. When I was first elected to be a State senator and I would meet with my local group of physicians, the first thing they would say was, you just keep your hands off health care reform. We are perfectly happy with the way it is going.

I would meet the occasional member of the practice who would say, I have got a few sources of dissatisfaction, but I mostly would meet with resistance. And when I recently met with a group of physicians in my district, I thought I was in a completely different country. Just as you said, it was physicians who are saying, I don't have any time with my patients. I signed up to make people well. And now I feel like I turn people away. I can't take low-income patients because I can't afford it. I have a room full of people that just fill out the paperwork for the insurance companies, and then half the time, the things that I know my patients should have are denied. And the kind of treatment that they should be getting, they are not able to get because they are turned down time after time.

I know people are going to find this hard to believe, but a group of Maine physicians, the Maine Medical Association affiliate, actually took a poll of themselves recently; and almost 50 percent, about 50 percent of them said they were in favor of single-payer health care. Now we are not even debating single-payer health care in the current bill. But the idea that physicians now who once said to me, keep your hands off medical insurance and the health care system, are now saying, I can't take it anymore. I cannot run a practice. I can't be the kind of doctor I wanted to be. And I hear exactly the same thing from nurses, from everyone in the medical profession who just say, This is not working. How soon can you get it repaired so I can really give the care that people want? And I'm sure that you all have had similar or other experiences you want to share.

Mrs. HALVORSON. And I think the reason being is because they spend so much time on paperwork, and it is so much like a fee for service. They want to take care of people. That can't even keep them healthy. They spend all their time just curing ailments. So I think as the culture changes how we want to keep people healthy has not been very good for the doctors. Just like with the hospitals, they are seeing so much uncompensated care, they can hardly keep their doors open. In my district, several hospitals have already closed. They are just not able to keep the doors open because people are just not paying their bills. So they feel that if everybody has some sort of insurance, maybe they would get something.

When we talk about reform, do you know how much money we would save if hospitals didn't have to do all that cost shifting? They could spread the costs instead of charge people more who have insurance.

One of the other things we haven't talked about yet is Medicare part D and how our seniors who fall into that doughnut hole very seldom come out of that doughnut hole. And that is something that I brought up last week and that is one of my priorities. It is a huge challenge facing our senior citizens. And I have been working with AARP on trying to figure out how do we close that doughnut hole.

In fact, out of the entire country, Illinois has more seniors who fall into that doughnut hole than anybody else in the country. Thirty-two percent of our seniors fall into that doughnut hole. And very few of them ever come out. So we are working together. We need to do something about helping them. Lately, as you have heard, the pharmaceutical companies are coming out talking about how. So I think we will be able to come up with a very good compromise on how we can all work together to help them. I think that we have to think about that.

We think all of a sudden our seniors have Medicare or Medicare part D and that they are taken care of. Nobody thinks about the fact that once you hit a certain point you are on your own until you get to another point. There is a lot of money in there that you are going to have to pay on your own besides the cost of the premium. So there is a lot that we have to think of. And at the same time, I think there is a lot of places where we can find reform.

Ms. PINGREE of Maine. I will just jump in on that only because the issue of the pricing of prescription drugs is a big part of my own personal history in politics and one of my great concerns. I think I have the oldest population in the Nation in the State of Maine. So between MIKE MICHAUD and me and the two United States Senators, we cover some of the oldest Americans, and we are about 38th in per capita income. So we have a tremendous number of people who really struggle to make that decision every month: Do they pay for their medication or put food on their table or pay their heating oil bill?

Now, everyone may not agree with my particular perspectives on this, but I think one of the big mistakes when the Medicare part D bill was passed was that Congress specifically prohibited negotiating with pharmaceutical manufacturers for a better price. So here we are, the biggest purchaser of prescription drugs in the world on the Medicare plan; and when the bill was passed, and luckily none of us were there so we don't have to take responsibility for that, but there was no provision for negotiating for drugs.

Now, every other country in the world negotiates for a good price for prescription drugs. So in a sense, it is like we pay the highest prices in the world so that we subsidize everybody else. And I won't go on to my giant rant, but this was one of the bills that I passed when I was a State legislator on helping to regulate the pricing of prescription drugs.

I will just say that one of the ways I really got involved in that and very interested in it was because Maine is a border State, we have a lot of seniors who get on buses, bus trips for seniors and go to Canada to buy their medication. And you can buy medicine in Canada, sometimes it is exactly the same drug that you would buy just across the border for one-third or one-quarter of the price. And it is not because it is a subsidized price up there, because these aren't people with the Canadian health care plan, but because the Canadian Government negotiates for a good price.

So in my opinion, and I have signed on to H.R. 684, which is by our good friend and colleague, Representative BERRY, that bill would force us to look at this and to do something about the pricing of prescription drugs. And I think that is one other thing we have to address if we are really going to bring down the cost of health care, the one thing we know is that when people take their medications, they stay

much healthier, whether you are a senior citizen or a person with a high cholesterol rate hereditarily and you need to keep it down.

So we know the importance of medication, and we know one way to drive down the cost of health care is to make sure that medicine is affordable. That is true of seniors and all people. And it is certainly one of the issues that concerns me and one of the things that I promised my constituents back home that even though we had passed this bill in Maine, I would take it on as an issue here in the United States Congress. And I know many share the same concern.

Mr. BOCCIERI. Well, I applaud the gentlelady's perspective because there is no question that getting costs under control are the most important facet of any health care reform package. And we talk about the health care delivery system. Really, we have sickness delivery system where we are actually doing a fee for service where folks are paid with the number of patients that they see in their hospital or their doctor's office. Well, how about providing incentives to say that, well, we didn't see any patients today because they are all healthy? What a novel idea that would be to provide incentives for prevention.

This is the type of plan we are embracing here. Our plan talks about prevention. It talks about rewarding citizens who are living healthy life styles, doctors who are able to have this relationship, as the gentlelady from Illinois suggested that we have to have a relationship with our doctor not necessarily one where you come in, you bounce in for 5 minutes, and he writes you a prescription, and you are out the door. That is not health care. That is not health care. That is not even health care delivery. To me that is something so far disconnected.

So our plan is going to make sure that we have more choices, better time with our doctors, more choices in the types of who we get to see and who we are able to see and to make sure that doctors and physicians are describing and predicting giving and subscribing the type of health care that we should have.

□ 2210

We should not have a bean counter at an insurance company deciding whether we should have an MRI, or a bureaucrat in Washington deciding if we should get this procedure or prescription drug. It should be left to physicians and doctors and our health care professionals.

And our plan will address the amount of money that we spend on health care. By getting costs under control, covering all people and making sure all people have access to health care, we actually will reduce the cost of health care because that diabetic that lost their job in Canton, Ohio, now can't get the syringes that they need to give themselves insulin, and they can't buy their prescriptions, and all of a sudden they need to go to the emergency room because of an ulcer on their foot, and they are using the emergency room as their primary care physicians. And that is costing all of us in the system four if not five times more.

By getting those costs under control, we will save money in the long run, more choices, better accessibility to the doctors we want to see, and making sure that we have the opportunity to contain these costs, keep them under control and making sure that doctors and health care professionals are prescribing health care and not bean counters.

This is what our plan addresses, and this is a matter of our competitiveness of the country and having citizens that are healthy. And the well-being of our Nation is at stake here.

Ms. PINGREE of Maine. I am going to read a quote from one of the letters that I brought in because it reinforces your point. This person is talking about their issues with the health care system. It is a Maine constituent. It says: My wife and I struggled to get our provider to pay for special infant formula that our oldest son needed to live due to his protein intolerance. This was despite our specialist doctor showing us a letter in which the insurance company had agreed in arbitration from a previous case to pay in full for the formula in cases like our son's.

This is clearly one of those examples where it is a bureaucrat or a bean counter who is denying it just to save the insurance company some money.

This same person also says in another example my brother-in-law was denied cancer treatment that his doctors had recommended, and only began his treatment after the insurance company overturned the decision on appeal. The delay may prove fatal to him.

Both of you have said this over and over again, people want to go to their doctor or their primary care provider and get the advice they need, follow the treatment plan that they recommend, and not be told by a bureaucrat in Washington or an insurance company that they can't do it just because they are trying to save money on your health. I agree with you, we need cost-saving measures, but not on people's essential treatment.

Mrs. HALVORSON. That is so true. We hear story after story in our district office. I have a letter that was especially devastating to me. It caused me to actually put in a resolution or sponsor a bill. This constituent was a widowed mother of two. She was actually denied private health insurance because she attended grief counseling. Her husband, who was the primary wage earner, died suddenly at their home in front of the family. As a way to cope with the situation, she enrolled the family in group therapy. And at the same time, she was also faced with trying to find new health coverage for herself and her children because her husband just died in front of the family. While searching for that new private insurer, she was denied over and over again because she was participating in that grief counseling. So that is why I filed H.R. 2236, which we called the Grieving Families Insurance Protection Act, because we do not think health insurance companies should deny you health coverage due to family members needing grief counseling at awful times like this.

Ms. PINGREE of Maine. They really wouldn't allowed her to have insurance coverage, and that was their stated reason?

Mrs. HALVORSON. She could not get health coverage because she was attending grief counseling, so they would not give her health care. And isn't that a shame. This poor family, actually the father, the husband, died right there in front of them. The family obviously needed some help, and they couldn't get it.

So these are the kinds of things that we should never be putting people through. That is the other thing, it is not just people not having health care. I don't want people to have health care and give them that false sense of security because then they think they automatically will be taken care of, and we need to make sure that people are being taken care of and they have health care, not just necessarily health insurance.

Mr. BOCCIERI. Let me add something to the gentlelady's remarks. We talk about this notion of 46 million uninsured and underinsured folks. Let's explain for a minute what uninsured and underinsured means.

Uninsured means you have absolutely no health care coverage. If you were injured or had to seek routine medical care, you couldn't go to a physician unless you paid out of our pocket.

Underinsured are people who don't have quite enough insurance because they got caught in that preexisting net, that factory worker who lost their job and their health insurance with that pink slip, got rehired down the line but because they were a diabetic, that condition was preexisting, so they can't seek treatment. They are underinsured because they don't have enough insurance to cover all of their medical needs.

We found in a medical study that was published last year that health care insurance companies spend $84 billion every year to block, deny, and screen patients from seeing their physicians; $84 billion. In that same study it showed that only $77 billion would be required to cover all of those 46 million uninsured or underinsured. It actually would be cheaper to cover all of the

folks who are actually costing us more by not seeing their primary care physician.

So we have an opportunity now with the bill that we have rolled out to end preexisting conditions, which have been one of the biggest albatrosses in health care in my opinion for such a long time; not being able to see the doctor because you have a condition that existed prior to your employment at some factory.

So this is something that affects middle class Americans all over the United States. I think if we address this, preexisting conditions, portability from job to job, covering all people so they are not using their primary care physician in the emergency room versus seeing the doctor that they want to see, and making sure that we provide incentives for prevention so that people are living healthy lifestyles and we are able to provide prevention and allowing physicians to make those medical diagnoses, that is what is going to be the cure for our health care dilemma here.

Ms. PINGREE of Maine. Preexisting conditions, it is kind of shocking when you hear those stories. I heard about a State the other day that didn't have a requirement that insurance cover you in spite of a preexisting condition. And someone told me about an insurance company that considered women of childbearing age a preexisting condition. So that didn't mean you had a child, it meant you could potentially get pregnant. You may have already decided never to have a child, and why shouldn't your insurance company cover you, but they weren't going to take any chances. Why don't they just say we only want healthy people who promise never to get sick. And if you get sick, we will deny you coverage.

I come from the State of Maine, where the State legislature has already required that insurance companies cover you in spite of preexisting conditions, and that is really a great reform. Maine is one of the leaders in health care reform. We have a very high number of people who have some form of insurance coverage. Many of them are on Medicaid or our MaineCare system. But the fact is, what my colleagues in Maine tell me, and I certainly felt when I was in the State legislature, is States can't go it alone. Many States in the country have passed these kinds of regulations, but then it makes it hard to compete with the State next door that doesn't bother doing any of that, or charges all the sick people more than the people who are well, and doesn't have a community rating kind of plan.

One of the issues that we are facing now, particularly in States that are having a hard time holding their own budgets together, is they are saying to us: Let's makes this universal. Let's make it the same kind of coverage from State to State. And you mentioned portability. There are a lot of people now, and I forgot what somebody called the term, it is something like job lock, people who stay in their job because they are terrified to leave that job because they can't go without health insurance, or their spouse is sick or one of their children is sick.

□ 2220

I meet people who say, you know, I've got a great idea for starting my own business. I'm ready to go out on my own, and I could create a job vacancy for somebody else here who would really like to come and work at this company because I'm ready to go do something else. But they can't take that risk. People who have just enough set aside to retire who say, I am ready to retire, but I don't dare be out there without health care coverage, so they don't retire at 57 or 58. And in this economy, where we can use any job we can find, having health care coverage would do more to boost the economy, I think, than many other things.

I often say about the State of Maine, where, as I mentioned, a lot of people are self-employed, we have a lot of fishermen, or they run a small business or some kind of little entity that they are making enough money, people say to me all the time, We make enough to get by. We do okay. We own our own home. We make our own home repairs. We're doing all right, but it's health care coverage that we're worried about, our health care coverage that we can't afford and then we go without.

And exactly what you mentioned earlier, those are the very people who, when they do get sick, have to go to the emergency room, who often depend—and they hate it, they depend on charity care at the hospital, uncompensated care. And I have the same situation, a lot of rural hospitals who depend on fund-raising drives just to keep the doors open, who are desperately coming down to see us all the time to say, We can't keep the hospital open. What are we going to do? And that is a vital part of our infrastructure.

Mrs. HALVORSON. And something else that we haven't talked about is the outreach that I've tried to do—and I know a lot of Members of Congress have done—is with our FQHCs, our Federally Qualified Health Centers. There is a very important place for them because there is so much that they can do in the meantime for those who don't have insurance or those who aren't able to get the health care they need. I've toured so many of them in my district. They do a wonderful job. And so, in the meantime, we should be doing everything we can to make sure that people have a place to go where they can have a medical home, where they can feel comfortable and take their children.

I know in Illinois we have FamilyCare, where every child has health care. There are things, but we should not be doing this State by State. We spend a lot of time and effort doing these things State by State. That is part of the reason I ran for Congress. Even though I was a State senator and I spent so much time working on health care, we knew this was a Federal issue. So this is something that needs to be done on a national level, and it's something that everybody working together is going to be able to get accomplished.

Mr. BOCCIERI. Will the gentlelady yield? I know that there might be some apprehension out there from our seniors about health care reform. And let me stress to you that our plan allows you to keep the doctor that you want to keep. If you like the doctor that you're seeing, you can continue seeing that doctor. If you don't like the doctor that you're seeing and you would like to get into a different plan, it will allow you to go into a different plan.

There will be more freedom under this bill. There will be more freedom under these proposals. And we're going to make sure that physicians are telling our seniors, health care professionals are telling our seniors the type of health care that they need, whether this MRI was authorized, whether this cancer treatment was necessary and prudent. We want health care professionals to do that. We do not want bean counters making decisions based upon what the bottom line and dollars are going to be.

Now, the gentlelady was talking about what she did in the State legislature. In Ohio, we had a very similar situation where insurance companies were delaying payments to doctors who ultimately run a business. When you see your primary care physician, they have staff. They have a payroll. They have to keep the lights on. They have to pay utility bills just like any small business. But when you do look-backs and you suggest whether this MRI was really necessary or authorized, whether this x-ray was necessary or authorized and you delay those payments over a time period, the physician can't keep the lights on in the building, and that should end. We passed a bill in the State legislature called Prompt Pay to make sure that insurance companies were making best efforts to pay those bills on time so doctors could keep the lights on.

Additionally, we were doing health care simplification so that we could involve a little bit of health care IT, medical IT, so that when you roll into a hospital, God forbid, after an accident that's in your region, when they pull up your name, when they pull up your identification, they're able to identify who you are and your health care records.

The military has been doing this for years. In fact, on our military identification card, we have the medical

technology to pull up all my medical records. If I rolled into a hospital or to a VA facility or to a military hospital, on my card, they would scan it in and my complete medical history would come up. And on that, you would be able to tell whether you were diabetic, what type of treatments you've had. And that ultimately is going to cost hospitals less because they're not going to run these battery of tests to see if this person is a diabetic because they know that John Doe, when they came in, has a medical history and it's on their card.

Perhaps this is something we should do. We're doing it in the military. It's something that we ought to explore for Americans so that they can have quick access to their medical records.

I yield to the gentlelady.

Ms. PINGREE of Maine. You know, absolutely. I think it's one of the reasons why earlier this year we went along with the President's proposal and invested so much in health information technology. It has been clear to people for a long time that so many different insurance companies and so many different kinds of forums just make it difficult for practitioners to run a business and hospitals to operate, and as you said, for people to get the kind of medical care that they really need.

Well, we are at about time to wrap up here. I will just kind of go over again from my perspective, and certainly will let the gentleman from Ohio close with a few thoughts as well, but I just want to emphasize again that from my perspective, in my home State—and really what I hear across the country and everywhere I go—people say, Can you get a health care plan passed? Are you going to do something about all of the things that we've been talking about tonight? People want the coverage, they want a choice. As we've said many times, if you like your plan, you can keep it; if not, there will be real alternatives.

They want affordability. People are willing to buy health care, but they want to know that they can afford it. This plan that has just been released has a shared responsibility from employers and individuals alike. It has real components to control costs. It makes a serious investment in prevention and wellness and invests in the health care workforce, something we haven't talked much about tonight. But I know I come from a State where there is a tremendous shortage of health care practitioners—doctor, nurses, those people that are needed to do this job to make sure that we can have good care, and that is part of the legislation is to really look at investing in our workforce.

I feel very hopeful, I feel hopeful that we have already moved us forward as far as we can, that there is a sense around here really from both sides of the aisle that we don't have to debate anymore whether or not there is a problem with the system. We may have differences about how we go about fixing it, but there is a real commitment to go ahead and fix it.

And I am very impressed with the President, who has just made it clear that this is something he wants to do on his watch. He wants to do it in the first year, and I think this is a tremendous commitment to really pass a health care package that works for America and get on with it.

And I yield to the gentleman from Ohio.

Mr. BOCCIERI. I thank the gentlelady for assembling this dialogue on health care. This is very important. And we know those Americans who might be listening in, those folks who are still awake after perhaps punching the time clock and working long hours, we want you to know that we are working on this issue. But we have studied it long enough. We've talked about it long enough. Now it's time to take action. Leadership is defined by action, not position, but by action. And what I applaud this President for is his bold efforts to step forward and take action on an issue that remains a dilemma for America. This is about us, as a Nation, being competitive with our foreign competitors. This is about how much we spend on delivery of health care and making sure that all Americans have access to the quality of care that we want, not just because you can afford it but because you're American. And let me just say these things:

Number one, if you like your doctor, you will keep your doctor. If you don't like the plan that you're in, you can move to another. There is going to be freedom of choice, and there will be broad choices in the plan that has been unveiled in this Chamber.

Number two, we want to make sure that health care professionals and physicians and doctors and nurses are prescribing health care and administering health care and not necessarily the bean counters or bureaucrats that we find too often who are making health care decisions for too many Americans.

And the third issue that we need to emphasize is that there is enough money in the system already to pay for health care. The 46 million uninsured and underinsured folks who are out there, we know that there is enough money in the delivery of health care—$2.5 trillion we spend every year, 16 percent of our gross national product. We spend more than any other industrialized nation in the world, but yet have a life expectancy on par with Cuba. There is enough money in the system that is out there that we can make sure that 46 million uninsured or underinsured people have access to health care.

□ 2230

How are we going to do that? With the five P's. Making sure that all people have access to health care. If they don't, it is going to end up costing all of us more because when they use the hospital room as their primary care physician, they will actually cost all of us more.

Making sure they have a portable plan that allows them to take it from job to job to job. End this notion of preexisting conditions, that if you're working at one place and you go to another job that somehow being pregnant or being a diabetic or having a chronic disease somehow eliminates you from seeking health care from this new provider. End preexisting conditions.

Making sure that we provide incentives for physicians to not only enter the field but also that physicians are making the health care decisions.

And, lastly, prevention, prevention, prevention. Four cents of every dollar that we spend on health care is for prevention.

We can do a better job. We have to do a better job. The President has called us to action. The Nation has suffered for too long under a system that has excluded a few and allowed others to seek access. And this delivery system that we have should be about health care and not a health sickness plan that we have that's a fee for service but that encompasses all the things that we talked about here tonight.

I thank the gentlewoman from Maine for allowing me to be a part of this.

Ms. PINGREE of Maine. I thank my colleagues from Ohio and Illinois for being willing to be here.

MAN-MADE GLOBAL WARMING THEORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I stand here on the floor of the House tonight, I am reminded of the television series the ''Twilight Zone.'' And these days I half expect Rod Serling to appear from behind a curtain and announce, ''This is the Twilight Zone.'' Yes, there is an almost bizarre sense of unreality here in the Nation's Capital.

The transformation of private liability into public debt on a massive scale. The unprecedented level of deficit spending, debt piled upon debt, borrowing from China to give foreign aid to other countries. The willingness to pass draconian restrictions and controls on our national economy and on the lives of our people. And while seeking to save us from a recession, Congress shovels hundreds of billions of dollars into the financial industry, much of which has ended up in the pockets of fat cats and wheeler-dealers who have been giving themselves multi-million dollar bonuses even as they drove their own companies into

bankruptcy. The giveaway and the lack of oversight has been mind-boggling. And we don't know where hundreds of billions of dollars have gone, and we don't know to whom. Yet we know that the taxpayers are now on the hook for this increase in our national debt.

We have watched as this has been happening, and, of course, there are so many things that are being done here today to our people. But we also note how much is not being done that needs to be done to protect our people, which is just as mind-boggling.

Our Nation's borders leak like a spaghetti strainer. Millions of people illegally continue to pour into our country to consume our limited health care. And, by the way, we just heard a lot about health care. Why are we not hearing that we should not be picking up the tab for the tens of millions of illegals that have come into this country? But that's not part of the discussion. But millions of people are flowing into our country, and they are consuming the limited health care, education, and other social service dollars that we have. We have limited money; and yet they are taking that money, and they're taking jobs from our people.

And sometimes they come here and they commit crimes against our people. And our government just sits and lets it happen even while we are passing all these hundreds of millions on to wheeler-dealers in the financial industry. We can't even come to grips with our illegal immigration problem. We can't even build a fence.

In California we can't even build a new water system in the middle of a drought. This we are told is because of a tiny fish, the delta smelt. So our people will have to suffer because of concern over a little tiny worthless fish that isn't even good enough to be used as bait.

So last week even amidst California's tremendous difficulties, with drought conditions and a shortage of water at near crisis, this House, the House of Representatives, voted not for the people of California but for a fish. No water for our people because if we would give it to the people, that little fish might be affected in a detrimental way.

Perhaps the most damaging of the weird policies that I have described is America's longtime commitment not to develop its own domestic energy resources. Even as high energy prices have brought suffering and economic hardship to our people, we have not been developing our own resources. Even as we see dollars being siphoned from the pockets of our people and deposited in coffers overseas, enriching foreigners, some of those foreigners who hate us, while our hard-earned dollars are being extracted from us, massive deposits of domestic oil and gas worth trillions of dollars are untouched, untapped, and unused.

Even as California sinks into an economic catastrophe, off the coast are huge caverns filled with massive deposits of oil and gas just sitting there. And even as California cuts and cancels public services to our own people, billions of dollars of tax revenue could be derived by utilizing that oil and gas that's just sitting there right off our shore. Yet the State of California lets it sit there while our people suffer and the State goes broke. Trillions of dollars have been sent overseas for energy, while at home no new oil refineries, no hydroelectric dams, no nuclear power plants.

As I say, all of this seems a bit bizarre. And it may be a bit bizarre, but it is not meaningless nonsense. Those who have insisted upon these antidomestic energy development policies know exactly what they're doing. They want to change our way of life whether we like it or not. So a few decades ago, they grabbed onto a theory, a theory that the world is heating up because humankind uses carbon-based fuels. Read that oil, gas, and coal. This theory gives them the ability to stampede politicians and even stampede scientists with a certain amount of prodding and promises of being excluded from grants or promises to receive grants, but that theory gives them the ability to get these people, whether they are scientists or politicians, to support draconian policies and mandates, changes in our economy and lifestyle that they otherwise would never dream of considering and supporting.

All of this is in the name of protecting us from a climate calamity: man-made global warming. Well, the Good Book says: ''The truth shall make you free.'' A caveat might be: ''And a lie can destroy your freedom.'' Man-made global warming has given respectable cover to advocates of a tax and regulatory policy that no one would even consider except, of course, unless it's to take care of an emergency.

□ 2240

In reality, the effort behind the man-made global warming juggernaut is the biggest power grab in history. It gives politicos who always wanted to control the behavior of normal people a seemingly legitimate reason to do so, even over those normal people's objections. This power grab was set in motion in the very first days of the Clinton administration in 1993.

When the Clinton administration took over, one of the first actions that the administration was to do was to fire Dr. William Happer, a man who dared challenge Vice President Gore. Yes, Dr. Happer believed in science, not in the junk science of radicals, and he was skeptical, although not an advocate of either side of the global warming debate.

He didn't fit in, so out he went. From there on, the pattern was very clear, and it's very clear. In order to receive even one penny of Federal research money, a scientist would have to tow the line on the man-made global warming theory. Any dissident would be quickly squashed or at least be cut off from any Federal research funding. That went on for 8 years.

So when approaching this concept of man-made global warming, we must examine the science behind it. So let's state right off, the unconscionable intimidation of the science community during the Clinton years has ensured that bad science permeates the entire argument of the alarmists who are perpetuating this man-made myth. This man-made myth global warming is based on bad science, and it's very easy to discern this by the Herculean efforts made by the man-made global warming advocates to cut off all debate on this issue.

So not only did we see people in the scientific communities being intimidated with the promise of having their research funds cut off, but now, after this, and after the presentation of the global warming alarmist alternative, let's say, alternative projects and alternative policies, that there has been an intense effort to cut off debate on the issue of man-made global warming itself. That is why in Congress they are now trying to quickly slip by a drastic life-altering legislation that is based on the science of man-made global warming. And they want to do this without confronting the basic science.

So, if we want to take a look at the science of global warming, the first thing to notice is why have those people who believe in global warming spent so much effort and so much time and been so abusive in trying to cut off debate? Has anyone ever heard the slogan, case closed?

Come on, if you really are honest, admit that is an attempt, and it was a huge attempt, to cut off debate. The debate is over.

How many heard that? Again, an attempt, not to discuss the issues, not to have an honest discussion of the science, but never to discuss the science. That is what the language—and that is the language of the debate. And what we have here is a language of debate and discussion restriction, not the language being used by the advocates of global warming for let's have an honest discussion, the words they used are aimed at limiting and restricting and cutting off debate. Case closed.

Al Gore never takes any questions. Do you know that, when he goes out and speaks and goes to universities, not only does he not debate, which would be a good idea, he refuses to take questions.

I don't know how many times have we heard, every prominent scientist agrees, so you must be a kook if you disagree. Well, every prominent scientist doesn't disagree and the names

of hundreds, of those people in the scientific community, people who are heads of universities like Richard Lindzen, one of the great scientist from MIT, from all over the world there are major scientists who have put themselves on the record and taken great risk in doing so, telling them that they are, no, very skeptical and have serious doubts about the man-made global warming theory.

The name calling and stifling in this debate by the man-made global warming advocates has been shameful and a disservice to democracy. If someone so much as tries to make a joke, it is reported as if it is being serious. The people who do that are themselves admitting that they cannot stand a major scientific and truthful scrutiny and exchange of ideas.

So what about the science? Let's take a look, and I would challenge any Member of Congress to come here and debate me on the science of this issue.

First, let's talk about the so-called global-warming cycle that's being caused by human activity. That's the bases of what this whole issue is. We know that there have been weather and climate cycles throughout the history of the world, going back to prehistoric times. The global warming alarmists now are using a low point of a 500-year cycle of cooling, and that was at the end of the Little Ice Age, as the baseline for determining if humankind is making the planet hotter at this time.

So, let's get back to it. There have been all of these cycles through the history of the planet, and this cycle, there is a cycle that is going on. But to analyze that cycle, those people are saying man-made global warming, as differentiated from all the other cycles, are using the 1850s as their baseline, and that is at the 500-year low in the temperature of the Earth. It was the end of what they call the Little Ice Age.

Is that good science? Should we really be upset when there is a 1- or 2-degree rise from a 500-year low point in temperatures? So, come on, let's answer that scientific question. Let's not call me names, which is what's happened over and again, as if I don't believe in science, and I am some sort of Neanderthal, or that I am any number of pejorative names. Let's look and be honest.

Those people using names do not understand the issues and are afraid to discuss the science and the issues at hand. They are doing a disservice to our country, and they are exposing themselves as being people who do not believe in the very issue they are advocating because they can't defend it.

So, science question number one: Are they not using an unreasonably cooler moment as the baseline for analysis? Is that not an unreasonable thing to do, to start your settings and use as a baseline a 500-year low in temperature when trying to tell us that we should be concerned about the warming trend that's going on?

Question number two: What about those other weather cycles that we have had long before humankind emerged on this planet? A thousand years ago, even after we had people, things were much warmer than now. Iceland and Greenland were farmed by Norsemen. Farms, there were farms there. It was a time period a thousand years ago when there were not only cattle, but there were plants going there.

Vineland, was actually—people thought Vineland was something that Leif Erickson made up. No, there was a place, a Vineland, back in Nova Scotia, and in those days grew grapes. Well, that's because the weather was warmer then, and there was a cycle, as I say. Was that cycle—as I say, was that cycle—was the decline in temperature by the Little Ice Age, was that caused by human beings?

What about all the other cycles taking place. Were those caused by human beings? If we see that there were cycles that even happened before prehistoric man even existed, well then there must be some other explanation. Well, what is that explanation?

So, if there were cycles before human beings were forced on the planet, what is the other explanation? Well, it seems to many scientists who believed this that the cycles of climate have followed solar activity.

That's why, and I get that, the sun is the biggest force of energy on the planet, and they believe that many scientists believe that it's solar activity and not human activity that's creating this cycle, just as it did the other cycles that we have gone through long before human beings even existed on the planet.

And that also explains why we have cycles, monitoring those on Earth, that have been observed on other planets. That's right, on other planets.

□ 2250

In recent years, we have been treated to the outcries of agony about the melting that is taking place in the Arctic. This is being used to touch people's hearts to get them alarmed so they will accept the draconian controls that will come from those people who are advocating policies to deal with man-made global warming.

They're saying, Oh, it's our activity that's causing the ice caps to melt. Well, who hasn't seen these pictures of these polar bears? The poor polar bears on the ice floe, obviously a victim of man-made global warming.

Well, not so fast. Yes, the ice cap is retreating. There's no doubt about that. But what about the ice cap on Mars? Yes. Right now, at the same time we have our ice cap that is retreating, the ice cap on Mars is retreating at exactly the same time, and it seems to be mirroring, paralleling what's going on on the Earth. Doesn't that indicate that it might be the Sun and not somebody driving an SUV or using modern technology that is creating such a cycle; it's creating the situation that left the bear in a warmer climate?

Well, if so, let us note this. If it is indeed caused by the Sun, and yet we have had all this propaganda to touch our hearts and get us to think, not to feel about the poor polar bear, let us note that if it is the Sun and it's not us, then that polar bear is the victim and has nothing to do with man-made global warming, but is being challenged, just like animals have been challenged throughout the history of our planet by planet cycles.

By the way, let me just note this. How many have not heard the polar bear is becoming extinct? The polar bears are not becoming extinct. In fact, the number of polar bears on this planet has dramatically expanded.

There are four to five times the number of polar bears on the world than there were in the 1960s. But you would believe from what you have seen and the movies and the ice caps melting and Al Gore showing, by the way, a false—a piece of Styrofoam that was breaking off in a movie, presenting to us as if that's the ice caps breaking off the Arctic. You'd think that it was that the polar bears were doomed and that we were to blame for it.

Well, here's another scientific challenge. Okay. If we have cycles already, if the ice is melting on Mars, just as it is here, what is the science behind this claim that mankind is causing the climate cycle, if there is a climate cycle, and what climate cycle it is?

So, let's have an answer to that. Let's not call me names. Let's not just say, Oh, the polar bear—I remember reading this on the Internet—the polar bear is near extinction, when it is clear from many other sources, which I will be happy to provide, that the polar bear population is actually going up. Besides that, that's not the point.

The point is that the polar bear is, whatever condition it's in, is not due to the fact that human beings can drive in automobiles or that we have to change our lifestyle and be controlled by the government in order to protect the polar bear from climate changes that our activities bring about. Man-made global warming theory?

And my colleague from Texas, if he would like to step in for a few words, I'd be very happy to have him.

Mr. GOHMERT. I certainly appreciate my friend from California yielding. With regard to the polar bears, in the Natural Resources Committee we have been hearing that by 20 years ago we were up to under 12,000 polar bears in the whole world, and now we know there are over 25,000 polar bears in the world. They're doing pretty well.

But as we know—and there's some friends here from Texas—in Texas we have a problem with overpopulation of deer because they don't know when to stop overpopulating, and so we have seasons to help keep them from starving themselves to death.

So it is a little misleading to see the ice cap breaking off and the starving mother bear and the cub. That's heartbreaking. And, apparently, it's heartbreaking enough that millions of people—or at least millions of dollars come flowing in.

You kind of hate if you've got millions of dollars coming in from people that feel bad about the polar bears—by the way, the Bush administration was asked to say that the polar bears should be on the endangered species list. But the Bush administration knew they were increasing, just like you were saying, and so what they did was compromised and allowed polar bears to be listed as threatened, even though they're increasing in population.

I'm pleased the polar bears are doing well. Hopefully, we won't have to open up additional seasons, that they will moderate their behavior.

But we also saw with the caribou and people talking about how terrible it is to produce oil in Alaska. And we heard that if they ever put that pipeline up to Prudhoe Bay, it would kill off the last 2,900 caribou that were in the area, that we just couldn't do that. It would destroy their mating habits.

Turns out, caribou now, when they want to go on dates, invite each other to go to the pipeline on cold winter nights because that oil is warm going through the pipeline and it makes them amorous. And now we're up to 30,000 caribou in that herd. So it turns out man and caribou and polar bears can do just fine.

But it does remind one a little bit of the scare that went across the Nation about chlorofluorocarbons just as the Freon patent was coming up, and lo and behold we had to outlaw CFCs that were destroying the ozone layer. It turned out we found out that one eruption of Mount St. Helens put a thousand years' worth of CFCs in the atmosphere—one eruption.

So sometimes I think that we think much too highly of ourselves as human beings and the effect that we have on the world and on the globe, when actually we do need to be good stewards of this wonderful planet, but we also should not be fearmongers that scare people out of doing things to help themselves and their families.

I appreciate so much my friend from California and his yielding.

Mr. ROHRABACHER. Thank you. I appreciate my friend from Texas reminding us of a past scare that proved not to be based on science. I remember about cranberries. Couldn't eat cranberries for 2 years because that caused cancer. I remember when they took cyclamates off the market to the cost of a billion dollars for the industry, then, 20 years later, found out that that was not legitimate.

I remember during the Reagan years, the same sort of intensity now being used on global warming was used to advocate we have to have massive controls on our economy based on controlling acid rain. And what happened to that? Ronald Reagan held firm. There was a scientific research project that went through for a $500 million research program that showed that, yeah, there's a little bit of a problem with acid rain, but not very much. In fact, it was not the threatening force that we were told at that time, which would have cost tens of billions of dollars if we tried to use their agenda, what was being put forward in order to ''stop acid rain.''

Well, the man-made global warming theory, again, is like that. It is based on another scientific factor, and that is CO_2. So let's talk about CO_2.

CO_2 is a part of what is in the atmosphere. CO_2, carbon dioxide, is a miniscule part of our atmosphere. So, CO_2 is, yes, part of the atmosphere, but it was always considered a very small part of the atmosphere.

Let me just make sure we get this right. That CO_2, most people believe that it is a large part of the atmosphere, because I have asked them, but in reality it is less than .04 percent. So what we're saying is much less than one-tenth of 1 percent of the atmosphere is CO_2.

□ 2300

So at that rate, basically when we take a look at that, one-tenth of 1 percent and 80 percent of the CO_2 in the atmosphere is not traced to human activity. There has been, over the years, times when CO_2 was going up. Now we are being told that the rise of CO_2 is causing the atmosphere to warm. But we have times when CO_2 was going up, but it didn't seem to affect the climate and the planet. For example, if man-made CO_2 causes warming, then why is it that when mankind was using much more CO_2 in the 1940s, 1950s and 1960s, as the CO_2 was rising, there was an actual cooling going on in the climate?

Okay, so let's hear the science about CO_2. Why is everyone afraid to try to look at the specific science? If CO_2 causes warming, why is it, when there were dramatic times of CO_2 increase that the Earth got cooler? I had one person suggest that the pollution in the atmosphere completely overwhelmed the greenhouse effect during that particular time period. Well, if that is true, then what we have to say is the Clean Air Act of 1970 is directly responsible for man-made global warming. And does anyone believe that? No, of course not. By the way, anyone telling a joke or trying to make humor is always reported as if that person is being serious.

So here is another scientific challenge. The recent studies show that over 80 percent of America's temperature and weather stations, the monitors who have been collecting the information that is being passed on to us by the global warming, man-made global warming advocates, that 80 percent of these stations have been compromised and are faulty in the information they are providing. The numbers have been skewed. They are suspect because the monitors have been placed in locations that do not meet the National Weather Service basic standards. In other words, the equipment is being compromised. The figures coming out of the equipment cannot be relied upon. And our system, with its 80 percent of the monitors that do not meet the standards, has been heralded as the best in the world.

So think about that, what is going on in the rest of the world. What we are talking about here is we are talking about a 1-degree, of course, rise in temperature, from the depths of the minice age, and yet now we have these monitors that even by today's standards are substandard. And that is by today's standards, not back in the 1860s and not in other parts of the world.

So how is that for a scientific challenge?

If the data is being based on monitors that don't meet scientific standards either today or in the past, how could we pass laws with taxes and controls on our people if the so-called problem is based on bogus or absolutely unscientifically obtained numbers? And even with the current methods of collecting data, we have been warned time and again of dire predictions.

So the numbers themselves are suspect. But those people who have been warning us about those numbers over the last 20 years have been spreading incredible alarm, as exemplified by Vice President Gore and others. The temperatures, we were told over and over again, were going to climb. And they were going to continue to climb, and then it would reach a tipping point, and then the temperatures would really jump up. Well, wake up. Let's talk reality here. Again, let's talk science. Let's quit saying ''case closed.'' Let's not give speeches but never take any questions. Let's quit saying that all the scientists agree when there are scientists all over the world disagreeing.

They were wrong. When they said that there was going to be a continued climb in the temperature, they were 180 degrees wrong, much less having reached a tipping point which then jumped the temperature of the world by even a larger amount.

It has not gotten warmer for over a decade. And it looks like it is still getting cooler. Now, that is totally contradictory to the predictions of the alarmists and those media people

around the world who pushed that idea. It is totally contradictory to what was aggressively told to us, to what was foisted off on the American people and people throughout the world. They were totally, 180 degrees wrong.

Please let's talk about the science here. Come and talk to us about why, if your major prediction was that the Earth was going to continue getting warmer because of this CO_2 that comes out of the engines that we use and the coal and the oil and natural gas, if that was what you were saying and that you were very aggressive in your advocacy of this, now that it hasn't happened, come and talk to us. Don't dismiss us. Don't try to pass a piece of legislation here based on the alarms that went off 15 years ago that have been proven not to be true.

So that is another scientifically based challenge, again, not just ignored; but I would say that this is the arrogance behind never answering these types of science charges remains evident. Please don't ignore it anymore. Please let's respect each other, and let's get away from this basic idea that you can just shut off debate. But let's pay attention to what the debate was like before, if there was any debate. There was just a one-sided debate, because people weren't able to get any government grants, so we had a one-sided drumbeat going on. But those people were aggressive in that man-made global warming was being caused by CO_2, and we have got to control human beings for this.

Well, by the way, they don't even use the words ''global warming'' any more. Think about that. We have a situation that people who were just aggressively talking and putting down anybody who disagreed with them about man-made global warming, now they use the word ''climate change.'' Now if I am proven wrong in a point, if I were to be proven wrong in any point of this speech, I will apologize, and I will change my position. I won't try to change my wording so it sounds like I was never wrong in the first place. These people were wrong. Remember it. Every time they say ''climate change,'' remember that that is an admission that they didn't know what they were talking about before. Man-made global warming. Their dishonesty is underscored every time they use the phrase ''climate change.''

Now, no matter if it gets warmer or if it gets cooler, they can tell us that that backs up their theories, and we should do what they say, because now whether it is warmer or cooler, they have been proven right because they were saying and they were predicting nothing. Well, they believe they should have the power to tax and control us, even though the preponderance of evidence shows that the cycles that we are talking about were not global warming cycles created by human activity or even a cooling cycle created by human activity, but instead something that is based on solar activity.

Let me note this, the gang that told us that human activity was causing the planet to warm and to dramatically heat up, now I say they are using the word ''climate change,'' is an admission of something. But what is it an admission of? They were saying ''global warming,'' and now they are saying ''climate change.'' It is basically an admission that, yes, for 10 years the world has been getting cooler. So if human activity through CO_2 was making it warmer, then maybe it is a good thing that human beings will mitigate the cooling cycle.

Now they are sort of admitting we are in a cooling cycle because they are saying global ''climate change'' and not ''warming.'' So if they said that our activities were going to make it warmer, and now they have admitted they were wrong because they are using a different word, and it is actually getting cooler, then will the human activity that they were complaining about before that was making it warmer, well, logically then shouldn't Al Gore and these other people be advocating more fossil fuel use? Anybody who advocated global warming before and now says ''climate change'' is admitting that it is cooler now, that maybe we are in a cooling trend.

Well, if they believed that human activity made things warmer, maybe they should be advocating that we use more fossil fuel to mitigate the problem of a declining temperature of the planet.

□ 2310

So all of Al Gore's scientific mumbo jumbo is deceptive, and the contention that all of the prominent scientists that agreed with him was not true, wasn't true then, and it is especially not true now, and I would like to add to the RECORD, Mr. Speaker, a long list of prominent scientists who opposed the man-made global warming theory.

Temperature predictions have been wrong. The CO_2 premise is wrong, and we now find out that the monitors that were used to collect the data that were placed next to the air-conditioning exhaust vents in parking lots and on top of buildings near to heat sources, which of course made all of their data unreliable, we now know that was done wrong. And we also know the methodology of using computer models has been questionable from the very beginning.

We know the saying garbage in and garbage out. But let's look at the computer models we have been told are the basis for all of these predictions, many which we now know are wrong. No one was permitted to hear the questions, and no one was permitted to ask follow-up questions. And what about the information that was fed into the computer?

We weren't actually able to find out exactly what the basis of and what was going into those computer models. That was kept from us as well. But we do know that the projections have been wrong. We know there has been an attempt to stifle and shut up debate. People have been called names. Grants have been denied and personal attacks have been evident. All of this has been wrong.

So let's review the scientific challenges of man-made global warming, of the man-made global warming theory, which they have even given up because they now note that it is getting cooler, which is contrary to all of their predictions, because now they use the word ''climate change.''

I have issued a challenge to any of my colleagues to debate me on this issue. No one has come forward. And yet these very same people who refuse to debate the science will vote for draconian legislation that will implement the recommendations of global warming alarmists, even though these people have not stepped forward to debate, they will vote for the program that these alarmists have been advocating.

I am afraid that we should have some confrontation of ideas here and an honest discussion, and this issue has not been honestly discussed in terms of the science.

The baseline comparison, I just noted, started in a 500-year decline. It was based at the bottom of a 500-year decline in temperature. Science measurements were partly or severely flawed by monitoring systems that do not meet minimum acceptable standards. And past climate cycles were frequent even before the emergence of mankind, cycles like the retreating of polar ice caps that we are shown all of the time to touch our hearts so we won't think but will feel. Those solar ice caps and the retreat of the solar ice caps are very similar to the cycles on other planets, especially the planet Mars, for example, suggesting that solar activity rather than human activity is the culprit.

Increasing levels of CO_2 did not cause warming back in the 1940s, 1950s, 1960s, and even the 1970s, when there were large increases of CO_2, yet we are told now that the CO_2 was causing the world to get warmer. But yet more CO_2 has even been produced and for 10 years we haven't had a warming. Now that man-made global warming has been driven into the public consciousness, the alarmists have the leverage here in Washington.

I could talk all night long, but no one is going to confront the science on this, as rotten as the science is. So right here there is a price to pay when the American people have been lied to in a big way. If the truth will set you free, lies will enslave you. There is a price to pay. Like, for example, the millions of children dying in Third World countries of malaria, all because we wanted

to prevent the use of DDT. Why did we want to stop DDT? Because bird eggshells were thinning out, we believed, because of DDT. And thus, millions of children in the Third World have lost their lives to malaria because birds were more important to those who made policy than the millions of children in the Third World who were going to die as a result.

Remember, there is a serious price to pay for listening to irrational alarmists. And now all of this confronts us, and there is a bill to be voted on this week called the American Clean Energy and Security Act of 2009. I call it the Destroy American Jobs and Use Candles Act.

It is a bill, of course, that is based on the theories of the man-made global warming alarmists that I have just demonstrated is totally flawed and wrong science, and a science that these people refuse to get up and defend.

This bill, of course, comes at exactly the wrong time, and its negative consequences will be ever more severe in economic hard times as we are suffering right now than they would be if we were in times of prosperity.

Even if it were true that man-made use of CO_2 was causing a warming, a global warming, this wouldn't be the time to try to implement it, at a time when we are going into such a recession and depression.

Maybe we are like the Third World children in the minds of the people who are going to vote for this horrible legislation. Maybe the birds are more important than the suffering of our own people. Maybe it is more important to posture yourself as a friend of the planet than it is to try to take care of the people of this country and try to alleviate their suffering.

So let's be clear. Our unemployment is currently at 9.4 percent, and that is expected to rise into double digits. There are unsubstantiated boasts coming about jobs saved through the Stimulus Act, but that doesn't help the 345,000 Americans who lost their jobs just last month. It doesn't put food on their table.

Our projected Federal deficit this year is going to reach $1.8 trillion, almost $2 trillion, which our children are going to have to pay for. We are going to have to service that debt. When the interest rate goes up, it will destroy all of our discretionary money. We will soon auction off an unprecedented $104 billion of debt. That $104 billion has $11 billion in interest. That is $11 billion that we are going to pay, and that is just thrown away. Wait until the interest rates go up. This $11 billion will not save anybody's job or pave any roads or provide any health care. It will just be used to continue our massive level of deficit spending.

And yet, excessive taxation and regulation mandates are now being proposed in Washington to deal with man-made global warming, which is a total fraud, as I have demonstrated, and which they admit because they are unwilling to debate the basic facts of global warming, the scientific facts that I have over and over again, myself and Senator INHOFE and others, have over and over presented, but instead we are called names and belittled by this arrogant group that just has in mind they want to tax and regulate and control us, and they always have.

So here and now we are asked to pass this economy-killing bill in the name of stopping man-made global warming.

What's in the bill? I don't have to go into total detail here, but let's just mention that Chairman WAXMAN was asked about a certain section of the bill. And he said, and this was in committee, Why are you asking me? I certainly don't know everything that is in my bill.

I would suggest if you are writing a bill that will have such profound repercussions for decades to come by killing our economy and subduing our people, that is an unacceptable answer.

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We know that there are many dangers that are going to be unleashed by this legislation, and it's an economy-killing piece of legislation. Its aim supposedly is to reduce CO_2 emissions—and let's again say this. CO_2, 80 percent of it in the atmosphere is traced not to human activity, it's a minuscule part of the atmosphere. Yet the goal of this draconian legislation, this oppressive, anti-economy legislation is to reduce emissions to around 80 percent of the current level of the world level by 2020. From there, it would be gradually reduced further. In order to do this, the Federal Government would issue permits that companies would use in exchange for the right of emitting CO_2.

Now, let's make this very clear; CO_2 does not harm human beings. CO_2, we pump it into these greenhouses to make tomatoes grow better. I am all in favor of controlling pollution, pollution of the water, of the air, of the ground. CO_2 is not a pollutant that hurts human beings, but that's what we are being asked to focus on and that's what this legislation that will destroy the jobs of the American people focuses on.

Well, one wonders who will decide who will receive the vouchers that are going to be given out. Apparently, 85 percent of the vouchers for the next few years will just be given out by the government, and those vouchers will be used to give permits to people who want to do business that produces CO_2. Who is going to get those? This is an invitation for corruption, an invitation for corruption. We don't even know where the money went from the TARP bill where we spent hundreds of billions of dollars.

So let's remember that this bill will have a dramatic impact on our economy and the American family. There will be over $1,600 in new taxes per American family by this legislation. And all the jobs will then go to India and to China. That's what we're doing. We're taxing our people, regulating our business, and encouraging our businessmen then to go to China and to India. It will destroy millions of jobs by 2012.

Electricity rates will go up 90 percent above the inflation rate. We will incur $33,000 worth of additional Federal debt for every man, woman, and child in America because of this legislation. And gas prices will rise over 50 percent, natural gas prices well over 50 percent.

And who will be helped by this? The Chinese and the Indians. That's what we're going to get out of this legislation. What did you expect from legislation that was designed to meet a phony problem, man-made global warming, which I have just demonstrated doesn't exist.

So, why is this happening? Why are we on the verge of passing legislation? Why have people even advocated man-made global warming? Well, this has all come about because there are people in our country and throughout the world who want to control the American people. They have wanted to do this forever. They have wanted to change our lifestyles whether we like it or not. But this is a democracy, and they had to scare us and they had to skew the argument. They had to beat down anybody who wanted to offer alternative arguments in order to get us to this point of passing legislation that will dramatically control our people and control industry and put us under a burden of taxation and regulation that will destroy the meaning of opportunity in America in the years to come.

Now, why do they want to do this? Because they want to build a whole new world based on benevolent control of people like themselves. And that's where the real threat comes in. The real threat comes in that this is not just the idea of centralizing power in the Federal Government—which in and of itself is contrary to what America is supposed to be all about. We're supposed to let local government and State governments control many things, but this is a centralization of power into the hands of global government.

Yes, you hear global answers, We're global this and global that. What that means is international organizations like the United Nations—which is filled with corrupt governments and representatives from corrupt governments, filled with representatives from governments that are despotic gangsters who murder their own people. We should not be transferring power globally. That is the worst possible scenario. But this, too, like the man-made global warming theory, is their dream,

the dream of a planet being planned out by benevolent people, as if people on the international scale and Washington, D.C., are naturally more competent and more benevolent than the people themselves or the people in local government.

What can we expect? Yes, as this moves along, this is the first major step. This bill that will be coming up this week, the cap-and-trade bill based on fraudulent science, this will be the first step towards what? Towards centralizing money and power in the Federal Government.

The next step is centralizing that power globally, all in the name of benevolent ends, all in the name of stopping this horrible threat that's hanging over our heads, man-made global warming. Of course, they don't use that anymore. Again, remember, every time the word ''climate change'' is used is an admission that the people who advocated man-made global warming were wrong all along.

So I would suggest that this is the time for the patriots to stand up to the globalists. This is the time for us to say, We don't want this legislation. It will be harmful to our families. It will centralize power and money and resources in the Federal Government. It will destroy our economy at a time when people need jobs and a stronger economy. It will actually help the Chinese and the Indians more than us, all in the same benevolent-motivated activity, which is very similar to the ending of the use of DDT, which caused millions of children in the third world to die.

I don't care if people are benevolent. I don't care what their motives are, if their motives are benevolent. What is important is whether they're rational and whether they're right. I have pointed out in this speech numerous examples where the science is wrong, and I would suggest that the theory that big government controlling our lives as the way to solve our problems is also wrong. It will lead us not to more prosperity and not to more liberty, but a diminishing of the liberty and prosperity of our people.

Again, wake up America. It's time for the patriots to act. We still have time to turn this around. We have seen $4 trillion being given out, $4 trillion of private liability put on our shoulders as public debt in this last year. This is a tremendous centralization of power.

We will not give up our freedom and let this happen. We are not powerless. This is still a democracy. People need to call their Member of Congress. They need to call their Senator and say man-made global warming was a hoax. It was not something that we should be basing a centralization of wealth and power in the Federal Government, and certainly not something that we should be getting involved in in order to enrich the power of the United Nations and other international bodies.

I would invite my fellow Americans to get involved in the system. If one does not get involved in the system, we will not go the right way. And I will say that in our country's history, it has always been the intervention of the American people at the right moment that has kept us on the right track. It wasn't just sitting back and allowing special interests—like are so evident in this cap-and-trade legislation that will be voted on later on this week—to write the legislation, to control what sounds like a benevolent-sounding initiative which will wreak havoc on the life of the American people. They want to control us and change our lifestyle. Let them convince us. Don't let them control us and take away our democratic rights.

Mr. Speaker, as I stand here on the floor of the House tonight, I am reminded of the television series, The Twilight Zone. These days I half expect Rod Serling to appear from behind a curtain and announce that ''This is the Twilight Zone.'' Yes, there is an almost bizarre sense of unreality here in the Nation's Capitol: The transformation of private liability into public debt on a massive scale, the unprecedented level of deficit spending, debt piled on debt, borrowing from China to give foreign aid to other countries, the willingness to pass draconian restrictions and controls on our national economy and on the lives of our people.

While seeking to save us from recession, Congress shovels hundreds of billions into the financial industry, much of which has ended up in the pockets of fat cats and wheeler-dealers who've been giving themselves multi-million dollar bonuses even as they've driven their own companies into the ground. The give-aways and lack of oversight have been mind boggling. We don't know where hundreds of billions of dollars went and to whom, yet now the taxpayers are on the hook for this increase in our debt.

We've watched as nothing has been done to protect the well being of our people.

Our nation's borders leak like a spaghetti strainer, millions of people illegally continue pouring into our county to consume our limited healthcare, education, and other social service dollars, and yes, to take jobs from our people, and in some cases commit crimes against our people. Our government lets it happen. We can't even build a fence.

In California we can't even build new water systems in the middle of a drought, this we are told because of a tiny fish—the delta smelt—so our people will suffer because of concern over a little, tiny, worthless fish that's not even good enough to use as bait. So last week, even amidst California's tremendous difficulties, with drought conditions and a shortage of water at near-crisis, this House voted not for the people, but for fish. No water for our people if that little fish might be affected.

Perhaps the most damaging of the weird policies I've described is America's long time commitment not to develop our domestic energy resources. Even as high energy prices have brought suffering and economic hardship to our people. Even as dollars have been siphoned from our pockets and deposited in coffers overseas, enriching foreigners, some of whom hate us. While our hard-earned dollars are being extracted from us, massive domestic deposits of oil and gas worth trillions of dollars are untouched, untapped, unused. Even as California sinks into an economic catastrophe—off the coast, are huge caverns filled with massive deposits of oil and gas sitting there? Even as California cuts or cancels public services, billions of dollars of tax revenue from that oil and gas sits right off shore, yet the state of California lets it sit while our people suffer and the state goes broke. Trillions of dollars have been sent overseas for energy while at home, no new oil refineries, no hydro electric dams, no nuclear power plants.

As I say all of it's a bit bizarre. But it is not meaningless nonsense. Those who've insisted up these anti-domestic energy policies know what they are doing. They want to change our way of life whether we like it or not. So a few decades ago they grabbed onto a theory that the world is heating up because humankind uses carbon based fuel—oil, gas, coal, etc. This theory would give them the ability to stampede politicians, even scientists, into supporting draconian policies and mandates, changes in our economy and our lifestyle. All in the name of protecting us from a climate calamity: Man-made Global Warming.

The good book says ''the truth shall make you free''; a caveat might be ''and a lie can destroy your freedom.'' Man-made Global Warming has given respectable cover to advocates of tax and regulatory policies that no one would even consider, except, of course, unless it is an emergency. In reality, the effort behind the Man-made Global Warming juggernaut is the biggest power grab in history. It gives politicos, who've always wanted to control the behavior of normal people, a seemingly legitimate reason to do so . . . even over their objections. This power grab was set in motion back in the very first days of the Clinton administration in 1993.

When the Clinton Administration took over, one of the first actions of that administration was to fire Dr. William Happer, a man who dared challenge Vice President Gore. He believed in science, not the junk science of the radicals. He didn't fit, so out he went. From there the pattern became all too clear. In order to receive even one penny of federal research funds, a scientist would expected to toe the line of Man-made Global Warming alarmism. Any dissent would be quickly quashed, or at least cut off from any federal research funding. So when approaching this concept of Man-made Global Warming we must examine the science behind it. So let's state right off, the unconscionable intimidation of the science community during the Clinton years has ensured that bad science permeates the entire argument of those alarmists perpetuating this man-made myth.

That it is based on bad science and lies is easy to discern by the herculean effort Man-made Global Warming advocates have made to cut off debate. That is why in Congress they are now trying to quickly slip by drastic life altering legislation based on the Man-made Global Warming theory without confronting the basic science. How many of us have heard ''Case closed?'' ''This debate is over.'' That is the language of debate and discussion restriction.

Case closed. Al Gore takes no questions. Every prominent scientist agrees so you must be a kook to disagree. The name calling and stifling of debate by the Man-made Global Warming advocates has been shameful and a disservice to democracy.

So what about the science?

First, about the so-called warming cycle caused by human activity—we know that there have been weather cycles and climate cycles throughout the history of the world. The Global Warming alarmists are now using a low point of a 500 year cooling cycle, the end of the Little Ice Age, as their baseline for determining if humankind is making the planet hotter. Should we really be upset when there is a 1 or 2 degree rise from a 500 year low point in temperatures?

So science question number one: are they not using an unreasonably cooler moment as a baseline for analysis? Question number two: what about the other weather cycles that have had nothing to do with human activity? A thousand years ago things were much warmer than now. Iceland and Greenland were farmed by Norsemen. What about the many other cycles, many of them to prehistoric times, even before man? So, all of a sudden it's man's fault?

So, if these cycles were happening before humans were a force on the planet, isn't it likely there is another explanation for the cycles? Well, it seems to many scientists that cycles of climate follow solar activity. That's why cycles mirroring those on earth have been observed on other planets.

In recent years we've been treated to outcries of agony about the melting taking place in the Arctic. Who has not seen the pictures of the poor polar bear on the ice flow, obviously a victim of Man-made Global Warming? Well not so fast. Yes, the ice cap is retreating. There's no doubt about that. But what about the ice cap on Mars? There is an ice cap on Mars and it is retreating at exactly the same time as our ice cap is retreating. Doesn't that indicate that it might be the sun and not driving SUVs or modern technology that's creating such cycles, including the one that we are already in?

So, if a polar bear is hurt it is not caused by human activity. And by the way, the polar bear population has dramatically expanded—there are 4 to 5 times the number of polar bears as there were in the 1960s.

So here's another scientific challenge: were there already cycles? And if polar ice on Mars is retreating as well, aren't cycles likely the result of solar activity? Let's have an answer to that.

The Man-made Global Warming theory has been focused on CO_2. Let's talk about the science of this. CO_2 is a miniscule part of our atmosphere, and if you ask the ordinary person, they think it's 20 percent of the atmosphere. Well, actually it's less than 0.04 percent. Much less than 1 tenth of 1 percent of the atmosphere is CO_2. And of that, at least 80 percent of the CO_2 in the atmosphere is not traced to human activity.

There have been, over the years, times when CO_2 was going up and down dramatically but did not affect the climate of the planet. For example, if Man-made CO_2 causes warming, why, as CO_2 levels were rising dramatically in the 1940s, fifties, sixties and seventies why, if the CO_2 was rising in those decades, why was there actually a cooling of our climate in those decades?

Okay. Let's hear the science. Come on. Why is everyone afraid to take on these scientific answers? I had one person suggest to me that the pollution in the atmosphere completely overwhelmed the ''Greenhouse Effect'' during this period. If that's true, then The Clean Air Act of 1970 is directly responsible for Man-made Global Warming. Does anyone believe that?

And here's another scientific challenge. A recent study shows that over 80 percent of America's temperature and weather stations have been compromised and are faulty in the information they're providing.

The numbers have been skewed. They are suspect because the monitors have been placed in locations that do not meet the National Weather Service basic standards. In other words, the equipment is compromised; the figures coming out of the equipment cannot be relied upon. And our system, with 80 percent of our monitors that do not meet the standards, has been heralded as the best in the world. So think about that. What's going on in the rest of the world when we're talking about a one-degree rise in temperature since the end of the little ice age?

So how about that as a scientific challenge? If the data is based on monitors that don't meet scientific standards, how can we pass laws with taxes and controls on our people, even if the the so-called problem is based on a bogus number?

And even with the current methods of collecting data, we have been warned time and again with dire predictions. Over the last 20 years, spreading the alarm, told us, Vice President Gore and others.

The temperatures were going to continue to climb and then we would reach a tipping point and temperatures would jump dramatically. Well, wake up. Quit talking theory.

The Global Warming alarmists' predictions were wrong, 180 degrees wrong. It has not gotten any warmer for over a decade and it looks like we're even still getting cooler. That is totally contradictory to the predictions that alarmists like VP Gore and others aggressively made to us. OK, this is yet another science-based challenge.

Don't ignore it, please pay us more respect than just changing your basic mantra from ''Man-made Global Warming'' to ''climate change.''

If I am proven wrong on a point, I will apologize and change my position. I won't try to change my wording so it sounds like I was never wrong in the first place.

These people were wrong. Remember it. Every time they say ''climate change'' remember these were the same people who were talking about Man-made Global Warming. Their dishonesty is underscored every time they now use the phrase ''climate change.'' Now, no matter if it gets warmer or colder, they want us to give them the power to tax and control us even though the preponderance of evidence now suggests that cycles come from solar activity.

Let me note this, this gang told us human activity was causing the planet to warm. Now they are using the words ''climate change,'' which is an admission that the Earth is getting cooler. So if human activity was making it warmer, then maybe it is good that human beings will mitigate a cooling cycle with the human activity that, according to Al Gore and others, was making it warmer. Logically, they should now be advocating we use more fossil fuel.

So Al Gore's scientific mumbo-jumbo was deceptive, the contention that all of the prominent scientists agreed with him was not true then and especially not true now. I'd now like to add a long list of many prominent scientists who oppose the Man-made Global Warming theory. The temperature predictions have been wrong, and the man-made CO_2 premise is wrong.

Now we find out that the monitors used to collect the data were placed next to air-conditioning exhaust vents, and in parking lots, and on top of buildings, and near other heat sources which, of course, made all of their data totally unreliable.

We also know the methodology of using computer models has been questionable from the very beginning. We all know the saying: garbage in, garbage out. But no one was permitted to hear the questions; no one was permitted to ask follow-up questions; and to this day no one has been permitted to view the assumptions and calculations that went into the incorrect computer models used to justify the alarmist campaign that is now being used to justify punitive taxes and controls on our people.

The projections have been wrong. The attempt to stifle debate and shut up those people who disagree by calling them names, denying grants, and making personal attacks has been wrong.

So, let's review the scientific challenges to the Man-made Global Warming theory. I have issued challenges to any of my colleagues to debate the science of this issue, not one of those who now seem willing to vote for draconian legislation to implement the recommendations of the Global Warming alarmists have ever stepped forward. What is it they don't want to confront?

Baseline comparison is at the bottom of a 500-year decline in temperature. The science measurements were partly or severely flawed by a monitoring system that does not meet minimum acceptable standards. Past climate cycles were frequent even before the emergence of mankind. Cycles like the retreating polar ice caps are parallel to similar cycles on Mars suggesting solar activity, rather than human activity, is the culprit. Increasing CO_2 levels did not cause warming, which can be shown in the 1940s, 1950s, 1960s, and 1970s where there was an increasing level of CO_2, but yet it was getting cooler.

Now that Man-made Global Warming has been driven into the public consciousness, the alarmists have the leverage right here in Washington. There is a price to pay, like the millions of children dying in Africa of malaria because we prevented the use of DDT. We did this so that bird egg shells would be thicker. The birds were more important to them than millions of third world children. So remember, there is a serious price to pay for listening to irrational alarmists.

And now all of this confronts us. There is a bill to be voted on this week—the ''American Clean Energy and Security Act of 2009'' though I would call it the ''Destroy American Jobs and Use Candles Act.'' It is a bill that comes at exactly the wrong time, and its negative consequences will be ever more severe in economic hard times as we are now suffering. Maybe we are like the 3rd world children in their minds. The birds are more important than our own suffering people.

So let's be clear. Our unemployment is currently at 9.4%, and that is expected to soon rise over double digits. There are unsubstantiated boasts of jobs saved through the stimulus act, but that doesn't help the 345,000 Americans who lost their jobs last month put food on the table for their families. Our projected federal debt for this fiscal year reaches to one point eight trillion dollars!

We will soon auction an unprecedented $104 billion in debt. $104 billion with $11 billion in interest. That's $11 billion just thrown away. It will not save jobs; it will not repave roads; it will not provide healthcare. It will just be used to continue our massive level of spending.

And yet excessive taxation regulation mandates are now being proposed in Washington, and they will have severe consequences.

So here we are, and now we are asked to pass an economy killing bill, in the name of stopping Man-made Globa Warming. What's in this bill? Well don't ask the bill's author. During markup of this bill, Chairman WAXMAN, when asked about a section of the bill claimed, ''You're asking me? I certainly don't claim to know everything that's in this bill.'' Well I would suggest, that if you are writing a bill that will have profound repercussions for decades to come, that is an unacceptable answer.

Of course, we know the aim of this bill is to reduce carbon dioxide emissions. As I have already said, this goal is foolhardy at best. It will reduce emissions of a harmless gas, while neglecting to address the dangerous pollutants that have had a demonstrated negative effect on human health.

The current proposal would reduce allowable CO_2 emissions to around 80 percent of the current level by 2020. From there it would gradually decrease further. In order to control this, the federal government would issue permits that companies would use in exchange for the right to emit CO_2. These permits could be traded, bought and sold. Companies which emit more CO_2 than they have allowances for would face heavy fines. The sale of these revenues will supposedly cover the cost of the bill. It is surprising then, that 85% of these allowances will be given out for free during the next twenty years. What?!? One wonders who will decide who receives what will become yet another government subsidy, or a political giveaway. According to recently released numbers by the nonpartisan Congressional Budget Office, this bill gives away $821 billion worth of allocations to who the hell knows who, while consumers are going to pay $846 billion more in carbon energy costs. We have no idea where those funds will go. The last time we passed legislation with no idea what we were voting on, AIG got big bonuses. Who will win big under this bill is still unclear, but what is clear is who will lose: The American worker.

But even if we believe all of the arguments made by those who would foist this bill on us, it will still not accomplish any meaningful CO_2 reduction. Remember, 80 percent or more of the CO_2 in the atmosphere is not linked to human activity. We must ask ourselves if the cost of this bill, over $1600 in new taxes per American family, is warranted given the fact that the U.S. share of CO_2 emissions is falling as China and India's emissions are rising. So again, is it really worth it? Both of these countries have already stated publicly that they will not match these suicidal policies being proposed. All this bill will do is further encourage manufacturing to leave the United States for these countries. All of this will cost America. All of this, to decrease worldwide temperatures by less than one degree over the next 20 years, that might take us a little close to the 500-year low in global temperatures.

So it will not do what the bill's sponsors claim it will. But what this bill will also do is reduce our gross domestic product by over $7 trillion and destroy nearly 2 million jobs by 2012. It will raise electricity rates by 90 percent above inflation, incur $33,000 worth of additional Federal debt for every man, woman and child in America. Gas prices will rise over 50%. Natural Gas prices will rise by 50% as well. And it will help the Chinese and other people steal our businesses from us. This is the real climate change calamity.

So yes, this bill costs on average 1.1 million jobs a year. Between 2012 and 2035 the US GDP will lose $9.4 trillion. All of this leads me to ask this simple question Mr. Speaker: What is worse: Living under Man-made Global Warming, or living under Man-made Global Warming legislation? I would suggest the latter.

For decades, phony, frightening predictions, false climate assumptions and inaccurate information fed into computer climate models have been foisted on the American people, including our young people, and people throughout the world. Even worse, honest discussion on these issues of climate have been stifled, and critics have been silenced in order to create an illusion of a consensus that the climate is going haywire and that we're in for a Man-made Global Warming calamity. So why is this? Why do we have this specter of Man-made Global Warming being portrayed as a global calamity in the making? Well, it's being used to stampede the public and, yes, stampede officials into accepting what appears to be the biggest power grab in history. One doesn't have to be a conspiracy nut to realize there are a significant number of people who really believe in centralizing the power of government into the hands of elected and even unelected officials, centralizing that power in Washington and elsewhere. And these unelected officials, who now will be given so much power, are expected to be competent and expected to be well motivated. They are expected to prove that by doing the things that are consistent with the goals and the values of the people who are pushing to centralize power in their hands.

That we have a group of leftists who believe in centralizing power should not surprise anyone. But what we have here is the leftist politicos in this country who believe in centralizing power anyway.

Global and international bodies and our own government and our own Congress will be given the right and power to intervene in our lives to prevent Man-made Global Warming. That's what it's all about, globalism. If man makes it, man must then be controlled. That's why it was so important for them to steamroll over anybody who is in opposition and wanted to ask some questions. They want nobody to ask questions about their theory about Man-made Global Warming because they believe men and women, people, need to be controlled. That is part of their theory of government. It will make it a whole new, more benevolent world. Unfortunately, a lot of the government they are talking about is not the American Government. We are talking about international mandates from unelected bodies that we will then pass on power and authority to, which is supported by many of the people right here in this Congress.

Of course, the proposal before us will destroy the economy, and the irony of it is that it will have nothing to do with saving the planet, but will in fact perhaps make the environment of our planet worse, rather than better. That is why they have tried to stifle the debate and the attempt to push climate change legislation has never been more intense. People in Washington, we don't need to be told that there has been an attempt to stifle debate. But I would ask that the American people think about what they have heard about the Man-made Global Warming theory over these 15 years, but especially over these last 4 years. The attempt to ramp up these scare tactics is at an all-time high.

But mark my words, the real calamity will not be an out-of-control climate caused by humans; the real calamity brought on by Man-made Global Warming will be the economy-killing taxes and regulations that are put in place to solve a nonexistent problem. That economic decline that we're talking about is just Round one, however. Round two is easy to predict.

For example, in the future, we are going to face all kinds of mandates and controls from the Federal Government and the internationalcy. Some of these would be, for example, mandated increases in parking fees. Do they tell you that now? All your local communities are going to have to raise your parking fees. And there will be major impediments to the private use of automobiles. And then, of course, they've got to end frequent flyer miles and they've got to end discount air travel because, believe it or not, and nobody has ever been telling you this, they believe that airplanes are the biggest CO_2 footprint of all. That's right. Your frequent flyer miles and your discount tickets have got to go. Of course, the elite will be able to fly around in their private planes giving a donation by supposedly planting trees somewhere and thus they can fly in their private planes. But the rest of us cannot go to see our sick relatives on a discounted ticket. No one has heard about this. Nobody has heard about these types of controls that are going to be mandated on our own people by the United Nations perhaps. What has been the purview of local government will be transferred to much higher authorities. Local government will be required to follow international guidelines, climate guidelines, when it comes to building, zoning, even local planning.

This is part of our liberty. Where we live, what we eat, how we run our lives, this is what is at stake. It's called liberty. This is a fight between the globalists, who found a vehicle to try to gain power and grab power, and those people who do believe in liberty and justice. We call them patriots. We call them people around the world who do believe in these Western values of dignity for the individual and freedom and justice.

If you aren't frightened by this, you should be. We have a fanatical movement of steely-eyed zealots who cannot admit they made a mistake, who always attack the other person rather than trying to have honest discussions of issues. Couple that with self-serving interests, and there are many self-serving interests who are involved in this. They now have joined in a political coalition that believes they have the right to run the economy, run business, run local schools, and run our lives. They have been looking for an excuse to assume power.

We must stand up and defeat this power grab. Wake up America! Your freedom and prosperity are at stake.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–182) on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–183) on the resolution (H. Res. 573) providing for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. FLEMING, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today, June 24, 25 and 26.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 19, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 2346. Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

H.R. 2344. To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 837. To designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

H.R. 2675. To amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

H.R. 813. To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

ADJOURNMENT

Ms. PINGREE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 24, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN MAY 26 AND MAY 29, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steny Hoyer	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91
Hon. Mariah Sixkiller	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91
Austin Burnes	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91
Committee total											25,706.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. STENY H. HOYER, Chairman, June 6, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA—U.S. INTERPARLIAMENTARY GROUP, CONFERENCE HELD IN LA MALBAIE, QUEBEC, CANADA, EXPENDED BETWEEN MAY 15 AND MAY 18, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Oberstar	5/15	5/18	Canada		1,004.03						1,004.03
Hon. Cliff Stearns	5/15	5/18	Canada		599.29						599.29
Hon. Bart Stupak	5/15	5/17	Canada		393.00		1,008.41				1,401.41
Hon. Candice Miller	5/15	5/17	Canada		393.00		1,167.68				1,560.68

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA—U.S. INTERPARLIAMENTARY GROUP, CONFERENCE HELD IN LA MALBAIE, QUEBEC, CANADA, EXPENDED BETWEEN MAY 15 AND MAY 18, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter Quilter	5/15	5/18	Canada		472.18						472.18
Robyn Wapner	5/15	5/18	Canada		472.18						472.18
Mary McVeigh	5/15	5/18	Canada		472.18						472.18
Dr. Kay King	5/15	5/18	Canada		472.18						472.18
Carl Ek	5/15	5/18	Canada		472.18						472.18
Jason Lamote	5/15	5/18	Canada		472.18						472.18
Shanna Winters	5/15	5/17	Canada		314.79		1,357.35				1,672.14
Committee total					5,537.19		3,533.44				9,070.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JAMES L. OBERSTAR, Chairman, May 17, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO JORDAN, QATAR, UNITED KINGDOM, EXPENDED BETWEEN MAY 7 AND MAY 12, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	5/07	5/08	Jordan		354.00		[3]				354.00
Hon. Rush Holt	5/07	5/08	Jordan		354.00		[3]				354.00
Hon. Brian Monaghan	5/07	5/08	Jordan		354.00		[3]				354.00
Hon. Wilson Livingood	5/07	5/08	Jordan		354.00		[3]				354.00
John Lawrence	5/07	5/08	Jordan		354.00		[3]				354.00
Wyndee Parker	5/07	5/08	Jordan		354.00		[3]				354.00
Andrew Hammill	5/07	5/08	Jordan		354.00		[3]				354.00
Bridget Fallon	5/07	5/08	Jordan		354.00		[3]				354.00
Hon. Nancy Pelosi	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Hon. Rush Holt	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Hon. Brian Monaghan	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Hon. Wilson Livingood	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
John Lawrence	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Wyndee Parker	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Andrew Hammill	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Bridget Fallon	5/08	5/11	Qatar		1,073.00		[3]				1,073.00
Hon. Nancy Pelosi	5/11	5/12	United Kingdom		452.00		[3]				452.00
Hon. Rush Holt	5/11	5/12	United Kingdom		452.00		[3]				452.00
Hon. Brian Monaghan	5/11	5/12	United Kingdom		452.00		[3]				452.00
Hon. Wilson Livingood	5/11	5/12	United Kingdom		452.00		[3]				452.00
John Lawrence	5/11	5/12	United Kingdom		452.00		[3]				452.00
Wyndee Parker	5/11	5/12	United Kingdom		452.00		[3]				452.00
Andrew Hammill	5/11	5/12	United Kingdom		452.00		[3]				452.00
Bridget Fallon	5/11	5/12	United Kingdom		452.00		[3]				452.00
Committee total											15,112.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, June 12, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Amine Polyalkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0738; FRL-8418-6] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2359. A letter from the Majority Co-Chair and Minority Co-Chair, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting the Commission's Interim Report describing the Commission's origins, its plan of work, its review of existing knowledge and results of investigations so far, and items on the agenda for further investigation; to the Committee on Armed Services.

2360. A letter from the General Counsel, Department of Defense, transmitting legislative proposals to be incorporated as part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2361. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2362. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2363. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2364. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2365. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8069] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2366. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Withdrawal of Revised Definition of ''Required Use'' [Docket No.: FR-5180-F-06] (RIN: 2502-AI61) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2367. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID: OCC-2009-0001] (RIN: 1557-AD14) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2368. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — TARP Standards for Compensation and Corporate Governance (RIN: 1505-AC09) received June 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2369. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Reserve Requirements for Depository Institutions [Regulation D; Docket Nos.: R-1334 and R-1350] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2370. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2008-0595; FRL-8918-1] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2371. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Northern Virginia Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2007-0287; FRL-8918-2] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2372. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs [EPA-HQ-SFUND-2009-0144; FRL-8919-3] (RIN: 2050-AG53) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2373. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rulemaking to Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules [EPA-HQ-OAR-2008-0774; FRL-8917-6] (RIN: 2060-AP35) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2374. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation [EPA-HQ-OAR-2003-0064; FRL-8904-5] (RIN: 2060-AP49) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2375. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bismarck, North Dakota) [MB Docket No.: 08-134 RM-11466] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2376. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Canton, Ohio) [MB Docket No.: 08-126 RM-11458] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2377. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Spokane, Washington) [MB Docket No.: 08-129 RM-11461] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2378. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Consideration of Aircraft Impacts for New Nuclear Power Reactors [NRC-2007-0009] (RIN: 3150-AI19) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2379. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of Fee Schedules; Fee Recovery for FY 2009 [NRC-2008-0620] (RIN: 3150-AI52) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2380. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services [Transmittal No. 09-16], pursuant to 22 U.S.C. 2776(b)(1); to the Committee on Foreign Affairs.

2381. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2382. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2383. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-104, ''WMATA Compact Consistency Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2385. A letter from the Secretary, Department of Agriculture, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2009, pursuant to Public Law 95-452; to the Committee on Oversight and Government Reform.

2386. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2387. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2388. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2389. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period ending March 31, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2390. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Sixty-Eighth Financial Statement for the period of October 1, 2007 to September 30, 2008 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2391. A letter from the International Roll Call, transmitting a presentation that compares their Legislative clients' use of four (4) available display technologies; to the Committee on House Administration.

2392. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the California Advisory Committee; to the Committee on the Judiciary.

2393. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the New Hampshire Advisory Committee; to the Committee on the Judiciary.

2394. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

2395. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Georgia Advisory Committee; to the Committee on the Judiciary.

2396. A letter from the Acting Administrator, Department of Transportation, transmitting the Federal Aviation Administration's Capital Investment Plan (CIP) for fiscal years 2010-2014, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

2397. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of prospectuses and fact sheets that support the U.S. General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

2398. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill to authorize $1,196,230,000 for the Department of Veterans Affairs (VA) major facility construction project for Fiscal Year 2010 and $196,227,000 for major facility leases for Fiscal Year 2010; to the Committee on Veterans' Affairs.

2399. A letter from the Acting Administrator, Department of Homeland Security, transmitting a draft bill ''to authorize the Transportation Security Administration to adjust the fee imposed on passengers of air carriers and foreign air carriers to pay the costs of aviation security, and for other purposes''; to the Committee on Homeland Security.

2400. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101- 576, and the Government Performance

and Results Act of 1993, the Corporation's 2008 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

2401. A letter from the Secretary, Department of Energy, transmitting the Department's 2008 report entitled, ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board'', pursuant to Section 316(b) of the Atomic Energy Act of 1954; jointly to the Committees on Energy and Commerce and Armed Services.

2402. A letter from the Chairman, Labor Member and Management Member, Railroad Retirement Board, transmitting the Board's 2009 annual report on the financial status of the railroad unemployment insurance system, pursuant to Public Law 100-647, section 7105; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2403. A letter from the Director, Executive Office of the President, Office of National Drug Policy, transmitting the Office's 2009 National Southwest Border Counternarcotics Strategy, pursuant to Public Law 109-469, section 1110; jointly to the Committees on Armed Services, Homeland Security, Oversight and Government Reform, Energy and Commerce, the Judiciary, and Appropriations.

2404. A letter from the Honorable Tim Murphy (R-PA) and the Honorable Neil Abercrombie (D-HI), transmitting a draft bill entitled, ''H.R. 2227, the American Conservation and Clean Energy Independence Act of 2009''; jointly to the Committees on Natural Resources, Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, Rules, the Budget, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes (Rept. 111–166 Pt. 2).

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations For Fiscal Year 2010 (Rept. 111–174). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 556. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; with an amendment (Rept. 111–175). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 934. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; with an amendment (Rept. 111–176). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1018. A bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; with an amendment (Rept. 111–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 762. A bill to validate final patent number 27–2005–0081, and for other purposes (Rept. 111–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1275. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; with an amendment (Rept. 111–179). Referred to the Committee of the Whole House on the State of the Union.

Mr. DICKS: Committee on Appropriations. H.R. 2996. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–180). Referred to the Committee of the Whole House on the State of the Union.

Ms. DELAURO: Committee on Appropriations. H.R. 2997. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–181). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 572. Resolution providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes (Rept. 111–182). Referred to the House Calendar.

Mr. PERLMUTTER: Committee on Rules. House Resolution 573. Resolution providing for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–183). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. ANDREWS):

H.R. 2989. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans, to amend such Act to provide for independent investment advice for participants and beneficiaries under individual account plans, and to amend such Act and the Internal Revenue Code of 1986 to provide transitional relief under certain pension funding rules added by the Pension Protection Act of 2006; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself, Mr. TOWNS, Mr. SPRATT, Mr. WAXMAN, Mr. RAHALL, Mr. MARKEY of Massachusetts, Mrs. DAVIS of California, and Mr. LYNCH):

H.R. 2990. A bill to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Oversight and Government Reform, Natural Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 2991. A bill to amend title 49, United States Code, to provide authority to the Secretary of Transportation to guarantee sureties against loss resulting from a breach of the terms of a bond by an eligible small business concern, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLE (for himself and Mr. JORDAN of Ohio):

H.R. 2992. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. COLE (for himself and Mr. JORDAN of Ohio):

H.R. 2993. A bill to amend chapters 95 and 96 of the Internal Revenue Code of 1986 to terminate taxpayer financing of presidential election campaigns; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. STEARNS):

H.R. 2994. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama (for himself, Mr. BOUSTANY, Mr. CASSIDY, Mr. BACHUS, Mr. CAO, Mr. MELANCON, Mr. BRALEY of Iowa, Mr. FLEMING, Mr. SCALISE, and Mr. BOSWELL):

H.R. 2995. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes; to the Committee on Financial Services.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 2998. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Ways and Means, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. PALLONE, Mr. TIM MURPHY of Pennsylvania, and Mr. SCHRADER):

H.R. 2999. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. WAXMAN, Ms. LEE of California, Mr. HONDA, and Ms. VELÁZQUEZ):

H.R. 3001. A bill to address the health disparities experienced by lesbian, gay, bisexual, and transgender Americans, to eliminate the barriers they face in accessing quality health care, and to ensure that good health and well-being is accessible to all; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, the Judiciary, Ways and Means, Oversight and Government Reform, House Administration, Education and Labor, Veterans' Affairs, Transportation and Infrastructure, Intelligence (Permanent Select), and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself and Mr. CANTOR):

H.R. 3002. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. ROGERS of Michigan, Mrs. DAVIS of California, Mrs. CAPITO, Mrs. NAPOLITANO, Mr. BERMAN, Mr. HARE, and Ms. SCHAKOWSKY):

H.R. 3003. A bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. BROUN of Georgia, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. PAULSEN, Ms. FALLIN, Mr. BARTLETT, Mr. PITTS, Mrs. BLACKBURN, Mr. CULBERSON, Mr. LAMBORN, Mr. BONNER, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. JONES, Mr. WESTMORELAND, Mr. WAMP, Mr. SESSIONS, Mr. NUNES, and Mr. SMITH of Nebraska):

H.R. 3004. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 3005. A bill to expedite the increased supply and availability of energy to our Nation; to the Committee on Energy and Commerce.

By Mr. GRIJALVA (for himself, Mr. FATTAH, Ms. CLARKE, Mr. HARE, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. YARMUTH, Mr. LANGEVIN, and Mr. SESTAK):

H.R. 3006. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 3007. A bill to provide fiscal assistance to local governments; to the Committee on Oversight and Government Reform.

By Mr. KISSELL:

H.R. 3008. A bill to establish a National Strategic Gasoline Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSS:

H.R. 3009. A bill to promote alternative and renewable fuels and domestic energy production, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 3010. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. TURNER (for himself, Mr. LATOURETTE, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGG, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GINGREY of Georgia, Mr. POSEY, Mr. FRANKS of Arizona, Mr. BONNER, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. TIAHRT, Mr. LATTA, Mr. HELLER, Mr. ROGERS of Alabama, Mr. LEE of New York, Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GALLEGLY, Mr. REHBERG, Mr. ALEXANDER, Mrs. SCHMIDT, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BOOZMAN, Mr. DAVIS of Kentucky, Mr. SENSENBRENNER, Mr. PLATTS, Mr. LINDER, Mr. WAMP, Mr. AKIN, Mr. KINGSTON, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. KLINE of Minnesota, Mrs. CAPITO, Mr. TERRY, Mr. BACHUS, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. FLEMING, Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. STEARNS, Mr. YOUNG of Florida, Mr. HUNTER, Mr. SHUSTER, Mr. MICA, Mr. COFFMAN of Colorado, Mr. LUETKEMEYER, Mr. KING of New York, Mr. BARRETT of South Carolina, Mr. COLE, Mr. SESSIONS, Mr. OLSON, Mr. HALL of Texas, Mr. FORBES, Mr. AUSTRIA, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, Mr. JONES, Mr. BOEHNER, Mr. BOUSTANY, Mr. DUNCAN, Ms. FOXX, Mr. SHIMKUS, Mr. POE of Texas, Mr. HERGER, Mr. HOEKSTRA, Mr. MANZULLO, Mr. BURGESS, Mr. LEWIS of California, Mr. FLAKE, Mr. LUCAS, Mr. CARTER, Ms. GRANGER, Mr. WALDEN, Mr. LANCE, Mr. HENSARLING, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. COBLE, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. NEUGEBAUER, Mr. NUNES, Mr. MCCAUL, Mrs. BACHMANN, Mr. GRAVES, and Mr. CANTOR):

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the United States from owning stock in corporations; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself, Mr. MEEKS of New York, Mr. HONDA, Mr. KILDEE, Mr. PAYNE, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H. Res. 574. A resolution expressing the sense of the House of Representatives that Peru should immediately cease any hostile activity against its indigenous peoples and instead engage in dialogue to address ongoing political conflict between state authorities and indigenous peoples; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Ms. WATERS, Mr. BROUN of Georgia, Mr. KING of Iowa, Mr. BONNER, Mr. BRADY of Texas, Ms. FALLIN, Mr. AKIN, Mr. TIAHRT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SCALISE, Mr. THOMPSON of Pennsylvania, Mr. CULBERSON, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. BILBRAY, Mr. JONES, Mr. WESTMORELAND, Mr. MCCAUL, Mr. ROHRABACHER, Mr. MACK, Mr. SIMPSON, Mr. JOHNSON of Illinois, Mr. WAMP, Mr. SESSIONS, Mr. NUNES, and Mr. SMITH of Nebraska):

H. Res. 575. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 4th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. SESTAK (for himself, Mr. VAN HOLLEN, Mr. MCCAUL, and Mr. TIBERI):

H. Res. 576. A resolution expressing support for designation of September 12, 2009, as ''National Childhood Cancer Awareness Day''; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. BILBRAY, Mr. CARTER, Mr. PIERLUISI, and Mr. BURTON of Indiana):

H. Res. 577. A resolution recognizing the Nation's orthopedic industry for its continued legacy of innovation in providing devices that relieve the pain of, and restore mobility to, active duty armed service members, veterans, and patients of all ages from all walks of life; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

97. The SPEAKER presented a memorial of the State Senate and Assembly of the State Legislature of Nevada, relative to SENATE JOINT RESOLUTION No. 2 Urging the Nevada Congressional Delegation and Congress to take certain actions concerning wilderness areas and wilderness study areas; to the Committee on Natural Resources.

98. Also, a memorial of the State House of Representatives of Alaska, relative to House Resolve No. 9 Reaffirming support for the environmentally responsible development of the Kensington Gold Mine; and urging the governor to encourage and facilitate the prompt continuation or reinstatement, reactivation, and period extension of permits authorizing the construction and operation of

the Kensington Gold Mine upon a decision by the United States Supreme Court in favor of the Kensington Gold Mine; to the Committee on Natural Resources.

99. Also, a memorial of the State Senate and the Assembly of the State Legislature of Nevada, relative to Senate Concurrent Resolution No. 35 Urging Congress to enact legislation allowing states to collect sales taxes on remote sales, including sales on the Internet; to the Committee on the Judiciary.

100. Also, a memorial of the State House of Representatives of Alaska, relative to House Resolve No. 8 Requesting the United States Congress to permanently repeal the federal unified gift and estate tax; to the Committee on Ways and Means.

101. Also, a memorial of the State Senate and Assembly of the State Legislature of Nevada, relative to SENATE JOINT RESOLUTION No. 4 Urging Congress to fund fully and protect the future of the Medicare program; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 164: Mr. YOUNG of Alaska.
H.R. 179: Ms. HIRONO.
H.R. 186: Ms. LEE of California.
H.R. 197: Mr. STUPAK, Mr. BILBRAY, Mr. TERRY, Mr. TIM MURPHY of Pennsylvania, and Mr. AUSTRIA.
H.R. 209: Mr. SESTAK.
H.R. 303: Mr. STEARNS and Mr. SESSIONS.
H.R. 433: Mr. BARTLETT.
H.R. 442: Mr. TERRY.
H.R. 503: Mr. WILSON of South Carolina, Mr. MCMAHON, and Mr. CHANDLER.
H.R. 510: Mr. LARSON of Connecticut.
H.R. 517: Mr. HALL of New York.
H.R. 571: Mr. MCCLINTOCK, Mr. MARKEY of Massachusetts, and Mr. OLVER.
H.R. 574: Mr. MARKEY of Massachusetts, Ms. MATSUI, and Mr. GRIFFITH.
H.R. 610: Mr. POE of Texas.
H.R. 621: Mr. COURTNEY, Mr. GENE GREEN of Texas, Mr. EHLERS, and Mr. JONES.
H.R. 669: Ms. DEGETTE.
H.R. 685: Mr. SOUDER, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. BARROW, Mr. GONZALEZ, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Ms. CLARKE, Ms. NORTON, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. WATT, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. KILPATRICK of Michigan, Ms. WATSON, Ms. FUDGE, and Ms. WATERS.
H.R. 731: Mr. WILSON of South Carolina.
H.R. 745: Mr. LOEBSACK and Ms. BERKLEY.
H.R. 753: Mr. LEVIN.
H.R. 775: Mr. FOSTER, Mr. LEWIS of Georgia, Ms. RICHARDSON, and Mr. JACKSON of Illinois.
H.R. 816: Ms. RICHARDSON and Mr. BISHOP of Georgia.
H.R. 930: Mr. POMEROY.
H.R. 946: Mrs. DAHLKEMPER.
H.R. 950: Mr. TEAGUE.
H.R. 995: Mr. WELCH.
H.R. 1024: Ms. SLAUGHTER.
H.R. 1051: Mr. HODES.
H.R. 1064: Ms. KOSMAS and Mr. ALTMIRE.
H.R. 1067: Mr. SIRES and Mr. SHIMKUS.
H.R. 1074: Mr. TERRY and Mr. SMITH of Nebraska.
H.R. 1075: Mr. SESTAK.
H.R. 1077: Mr. TERRY and Mr. MCHUGH.
H.R. 1091: Mr. WEXLER.
H.R. 1101: Mr. MCDERMOTT and Ms. PINGREE of Maine.
H.R. 1137: Mr. TEAGUE.
H.R. 1147: Mr. AKIN, Ms. BORDALLO, Mr. BARTLETT, Mr. CUMMINGS, and Mr. SMITH of Nebraska.
H.R. 1177: Mr. CALVERT and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1207: Mr. CANTOR, Mr. SPACE, Mr. CONYERS, Mr. SHERMAN, and Mr. SNYDER.
H.R. 1210: Mr. DOYLE.
H.R. 1215: Mr. ROTHMAN of New Jersey.
H.R. 1230: Mr. ALTMIRE, Ms. BALDWIN, Mr. MURPHY of Connecticut, and Mr. BARROW.
H.R. 1242: Mr. TANNER.
H.R. 1255: Ms. MOORE of Wisconsin, Mr. NUNES, Mr. GINGREY of Georgia, and Mr. SAM JOHNSON of Texas.
H.R. 1283: Mr. LARSON of Connecticut and Mr. LUJÁN.
H.R. 1293: Mr. STEARNS and Mr. BOOZMAN.
H.R. 1302: Mr. BOSWELL.
H.R. 1310: Ms. KILROY.
H.R. 1313: Mr. COURTNEY, Mr. MORAN of Virginia, and Mr. WILSON of South Carolina.
H.R. 1335: Mr. BISHOP of New York.
H.R. 1362: Mr. MCCOTTER.
H.R. 1398: Mr. ELLSWORTH.
H.R. 1422: Mr. HERGER.
H.R. 1428: Ms. BORDALLO.
H.R. 1441: Mr. LOEBSACK and Mr. CARNEY.
H.R. 1443: Mr. LOEBSACK and Mr. SCHIFF.
H.R. 1452: Mr. UPTON.
H.R. 1454: Mr. COFFMAN of Colorado and Mr. RUPPERSBERGER.
H.R. 1458: Mr. WILSON of South Carolina, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, and Mr. SPRATT.
H.R. 1470: Ms. MARKEY of Colorado.
H.R. 1478: Mr. NADLER of New York.
H.R. 1507: Mr. PAUL.
H.R. 1548: Mr. COBLE and Mr. SCHOCK.
H.R. 1585: Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, and Mr. PALLONE.
H.R. 1587: Mr. YOUNG of Alaska.
H.R. 1616: Mr. LOEBSACK, Ms. SUTTON, and Ms. KILROY.
H.R. 1633: Mr. BISHOP of New York.
H.R. 1682: Mr. POE of Texas.
H.R. 1685: Ms. SCHAKOWSKY.
H.R. 1700: Mr. JACKSON of Illinois and Mr. MEEK of Florida.
H.R. 1705: Mr. HONDA.
H.R. 1751: Mr. DOGGETT, Mr. SMITH of Washington, Mr. BLUMENAUER, Mrs. MALONEY, Ms. WATERS, and Mr. NADLER of New York.
H.R. 1758: Mr. SESTAK and Mr. MORAN of Virginia.
H.R. 1799: Mrs. LOWEY, Mr. GRIFFITH, and Ms. MARKEY of Colorado.
H.R. 1818: Mr. BISHOP of New York.
H.R. 1821: Mr. CONNOLLY of Virginia.
H.R. 1822: Mr. FLEMING.
H.R. 1849: Mr. SMITH of Texas.
H.R. 1897: Ms. BALDWIN, Mr. ELLSWORTH, Mr. PITTS, and Mr. JOHNSON of Georgia.
H.R. 2006: Ms. SCHWARTZ.
H.R. 2017: Mr. FARR, Mr. COURTNEY, Mr. RODRIGUEZ, and Mr. SPACE.
H.R. 2028: Mr. DAVIS of Kentucky.
H.R. 2049: Mr. ISRAEL, Mr. PLATTS, Mr. WU, and Mr. NEUGEBAUER.
H.R. 2058: Mr. HODES.
H.R. 2061: Mr. GOHMERT.
H.R. 2068: Mr. BUTTERFIELD.
H.R. 2093: Mr. FARR.
H.R. 2097: Mr. BROWN of South Carolina, Mr. HALL of New York, Mr. ROGERS of Kentucky, Mr. BERRY, Ms. MCCOLLUM, Ms. LEE of California, Mr. SERRANO, Mr. SCHIFF, Mr. MORAN of Virginia, Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. SALAZAR, Mr. PASTOR of Arizona, Ms. KAPTUR, Mr. DICKS, Mr. FATTAH, Ms. DELAURO, and Mr. HONDA.
H.R. 2102: Mr. VAN HOLLEN and Ms. BALDWIN.
H.R. 2110: Mr. COURTNEY and Ms. BERKLEY.
H.R. 2119: Mr. BURGESS.
H.R. 2156: Mr. MICHAUD, Mr. MCGOVERN, and Mr. PAULSEN.
H.R. 2159: Mr. ISRAEL.
H.R. 2190: Mr. KUCINICH, Mr. COHEN, Mr. ROTHMAN of New Jersey, Mr. JOHNSON of Georgia, and Ms. TSONGAS.
H.R. 2220: Mr. HUNTER, Ms. NORTON, Mr. DOYLE, Mr. LATHAM, Ms. BERKLEY, Mr. BOCCIERI, Mr. HARE, Mr. HASTINGS of Washington, Mr. CONNOLLY of Virginia, and Mr. SOUDER.
H.R. 2227: Mr. WOLF and Mr. DENT.
H.R. 2231: Mr. KUCINICH.
H.R. 2239: Mr. MASSA.
H.R. 2243: Ms. KOSMAS and Mr. SNYDER.
H.R. 2245: Mr. WU, Ms. JACKSON-LEE of Texas, Mr. CULBERSON, and Mr. BISHOP of New York.
H.R. 2246: Mr. MURPHY of Connecticut.
H.R. 2266: Mr. YOUNG of Alaska.
H.R. 2267: Mr. YOUNG of Alaska.
H.R. 2272: Mr. PRICE of North Carolina.
H.R. 2293: Mr. MCDERMOTT.
H.R. 2296: Mr. DAVIS of Kentucky and Mr. AUSTRIA.
H.R. 2304: Mr. RODRIGUEZ and Mr. WAXMAN.
H.R. 2315: Mr. SPACE.
H.R. 2329: Mr. MANZULLO, Mr. SHULER, and Ms. SCHWARTZ.
H.R. 2360: Mr. HALL of New York and Mr. LANCE.
H.R. 2389: Mrs. LOWEY.
H.R. 2390: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2404: Mr. HASTINGS of Florida, and Mr. JOHNSON of Illinois.
H.R. 2408: Mr. UPTON, Ms. WOOLSEY, Mr. MAFFEI, Mr. HALL of Texas, Mr. WEXLER, Mr. PIERLUISI, Mrs. MCCARTHY of New York, Ms. KILPATRICK of Michigan, Mr. CONYERS, and Mr. PETERS.
H.R. 2413: Mr. SCHIFF, Mr. MCGOVERN, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. REYES, and Ms. DELAURO.
H.R. 2414: Mr. BLUMENAUER and Mr. FILNER.
H.R. 2421: Mr. SERRANO, Mr. SHIMKUS, and Mr. KING of New York.
H.R. 2427: Mr. JACKSON of Illinois.
H.R. 2438: Mr. PAUL.
H.R. 2456: Mr. MEEK of Florida, Mr. BRADY of Pennsylvania, Mr. BOOZMAN, Mr. MITCHELL, Mr. MCGOVERN, and Mr. RODRIGUEZ.
H.R. 2476: Mr. PERLMUTTER, Ms. MARKEY of Colorado, and Mr. MCCLINTOCK.
H.R. 2478: Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. MARKEY of Massachusetts, Mr. CARTER, Mr. HALL of New York, Mr. GUTIERREZ, Mr. BONNER, Ms. HIRONO, Mr. ELLISON, Mrs. CAPPS, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. TIERNEY, Ms. SUTTON, Mr. DELAHUNT, Mr. HOLT, Mr. OLVER, Mr. LYNCH, Mr. FILNER, Mr. ISRAEL, Mr. TAYLOR, Mr. MILLER of Florida, Mr. KANJORSKI, Mr. ROHRABACHER, Ms. GRANGER, Mr. EHLERS, Mr. MANZULLO, and Mr. DANIEL E. LUNGREN of California.
H.R. 2480: Mr. COURTNEY, Mr. SESTAK, Mr. FILNER, and Mr. HONDA.
H.R. 2488: Mr. NYE, Mr. EDWARDS of Texas, Mr. HASTINGS of Florida, Mr. SPACE, Mr. BISHOP of New York, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2499: Ms. PINGREE of Maine, Ms. TITUS, and Mr. HIMES.
H.R. 2531: Mr. CARNAHAN.
H.R. 2539: Mr. MCCOTTER.
H.R. 2560: Mr. MICHAUD.
H.R. 2561: Mr. CARNEY, Mr. FOSTER, and Mr. FILNER.
H.R. 2568: Mr. ELLISON.
H.R. 2578: Ms. KAPTUR, Mr. MCCOTTER, and Mr. BURTON of Indiana.
H.R. 2614: Mr. MITCHELL.
H.R. 2619: Mr. BARTLETT.
H.R. 2648: Mrs. MALONEY, Mr. SNYDER, and Mr. PASTOR of Arizona.
H.R. 2672: Mr. ROE of Tennessee.
H.R. 2681: Mr. STARK.
H.R. 2692: Mr. YOUNG of Alaska.
H.R. 2697: Mr. ROGERS of Kentucky and Mr. SMITH of Nebraska.
H.R. 2708: Mrs. CHRISTENSEN.
H.R. 2710: Mr. RYAN of Ohio, Mr. POMEROY, Ms. DEGETTE, Mr. CARSON of Indiana, and Mr. ABERCROMBIE.
H.R. 2720: Mrs. MALONEY.
H.R. 2724: Mr. ELLISON, Ms. LEE of California, Mr. SIRES, Mr. PAYNE, and Mrs. NAPOLITANO.
H.R. 2743: Mr. TIM MURPHY of Pennsylvania, Mr. PERLMUTTER, Mr. SMITH of New Jersey, Mr. GRIFFITH, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. AUSTRIA, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. ARCURI, Ms. LINDA T. SÁNCHEZ of California, Mr. ETHERIDGE, Ms. HERSETH SANDLIN, Mr. BACA, and Mr. SIMPSON.
H.R. 2746: Mr. PASCRELL, Mr. MCMAHON, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. KLEIN of Florida, and Mr. LYNCH.
H.R. 2752: Mr. HENSARLING and Mr. ROGERS of Kentucky.
H.R. 2754: Ms. SCHWARTZ.
H.R. 2770: Mr. WALZ.
H.R. 2777: Mr. COURTNEY.
H.R. 2784: Mr. YOUNG of Alaska.
H.R. 2786: Mr. YOUNG of Alaska.
H.R. 2796: Mr. FRELINGHUYSEN and Mr. AUSTRIA.
H.R. 2810: Ms. SCHAKOWSKY.
H.R. 2817: Mr. FILNER.
H.R. 2819: Mr. SERRANO.
H.R. 2828: Mrs. BLACKBURN.
H.R. 2831: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2835: Mr. POLIS of Colorado and Mr. DEFAZIO.
H.R. 2842: Mr. STEARNS, Mr. HALL of Texas, Mr. PAUL, Mr. TURNER, Mr. AKIN, Mr. BROUN of Georgia, and Mr. ISSA.
H.R. 2844: Mr. LOEBSACK and Mr. POMEROY.
H.R. 2846: Mr. THORNBERRY and Mr. BARRETT of South Carolina.
H.R. 2850: Mr. ANDREWS, Mr. BOUCHER, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, and Ms. SCHAKOWSKY.
H.R. 2875: Mr. SIMPSON.
H.R. 2882: Ms. RICHARDSON, Ms. HIRONO, and Mr. ROTHMAN of New Jersey.
H.R. 2891: Ms. SCHAKOWSKY.
H.R. 2894: Mr. VAN HOLLEN and Mr. RUPPERSBERGER.
H.R. 2902: Mr. FRANK of Massachusetts.
H.R. 2913: Mr. BILIRAKIS and Ms. CASTOR of Florida.
H.R. 2920: Mr. MURPHY of Connecticut.
H.R. 2941: Mr. SESTAK and Mr. CARNAHAN.
H.R. 2943: Mr. POLIS of Colorado.
H.R. 2956: Mr. HENSARLING.
H.R. 2969: Mr. COSTA, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California.
H.J. Res. 56: Mr. PITTS and Mr. MCCOTTER.
H. Con. Res. 49: Mr. MELANCON.
H. Con. Res. 74: Ms. WATSON and Mr. ELLISON.
H. Con. Res. 128: Mr. BOOZMAN.
H. Con. Res. 144: Mr. VISCLOSKY, Mr. RUSH, Mr. COURTNEY, Mr. HARE, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. SESTAK, Mr. CARNAHAN, Ms. SCHAKOWSKY, Ms. KAPTUR, Ms. HIRONO, and Mr. SMITH of Washington.
H. Con. Res. 146: Mr. FILNER.
H. Con. Res. 152: Mr. BERMAN.
H. Con. Res. 154: Mr. WEINER, Mr. SHERMAN, Mr. FRANK of Massachusetts, and Mr. CLEAVER.
H. Res. 69: Ms. RICHARDSON, Mr. MARIO DIAZ-BALART of Florida, Mr. CLEAVER, Mr. CONYERS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. SCHAKOWSKY, Mr. SKELTON, and Ms. LEE of California.
H. Res. 111: Mr. CARNEY, Ms. KOSMAS, Ms. CLARKE, Mr. GALLEGLY, Mr. CONNOLLY of Virginia, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MILLER of Florida, Mrs. CAPITO, Mr. HALL of Texas, Mrs. LOWEY, and Mr. BOUSTANY.
H. Res. 159: Ms. BALDWIN.
H. Res. 199: Mr. JOHNSON of Illinois.
H. Res. 209: Ms. ZOE LOFGREN of California.
H. Res. 244: Mr. AUSTRIA.
H. Res. 278: Mr. WU and Mr. TOWNS.
H. Res. 285: Mr. LAMBORN, Ms. BORDALLO, Mr. HUNTER, and Mr. MCMAHON.
H. RES. 288: MR. FATTAH, MR. SIRES, MRS. CHRISTENSEN, MR. PAYNE, MR. HALL OF TEXAS, AND MR. MICHAUD.
H. Res. 364: Mrs. HALVORSON.
H. Res. 397: Mr. JOHNSON of Illinois, Mr. GOODLATTE, and Mr. MCCLINTOCK.
H. Res. 412: Mr. SESTAK.
H. Res. 433: Mr. ROTHMAN of New Jersey and Mrs. LOWEY.
H. Res. 441: Mr. KUCINICH, Mr. COURTNEY, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, Mrs. DAHLKEMPER, Mr. GUTIERREZ, Mr. KILDEE, Ms. ESHOO, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ROTHMAN of New Jersey, Mrs. NAPOLITANO, Mr. WILSON of Ohio, and Mr. STUPAK.
H. Res. 452: Ms. BORDALLO, Mr. MCGOVERN, Mr. SESTAK, and Ms. MOORE of Wisconsin.
H. Res. 476: Mrs. BLACKBURN.
H. Res. 491: Mr. BISHOP of New York.
H. Res. 494: Mr. LARSEN of Washington and Mr. PRICE of North Carolina.
H. Res. 497: Mr. MCCOTTER, Mr. STEARNS, Mr. JORDAN of Ohio, Mr. PENCE, Ms. FOXX, Mr. CASSIDY, Mr. LATTA, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. MCMORRIS RODGERS, Mr. OLSON, Mr. FORBES, Mr. DUNCAN, Mr. KING of New York, and Mr. BUYER.
H. Res. 507: Mr. BOSWELL, Mr. MCCOTTER, and Mr. SCOTT of Georgia.
H. Res. 512: Mr. KIRK, Ms. MOORE of Wisconsin, Mr. KRATOVIL, Mr. JONES, and Mr. HASTINGS of Florida.
H. Res. 543: Ms. TITUS, Mr. MINNICK, and Mr. BLUMENAUER.
H. Res. 547: Mrs. MCMORRIS RODGERS.
H. Res. 549: Mr. BURTON of Indiana.
H. Res. 550: Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. FATTAH, Ms. MOORE of Wisconsin, Mr. RUSH, and Ms. NORTON.
H. Res. 556: Mr. ROYCE.
H. Res. 566: Mr. GEORGE MILLER of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SKELTON, or a designee, to H.R. 2647, the National Defense Authorization Act for FY10, contains the following congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI: Title II; Acct RDDW; PE or Project 1160405BB; Line 247; Description Advanced, Long Endurance Unattended Ground Sensor; Amount $8,000 (Dollars in Thousands); Member HARPER; Intended Recipient Mississippi State University; Intended Location of Performance; Starkville, MS.

The amendment to be offered by Representative PRICE of North Carolina, or a designee, to H.R. 2892, the Department of Homeland Security Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of the California Federation of Teachers AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 35 Endorsing the Workers Emergency Recovery Campaign; to the Committee on Education and Labor.

56. Also, a petition of the Clayton County Public Schools Office of the Interim Superintendent in Jonesboro, Georgia, relative to a resolution fully supporting the intention ''Sexual Abuse Awareness Month'' and further supporting this ''awareness'' not only in the month of April but supporting this cause throughout the year for the protection of children from the spiritual, physical and mental harm that can be caused by sexual abuse and urging the State of Georgia, the United States Congress and the President of the United States to likewise support actions to protect children from the harm that is caused by sexual abuse; to the Committee on Energy and Commerce.

57. Also, a petition of the City of North Miami Beach, Florida, relative to RESOLUTION NO. R2009-29 URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; to the Committee on the Judiciary.

58. Also, a petition of the American Bar Association, relative to a resolution relating to Juvenile Sex Offender Registration; to the Committee on the Judiciary.

59. Also, a petition of the American Bar Association, relative to a resolution relating to the Mediation of Criminal Matters; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2647

OFFERED BY: MR. SKELTON

AMENDMENT NO. 1: Page 72, line 18, strike ''(h)'' and insert ''(d)''.

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,541''.

Page 260, lines 9 and 10, strike ''by adding at the end the following new section'' and insert ''by inserting after section 235, as added

by section 242(a) of this Act, the following new section''.

Page 260, line 11, strike ''235.'' and insert ''236.''.

Page 262, before line 1, strike ''235.'' and insert ''236.''.

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO CHUCK McCALL UPON HIS RETIREMENT FROM THE OFFICE OF OFFICIAL REPORTERS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HOYER. Madam Speaker, today I rise to congratulate Chuck McCall as he retires from the Official Reporters, a division of the Office of the Clerk, after 33 years of service to the House of Representatives.

During his long career with the House, Chuck has been responsible for providing a broad range of technical support for the electronic systems that make the operations of this body possible. His responsibilities have included the Electronic Voting System, the House Publication System, and the daily production of the CONGRESSIONAL RECORD. He has contributed to the design, configuration, software development, installation, system testing, vendor contracting, operations, maintenance, user assistance, training, and system documentation of these valuable House systems.

Chuck came to the House in 1976 as a Courier and Production Control Specialist in the HIS Computer Center.

In 1977, he became a Computer Operator tasked with supporting the Electronic Voting System, the Member Correspondence System, and the House Publication System.

In 1980, Chuck was named a Computer Programmer and his projects included the House Legislative Information System, the House Committee Meeting Scheduling System, and the Legislative Database System.

In 1984, he was named Senior Systems Specialist for the Electronic Voting System and the House Publication and Communications System.

Chuck joined the Office of the Clerk in 1989 as an Operations Supervisor and, in addition to his EVS responsibilities, became involved in the House Document Management System and the House Floor Audio System. He was named Technical Manager in 1996.

It was in 1999 that Chuck assumed his present position with the Office of Official Reporters as System Analyst. In that role, he has been responsible for the daily transmission of the CONGRESSIONAL RECORD to the Government Printing Office each evening, often working into the wee hours of the morning to ensure timely publication of the RECORD. It only seems appropriate that we honor his service in that RECORD today.

After dedicated service to this House for 33 years, we wish Chuck the very best as he now has the opportunity to spend more time with his wife, Mary, and his beautiful daughter, Kathleen. He will retire to his home near the Chesapeake Bay and will enjoy fishing, boating, camping and, we hope, strumming his guitar.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 2647

Account: Other Procurement—Aviation Support Equipment—Aviation Life Support

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $5,000,000 for a Multi Climate Protection System (MCPS) for U.S. Navy and Marine Corps aircrews. The U.S. Navy and Marine Corps requirement for MCPS is 21,500 units. $5,000,000 will fund approximately 2,500 sets of MCPS. MCPS is designed to replace outdated garments that are bulky, do not fit the aircrew population, have minimal water and wind resistance, and limited moisture management and cannot decrease or increase thermal value by addition or removal of layers. The majority of aircrews do not have this system.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona

Address of Requesting Entity: 400 S. Vicentia Avenue, Corona, California 92882

Description of Request: I have secured $150,000 for interoperability upgrades for the City of Corona Police Department. The funding would be used to purchase equipment required to achieve interoperability in the field; as well as equip the department's Mobile Command Vehicle (MCV) with necessary technology, including mobile radios, digital television monitors, video recording capability, computers, printers, mapping software, wireless router and system to ensure the MCV can act as a planning and collaborative field center. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Riverside Public Utilities

Address of Requesting Entity: 3901 Orange Street, Riverside, California 92501

Description of Request: I have secured $1,000,000 for the City of Riverside Public Utilities Infrastructure Video Security. The funding will go towards the purchase, installation and configuration of necessary infrastructure for video security at Public Utilities Substations. The City's Information Technology department and Public Utilities will design a system that will provide for video security cameras at each substation as well as the network, storage and enterprise software necessary to effectively manage the cameras. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Riverside County Sheriff's Department

Address of Requesting Entity: 4095 Lemon Street, Riverside, California 92501

Description of Request: I have secured $700,000 for Night Vision Binoculars for the Riverside County Sheriff's Department. The funding will provide the department night vision binoculars that will greatly enhance the night time capabilities of the Riverside County Sheriff's Emergency Services Team. The AN/PVS–15 models can be hand-held or used as a helmet-mounted goggle and is specifically designed for critical missions where high performance and depth perception are vital under low light conditions. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: California Department of Justice

Address of Requesting Entity: 1300 I Street, Sacramento, California 95814

Description of Request: I have secured $250,000 for the California Department of Justice's Riverside Gang Suppression Enforcement Team. The funding will provide support for the Gang Suppression Enforcement Team program in Riverside County. Funding will be used for training, equipment, translation services, wiretapping, overtime pay, and travel expenses for law enforcement personnel. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Chabad of Riverside

Address of Requesting Entity: 3579 Arlington Avenue, Suite 100, Riverside, California 92506

Description of Request: I have secured $400,000 for Chabad of Riverside's Project PRIDE (Prevention, Resource, Information and Drug Eradication). The funding would be used to expand Project PRIDE, a drug prevention program to reach at-risk youth in my district and the region. Funding will be used to train additional counselors and volunteers, drug and alcohol prevention material production, an interactive drug prevention website and an at-risk youth treatment and prevention camp. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Juvenile Justice

Legal Name of Requesting Entity: Olive Crest Treatment Centers

Address of Requesting Entity: 2130 E. 4th Street, Suite 200, Santa Ana, California 92705-3818

Description of Request: I have secured $500,000 for Olive Crest's Independent Living Skills for At-Risk Youth. The funding would be used towards expanding a three phase program for successful independent living for at-risk youth. The program assists the participants in developing tools that will enable them to foster relationships and become responsible for themselves by providing training on issues such as banking, health, education, housing plans and job preparation. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science & Other Related Agencies Appropriations Act, 2010:

Request information: Representative JACK KINGSTON

H.R. 2847

Department of Justice

COPS Technology Account

Recipient information: Valdosta/Lowndes joint Crime Lab

Chief Frank Simons

City of Valdosta

P.O. Box 1125

Valdosta, GA 31603-1125

Description: The crime lab received an earmark in the amount of $500,000. Funding will provide equipment to expand and enhance the capabilities of the Valdosta/Lowndes joint crime lab. This equipment will be utilized for processing of evidence in criminal prosecutions and will affect local, state, and federal law enforcement initiatives. This translates to assisting victims of crime well outside of Georgia by providing quality evidence processing and identification.

EARMARK DECLARATION

REP. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Fiscal Year 2010 Department of Homeland Security Appropriations Act:

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2892

Account: FEMA

Name and Address: Butte-Silver Bow Government (155 W. Granite, Butte, MT 59701)

Description: A formal analysis of Butte-Silver Bow's current emergency operations center revealed deficiencies in all critical areas: the physical facility lacks adequate space, sustainability, survivability, and interoperable communications equipment. This $800,000 will be used to construct a facility that meets Dept. of Homeland Security standards and upgrade communications equipment to provide Butte-Silver Bow with a functional emergency operations center. Serving a community of 40,000 people, in an area that is at risk of experiencing environmental (forest fire, earthquake, etc.) and man-made disasters, it is critical that the current emergency operations center be replaced to provide for a timely and proper response in the event of a catastrophic event.

HONORING AMARJIT BUTTAR FOR HIS MANY YEARS OF SERVICE TO THE STATE OF CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today to offer my congratulations and best wishes to Amarjit Buttar who is retiring after two decades of dedicated service to the state of Connecticut's Worker's Compensation Commission.

Amarjit and his family first came to America in 1965 to attend law school at the University of Michigan. After getting his degree, he moved to Vernon, Connecticut more than three decades ago and has since been an active member of the community. Amarjit serves as a justice of the peace and is active in various local organizations. He has also served as president of the New England Sikh Study Circle and as Chairman of the World Sikh Council, America region.

In 1995, he was appointed to serve on the Vernon Board of Education. Later that year, he was elected to serve a full four year term and was chosen as Chairman of Board of Education following his re-election in 1999. At that time, he was one of the first Sikh-Americans elected to public office. He is a passionate advocate for strong public schools, since it made a huge difference in his own life and that of his children. He remains an active contributing member of the Board of Education, being reelected most recently in 2005. Amarjit has also been an active participant in local, state and national Democratic politics. Always present at local and state political conventions, Buttar was chosen to be a delegate at the Democratic National Convention in Boston, Massachusetts in July 2004.

At the Workers' Compensation office, Amarjit provided technical and legal assistance to all who interact with that very complex system. Claimants, claimant family members, staff, attorneys, even the chairmen themselves all relied on Amarjit's accurate, compassionate and cheerful help to make the system work and achieve real justice for injured workers and the companies they worked for.

Amarjit is also an avid fan of the University of Connecticut Basketball program. The father of two UConn graduates, Amarjit worked with State Representative Claire Janowski and other legislators to rename the stretch of Route 195 that leads to the UConn campus the "UConn Husky Way."

For those of us who know Amarjit and consider him a friend, we know that his retirement will not mean an end to his public service. I ask my colleagues to join with me and in congratulating him and wishing him well in his future endeavors.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This $570,000 request is for a pilot program in Ventura County, California to establish a DNA Cold Case Prosecution Unit to investigate and prosecute violent crimes through the use of DNA technology. The federal government has devoted considerable resources to DNA testing and establishing DNA databases. However, even with a DNA match, the passage of time makes these cases extremely difficult to investigate and prosecute as prosecutors must reconstruct the case based upon the new DNA evidence. This program will fund the hiring of a prosecutor and two investigators for the sole purpose for solving and prosecuting DNA cold cases.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, COPS Methamphetamine Enforcement

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $350,000 is for the purpose of providing funds for two California multi-jurisdictional Methamphetamine investigators. The Ventura County Combined Agency Task Force is a collaborative effort with city, county, state and federal law enforcement agencies working toward the disruption, dismantlement, apprehension, and arrest of narcotic offenders and drug trafficking organizations. Funding would be used for two Senior Deputy investigators that will be utilized to specifically target mid- to large-scale methamphetamine dealers and manufacturers and will assist in funding vehicle costs and miscellaneous safety equipment for these two positions. These investigators will be assigned to the Special Services Division, Special Investigations Unit.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $318,000 is to provide federal support for two forensic scientists for the County of Ventura Sheriff's Gang Unit. The Sheriff's Gang Unit is responsible for the apprehension of gang members, the disruption and dismantlement of gangs, and the investigation and prevention of gang-related crimes. This addition to the Ventura County Sheriff's Gang Unit will enhance the regional aspect of the Gang Unit by adding much-needed forensic scientists dedicated to analyzing evidence from gang-related crimes throughout the County of Ventura. The geographic area of Ventura County encompasses several local law enforcement jurisdictions. The bill provides $80,000 in funding for this request.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105.

Requesting Member: JOHN SHIMKUS

Bill number: H.R. 2647

The Account: MCANG

Lincoln Capital Airport, 1200 Capital Airport Drive, Springfield, IL 62707.

Funding would go to relocate the existing base entrance at Abraham Lincoln Capital Airport (ANG), Illinois to meet AntiTerrorism/Force Protection criteria. Provide additional standoff area to construct facilities to meet AT/FP criteria. The base is acquiring 13 acres from the adjacent Airport Authority per the approved base master plan. This relocation of the main entrance will establish the basic infrastructure to develop this additional area and provide the proper set back/stand-off distances from the base perimeter.

Description of Matching Funds:

State of Illinois—$3.3 Million

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following: in regards to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Joshua Tree National Park Visitor's Center

Account: National Park Service, Construction

Legal Name of Requesting Entity: City of Twentynine Palms

Address of Requesting Entity: 6136 Adobe Road, Twentynine Palms, California 92277

Description of Request: The Joshua Tree National Park Visitors Center annually hosts nearly one and a half million visitors in a cramped, obsolete facility where it is impossible to display the cultural history of the area, provide needed community and informational services, or even provide appropriate information to visitors to the Park. These funds would allow for an improvement and expansion of the Center to provide the space to display the fabled Campbell Collection of Native American artifacts, as well as a wide array of other objects of interest to both the visiting public and to researchers.

Amount: $300,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Big Bear Department of Water and Power for Big Bear Lake Water System Infrastructure Improvements

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Big Bear Lake Department of Water and Power

Address of Requesting Entity: 41972 Garstin Drive, Big Bear Lake, California 92315

Description of Request: This project would provide improved water pressure at peak demand periods and improved water quality resulting from the replacement of steel pipes with PVC. Although the City of Big Bear is located in an area prone to wildfires, much of its water supply infrastructure is unable to even meet minimum requirements for fire flow. Engineering studies have identified 181,800 feet of pipeline that must be replaced to meet current standards.

Amount: $500,000.

Requesting Member: Congressman JERRY LEWIS.

Project Name: The City of Calimesa for Storm Drain Improvements

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Calimesa

Description of Request: The funding provided would be used by the city to manage storm flows that currently flow in natural channels that degrade water quality and disrupt traffic endangering individuals and property. The City in conjunction with Riverside County will improve the channel and form what will be the backbone for a citywide drain system.

Amount: $500,000.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010:

Requesting Member: Congressman TIM MURPHY (PA–18)

Bill Number: H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010

Account: RDA

Legal Name of Requesting Entity: PPG Industries

Address of Requesting Entity: 4325 Rosanna Drive; Allison Park, PA 15101

Description of Request: Nanotechnology for Potable Water and Waste Treatment—PPG Industries proposes to use its nanotechnology for water filtration technologies. One such technology applicable to water filtration is nano-fiber mats which may be produced in high volumes through an electromechanical spinning technique developed by PPG. These nano-fiber mats can be functionalized to sequester water contaminants quickly and efficiently. Additionally, fiberglass can be modified with nano-materials and then films to mitigate waterborne contaminants. The program will address both conventional water treatment and water security needs in a military field environment and the public sector.

Amount: $2,000,000

Budget Breakdown: 80 percent of the funding will be used for Research and Development and 20 percent for procuring materials and testing.

HONORING THE LIFE AND ACCOMPLISHMENTS OF KATHERINE DUNHAM ON THIS, HER CENTENNIAL BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. RANGEL. Madam Speaker, I rise today to praise the glorious accomplishments of a true American heroine, Katherine Mary Dunham, who made a place for herself and others at a racially turbulent and unwelcoming time in American history. Katherine Mary Dunham graced the earth with her superior intellect, artistic poise, and philanthropic heart in a lifelong initiative to make better the lives of African-Americans in a time ill-intended to suit such ambition by a Black woman. A manifestation of the American dream at a time when life was often nightmarish for Blacks in America, Katherine Dunham began crafting a life of superior skill and ability at an early age. A published poet by the age of 12, Dunham would pursue writing, the Humanities, and artistry until the age of 96 when she passed. As a student at the prestigious University of Chicago, Dunham studied rigorously as a pioneer in ethnic choreography, which led her to create the discipline of dance anthropology. As she progressed, Dunham became known for her tenacity, bringing to the predominantly European dance stage African and Caribbean dance forms in an ethnic and sensual way. Les Ballet Negre, the first black ballet company in the United States, came to be known as the Katherine Dunham Dance Company, through which dancers toured more than 60 countries on 6 continents between the 1940s and 1960s. Beyond her own personal creative achievements, Katherine Dunham won unprecedented recognition and became the first woman of color to hold the most prestigious positions in dance. Dunham was a dancer, choreographer, and director on Broadway, and the first Black choreographer at the Metropolitan Opera.

In addition to her artistic achievements, Katherine Dunham was an activist with an appetite for the attainment of social justice. In 1967, Katherine Dunham established the Performing Arts Training Center in East St. Louis, Illinois, followed by the Katherine Dunham Centers for Arts and Humanities in 1969, and the Katherine Dunham Museum and Children's Workshop in 1977. Each of these thoughtful, community-center initiatives brought artistic opportunity to less fortunate Black children.

The recipient of 10 honorary doctorates, this famed artist, activist, teacher, and dancer defied historical limitations through her accomplishments in academia and the arts. A conversationalist in Creole, French, Spanish, and Swahili, her dance techniques also spoke a language that propelled her into an international audience that understood and embraced the language her body spoke.

INTRODUCTION OF THE PROSTATE CANCER MEDICAID COVERAGE ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. NORTON. Madam Speaker, today I introduce a bill to allow treatment using Medicaid funds for men who are diagnosed with prostate cancer. This bill mirrors the measure that Congress enacted in 1999 to help low-income women who would otherwise not qualify for Medicaid, despite being diagnosed with breast cancer or cervical cancer. Congress found that women responded in large numbers to efforts by government and others to encourage early diagnosis using mammography after the Breast and Cervical Cancer Mortality Prevention Act was enacted in 1990. However, in 1999 Congress recognized that, because the screening did not provide coverage of treatment for women above the poverty level, the screening legislation had the tragic but unintended consequence of informing these women of a serious disease that demanded immediate treatment but leaving them without the means to seek that treatment. Later, Congress amended Title XIX of the Social Security Act to provide medical assistance for the women screened and found to have breast or cervical cancer under a federally funded screening program.

In today's bill, I have endeavored to provide the same relief for men. This bill allows men, earning up to 250% of the poverty level, who are diagnosed with prostate cancer through a federal screening program for prostate cancer, to qualify for treatment using Medicaid funds. The program would target men who are low-income, uninsured or underinsured who, nevertheless, do not qualify for Medicaid.

Prostate cancer outranks breast cancer as the second most common occurring cancer in the U.S. and the second leading cause of cancer-related deaths. However, diagnosing this cancer is often less expensive, and unlike breast cancer, often does not require immediate treatment. Prostate cancer treatment does not require invasive surgery in many instances. Many prostate cases can be diagnosed with a simple Prostate-Specific Antigen (PSA) test unlike the more costly high technology mammography machines used to detect breast cancer. Many men are advised to wait and watch for the development of the disease before seeking treatment.

However the rate of cancer deaths coupled with available treatment is strong evidence that many lives could be saved at considerably less expense if early detection and treatment were more available. Although race is a factor, every man over the age of 50 is at risk of developing prostate cancer and should be screened. Veterans that have been exposed to Agent Orange also have a higher risk of developing prostate cancer. Many doctors recommend yearly screening for men over age 50, and some advise men who are at a higher risk for prostate cancer to begin screening at age 40 or 45. Many Black men are at the highest risk of prostate cancer—it tends to start at younger ages and grows faster than in men of other races. Currently, Medicare provides coverage for an annual PSA test for all men age 50 and older, but many still do not fall within existing requirements to receive Medicaid.

This bill is especially necessary in today's tough economic climate where more and more men are becoming unemployed and falling below the poverty line. We cannot expect them to get screened for a disease that they cannot afford to treat. We must act on the lesson we learned from the 1999 passage of the Breast and Cervical Cancer Mortality Prevention Act and fund treatment for this cancer.

I urge my colleagues to join me in establishing this program guaranteeing treatment for men diagnosed with prostate cancer. It will meet an immediate and pressing need in communities across the country, and across racial and class lines.

I urge all of my colleagues to support this bill.

IN HONOR OF EDUARDO SOSA SILVA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor a man who dedicated his life to serving our nation during Operation Enduring Freedom. Eduardo Silva of Greenfield, California served our country as Specialist in the United States Army and was a devoted husband and a proud son. Specialist Silva died in Iraq earlier this month.

Eduardo enlisted in the Army in August 2006 and was deployed to Bagram Air Base, Afghanistan in July 2008 where he was a food service specialist. He was assigned to the 563rd Aviation Support Battalion, 159th Combat Aviation Brigade, 101st Airborne Division, U.S. Army, Fort Campbell, Kentucky.

Eduardo's life inspired the lives of others. He was a proud resident of Greenfield where he graduated as Valedictorian from Vista Verde Middle School and excelled at Greenfield High School. At an early age, he learned to appreciate the arts as a student of music. As a result, for his actions both at home and abroad, there is no measure of devotion we as a community can dedicate to Eduardo. This soldier, husband, and son shall be remembered for his caring, altruistic life.

Held closest to Eduardo's heart is the love and support of his wife and partner, Rosalinda, and his family. The memories the family has shared of Eduardo depict an honorable, caring, selfless man who gave without hesitation. It is evident the Silva family is proud of the example Eduardo left on his community.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude for Specialist Eduardo Silva's service to the United States of America and for his many accomplishments as a husband and son.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. THOMPSON of California. Madam Speaker, on June 19, 2009, I was unavoidably unable to cast my vote for rollcall 418. Had I been present, I would have voted ''aye.''

CELEBRATING THE UNITED STATES COAST GUARD ANXILIARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GARRETT of New Jersey. Madam Speaker, 70 years ago today, in this very room, Congress passed legislation creating what is now known as the United States Coast Guard Auxiliary. With volunteer members spread across the 50 states, the Coast Guard Auxiliary has played an important role in supporting the mission of the United States Coast Guard and promoting safe practices within the American boating community.

From its inception, the Coast Guard Auxiliary has been a leader in boating safety and instruction. In addition to educational programs, the Auxiliary regularly holds boating safety classes and performs vessel safety checks. Since September 11, the Auxiliary has also been very involved in securing our ports from foreign threats.

Every day, the Coast Guard Auxiliary saves one life, assists 28 people, and participates in more than 100 Coast Guard missions. This is in addition to the countless lives saved by their proactive efforts to prevent boating accidents and thwart terrorist attacks.

My district, the Fifth District of New Jersey, is part of one of the largest Coast Guard Auxiliary regions—Division 10, First Southern Region. This division has been awarded the ''Coast Guard Meritorious Team Commendation'' for being the most active Auxiliary Division in the nation. In 2008, Division 10 was responsible for 81,000 volunteer hours, 1,379 air and surface missions, 313 search and rescue missions, and more than 2,500 hours of educational programs. The several flotillas that make up this division comprise 360 members from all walks of life, all of whom should be proud of their exceptional service.

On this 70th anniversary, I commend the 34,000 men and women of the U.S. Coast Guard Auxiliary on their service, and recognize the important role they play in securing our coastline and promoting responsible boating conduct.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following:

Requesting Member: Congressman BILL SHUSTER (PA–9)

Bill Number: H.R. 2647—The National Defense Authorization Act, Fiscal Year 2010

FY 2010 National Defense Authorization Act Projects

Project Name: Engine Installation & Removal Vehicle (EIRV)

Account: APN, Line 58

Legal Name of Requesting Entity: JLG Industries

Address of Requesting Entity: 1 JLG Drive, McConnellsburg, PA 17233

Description of Request/Justification of Federal Funding: $3,400,000 for Engine Installation & Removal Vehicle (EIRV)

It is my understanding that funding will be used by the United States Navy to procure additional EIRVs to meet current operational requirements.

The purpose of the Engine Installation & Removal Vehicle (EIRV) program is to satisfy the operational need of the U.S. Navy and Marine Corps by providing a commercial off the shelf (COTS), mobile, Engine/Propeller Installation and Removal System, with the capability of safely installing and removing the T56 engine and/or T56 propeller on and from P–3, C–2, E–2 and C–130 aircraft.

Installation and removal of the T56 engine and propeller onto the respective aircraft requires relatively fine lateral and horizontal adjustments in order to be executed properly. To accomplish this, the Navy is requiring a commercially available, mobile, Engine/Propeller Installation and Removal System for procurement.

The Navy is currently removing and replacing aircraft engines with an unsafe combination of manual tri-pod hoists, scaffolding, and industrial forklifts. The EIRV was chosen to reduce damage to equipment, injuries to workers and increase efficiencies.

This project is a valuable use of taxpayer funds because procurement of the system will decrease damage to the engine/prop and the airframe, thereby decreasing downtime and increasing operational readiness.

Project Name: Millennia Military Vehicle/Extendable Boom Fork Lift (MMV/EBFL)

Account: PMC, Line 50

Legal Name of Requesting Entity: JLG Industries

Address of Requesting Entity: 1 JLG Drive, McConnellsburg, PA 17233

Description of Request/Justification of Federal Funding: $30,000,000 for Millennia Military Vehicle/Extendable Boom Fork Lift (MMV/EBFL)

It is my understanding that funding will be used by the United States Marine Corps to procure additional MMV units to meet current operational requirements.

The Marine Corps has a requirement for an additional Millennia Military Vehicles/Expandable Boom Fork Lift (MMV/EBFL). The Marine Corps does not plan to update its current telehandler fleet until 2011, thus producing an unfunded requirement for the Marine Corps. The MMV program is a four year procurement effort by the U.S. Marine Corps to procure reconfigured MMV's to fulfill their advanced lifting requirements in handling material containers in rapid deployment construction and reconstruction. The MMV is an 11,000 pound rough terrain, self-deployable in rough terrain, manually operated forklift capable of operating efficiently in nuclear, biological and chemical environments. The MMV is capable of unloading containers located on the ground as well as on trailers. It is fully air transportable in C–130, C–17 and C–5A aircraft, fordable, and operable in all weather and night conditions.

This project is a valuable use of taxpayer funds because the Marine Corps requires funding to procure additional MMV units to meet current operational requirements.

Project Name: Hardmetal Epidemiology Investigation

Account: RDA, PE # 0602105A, Line 5

Legal Name of Requesting Entity: University of Pittsburgh, Department of Biostatistics

Address of Requesting Entity: A410 Crabtree Hall, Pittsburgh, PA 15650

Description of Request/Justification of Federal Funding: $7,000,000 for Hardmetal Epidemiology Investigation

It is my understanding that funding for this project will provide for an epidemiological study to determine the potential health impacts from workplace exposures to hardmetal powders. ''Hardmetal'' refers to metal composites, notably tungsten carbide with a cobalt binder, known for their durability and wear resistance. In 2003–2004, three governmental and scientific bodies designated hardmetal (i.e. tungsten carbide/cobalt) as a possible carcinogen to humans. A critical review by an independent toxicological consultant identified significant weaknesses in the study (i.e. small study size, lack of reliable exposure information and the inability to control for potential confounding by cigarette smoking, etc.). The study also involved no input by industry or its consultants. Tungsten touches almost every product that is produced in modern manufacturing, as it is a common component in manufacturing equipment and materials—including munitions, military vehicles and other equipment. Hardmetal is used extensively in tooling to manufacture and maintain ordnance, missiles, automotive and aviation equipment, and to produce rifle bullets, vehicle armor, kinetic energy penetrators, missile warheads, and many other critical battlefield systems.

This project is a valuable use of taxpayer funds because a more accurate and reliable study is necessary before classified carcinogens, like hardmetal, will be ''deselected and phased out'' of manufacturing, slowing the manufacturing process and making it harder, if not impossible, to deliver needed products to the battlefields for U.S. soldiers.

Project Name: Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA

Account: RDA, PE # 0602624A, Line 17

Legal Name of Requesting Entity: L. Robert Kimball & Associates

Address of Requesting Entity: 615 West Highland Avenue, Ebensburg, PA 15931

Description of Request/Justification of Federal Funding: $3,000,000 for Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA

It is my understanding that the Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA project is part of efforts led by U.S. Army ARDEC at Picatinny, New Jersey combing

and harmonizing a number of Homeland Defense and Homeland Security programs under the umbrella of Project National Shield (PNS). The National Infrastructure Protection Plan (NIPP) mandates a coordinated approach to Critical Infrastructure and Key Resources (CIKR) protection roles and responsibilities for federal, state, local, tribal, and private sector security partners. The ability to sense, detect and respond to threats to CIKR will require regional communication and information sharing capabilities. The fundamental geospatial data needed to manage CIKR risk and establish the framework for assessing consequences, vulnerability, and threat information is available in jurisdictions across the country. Not available, however, are Enterprise Geographic Information Systems (EGIS) that span political jurisdictions, regions or states and can produce the comprehensive, systematic, and rational assessment of national or sector risk. South Central Pennsylvania houses a major freight transportation hub (CSX railway) and Army depot (Letterkenny) within miles of each other. This proposal will establish EGIS in South Central PA to advance NIPP objectives. Response-specific intelligence will provide emergency responders and homeland defense personnel with essential situational awareness information required to protect critical infrastructure.

This project is a valuable use of taxpayer funds because it meets a critical Army need to improve Homeland Defense and Civil Support missions while also providing enhanced capabilities to local constituencies in the communications and networking side of emergency response. Specifically, the program represents the actual full deployment of a critical network that will allow local Emergency Management personnel and first responders to communicate as well as provide for a tie in to the Army's Emergency Operations Center at Picatinny Arsenal.

Project Name: Cadmium Emissions Reduction—Letterkenny Army Depot

Account: RDA, PE # 0603779A, Line 64

Legal Name of Requesting Entity: Mountain Research, LLC

Address of Requesting Entity: 825 25th Street, Altoona, PA 16601

Description of Request/Justification of Federal Funding:

$1,000,000 for Cadmium Emissions Reduction—Letterkenny Army Depot

This project is a valuable use of taxpayer funds because this work will help Letterkenny Army Depot conduct environmental management activities in an environmentally and fiscally sound, sustainable manner.

Letterkenny's unique mission, which includes manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainability targets and goals. Specifically, this project will assist in addressing federal and state regulatory issues associated with the reduction of cadmium levels in waste water affluent outflows. This technology implementation will also serve as a demonstration site to facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the Department of Defense.

Project Name: AFATDS Voice Recognition and Cross Platform Speech Interface System

Account: RDA, PE #0203726A, Line 147

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Bedford, PA 15522

Description of Request/Justification of Federal Funding:

$2,500,000 for AFATDS Voice Recognition and Cross Platform Speech Interface System

It is my understanding that funding for this project would provide voice activation to legacy command and control systems to improve the ease of use, accuracy, and timeliness of the systems. The project will continue the work done to bring speech controlled operations and in addition provide a cross-platform solution that can be integrated to a wide variety of military systems. Doing so will dramatically increase the functionality and useful life of legacy systems while decreasing training costs and increasing operational speed.

This project is a valuable use of taxpayer funds because many of the Army's current command and control systems require a series of complicated keyboard entries to operate, making the systems slower to operate and prone to errors in stressful environments. This can result in delays providing commanders with critical information and in executing mission critical fire missions. This program will focus on solutions to those issues, allow quicker access to tactical information, and increase the speed in which targets can be fired.

Project Name: ALC Logistics Integration Environment

Account: RDAF, PE #0708611F, Line 233

Legal Name of Requesting Entity: IS2 Technologies, Inc.

Address of Requesting Entity: 3018 Pleasant Valley Blvd., Altoona, PA 16602

Description of Request/Justification of Federal Funding:

$2,000,000 for ALC Logistics Integration Environment

It is my understanding that this project will develop a Logistics Integration Environment using COTS software that facilitates pulling together teams of people to optimize battlefield readiness and improve the availability of aircraft and associated subsystems.

This project is a valuable use of taxpayer funds because the Air Force Logistics Centers lack an integrated data environment for service, repair, and overall logistics. Development and deployment of the Logistics Information Environment would:

Develop and implement a collaborative logistics management solution that would provide a single source of data for the maintainers, supply and battlefield environments;

Provide optimized predictive logistics modeling for critical supportability factors such as spare parts, maintenance schedules, and survivability under fire;

Capture aircraft performance information that may be used to drive further improvements in survivability;

Allow for real-time collaboration across the R&D, acquisition, logistics, and warfighter communities; and

Reduce costs by reducing the time required to research and collect the engineering and logistics data necessary to support unplanned/unscheduled depot-level maintenance requirements.

Benefits to our warfighting capability would be:

Mission readiness: Improve the readiness of rapidly deployed aircraft;

Cost Avoidance: Minimize the cost and complexity of the aircraft logistics footprint; and

Innovation: Allow for accelerated innovation to aircraft and subsystems, continuously improving their operational performance and survivability.

Additional benefits would include composite data that can be used to formalize and distribute Interactive Electric Technical Manuals (IETM) and dynamic work cards for maintenance planning and instructions.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: COPS—Technology Assistance

Legal Name of Requesting Entity: Sumter County Sheriff (on behalf of 15 SC counties, including Charleston, Georgetown, Berkeley & Dorchester)

Address of Requesting Entity: 107 East Hampton Avenue, Sumter, SC 29150

Description of Project: $1 million to provide 15 South Carolina counties (including Charleston, Georgetown, Berkeley and Dorchester counties) with detailed imaging to assist with emergency response, planning, and other activities to enhance public safety and officer safety. Program will also supplement existing GIS technologies to assist with planning, environmental protection, and other public services.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Youth Advocate Programs

Address of Requesting Entity: 3422 Rivers Avenue, 2nd Floor, North Charleston, SC 29405 Description of Project: $250,000 to build upon existing Youth Advocate Programs in Charleston and Myrtle Beach that develop community-based alternative for high-risk kids that are referred to the program by local courts; program currently has an 82% success rate in South Carolina, reducing costs borne by taxpayers for incarceration and other punitive measures. Project also sees support from local government and private sector.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Homeland Security Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 2892

Account: FEMA—State and Local Programs

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota (FL) 34236

Description of Request: I secured $300,000 for the Emergency Operations Center in Sarasota County.

The funding would be used to help relocate and construct a new Sarasota County Emergency Operation Center.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 2892

Account: FEMA—Pre-disaster Mitigation

Legal Name of Requesting Entity: City of Venice

Address of Requesting Entity: 401 West Venice Avenue, Venice (FL) 34285

Description of Request: I secured $200,000 for improvements to the Emergency Shelter in the City of Venice.

The funding would be used for the installation of a modernized energy generation system that would provide power during storm events that would allow this facility to appropriately serve as a hurricane shelter, and also be designated as a special needs shelter.

HONORING SARA MESLOW AND CAMP ODAYIN IN STILLWATER AND CROSSLAKE MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Sara Meslow, founder and director of Camp Odayin, headquartered in Stillwater, Minnesota. With facilities in Crosslake, Minnesota, Camp Odayin is the only camp in the Midwest for children with heart disease. This amazing opportunity is made available for just $25 because of generous donations from individuals, local organizations and medical groups. Sara says, ''We wanted something associated with children's heart disease that doesn't have dollar signs after it.'' I would like to honor Sara and the team at Camp Odayin in front of this Congress that we all may be amazed at the opportunities she provides our children.

Young heart patients from 17 states, Canada and Germany have been to Camp Odayin and many leave feeling completely different about the disease that will impact them the rest of their lives. The object of Camp Odayin, which means ''heart'' in Ojibway, is to connect kids with heart transplants, congenital defects, artificial valves, abnormal heart rhythms and many other conditions with one another.

Sara shares a very personal connection with the Odayin campers. As a teenager, she learned that she had a heart condition that sometimes caused her heart to beat wildly and later received a Medtronic defibrillator to control the condition. After volunteering at a camp for children with heart disease in California and with some prodding from her mother, Sara began exploring options for a camp in Minnesota.

Camp Odayin held its first session in 2001 with 53 campers. Now in their eighth summer, they have expanded to three sessions and are expecting 240 campers. The camp sessions are available for ages 8 to 17 and are as normal as any summer camp with swimming, archery, horseback riding, canoeing, crafts and of course, general fun. The advantage is that medical professionals and health specialists make up many of the volunteer staff allowing children needing extra attention and care to participate in activities they would otherwise sit out on at other camps. Nurses attend every activity, regularly monitor medications and staff an infirmary that is similar to a hospital intensive care unit. This level of medical care is not available at any other camp in the Midwest.

I had the privilege of learning about Camp Odayin from one of the many children blessed with this opportunity. This young girl was just thrilled to have been to a camp where many of the kids were dealing with the same problems she had. It is obvious the joy that Sara has brought to hundreds of children and I rise today to honor and applaud her work empowering the children that are the future of America, regardless of their health, status or ability.

EARMARK DECLARATION

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 2892, the ''Department of Homeland Security Appropriations Act, 2010.''

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2892, the ''Department of Homeland Security Appropriations Act, 2010''

Account: Predisaster Mitigation

Legal Name of Requesting Entity: City of Santa Clarita, CA

Address of Requesting Entity: 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling $500,000 for seismic retrofits to the City of Santa Clarita, CA's Emergency Operations Center. This project would assist the City of Santa Clarita with seismic upgrades to its City Hall building so that it may serve as the City's Emergency Operations Center (EOC). The funding would help purchase and install Special Concentrically Braced Frames, incorporating lessons learned from the Northridge earthquake of 1994, during which the City of Santa Clarita's City Hall building, which serves as the Santa Clarita Valley's Emergency Operations Center (EOC), sustained extensive damage. These enhancements will allow Santa Clarita's City Hall to serve as the City's primary EOC in the event of a significant seismic event.

HONORING THE SERVICE OF JAMES E. MITCHELL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WOLF. Madam Speaker, I rise today to honor the service to the community of Mr. James E. Mitchell, as he assumes the presidency of the Winchester, Virginia, chapter of the Lions Club.

Mr. Mitchell is a retired school teacher who has dedicated his career to public service. As the first African American president of the Winchester Lions Club, he will work with local agencies and residents to provide services to those with sight and hearing impairments as well as providing scholarships to local high school students.

In his 35 years as an educator, Mr. Mitchell also served his community as an active member of the Lions Club. He has held numerous leadership positions in his 20 years as a member of the organization. Mr. Mitchell is also a Melvin Jones Fellow, a highly honored humanitarian award in the Lions Club given only to those who demonstrate a strong record of community service. He has also participated in numerous ''White Cane'' events to aid the visually impaired.

Mr. Mitchell is a valued member of not only the Lions Club, but the entire Winchester community which he has served for close to four decades. It is my pleasure to recognize him today.

A TRIBUTE TO KEVIN SHAFER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Mr. Kevin Shafer, Executive Director of the Milwaukee Metropolitan Sewerage District (MMSD), on being named the new President of the National Association of Clean Water Agencies, NACWA. MMSD provides sewage treatment services and maintains watercourses for 28 municipalities, including nearly all of Milwaukee County and portions of four surrounding counties, serving a population of about 1 million.

Mr. Shafer joined MMSD in 1988, as the Director of Technical Services and four years

later became MMSD's Executive Director. Before joining MMSD, Mr. Shafer spent six years with the U.S. Army Corps of Engineers and nine years with a private engineering firm serving as area manager of the Milwaukee office.

Mr. Shafer has formulated numerous innovative MMSD programs including the Sweetwater Trust, a broad stakeholder group to enlist regional cooperation to protect the watersheds of the five-county Milwaukee metropolitan area through both structural and non-structural means. Further, under his direction, MMSD has invested in permanently protecting waterways from flooding and stormwater pollution runoff, by providing conservation easements to nearly 2,000 acres of undeveloped land. This program, called Greenseams, is a national model for green infrastructure in water pollution control. Mr. Shafer's innovation for both the environment and the economy is exhibited through a project to construct a landfill gas pipeline allowing MMSD to use a renewable source of methane gas in its treatment plant operations, while saving customers an estimated $148 million over 20 years.

Mr. Shafer is an active leader on behalf of municipal wastewater agencies at the national level, helping to formulate sound federal water resource policies and legislation. He has served on the Board of Directors of NACWA since 2003, participating on numerous committees including the Clean Water Funding Workgroup and the Executive Committee of the Board. He has appeared before Congress on behalf of NACWA.

Mr. Shafer is an exceptional leader and a public steward of water resources. He has devoted his engineering career to the protection of these environmental resources for current and future water users.

Madam Speaker, I urge my colleagues of the 111th Congress to join me in congratulating Kevin Shafer on becoming the President of NACWA. Under his leadership, I have no doubt that NACWA will continue to lead the advocacy effort for national policies to protect and preserve the Nation's water resources for future generations.

HONORING THE LIFE AND SERVICE OF ADELLA URBAN OF COLUMBIA, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today with a heavy heart to announce the passing of a friend and true community leader from the town of Columbia, Connecticut, Adella Urban. Adella passed away on Wednesday, June 17, 2009.

Born in Hartford, Connecticut in 1933, Adella spent her childhood years in Newington before graduating from Newington High School. After high school, Adella continued her education receiving numerous certificates in municipal government, which became one of the two great loves in her life. After settling in Columbia, Connecticut, Adella took a job as secretary to the Selectman in town where she remained until 1971. She then spent a decade as a reporter for the Hartford Courant before returning to municipal government in the town of Mansfield.

In 1985, she assumed the role of First Selectman in her beloved Columbia, a position she would hold for 18 years. It was in that role as First Selectman, that she flourished as both a leader and public servant. Always Columbia's strongest advocate, Adella was tireless in her efforts to improve the lives of her fellow citizens and the town she loved. Perhaps the greatest testament to her public service was the fact that she passed after collapsing while speaking to second graders at the Horace Porter School in Columbia about the history of Columbia.

Although always the dedicated public servant, it was her role as mother, grandmother and eventually great-grandmother that she loved most of all. She is survived by her five children; Richard, Andrew, Marisa, Stefan and Christian, ten grandchildren, and one great-grandchild.

While we will mourn her passing, hers is a life that will be celebrated and honored by the people of Columbia and the state of Connecticut for years to come

CONGRATULATING MERCY SPECIAL CARE HOSPITAL IN NANTICOKE ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mercy Special Care Hospital in Nanticoke, Pennsylvania, on the occasion of a century of service to the citizens of northeastern Pennsylvania.

In October, 1909, responding to community growth due to coal mining and subsequent mine accidents as result of that burgeoning industry, Nanticoke Hospital was born. No longer would injured miners be simply dropped on their porch or would their families go without needed medical treatment.

Throughout those 100 years the hospital endured two World Wars, the Great Depression, epidemics, merger and closure threats. It also saw new forms of insurance, the Medicare program for seniors and disabled as well as affordable healthcare for children and the poor. It also witnessed a time of more life saving drugs and procedures than ever before.

This small community hospital saw horse-drawn carriages give way to motorized ambulances and oxygen tents that led to ventilators. It would also respond to policy initiatives from eighteen United States Presidents. But, most importantly, Nanticoke Hospital cared for tens of thousands of patients, many of them poor, most of them uninsured. Human need was tended by hundreds of dedicated staff and physicians.

Renamed Mercy Special Care Hospital in 1994, it was one of the first long term care hospitals in Pennsylvania. From its success in Nanticoke, a satellite at Mercy Scranton was developed.

This year both sites will explore or undergo major renovations and changes to meet patient, physician and staff needs. That will include things such as increased beds, room upgrades, new outpatient renovation and areas of new growth such as the Area Agency on Aging Nanticoke Senior Center on campus that will be visited daily by older adults.

Mercy Special Care Hospital also holds the distinction of having the first wound care and hyperbaric unit in Luzerne County, a service that continues to grow in response to community need.

Throughout 2009 and beyond, this important facility will look toward the future but never lose sight of the challenges faced daily.

The Sisters of Mercy, Mercy Health Partners and Catholic Healthcare Partners are proud sponsors of this great institution at this historic time.

Madam Speaker, please join me in congratulating Mercy Special Care Hospital. The invaluable services they have rendered to the community for over a century have been inspirational to countless others who share the commitment to helping those in need and has made vast improvement to the quality of life for generations.

So important has their contribution been that they deserve the highest measure of our gratitude and respect.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. MCMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, FY2010 National Defense Appropriations Act.

Requesting Member: Congresswoman CATHY MCMORRIS RODGERS

Bill Number: H.R. 2647

Account: MCAF

Legal Name of Requesting Entity: Fairchild Air Force Base

Address of Requesting Entity: Spokane, WA

Description of Request: The TFI Refueling Vehicle Maintenance Facility is a multi-bay, 5,005 square foot building that will accommodate Associate 92d & 141st Air Refueling Wings under Total Force Integration (TFI). This new facility will provide more space, closer proximity, and indoor maintenance for those who service and repair the refueling vehicle fleet in support of the flying mission. Right now, the Fuels Management Flight of 100 personnel rely heavily on 15 maintenance people who service and repair the refueling vehicle fleet in support of the flying mission. These people work in undersized, substandard, environmentally deficient facilities separated from each other.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HARPER. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman GREGG HARPER.

Project: Advanced, Long Endurance Unattended Ground Sensor Technologies.

Project Amount: $8 million

Account: Defense-wide (DoD); RDT&E; Special Operations Intelligence Systems Development.

Legal Name of Requesting Entity: Mississippi State University.

Address of Requesting Entity: P.O. Box 6301, Mississippi State, Mississippi 39762.

Description of Request: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situation awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain. This initiative is a follow-on effort to ongoing Mississippi State University Unattended Ground Sensor (UGS) research and development in support of the U.S. Special Operations Command (USSOCOM).

CONGRATULATING DIANA WHALEY AS A RECIPIENT OF THE FLORENCE NIGHTINGALE MEDAL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to honor Diana Whaley of Rockwood, Tennessee, a registered nurse and American Red Cross Disaster Health Services Manager of the Knoxville Area Chapter. Ms. Whaley has dedicated her life to public health, committing herself to the education of her peers, the betterment of her patients and the protection of Americans in disaster situations.

For her courage and service, the International Committee of the Red Cross will honor Ms. Whaley this year with their prestigious Florence Nightingale Medal. This award is the highest international distinction that a registered nurse can receive from the Red Cross. Every two years, the Red Cross recognizes just 28 nurses in the world, with just three award recipients in the United States. Award recipients must have shown exceptional devotion to caring for the victims of a crisis, or have shown extraordinary service to public health and nursing education.

Recipients of this award often work as a Red Cross or Red Crescent nurse in challenging and, at times, dangerous environments, caring for the most vulnerable in times of crisis. The Medal is named after the founder of professional nursing, Florence Nightingale, and embodies the spirit of service by which we have all come to know the Red Cross.

I am proud, on the occasion of this preeminent award, to have the opportunity to commend the work of Diana Whaley, a great citizen of Rockwood, Tennessee. It is my privilege to honor Ms. Whaley for her work and lifelong dedication, and for reminding all of us of the power each of us has to improve the lives of the afflicted and the less fortunate.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2892

Account: Army NG

Name and Address: Montana Army National Guard, 1956 Mt Majo Street, Fort Harrison, –Helena, MT 59636–4789

Description: An increased number of Periodic Health Assessments has led to serious overcrowding of waiting areas, exam rooms, treatment facilities and administrative areas at the Fort Harrison Troop Medical Facility in Helena, Montana. This overcrowding presents both a risk to patient safety and patient privacy as required by HIPAA. The $1.75 million in funding will be used to expand and renovate the current facility to handle the increased patient load and improve both safety and patient privacy.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 National Defense Authorization Act H.R. 2647. The list is as follows:

Bill Number: H.R. 2647

Account: Other Procurement, Army

Legal Name of Requesting Entity: AAI Corporation

Address of Requesting Entity: 124 Industry Lane, Hunt Valley, MD 21030–0126

Description of Request: Authorized $2.5 million to field Shadow TUAS Training Aids, Devices, Simulators, and Simulations (TADSS) for Army National Guard. The TADSS consists of Shadow Crew Trainers, Launcher Part-Task Trainers, Air Vehicle Part-Task Trainers, and Interactive Multimedia Instruction. Shadow crews have specific requirements to maintain their proficiency and readiness, and the TADSS will help fulfill their training needs. Army National Guard units are being activated and deployed without any Tactical Unmanned Aerial System (TUAS) equipment or the means to sustain individual Aircrew Training Manual requirements and proficiency. The gap between ARNG unit activation and Shadow equipment fielding averages 30 months. Due to these differences, ARNG TUAS units require different TADSS than active units to attain and maintain readiness. Since the TUAS units have dual use (applicability in Homeland Defense and other state missions as well as combat), it is critical to maintain a high state of readiness at all times.

Bill Number: H.R. 2647

Account: RDT&E, Army

Legal Name of Requesting Entity: AEPLOG, Inc.

Address of Requesting Entity: 12800 Middlebrook Road Suite 108, Germantown, MD 20874

Description of Request: Authorized $ 7.5 million for research and development of the Autonomous Sustainment Cargo Container (ASCC), ''Sea Truck.'' The Sea Truck consists of a propulsion module and an optional bow module which attach directly to commercial cargo containers, allowing the deployment of these self-propelled support units from offshore logistics and commercial ships to the beach for sustainment operations. The Sea Truck supports the Army's need for low cost, logistics support equipment with critical distribution and sustainment capabilities. This project will provide actual field-test data to TRAC–LEE, allowing them to assess the desirability of the concept without computer modeling, scale modeling, water-tank testing, prototype design, development, and fabrication, and three years of development time. The ASCC system also addresses other current needs and concerns of logistics support such as high sea state deployment, Operations Other Than Warfare, personnel and materiel safety, reduced fuel usage, and reduced personnel requirements.

Bill Number: H.R. 2647

Account: Other Procurement, Navy

Legal Name of Requesting Entity: American Technology Corporation

Address of Requesting Entity: 15378 Avenues of Science, Suite 100, San Diego, CA 92128

Description of Request: Authorized $5.0 million for procurement of Long Range Acoustical Hailing Devices Anti Terrorism Force Protection Equipment for USN Assets and Facilities. The Long Range Acoustical Hailing Device (LRAD) is non-lethal, counter-personnel, long range hailing and warning device. LRAD's are capable of producing highly directional sound beams, allowing users to project warning tones and intelligible voice commands beyond small arms engagement range. The capability enables U.S. forces to more effectively determine the intent of a person, vessel, or vehicle, at a safe distance and potentially deter them prior to escalating to lethal force. LRAD provides a much needed capability for US Navy security personnel to effectively determine hostile intentions of potential terrorist vessels.

LRAD provides tactical leaders with the time necessary to make measured and responsible escalation of force decisions.

Bill Number: H.R. 2647

Account: RDT&E, Air Force

Legal Name of Requesting Entity: Fairchild Controls–

Address of Requesting Entity: 540 Highland Street, Frederick MD, 21701

Description of Request: Authorized $4.2 million for research and development of Adaptable Integrated Vapor Cycle based Environmental Control and Power System. Modern aircraft face increasing demand for electric power and cooling because of advanced sensors & weapons systems. Thermal challenges are further exacerbated by high engine fuel efficiency that reduces available fuel heat sink and low observable requirements that limit the use of ram air as a heat sink. Thermal challenge will increase by an order of magnitude for future air platforms. The proposed program will address many of the above challenges using a novel adaptable vapor cycle based environmental control system.

Bill Number: H.R. 2647

Account: RDT&E, Defense Wide

Legal Name of Requesting Entity: General Dynamics Robotics Systems

Address of Requesting Entity: 1231 Tech Court, Westminster, MD 21157

Description of Request: Authorized $4.3 million for research and development of the Mobile Detection Assessment Response System Enhancements. MDARS robot autonomously performs random patrols, detects intruders, and determines the status of inventory, barriers, gates and locks using Radio Frequency Identification (RFID) technology. Onboard sensors and real-time video allow remotely-housed human operators to see intruders or suspect activity as soon as the robot encounters it. There are no funds identified in the FY10 budget to support MDARS enhancements. DoD has identified a variety of enhancements that will expand the capabilities of the MDARS robotic vehicle to support force protection efforts. Requested funds would develop additional capabilities and procure one vehicle for force protection that detects intruders, and determines the status of inventory, barriers, gates and locks using Radio Frequency Identification (RFID) technology.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Information Control, LLC

Address of Requesting Entity: 17 S. Summit Ave., Suite 100, Gaithersburg, MD 20877

Description of Request: Authorized $2.0 million for research and development of the Flexible Medical Solutions FlexMedPatch Program. This program will finalize developed micro- and nanotechnologies to save the military, thus taxpayers hundreds of millions of dollars in avoidable medical visits, save tens of millions of barrels of foreign oil, and create dozens of jobs in Maryland while improving access to healthcare and immediacy of lab results for patients and physicians. Most importantly, the medical readiness of military forces will be greatly enhanced as a direct result of the application of this process. This project increases ability to remotely triage injured war fighters in field, sea and air theater of operations; ability to monitor the health of trainees while undergoing dangerous training exercises; ability to create baseline individualized profiles on war fighters and their capacity to withstand pain, recover from injury, and endure prolonged and acute stress; ability to predict cancers, strokes, and heart attacks before they occur; and ability to continuously monitor forces for alcohol and drug use.

Bill Number: H.R. 2647

Account: Other Procurement, Defense-wide

Legal Name of Requesting Entity: MPRI Training and Technology Group

Address of Requesting Entity: 7142 Columbia Gateway Dr., Columbia, MD 21046

Description of Request: Authorized $2.5 million for Basic Rifle/Pistol Marksmanship for the US Army Reserve. Basic Rifle/Pistol Marksmanship for US Army Reserve (BRPM) training is included in the Army Marksmanship Training Strategy. Reserve Soldiers have the current requirement to maintain an annual level of proficiency in marksmanship in accordance with the Standards in Training Commission (STRAC) and the USAR's Small Arms Training Strategy. The BRPM program supports individual marksmanship training from initial entry training through advanced skill levels. The BRPM program is versatile and untethered allowing practice in different environments and locations creating realistic training scenarios. The BRPM program saves ammunition costs, travel time for training, is compatible with existing weapons of various calibers (M16, M4, M249, M240 and M9) and requires no modification to the weapon system. BRPM simulation can be used in concert with both standard U.S. military blank ammunition as well as BRPM specific lead free blank ammunition.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Northrop Grumman

Address of Requesting Entity: 1000 Wilson Blvd., Suite 2300, Arlington, VA 22209

Description of Request: Authorized $5.0 million for Next Generation Shipboard Integrated Power: Fuel Efficiency and Advanced Capability Enhancer. Existing and future surface combatants and submarines require advanced propulsion and power system technologies to enhance fuel economy, lower system acquisition cost, and free up volume and weight for war fighting capability. Funding is requested to continue the development of a power dense Integrated Power System (IPS) and Hybrid Electric Drive (HED) technologies suitable for surface combatant and submarine propulsion, enhanced power generation, and power conversion. Power dense electric machines and power conversion solutions enable hybrid propulsion systems that save fuel and provide increased critical power for additional payload capabilities. These developments allow an advanced IPS or HED system to be incorporated in future and existing warships, including the re-started DDG51 line, DDG51 Modification, Ohio Replacement, and a future CG(X).

Bill Number: H.R. 2647

Account: RDT&E, Air Force

Legal Name of Requesting Entity: Proxy Aviation

Address of Requesting Entity: 12850 Middlebook Road, Germantown, MD 20874

Description of Request: Authorized $7.5 million for research and development of Multiple Unmanned Aerial Systems (UAS) Cooperative Concentrated Observation and Engagement against a Common Ground Objective. There is an ongoing need in DoD to increase the number of (Information, Surveillance, Reconnaissance) ISR orbits provided by Unmanned Aircraft. This project increases effectiveness of the current fleet of Unmanned Aerial Vehicles (UAVs) by enabling multiple UAVs and multiple sensors to cooperate in the same airspace with dynamic mission execution. Proxy Aviation Systems has developed and demonstrated the power of UAS cooperative engagement capability that can reduce the manpower and increase the mission effectiveness of current UAS. The Universal Distributed Management System (UDMS) is a demo proven (TRL–6) autonomous command and control system that will enable up to twelve UAVs to operate simultaneously from a single ground station and perform complex tactical objectives. The upgrade of existing and future US Government UAVs with a Cooperative Engagement capability will significantly reduce the manning required to operate current UAV systems which will lower costs while increasing mission effectiveness

Bill Number: H.R. 2647

Account: RDT&E, Army

Legal Name of Requesting Entity: Volvo Powertrain of North America

Address of Requesting Entity: 13302 Pennsylvania Avenue, Hagerstown, MD 21742

Description of Request: Authorized $3.0 million for research and development of Hybrid electric Heavy Truck Vehicle. The program's goal is to provide the military with a more fuel efficient, cleaner and more easily maintained heavy truck power train. A secondary goal is to build a truck engine that can provide the same electrical source as a traditional diesel generator. Combining these two capabilities in one engine will reduce deployed forces requirement for fossil fuels and reduce the need for inefficient, noisy diesel generators. Requested funds will be used to complete the final development stage prior to production. This final year of funding will enable Mack Trucks and Volvo Power train to finish building a prototype M915 truck with hybrid power train, and be prepared to compete for a M915 by the Army. It will reduce the logistics footprint of deployed forces by requiring less fuel in theater. It will also eliminate the need for noisy, diesel generators that can divulge the location of friendly forces. It will also provide a more easily maintained powertrain.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Zeltex Inc.

Address of Requesting Entity: 130 Western Maryland Parkway, Hagerstown, MD 21740

Description of Request: Authorized $2.0 million for research and development of the Remote Fuel Assessment System. The military has critical operational requirements for a field capability to rapidly assess cached and secured fuel supplies at key distribution nodes without extensive logistic support. Zeltex, Inc. proposes to develop and demonstrate a Remote Fuel Assessment System (RFAS) for rapid fuel quality assessment. It will assess

representative fuel content and contamination properties such as particulates, moisture, density, total oxygen content, benzene, olefins, aromatics, octane and cetane index to identify the class of fuel. Embedded wireless communication and control capability in the RFAS will ensure seamless operation with tactical information networks (Sense and Respond Logistics).

Bill Number: H.R. 2647

Account: MILCON, Army

Legal Name of Requesting Entity: Fort Detrick Garrison Commander

Address of Requesting Entity: 810 Schreider Street, Ft. Detrick, Maryland 21702–5000

Description of Request: Authorized $7.4 million for Community Activities Center at Fort Detrick Army Base. This project is required to support installation business operations, planning, and interagency integration as well as community activities to replace a rapidly deteriorating and unsafe WWII era building for the growing customer population at Fort Detrick, Maryland. This project will provide a modern, sustainable and safe facility that will greatly enhance communications and customer services by providing a facility that can support a variety of demands. All potential alternatives were examined in the development of this project and none were found to be feasible. Currently, the CAC temporary building is at the end of it's useful life and is requiring frequent expensive stop-gap repairs in order to avoid condemnation by the Fire Marshall or closure by the Installation Safety Officer. The building is unsafe, energy inefficient, environmentally unfriendly, unattractive, and incapable of housing services and activities that are vital, self-fulfilling in maintaining morale, esprit, and the quality of life. This new center will respond to the increase in requirements created by the National Interagency Biodefense Campus (NIBC), BRAC–95, BRAC–05, Army Transformation, Wounded Warrior and Suicide Prevention Programs, and the Army's goal of improving the quality of life for soldiers and their families by offering opportunities for self-fulfillment, social activity and leisure-time enjoyment.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892 the Department of Homeland Security Appropriations Act of 2010

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 2892

Account: State and Local Programs/Emergency Operations Center

Legal Name of Requesting Entity: Macomb County Emergency Management and Communications Center

Address of Requesting Entity: 10 N. Main St. 1st Floor, Mt. Clemens, MI 48043

Description of Request: This request, in the amount of $250,000.00, would be used to purchase and install communications and technology equipment for the Macomb County Emergency Communications Center. The EOC is paramount to assisting and supporting the response and recovery efforts of the local community. With this funding, the EOC will be able to provide both primary and secondary communication and technology modes that will allow them to be interoperable within our EOC at a local, state and federal level.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487 Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Madison County

Address of Requesting Entity: 138 North Court Street, Wampsville, NY 13163.

Description: Provide an earmark of $800,000 to Madison County for the construction and implementation of an interoperable emergency communications system to help facilitate communications with area first responders. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: St. Lawrence County District Attorney's Office

Address of Requesting Entity: 48 Court Street, Canton, NY 13617.

Description: Provide an earmark in the amount of $200,000 for the St. Lawrence County Drug Investigation Equipment Project. The project involves the purchase of electronic equipment to combat drug trafficking through surveillance. The equipment would be used by St. Lawrence County Drug Task Force to investigate, solve, and otherwise address drug trafficking. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: Office of Justice Programs: Juvenile Justice

Legal Name of Requesting Entity: Northern Forest Canoe Trail, Inc.

Address of Requesting Entity: PO Box 565, 4403 Main St. 2nd Floor, Waitsfield, VT 05673.

Description: Provide an earmark in the amount of $300,000 for the establishment of an innovative, replicable youth outdoors program model which will serve underprivileged urban and rural 10–14 year olds. This project represents a scalable model for engaging youth in active outdoor experiences that lead to a number of positive outcomes. I certify that I do not have any financial interest in this project.

IN HONOR OF PAN ICARIAN BROTHERHOOD OF AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Pan Icarian Brotherhood of America as they come together for their 106th Supreme Convention and in recognition of the significant contributions Americans of Greek Heritage have made to the Greater Cleveland Community and to our Nation.

On this 106th anniversary of the organization's founding, I am honored and pleased that the Convention is being hosted by the Cleveland, Ohio Chapter. As many as fifteen hundred people of Greek descent will travel from across the nation for this momentous occasion. We are very fortunate to live in a country that is rich with diversity and culture including a thriving Greek-American community. The Pan Icarian Brotherhood has passed down Greek traditions and practices. Greek-Americans have made invaluable contributions to their communities throughout the United States by participating in community service, social groups and sharing their history.

Madam Speaker and colleagues, please join me in honor of the Pan Icarian Brotherhood of America on the occasion of their 106th Supreme Convention in Cleveland, Ohio and in recognition of the significant contributions Greek-Americans have made to our country.

HONORING THE EXTRAORDINARY SERVICE OF STAN SYGITOWICZ

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LARSEN of Washington. Madam Speaker, after nearly 25 years of service on the Sedro-Woolley Housing Authority Board of Commissioners, Chair Stanley Sygitowicz will retire June 18 from the board.

Throughout his tenure on the board, Mr. Sygitowicz had a particular passion for ensuring that SWHA housing was updated and improved to the best possible standards. Over the past decade alone, the housing authority invested more than $1.6 million in capital improvements to ensure that our low-income neighbors—be they families, seniors or people with disabilities—live in high quality affordable housing.

At Hillsview, SWHA's 60-unit mid-rise for seniors and individuals with disabilities, Mr. Sygitowicz was regularly known to go above and beyond the duties of his board membership. He always made sure he knew each resident personally, and for many years, he organized an annual holiday party for the

building. He exemplified and fostered a spirit of community.

For his commitment to the vulnerable residents of Sedro-Woolley, I offer my sincere congratulations to Mr. Sygitowicz, whose cheerful, easy-going manner belied a quarter century of can-do leadership and dedicated community service. He leaves a legacy of caring and high standards that few can match.

IN HONOR OF DR. BRUCE GRUBE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KINGSTON. Madam Speaker, I rise today to honor and celebrate the achievements of Dr. Bruce Grube, an educator and leader whose impact extends far beyond the confines of any college campus. After serving since 1999 as the 11th president of Georgia Southern University in Statesboro, GA, Dr. Grube has announced his retirement set to commence at the end of this month.

Prior to his ten-year tenure at Georgia Southern, Dr. Bruce Grube gained a wealth of experience serving at multiple schools across the country. Not only was he the president of St. Cloud State University in St. Cloud, Minnesota, but he was also the provost at California State Polytechnic University in Pomona and Colorado State University in Pueblo. In the classroom, Dr. Grube earned the admiration and respect from colleagues and students alike, imparting his knowledge as a professor of political science on countless undergraduates. As an undergraduate himself, Dr Grube attended the University of California in Berkeley, earning a Bachelor of Arts degree. He followed his studies with a PhD in Government from the University of Texas in Austin.

In the larger community, Dr. Bruce Grube has been a prolific public speaker at national conferences and has been published in myriad academic journals, including The Journal of Politics and The American Political Science Review. He is an active member in community, national, and international organizations including Sigma Alpha Epsilon, Phi Kappa Phi, Phi Beta Delta, and the Golden Key Honor Societies, to name a few. In addition, Dr. Bruce Grube participates in an array of professional associations including the American Association for Higher Education, the American Association for State Colleges and Universities, and the American Association of University Administrators, among others.

Dr. Grube's upcoming retirement can only be described as bittersweet. During his tenure as President at Georgia Southern University, enrollment increased 22.7 percent to a record 17,764 students. Two colleges were founded during his term; the College of Information Technology and the Jiann-Ping Hsu College of Public Health. Various new degree programs were initiated. For example, it is now possible to receive a Bachelor of Science in Information Technology, a Masters of Public Health, a Doctorate in Psychology, or partake in the web-based Masters in Business Administration program. He also began extensive academic, housing, athletic, and administrative renovation projects totaling more than $150 million.

Dr. Bruce Grube will continue as a professor of Political Science for the 2010–2011 academic year and as a mentor and consultant to up-and-coming university presidents within the University System of Georgia. However, his time as president of Georgia Southern University will not be forgotten.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN–

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Project Name: Electromagnetic Research and Engineering Facility

Amount: $3,660,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Military Construction (MCN)

Intended Recipient of Funds: Naval Activity South Potomac, Dahlgren, Virginia, Dahlgren, VA 22448

Project description and explanation of the request: This project will provide an addition to the Electromagnetic Research and Engineering Facility (EMREF). This addition is required to facilitate the Directed Energy Technology Office at Naval Surface Warfare Center, Dahlgren Division (NSWCDD) to meet its mission in Directed Energy research, development of prototypes and engineering development model systems and in fielding these prototypes to the warfighter. This project will provide laboratories and analysis spaces for wideband RF, High Powered Microwave, Pulsed Power and high energy laser systems engineering and development. This project provides necessary access to a maritime boundary layer environment and therefore is sited along the Potomac River Test Range. This project will house 25–30 engineers and scientists some of whom will be new hires. This project was developed because it represents the lost scope of another military construction project, P295, that was approved in Fiscal Year 2006. Due to high bids, only about 75% of the original facility could be built. This project provides the remaining 25% (6,500 SF). Funding will be used for electrical facilities ($120,000), mechanical facilities ($110,000), paving and site improvements ($30,000), site preparations ($110,000), demolition of previous buildings ($230,000), anti-terrorism/force protection measures ($180,000), information systems ($60,000), built-in equipment ($60,000), and technical operating manuals ($40,000). I certify that neither I nor my spouse has any financial interest in this project.

RECOGNIZING PATTI GILMORE OF HUTTO, TX

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CARTER. Madam Speaker, I would like to recognize Patti Gilmore with the City of Hutto, Texas for her countless hours of volunteerism to the Team Hutto, Adopt-a-Unit Program.

The cities of Hutto and Taylor, Texas jointly adopted the 1–4 ARB Unit out of Fort Hood, Texas last year providing the deployed troops and their families with supplies, encouragement and a sense of family from their neighboring cities in Texas District 31. Patti has been instrumental in obtaining donations, organizing events and providing support to the deployed troops and their families. Her acts are a sign of true patriotism to our great nation and to the men and women who serve our country.

It is an honor to recognize Patti, and she continues to be a true inspiration through her acts of support and dedication.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congresswoman KAY GRANGER

Priority Name: UH–60 Rewiring Program—Army National Guard

Authorized Amount: $5 million

Account: Aircraft procurement—Army

Legal Name of Requesting Entity: Inter-Connect Wiring

Address of Requesting Entity: 5024 West Vickery Blvd, Fort Worth, TX 76107

Description of Request: The use of taxpayer funds is justified because the UH–60 rewiring program is a vital recapitalization of critical aviation assets within the Army National Guard. Replacing Kapton insulation used in aircraft wiring harnesses during modification, work order and retrofit is a key component. After many years of use, Kapton insulation becomes old and brittle and can lead to wet or dry arcing. Arcing can lead to intermittent or catastrophic failures. The only solution for this potential problem is to replace the wiring harnesses with new wiring harnesses.

Priority Name: Mobile Firing Range for TXARNG

Authorized Amount: $1.5 million

Account: Training Devices, Nonsystem

Legal Name of Requesting Entity: Texas Army National Guard

Address of Requesting Entity: PO Box 5218, Austin, TX 78763

Description of Request: This funding will be used to procure a Mobile Firing Range for the

Texas National Guard. The use of taxpayer funds is justified because the TXANG currently does not have access to any indoor ranges that can be used to fire the M16/M4 which is the current armament for 90% of the soldiers within the Texas Army National Guard. The Mobile Firing Range will allow soldiers to train with their assigned weapons at home station. The value added is soldiers can train more than once a year during their annual qualification. The ability to have mobile ranges allows for them to be collocated as needed to support deploying unit needs. This system is a training and force multiplier due to the negation of travel and lodging, and staging needed when conducting this training on a military facility.

Priority Name: Field Deployable Hologram Production System

Authorized Amount: $4.8 million

Account: Research, Development, Test And Evaluation, Army

Legal Name of Requesting Entity: Zebra Imaging

Address of Requesting Entity: 9801 Metric Boulevard, Suite 200, Austin, TX 78759

Description of Request: The Enhanced Holographic Imager (EHI) program is completing development of a compact production unit that produces 3D holographic imagery for mission planning and intelligence purposes for U.S. forces in Iraq and Afghanistan. The use of taxpayer funds is justified because the Army now requests a self-contained, field-deployable EHI production system to accelerate imagery delivery to combat forces. This authorization will be used to fund an EHI post-processing unit and a transportable production facility, with the completed Field Deployable Hologram Production System operational within a year of receiving funding.

Priority Name: Replace Joint Base Communications Building

Authorized Amount: $6.17 million

Account: Military Construction

Legal Name of Requesting Entity: NAS JRB FT WORTH

Address of Requesting Entity: NAS JRB FT WORTH, Fort Worth, TX 76127

Description of Request: This funding will be used to provide adequate facilities to house and support the communications hub for NAS JRB Fort Worth. The terminal/switch room in this facility provides the single connecting point for all on-base communications and their interface to all off-base systems. The Navy and the Air Force have personnel in this facility and manage communications systems for all of the tenant commands. The base has seen increases in communication volume due to links with off-site data systems and new tenants (e.g. 8th Marine Corps Division Office), as well as increased information security requirements. The use of taxpayer funds is justified because these conditions force increases in the amount and complexity of the equipment. Existing space will not accommodate growth requirements for the terminal/switch room, threatening a loss in communication functionality base-wide.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman ROY BLUNT

Priority Name: JSOW–ER

Authorized Amount: $6.5 million

Account: Joint Standoff Weapon Systems

Legal Name of Requesting Entity: LaBarge, Inc

Address of Requesting Entity: 1505 S. Maiden Lane, Joplin, MO 64801

Description of Request: JSOW is a GPS-guided air-to-ground weapon designed to attack a variety of targets in day, night and adverse weather conditions. The 70+ mile range of JSOW allows launch aircraft to stand off beyond the range of most Surface-to-Air missiles. The use of taxpayer funds is justified because there is a need for weapons with greater standoff. A new variant of JSOW (JSOW–ER Block IV) would have a range and lethal capability equal to or greater than SLAM–ER and would satisfy the warfighter's need at less than half the cost of SLAM–ER. An existing engine from the Miniature Air-Launched Decoy program will be used to extend the range of JSOW–ER to more than four times of the current glide version.

Priority Name: Lithium Ion Storage Advancement for Aircraft Applications

Authorized Amount: $4.2 million

Account: Force Protection Applied Research

Legal Name of Requesting Entity: EaglePicher Technologies

Address of Requesting Entity: 1215 W B St., Joplin, MO 64801

Description of Request: Protection of Li-Ion power systems is absolutely necessary on all current chemistries to prevent catastrophic failures due to over charge, over discharge and temperature excursions. In conjunction with the necessary safety aspects of the power system, a management function is necessary to achieve maximum performance. Maximum performance is achieved by monitoring individual cell voltages, temperature and currents and using this information to control each cell's charging based on environments. By managing the system at the cell level, premature power system degradation and failure can be greatly reduced. This translates into reduced maintenance costs, increased battery life, increased performance and overall increased safety. The use of taxpayer funds is justified because the results from advancements in overall safety and chemistry not only provide safety for aircraft applications but can also be transitioned to the commercial, industrial, military as well as consumer product industries. The next generation of energy storage can be achieved. In addition, by leveraging the results from efforts on current projects, advancements toward new technologies can be realized sooner. These batteries have significant weight and power density advantages over legacy technologies that are currently in use.

Priority Name: Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence

Authorized Amount: $8 million

Account: Aerospace Technology Dev/Demo

Legal Name of Requesting Entity: Missouri State University/QinetiQ North America

Address of Requesting Entity: 901 S. National Ave., Springfield, MO 65804

Description of Request: This funding will be used toward a revolutionary approach to the realization of truly load bearing antenna arrays. In addition to load bearing antennas, the DF hardware will be structurally integrated such that weight is minimized. DF algorithms have been developed and modifications for the severe conditions in Afghanistan will be used as a baseline. The use of taxpayer funds is justified because this new, affordable, antenna platform will significantly increase the DF capabilities of the Zephyr platform. This will enable rapid deployment and affordable assets in theater, adding significantly to the nation's assets.

Priority Name: Short Range Ballistic Missile Defense

Authorized Amount: $20.5 million

Account: Ballistic Missile Defense Terminal Defense Segment

Legal Name of Requesting Entity: LaBarge Inc

Address of Requesting Entity: 1505 S. Maiden Lane, Joplin, MO 64801

Description of Request: SRBMD is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization program to develop and deploy a cost-effective broad-area defense for use by both countries' militaries and Israeli civilians against ballistic missiles, large caliber rockets and cruise missiles. The joint program objective is to develop the Stunner interceptor to be common to both militaries for maximum return on investment. The Army has indicated its intention to integrate the Stunner into current and planned missile defense systems. The program successfully completed a critical flight test in February 2009 and two additional tests are scheduled this year. The use of taxpayer funds is justified because the additional funding requested will support qualification and transition to production beyond the President's request and will support US-specific work to integrate the system into the US air and missile defense system. The funding will accelerate a critical, ongoing program and help to ensure that this system is deployed as quickly as possible to begin providing needed protection to US troops deployed around the world.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 National Defense Authorization bill.

Requesting Member: Congressman JEFF MILLER

Project Name: STARBASE Freedom

Account: Civilian Education and Training

Legal Name of Requesting Entity: Okaloosa County Schools/Eglin AFB

Address of Requesting Entity: Eglin Air Force Base, Florida 32542

Description of Request: $484,000–STARBASE Freedom, Okaloosa County/Eglin AFB, Florida. I requested these funds to provide a science and mathematics education improvement program for at-risk youths in the Eglin AFB community. The entity to receive funding for this project is Eglin AFB/Okaloosa County Schools located at Eglin Air Force Base, Florida. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

IN HONOR AND REMEMBRANCE OF EDWARD PETER LEO MCMAHON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Edward Peter Leo McMahon, Jr. who shared his life and talents with the American people through his long and successful career as both a fighter pilot for the United States Marine Corps and an iconic entertainer.

Ed McMahon was born in Detroit, Michigan. After spending his summers as a teen announcing bingo for carnivals, he attended Boston College. An electrical engineering student, McMahon enrolled in the Navy's V–5 training program. In 1944 McMahon earned his wings and served in World War II as an instructor and test pilot. He returned to Catholic University of America and earned a Bachelor's of Art in 1949. After a brief stint in broadcasting McMahon was called to duty during the Korean War and subsequently won six air medals.

Upon completing his military duty, McMahon returned to television as the announcer for the game show Who Do You Trust? Four years later McMahon began his infamous role as the announcer for The Tonight Show with Johnny Carson. McMahon became a television and entertainment icon during his thirty year tenure with the show and had independently become a star on his own over the decades. He became the host of Star Search in 1983; the advertising voice of countless products and was featured in numerous films and television series.

In addition to his roles as actor, announcer and promoter, McMahon was active in various charities. He made frequent appearances with Jerry Lewis on the Muscular Dystrophy Association annual telethon, served on the board of the Marine Corps Scholarship Fund, and also supported the United Negro College Fund.

Madam Speaker and colleagues, please join me in honoring and remembering the long and successful life of Ed McMahon. I offer my deepest sympathy and condolences to his family and friends. He was truly dedicated to the American people; serving them through his service in the military as well as entertaining them for decades. His life and laughter will surely be missed and cherished for years to come.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the House-passed version of H.R. 2647, the National Defense Authorization Act for Fiscal Year, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Navy Research and Development—0604215N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured $2,000,000 for the Measurement Standards Research and Development Program. The program includes testing for electro-optic and night vision systems; chem/bio and radiation detection systems; advanced sensor technologies; nano-technology. It also provides for improved and state of the art measurement calibration systems that ensure an accurate traceability of measurement from the weapon system parameter to National Standards maintained at NIST. Without adequate measurement capability, verification of performance for weapon and detection system readiness is not possible. This project results in the development of the measurement standards and calibration systems necessary to provide traceable measurements. These state-of-the-art measurements standards often reside at NIST and thus provide benefit to other federal agencies and industry as well. This project allows the Navy to make correct test decisions that ensure mission success and safety while reducing the cost of unnecessary rework. Substantial cost savings have resulted from past R&D projects funding through this program.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Army Research and Development—0602787A

Legal Name of Requesting Entity: Air Force Office of Scientific Research

Address of Requesting Entity: 801 N. Randolph Street, Arlington, VA 22203

Description of Request: I have secured 3,000,000 for the Military Photomedicine Program. Photomedicine is an emerging field of biomedical research that shows considerable promise in the ability to address many priority military medical problems, including treatment of drug resistant infections, light activated repair of severed nerves and blood vessels, non-invasive critical care monitors for hemorrhagic shock and compartment syndrome, self directed needles for vascular access, sealing of penetrating eye injuries, early detection of Traumatic Brain Injury (TBI), biopsy imaging without tissue removal for airway injury from smoke or chemical agent inhalation, real time imaging of tissue circulation for wound management and reconstructive surgery, and targeted accelerated wound healing. Through peer reviewed, competitive grant funding this program supports teams of scientists and health care professionals at academic centers in collaborations with DoD medical laboratories in the development of technologies identified by DoD as important to military personnel, with a specific focus on the wounded warrior priorities identified in the Department's Guidance for Development of the Force FY 2010–2015 document.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Military Construction; Air Force Reserve

Legal Name of Requesting Entity: March Air Reserve Base

Address of Requesting Entity: March Air Reserve Base, Riverside, California 92518–2166

Description of Request: I have secured $9,800,000 for the March Air Reserve Base Small Arms Firing Range. The funds would be used to construct an adequately sized and configured small arms firing range which is required for training and maintaining the standard of current Air Force preparedness. The project also includes office space, classrooms, and equipment with fire protection and security alarm, lightning protection and explosion proof electrical which would bring the facility up to current force protection standards. The existing firing range was built in 1942 and is sub standard as a training facility. It is located approximately 5 miles away from March ARB and creates security, safety, and health and maintenance problems. Without funding the current facility will deteriorate further and will not be able to meet the training and readiness requirements of the base. Security, health and safety will be a concern and may cause the existing firing range to shut down. The range closure will seriously impact the small arm training, Force Protection and Personnel Combat Arms requirement for Reserve and National Guard units.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Navy Operations and Maintenance—BA03–1804N

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps

Address of Requesting Entity: U.S. Naval Sea Cadet Corps; 2300 Wilson Blvd, North; Arlington, VA 22201–3308

Description of Request: I have secured $650,600 for the U.S. Naval Sea Cadet Program. The Sea Cadet Program is focused

upon development of youth ages 11–17, serving almost 9,000 Sea Cadets and adult volunteers in 387 units country-wide. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to ''buy down'' the out-of-pocket expenses for training to $120/week. NSCC instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S. where these Services have little presence.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 National Defense Authorization bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2647

Account: Military Construction—Air Force Reserve

Legal Name of Requesting Entity: Niagara Falls Air Reserve Station

Address of Requesting Entity: Niagara Falls Air Reserve Station, 2720 Kirkbridge Drive, Niagara Falls, NY 14304

Description of Request: Provide an authorization of $5.7 million for Project #RVKQ 10–9091, the Indoor Small Arms Range that would support the requirements of the Base wings, the units of the new Armed Forces Readiness Center and the Department of Homeland Security tenants.

Of the total project amount, approximately $4.4 million (or 77.1%) is for construction of the range; $44,000 (or 1%) is for force protection; $640,000 (or 11.2%) is for supporting facilities; $254,000 (or 5%) is for contingency costs; and $304,000 (or 5.7%) is for inspection and overhead.

The current situation requires personnel to shoot at a range in Canada when utilizing the M–24B machine gun and M–249 rifle. Additionally, the current number of firing line positions is inadequate to satisfy the volume of monthly training requirements which has grown with the addition of the Regional Readiness Center at the Base.

Due to the fact that the existing range is outdoors and off-Base, students and instructors are exposed to the elements and extreme temperatures for extended periods of time. In addition, an exorbitant amount of time is wasted by personnel who must travel a distance to the range. Also, due to extreme weather conditions, the Wing loses several months of weapons qualifying each year. This new Small Arms Range will allow personnel to meet all necessary mandatory weapons training as well as meeting safety and environmental requirements.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS of Michigan

Bill Number: H.R. 2647

Account: Operations and Maintenance—Operating Forces

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $2,600,000 for a Cold Weather Layering System (CWLS) for U.S. Marine Corps Expeditionary Forces. The Marine Corps requirement for the Polartec components to CWLS is 202,000 units. $2,600,000 will fund approximately 13,000 sets of CWLS. The CWLS is designed to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in mountainous and cold weather environments.

EARMARK DECLARATION

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010.''

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Air Force Research and Development

Legal Name of Requesting Entity: Northrop Grumman Corporation

Address of Requesting Entity: 1840 Century Park East, Los Angeles, California 90067–2199

Description of Request: I requested and received a Member priority authorization request totaling $14,600,000 for Advanced Tactical Data Links (ATDLs) for the U.S. Air Force B–2 Stealth. This data link would profoundly alter how these stealth aircraft like the B–2, F–35, and F–22 communicate with each other in a high threat environment by allowing all three types of aircraft to communicate and share threat information. Sharing real-time threat information would improve lethality, increase survivability, reduce operating and support costs, and increase efficiencies.

The USAF has acknowledged the need for such a critical capability and has provided funding to integrate a common data link into the F–35 and F–22. However, funding for integration of such a link on the B–2 has not occurred. This initiative would provide these significant improvements in the capability two to three years sooner than currently planned. These upgrades will enable our strategic bombers to be more effective in projecting American power abroad and providing battlefield support for our troops.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Army Research and Development

Legal Name of Requesting Entity: Curtiss-Wright Controls Embedded Computing

Address of Requesting Entity: 28965 Avenue Penn, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority authorization request totaling $2,400,000 for U.S. Army Vehicle Electronics Optimization. This project provides advanced technological components to a variety of Army systems such as tanks, armored personnel carriers, and artillery pieces that are smaller, save power, weigh less, and require less cooling while improving performance and reducing life cycle cost. This would help the Army's accelerated fielding of new systems by reducing complexity and risk associated with these electronics upgrades. Enhancements will help our soldiers in combat be more effective and responsive.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Air Force Research and Development

Legal Name of Requesting Entity: Advatech Pacific, Inc.

Address of Requesting Entity: 950 E. Palmdale Blvd., Suite C, Palmdale, CA 93550

Description of Request: I requested and received a Member priority authorization request totaling $3,000,000 for the U.S. Air Force Advanced Vehicle Propulsion Center (AVPC), a unique, world-class center at Edwards Air Force Base that allows experts to examine current and future engineering, design, and development of propulsion systems, space vehicles, missiles, and advanced weapon concepts. The Center's efforts are estimated to save the Air Force millions of dollars in future program costs through the integration of the best engineering, design, analysis, and cost tools from government, industry, and academia.

Funding would allow the Center's engineers to incorporate recent technological advances into future Air Force space and missile systems, virtually demonstrating whether proposed designs are sound from operational, infrastructure, schedule, cost, reliability, and risk

perspectives. This research will enable our warfighter to be more effective, and will free up limited resources to fund other defense priorities.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Navy Research and Development

Legal Name of Requesting Entity: Naval Air Warfare Center, China Lake

Address of Requesting Entity: HSAD Program Office, Naval Air Warfare Center, China Lake, CA 93555–6100

Description of Request: I requested and received a Member priority authorization request totaling $1,900,000 for the U.S. Navy/U.S. Air Force High Speed Anti-Radiation Demonstrator established at China Lake Naval Air Weapons Station in 2002 to demonstrate an advanced rocket propulsion system that can provide either twice the distance or half the time to target over solid propellant rocket motors. With flight testing successfully accomplished and propulsion system technology demonstrated, this funding request would allow the transition of HSAD designs into a tactical missile configuration for future use in Navy/USAF advanced weapon systems. In addition, funds would be used to develop next generation solid ramjet fuels and provide performance data to support missile performance. In the future this research will benefit the warfighter by providing better performing missiles and missile defenses critical to our air superiority and homeland defense.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: MILCON, Navy

Legal Name of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center

Address of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center, Bridgeport, CA, 93517

Description of Request: I requested and received a Member priority authorization request totaling $8,600,000 for a new commissary at the U.S. Marine Corps Mountain Warfare Training Center. This project would construct a permanent commissary at the U.S. Marine Corps Mountain Warfare Training Center. Due to the remote location of the base outside Bridgeport, California, military members and their families travel dozens of miles over steep and sometimes impassable roadways to buy groceries and supplies. This project would eliminate that drive and provide an improved quality of life on base, especially during the winter months.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Air Force Research and Development

Legal Name of Requesting Entity: Andrews Space

Address of Requesting Entity: 25133 Avenue Tibbitts, Unit A, Valencia, CA 91355

Description of Request: I requested and received a Member priority authorization request totaling $2,000,000 to promote research into smaller, lower cost, and rapidly deployable satellites called ''cubesats'' that would provide imagery, advanced warning, navigation, and intelligence to our military and other national security agencies. Currently, a domestic provider of cubesat components does not exist.

Funding would allow the DoD Cubesat Program to continue fundamental research, development, testing, of domestic source, low cost components such as flight computers, power hardware, and spacecraft navigation and control hardware. These efforts would help enable domestic mass production of cubesats in the near future. Cubsats are an integral part of the Department of Defense's plan to provide more, less expensive, timely intelligence to support the warfighter.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010''

Account: Navy Research and Development

Legal Name of Requesting Entity: California State University Long Beach

Address of Requesting Entity: 6300 State University Drive, Ste 332, Long Beach, CA 90815

Description of Request: I requested and received a Member priority authorization request totaling $2,000,000 for a Department of Defense Strategic Mobility Logistics Study. This project, headed by Cal State University Long Beach and Cal State University San Bernardino at the Southern California Logistics Airport (SCLA), would allow the continuation of educational training, logistics modeling, and the development of defense training courses supporting the U.S. Army, U.S. Navy, and several major commands. These courses are designed to make Defense Department logistics more efficient, less expensive, and provide greater inventory control while creating a more cognizant military and civilian logistics workforce. This program also plays a key training role creating jobs in the defense industry.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 Homeland Security Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2892

Account: Science & Technology—Research, Development, Acquisition, and Operations

Legal Name of Requesting Entity: Rochester Institute of Technology

Address of Requesting Entity: 30 Lomb Memorial Drive, Rochester, NY 14623

Description of Request: Provide an earmark of $500,000 for the Remote Sensing for Situational Awareness and Decision Support project, which will allow the Rochester Institute of Technology's (RIT) Chester F. Carlson Center for Imaging Science to create a Remote Sensing TestBed (RSTB) for Border Security and Disaster Management. This research will focus on remotely sensed data from an affected area delivered in real-time or near real-time by using instruments and software developed at RIT.

Of the total amount received, approximately $310,000 (or 62%) is for materials and flight services and approximately $190,000 (or 38%) is for personnel, including faculty, staff, and students. RIT is seeking additional funding from the New York Foundation for Science, Technology and Innovation (NYSTAR) and the NYS Department of Homeland Security.

Timely and effective response to border incursions, disasters, or infrastructure failures requires situational awareness on the part of decision makers. The lack of such timely and useful geo-spatial data was a key aspect of the response to the aftermath of Hurricane Katrina in 2005. Often the best source of situational awareness is remotely sensed data from the affected area delivered in real-time or near real-time. Using instruments and software developed at RIT, they have deployed prototype airborne systems and successfully tested these systems to validate their capabilities in addressing these critical issues. The demonstrations to be conducted will process and display precision geo-referenced imagery to users in an operational setting, enable incident managers to command and view sensor information in a form that is intuitive and useful to decision makers, and deliver training to enable the deployment of these systems as part of their ongoing operations.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2892

Account: DHS, FEMA, National Predisaster Mitigation

Legal Name of Requesting Entity: Orange County Fire Authority

Address of Requesting Entity: 1 Fire Authority Road, Irvine, California 92602

Description of Request: I have secured $252,000 for predisaster mitigation for the Orange County Fire Authority. The funding would be used to support a full time year-round hand crew for wildland fire operations through the purchase of materials such as personal protective equipment, supplies and tools. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

TRIBUTE TO MINISTER LUCA FERRARI

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay tribute to one of the finest diplomats that both of us have come to know, Mr. Luca Ferrari, the Minister Counselor for Public and Legislative Affairs at the Embassy of the Republic of Italy. Minister Ferrari, who has been at the Italian Embassy here in Washington since October 8, 2005, is also the Official Spokesman at the Embassy as well. It has been recently announced that Minister Ferrari will leave Washington later this summer to become the Deputy Chief of Mission at the Embassy of Italy in Madrid, Spain.

Minister Ferrari, whose father was a career diplomat, was born in Rome and lived all over the world while growing up. As a result, he can speak five languages fluently. He received a degree in political science from the University of Rome in 1984. He joined the Italian Diplomatic Service in 1986 and served in a number of positions in Rome, including Executive Assistant to the Foreign Minister and Special Assistant in the Office of the Secretary General of the Ministry of Foreign Affairs. In 1991, he was sent to Moscow where, as First Secretary, he held the position of Head of the Ambassador's Secretariat and Chief of the Consular Section until 1995. Then he began his first assignment in Washington, where he was Counselor and Chief of Staff of the Ambassador of Italy to the United States until 1999. After returning to Rome, he served as the Director for Middle Eastern Affairs of the Italian Ministry of Foreign Affairs until his return to Washington in 2005.

Given the enormous amount of diplomatic and consular activity between the United States and our critical NATO ally Italy over the years, Washington, D.C. is one of the most challenging posts for Italian diplomats. I think that you will agree with my belief that Minister Ferrari has performed superbly both as a diplomat and as a friend to both of us. Whether it has been his tireless efforts on your historic trip to Italy as the highest ranking Italian-American official, his facilitation of the recent visit of Prime Minister Silvio Berlusconi to Washington, and the numerous visits of other high-level officials in recent years, his work to provide relief in the wake of the devastating earthquake in Abruzzo, his preparations for the upcoming July G–8 Summit in L'Aquila, or the energy he brought to the numerous other projects to which he was assigned; I think that you will agree with me that Luca has set an example of what it means to be a model diplomat. Many of our colleagues are aware of the historic role that the model of Italian diplomacy has played in the creation of the current worldwide diplomatic system and international law. We can easily see how Luca fits into the fine tradition of envoys that Italy has sent to other nations down through the ages.

On a personal level, Madam Speaker, Luca has been a true friend to both of us, as well as to your husband Paul and to my wife Leslie. As you have on so many occasions, Luca travelled to Hartford to participate in my annual charity Bocce Tournament, which Leslie and I host at our home to raise money for the St. Patrick/St. Anthony Church in Hartford and the East Hartford Interfaith Ministries. Although he has yet to join you in the elite group of Italian Celebrity Night trophy winners, I am sure that, with a little more practice, he will be awarded that honor at some future tournament.

Madam Speaker, I would like to conclude by urging all of our colleagues to join us in saluting Minister Luca Ferrari for all he has done to further relations between our two countries and to wish him, his wife Mariachiara Pastore Ferrari, and their 13 year-old son Alessandro Ferrari all the best as they begin their new duties in Spain.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Project Name: Readiness Center Addition/Alteration, Iowa Falls, Iowa.

Amount: $2,000,000

Account: Army National Guard

Recipient: Construction and Facilities Management Office (CFMO), Iowa Army National Guard

Recipient's Street Address: Camp Dodge, Building B-61, 7105 NW 70th Avenue Johnston, Iowa 50131

Description: The purpose of this project is to renovate and provide an addition to the Iowa Falls National Guard Readiness Center (armory). The project is a complete renovation of the existing facility to modernize administrative and training areas to meet new Department of Defense force structure requirements. The addition to the building will address deficiencies in supply space, vault space, classroom space, the electrical system, HVAC system, Anti-terrorism/Force Protection (AT/FP) measures, information technology/telecom systems and military parking space.

Bill Number: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Project Name: Garner Wastewater Treatment Plant/Trunk Sewer Reconstruction

Amount: $500,000

Account: STAG Water and Wastewater Infrastructure Project

Recipient: City of Garner

Recipient's Street Address: 135 West 5th Street Garner, IA 50438

Description: Construct improvements, including upgrading current aerated lagoon system to sequencing batch reactor mechanical plant and reconstruction of approximately 3000 feet of undersized trunk sewer line. The Iowa Department of Natural Resources has mandated construction of wastewater plants to meet ammonia nitrogen standards. Trunk sewer carrying 70% of the community's flow needs to be upgraded from 12'' diameter pipe to 24''. The City's aerated lagoon system is no longer capable of meeting standards for ammonia nitrogen, and the DNR has mandated construction of a new plant. The project is extremely significant locally. Without securing outside funding, sewer rates will be triple what they were in 2005 for at least the next 20–25 years. This is a major expense for families in economic times that have hit Hancock County's employment base harder than the national average.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Iowa Central Law Enforcement Training Center

Amount: $500,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa Central Community College

Recipient's Street Address: One Triton Circle Fort. Dodge, IA 50501

Description: The Center provides an economical and efficient platform for multi-discipline training programs for first-responder law enforcement personnel from across the state of Iowa. Thus far about 26,000 personnel have been trained.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Internet Scale Event and Attack Generation Environment

Amount: $400,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The funding will be used to continue the program, which simulates technology cyber attacks on a virtual internet for the purpose of researching cyber defense mechanisms and analyzing attacks.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Iowa State Forensic Testing Lab

Amount: $1,300,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The funding will continue this project, which involves cutting edge developments in forensic analysis and evaluation techniques, and the conduct of training and lab management programs for state and local (and some federal) entities.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Law Enforcement Visual Intelligence Tool

Amount: $200,000

Account: COPS Law Enforcement Technology

Recipient: Pocahontas County Iowa Sheriff

Recipient's Street Address: 99 Court Square Pocahontas, IA 50574

Description: The purpose of the technology is to aid local sheriffs in North Central Iowa by providing a special aerial imagery and geospatial visual intelligence tool that can help

law enforcement personnel view and analyze an enforcement target location, building, intersection, etc.

HONORING THE SAMARITAN INN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. CAPITO. Madam Speaker, I rise today to honor The Samaritan Inn, which took its first resident in 1989. Since it began, the Inn has served over 400 men through outreach or residential housing.

The Samaritan Inn is transitional residential living with supportive services for up to 12 homeless adult men at a time. Men may stay for up to 24 months. The Inn provides for group living in a safe, supportive, home-like environment. The project has as its primary mission to promote residential stability, increase skill level, and increase income which leads to greater self determination, thereby enabling the men serviced to move to permanent housing.

Specifically, the Inn: (1) provides safe, decent temporary shelter for homeless men in transition from homelessness to independent living in permanent housing; (2) provides case management services that emphasize healthy relationships, financial responsibility, education and training, household management, work ethics, mental and physical health, and responsible personal behavior; (3) provides opportunity to recover self-esteem, build confidence, restore dignity; and (4) provides life skill training and job development skills required to support and sustain independent living in permanent housing.

For a number of years, Samaritan Inn was the only HUD supported transitional housing available for men in the Kanawha Valley. Today it is one of only two HUD supported transitional facilities for men in this area.

The Inn is a stately Victorian home-like facility that is conveniently located in downtown Charleston and is close to bus lines and businesses.

Upon entry, each resident works with staff to establish individualized goals designed to overcome the obstacles to permanent, independent living. Each resident is required to work, pay up to 30% of his income in rent, maintain his own living area, share the cooking and cleaning responsibilities, participate in a life skills curriculum, substance abuse education, and participate in community volunteer activities.

The Samaritan Inn provides a safe environment to recover from homelessness, offers services that permanently change the lives of men who have been homeless, and empowers men to be productive independent citizens of our community.

BIASED LA TIMES STORY MISSES POINT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SMITH of Texas. Madam speaker, I have more bad news for Americans . . . yet another example of biased reporting.

This one comes from the Los Angeles Times.

The paper ran a story about a company that fired 200 workers after an IRS audit found ''hundreds of 'invalid or fraudulent' Social Security numbers.''

An unbiased story would have focused on how devastating ID theft is to families. It might have discussed the range of problems they face—faulty arrest records and tax liabilities among them.

The article also might have mentioned that those 200 jobs are now open for jobless U.S. citizens and legal immigrants. And that typically after an action like this, wages for American workers are higher.

But the Times story did neither of these things.

Instead, the story followed the talking points set forth by amnesty advocates and the Times' own editorial board.

Readers deserve better. They deserve a balanced view.

And that Los Angeles company—it should be praised for its actions to comply with the law instead of ignoring it.

ACKNOWLEDGING THE 37TH ANNIVERSARY OF TITLE IX

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. WATERS. Madam Speaker, I rise today to acknowledge the 37th Anniversary of Title IX. Title IX is the federal law that prohibits gender discrimination in federally funded educational programs. Specifically this legislation was designed to create equality among the sexes in education, but this mandate has had an even greater impact on women's athletics. As a result, it has provided opportunities which were not previously available. While many gender barriers have been broken since Title IX's implementation, there are still many obstacles that young women face today.

Many of Title IX's accomplishments stem from successes with collegiate level athletics. Unfortunately, elementary and high school girls are still not completely protected by the requirements of this legislation. Today we know that those young women are not receiving nearly as much funding as their male counterparts in sport related activities. Although there is still work to be done in regards to Title IX, a lot has changed since its inception. Before the law passed in 1972, women consisted of just seven percent of all high school sports participants. Today over forty percent of high school athletes are females. In terms of collegiate academia and sports participation, well over half of all undergraduate college students are women. Women also outnumber men in graduate school and law school enrollment.

Madam Speaker, I am pleased to acknowledge the 37th Anniversary of Title IX and all it has done to provide our young women with so many excellent opportunities. I will work diligently with my colleagues to protect the rights of women and ensure that gender discrimination becomes a remnant of the past.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Friday, June 19, on very urgent business. Had I been present for the ten votes that day, I would have voted the following way:

I would have voted ''aye'' on H. Res. 559, rollcall vote No. 409;

I would have voted ''aye'' on H. Res. 559, rollcall vote No. 410;

I would have voted ''aye'' on H. Res. 560, rollcall vote No. 411;

I would have voted ''aye'' on H.R. 2918, rollcall vote No. 412;

I would have voted ''aye'' on H.R. 2918, rollcall vote No. 413;

I would have voted ''present'' on rollcall vote No. 414;

I would have voted ''aye'' on H. Res. 520, rollcall vote No. 415;

I would have voted ''aye'' on H. Res. 520, rollcall vote No. 416;

I would have voted ''aye'' on H. Res. 520, rollcall vote No. 417;

I would have voted ''aye'' on H. Res. 520, rollcall vote No. 418.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was included within the legislation H.R. 2647, as reported. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: Senior Center, Brigham City, Utah

Amount: $250,000

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2892

Account: FEMA Pre-Disaster Mitigation

Address of Requesting Entity: Brigham City Corporation

Location: Brigham City Corp., 20 North Main, Brigham City, UT 84302

Matching Funds: $125,000

Detailed Spending Plan: FEMA Pre-Disaster Mitigation project grants require a minimum local cost share of 25% or the total project cost. This project is estimated as costing $500,000. Under regular FEMA guidelines, Brigham City would be required to expend $125,000 as the local cost-share. Request for federal share was for $375,000. However, the committee decided only to fund $250,000 of the regular federal portion, which may require up to an additional $100,000 local cost share for a total of $225,000 local cost share to fully complete the project. Funds will be used to perform seismic upgrades to existing senior center facilities, such as strengthening the roof system, and the wall structures. Minor bracing will be used on existing walls, doors and windows.

Description and Justification of Funding: Project would strengthen an existing Senior Citizen Center facility in Brigham City, Utah, against future seismic threats. Brigham City is located along the Wasatch Fault and according to the U.S. Geological Survey, there is a 25% chance of a 6.5 to 7.0 earthquake along this fault within the next 100 years. This Senior Center services thousands of local residents as well as senior populations in outlying areas in a large geographical region. Located less than one mile downhill from the Wasatch Fault, there is a significant chance that liquefaction of the subsurface would occur during a major seismic event, and that the center could sustain severe damage or, at worst, collapse outright resulting in numerous fatalities and serious injuries.

MEDIA SHOULD SAVE OPINIONS FOR EDITORIALS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SMITH of Texas. Madam Speaker, in some national newspapers, the line between news reporting and opinion has become nonexistent. Take two recent examples:

First, this opinionated sentence from The Washington Post on America's health care system: ''Nowhere else in the world is so much money spent with such poor results.''

Second, this sarcastic comment from The New York Times on Supreme Court nominee Judge Sotomayor: ''Of course, it is not as if a lawyer and judge with a history of involvement in racial issues has not made it onto the Supreme Court. Thurgood Marshall, a fierce advocate for racial justice as a lawyer for the NAACP, sailed onto the highest bench in the 1960s.''

Amazingly, these blatant opinions are from front-page news stories, not editorials.

Newspapers should report the facts and save opinions for the editorial page.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010. The entity authorized to receive funding for this project is KCF Technologies, 112 West Foster Avenue, State College, PA 16801, in the amount of $2,000,000. It is my understanding that the funding would be used for self-powered prosthetic limb technology. Successful development and deployment of the Self-Powered Prosthetic Limb Technology will create an opportunity for our country's injured soldiers to attain high functional levels with hopes of remaining on active duty in service to their country.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Account: RDAF

Legal Name of Requesting Entity: L–3 Communications Integrated Systems

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, TX 75403

Description of Request: I have secured $2,500,000 for the Rivet Joint Services Oriented Architecture (SOA) with L–3 Communications Integrated Systems. Funding for this project will fully implement the RC–135 SOA, which will ensure full RIVET JOINT integration in the ISR Enterprise, thus meeting USAF/DoD/DNI requirements for making ISR data and information discoverable, accessible, and to enable information sharing. RIVET JOINT requires continuous, current access to other ISR nodes, databases, and special processing to accomplish current and projected missions. At the same time, the ISR Enterprise will benefit greatly from RC–135 provision of ISR services, both intra- and post-mission. This will be achieved by building on current ongoing RC–135 ground systems, extending the number and performance of ISR services available through these systems, and fully meeting USAF/DoD/DNI SOA tenets. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2892—Department of Homeland Security Appropriations Act, 2010

Account: FEMA—Predisaster Mitigation

Legal Name of Requesting Entity: City of Reno, Nevada

Address of Requesting Entity: P.O. Box 1900, Reno, NV 89505.

Description of Request: $500,000. The Reno area is ringed by federal lands and each year the growing community moves closer to the ''wildland/urban interface,'' zone where the City limits meet open land. As a result, the threat of wildfires reaching and damaging the community grows significantly. The Reno Fire Department has initiated discussions with regional and statewide stakeholders to help residents and organizations undertake the needed mitigation that would reduce the susceptibility to wildfire. This Federal funding will expand fire suppression activities throughout the Washoe County area and provide assistance that would be shared by multiple partner agencies.

ENVIRONMENTALLY CONSCIOUS PACKAGING

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. INSLEE. Madam Speaker, it has come to my attention that a number of companies in the outdoor industry have begun taking steps to reduce the amount of packaging that accompany their products. I commend the companies for their efforts to reduce waste and minimize their environmental footprint.

These businesses have taken meaningful steps toward the preservation of our planet, and they set a vital example for businesses throughout America. Over the past year, a coalition of outdoor industry companies worked together to create policies for the reduction of consumer waste. I was pleased to learn that they have successfully followed through with these policies, utilizing higher levels of recycled material and reducing the amount of packaging used in production.

As these companies demonstrate, a reduction in waste can be accomplished through a variety of innovative practices. In order to cut down on the use of new materials, one footwear company redesigned their shoeboxes to use 100 percent post-recycled content. A family-owned business that sells camping equipment began packaging mattresses in completely degradable plastic bags. Another travel

accessories company completely overhauled their packaging program, eliminating about 15 tons of packaging waste.

These companies are a beacon of environmental awareness and responsible stewardship. They provide an example to all American businesses involved in manufacturing, which must begin to see the reduction of consumer waste as an essential step in protecting our environment. As members of Congress, it is our responsibility to encourage every industry to begin making such environmentally conscious choices as these.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 2647

Account: RDA, 0603807A (PE Number), 70 (Line Number)

Legal Name of Requesting Entity: Zimmer Inc.

Address of Requesting Entity: P.O. Box 708, Warsaw, IN 46581

Description of Request: Zimmer has concepts for a pneumatic ''nail'' gun that would fire resorbable darts in rapid succession for the purpose of temporarily holding together the fragments of complex fractures prior to using standard plates and screws for long-term fixation. This type of rapid fixation would simplify and speed the time of surgery by eliminating the cumbersome need for metallic pins and clamps. A civilian version of this gun would use darts are intended to function for minutes and then resorb over months. A military version could be designed that provided fixation for days allowing for the safe transfer of these patients from near-battlefield medical units to base hospitals for more extensive care. Many of these fractures are difficult to brace, splint or cast. Closed reduction and maintenance may be possible; further reducing the risk of infection. There is currently no other product on the market that addresses these specific unmet needs. Zimmer estimates that resourcing for a project of this magnitude will require in excess of six professional/technical FTE's (full-time equivalent employees) each year for a period of extending through and potentially beyond FY 2011. Although the precise number can't be calculated at this point, a substantial number of production and process workers (at the Warsaw facility) will be required to commercialize this product.

HONOR COLONEL DANA R. HURST

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. CAPITO. Madam Speaker, I rise today to honor Colonel Dana R. Hurst, who will retire from the United States Army effective October 1, 2009, after more than twenty-seven years of service to our nation.

Colonel Hurst, originally from Glen Ellyn, Illinois, graduated from Kansas State University with a Baccalaureate of Science Degree in Civil Engineering. In June of 1982, Dana enlisted in the Infantry where he was commissioned a Second Lieutenant in the Corps of Engineers after completion of Officer Candidate School. His command and staff assignments have carried him all over the United States as well as several posts overseas. His first-rate service has earned him major military awards and decorations including the Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, and Army Achievement Medal.

For the past three years, Colonel Hurst has been the Commander and District Engineer of the Huntington District U.S. Army Corps of Engineers. He has had the responsibility of carrying out the districts mission within the Ohio River Basin, which includes more than 300 navigable miles of the Ohio River in West Virginia, Kentucky, and Ohio, plus nine major tributaries. Within the 2nd congressional district of West Virginia, Colonel Hurst has played a vital role in completing a 100 foot by 800 foot lock at Marmet which has considerably shortened the time the navigation industry uses while reducing costs when moving West Virginia products to national and international markets.

It is an honor to recognize Colonel Dana R. Hurst as he retires from the United States Army. I want to congratulate him for his more than twenty years of service and hope he enjoys his retirement with his wife Ingrid and two children, Garrett and Mallory.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Military Construction, Army

Name of Military Installation: Fort Drum

Address of Requesting Entity: Fort Drum, New York 13601

Provide an earmark of $8,200,000 in MCA to build an All Weather Marksmanship Facility at Fort Drum, New York. Currently, Fort Drum has only one operational All Weather Marksmanship Facility. The project is required to provide year round live fire training to more efficiently support soldiers in meeting weapons proficiency and qualification standards, and minimize the amount of time required to complete training. The Light Infantry Doctrine and the missions of the 10th Mountain Division require higher than normal levels of marksmanship proficiency and fire discipline.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Defense Health Program

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization (FDRHPO)

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, NY 13601

Provide an earmark of $430,000 to enable the FDRHPO to hire the necessary staff and conduct the required assessments. The health care delivery model for federal beneficiaries at Fort Drum is unique as the only MEDDAC with a division and no inpatient capabilities. The model is a military-community partnership that joins the Army medical treatment facility with community providers to augment the medical treatment facilities primary care capability with specialty care and inpatient services. Through ongoing collaboration of the FDRHPO, access to quality health care will continue to improve, costs will be reduced, communication will continue to increase, additional resources will be leveraged and innovated cooperative health care arrangements and agreements will be tested.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Air Force

Legal Name of Requesting Entity: Clarkson University and ITT

Address of Requesting Entity: Clarkson University (8 Clarkson, Potsdam, NY 13699) and ITT AES (474 Phoenix Drive Rome, NY 13441)

Provide an earmark of $5,000,000 for Cyber Attack and Security Environment (CASE). Operating effectively in cyberspace requires a Cyber Command and Control (CC2) system to synchronize cyber attack operations, facilitate analysis of attack results including measures of effectiveness, and deconflict friendly use of cyberspace. The objective of ITT's proposed effort is to conceptualize and demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns; determine effects associated with an offensive cyber weapon; monitor/evaluate events that occur in cyberspace; and ultimately achieve situational awareness of cyberspace with an overall goal of achieving dominance within that critical realm. Alpha and beta testing throughout the lifecycle of this project will occur at a secure military installation in upstate New York. A significant partner in this effort is Clarkson University through its complex networks group, its biometrics group, critical electric power/large scale systems faculty, and cryptographic protocol analysis researchers, who will provide subject matter expertise and project research. The results of the CASE effort will help form a strategic partnership between AFRL Rome and Air Force's Global Cyberspace Integration Center (GCIC) located on LAFB, VA. The addition of $5M in

FY10 for CASE will demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns while maintaining defensive continuity.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Navy

Legal Name of Requesting Entity: Trudeau Institute

Address of Requesting Entity: Trudeau Institute (154 Algonquin Avenue Saranac Lake, NY 12983)

Provide an earmark of $8,000,000 for the U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy. Prevention of seasonal and pandemic influenza remains a significant unmet need for the U.S. armed forces. Influenza in active duty personnel and dependents compromises force readiness and impacts training. The funding for the proposed project will help advance the development of novel techniques for enhancing vaccine efficacy to promote Force Readiness and general health of the members of the Armed Services and their dependents.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Syracuse Research Corporation

Address of Requesting Entity: 7502 Round Pond Road North Syracuse, NY 13212

Provide an earmark of $5,000,000 for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER). U.S. Forces currently have no radar capability to detect and track activity under foliage. FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. The Phase II funding will help transition FORESTER to the User community, and apply the technology to additional platforms and U.S. border security applications, providing U.S. forces a critical new capability to detect and track activity under foliage.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Legend Technologies

Address of Requesting Entity: 1541 Front Street, Keeseville, New York 12944

Provide an earmark of $2,000,000 for the Remote Sighting System. Currently available optical technologies are not optimal for the various ''Robotic'' platforms currently being fielded. These platforms are only as good as their ability to ''See.'' The final funding installment will allow for the outfitting of production facility in Keeseville, New York, for manufacture of the Remote Sighting System from a domestic source. Consistent with current Department of Defense mandates and overall goals, the RSS can be used across platforms, which results in future savings, increased troop security and safety.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Welch Allyn, Inc.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152

Provide an earmark of $5,000,000 for the Personal Status Monitor (Nightengale). Welch Allyn is actively working on a project to monitor the health status of a soldier, remotely communicating the data to obtain the most appropriate level of care in a forward combat environment, which is essential for medical and military strategic decision-making. The Research and Development funding for this project will allow Welch Allyn to further develop its smart sensing technologies. These technologies provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of a critical or life threatening event. Specifically, the technology consists of wearable sensors with RF communication to observation stations, doctor's offices, electronic patient records, and hospital information systems, providing anywhere, anytime access to real-time or archived patient information. Applications include deployment on individuals or groups of individuals who are subject to catastrophic physiologic events such as military personnel, public safety personnel and those with cardiovascular disease.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: Rockwell Collins, Inc.

Address of Requesting Entity: Rockwell Collins, Address: 33 Lewis Road, Binghamton, NY 13905 (Hqs: 400 Collins Rd., Cedar Rapids, IA 52498)

Provide an earmark of $2,000,000 for the Common Avionics Architecture System (CAAS–PVI) CH–47F. The funding for the project will help reduce pilot workload to assist Army pilots and crewmembers as they prosecute the war on terror. This proposal is to make timely long lasting changes to the CAAS cockpit of the CH–47F aircraft through an effective Pilot Vehicle Interface program. The results of such activity will reduce aircrew workload and deliver a safer more usable system to the field. Once completed, the CAAS cockpit will be suitably aligned for future integration into all conventional Army rotary wing aircraft.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Operations and Maintenance, Army

Legal Name of Requesting Entity: John Deere

Address of Requesting Entity: 2000 John Deere Run, Cary, NC 27513

Provide for an earmark of $2,000,000 for the M-Gator. The M-Gator is a proven asset to our troops around the globe in support of the Global War on Terror and provides a unique capability that does not exist in the Army equipment inventory. M-Gators fill critical equipment shortages in Infantry, Aviation, Military Police, Combat and Field Service Hospitals, Special Operations, and other Combat Support and Combat Service Support units. The M-Gator enjoys an enviable reputation because of its ruggedness, load-carrying capability, and reliability. It has proven to be a key asset to our troops around the globe in support of the Global War on Terror and provides a unique capability that does not exist in the Army equipment inventory. Army units, including the 10th Mountain Division, have never had sufficient operational funds to replace their war-torn M-Gator fleet. The funding is to provide M-Gators to the 10th Mountain Division.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Navy

Legal Name of Requesting Entity: Lockheed Martin

Address of Requesting Entity: 497 Electronics Parkway, Syracuse, NY 13088

Provide an earmark of $4,700,000 for the Future Generation Thinline Towed Array (TB–29A). Towed arrays are the primary long range ASW sensor systems for search, acoustic intelligence collection, and self-defense on today's submarines. The Thinline TB–29 series Submarine Towed Array is the premier sensor in the submarine fleet today. The TB–29A delivers enhanced performance at half the acquisition and life cycle support costs of its predecessors. It also uses a lightweight tow cable allowing operation of the array in a littoral environment. The design of the TB–29A has not achieved the desired reliability for optimum fleet operations. Telemetry components and connectors are primary failure points after frequent reeling in and out of the submarine. The funding will help develop a modernized design, resulting in a new, low risk thinline submarine towed array that provides significant reliability improvements, equal performance and lower life cycle cost compared to current arrays.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Defense-Wide

Legal Name of Requesting Entity: Sensis Corporation

Address of Requesting Entity: 85 Collamer Crossings, East Syracuse, NY 13057

Provide an earmark of $2,000,000 for the SOF Craft Integrated Backbone. Most SOF craft vehicles have limited space available for hardware but continue to require additional systems to complete their missions. The SOF Craft Integrated Backbone will provide an integrated data processing system in order to consolidate the number of computer processors on the vehicle, thus resulting in a reduction of size, weight, and power (SWAP) requirements for the craft. The program will significantly reduce the physical footprint of the data processing system on the craft while maintaining the critical flexibility needed to provide for future technology upgrades. FY2010 funding will help leverage current sensor technology and open architecture COTS processing with vast experience integrating dispirit sensor systems to command and control stations. The SOF Craft Integrated Backbone will provide SOCOM with a solution prototype for full scale testing within 12 months.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member

requests, I am submitting the following information regarding a congressionally directed project in H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Agency/Account: Research and Development, Army

Amount: $8,500,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

This funding will focus on developing compact electromagnetic generators for integration into standard weapons systems for defense applications that require the destruction of electronic hardware while minimizing collateral damage. Examples of applications include placement on HUMVEES, in cruise missiles and attached to unmanned aerial vehicles (UAVs). A key target of this technology is the disruption of remote detonation electronics used in improvised roadside bombs and inner-city car-bombs.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 National Defense Authorization Act and the FY2010 Department of the Interior, Environment, and Related Agencies Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money ($900,000) will be used to construct a standard design Medium Physical Fitness Complex. The Physical Fitness Facility is composed of multipurpose physical training and equipment center. Additionally, the money will be used to construct a standard design lighted multipurpose athletics field. Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPAct05) features will be provided. Supporting facilities include site development, utilities and connections, lighting, paving, parking, walks, curbs and gutters, storm drainage, information systems, demolition, landscaping and signage. An upgrade to an existing transformer station is required. Measures in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards will be provided. Access for individuals with disabilities will be available. Comprehensive building and furnishings related interior design services are required.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money ($14,400.00) will be used to construct a 1,200-seat (32,900 SF) chapel/family life multi-purpose facility which includes a worship center, activity/fellowship center, chaplain family life and pastoral care center, resource center, multimedia center, multi-purpose education classrooms, kitchen, storage areas, restrooms, and circulation area.

Requesting Member: Congressman ED WHITFIELD

Bill Number: Interior, Environment, and Related Agencies Appropriations Act

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Tompkinsville

Address of Requesting Entity: 206 North Magnolia Street, Tompkinsville, KY 42167

Description of Request: The Project will install a backwash lagoon at the Tompkinsville Water Treatment Plant. The existing lagoons are undersized and do not provide enough detention time for the solids to settle out. These funds will help the citizens of Tompkinsville abide by the environmental requirements of the Kentucky Division of Water. The amount the City will be receiving is $189,000 and will serve over 2500 households in the town protecting citizens' health, the environment, and allowing for community growth.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Title III: Protection, Preparedness, Response, and Recovery

The 11th Congressional District was directly impacted by the events of 9/11 and it is critical to continue to make direct investments to improve first responder and law enforcement communications and for like technology and equipment upgrades.

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency, Emergency Operations Centers

Legal Name of Entity: Morris County, New Jersey Office of Emergency Management

Address of Requesting Entity: P.O. Box 900, Morristown, New Jersey 07960

Funding Level: $1,000,000

Description of Request: It is my understanding that the funding will be used to design and construct a state-of-the-art, environmentally sound, emergency operations center to consolidate the interoperable security across the entire county.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010:

Congressman SAM GRAVES (MO–6)

Department of Homeland Security, FEMA/Pre-disaster Mitigation Account—$175,000 to the City of Maryville, MO, for Storm Siren Replacement (City of Maryville, MO, Department of Public Safety, 222 East Third Street, Maryville, MO 64468)

The federal funding I obtained for the City of Maryville in my congressional district will be used to upgrade their emergency storm siren system. The City of Maryville is the largest community in northwest Missouri, having a population of over 10,500. The community is home to Northwest Missouri State University and houses nearly all of the manufacturing industry in the region.

In recent years, Maryville has experienced a number of natural disasters, including flooding and tornadoes. The current warning system in place for the residents of the community is made up of five Civil Defense Sirens, which are extremely old and deteriorated. The city has also grown in size, which has created some ''dead spots'' where citizens cannot hear the warning sirens.

As such, the city will use the federal funds obtained to purchase five storm sirens. Four of the existing sirens throughout the city will be replaced, as well as one siren to be located at Mozingo Lake, a recreation and fishing destination in the region. The new sirens will be multi-directional sirens, which will double the current sound projection radius and address the community's concern with ''dead spots''. An up-to-date warning system is imperative to notify all the families and individuals in the region to ensure their safety.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2892, the Department of Homeland Security Appropriations Act for Fiscal Year 2010

Project Name: Emergency Operations Center

Amount: $600,000

Account: State and Local Programs

Recipient: City of Ames, Iowa

Recipient's Street Address: 515 Clark Avenue, Ames, IA 50010

Description: This project is a renovation of the current Emergency Operations Center in

Ames, IA. It is necessary to accommodate updated incident command facility needs—in cases of both natural disasters and man-made incidents. Local emergency operations centers are critical components in the nation's emergency network. The Ames, IA Center is particularly important as it is located in an important agricultural production region that is crucial to the nation's food supply; the Ames Emergency Operations Center is also located near the National Animal Disease Center, an important player in any agro-terrorism incident. Given the significance of the threat of agro-terrorism, it is important that this Center be as-up-to-date as possible in its operating capacity.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the FY2010 Department of Homeland Security Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2892

Account: Department of Homeland Security, Federal Emergency Management Agency, Predisaster Mitigation account.

Legal Name and Address of Requesting Entity: Harris County Flood Control District, 99000 Northwest Freeway, Suite 220, Houston, Texas 77092.

Description of Request: Provide $1,000,000 to the Harris County Flood Control District for the voluntary acquisition and demolition of approximately 38 homes located deep in the floodway and floodplain of the White Oak Watershed of Harris County, Texas. The Harris County Flood Control District is charged with devising the flood damage reduction plans for the county, implementing the plans, and maintaining the infrastructure covering a 1,756 square mile area.

EARMARK DECLARATION

HON. STEVE SCALISE-

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Homeland Security Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: Federal Emergency Management Agency, State and Local Programs

Legal Name of Requesting Entity: New Orleans Emergency Medical Services

Address of Requesting Entity: 1300 Perdido Street, Suite 4W07, New Orleans, LA 70112

Description of Request: I have secured $750,000 for the New Orleans Emergency Medical Services. The funding would be used to provide a permanent Emergency Operations Center and base of operation for the sole 9–1–1 emergency medical service provider for the city of New Orleans. Secure medication, equipment storage, and training areas are needed to better serve the citizens of New Orleans. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: Federal Emergency Management Agency, State and Local Programs

Legal Name of Requesting Entity: Washington Parish Government

Address of Requesting Entity: 909 Pearl Street, Franklinton, LA 70438

Description of Request: I have secured $350,000 for the Washington Parish Government. The funding would be used to provide for an Emergency Operations/9–1–1 Multi-Agency Communications Center to coordinate electronic, telephone, satellite and radio communications between law enforcement, fire, EMS, hospitals, and Emergency Management Agencies. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

Rep. WALTER B. JONES

Project: U.S. Navy Cancer Vaccine Program

Recipient: OncBioMune, LLC, 17050 Medical Drive, 4th Floor, Baton Rouge, LA 70816

Account: Research & Development, Navy

Amount: $4,000,000

Explanation: The U.S. Navy Cancer Vaccine Program was initiated in 2005 and was the first cancer vaccine program conducted at the Naval Health Research Center. It has received congressional appropriations beginning in FY06. Currently, U.S. military health authorities estimate that in the past year alone, $42 million was spent on direct health care costs in the military healthcare system related to prostate cancer. Continued development of the vaccine through this project will save the lives of military personnel suffering from cancer as well as reduce health care costs in the military healthcare system.

Rep. WALTER B. JONES

Project: Radar Approach Control (RAPCON) Complex at Seymour Johnson Air Force Base Phase 1

Recipient: Seymour Johnson Air Force Base, 1510 Wright Brothers Ave., Seymour Johnson AFB, NC 27531

Account: Military Construction, Air Force

Amount: $6,900,000

Explanation: The existing Radar Approach Control (RAPCON) Complex and Ground to Air Transmitter/Receiver (GATR) at Seymour Johnson Air Force Base are inadequately configured for today's mission and high-tech equipment. Replacing these facilities would improve Air Force operations and safety and save money by sharply reducing the cost of maintaining the existing outdated infrastructure.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of South Carolina

Address of Requesting Entity: 208 Osborne Building—Pendleton Street, Columbia, SC 29208

Description of Request: I have secured $6,000,000 for the Brain Injury Recovery Clinic at the University of South Carolina. Soldiers returning home from Iraq and Afghanistan are experiencing an increased number of head injuries related to blasts and explosions compared to soldiers of previous conflicts. It is therefore important for us to understand blast injury, its pathophysiology, methods for detecting traumatic brain injury, and how these soldiers can be best treated. Mechanisms of brain injury in war are unlike those of most injuries encountered in civilian life. The University of South Carolina has established a priority focus area on the study of brain injury and developed novel treatment possibilities to treat head injuries. This funding will establish a brain injury recovery clinic for returning soldiers at the University of South Carolina and study better and more efficient ways to treat blast-related head injuries. This research clinic will also provide jobs for the economically depressed Columbia, SC region. Matching funding ($6M) from the State of South Carolina is available by housing this Brain Injury Recovery Clinic in the newly constructed Discovery 1 research building. This new research building is located in the Innovista portion of the University of South Carolina campus. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Air Force

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $2,000,000 for the South Carolina Air National Guard Eagle Vision Upgrade. Eagle Vision (EV) is a USAF mobile satellite imagery collection and processing system assigned to the SC ANG that will be used as a wartime resource in the war on terrorism as well as a counter drug and Homeland Security asset in the United States. Funding would upgrade the EV system at McEntire JNGB to include a 1 meter infrared capability. Emergency planners and responders would be able to look through clouds and smoke with infrared enabling them to plan responses during an emergency instead of reacting afterward. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Army

Legal Name of Requesting Entity: Trenton Plastics

Address of Requesting Entity: 601 E Wise Street, Trenton, SC 29847

Description of Request: I have secured $5,000,000 for Trenton Plastics for the High Mobility Multi-Purpose Wheeled Vehicle (HMMWV). The appropriation of $5,000,000 for fire suppression kits (fuel tank fire suppression FIRE Panels) will be applied to existing HMMWVs and new production HMMWVs or ECV2s. The FIRE Panel product is applied to fuel tanks and mitigates the fire and secondary explosions that occur when unprotected fuel tanks are attacked by Improvised Explosive Devices, Rocket Propelled Grenades or Explosively Formed Penetrators. FIRE Panels consist of a hard, durable plastic shell (blow molded by Trenton Plastics) that are then filled with ''Black Widow'', a highly effective dry chemical fire suppression agent. These FIRE Panels can be formed/blow molded to fit any style of fuel tank. Insurgents, over the past several years, consistently target fuel tanks on vehicles because of the large secondary fires and explosions that they cause. These fires and secondary explosions have increased the number of solider and marine related deaths due to the fires, increased the number of soldiers and marines with severe burn injuries and cause the destruction and total loss of vehicles. By installing FIRE Panels on HMMWVs the Army will experience fewer losses of lives, reduce medical costs for transport, acute care and long term care related to burn injuries and save vehicles. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 1330 Lady Street, No. 503, Columbia, SC 29201

Description of Request: I have secured $8,200,000 for the South Carolina Research Authority's Highly Integrated Production for Expediting Reset (HIPER). The funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. HIPER will implement a program which ensures the provision of the best and safest weaponry to the warfighter and in the quickest and most efficient way, by replacing parts and resetting weapons more quickly and at reduced cost. This will help keep our troops safe and fully equipped with the optimum defense mechanisms they need to effectively complete their missions, while using cutting-edge technology to reduce costs and lower wait times. To achieve this goal SCRA will be relying on industry and government partners in numerous states, resulting in employment sustained and created via manufacturing and research requirements. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Lifeblood Medical

Address of Requesting Entity: 10120 Two Notch Road, Suite 2, Columbia, South Carolina 29223

Description of Request: I have secured $3,000,000 for the Lifeblood Medical's Human Organ and Tissue Preservation Technology (HOTPT). Funding will be used to continue and advance studies for Oxygen Therapeutics and Extending Room Temperature Organ Preservation so that the technology can be brought to FDA for approval. The use of funds is justified due to the potential of finding the first approved oxygen therapeutics which will solve the world issue of a lack of donated blood for trauma, military and casualty use. The use of funds is justified so that the supply of organs for transplantation can adequately meet the demand through extending the preservation time at room temperature. Large animal studies have proven successful in both oxygen therapeutics and organ preservation. Prior DoD funds have also proven that the Lifeblood technology can reverse cell damage and render organs that are labeled untransplantable into an acceptable organ for donation and transplantation. Matching funds will be provided by cash on hand, licensing fee revenues, and product sales. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction, Air National Guard

Legal Name of Requesting Entity: South Carolina Air National Guard, McEntire JNGB

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $1,300,000 for the Joint Use Headquarters Building at McEntire Joint National Guard Base. This is the SC Air National Guard portion of the construction money for the SCNG Joint Use Headquarters Building currently funded as part of the FY10 FYDP. Number One on the Chief of the National Guard Bureau's ''Essential 10'' capabilities list, the Joint Forces Headquarters is the most critical transformation the National Guard has undergone since 2001. What used to be the State Area Command (STARC) and Air Guard State Headquarters, administrative organizations for peacetime control of units, has developed into a sophisticated headquarters and communications node capable of assuming command and control of units from all services and components when responding to a domestic emergency. Tested and proven during multiple National Security Events in 2004, these headquarters were further validated by hurricanes Katrina and Rita. However, the ANG and ARNG state headquarters functions and the TAG Joint Staff are inefficiently dispersed currently. Consolidation in one location will optimize operations and ensure critical Operational and Communications Security. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: AGY Holding Corporation

Address of Requesting Entity: 2556 Wagener Rd., Aiken, SC 29801

Description of Request: I have secured $3,300,000 for the AGY Holding Corporation's Next Generation High Strength Glass Fibers for Ballistic Armor Applications. This program accelerates the development of next generation high strength glass fibers used in composite armoring materials. This means lighter, stronger composite vehicle armor without sacrificing the ballistic protection needed to maximize soldier survivability. Additionally, this program supports the domestic industrial base for armor materials production. Some of the glass fiber used in composite vehicle armors is manufactured outside the U.S. Developing the next generation high strength glass fibers at AGY will reduce dependency on foreign sources for a critical material, and also save U.S. jobs. Next generation high strength glass fibers can also be utilized by the commercial sector to lighten and improve armoring used on law enforcement vehicles and armored bank cars, resulting in better protection for personnel, improved fuel economy, and reduced emissions. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: EngenuitySC

Address of Requesting Entity: 1201 Main Street, Suite 250, Columbia, SC 29201

Description of Request: I have secured $3,550,000 for EngenuitySC's Fort Jackson Renewable Energy Project. The Fort Jackson Renewable Energy Project will create a ''mini-grid'' for providing renewable power to mission-critical electrical loads at Fort Jackson, South Carolina, using large stationary fuel cells operating on biogas generated from solid waste streams indigenous to the Fort. The project will assist the Army in meeting its on-site renewable energy generation goals, as well as meeting the security goal of segregating critical power requirements from non-critical power requirements, and producing a substantial portion of the critical power requirements on-site. The project will also provide a model for the Department of Defense to use at other installations to achieve these same goals. Finally, it will provide the Army with access to major renewable and alternative energy technology providers and partners through the Columbia region's existing hydrogen and fuel cell partnerships, as well as access to other fuel cell researchers and applied research programs underway in the region. EngenuitySC will contribute non-federal matching funds to the project. Specific match funding for the requested project is pending receipt of federal funding. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Operations and Maintenance, Defense Wide

Legal Name of Requesting Entity: Celebrate Freedom Foundation

Address of Requesting Entity: 455 St. Andrews Road, C–1, Columbia, SC 29210

Description of Request: I have secured $3,400,000 for Celebrate Freedom Foundation's SOaR Recruiting Initiative. The Department of Defense provided the Celebrate Freedom Foundation with over $30 million of high technology resources to support education and recruiting. One time funding is necessary to permit the utilization of this technology to further our national interests and to significantly help generate the military recruit's and civilian workforce that our nation needs now and in the future. The program focuses on a broad range of high skilled military occupational vacancies, workforce training, and it provides innovative educational outreach programs in unconventional settings, with a focus on science, technology, engineering, and mathematics. Special emphasis on gender and minority role models, both within the military and in the corresponding civilian world are part of the program design to boost aspirations for students who, without this program, would never have access to such modern technology and as a result they are better equipped to make training and educational plans for civilian and military careers. Matching funds will be provided by the project sponsor. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Procurement, Defense Wide

Legal Name of Requesting Entity: FN Manufacturing, LLC

Address of Requesting Entity: 797 Old Clemson Road, Columbia, SC 29229–4203

Description of Request: I have secured $4,300,000 for FN Manufacturing to continue production of the Special Operations Combat Assault Rifle (SCAR). The SCAR was selected after a full and open competition. It meets validated U.S. SOCOM requirements for a 21st Century modular battle rifle available in 5.56 mm and 7.62 mm, and with Close Quarter Battle, Long-Range, and Sniper variants. Federal/taxpayer funding of the SCAR program will provide U.S. Special Operations Forces with a far more effective and reliable combat rifle than the current M–4/M–16 family of rifles. In its various modular configurations, the SCAR will replace five different rifles now in use, greatly reducing the need for maintenance and logistics support and associated costs. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Advanced Technology Institute

Address of Requesting Entity: 5300 International Blvd., North Charleston, SC 29418

Description of Request: I have secured $4,000,000 for Advanced Technology Institute to continue the Vanadium Technology Program. The Vanadium Technology Program funds the research, development and prototype-testing necessary to implement vanadium alloyed steel into warfighter protection and mobility. This funding builds on successes accomplished previously which include: reductions in weight, fabrication cost, and welding costs of 21 percent, 10 percent, and 53 percent respectively, leading to a smaller, higher-performing vanadium steel trailer design for the Army/Marine Joint Light Tactical Vehicle System; a longer span temporary bridge, designed by the Army Corps of Engineers and the University of South Carolina, to bridge road gaps in combat regions like Iraq; and, a new class of lighter, longer span trusses and joists, based on vanadium hot rolled steel angle shapes, have been developed and laboratory tested. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: South Carolina Army National Guard

Address of Requesting Entity: 1 National Guard Rd., Columbia, SC 29201

Description of Request: I have secured $4,000,000 for the South Carolina Army National Guard Vibration Management Enhancement Program (VMEP). This funding will continue fielding this proven capability on the Army National Guard's AH–64, CH–47, and UH–60 helicopter fleets. VMEP collects and utilizes information derived from onboard sensors to indicate the state and health of the helicopter drive system and rotational components. VMEP enabled the SCARNG to realize a total savings in parts costs over a 12-month period of $1.4 million, as well as an increase in mission capable rates. These funds would ensure that the South Carolina Army National Guard aviation program stays in the forefront of embedded technology doctrine. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Army

Legal Name of Requesting Entity: Dynamic Animation Systems, Inc.

Address of Requesting Entity: 12015 Lee Jackson Memorial Hwy, #200, Fairfax, VA 22033

Description of Request: I have secured $4,800,000 for Dynamic Animation Systems to procure the Virtual Interactive Combat Environment (V.I.C.E.) for the Basic Combat Training Center of Excellence at Fort Jackson. V.I.C.E. is a rapidly deployable turnkey solution that provides maintainable, adaptable systems which the Course Manager will use to more effectively train Soldiers of the Basic Combat Training Center of Excellence in their Warrior Tasks and Battle Drills, including IED Detect and Defeat. V.I.C.E. offers easily reconfigurable solutions that facilitate individual, fire team, and squad level training. Within this framework, V.I.C.E. provides the capability to support rapidly evolving rules of engagement (ROE) and strategic objectives associated with full-spectrum operations. V.I.C.E. allows instructors to efficiently train doctrinal tasks, as well as, tactics, techniques and procedures (TTPs) for combat, peacekeeping, and humanitarian missions. V.I.C.E. also supports the interoperability standards required to leverage the capabilities of existing systems. The funds will procure Virtual Interactive Combat Environment (V.I.C.E.) systems (including hardware, software, installation, support) for Fort Jackson, thereby keeping Fort Jackson on the cutting edge of military training capability. The Course Manager of the Basic Combat Training Center of Excellence at Fort Jackson requires federal assistance in obtaining funding for the immediate fielding of the V.I.C.E. as a needed training capability exemplar for Basic Combat Training. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 2892, the Fiscal Year

2010 Department of Homeland Security Appropriations Act.

1) $750,000 for the North Bend Area Residential Flood Mitigation

Requesting Entity: King County, WA

Address: King County Courthouse, 516 Third Ave, Rm 1200, Seattle, WA 98104

Agency: FEMA

Account: Pre-disaster Mitigation

Funding Requested by: Rep. DAVE REICHERT

Deep and repetitive floods have struck parts of the North Bend area. The Shamrock Park neighborhood, for example, includes several repetitive loss properties as identified by the National Flood Insurance Program. The neighborhood has been repeatedly flooded at different times from different sources including the South Fork Snoqualmie, Ribary Creek, and Clough Creek. The flooding cannot be prevented unless all sources are addressed. A more reliable, cost-effective solution would be to make each home less susceptible to high water.

Although a system of levees protects most homes in the North Bend area from damage during minor floods, the capacity of the levee system is limited. Flows in excess of 20-year highs overtop portions of the levee system and cause damage to neighboring properties. Raising and extending levees is cost-prohibitive, requires demolition of many homes, is incompatible with regulatory protection of floodway conveyance capacity, and fails to address all known flood hazards. Hazards are associated with the Middle Fork Snoqualmie River and the South Fork Snoqualmie River, as well as several smaller tributary streams. Levees along these river channels cannot prevent flooding from other sources.

The proposed project will protect public safety and private property by reducing flood hazards to residential areas of the City of North Bend. In addition to these benefits, the project will result in reduced flood insurance claims and reduced need for federal disaster assistance.

The project will result in approximately 80 jobs. These jobs would be in the fields of real estate transactions and contracting jobs to demolish or elevate structures.

This office conducted site visits to meet with representatives from King County to examine the need for this funding.

North Bend Residential Flood Mitigation. The estimated total project cost is $5,800,000 in FY 2010, with an immediate need of $1,000,000 to sustain the project by elevating the first 10 homes in the highest risk area. The full project includes elevation of 50 homes, with costs allocated as follows:

Unit Costs for Home Elevations (1):
Estimated Construction Costs $100,000.00
Elevation Certificates $1,250
Elevation Cost Estimates $200.00
Geotechnical Analysis $315
Structural Design $3,200
Septic "As Built" $200
Health Dept. Review $300
Building Permits $3,385
Recording fees $100
Project Management $10,000
TOTAL $118,950

Estimated Project Costs (assumes minimum request for 9 homes) (10):
Estimated Construction Costs $1,000,000.00
Elevation Certificates $12,500.00
Elevation Cost Estimates $2,000.00
Geotechnical Analysis $3,150.00
Structural Design $32,000.00
Septic "As Built" $2,000.00
Health Dept. Review $3,000.00
Building Permits $33,850.00
Recording fees $1,000.00
Project Management $100,000
TOTAL $1,189,500

Estimated Project Costs (full request for 9 homes) (50):
Estimated Construction Costs $5,000,000.00
Elevation Certificates $62,500.00
Elevation Cost Estimates $10,000.00
Geotechnical Analysis $15,750.00
Structural Design $160,000.00
Septic "As Built" $10,000.00
Health Dept. Review $15,000.00
Building Permits $169,250.00
Recording fees $5,000.00
Project Management $400,000
TOTAL $5,847,500

TRIBUTE TO FLOYD AND ALMA BOSTICK ON THE CELEBRATION OF THEIR 60TH WEDDING ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to congratulate Mr. and Mrs. Floyd and Alma Bostick on their 60th wedding anniversary. A celebration in their honor is being held on Sunday, June 21, 2009 at the Pines Manor in Edison, New Jersey.

Floyd Bostick, Jr. and the former Alma Lorraine Webb were married in Atlanta, Georgia on March 28, 1949. This blessed union produced three children, nine grandchildren and ten great-grandchildren. The Bosticks made their home in Newark before moving to Westfield, New Jersey in 1966. Mr. Bostick retired from the Newark Police Department where he was the founder of the Bronze Shields. Mrs. Bostick retired from the United States Immigrations Department as a Special Agent. They still work as entrepreneurs with a specialty in exquisitely designed jewelry.

Mr. and Mrs. Bostick are wonderful, loving people and they celebrate their faith at the St. John's Baptist Church in Scotch Plains where Mrs. Bostick is the President of the Women's Guild Ministry. This couple embodies the spirit of matrimony and serves as role models for younger couples who are striving to have long successful marriages.

Madam Speaker, I know my colleagues join me in letting Mr. and Mrs. Fred and Alma Bostick's family, friends and congregation know that their 60th anniversary is indeed a cause for celebration.

IN HONOR OF FAY KANIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WAXMAN. Madam Speaker, it is my pleasure to recognize the extraordinary leadership of Fay Kanin, Chair of the Library of Congress National Film Preservation Board. On June 24, 2009 the Library of Congress will honor Fay for her leadership and assistance to Congress and the Library in their efforts to promote public awareness of the need to preserve America's unparalleled film heritage.

Since 1989, Fay Kanin has served with distinction as the Chair of the National Film Preservation Board, a congressionally-mandated advisory body to the Librarian of Congress. The Board, under her leadership, has assisted the Librarian of Congress in educating Americans about the diversity of our nation's film heritage and highlighted the importance of preservation and the intensive efforts required to safeguard our irreplaceable movie heritage.

During her illustrious career as a writer, playwright and producer on the Broadway stage, in television and in Hollywood, Fay Kanin has earned acclaim for works as diverse as Goodbye My Fancy, Teacher's Pet, Tell Me Where It Hurts, Friendly Fire, Heat of Anger, and Heartsounds. She has received an Academy Award nomination, two Emmy Awards, additional Emmy nominations, the Edmund H. North Award from the Writers Guild of America, a Golden Globe nomination, the Humanitas Prize Kieser Award, the Crystal Award of Women in Film, the Peabody Award, and a Tony nomination.

Ms. Kanin has been a leader and a pioneer in the Hollywood community, serving four terms from 1979 to 1983 as the second female president in the history of the Academy of Motion Picture Arts and Sciences. She has given years of service to the Hollywood community as a member of the Academy's Board of Governors, President of the Academy Foundation, and President of the Screen Branch of the Writers Guild of America.

I ask my colleagues to join me in recognizing Fay Kanin for her twenty years of service to the film preservation efforts of the Library of Congress, and her decades of contributions to the Hollywood community and the nation.

SUPPORTING THE NATIONAL BIO- AND AGRO-DEFENSE FACILITY

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. JENKINS. Madam Speaker, I rise today in support of the National Bio- and Agro-Defense Facility, also known as the NBAF. After September 11, former-President Bush issued a security directive to increase our nation's capacity for animal disease research to protect our food supply as well as defend our agriculture and public health against disease outbreaks.

This directive could not come too soon, as the H1N1 pandemic is testament to the need for such high-level disease research and the impacts such outbreaks have on individuals in the United States and also around the world. The current facility at Plum Island is aging and cannot keep pace with today's needs.

DHS conducted an exhaustive, three-year search for the best site to relocate the facility. In January, the Department completed its search and finalized Kansas State University in Manhattan, Kansas as the site selection.

The so-called animal health corridor, stretching from Manhattan to Columbia, Missouri, is home to more than one-third of the animal health industry, involving more than 120 companies. Additionally, Kansas State has an internationally recognized animal health research expertise and with existing research infrastructure, including the Biosecurity Research Institute and the National Agricultural Biosecurity Center. DHS chose the right place for NBAF, and now, we must work to complete the construction process.

This project is critical to the protection of our food supply and public health which is why we cannot afford to delay it. Madam Speaker, I urge my colleagues to join me in supporting the construction of NBAF in Kansas.

IN MEMORY OF WARREN H. ABERNATHY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WILSON of South Carolina. Yesterday, South Carolina lost a longtime friend and leader of our state, Colonel Warren H. Abernathy. A native of Spartanburg, South Carolina, Mr. Abernathy will always be revered as the right-hand confidant of the late Senator Strom Thurmond. I learned firsthand as a Thurmond intern in 1967 of his devotion and loyalty to Senator Thurmond.

The eulogy below was thoughtfully written by Jason Spencer in today's Spartanburg Herald-Journal:

THURMOND'S RIGHT-HAND MAN DIES IN SPARTANBURG

South Carolina lost a keen mind, public servant and power broker in state and national politics early Monday with the death of Warren H. Abernathy. He was 85.

Abernathy, of 111 Hillbrook Drive, is often described as the late Sen. Strom Thurmond's right-hand man, someone who worked tirelessly behind the scenes.

The dynamic between the two was that they were of one mind. Thurmond was the public face; Abernathy, the private man. He stood in the background almost any time a newspaper photographer was around. He turned down offers to write books, or to be the subject of one.

''He was the man in the shadow. And he liked that,'' said daughter Marcia Duncan of Gaffney. ''He never wanted to run for political office. He said he liked what he was doing, and that he was supporting someone who could make a difference in South Carolina.''

Thurmond, while governor in the 1940s, hired a young Abernathy after the late S.C. Supreme Court Chief Justice Bruce Littlejohn introduced them. He would later serve as Thurmond's state manager, overseeing four offices, and as secretary-treasurer of the Strom Thurmond Foundation.

He worked with Thurmond for nearly half a century.

Thurmond, in 1997, described Abernathy as having ''excellent leadership skills and a quick intellect.''

But up until his death, Abernathy never referred to Thurmond by his first name. He always called him ''the senator,'' Duncan said.

Abernathy was one of nine children who grew up during the Depression in the family's home on Edwards Avenue, where they would walk to Southside Baptist Church each Sunday. The Spartanburg High graduate attended several area colleges, and was drafted into the Army during World War II. He would later join the Army Reserves and retire a colonel.

Attorney John B. White Jr., whose family has been long-time friends with the Abernathys, called Warren, ''a distinct individual who was gifted at approaching people, reading people and dealing with people. And he dealt with them with wisdom, kindness, humor, passion and encouragement.''

He added: ''One of the most important lessons I learned from Mr. Abernathy was loyalty. He was an individual who . . . I don't want to say he demanded loyalty, but he certainly expected loyalty from the people who were lucky enough to say they were friends of his. His word was his bond.''

Abernathy died early Monday at Spartanburg Regional Medical Center, after battling pneumonia and a heart attack on June 15.

A VERY SELF-EFFACING INDIVIDUAL

Abernathy developed a talent and a reputation for being politically savvy and offering sound judgment.

''Many people who were seeking higher office over the years asked his opinion about their chances,'' said former S.C. Republican Party Chairman Barry Wynn of Spartanburg. ''The General Assembly, when legislation was being considered, trusted his judgment and considered his opinions . . . His influence was making sure people considered the facts and looked at the consequences of what they were doing, whether it was legislative or judicial appointments.''

But Abernathy never overestimated his political power—he once told his daughter he didn't have power, ''just a few good friends''—and, by all accounts, always remained wholly loyal to Thurmond. The number listed in the phone book for the senator's office in Spartanburg was Abernathy's home.

''The reason Strom Thurmond was so popular was because of constituent services, and Warren was the key constituent person in this part of the state,'' said former Congresswoman Liz Patterson, whose father, Olin Johnson, defeated Thurmond in a 1950 Senate race.

Several people interviewed for this article said Abernathy was able to recognize opportunities for South Carolina, form a consensus about how to approach them, and then, with the help of Thurmond's seniority, get things done.

Wynn said Abernathy shares in Thurmond's legacy.

Thurmond ran unsuccessfully for president on a segregationist platform in 1948, but later changed his view on race—though he never publicly apologized for it. Thurmond was the first Southern senator to hire a senior black aide—Thomas Moss of Orangeburg—and he eventually would support making Martin Luther King Jr. Day a federal holiday.

''There's two chapters in Strom Thurmond's life, and in that second chapter, Senator Thurmond really reached out to the minority community and did everything he could to repair any ill will—and I think Warren Abernathy was a big part of that second chapter,'' Wynn said.

Former U.S. Commerce Secretary Fred Dent of Spartanburg added, ''I don't know that any outsider knew how he contributed to the senator. He was not the kind to brag that he had done this or that. He gave advice to the senator, and that was it. He was a very self-effacing individual and was extremely well versed in political issues.''

A STROM THURMOND INDEPENDENT

Thurmond, Abernathy and Moss together determined that they would make amends for the past, Duncan said.

''Daddy encouraged him (Thurmond). That was his way of trying to help the senator bring the state together,'' she said. ''They probably decided it together, because they did everything together. They were each other's confidant.''

Abernathy, however, was more than just the man behind the senator.

Ernest Finney, the first black chief justice of the S.C. Supreme Court, said Abernathy was one of the people he met with when seeking that position. He called Abernathy the ''doorkeeper'' for Thurmond.

''He was straightforward. He looked you in the eye. He talked to you,'' Finney said. ''He didn't give you a song and dance.''

State Sen. John Courson, a Richland County Republican who will be pallbearer at Abernathy's funeral, met Abernathy in 1972. Over time, their relationship grew to the point where they'd meet weekly over lunch or dinner.

''He talked in riddles,'' Courson said. ''I remember, when Lee Atwater had gone to work for President Reagan, we were having these lunches and dinners and (Abernathy) would say things like, 'the pool-hall crowd says this.' I thought, this guy is a devout Southern Baptist. Why is he talking about the pool-hall crowd? Lee explained that was a euphemism for the man-on-the-street. It took me awhile to learn the nuances of his English.''

Courson said he last talked with Abernathy less than two weeks ago. Abernathy always liked to hear the latest Columbia gossip, and the two mused on the upcoming gubernatorial and Senate races. Courson said Abernathy was ''like a second father.''

''Honestly, I still don't know whether he was a Democrat or Republican,'' he said. ''I think Warren Abernathy was a Strom Thurmond Independent.''

NEVER CHEAT THE WORLD

Despite the politics, the people who knew Abernathy best concentrated Monday on his spirit of camaraderie, his devotion to his church and his words of wisdom.

For more than 50 years, the Whites and Abernathys have held annual Christmas breakfasts. In 2007, the firm sponsoring the event sent out just more than 3,000 invitations.

Abernathy enjoyed spending Saturday mornings at Ike's Korner Grille. When he got too old to drive, friends would come by and pick him up.

And throughout his life, he made financial contributions to churches, schools and other organizations often, if not exclusively, to be used to help those less fortunate.

''He always said to me, whenever he gave me money, 'Never cheat the world.' How about that? And he always told me, 'The

world is round . . . anything you do will come back around,'' Duncan said.

Funeral services are scheduled for 2 p.m. Wednesday at Southside Baptist Church, and burial with military honors will follow in Greenlawn Memorial Gardens.

Former state Supreme Court Justice E.C. Burnett, a Spartanburg native, said he learned the value of patience and to not take things at face value from Abernathy.

''He was a man who loved South Carolina and loved this country like few in today's politics. That's a very brazen thing to say. But I say it unreservedly. There will never be another Warren Abernathy. He will be greatly missed.''

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WESTMORELAND. Madam Speaker, on June 19, 2009 I attended the grand opening of the National Infantry Museum located on Fort Benning Army Installation, Georgia. As a result, I missed a number of votes. Had I been present, I would have voted the following:

''No'' on providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010. (rollcall No. 409)

''No'' on Agreeing to the Resolution providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010. (rollcall No. 410)

''Aye'' on Motion to Suspend the Rules and Agree to expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes. (rollcall No. 411)

''Aye'' on Motion to Recommit with Instructions Making appropriations for the Legislative Branch FY 2010. (rollcall No. 412)

''No'' on Passage making appropriations for the Legislative Branch FY 2010. (rollcall No. 413)

''Present'' on Quorum Call of the House. (rollcall No. 414)

''Aye'' on Article I impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 415)

''Aye'' on Article II impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 416)

''Aye'' on Article III impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 417)

''Aye'' on Article IV impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 418)

TRIBUTE TO UNITED STATES COAST GUARD AUXILIARY 70TH ANIVERSARY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to the United States Coast Guard Auxiliary to commemorate the 70th anniversary since its establishment on June 23, 1939.

On June 23, 1939, Congress established the Coast Guard Reserve, later known as the Coast Guard Auxiliary, to promote boating safety and to facilitate Coast Guard operations. Beginning in 1942, they became the core of the Temporary Reserve and over 50,000 Auxiliarists performed coastal defense and search rescue duties and patrolled bridges, factories, docks and beaches. Since its inception, the Auxiliary has been expanding its integration with the Coast Guard to allow for further assistance in any Coast Guard mission authorized by the Commandant. It is an organization of pride, bravery, and patriotism that works closely with the Coast Guard to ensure the safety and protection of the United States of America.

The United States Coast Guard Auxiliary is especially honored in a state such as Michigan. With five Great Lakes surrounding the borders of this state, maritime activity is a critical transportation method. Assistance from the United States Coast Guard Auxiliary is essential to ensuring the safety of not only our tourists and residents, but also to all commercial traffic that use the lakes regularly. The men and women who serve with the United States Coast Guard Auxiliary in Michigan are not only revered for their service to the country, but also to the wellbeing and protection of all who venture in our Great Lakes.

On behalf of the Fourth Congressional District of Michigan, it is with great honor that I commemorate this 70th anniversary of the United States Coast Guard Auxiliary for its continued years of successful assistance to the United States Coast Guard and to our wonderful state. Thank you, Auxiliarists for all that you have done and all that you will continue to do in the future.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2892, ''Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.''

Requesting Member: Congressman JOHN DUNCAN

Account: TSA, Aviation Security

Project Amount: $1,250,000.00

Legal Name of Requesting Entity: National Safe Skies Alliance, 110 McGhee Tyson Boulevard, Suite 201, Alcoa, Tennessee 37701

Description of Request: This funding will be used to create a research and training center that will provide critical improvised explosives recognition training to TSA Transportation Security Officers, law enforcement personnel, fire fighters, emergency services personnel, first responders and others.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, June 19, 2009.

Had I been present, I would have voted ''nay'' on rollcall vote No. 409 (On ordering the previous question to H. Res. 559), ''nay'' on rollcall vote No. 410 (On agreeing to H. Res. 559), ''yea'' on rollcall vote No. 411 (On agreeing to H. Res. 560), ''yea'' on rollcall vote No. 412 (On motion to recommit with instructions to H.R. 2918), ''nay'' on rollcall vote No. 413 (On passage to H.R. 2918), ''yea'' on rollcall vote No. 415 (On agreeing to article I of H. Res. 520), ''yea'' on rollcall vote No. 416 (On agreeing to article II of H. Res. 520), ''yea'' on rollcall vote No. 417 (On agreeing to article III of H. Res. 520), ''yea'' on rollcall vote No. 418 (on agreeing to article IV of H. Res. 520).

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GINGREY of Georgia. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member request. Funding for this request was authorized in H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 2647

Account: Army, RDTE

Legal Name of Requesting Entity: Georgia Institute of Technology

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 Ferst Drive, NW Atlanta, Georgia 30332–0363

Description of Request: The $3,000,000 authorized for the Center for Advanced Bioengineering and Solider Survivability (CABSS) will focus on research in advanced tissue and bone regeneration and wound care and treatment issues relevant to military trauma care. Fundamental research advances in these areas can lead to technologies and techniques for better immediate clinical combat care as well as address long term care issues involving limb loss, tissue and organ damage, facial

and dental injuries, and reconstruction. The funding will be paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nano-fiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects. Georgia Tech will continue to leverage this request to obtain funding from other sources. The Georgia Research Alliance has pledged additional money to the project for infrastructure and equipment, and past Congressional funding has been leveraged to successfully obtain funding from DoD's Orthopaedic Trauma Research Program and its Armed Forces Institute of Regenerative Medicine, as well as funding from the Musculoskeletal Transplant Foundation.

HONORING DAVID VON DOHLEN FOR TWO DECADES OF SERVICE THE GREEN HILLS ROTARY CLUB

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COOPER. Madam Speaker, today I rise to honor David von Dohlen, an upstanding member of the Nashville community, on the occasion of his retirement as treasurer of the Green Hills Rotary Foundation, a position he has held since 1989.

A charter member of the Green Hills Rotary Club, Mr. von Dohlen has freely contributed his time and efforts to the organization. He and his wife Betsy have participated in every club event and fundraising activity since the club's founding: the ''Trees to Trails'' Christmas tree recycling event, the Swing Dance dinner and auction, the Million-Dollar Shootout competition and the mini-car races in Centennial Park. He also volunteered his accounting skills as Club treasurer and treasurer of the Green Hills Rotary Foundation since its creation in 1989.

It should come as no surprise that Mr. von Dohlen has previously been recognized as the Green Hills Rotary Club's Man of the Year. Nor should it surprise anyone that, after twenty years of service, Mr. von Dohlen has elected to take a richly deserved break.

And so, Madam Speaker, it is my privilege to stand before this House today as a representative of David von Dohlen, a man who exemplifies the Rotary motto of ''Service above Self.'' It is people like Mr. von Dohlen who strengthen our communities and show the way for future generations—not through grand deeds or gestures, but through a life lived in service to others.

Today I ask my colleagues to join me in saluting David von Dohlen for two decades of service to the Green Hills Rotary Club, the Green Hills Rotary Foundation and to the people of Nashville, Tennessee. We celebrate his many contributions to our community and to our country. And in a week in which the President launched a national ''Summer of Service,'' we commend Mr. von Dohlen to our fellow Americans as a model of what citizenship and service can be.

SENATE—*Wednesday, June 24, 2009*

The Senate met at 9:55 a.m. and was called to order by the Honorable DANIEL K. INOUYE, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father in heaven, hallowed be Your Name. Today, give special energy, insight, and patience to the Members of this body. Strengthen them against relentless pressures from constituents, lobbyists, and special interests, as You give them wisdom to resolve their differences without rancor or bitterness. Lord, lead them in the way of compromise that doesn't sacrifice principle or self-respect and that preserves timeless values which serve the common good. Make their consistent communion with You radiate on their faces, be expressed in their character, and be exuded in positive joy. Fill this Chamber with Your spirit and our Senators with Your strength and courage.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. INOUYE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. INOUYE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

QUORUM CALL

Mr. REID. Mr. President, I suggest the absence of a quorum.

This will be a live quorum. We will, as further stated and under the rule, meet at 10 o'clock for the swearing in of Senators to proceed with the impeachment matter.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Grassley	Murkowski
Begich	Gregg	Murray
Bennett, Utah	Hagan	Pryor
Bingaman	Harkin	Reid, Nevada
Bond	Hatch	Risch
Boxer	Hutchison	Rockefeller
Brownback	Inhofe	Sessions
Bunning	Inouye	Shelby
Burr	Isakson	Stabenow
Burris	Johanns	Tester
Cantwell	Johnson	Thune
Cardin	Kaufman	Udall, Colorado
Carper	Kerry	Udall, New Mexico
Casey	Klobuchar	Vitter
Chambliss	Kohl	Voinovich
Coburn	Kyl	Warner
Corker	Landrieu	Webb
Cornyn	Leahy	Whitehouse
Crapo	Levin	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Dorgan	McCain	

The ACTING PRESIDENT pro tempore. A quorum is present. Would members of the staff take their seats. Senators who wish to converse will retire to the cloakroom.

I now call upon the Secretary for the majority.

EXHIBITION OF ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The SECRETARY FOR THE MAJORITY. Mr. President, I announce the presence of the managers on the part of the House of Representatives to conduct proceedings on behalf of the House concerning the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The managers on the part of the House will be received and assigned to their seats.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States, articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The managers on the part of the House will proceed.

Mr. Manager SCHIFF. Mr. President, the managers on the part of the House of Representatives are present and ready to present the Articles of Impeachment, which have been preferred by the House of Representatives against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The House adopted the following resolution which, with the permission of the President of the Senate, I will read:

H. RES. 565

Resolved, That Mr. Schiff, Ms. Zoe Lofgren of California, Mr. Johnson of Georgia, Mr. Goodlatte, and Mr. Sensenbrenner are appointed managers on the part of the House to conduct the trial of the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 279, One Hundred Eleventh Congress, agreed to March 31, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

With the permission of the President of the Senate, I will now read the articles of impeachment.

H. RES. 520

Resolved, That Samuel B. Kent, a judge of the United States Court for the Southern District of Texas, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Cathy McBroom was an employee of the Office of the Clerk of Court for the Southern District of Texas, and served as a Deputy Clerk in the Galveston Division assigned to Judge Kent's courtroom.

(3) On one or more occasions between 2003 and 2007, Judge Kent sexually assaulted Cathy McBroom, by touching her private areas directly and through her clothing against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Donna Wilkerson was an employee of the United States District Court for the Southern District of Texas.

(3) On one or more occasions between 2001 and 2007, Judge Kent sexually assaulted Donna Wilkerson, by touching her in her private areas against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE III

Samuel B. Kent corruptly obstructed, influenced, or impeded an official proceeding as follows:

(1) On or about May 21, 2007, Cathy McBroom filed a judicial misconduct complaint with the United States Court of Appeals for the Fifth Circuit. In response, the Fifth Circuit appointed a Special Investigative Committee (hereinafter in this article referred to as ''the Committee'') to investigate Cathy McBroom's complaint.

(2) On or about June 8, 2007, at Judge Kent's request and upon notice from the Committee, Judge Kent appeared before the Committee.

(3) As part of its investigation, the Committee sought to learn from Judge Kent and others whether he had engaged in unwanted sexual contact with Cathy McBroom and individuals other than Cathy McBroom.

(4) On or about June 8, 2007, Judge Kent made false statements to the Committee regarding his unwanted sexual contact with Donna Wilkerson as follows:

(A) Judge Kent falsely stated to the Committee that the extent of his unwanted sexual contact with Donna Wilkerson was one kiss, when in fact and as he knew he had engaged in repeated sexual contact with Donna Wilkerson without her permission.

(B) Judge Kent falsely stated to the Committee that when told by Donna Wilkerson his advances were unwelcome no further contact occurred, when in fact and as he knew, Judge Kent continued such advances even after she asked him to stop.

(5) Judge Kent was indicted and pled guilty and was sentenced to imprisonment for the felony of obstruction of justice in violation of section 1512(c)(2) of title 18, United States Code, on the basis of false statements made to the Committee. The sentencing judge described his conduct as ''a stain on the justice system itself''.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

Judge Samuel B. Kent made material false and misleading statements about the nature and extent of his nonconsensual sexual contact with Cathy McBroom and Donna Wilkerson to agents of the Federal Bureau of Investigation on or about November 30, 2007, and to agents of the Federal Bureau of Investigation and representatives of the Department of Justice on or about August 11, 2008.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

Mr. President, the managers on the part of the House of Representatives, by the adoption of the Articles of Impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of the said Samuel B. Kent, to answer said impeachment and do now demand his conviction, and appropriate judgment thereon.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, at this time, the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules.

I move that the Senator from Kentucky, Mr. MCCONNELL, be designated by the Senate to administer the oath to the Acting President pro tempore, the Senator from Hawaii, Mr. INOUYE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

The ACTING PRESIDENT pro tempore. I do.

Mr. REID. Mr. President, the oath shall now be administered by the Presiding Officer to all Senators. This is an appropriate time for any Senator who has cause to be excused from service in this impeachment to make that fact known.

If there is no Senator who desires to be excused, I move that the Presiding Officer, Mr. INOUYE, administer the oath to Members of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Senators shall now be sworn. Will Senators all rise and raise your hand.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The following named Senators are recorded as having subscribed to the oath this day:

Alexander, Barrasso, Baucus, Bayh, Begich, Bennett (Utah), Bingaman, Bond, Boxer, Brown, Brownback, Bunning, Burr, Burris, Cantwell, Cardin, Carper, Casey, Chambliss, Coburn, Collins, Conrad.

Corker, Cornyn, Crapo, DeMint, Dodd, Durbin, Ensign, Enzi, Feingold, Feinstein, Gillibrand, Graham, Grassley, Gregg, Harkin, Hatch, Hutchison, Inhofe, Inouye, Isakson, Johanns, Johnson.

Kaufman, Kerry, Klobuchar, Kyl, Landrieu, Lautenberg, Leahy, Levin, Lieberman, Lincoln, Lugar, Martinez, McCain, McCaskill, McConnell, Menendez, Merkley, Mikulski, Murkowski, Murray, Nelson (Nebraska), Nelson (Florida).

Reed (Rhode Island), Reid (Nevada), Risch, Rockefeller, Sanders, Schumer, Sessions, Shaheen, Shelby, Snowe, Specter, Stabenow, Tester, Thune, Udall (Colorado), Udall (New Mexico), Vitter, Voinovich, Warner, Webb, Whitehouse, Wicker, Wyden.

Mr. REID. Mr. President, any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make that fact known to the Chair so that the oath may be administered as soon as possible to that Senator. The Secretary will note the names of the Senators who have been sworn and will present to them for signing a book, which will be the Senate's permanent record of the administration of the oath. I remind all Senators who were administered this oath that they must now sign the oath book, which is at the desk, before leaving the Chamber.

PROVIDING FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST JUDGE SAMUEL B. KENT

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send to the desk a resolution that provides for the issuance of a summons to Judge Samuel B. Kent, for Judge Kent's answer to the Articles of Impeachment

against him, and for a replication by the House, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 202) to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Samuel B. Kent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 202) was agreed to, as follows:

S. RES. 202

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay the motion on the table.

Without objection, the motion to lay upon the table was agreed to.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGIANST JUDGE SAMUEL B. KENT

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send a resolution to the desk on the appointment of an impeachment trial committee and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 203) to provide for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Judge Samuel B. Kent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 203) was agreed to, as follows:

S. RES. 203

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay that motion on the table.

Without objection, the motion to lay upon the table was agreed to.

APPOINTMENT OF IMPEACHMENT TRIAL COMMITTEE

Mr. REID. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senators MCCASKILL (chairman), KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, and KAUFMAN.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senators MARTINEZ (vice-chairman), DEMINT, BARRASSO, WICKER, JOHANNS, and RISCH.

The ACTING PRESIDENT pro tempore. Pursuant to the resolution of an impeachment trial committee and impeachment rule XI, the Chair appoints, upon the recommendation of the two Leaders, the following Senators to be members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent: Senators MCCASKILL (chairman), KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, KAUFMAN, MARTINEZ (vice-chairman), DEMINT, BARRASSO, WICKER, JOHANNS, and RISCH.

The majority leader.

Mr. REID. Mr. President, the Committee on Rules and Administration will be providing its hearing room, SR–301, to the impeachment committee for an organizational meeting at a time to be determined.

The ACTING PRESIDENT pro tempore. The Senate will take further proper order and notify the House of Representatives and counsel for Judge Kent.

Mr. REID. Mr. President, I ask in an orderly fashion that Senators approach the desk for the signing of the resolution of impeachment before they leave the Chamber.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, at 11 o'clock today, there will be a vote on the nomination of Mr. Koh, to be Legal Adviser of the Department of State. I tell all Senators I had a conversation with the Republican leader today. We are doing our best to move to a couple appropriations bills. The first in line is the Legislative Branch appropriations bill, and the next is Homeland Security. We hope we can get on those. The Republican leader said he would do his best to help us do that. I hope that, in fact, is the case. We will keep Members advised as to what we will do the rest of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I will consume. I intend to yield time to Senator LIEBERMAN and Senator FEINGOLD.

Mr. President, I rise in very strong support of the nomination of Dean Harold Koh to be the Legal Adviser to the Secretary of State. This nomination is, in fact, overdue.

Dean Koh is one of the foremost legal scholars in the country and a man of the highest intellect, integrity, and character. He received a law degree from Harvard, where he was an editor of the Law Review, with two master's degrees from Oxford University where he was a Marshall Scholar.

He clerked on both the DC Circuit Court of Appeals and the U.S. Supreme Court. He has served with distinction in both Democratic and Republican administrations, beginning his career in government in the Office of Legal Counsel in the Reagan era.

I think everybody who has dealt with him and has worked with him on a personal level understands the skill Dean Koh would bring to this job. He has worked with the State Department on a firsthand basis. He served as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration—a post for which he was unanimously confirmed by the Senate in 1998.

He left government to teach at Yale Law School, and he went on to serve as dean until his nomination to serve in the current administration. As a renowned scholar and a leading expert on international law, he has published or coauthored eight books and over 150 articles.

Throughout his career, Dean Koh has been a fierce defender of the rule of law and human rights. He understands that the United States benefits as much if not more than any other country from an international system of law where we are governed by the rule of law.

At the same time, his personal commitment to America's security and to the defense of our Constitution are indisputable. Accusations that his views on international or foreign law would somehow undermine the Constitution are simply unjustified and unfounded—completely and totally. As Dean Koh explained in response to a question from Senator LUGAR, who supports his nomination, he said:

> My family settled here in part to escape from oppressive foreign law, and it was America's law and commitment to human rights that drew us here and have given me every privilege in my life that I enjoy. My life's work represents the lessons learned from that experience. Throughout my career, both in and out of government, I have argued that the U.S. Constitution is the ultimate controlling law in the United States and that the Constitution directs whether and to what extent international law should guide courts and policymakers.

So while disagreements on legal theory are obviously legitimate, I regret that some of the accusations and insinuations against Dean Koh have simply gone over any line of reasonableness or decency. Some people have actually alleged that Dean Koh supports the imposition of Islamic Shariah law in America, which it just begs any notion of relevance to what is rational.

Some have questioned Dean Koh for allegedly supporting suits against Bush administration officials involved in abusive interrogation techniques. Well, this is a matter for the Justice Department that he will have no role in as Legal Adviser of the State Department.

Others have actually gone so far as to claim—believe it or not—that he is against Mother's Day. I am happy his mother was at the hearing. He pointed to her and had to go so far as to actually deny that, which is rather extraordinary.

Dean Koh deserves a better debate than he has been given thus far, and all of us are done a disservice when the debate gets diverted to some of the accusations we have heard in this case.

Regardless of any policy differences, everyone in the Senate ought to be able to agree on Dean Koh's obvious competence. We have received an outpouring of support for this nomination from all corners, including from over 600 law professors, over 100 law school deans, over 40 members of the clergy, 7 former State Department Legal Advisers—including the past two Legal Advisers from the Bush administration—and many others.

Perhaps most remarkable has been the enthusiastic support for Dean Koh from those who do not agree with him on some issues who have spoken out on his behalf, including former Solicitor General Ted Olson and former White House Chief of Staff Joshua Bolten. No less a conservative legal authority than Ken Starr wrote:

> The President's nomination of Harold Koh deserves to be honored and respected. For our part as Americans who love our country, we should be grateful that such an extraordinarily talented lawyer and scholar is willing
>
> leave the deanship at his beloved Yale Law School and take on this important but sacrificial form of service to our Nation.

So I think that says it all. That is the kind of Legal Adviser we need at the State Department. I urge my colleagues to support this nomination and to vote for cloture on this nomination.

Mr. President, how much time do we have remaining on our side? At least another 15 minutes.

The PRESIDING OFFICER. There is 3 minutes 40 seconds remaining.

Mr. KERRY. That is the total time we have available?

The PRESIDING OFFICER. That is the total time remaining controlled by the majority.

Mr. KERRY. I divide it evenly between Senator LIEBERMAN and Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of the nomination of Harold Koh to be Legal Adviser at the Department of State.

I have known Harold Koh for many years, as a friend and as a neighbor in New Haven, and there is no doubt in my mind that he is a profoundly qualified choice for this important position, and deserving of confirmation.

To state the obvious, Harold is a brilliant scholar and one of America's foremost experts on international law. He also has a distinguished record of service in our government, having worked in both Democratic and Republican administrations and consistently won the highest regard from people across the political spectrum.

However, Harold Koh will bring to this position a deep devotion to our country and an appreciation of the fundamental values for which we stand,

drawn from his own personal experience and the experience of his family.

Harold's parents came to this country, like so many before and since, fleeing the evils of dictatorship and seeking freedom. It was this experience that helped forge in Harold his lifelong commitment to democracy and the rule of law.

Harold has of course been a prolific scholar, having authored or coauthored 8 books and more than 150 articles. And in the course of his long academic career, he has quite often exercised his right of free speech.

To tell the truth, there have been occasions when Harold has said or written things that I personally don't agree with. And although he is too gracious to say so, I am sure there have been occasions when I have said or done things that Harold has not agreed with.

But this has never interrupted my respect for Harold—for his intelligence and his integrity, nor I have any doubt about Harold's love for our great nation and its values, and his commitment to uphold our Constitution. To use a word we do not use enough anymore, Harold Koh is a true American patriot who will put our country and our Constitution first.

It is also worth noting that no one who has ever worked with Harold has offered anything but praise for him personally and support for his nomination. In fact, his nomination has attracted a remarkable bipartisan coalition of supporters, including Ted Olson, Ken Starr, and Josh Bolten.

These endorsements reflect the fact that, even those who might not always agree with Harold on every issue, nonetheless respect him enormously and feel he is profoundly qualified to serve in this position.

There is a great deal that we debate in this chamber, but there is really no debate about the importance of the rule of law to our country. That is what Harold Koh's life and career have been all about, and it is that surpassing priority that he will bring to the position of Legal Adviser at the State Department.

For these reasons, I urge my colleagues to support Harold Koh's nomination and to vote for his confirmation.

The cloture vote will occur at 11 o'clock, minutes from now. I speak from a real depth and personal experience with Harold Koh. I know him and have known him for years as a friend and a neighbor in Connecticut. Based on that and all of his professional work, there is no doubt in my mind that he is profoundly qualified to occupy this important position as Legal Adviser at the Department of State. He is a brilliant scholar. He is one of America's foremost experts on international law. He actually is qualified to be the Legal Adviser to the Secretary of State. He has a distinguished record of service in our government, having worked in both Democratic and Republican administrations. He has consistently won the highest regard from people across the political spectrum.

Harold Koh will bring to this position a deep devotion to our country and the appreciation of the fundamental values for which we stand, based on his personal status as the child of immigrants who came to this country, escaping dictatorship, seeking freedom, and contributing mightily to America.

Harold has been a prolific scholar in the course of his long academic career. He has fully exercised his right of free speech. To tell the truth, there have been occasions when Harold has said or written things that I personally don't agree with. Although he is too gracious to say so, I am sure there have been occasions on which I have centered on some things that Harold has not agreed with, but that has never interfered with my respect and admiration for him——

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. LIEBERMAN.—because I have always known, regardless of whether we agree or disagree, Harold Koh is committed to the United States of America, to the Constitution, and the rule of law. What more could we ask for a Legal Adviser to the Department of State.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am so pleased to rise today in strong support of the nomination of Harold Koh to be Legal Adviser at the State Department. I have known Dean Koh for more than 30 years, and I can say without any doubt he is an excellent choice for this position. I say that not just because he is one of my oldest friends but because he is one of the leading legal scholars in the country. He is extraordinarily qualified for this position.

Dean Koh is one of the most intelligent, ethical, and hard-working individuals I have ever encountered. He has spent his career of some 30 years working on public and private international law, national security law, and on human rights. Throughout that time, he has been committed to America's security and to defending our Constitution. He has dedicated his life to upholding the rule of law and strengthening American values.

During his confirmation hearing in the Senate Foreign Relations Committee, Dean Koh effectively responded to all of the charges against him. He made clear that he understands that his role as legal counsel for the State Department would be different from that of an academic, that he would adhere to the constitutional laws of our land, and that of course he does not believe that foreign law can trump the Constitution.

There is no doubt in my mind that Dean Koh will candidly and objectively advise the Secretary of State on existing law, while also ensuring that she receives competent, objective, and honest advice on the legal consequences of her actions and decisions in an effort to support and advance the President's foreign policy agenda.

At the same time, Dean Koh will ensure respect for our national interests and our legal obligations. If confirmed, Dean Koh will serve our President, and this Nation, and defend the Constitution fully and faithfully.

We are long overdue in confirming Dean Koh. I urge my colleagues to vote in favor of cloture so we can move expeditiously to an up or down vote and Dean Koh can begin his service as the State Department's Legal Adviser.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I rise reluctantly to speak against the nomination of Harold Koh to be the Legal Adviser to the State Department. I had a chance to explain some of the reasons yesterday, and for the benefit of our colleagues I wish to cover those and some additional concerns as well with a little more detail.

There is no question that Dean Koh is a brilliant lawyer and he has been a charming advocate for his promotion to this important position. However, I have concluded that he is not the right person for this job, because he has stated what I would consider to be radical views with regard to the role of the United States sovereignty relative to the rest of the world.

For example, he has advocated judges using treaties in customary international law, including treaties that the Senate has not ratified, to bind the United States. If that is not an erosion of U.S. sovereignty, I don't know what it is. Advocating that judges who take an oath to uphold and defend the Constitution and laws of the United States should instead look to international treaties as the source of that law, to me, is a radical and very fundamental shift in what I think most people would expect from our judges.

He said that Federal judges should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law. Do we want the top adviser at the State Department supporting the idea that international bodies and unelected Federal officials, not the Congress, should be the ultimate lawmaking authority for the American people? I don't think so.

This has manifested itself in a number of ways. For example, in an interview that Dean Koh gave on May 10 for

the ''News Hour,'' he was asked about, for example, some of the interrogations that took place in places such as Guantanamo. He basically said that the U.S. forces, including our commanders and presumably the intelligence officials who actually conducted interrogations and detentions, violated the Geneva Conventions and should be held accountable for that. Does he believe that U.S. officials should be prosecuted and perhaps convicted of war crimes because they did what the American people asked them to do, consistent with the legal opinions from the Office of Legal Counsel at the Justice Department?

As the Wall Street Journal points out today in an article called ''The Pursuit of John Yoo''—I will read a couple of sentences from it:

Here's a political thought experiment: Imagine that terrorists stage an attack on U.S. soil in the next 4 years. In the recriminations afterward, Administration officials are sued by families of victims for having advised in legal memos that Guantanamo be closed and that interrogations of al-Qaida detainees be limited. Should these officials be personally liable for the advice they gave to President Obama?

The article goes on to say:

We'd say no, but that's exactly the kind of lawsuit that the political left, including State Department nominee Harold Koh, has encouraged against Bush administration officials.

Of course, it goes on to talk about the lawsuit brought by Jose Padilla, a convicted terrorist, against lawyers at the Office of Legal Counsel at the Justice Department that is being encouraged, if not facilitated, by Harold Koh, the outgoing dean at the Yale Law School, the person who is being proposed for promotion as a Legal Adviser at the Justice Department.

I think his views, if they were confined to academia and to Yale Law School, would be one thing, but the thought that he would bring and put these what I would consider to be out-of-the-mainstream legal theories and approaches into action as a Legal Adviser at the State Department, to me is a frightening prospect.

He has also, in the course of his writings, taken very extreme views with regard to the second amendment to the Constitution of the United States, part of our Bill of Rights, the right to keep and bear arms. In 2002, and later in Fordham Law Review in May of 2003, he wrote an article called ''The World Drowning In Guns'' in which he argued for a global gun control regime. Do we want the top adviser at the State Department working through diplomatic circles to take away Americans' second amendment rights to the Constitution? I think not.

Third, Professor Koh in 2007 argued that foreign fighters, detainees held by the U.S. Armed Forces anywhere in the world—not just at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts—in civilian courts—just as an American citizen would be, no matter where they were held. Do we want the top adviser at the State Department working to grant terrorists and enemy combatants more rights than they have ever had before under any court interpretation? I think not.

Perhaps most timely, Professor Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses on the one hand, which we have been watching play out on television, and America's counterterrorism policies on the other hand. In 2007, he wrote:

The United States cannot stand on strong footing attacking Iran for ''illegal detentions'' when similar charges can be and have been lodged against our own government.

Do we want a Legal Adviser to the State Department who can't see the difference between America defending itself against terrorism and the brutal repression practiced by a theocratic dictatorship? I think not.

I am afraid that Dean Koh is just another in a line of radical nominees by this administration that the Senate should not confirm.

I think back to Don Johnson who was also nominated to the Office of Legal Counsel who said America is not at war post 9/11, and that instead of embracing the provisions of the Constitution that recognize the President's powers as Commander in Chief to protect the American people, we ought to instead resort to a paradigm that says, Well, this is a law enforcement matter. If it is a law enforcement matter, then you are not going to do anything to stop terrorist attacks before they occur; you are merely going to prosecute the terrorists after they kill innocent life.

Just like Don Johnson, who said we are not at war, Harold Koh has encouraged and facilitated the investigation and perhaps prosecution of American military personnel, and who knows who else, including lawyers who have provided legal advice, as well as perhaps the intelligence officials who relied on that advice to get actual intelligence that we have used to deter and indeed to defeat terrorist attacks on our own soil.

I hope my colleagues will join me in voting against cloture on this nomination. Professor Koh may be an appropriate individual for some other job, but when our national security is at stake, and our role relative to the international community, whether we are going to subject ourselves not just to the U.S. Constitution and laws made by the elected representatives of the people here in the Congress but instead to international treaties and international common law that we have not agreed to and that the American people have not consented to, I think this is the wrong job for this nominee. I ask my colleagues to join me in voting against cloture.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to strongly support the nomination of Dean Koh for this position. I have known Dean Koh from his outstanding work at the Yale Law School and from his outstanding contribution as the dean of the Yale Law School. He comes to this position with an extraordinary educational background: summa cum laude of Harvard College, Oxford; Harvard Law School, cum laude. He has had a distinguished career with the Federal Government having served as Assistant Secretary of State from 1998 to 2001. He has done exemplary work at Yale. His father was the first Korean lawyer to study in the United States.

Yesterday, I spoke at some length about Dean Koh and inserted his extraordinary resume in the RECORD. It took many pages to list all of his honorary degrees, all of his publications, and all of his awards. When we search for the best and the brightest to come to Washington, Dean Koh is a perfect match for that description. If his nomination is to be rejected, it certainly will be a signal to people who have an interest in public service that they are better off not treading in these waters because the politics is so thick that even individuals of such extraordinary credentials can be rejected by the Senate.

I strongly urge my colleagues to support this nomination. I have been in this body a while. I have never spoken with such enthusiasm or such determination for the confirmation of a nominee as I have for Dean Koh. I think he will do an outstanding job.

Certainly, the points that have been raised by the distinguished Senator from Texas are worthy of consideration, but there is no showing that any of those ideas will be followed to the extreme to the detriment of the United States, and his qualifications suggest he would be a great asset to the United States of America and the State Department.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undesigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

Harry Reid, Mark L. Pryor, Sheldon Whitehouse, Daniel K. Inouye, Russell D. Feingold, Christopher J. Dodd, Roland W. Burris, Richard Durbin, Patty Murray, Jon Tester, Mark Udall, Amy Klobuchar, Jack Reed, Max Baucus, Jeff Merkley, Blanche L. Lincoln, Maria Cantwell, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the State Department shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 212 Ex.]

YEAS—65

Akaka	Gregg	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	Martinez	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—31

Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—3

Byrd	Cochran	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. No applause from the gallery is allowed.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business and that I be followed by my colleague, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

TRIBUTE TO DR. BRUCE GRUBE

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to an academic leader and a true public servant—Dr. Bruce Grube. A decade ago, Dr. Grube took the helm of Georgia Southern University in Statesboro, GA. At the end of this month, after 10 years on this job, he will leave Georgia Southern a bigger, better, and considerably richer university, both in terms of its endowment and in its academic achievements, than when he started.

His leadership has been robust. During Dr. Grube's tenure as President of Georgia Southern the school's enrollment has risen almost 23 percent. Nearly 18,000 students are proud to call Georgia Southern their academic home. And while freshman SAT scores were rising some 13 percent on his watch, the university was being catapulted into national prominence. During Dr. Grube's time as president, Georgia Southern was designated a Carnegie doctoral/research university, was featured in the U.S. News and World Report's ''Best Colleges'' guide, and was named one of the Nation's ''Top 100 Best Values'' in education by Kiplinger.

He also oversaw the creation of two new colleges specializing in information technology and public health, presided over a veritable building boom on campus, and brought Georgia Southern into the Internet age with distance learning courses.

Of all his remarkable achievements, perhaps the most significant is that in the decade of Dr. Grube's presidency, the amount of scholarships funded through the Georgia Southern Foundation has doubled. In 1999, the foundation's scholarships totaled $644,000. In 2007, the foundation was able to award $1.3 million to deserving scholars, many of whom may not have been able to start school or complete their degrees without that assistance. And Dr. Grube has led the way in doubling the university's endowment in 9 years' time.

In addition, he has overseen Georgia Southern's rise in the world of collegiate athletics. In the past decade, the Eagles' volleyball, softball, baseball, and golf teams have reached their respective NCAA tournaments. Its football team went to the FCS national championships, and its cheerleading squad captured the national title.

Georgia Southern and the entire university system will miss Dr. Grube's visionary leadership. Fortunately, this political scientist who got his start in the classroom won't be going far. After a little time off, he will return to Georgia Southern to teach in 2010.

Dr. Grube, we certainly wish you and your family the best. Your professional dedication to better education has made Georgia Southern and Georgia a better place in which to live. I am proud to call you my good friend.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am delighted to rise with my colleague from Georgia, Senator CHAMBLISS, and pay tribute to my friend, Dr. Bruce Grube. A lot of times we stand on the floor and say ''my friend,'' when it is a passing statement. Well, it is not for me. I met Dr. Grube in 1989, when he was named the 11th president of Georgia Southern University, and I was with him as recently as commencement last year.

He is a great leader in education in our State, and he will be missed. But he is both remembered and revered and there are three reasons I would like to talk about his distinguished career. No. 1, he did what is most important for college presidents to do—he raised the endowment of the university. In fact, he doubled the endowment of the university. And because of that, as Senator CHAMBLISS said, he doubled the number of scholarships going out to deserving Georgians to come to Georgia Southern University. That is No. 1.

No. 2, as a former chairman of a State board of education and one whose passion is education, I love what Dr. Grube did when he put in the First-Year Experience program at Georgia Southern University, a program designed to make the first-year experience a lasting experience so student retention improved at Georgia Southern and more kids who entered graduated. Since the inception of that program, retention at Georgia Southern University has gone from 66 percent of the freshman class to 81 percent of the freshman class—four out of five returning and getting their degree at Georgia Southern University.

No. 3, among everything else that a president of a university does in terms of responsibility, it is so important that they outreach to the community. When you go to Bulloch County in Statesboro, GA, if you are at Snooky's Restaurant for breakfast, Dr. Grube is there. If you are on campus in the middle of the day, interacting with students under the shade of a Georgia pine tree, Dr. Grube is there. If there is a charitable or benefit program in Bulloch County, Dr. Grube is there. He is the face of Georgia Southern University, and he will be missed—but only for a year because after a brief sabbatical he comes back to teach political science at Georgia Southern University. He returns to his roots, established in his doctorate degree at the

University of Texas in political science and carried on for years to come as a distinguished professor of political science at Georgia Southern University.

I am proud to rise with my colleague, Senator CHAMBLISS, to pay tribute to a great Georgian, a great educator, and my personal friend, Dr. Bruce Grube.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time which I did not use earlier this morning.

HEALTH CARE WEEK IV, DAY III

Mr. President, when it comes to reforming health care, Republicans believe that both political parties should work together to make it less expensive and easier to obtain, while preserving what people like about our current system.

That is why Republicans have put forward ideas that should be easy for everyone to support, such as reforming medical malpractice laws to get rid of junk lawsuits; encouraging wellness and prevention programs that have already been shown to cut costs; and addressing the needs of small businesses without imposing taxes that will kill jobs.

Unfortunately, Democrats on Capitol Hill have opted against many of these commonsense proposals, moving instead in the direction of a government-run system that denies, delays, and rations care.

So it is my hope that the President uses his prime time question and answer session at the White House tonight to clearly express where he himself comes down on a number of crucial questions.

One question relates to whether Americans would be able to keep the care they have if the Democrat plan is enacted. The President and Democrats in Congress have repeatedly promised Americans they could keep their health insurance. Yet the independent Congressional Budget Office says that just one section of the Democrat bill being rushed through Congress at the moment would cause 10 million people with employer-based insurance to lose the coverage they have.

Another independent study of a full proposal that includes a government-run plan estimates that 119 million Americans, or approximately 70 percent of those covered under private health insurance, could lose the health insurance they have as a consequence of a government plan. America's doctors have also warned that a government plan threatens to drive private insurers out of business. And yesterday, the President himself acknowledged that under a government plan, some people might be shifted off of their current insurance.

So the first question is this: Will the President veto any legislation that causes Americans to lose their private insurance?

The President also said that health care reform cannot add to the already staggering national debt. Yet once again, the Congressional Budget Office has said that just one section of the Democrats' HELP bill would spend $1.3 trillion, while others estimate the whole thing could end up spending more than $2 trillion. And here is how the CBO put it: ''the substantial costs of many current proposals to expand Federal subsidies for health insurance would be much more likely to worsen the long-run budget outlook than to improve it.''

Let me repeat that, Mr. President. The Congressional Budget Office says that some of the proposals in the Democrats' bill would be much more likely to worsen the long-run budget outlook than to improve it.

So the second question is this: Will the President veto a bill that adds to the Nation's already staggering deficit?

The President has said that no middle-class Americans would see their taxes raised a penny. Yet Democrats on Capitol Hill are considering proposals, such as a plan to limit tax deductions for medical costs, that would not only raise taxes on middle class families, but that would hit these families the hardest.

So the third question is this: Will the President veto any legislation that raises taxes on the middle class?

The President has said he supports wellness and prevention programs that have proven to cut costs and improve care by encouraging people to make healthy choices, like quitting smoking and fighting obesity. One such program is the so-called Safeway plan, which has dramatically cut that company's costs and employee premiums. Yet the bill Democrats are rushing through the Senate would actually ban the key provisions of the Safeway program from being implemented by other companies.

So the fourth question is this: Does the President support the HELP Committee bill, which bans providing incentives for healthy behavior, and will he veto legislation that bans these kinds of programs?

Finally, the President has said that government should not dictate the kind of care Americans receive. On this issue, the President has no stronger supporters than Republicans. But Democrats on the HELP Committee rejected a Republican amendment that would have prohibited a Democrat-proposed government board from rationing care or denying lifesaving treatments because they are too expensive.

So the fifth question is this: Does the President support the Republican amendment to prohibit the rationing of care, and will he veto legislation that allows the government to deny, delay, and ration care?

Five questions: Will the President use his veto pen to make sure Americans are not kicked off their current health plans? Will he oppose any legislation that increases the nation's deficit? Will he oppose any bill that raises taxes on middle-class families? Will he reject any bill that excludes commonsense wellness and prevention programs that have been proven to cut costs and improve care? And will he disavow legislation that denies, delays, and rations care?

The American people want Republicans and Democrats to work together to enact health care reform, but they want the right kind of reform not a massive government takeover that forces them off of their current insurance and denies, delays, and rations care. Americans are right to be concerned about what they are hearing from Democrats. It's my hope that the President addresses those concerns tonight once and for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, the nomination of Harold Koh concerns me for a number of reasons. Primarily, his view that international law should guide U.S. law and his criticism of our first amendment right to freedom of speech and his opposition to the Solomon amendment, which conditions Federal funding to educational institutions on allowing military recruiting on campus.

The State Department Legal Adviser helps formulate and implement U.S. foreign policy, advises the Justice Department on cases with international implications, influences U.S. positions on issues considered by international bodies, and represents the United States at treaty negotiations and international conferences.

In short, this position requires the utmost deference to the Constitution of the United States. Mr. Koh is a proponent of transnationalism, the belief that Americans should use foreign law and the views of international organizations to interpret our Constitution and to determine our policies.

Mr. Koh has gone so far as to refer to the United States as part of an ''axis of

disobedience'' in reference to America's alleged violations of international law.

During his 2003 speech at the University of California at Berkeley, Mr. Koh said:

When I came to government, the first conclusion I reached was that the rule of law should be on the U.S. side.

That's a system of law—

He is speaking now of international law—

that we helped to create. So that's why we support various systems of international adjudication. That's why we support the UN system. We need these institutions, even if they cut our own sovereignty a little bit.

Mr. Koh's views on the first amendment again portray a desire to make American law subservient to international law. In his Stanford Law Review article—the title of which was ''On American Exceptionalism''—Koh stated that our first amendment gives ''protections for speech and religion . . . far greater emphasis and judicial protection in America than in Europe or Asia,'' and he opined that America's ''exceptional free speech tradition can cause problems abroad.'' Furthermore, he stated that the way for the ''Supreme Court [to] moderate these conflicts'' is ''by applying more consistently the transnationalist approach to judicial interpretation.''

This is breathtaking. Is it even consistent with an oath to protect and defend the Constitution? Should we now begin to dismantle a founding principle of our democracy in order to appease the so-called international community, as Mr. Koh advocates? If the Founding Fathers had followed this advice, this country would not be the leading example of freedom in the world it is today and a leader in getting others to protect free speech and assembly and other freedoms—such as are being asserted in Iran today. Conforming our views to the norm, which Mr. Koh acknowledges provides less protection than our Constitution would, therefore, would adversely affect the very international community which Mr. Koh seeks to emulate.

Let me put it another way. People in Iran today are taking to the streets to try to exercise some degree of free speech and assembly and petition their government. Mr. Koh acknowledges that in our Constitution we provide much more protection for those rights than anywhere else, or, I think as he put it, than the mainstream of international law provides. That is true.

I think that is something we should not only adhere to for our own benefit but for the benefit that it provides to others around the world as an example of what they should seek to achieve and because of the moral status it gives the United States to be able to say to the leaders of a country such as Iran: You need to provide free speech and assembly and the right to petition their government, and the fact that you are not doing it is wrong because if we believe we are all created equal, by our Creator, that means we have moral equality as individuals. Everybody in Iran, we believe, would have the same right as anyone else to exercise these God-given rights. And if that is true, it makes no sense to diminish those rights as they have been interpreted by our courts in the United States, interpreting our U.S. Constitution, in order for us to conform to an international norm.

Rather, it makes sense for us to continue to adhere to those high standards and to try to bring other countries along with us. In fact, I would postulate that because of our high standard of rights and the example that our Constitution provides, many countries of the world have actually advanced the cause of free speech and assembly and petitioning their government more than they otherwise would have because they have the example of the United States to look at.

If I think of countries, the revolutions, the Orange Revolution, and the changes in governments in places such as Poland, back when it broke from the Soviet Union, and Ukraine and Georgia and all of the other places in the world where people finally broke free from the shackles of a government that would not permit free speech, what were they seeking to do? To exercise free speech in order to petition their government for individual freedom.

So the United States should jealously guard those rights in our Constitution rather than, as Mr. Koh says, have the United States interpret its Constitution more in line with the mainstream of thinking in the rest of the world.

If you sort of try to apply a mathematical formula, and you average what the rest of the world thinks about free speech, the right of religion, the right to assemble, the right to petition the government, the average is far below what we provide. We are pretty much at the top of the pile in terms of what we protect.

But if we were to follow Mr. Koh's advice, in order to be more accepted in the world, we would draw our standards of protection of individual rights down to the leveled area of the mainstream around the world. If you look around the world today, there are so many dictatorships, totalitarian systems, autocracies—even a country such as China—which provide very little in the way of freedom for their people. If you just took the average based on the population of the world, I know what the mainstream would be. It would not be very much in the way of individual rights.

So we should jealously protect what we have in the United States, which is a constitution that at least thus far has been interpreted to protect those rights jealously, not just for our benefit—though that should be, I submit, the sole purpose of a Supreme Court Judge, for example, deciding Supreme Court cases; what does the Constitution say for the people of America?—but if one is going to consider the international implications, I think it would be exactly the opposite of what Mr. Koh is saying; namely, that we should be concerned that any diminishment of the interpretation of our rights would negatively affect other people around the world.

I do not care if the average is a lower standard. I wish those countries would bring their standards up to ours. But I certainly do not want to conform to some idea of international acceptance or international popularity by bringing ourselves down to their level. This is not what ''American Exceptionalism'' is all about—the title of the piece Mr. Koh wrote.

He has argued in other contexts as well that unique American constitutional provisions should conform to the international view of things. I have been speaking of free speech and assembly, the right to petition your government, to practice religion. We think those are absolutely basic. But there are some other rights in our Constitution. One of them is the second amendment. It is controversial.

Other countries do not have a protection such as the second amendment to the U.S. Constitution. If we want to amend the Constitution, we can do that. But as it stands right now, the second amendment has been upheld by the Supreme Court to apply to every individual in the United States, free from Federal undue interference with respect to the ownership of guns.

But if we adopt Mr. Koh's argument about conforming to international norms, including stricter gun control, it may bring us more in line with some other countries, but it certainly would not be in keeping with the interpretation of the U.S. Supreme Court with respect to that second amendment.

In an April 2002 speech at the Fordham University School of Law, Mr. Koh advocated a U.N.-governed regime to force the United States ''to submit information about their small arms production.'' He believes the United States should ''establish a national firearms control system and a register of manufacturers, traders, importers and exporters'' of guns to comply with international obligations. This would allow U.N. members such as Cuba and Venezuela and North Korea and Iran to have a say in what type of gun regulations are imposed on American citizens.

As the dean of Yale Law School, Mr. Koh was a leader in another effort I think is troublesome. It was an effort to deprive students of the freedom to listen to military recruiters who wanted to explain on campus the benefits of a career in our military services. We

all—every one of us in this body—frequently express our gratitude to the people in the U.S. military services who protect us, who put themselves in danger in order to protect the very freedoms we are talking about. Yet as dean of the law school, he would not allow the recruiters for these military institutions to come on campus. Yet he would protect students' freedom to listen to antiwar speakers on campus. But Yale closed its doors to military recruiters primarily because it disagreed with the military's policies on gays, which, by the way, is a policy of the President and the Congress, not just the military.

In court, Mr. Koh and others in Yale's administration challenged the constitutionality of the Solomon amendment. The Solomon amendment is a statute that denies Federal funds to educational institutions that block military recruiters. The Supreme Court unanimously ruled against Mr. Koh's position.

Mr. Koh also led a lawsuit against Department of Justice lawyer John Yoo for doing what any government lawyer is expected to do: provide his legal opinions to the people he worked for, the policymakers of the U.S. Government.

The Supreme Court has said, in no uncertain terms, that government lawyers need immunity from suit in order to avoid ''the deterrence of able citizens from acceptance of public office'' and the ''danger that fear of being sued will dampen the ardor of . . . public officials in the unflinching discharge of their duties.''

In other words, by encouraging this lawsuit, Mr. Koh was effectively deterring his students from doing precisely what Yale otherwise recommends that they do: enter public service.

Elections have consequences. I understand and generally support the prerogative of the President to nominate individuals for his administration he deems appropriate as long as they are within the spectrum of responsible views. However, because of the importance of his position in representing the United States in the international community with respect to treaties and other agreements, his own words and actions demonstrate to me he is far outside the mainstream in such a way that his appointment as State Department Legal Adviser could damage U.S. sovereignty.

So I oppose his nomination. I urge my colleagues—all of us who take an oath to support and defend the Constitution and who appreciate there are always challenges to America's sovereignty—to closely examine Mr. Koh's record and determine whether he would be a representative not only whom they could be proud of but whom they could rely upon in representing the American public interest.

At the end of the day, our sovereignty depends upon the American people. We govern with the consent of the governed. Our government does not start with rights. We had a group of people in America who gave their government certain limited rights in order for their common good. So the American people are our bosses. They pay our salary. We need to listen to them.

When I talk to my constituents—at least in recent months—I notice a theme that is recurring, and it is troublesome to me first of all because it is the kind of thing that sometimes is influenced by people who have less character than those of us in this body and others who may disagree with each other but seriously approach these issues. It is the idea that little by little the people are losing sovereignty, and that the country of America is giving up its sovereignty to others. Who are the others?

I am not a conspiratorial person. That is why I say some of the people who promote this idea do not do so for the right reasons, and I do not like to see them paid attention to by our constituents. But every time we adhere to a U.N. resolution or sign a treaty with another country or agree to abide by the terms of a trade agreement, or something of that sort, to some extent we are giving up a little bit of our sovereignty. As long as we do all of those things with the consent of the governed and as long as we do it through the representative process where we pass a law or we confirm a treaty, ratify a treaty, it is done in the right way. We may make a mistake, we may go too far sometimes, but that is the decision we make. We have the right to make mistakes too. But when we go outside the legal framework of the country to cede a little bit of our sovereignty, as Mr. Koh says is OK, then we have abused the confidence the American people have placed in us and we have gone beyond our legal ability as representatives of the people to give up this little degree of sovereignty.

What I am concerned about, because of his position, which is the direct link between the United States and all of these international organizations and countries which our country necessarily deals with, is that he cares less about the protection of American sovereignty than the vast majority of the American citizens. In fact, he has a point of view which regards that as less important than conforming to international norms and even being in line with popular opinion internationally. As I said before, it is nice to be liked, but at the end of the day, the United States should not be about popular opinion.

We could probably be more popular with 100 countries in the United Nations if we stopped harping on things such as clean elections and free speech and the right to assembly and so on because my guess is there are probably 50 to 100 countries in the United Nations that don't respect their citizens' rights nearly as much as we do. In fact, the number is probably larger than that. They are uncomfortable with the example of a country such as the United States which sets on such a high pedestal our American citizens' rights, that we not only protect those rights for our citizens, but we hold them out to the rest of the world as something that would be beneficial for their citizens as well. This makes them uncomfortable, and rightly so, because sometimes, as we are seeing in Iran today, people decide that it is a good thing to decide to exercise those rights and they feel the denial of that ability by their governments is wrong. They are even willing to risk their lives, as our forefathers did, to assert those rights. That is how important they are.

How odd it is, therefore, to come across such an intelligent—and he certainly is intelligent—man such as Mr. Koh who has a very different point of view about these important American rights, who believes it is more important for us to be in the mainstream of international thinking even though that mainstream represents a view of rights far less than the United States views our rights; it is far more important for us to be well viewed in the international community than it is to strictly adhere to those rights that are embodied in our Constitution. That is extraordinarily troubling to me. Some of his views are breathtaking as they have been asserted.

I know he has met with some of our colleagues, that he is apparently, in addition to being very intelligent, very charming, and that his essential position is: Well, that is what I said in a speech, but I will recognize my obligations as a member of the administration.

I think we are all informed by our views, and if we care enough about them to speak out in a way that he has, as frequently and as forcefully as Mr. Koh has, it is difficult to believe that all of a sudden, in a moment of his confirmation, he will forget about everything he said and what he believes and conform his representation of the American people to what is a far more mainstream point of view; namely, that we should defend our Constitution to the absolute maximum extent we can, irrespective of the views of other countries around the world. That is why, at the end of the day, as I said, I hope my colleagues will review his record very carefully and will judge and eventually base their vote on his confirmation on what he has said—because he is an intelligent man who knows very well what he has said—and what, therefore, could flow from his words as actions as our representative in the State Department as its Legal Adviser.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes, with the time counting toward the postcloture debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

METRO COLLISION

Mr. CARDIN. Mr. President, I rise today to offer my condolences to the families and loved ones of those who lost their lives in the tragic collision of two Metro trains this past Monday evening. This accident is the most devastating, by any measure, in Metro's history, and it has affected our entire region. My prayers are with those who lost their lives and my deepest sympathies are with their families, friends, and all those they touched.

I want to take a moment to praise the first responders, who worked tirelessly through the night to rescue the injured and save lives. It is during tragedies such as this that we can fully appreciate the heroism and bravery of our first responders.

At this time, we don't know the cause of the crash, and it may take considerable time for the National Transportation Safety Board to complete its investigation and make a determination. We certainly will do everything we can in this body to assist the National Transportation Safety Board in their investigation, make sure it is thorough and complete, and that we fully understand how this tragedy occurred.

News reports found that the train car that caused the fatal accident was an older model that the Federal safety officials had recommended for replacement. It didn't have the data recorder or modern improvements to stand up to a collision, and it may have been 2 months behind in its scheduled maintenance. Metro officials are replacing these aging cars that date back to the 1970s. These costly replacements are being made but at a pace that is too slow.

Funding shortfalls have caused Metro to make repairs instead of replacing aging equipment or structures throughout the system. Last year, I visited the Shady Grove Station and witnessed firsthand how they literally are using wood planks and iron rods to prop up station platforms. They have been forced to make accommodations to keep the system running in the safest possible manner.

The Washington Metro rail system is the second busiest commuter rail system in America, carrying as many as a million passengers a day. It carries the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia each day. But more than three decades after the first train started running, the system is showing severe signs of age. Sixty percent of the Metro rail system is more than 20 years old. The costs of operations maintenance and rehabilitation are tremendous.

This is not only the responsibility of the local jurisdictions that serve Metro—the State of Maryland, Virginia, and Washington, DC—but there is also a Federal responsibility in regard to these cars. Federal facilities are located within footsteps of 35 of Metrorail's 86 stations. Nearly half of Metrorail's rush hour riders are Federal employees. This is our Metro system. We have a responsibility. Approximately 10 percent of Metro's riders use the Metrorail stations at the Pentagon, Capital South, and Union Station, serving the military and the Congress.

In addition, Metro's ability to move people quickly and safely in the event of a terrorist attack or natural disaster is crucial. The Metro system was invaluable on September 11, 2001, proving its importance to the Federal Government and the Nation during the terrorist attacks of that tragic day.

There is a clear Federal responsibility to this system.

Metro is unique from any other major public transportation system across the country because it has no dedicated source of funding to pay for its operation and capital funding requirements. But we are close to resolving that issue.

I was proud to work alongside Senator MIKULSKI, Senator WEBB, and former Senator John Warner last year to pass the Federal Rail Safety Improvement Act, which was signed into law in October 2008. This law authorizes $1.5 billion over 10 years in Federal funds for Metro's governing Washington Metropolitan Area Transit Authority, matched dollar for dollar by local jurisdictions, for capital improvement. The technical details of this arrangement are nearly complete, and when done, Metro finally will have its dedicated funding sources. I compliment the States of Virginia and Maryland and the District for passing the necessary legislation.

Earlier this year, as a regional delegation, along with our new colleague, Senator MARK WARNER, we requested that the Appropriations Committee provide the first $150 million. While this is a substantial downpayment, it is not nearly enough to fulfill all of Metrorail's obligations. At the time of the bill's passage, Metro had a list of ready-to-go projects totaling about $530 million and $11 billion in capital funding needs over the next decade. Yesterday, I joined with my colleagues from Maryland and Virginia in sending another letter to the chairman and ranking member of the Appropriations Committee reiterating our urgent request for a first-year installment of $150 million in funding for WMATA. Earlier today, I was pleased to announce $34.3 million in additional funding for the purchase of new Metro cars. This was the last installment of a 3-year, $104 million commitment. However, only a steady, major stream of funding will help WMATA make the investments needed to reassure the commuters, locals, tourists, families, and all Americans who ride Metro that the system is as safe and reliable as it can possibly be. I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and upgrade its aging infrastructure. While we may not know the cause of Monday's tragic collision for some time, it shined a spotlight on the dire need for improvements and upgrades to the Metrorail's infrastructure.

Again, on behalf of all our colleagues, I extend our deepest sympathies to all those affected by this horrific accident, in particular the families and loved ones of those who were killed. I hope my colleagues will join together, working with the Virginia Senators and Maryland Senators, to ensure that this body does everything it can to make sure a similar tragedy is never repeated.

HATE CRIMES LEGISLATION

Madam President, I next wish to talk about the urgent need to pass the Matthew Shepard Hate Crimes Prevention Act of 2009. We passed this 2 years ago, and unfortunately we were unable to reconcile it with the other body.

In the last 2 years, we have had constant reminders of the need to pass this legislation. Just this past June 15, Steven Johns, a security guard at the U.S. Holocaust Museum, lost his life to a person who was deranged but who also was acting under hate. On February 12, 2008, Lawrence King, a 15-year-old student, lost his life because he was gay. On election night, we saw two men go on a killing spree against African Americans because America elected its first African-American President. In July of last year, four teenagers killed a Mexican immigrant and used racial slurs, making it clear it was a hate crime. In 2007, there were 7,600 reported hate crimes in America—150 in my own State of Maryland. So we need to do something about this. The trends have not been positive. They have been negative. Crimes against Latinos, based upon hate, have increased steadily since 2003. In 2007, we saw the highest number of hate crimes against lesbians, gays, bisexual and transgendered, up 6 percent from the year before. The number of supremacist groups in America has increased

dramatically. There has been an increase in anti-Semitism between 2006 and 2007. The list goes on and on.

My point is this: We are seeing a troubling trend in America, with increased violence caused by hate-type activities. We need to act. The Federal Government needs to act. The Matthew Shepard Hate Crimes Prevention Act of 2009 will do just that. It expands the current hate crimes legislation we have on the Federal books so that it covers not just protected Federal activities but all activities in which a hate crime is perpetrated, and it extends the protections against hate crimes generated by gender, disability, gender identity, and sexual orientation. It will supplement what the States are doing. Many States are aggressively pursuing these matters. In fact, 45 States and the District of Columbia have passed their own hate crimes statute, and 31 include sexual orientation as a protected right.

The reason we need the Federal law is that the Federal Government has the resources and the capacity to respond when many times the States cannot. And I want to make it clear that this bill fully protects first amendment rights. This protection is against violent acts, not against speech. Hate crimes not only affect the victim, but they affect the entire community. It is time for us to act, and I hope we will soon pass the Matthew Shepard Hate Crimes Prevention Act of 2009.

HEALTH CARE REFORM

Lastly, I wish to talk about health care reform. There has been a lot of debate in this body, a lot of conversation about health care reform and what we need to do. I hope the only option that is not on the table is the status quo. We cannot allow the current system to continue.

I say that for several reasons. First is the matter of cost. The Nation cannot afford the health care system we have now. Last year, the Nation's health care costs totaled $7,400 for every man, woman, and child in this country, for a total of $2.4 trillion. We spent 15 percent of our gross domestic product on health care in 2006—the highest country by far. Switzerland, which is No. 2, spends 11 percent, and the average of the OECD nations is 8½ percent. We spend approximately twice as much as the industrial nations of the world spend on health care. And we don't have the results to warrant this type of expenditure. Of the 191 countries ranked by the World Health Organization, we are ranked 37th on overall health systems performance—behind France, Canada, and Chile, just to mention a few. We rank 24th on health life expectancies, and we ranked No. 1, by far, on health care expenditures. Between 2000 and 2007, the median earnings of Maryland workers increased 21 percent. Yet health insurance premiums for Maryland families rose three times faster than the median earnings in that same time period.

So we can't afford the cost of health care in America. It is crippling our economy, and our budgets are not sustainable. We are having a hard time figuring out how we are going to bring down the Federal deficit. When we look at the projected numbers, if we don't get health care costs under control, it is going to be extremely difficult to figure out how to balance budgets in the future. We need to bring down the cost of health care if America is going to be competitive in this international competitive environment.

For all those reasons, we need to do it. Yet we know we have 46 million Americans—despite how much money we spend—who don't have health insurance, and that is 20 percent higher than 8 years ago. We are running in the wrong direction. In my State of Maryland, 760,000 people do not have health insurance. Every day, people in Maryland and around the Nation are filing personal bankruptcy because they can't afford the health care bills they have. We have to do something about this.

I wish to thank and congratulate President Obama for bringing forward a reform that I hope will be embraced by this body. It certainly has been embraced by the American people. They understand it. We build on our current system. We want to maintain high quality. And I say that coming from a State that is proud to be the home of Johns Hopkins University and its great medical institution; the University of Maryland Medical Center, with its discoveries; and certainly NIH. This is a State—a nation—that is proud of its medical traditions of quality. We want to maintain choice. I want the constituents in Maryland and around the country to not only choose their doctor and their hospital but to choose the health care plans they can participate in, and we certainly want to make sure this is affordable. So for all those reasons, we want to build on the current system.

Let me talk about one point that has gotten a lot of attention, and that is whether we should have a public option. I certainly hope we have a robust public insurance option, and I say that for many reasons. Public insurance has worked in our system. Just look at Medicare. If the Federal Government did not move for Medicare, our seniors would not have had affordable health care coverage, our disabled population would not have had affordable health care coverage. I don't know of a single Member of this body who is suggesting that we repeal Medicare, and that is a public insurance option.

A public insurance option does not have the government interfering with your selection of a doctor. The doctors and hospitals are private. We are talking about how we collect pay for these bills. And Medicare has worked very well, as has TRICARE for our military community. So we want to build on that experience.

The main reason we want a public insurance option is to keep down cost. That is our main reason. We know Medicare Advantage is a private insurance option within Medicare. I am for a private insurance option in Medicare, but I oppose costing the taxpayers more money because of that. We know Medicare Advantage costs between 12 to 17 percent more for every senior who enrolls in the private insurance option. The CBO—Congressional Budget Office—tells us that cost is $150 billion over 10 years. So this is a cost issue.

I remember taking the floor in the other body when we were talking about Medicare Part D, the prescription drug part of the Medicare system. I urged a public insurance option at that time, on the same level playing field as private insurance so that we could try to keep the private insurance companies honest and have fair competition. We didn't do that. As a result, the Medicare Part D Program is costing the taxpayers more than it should.

So my main reason for saying we need to have a public insurance option is to keep costs down, but it also provides a guaranteed reliable product for that individual who is trying to find an affordable insurance option, for that small business owner who today finds it extremely difficult to find an affordable, reliable product available in the private insurance marketplace. Maybe the private insurance marketplace will be up to the challenge with 46, 47 million more people applying for insurance in America. I want to make sure they are. And having a public insurance option puts us on a level playing field and allows the freedom of choice for the consumer as to what insurance product they want to buy and the freedom of choice to choose an insurance product that allows them to choose their own private doctor and hospital.

There are plenty of positive proposals, and I congratulate the leadership on the Finance Committee and on the HELP Committee for the manner in which they are working to bring down health care costs—first by universal coverage. Universal coverage will bring down health care costs. We know that someone who has no health care insurance uses the emergency room. It costs us a lot of money to use the emergency room. We want to get care out to the community, and with universal coverage it will bring down costs.

Preventive health care saves money. It saves money and it saves lives. It provides better, healthier lives for individuals, but it also saves money. We know that providing a test for a person for early detection of a disease costs literally a couple hundred dollars compared to the surgery that might be avoided which costs tens of thousands of dollars. So this is about cost, about

saving lives, and about a better quality of life with preventive health care. I congratulate the committees for really coming together on this issue.

Also, the better use of health information technology will not only save us money in the administrative aspect of health care but actually in the delivery of care. If we know about a person and we can coordinate that person's care, we can bring down the cost of care and prevent medical errors.

For all those reasons, I strongly concur in what our committees are doing currently to reform our health care system to bring down costs.

One last point is the need for us to work together. I do reach out to every Member of this body to say: Look, I don't know of anyone who says our system is what it should be. Everyone agrees we are spending too much money. I haven't talked to a single Senator who believes we can't cut the cost of health care. We have to bring down the cost of health care. I think all of us agree we have to do a better job in preventive care and we have to do a better job of having an affordable product for those who don't have health insurance today. We all agree on that.

Let's listen to each other and work together. This is not a Democratic problem or a Republican problem. It cries out for Democrats and Republicans to work together to solve one of the most difficult problems facing our Nation. I congratulate President Obama for being willing to tackle this problem, and I urge all colleagues to join in this debate so, at the end of the day, we can pass reform that will truly bring down the cost of health care to America, be able to say America still leads the world in medical technology, and allows that care to be available to all the people of our country.

That is our goal. We can achieve it working together, and I look forward to working with my colleagues in achieving that goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Madam President, the individual right to keep and bear arms—I think a fundamental right guaranteed by the explicit text of the second amendment of the U.S. Constitution—is at risk today in ways a lot of people have not thought about.

Although the Supreme Court recently held that the second amendment is an individual right, which is a very important rule, many significant issues remain unresolved, which most people have not thought about.

The Supreme Court, including whoever will be confirmed to replace Justice Souter, will have to decide whether the second amendment has any real force or whether, as a practical matter, to allow it to eviscerate its guarantees.

The second amendment says that ''the right of the people to keep and bear Arms, shall not be infringed.'' ''[T]he right of the people to keep and bear Arms, shall not be infringed.'' I know there is a preamble about a well-regulated militia being important to the security of the State, but the Supreme Court has ruled on that in Heller and said that does not obviate the plain language that the right to keep and bear arms is a right that individual Americans have, at least vis-a-vis the U.S. Government.

Not all the amendments, I would say, are so clearly a personal right. The first amendment, if you will recall, protects freedom of religion and freedom of speech. It talks about restricting Congress: Congress shall make no law with respect to the establishment of a religion or prohibiting the free exercise thereof.

So some could argue that does not apply to the States. It would apply only to the Federal Government because it explicitly referred to it. However, the Supreme Court has held it does apply to the States, and the right of speech and press and religion are applicable to the States and bind the States as well.

In the case of District of Columbia v. Heller, the Supreme Court recently held that the second amendment ''confer[s] an individual right to keep and bear arms.'' This is consistent with the Constitution and was a welcome and long-overdue holding.

Despite this holding, however, many important questions remain. For example, it is still unsettled whether the second amendment applies only to the Federal Government or to the State and local governments as well—a pretty big question. This question will determine whether individual Americans will truly have the right to keep and bear arms because if that is not held in that way, it would allow State and local governments—not bound by the second amendment—to pass all sorts of restrictions on firearms use and ownership. They may even ban the ownership of guns altogether.

So we are talking about a very important issue. Remember, the District of Columbia basically banned firearms. It is a Federal enclave, in effect, with Federal law. And the Supreme Court held that the Federal Government could not violate the second amendment, was bound by the second amendment, and that legislation went too far. But they, in a footnote, noted they did not decide whether it applies to the States, cities, and counties that could also pass restrictions similar to the District of Columbia.

President Obama, who nominated Judge Sotomayor, has a rather limited view of what the second amendment guarantees.

In 2008, he said that just because you have an individual right does not mean the State or local government cannot constrain the exercise of that right—exactly the issues the Supreme Court has not resolved yet. Can States and localities constrain the exercise of that right in any way they would like?

In 2000, as a State legislator, the President cosponsored a bill that would limit the purchase of handguns to one a month.

In 2001, he voted against allowing the people who are protected by domestic violence protective orders—because they felt threatened—he voted against legislation that would allow them to carry handguns for their protection.

So there is some uncertainty about his personal views.

Let's look at Judge Sotomayor, whom the President nominated, and her record on the second amendment. That record is fairly scant, but we do know that Judge Sotomayor has twice said the second amendment does not give you and me and the American people a fundamental right to keep and bear arms.

The opinions she has joined have provided a breathtakingly, I have to say, short amount of analysis on such an important question to the U.S. Constitution. And the opinions she has written lack any real discussion of the importance of these issues, in an odd way.

Judge Sotomayor has gone from sort of A to Z without going through B, C, D, and so forth. For example, in her most recent opinion in January of this year—Maloney v. Cuomo—which asked whether the Supreme Court's protection of the right to bear arms in DC—the Heller case—would apply to the States, she spent only two pages to explain how she reached her conclusion. Her conclusion was that it did not.

The Seventh Circuit dealt with this same question and reached the same conclusion, but they gave the issue the respect it deserved and had eight pages discussing this issue, at a time when Judge Sotomayor only spent about two pages on it and not very much discussion at all.

The Ninth Circuit reached a different opinion. They say the second amendment does apply to individual Americans and does bar the cities of Los Angeles or New York or Philadelphia from barring all hand guns because you have an individual constitutional right to keep and bear arms. So the Ninth Circuit disagreed, and they had 33 pages in discussing this important issue.

Further, in deciding that the second amendment applies to the people, the

majority in the Supreme Court dedicated, in Heller, 64 pages to this important issue. Including dissents and concurrences on that decision, the entire Court generated 157 pages of opinion. Judge Sotomayor wrote only two pages in a very important case as important as Heller. Judge Sotomayor's lack of attention and analysis is troubling.

These truncated opinions also suggest a tendency to avoid or casually dismiss constitutional issues of exceptional importance. Other examples might include the New Haven firefighters case, Ricci v. DeStefano, which is currently pending before the Supreme Court on review, and the fifth amendment case of Didden v. Village of Port Chester, which was recently discussed in the New York Times. It dealt with condemnation of a private individual's property. All those were serious constitutional cases. They had the most brief analysis by the court, which is odd.

I do not think it is right for us to demand that we know how a judge will rule on a case in the Supreme Court. I am not going to ask her to make any assurances about how she might rule. But I do think it will be fair and reasonable to ask her how she reached the conclusions she reached and perhaps why she spent so little time discussing cases of fundamental constitutional importance.

I am not the only one who has been troubled by the second amendment jurisprudence of Judge Sotomayor. As I mentioned previously, the Ninth Circuit disagreed with her opinion and held that the second amendment is a fundamental right applicable to the States and localities.

Additionally, in a June 10 editorial, the Los Angeles Times—a liberal newspaper—disagreed with her view in Maloney as to whether the second amendment applies against States and localities.

Moreover, in a June 10 op-ed in the Washington Times, a leading academic argued that the decision in Maloney was flawed.

So these are critical questions that will determine whether the people of the United States have a fundamental right guaranteed by the Constitution to keep and bear arms. So I think it is important and it is more than reasonable for the Senators to analyze the opinions on this question and to inquire as to how the judge reached her decisions and what principles she used in doing so.

I would say we are moving forward with this confirmation process. It is a difficult time for us in terms of time. There are now only eight legislative days before the hearings start. There is a lot of work to be done, a lot of records that have not yet been received. So our team and Senators are working very hard, and we will do our best to make sure we have the best hearings we have ever had for a Supreme Court nominee.

I see my colleague, Senator HATCH, in the Chamber, who is a fabulous constitutional lawyer and former chairman of this Judiciary Committee. I was honored to work for him, serve under him, when he was our leader. I know whatever he says on these subjects is something the American people need to listen to because he loves this country, he loves our Constitution, and he understands it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague for his comments. He knows how deeply I respect him and how proud I am that he is the Republican leader on the Judiciary Committee. He will do a terrific job, and has been doing a terrific job, ever since he took over.

Considering a Supreme Court nominee is one of this body's most important responsibilities. I come at this wanting to support whomever the President nominates. The President has the right to nominate and appoint, and we have a right, it seems to me, to vote up or down one way or the other and determine whether we will consent to the nomination. We can also give advice during this time.

Only 110 men and women have so far served on our Nation's highest Court, and President Obama has now nominated Judge Sonia Sotomayor to replace Justice David Souter. Our constitutional rule of advise and consent requires us to determine whether she is qualified for this position by looking at her experience and, more importantly, her judicial philosophy.

President Obama has already described his understanding of the power and role of judges in our system of government. He has said he will appoint judges who have empathy for certain groups and that personal empathy is an essential ingredient for making judicial decisions. Right off the bat, President Obama's vision of judges deciding cases based on their personal feelings and priorities is at odds with what most Americans believe. A recent national poll found that by more than three to one, Americans reject the notion that judges may go beyond the law as written and take their personal views and feelings into account.

Judge Sotomayor appears to have endorsed this subjective view of judging. In one speech she gave several times over nearly a decade, she endorsed the view that there is actually no objectivity or neutrality in judging, but merely a series of perspectives. She questioned whether judges should even try to set aside their personal sympathies and prejudices in deciding cases, a view that seems in conflict with the oath of judicial office which instead requires impartiality.

We must examine Judge Sotomayor's entire record for clues about her judicial philosophy. She was, after all, a Federal district court judge for 6 years and has been a Federal appeals court judge for nearly 11 more. While we were told that this is the largest Federal judicial record of any Supreme Court nominee in a century, we are being allowed the shortest time in recent memory to consider it. The 48 days from the announcement to the hearing for Judge Sotomayor is more than 3 weeks—more than 30 percent—shorter than the time for considering Justice Samuel Alito's comparable judicial record. There was no legitimate reason for this stunted and rushed timetable, but that is what the majority has imposed on us and that is where we are today.

I wish to take a few minutes this afternoon to look at Judge Sotomayor's judicial record on a very important issue to me and, I think, many others in this body: the right to keep and bear arms protected by the second amendment to the Constitution.

Some can be quite selective about constitutional rights—prizing some, while ignoring others. Some even trumpet rights that are not in the Constitution at all as more important than those that are right there on the page. It appears that Judge Sotomayor has taken a somewhat dim view of the second amendment. Two issues related to the scope and vitality of the right to keep and bear arms are whether it is a fundamental right and whether the amendment applies to the States as well as to the Federal Government. On each of these issues, Judge Sotomayor has chosen the side that served to limit, confine, and minimize the second amendment. She has done so without analysis, when it was unnecessary to decide the case before her, and even when it conflicted with Supreme Court precedent or her own arguments.

In a 2004 case, for example, a Second Circuit panel including Judge Sotomayor issued a short summary order affirming an illegal alien's conviction for drug distribution and possession of a firearm. The case summary and headnotes supplied by Lexis take up more space than the three short paragraphs proffered by the court. Judge Sotomayor's court rejected a second amendment challenge to New York's ban on gun possession in a single sentence relegated to a footnote with no discussion, let alone any analysis of the issue whatsoever. In fact, the court neither described the appellant's argument nor indicated how the district court had addressed this constitutional issue, but merely cited a Second Circuit precedent for the proposition that the right to possess a gun is ''clearly not a fundamental right.''

That is pretty short shrift for a constitutional claim. Last year, in the District of Columbia v. Heller, the Supreme Court held that the second

amendment right to keep and bear arms is an individual rather than a collective right. But the Court also noted that by the time of America's founding, the right to have arms was indeed fundamental, and that the second amendment codified this preexisting fundamental right. Several months later, a Second Circuit panel including Judge Sotomayor affirmed a conviction under State law for possessing a weapon. Citing a 1886 Supreme Court precedent, the Second Circuit held that under the Constitution's privileges and immunities clause, the second amendment applies only to the Federal Government, not to the States. Whether correct or not, that holding was obviously enough to decide the issue in that particular case. Judge Sotomayor's court, however, went beyond what was necessary to further minimize the second amendment by once again characterizing it as something less than a fundamental right. The court said that there need be only a so-called rational basis to justify a law banning such weapons, a legal standard it said applies where there is no fundamental right involved. The court simply ignored and actually contradicted the Supreme Court's decision in Heller by treating the second amendment as protecting less than a fundamental right. In fact, the very 1886 precedent Judge Sotomayor's court cited to hold that the second amendment limits only the Federal Government recognized the preconstitutional nature of the right to bear arms. Her court never addressed these contradictions.

The Seventh Circuit has since also held that under the privileges and immunities clause, the second amendment limits only the Federal Government. But the Ninth Circuit last month held that under the Constitution's due process clause, the second amendment does indeed apply to the States. These courts gave this issue much more analysis than did Judge Sotomayor's court and neither found it necessary to address whether the right to keep and bear arms is fundamental. I wish Judge Sotomayor's court had shown similar restraint.

It appears that Judge Sotomayor has consistently and even gratuitously opted for the most limiting, the most minimizing view of the second amendment. No matter how distasteful, this result would be legitimate if it followed adequate analysis, if it properly applied precedent, and if it was necessary to decide the cases before her. In that event, it would not like it but probably could not quarrel with it. But as I have indicated here, this is not the case. There was virtually no analysis, her conclusion conflicted with precedent, and was unnecessary to decide the cases before her. This is not the picture of a restrained judge who has set aside personal views and is focusing on applying the law rather than on reaching politically correct results. These are serious and troubling issues which go to the very heart of the role judges play in our system of government. These are elements not from her speeches but from her cases that give shape to her judicial philosophy. We have a written Constitution which is supposed to limit government, including the judiciary. We have the separation of government power under which the legislative branch may employ empathy to make the law, but the judicial branch must impartially interpret and apply the law. We have a system of self-government in which the people and their elected representatives make the law and define the culture. It is no wonder that most Americans believe that judges must take the law as it is, not as judges would like it to be, and decide cases impartially. That is exactly what judges are supposed to do if our system of ordered liberty based on the rule of law is to survive.

President George Washington said that the right to keep and bear arms is ''the most effectual means of preserving peace.''

Justice Joseph Story, in his legendary commentaries on the Constitution, called this right the ''palladium of the liberties of a republic.''

I, for one, am glad that our Founders did not give short shrift to this fundamental individual right.

Let me close my remarks this afternoon by saying that these are some of the questions that need answers, issues that need clarification, and concerns that need to be satisfied as the Senate examines Judge Sotomayor's record. Perhaps such answers, clarification, and satisfaction exist. My mind is open, and I look forward to the hearing in which these and many other matters no doubt will be raised. These are important issues that can't be shunted aside as though they are unimportant, and Judge Sotomayor needs to answer some of these issues and questions that we are raising as we go along.

I told her that we will ask some very tough questions and that she is going to have to answer them. She understands that, and I appreciate that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise today to follow up on some of the comments made by my colleagues who had come to the floor to talk about the nomination of Judge Sotomayor to the Supreme Court of the United States.

Any confirmation the Senate considers is important but none more so than a lifetime appointment to the most distinguished judicial office in our Nation.

Now that the President has nominated Judge Sotomayor, it is the Senate's job to give advice and consent. As Alexander Hamilton told the Constitutional Convention:

> Senators cannot themselves choose—they can only ratify or reject the choice of the President.

I take this role very seriously, as do all of my Senate colleagues. In fact, just 3½ years ago, on this very floor, one of our colleagues in the Senate at the time rose and gave the following views on a then-pending Supreme Court nomination. I will quote for you what he said:

> There are some who believe that the President, having won the election, should have complete authority to appoint his nominee and the Senate should only examine whether the Justice is intellectually capable and an all-around good person; that once you get beyond intellect and personal character, there should be no further question as to whether the judge should be confirmed. I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe it calls for meaningful advice and consent and that includes an examination of the judge's philosophy, ideology, and record.

The Senator who made those remarks was then-Senator Obama. He spoke those words in January 2006 on this floor when the Senate was debating the confirmation of now-Supreme Court Justice Samuel Alito.

I, like the President, believe it is the Senate's constitutional duty to thoroughly review all nominees to the Federal bench, especially those who will have a lifetime appointment to the highest Court in our Nation. This review should be thorough and fair and cover a nominee's background, judicial record, and adherence to the Constitution. This is especially true with the voluminous judicial record Judge Sotomayor has compiled, with over 3,600 Federal district and appellate level decisions. The Senate must also work to ensure that the nominee will decide cases based upon the bedrock rule of law as opposed to their own personal feelings and political views.

As part of this confirmation process, I had the opportunity this morning to meet with Judge Sotomayor. Like many in this body, I agree that she has an impressive background, as well as a compelling personal story. But what we have to do is examine and look at her record when it comes to her understanding of the Constitution, especially as it relates to the second amendment right to bear arms, and that is an area where I have significant concerns.

While sitting on the Second Circuit Court of Appeals, Judge Sotomayor consistently advanced a narrow view of the second amendment and did so with little explanation or reasoning. For example, twice, Judge Sotomayor has ruled that the second amendment is not a ''fundamental right.'' The first time she did so with a one-sentence footnote, and most recently it was simply stated as fact without any explanation or reasoning being provided. Judge Sotomayor's views on whether the second amendment right to bear

arms is a fundamental right are so important because the Supreme Court has made this determination a key element in deciding whether to apply parts of the Bill of Rights, such as the second amendment, to State and local governments.

This question, also known as incorporation, is likely to be the next second amendment issue the Supreme Court will consider because the circuit courts of appeal are split, and the Supreme Court specifically noted that they were not deciding this issue in the landmark District of Columbia v. Heller decision, which was decided last year.

What is most troubling to me, though, is that these second amendment cases point out a disturbing trend that legal experts have expressed about Judge Sotomayor: That she has a record of avoiding or casually dismissing difficult and important constitutional issues. It doesn't take an attorney to notice that Judge Sotomayor's discussion of incorporation, a challenging and constitutionally significant issue, consists of just a few paragraphs. In contrast, the opinions for both the Ninth Circuit and the Seventh Circuit discuss the issue at length and, in doing so, give this important issue the attention and analysis it deserves. While I understand that writing styles can and do vary, even in the writing of judicial opinions, I am still concerned about the apparent lack of thoughtfulness and thorough reasoning in her decisions.

Another example of a Judge Sotomayor opinion that appears to be unnecessarily short and inadequately reasoned is the Ricci v. DeStefano case, or more popularly known as the New Haven firefighter promotion case. In this case, a three-judge panel, which included Judge Sotomayor, published an unusually short and unsigned opinion that simply adopted the lower district court's ruling without adding any original analysis. Even one of Judge Sotomayor's own mentors, Judge Jose Cabranes, commented that the Ricci opinion ''contains no reference whatsoever to the constitutional claims at the core of this case'' and that the ''perfunctory disposition [of the case] rests uneasily with the weighty issues presented by this appeal.'' Without careful reasoning being provided, critics and supporters alike have been left to wonder on what basis these decisions have been made. I am left with concerns about these rulings and whether they are based upon personal views and feelings rather than the rule of law.

My short meeting with Judge Sotomayor this morning did not provide either of us with enough time to address these issues and these concerns at length, and that is why, like many colleagues, I will be monitoring closely the confirmation hearings that are set to occur next month. During those hearings, it is my hope that the members of the Judiciary Committee will take the necessary time to explore and thoroughly examine her positions and legal reasoning, especially on the second amendment, in greater detail.

I, like many of my colleagues, am anxious to see this process move forward. We also understand the weight that is attached to the constitutional role of the Senate when it comes to advice and consent. When you consider a lifetime appointment to the highest Court in the land, you better make sure that you do your homework and that you thoroughly and completely and fairly examine the record.

I hope the Judiciary Committee—and I know they will—will conduct this in a way which is consistent with the tone that ought to be a part of this. It ought to be a civil discussion. It also needs to be thorough because we are talking about a lifetime appointment to the Supreme Court. Whoever ends up on that Court will be faced with a great many issues, all of which have lasting consequences for this great Republic.

In my view, it is important that we have judges who are put on the Supreme Court who understand that the role of the judiciary in our democracy is not to play or take sides; it is to be the referee, the umpire, to be someone who applies the Constitution, the laws of the land, fairly to the facts in front of them in the cases they will hear. I certainly hope that, as we have an opportunity to more thoroughly review the record of this nominee, the members of the Judiciary Committee and all of the Members of the Senate will take that responsibility very seriously. That will be the criteria and the filter by which I look at this nominee—whether or not, in my view, she exercises an appropriate level of judicial restraint and doesn't view the role of a judge in our judiciary system in this country to be that of an activist, someone who expresses personal feelings or tries to advance a particular political agenda, but someone who, in terms of philosophy and temperament, is committed to that fundamental principle of judicial restraint, which is a hallmark of our democracy and has been for well over 200 years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I didn't have an opportunity to address the Koh nomination this morning. We had a cloture vote on the nomination of Harold Koh to be the next State Department Legal Adviser. I wish to express some of the views and concerns I have. Obviously, cloture was invoked this morning, and my guess is that he will ultimately be confirmed. We have an opportunity in a postcloture period to talk a little bit about this nominee.

I have to say this is an important position. If confirmed, Mr. Koh would be the top lawyer at the State Department and would be involved in the negotiation, the drafting, and the interpretation of treaties and U.N. Security Council resolutions. He would also represent the United States in other international negotiations, at international organizations, and before the International Court of Justice. To put it simply, he would be viewed as the top legal authority for the United States by the international community.

Similar to Judge Sotomayor, Mr. Koh highlights an alarming trend which I think we see in some of President Obama's nominees. They have impressive backgrounds, but when their records are examined in detail, there are substantive questions about their understanding of the Constitution. For example, Mr. Koh has said repeatedly, including at his confirmation hearing, that he believes the congressionally authorized 2003 U.S. invasion of Iraq ''violated international law'' because the United States had not received ''explicit United Nations authorization'' beforehand. He also said that the U.S. Supreme Court should ''tip more decisively toward a transnationalist jurisprudence'' as opposed to basing decisions on the U.S. Constitution and laws made pursuant to it.

His views on the second amendment are also extremely worrisome. In a speech called ''A World Drowning in Guns,'' which was given at Fordham University Law School in 2002 and later published in the Law Review, he explains why he believed there should be a global gun control regime and admits that ''we are a long way from persuading government to accept a flat ban on the trade of legal arms.''

He concludes his speech with this statement:

> When I left the government several years ago, my major feeling was of too much work left undone. I wrote for myself a list of issues on which I needed to do more. One of those issues was the global regulation of small arms.

Given, again, that Mr. Koh will be the top legal adviser at the State Department on both domestic and international issues, I have concerns, because of statements such as these, that he could place his own personal agenda ahead of the needs of our country and the Constitution.

So we will have an opportunity probably—we have had the cloture vote on the nomination, but I wanted to express for the record my concerns about this nominee and the types of statements he has made in the past, the type of agenda he has expressed support for, and how, in my view, it contradicts many of the basic constitutional freedoms and rights—the second

amendment being one—that I would raise as a major concern but also this notion that transnational jurisprudence—that the Supreme Court ought to tip more decisively in that direction. That is a cause for great concern.

I hope that on final disposition of this nominee, the Senate will vote to reject this nomination. It is, in my view, dangerous to the national security interests of the United States and some of our basic constitutional freedoms when he rules in the way he has in the past and continues to issue statements that, in my view, are very troublesome. I will be opposing this nomination, and I hope my colleagues will as well.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DURBIN. It is my understanding we are postcloture, speaking on the nomination of Harold Koh to be Legal Adviser for the Department of State; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, earlier today the Senate voted to invoke cloture and move forward with this nomination. Sixty-five Senators recognized the extraordinary qualifications that Mr. Koh will bring to the State Department. Yet in the last few weeks, some Senators on the other side of the aisle have done everything they can to slow down the work of the Senate, even going so far as to delay the consideration of a bill to promote tourism in America. That is a noncontroversial bill with 11 Republican cosponsors but a bill that could only get two Republican Senators to support it when we asked to move it forward.

Unfortunately, the same thing is happening with the nomination of Mr. Koh. This is a nomination which is not controversial for most Members of the Senate—65 supported going forward. Yet the Republicans are insisting, as they have the right to do under Senate rules, that we delay for maybe up to 30 hours before we actually get to the vote. If we are going to waste that much time on a noncontroversial nomination for a person to become Legal Adviser to the State Department, the people of this country have a right to ask what is the goal of the Republicans in doing this?

There is a lot we need to do in the Senate. There is a lot the American people are counting on us to do, measures we should be considering. I have a bipartisan measure on food safety. I have been working on this for over 10 years. There is not a week that goes by that there is not some new press report about something dangerous: pet food, cookie dough—you name it. All of these things have been in the headlines over the last several years, and we can do a better job making sure the items we purchase at our local stores for our families, for our pets, are safe; making sure the things we import from other countries are safe. But we cannot even get to that measure because there is a strategy on the Republican side of the aisle to stop us, to delay as much as possible to try to make sure the Senate does as little as possible.

In the last election, the people of this country said: We think it is time for change in this town of Washington. We are sick and tired of this partisan bickering and this waste of time and Democrats banging heads with Republicans. Why don't you all just roll up your sleeves and be Americans for a change and try to solve the problems? You may not get it completely right, but do your best and work at it. Spend some time on it.

Look at what we have, an empty Chamber. This Senate Chamber should be filled with debate on critical issues, but it is not because, unfortunately, this is a procedural strategy on the other side of the aisle which is slowing us down.

This man whose nomination is before us should have just skated through here. This is an extraordinarily talented man. Mr. Harold Koh has a long and distinguished history of serving his country and the legal profession. During the Reagan administration, a Republican President's administration, he was a career lawyer in the Office of Legal Counsel at the Department of Justice; in 1998, unanimously confirmed as the U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, a bureau in the State Department that champions many of our country's most cherished values around the world.

Mr. Koh's academic credentials are amazing—a Marshall Scholar at Oxford, graduate of Harvard Law School, editor of the Harvard Law Review, and he went on to be a clerk at the Supreme Court across the street, which is about as good as it gets coming out of law school.

Since the year 2004, Harold Koh has served as dean of the Yale Law School. Mr. Koh was a Marshall Scholar at Oxford. He has been awarded 11 honorary degrees and 30 human rights awards.

I don't know that you could present a stronger resume for a man who wants to serve our country, to be involved in public service and step out of his professional life as a lawyer in the private sector, with law schools. He has been endorsed by leaders, legal scholars from both political parties, including the former Solicitor General, Ted Olson, former Independent Counsel Ken Starr, former Bush Chief of Staff Josh Bolton, seven former Department of State Legal Advisers, including three Republicans, more than 100 law school deans, and 600 law school professors from around the country. What more do we ask for someone who wants to serve this country?

Several retired high-ranking military lawyers have written: If the U.S. follows Koh's advice, as State Department Legal Adviser:

[It] will once again be the shining example of a Nation committed to advancing human rights that we want other countries to emulate.

Here is an excerpt from a recent letter for support Ken Starr sent to Senators KERRY and LUGAR. I have had my differences with Ken Starr. Politically we are kind of on opposite sides. Here is what he said of Dean Koh, who is being considered by this empty Senate Chamber as we burn off 30 hours. He wrote:

> My recommendation for Harold comes from a deep, and long-standing, first-hand knowledge. We have been vigorous adversaries in litigation. We embrace different perspectives about a variety of different substantive issues. As citizens, we no doubt vote quite differently. But based on my two decades of interaction with Harold, I am firmly convinced that Harold is extraordinarily well qualified, to serve with great distinction in the post of legal adviser. . . . Harold's background is, of course, the very essence of the American dream. . . . Harold embraces, deeply, a vision of the goodness of America, and the ideals of a nation, ruled, abidingly, by law.

There is overwhelmingly bipartisan support for Harold Koh. Usually these nominations are done routinely late at night when there are few people on the floor, and when we are going through a long series of things to do. Someone with this kind of background does not even slow down as they move through the Senate on to public service.

But, unfortunately, the strategy on the other side of the aisle is to slow things down, do as little as possible this week. I sincerely hope that when the time comes, when the 30 hours have run, when the Republicans have finally decided they do not want to delay the Senate any longer, they will bring Mr. Koh's nomination to a vote.

I enthusiastically support his nomination and encourage my colleagues to join me in voting him out of the Senate quickly so he can continue his record of public service.

HEALTH CARE REFORM

Mr. President, you are well aware from your State of Oregon and from my State of Illinois how much this health care reform debate means to everybody we represent. When you ask the American people what we can do about health insurance, 94 percent of people across America overwhelmingly support change in our current health

care system. Some 85 percent of the people across this country, Democrats, Republicans, and Independents, say that the health care system needs to be fundamentally changed.

This is the time to do it. This is the President to lead us in doing it. We had better seize this moment. If we do not, if we miss it, we may never have another chance for years and years to come. That is unfortunate.

Democrats want to build on what is good about the current system. It is interesting that so many people would say we should change the health care system, but about three out of four people say: I kind of like my health insurance.

So what we have to do first is to say we are going to keep the things in the current system that work, and only fix those things that are broken. If you have a health insurance plan that you like and you trust it is good for you and your family, you need to be able to keep it. We should not be able to take it away from you. We do not want to. That is the starting point. And then when we start to fix what is broken in the system, we address some issues that I think are really critical.

Health insurance companies today can deny you coverage because of an illness you might have had years ago, exclude coverage for what they call preexisting conditions, which sadly we all know about, or charge you vastly more because of your health status or your age.

We want to make sure that the end of the day, after health care reform, we keep the costs under control, make sure you have a choice of your doctor, make certain you have privacy in dealing with your doctors so that the doctor-patient relationship is protected and confidential.

We want to protect quality in the system, to make certain we bring out the very best in medical care, and not reward those who are doing things poorly. We believe we can do this on a bipartisan basis, with both parties working together.

Some of the critics of this effort basically are in denial that we need to change our health care system. I do not think they are taking the time to look at it closely. Whether you talk to people, average families, or small businesses, large corporations, you understand that the cost of health care now is spinning out of control, and if we do not do something dramatic and significant about it, it will become unaffordable.

I had a group of people in my office who were in the communications industry. They are union workers. They are worried because every year when they get more money per hour for working, it always goes to health insurance. They learn each year there is less coverage: pay more, get less.

We have got to do something about containing the cost of a system that is the most expensive health care system in the world. We spend, on average, more than twice as much as the next country on Earth for health care for Americans. We have great hospitals and doctors. We have amazing technology and pharmacies. But the bottom line is, other countries get better results for fewer dollars.

So the first item we must address is bringing down the cost of health care, stop it from going through the roof, so that families and businesses can afford it, and government can afford it as well.

The second thing we have to make sure we do is protect the choice of individuals for their doctor and their hospital, their providers. There are limitations now. In my home town of Springfield, IL, my health insurance plan tells me there is one preferred hospital of the two I can choose, and I know if I do not go to that hospital, I can end up with a bill I have to pay personally. So there are limitations under the current system, and that is to be expected. But we want to limit those to as few as possible so people are able to come forward and have the basic choice they want in physicians.

Then there is a question about how to keep the costs under control. If we are going to build this new health care reform on private health insurance, the obvious question is: Will there be a government health insurance plan such as Medicare available as an option so you can look at all of the private health insurance plans you might buy, and also consider the government health insurance plan, the public health insurance plan, as an option?

This is controversial. Health insurance companies say, if we have to compete with a government plan, they will always charge less and we will not be able to compete. Others argue that if you do not have at least one nonprofit entity offering health insurance, then basically the private health insurance plans will continue to be too expensive; they will not have the kind of competition they need to bring about real savings.

Many people on the other side of the aisle have come to the floor and criticized the idea of a public interest health insurance plan. They argue it is government insurance, government health care. But most Americans know that government health care is not a scary thing in and of itself. There are 40 million Americans under Medicare. That is a government health care program. Millions of Americans are protected by Medicaid for lower income people in our country. That has a government component too.

Our veterans come back from war and go to the Veterans' Administration, a government health program. I have not heard a single Republican come to the floor and say: We need to eliminate Medicare, eliminate Medicaid, close the VA hospitals, because it is all government health care. No. For most people being served by these programs, they believe they are godsends and they do not want to lose them.

Yesterday, the minority leader, the Republican Senator from Kentucky, came to the floor and talked about a future which is fictitious. He said: A government plan where care is denied, delayed, and rationed.

Those are fighting words, because no one wants their coverage denied, they do not want to wait in a long line for surgery, and they do not want to believe they are victims of rationing. It is important for them to have medical care given to them.

The language we hear from the other side of the aisle is language we are all too familiar with. The miracle of the Internet is that people can come up with a written document now, and by pressing a button or clicking a mouse, they can send that document to lots of different people.

A couple of months ago, a Republican strategist named Frank Luntz wrote a 28-page memo to give to Republican Senators on how to defeat health care. Dr. Luntz—he calls himself ''doctor''—Dr. Luntz said: Whatever they come up with, here is the way to beat it.

He had not seen the health care reform plan that President Obama might support or the Democrats might produce. But he says: This is how we stop them from passing anything, how we delay things, deny things. And he used those words. He said: We have got to use words that Americans will identify with, buzzwords like ''deny,'' ''delay,'' ''ration.'' And those are the words we hear every week now from the other side of the aisle.

The reason I mentioned the Internet is it turns out somebody punched the wrong button on their computer, clicked the wrong mouse button, and the next thing you know that memo spread across Washington. Everybody has it.

So we have seen the play book. We kind of know the plays they are running. We know their speeches before they give them. But they still come down and give these speeches over and over again.

I guess the starting point is this: Some of my colleagues and friends on the other side of the aisle want to keep the current health care system. They think it is fine. They do not want to change it. Well, I do not join them, and most American people do not join them either.

There are winners in the current system. There are people making a lot of money under the current health care system. Health insurance companies were one of the few sectors in the economy last year, 2008, that showed profitability when most American companies that were not health insurance companies were not profitable. So were oil

companies, incidentally. But the health insurance companies that are making a lot of money do not want to see this system changed. It is a good, profitable system for them. By and large, they want to keep it the way it is. There are some providers who are doing quite well under the system, some specialists are making a lot of money, some hospitals are making a lot of money. They want to keep it as it is.

But we know we cannot. It is unsustainable. It is too expensive for individuals, families, and for businesses and for government, for us not to get the cost under control.

The Republican resistance to change in health care reform is not surprising. Last week we had a cloture vote and 30 hours of debate to proceed to the consideration of a bipartisan noncontroversial bill. We have been through cloture votes and delays all of this week. We are in the middle of one right now. That is why those who are visiting the Capitol are wondering where all of the Senators are. This is a situation where the Republicans have decided they are going to force us to wait 30 hours before we do something, a waste of time that we cannot afford, and we have faced it before.

We have to understand that we need to have health care reform. The President is right that this opportunity comes around so rarely.

We have pretty good health insurance as Members of Congress. But I want to make it clear for the record, we do not have ''special'' health insurance. I have heard that argument being made. If you can get the same health insurance the Senator has, you would be set for life. We have great health insurance. But it is the same health insurance available to all Federal employees, 2 million Federal employees; 8 million employees and their families. We have a Federal health benefits program. We have an open enrollment each year to pick, in my case, from nine different health insurance plans available to me in my home State of Illinois for my wife and myself. That is a luxury most people can only dream of. All Federal employees have it, and so do Members of Congress, because we are considered Federal employees. But it is something most Americans do not have and we can make available to small and large businesses alike. It is important that we do this.

I hope we can get some support, some support from the other side of the aisle. Today in America, while we are going about our business, 14,000 Americans will wake up and realize something: Yesterday they had health insurance and today they do not. Every day in America, 14,000 Americans lose their health insurance.

I cannot imagine what life is like without health insurance. There was a time in my life when I did not have it. It was scary. I was a brandnew married father, baby on the way, and no health insurance. It happened. We made it through with a lot of bills that we took years to pay off. That goes back a long time.

Currently, if you are without health insurance, you are one diagnosis or one accident away from being wiped out. So going after bringing the cost of health insurance down is our first priority, but the second is to make sure everybody has some basic form of health insurance.

We have to understand that those of us who have health insurance pay more for our health insurance because some 47 million Americans do not have it. They present themselves to the doctors and hospitals, and in this caring Nation, we treat them and their bills are then absorbed by a system that spreads them around for all of the rest of us to pay. It is about $1,000 a year. It is a hidden tax for families, $1,000 more each year on health insurance premiums to take care of the uninsured in our country.

So now we have a chance to bring the uninsured into coverage. By bringing them into coverage, we will not only give them peace of mind, make them part of the system, we will reduce that $1,000 hidden tax every family pays who has health insurance. So we have an opportunity to do something positive about health insurance.

For those who are following this debate closely, they probably heard this mentioned by others, but I want to make a point of it. There is an important article for people to read, and they can go online to find it. It is from the June 1st New Yorker magazine.

A man who is a surgeon in Boston, an Indian American, whose name is Dr. Atul Gawande, wrote an article about health care in America today. I will not go into detail about what he found, but it is an eye opener because he went to one of the most expensive cities in America when it comes to treating Medicare patients. It is McAllen, TX. He could not figure out why in McAllen, TX, they were spending about $15,000 a year for Medicare patients—dramatically more than other towns in Texas and around the country.

What he found, unfortunately, is that many of the doctors in that city were treating elderly patients by running up their charges, by ordering unnecessary tests, by ordering hospitalizations and things that were not being ordered in other cities. The reason is, there was a financial incentive. The more tests, the more procedures, the more hospitalizations they can charge to Medicare, the more the doctor was paid.

Well, Dr. Gawande went down and met with the doctors and confronted them with it. There was no other explanation. That was it.

Then he went to Mayo Clinic in Rochester, MN—a place I respect very much, a place that has treated my family and treated them well. He found out the cost for treating Medicare patients in Rochester, MN, is a fraction of what it is in McAllen, TX.

At the Mayo Clinic it is cheaper to treat a Medicare patient than it is in McAllen, TX. Why? Well, it turns out it is pretty basic. The doctors who are on the staff of the Mayo Clinic are paid a salary. They are not paid by the patient or by the procedure. So their interest is not in running up a big medical chart of tests. Their interest is getting that patient well, and doing it effectively. They do it with fewer procedures and less money spent and better results at the end of the day.

So now we have a choice in this health care debate: Do we want to continue the example of McAllen, TX, which is abusing the system, charging too much, and not giving good health care results, or do we want to move to a Mayo Clinic model, one that basically is much more efficient and effective, keeps people healthier, at lower cost? I hope the answer is obvious. It is to me. I would like to see us move toward incentives such as the Mayo Clinic system.

The President spoke to the American Medical Association in Chicago last week. It was a mixed review. They were very courteous to him. There were a few people dissatisfied with his remarks, but it is a free country. We can expect that. Some of those doctors in that room understand it is time for change and some of them do not. Some of them think change is going to be bad for them and bad for our country. But most of us understand if we work together in good faith, conscientiously, we can change this health care system for the better, reduce its costs, preserve our choice of doctors and hospitals, make certain quality is rewarded, and also make certain we cover those 46 or 47 million uninsured Americans and come up with a health care system that does not break the bank—not for families, not for businesses, and not for governments in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Ms. KLOBUCHAR. Mr. President, I will be joined on the floor today by some of my fellow women Senators to talk about the President's nominee for the Supreme Court. I will note that some of my colleagues on the other side of the aisle came to the floor yesterday to, as one news report described

it, ''kick off their campaign against her.'' So we wanted to take this opportunity to get the facts out to correct any misconceptions and to set the record straight.

The Supreme Court confirmation hearing for Judge Sotomayor will begin on July 13, but my consideration of her will not begin then. I began considering her the day she was announced because, as a member of the Judiciary Committee, I wish to learn as much as I can about President Obama's choice to fill one of the most important jobs in our country.

Even though there are many questions that will be asked and many areas we will want to focus on, I wish to speak today about how Judge Sotomayor appears to me based on my initial review. After meeting with her and learning about her, I am very positive about her nomination. Judge Sotomayor knows the Constitution, she knows the law, but she also knows America.

I know Americans have heard a lot about her background and long career as a judge. But it is very important for us to talk about what a solid nominee she is because we have to keep in mind that there have been accusations and misstatements, many made by people outside of this Chamber on TV and 24/7 cable. There have been misstatements.

It came to me a few weeks ago when I was in the airport in the Twin Cities in Minnesota. A guy came up to me on a tram in the airport and said: Hey, do you know how you are voting on that woman?

I said that I want to listen to her and see how she answers some of the questions.

He said: I am worried.

I said: Why? She is actually pretty moderate.

He said: She is always putting her emotions in front of the law.

I said: Do you know that when she is on a panel with three judges—which they often do on the circuit court where she sits now, and they have her and two other judges—95 percent of the time she comes to an agreement with the Republican-appointed judge on the panel? You must be thinking the same thing about those guys because you cannot just say that about her.

That incident made me think we really need to set the record straight here about the facts, that we should be ambassadors of truth and get out the truth about her record and the kind of judge we are looking for on the U.S. Supreme Court. We need to make sure she gets the same civil, fair treatment other nominees have been given.

Judge Sotomayor's story is a classic American story about what is possible in our country through hard work. She grew up, in her own words, in modest and challenging circumstances and worked hard for every single thing she got. Many of you know her story. Her dad died when she was 9 years old, and her mom supported her and her brother. Her mom was devoted to her children's education. In fact, her mom was so devoted to her and her brother's education that she actually saved every penny she could so that she could buy Encyclopedia Britannica for her kids. I remember when I was growing up that the Encyclopedia Britannica had a hallowed place in the hallway. I now show my daughter, who is 14, these encyclopedias from the 1960s, and she doesn't seem very interested in them. They meant a lot to our family and also to Judge Sotomayor.

Judge Sotomayor graduated from Princeton summa cum laude and Phi Beta Kappa, and she was one of two people to win the highest award Princeton gives to undergraduates. She went on to Yale Law School, which launched her three-decades-long career in the law. So when commentators have questions about whether she is smart enough—you cannot make up Phi Beta Kappa. You cannot make up that you have these high awards. These are facts.

Since graduating, the judge has had a varied and interesting legal career. She has worked as a private sector civil litigator, she has been a district court and an appellate court judge, and she taught law school.

The one experience of hers that particularly resonates for me is that, immediately graduating from law school, she spent 5 years as a prosecutor at the Manhattan district attorney's office, which was one of the busiest and most well thought of prosecutor's offices in our country. At the time, it paid about half as much as a job in the private sector, but she wanted the challenge and trial experience, she told me when we met, and she took the job as a prosecutor. Before I entered the Senate, I was a prosecutor. I managed an office of about 400 people in Minnesota, which was the biggest prosecutor's office in our State. So I was very interested in this experience we had in common.

One of the things that I learned and that I quickly learned that she understood based on our discussions is that, as a prosecutor, the law is not just some dusty book in your basement. After you have interacted with victims of crime, after you have seen the damage crime can do to a community, the havoc it can wreak, after you have interacted with defendants who are going to prison and you have seen their families sitting in the courtroom, you know the law is not just an abstract subject; you see that the law has a real impact on real people.

As a prosecutor, you don't just have to know the law, you have to know people, you have to know human nature. Sonia Sotomayor's former supervisor said that she was an imposing and commanding figure in the courtroom who would weave together a complex set of facts, enforce the law, and never lose sight of whom she was fighting for. Of course, she was fighting for the people in those neighborhoods, the victims of crime. Judge Sotomayor's experience as a prosecutor tells me she meets one of my criteria for a Supreme Court nominee: She is someone who deeply appreciates the power and impact that laws have and that the criminal justice system has on real people's lives. From her first day at that Manhattan district attorney's office, Judge Sotomayor learned that the law is not just an abstraction.

In addition to her work as a prosecutor, I have also learned a lot about Judge Sotomayor from her long record as a judge. She has been a judge for 17 years—11 years as an appellate judge and 6 years as a trial judge. President George H.W. Bush—the first President Bush—gave her the first job she had as a Federal judge. She was nominated by a Republican President. The job was to be a district judge in the Southern District of New York. Her nomination to the Southern District was enthusiastically supported by both New York Senators, Democratic Senator Daniel Patrick Moynihan and Republican Senator Alfonse D'Amato.

If you watch TV or read newspapers or blogs, you know that Judge Sotomayor has been called some names. It always happens in these Supreme Court nominations—the nominees are called names by talking heads on TV and on the radio. In most cases, these commentators may have read a case or two of hers or, even worse, a speech and took a sentence or so out of context, and they have decided they are entitled to make a sweeping judgment about her judicial fitness based on a few words taken out of context.

I think just about everything in a nominee's professional record is fair game to consider. After all, we are obligated to determine whether to confirm someone to an incredibly important position with lifetime tenure. That is a constitutional duty I take very seriously. But that said, when people get upset about a few items and a few speeches a judge has given, I have to wonder, do a few statements someone made in public, for which they said they could have used different words, do those trump 17 years of modest, reasoned, careful judicial decisionmaking? I don't think so.

If we want to know what kind of a Justice she will be, isn't our best evidence to look at the type of judge she has already been? Here are the facts. As a trial judge, Sonia Sotomayor presided over roughly 450 cases on the Second Circuit and participated in more than 3,000 panel decisions. She has authored more than 200 appellate opinions. In cases where she and at least one Republican-appointed judge sat on a three-judge panel, she and the Republican-appointed judge agreed 95 percent

of the time, as I mentioned. The Supreme Court has only reviewed five cases where she authored the decision and affirmed the decision below in two of them. The vast majority of her cases have not been in any way overturned or reversed by a higher court.

It is worth noting that this nominee, if confirmed, would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years.

With that, I see one of my colleagues, the Senator from New Hampshire. We will have a number of women Senators here today. I will come back and finish my remarks sometime in the next half hour. I think it is very important that Senator SHAHEEN, the Senator from New Hampshire, be able to say a few words about the nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am delighted to be here this afternoon to join my friend and colleague from the State of Minnesota, Senator KLOBUCHAR, in supporting the nomination of Judge Sonia Sotomayor to be a Justice of the Supreme Court.

Everyone in New Hampshire was very proud 19 years ago when former President George Bush nominated New Hampshire's own David Souter as an Associate Justice of the Supreme Court. Every action Justice Souter has taken since he began service to our Nation's highest Court has only reinforced that pride. So when Justice Souter announced in early May that he intended to retire at the end of his term and return home to New Hampshire, I took particular interest in whom President Obama would select to fill David Souter's seat.

I believe the President has made a thoughtful and outstanding choice in nominating Judge Sonia Sotomayor.

Judge Sotomayor has had a distinguished career as a Federal judge. As has been widely noted, if confirmed, she would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years. Today, David Souter is the only member of the Supreme Court with prior experience as a trial court judge. Sonia Sotomayor, too, would be the only Justice with experience as a trial court judge. I happen to agree with Senator KLOBUCHAR. I think it is important that at least one of the nine Supreme Court Justices have that experience. It is trial judges, after all, who day-in and day-out must apply the legal principles enunciated in Supreme Court opinions.

Judge Sotomayor also served 5 years as a local prosecutor and practiced law for 7 years as a trial attorney with a law firm. Judge Sotomayor, because of her experience, will be ever mindful of the need to provide those in the courtroom with clear and practical decisions. More important, she will understand how Supreme Court opinions affect real human beings.

As a trial judge, every day Judge Sotomayor directly faced innocent victims of crime, vicious perpetrators of crime, and occasionally the wrongfully accused. She directly faced injured parties seeking civil redress and civil defendants who may have made honest mistakes. She had to answer: What is the right verdict? What is the right length of incarceration? What is the right level of damages? These are not easy decisions. I know that because my husband was a State trial court judge for 16 years. Trial court judges must be able to live with the justice they mete out. To do it well, it takes more than an understanding of the law, it takes an understanding of people. Judge Sotomayor has a great understanding of both.

I had the pleasure of meeting with Sonia Sotomayor the day she fractured her ankle. I said to her as she came into my office: Boy, you are tough. She said: I grew up in the Bronx; we had to be tough. She handled that painful injury with grace and humor. She has a first-rate temperament and also a first-rate intellect. After growing up in a public housing project in the South Bronx, she excelled at both Princeton and Yale Law School.

I believe Judge Sonia Sotomayor is an excellent choice to replace David Souter as a Supreme Court Justice. She deserves a fair and a thorough hearing without delay. I look forward to that hearing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague, Senator SHAHEEN, for her remarks and for her reminiscence of meeting with the judge and once again the judge showing how she perseveres in the face of adversity.

I wish to talk a little bit more—I was ending my last comments talking about how, in fact, this nominee would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years. I had earlier noted my exchange with someone in an airport, where he wondered if she was worthy of this, if she was able to apply the facts, apply the law.

Clearly, when you look at this experience she brings and you compare it to any of these other nominees on the Supreme Court, she stands out. She stands out not only because of her unique background, as she overcame obstacles to get here, but she stands out as to her experience, all those years as a prosecutor, all those years as a Federal judge. That makes a difference.

I wish to address one other point that has been made about Judge Sonia Sotomayor in her capacity as a judge. It is something Senator SHAHEEN mentioned, this temperament issue. There have been some stories and comments, mostly anonymous, I note, that question Judge Sotomayor's judicial temperament. According to one news story about this topic, Judge Sotomayor developed a reputation for asking tough questions at oral arguments and for being sometimes brusque and curt with lawyers who were not prepared to answer them. So she was a little curt, one anonymous source said. Where I come from, asking tough questions and having very little patience for unprepared lawyers is the very definition of being a judge. I cannot tell you how many times I have seen judges get very impatient with lawyers who were not prepared and who did not know the answer to a question. As a lawyer, you owe it to the bench and to your clients to be as well prepared as you possibly can be.

As Nina Totenberg said on National Public Radio, if Sonia Sotomayor sometimes dominates oral arguments at her court, if she is feisty, even pushy, then she would fit right in on the U.S. Supreme Court.

I would add this to that comment. Surely, we have come to a time in this country where we can confirm as many gruff, to-the-point female judges as we have confirmed gruff, to-the-point male judges. Think how far we have come with this nominee.

When Sandra Day O'Connor graduated from law school 50-plus years ago, the only offer she received from a law firm was for a position as a legal secretary. She had this great background, a very impressive background, and yet the only offer she received was as a legal secretary.

Judge Ginsburg, who now sits on the Court, faced similar obstacles. When she entered Harvard in the 1950s, she was only 1 of 9 women in a class of more than 500. One professor actually asked her to justify taking a place that would have gone to a man in that class in Harvard. Mr. President, 9 women, 500 spots, and someone actually asked her to justify the fact that she was there. I suppose she could justify it now, saying she is now on the U.S. Supreme Court. Later Justice Ginsburg was passed over for a prestigious clerkship despite her impressive credentials.

Looking at Judge Sotomayor's long record as a lawyer, a prosecutor, and a judge, you can see we have come a long way.

She was confirmed by this Senate for the district court. She was nominated at that point by the first President Bush.

She was confirmed by this Senate for the Second Circuit, and she now faces a confirmation hearing before our Judiciary Committee and confirmation, again, for a position with the U.S. Supreme Court.

I will tell you this, after learning about Judge Sotomayor, her background, her legal career, her judicial record, similar to so many of my colleagues, I am very impressed. To use

President Obama's words, I hope Judge Sotomayor will bring to her nomination hearing and to the Supreme Court, if she is confirmed, not only the knowledge and the experience acquired over the course of a brilliant legal career but the wisdom accumulated from an inspiring life's journey.

Actually today, Justice O'Connor was on the ''Today Show.'' She was asked about her work on the Court and what it was like. She was actually asked about Judge Sotomayor. She was asked: When you retired, you let it be known you would like a woman to replace you and you were sort of disappointed when a woman didn't replace you. So what is your reaction to Judge Sotomayor's nomination?

Justice O'Connor said: Of course, I am pleased that we will have another woman on the Court. I do think it is important not to just have one. Our nearest neighbor, Canada, also has a court of nine members and in Canada there is a woman chief justice and there are four women all told on the Canadian court.

Then she was asked: Do you think there is a right number of women who should be on the Court?

Justice O'Connor, this morning, said: No, of course not.

But then she pointed out: But about half of law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers and they ought to be represented on the Court.

She was also asked later in the interview about opponents of Judge Sotomayor who have brought up this term ''activist judge.''

She was asked: I know that is a term you have railed against in the past. What is it about the term that you object to?

She answered: I don't think the public understands what is meant by it. It is thrown around by many in the political field, and I think that probably for most users of the term, they are distinguishing between the role of a legislator and a judge, and they say a judge should not legislate. The problem, of course, Justice O'Connor says, is at the appellate level, the Supreme Court is at the top of the appellate level. Rulings of the Court do become binding law. So it is a little hard to talk in terms of who is an activist.

I, again, ask people to look at Judge Sotomayor's opinions. When I talked with her about this, she talked about how she uses a set formula, laying out the facts, laying out the law, showing how the law applies to the facts, and then reaching a decision.

We can also look at her record where, in fact, when she was on a three-judge panel with two other judges, when you look at her record of what she agreed with judges who had been appointed by a Republican President, 95 percent of the time they reached the same decision. So unless you believe those Republican-appointed judges are somehow activist judges, then I guess you would say she is an activist judge. But I think when you look at her whole record, you see someone who is moderate, sometimes coming down on one side and sometimes coming down on another.

I can tell you, as a former prosecutor, I did not always just look at whether I agreed with the judge if I was trying to figure out if someone would be a good judge. I would look at whether they applied the laws to the facts, whether they were fair. Sometimes our prosecutor's office would not agree with a judge's decision. We would argue vehemently for a different decision. In the end, when we evaluated these judges, when we decided whether we thought they were a fair person to have on a case, we looked at that whole experience, we looked at that whole experience to make a decision about whether this was a judge who could be fair.

That is what I think when you look at her record—and I am looking very much to her hearing, where we are going to explore a number of these cases—again, colleagues on one side of the aisle will agree with one case or disagree with another, and the other side of the aisle would have made a decision one way or the other.

You have to look at her record as a whole. When you look at her record, you will see someone of experience, someone thoughtful, someone who makes a decision based on the facts and based on the law.

I am very much looking forward to these hearings. I know that some of my colleagues are coming to the Chamber as we speak. I am looking forward to their arrival as we become, as I said, ambassadors of truth to get these facts out as so many things have been bandied about in names and other things that get into people's heads. I think it important for all those watching C–SPAN right now and for all of those who are in the galleries today, that people take these facts away with them—the facts of her experience, that in over 100 years of judicial experience, when you look back 100 years, she has more experience on the bench than any of the Justices who were nominated. You have to go back 100 years to find someone with that much experience. You look at that work she has done as a prosecutor, you look at the work she has done throughout her whole life, where she basically came from nothing, worked her way up, got into a good college, got into a good law school, did it on her own, with maybe a little help from her mom who bought the ''Encyclopedia Britannica.''

As I said at the beginning, this is a nominee who not only understands the law, understands the Constitution but also understands America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am pleased that my colleague from Louisiana, Senator LANDRIEU, who has spoken many times in the past about the importance of fair judges and strong judges, is here today to discuss this nominee.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague for her passionate remarks about this particular nominee. I am happy to join many of my colleagues in supporting a woman I consider to be an extraordinarily accomplished woman, and I commend President Obama for his selection.

As the Senate Judiciary Committee prepares for its confirmation hearing, I wished to come to the floor to express my strong support for this nominee. As we all know, the Supreme Court serves as the highest tribunal in the Nation. As the final arbitrator of our laws, the Supreme Court Justices are charged with ensuring the American people achieve the promise of equal justice under our law and serving as interpreters of our Constitution. It is a very important charge.

It is our duty as Senators to ensure that the members of this High Court, which we are asked to confirm, serve as impartial, fairminded Justices who apply our laws, not merely their ideology. The American people deserve no less.

A number of my colleagues have expressed concerns regarding this nominee. Those are not concerns I share. Having reviewed her resume, her academic credentials, having reviewed her time on the bench on the Second Circuit, as well as in a trial capacity, she has an expansive judicial record, and I think that provides evidence of the kind of Justice she will be on the Supreme Court.

She has been described as a ''fearless and effective prosecutor.'' She has served for 6 years as a trial judge in New York, as I said, on the Federal district court, and 11 years on the circuit court of appeals. So she has been in the courtroom on both sides of the bench representing a variety of clients, and she has written extensively. I think that record reflects the kind of balance, fairminded, intellectual rigor we are looking for.

Talking about Democratic and Republican Parties, she has been appointed by both a Democratic administration and a Republican administration. So clearly there were some things that were seen in her and her service

by President George Bush as well as President Bill Clinton.

She has participated in over 3,000 decisions. She has written over 400 signed opinions on the Second Circuit. If confirmed, Judge Sotomayor would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years. That is a very strong and powerful statement, and I think a compelling statement, to the Members of this body.

I had, as many of us have, the opportunity to meet with Judge Sotomayor in my office earlier this month. In addition to having an impressive professional resume, her personal journey as a young woman from a struggling, very middle-class background from the Bronx also captured my attention. She came up the hard way, with a lot of hard knocks but with a loving and supportive family around her to lead her and guide her. Tutors and teachers saw in this young girl a tremendous amount of promise and potential, and she has most certainly lived up to the promise her mother and grandmother and others saw in her at a young age.

I believe she is the kind of person who will bring not only extraordinary intellect and character and credibility but a tremendous breadth of experience that will be very helpful in dealing with the issues the Court has before it today and will in the near future. She has not only been a champion in many ways, but her life has been an inspiration to all Americans, proving that with determination and hard work anything is possible.

Finally, it goes without saying that she is a historic choice that will bring a wealth of experience and added diversity to the Nation's highest Court. When confirmed, she will become only the third woman to serve on the Nation's highest court and the first Hispanic Justice in the history of the United States. This is truly a remarkable turning point. I wish she could receive, because of her outstanding resume—not just because of her gender and background and culture. I believe her resume should garner the support of a broad range of Members of this body. Hopefully, that is the way it will come out in the final vote. She most certainly, from my review, deserves our support, and I look forward to doing what I can to process her nomination as it is debated by the full Senate.

I thank my colleague from Minnesota, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I thank my colleague Senator LANDRIEU for her very kind and thoughtful remarks about the nominee.

We are now joined by the Senator from Missouri, Senator MCCASKILL, who as a former prosecutor I am sure will shed some light on the subject.

I also thank the Senator from Kansas for allowing us to take an additional 5 minutes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank my friend, the Senator from Minnesota, for helping to get us organized this afternoon to spend a little time talking about an outstanding Federal judge.

I also thank my colleague from Kansas for giving us a few minutes to make these remarks.

I will confess that I wasn't familiar with Judge Sotomayor before she was nominated. I started looking at her resume, and there are so many things in her resume that are, frankly, amazing that you can get distracted by—where she went to school, where she got her law degree, and the fact that she has been at several levels of the Federal bench; and also, of course, that she had a very big job with complex litigation in a law firm. But the part of her resume that spoke to me was her time as an assistant district attorney in New York.

I don't know that most Americans truly understand the difference between a State prosecuting attorney and a Federal prosecuting attorney. Those of us who have spent time in the State courtrooms like to explain that we are the ones who answer the 911 calls. When you are a State prosecutor, you don't get to pick which cases you try. You try all of the cases. When you are a State prosecutor, you don't have the luxury of a large investigative staff or maybe a very light caseload. It would be unheard of for a Federal prosecutor to have a caseload of 100 felonies at any given time, but that is the caseload Judge Sotomayor handled as an assistant district attorney during her time in the District Attorney's Office in New York.

When she came to the prosecutor's office, ironically it was almost exactly the same year I came to the prosecutor's office as a young woman out of law school. I was in Kansas City; she was in New York. I know what the environment is in these prosecutors' offices. There are a lot of aggressive type A personalities, and it is very difficult to begin to handle serious felony cases because everybody wants to handle the serious felony cases. In only 6 months, Judge Sotomayor was promoted to handle serious felony cases in the courtroom. She prosecuted every type of crime imaginable, including the most serious crimes that are committed in our country.

She had many famous cases. One was the Tarzan murderer, where she joined law enforcement officers in scouring dangerous drug houses for evidence and witnesses. After a month of trial, she convicted Richard Maddicks on three different murders and he was sentenced to 67 years to life in prison.

A New York detective had a hard time finding a New York prosecutor willing to take his child pornography case. Judge Sotomayor stepped up, winning convictions against two men for distributing films depicting children engaged in pornographic activities. These were the first child pornography convictions after the Supreme Court had upheld New York's law that barred the sale of sexually explicit films using children.

After her time as a prosecutor, she eventually became a trial judge. A trial judge is an unusual kind of experience for a Supreme Court Justice. But keep in mind what the Supreme Court Justices do: They look at the record of the trial. They are trying to pass on matters of law that emanate from the courtroom. What a wonderful nominee we have, one who has not only stood at the bar as a prosecutor but also sat on the bench ruling on matters of evidence, ruling on matters of law. I am proud of the fact that she has this experience. If she is confirmed, or when she is confirmed, she will be the only Supreme Court Justice with that trial judge experience, because she is replacing the only Supreme Court Justice with that experience—Judge Souter.

This is a meat-and-potatoes moderate judge. This is a judge who has agreed with Republicans on her panels 95 percent of the time. This is a judge who has the kind of experience that will allow her to make knowing and wise decisions on the most important matters that come in front of our courts in this country.

We have a ''gotcha'' mentality around here. We all engage in it at one time or another. It is gotcha, gotcha, gotcha. It is an outgrowth of the political system of this grand and glorious democracy we all participate in. It is not my favorite part, but it is real. Justice Sotomayor will become a Supreme Court Justice, after having gone through a gotcha process. We are going to hear a lot of gotchas over the coming weeks. But at the end of the day, this is a smart, proud woman who has fought her way through a system against tremendous odds to show that she has integrity, grit, intellect, and the ability to pass judgment in the most difficult intellectual challenges that face a Supreme Court Justice.

I am proud to support her nomination, and I look forward to the day—and I am confident that the day will come—she will take her place on the highest Court in the land.

Mr. President, I again thank the Senator from Kansas for his indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, again I thank the Senator from Kansas, and also Senator MCCASKILL, Senator SHAHEEN, and Senator LANDRIEU,

who spoke today. I also know that Senators GILLIBRAND, FEINSTEIN, MIKULSKI, BOXER, and MURRAY will be speaking, or may have already and will be in the next few weeks on this nominee, as will many of my colleagues.

I appreciate this time, Mr. President. We are very excited about this upcoming hearing, and we are glad to be here as ambassadors for the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I believe under a previous agreement I have time allotted at the present time; is that correct, if I could inquire of the Chair.

The PRESIDING OFFICER. The Senator may be recognized under cloture.

Mr. BROWNBACK. Mr. President, I rise today to discuss the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court. I had the opportunity to meet with Judge Sotomayor 2 weeks ago. I was in the Senate when she was previously before this body on the Second Circuit Court nomination, and I appreciated the chance to meet with her recently.

I have also appreciated the chance to review her record in depth and also to hear my colleagues speak about Judge Sotomayor, because it represents the distinction that I think is very important to note here. My colleague from Missouri just spoke, and she was talking about the wonderful qualifications of Judge Sotomayor and the candidate's background and experiences that she brings. She has a very interesting, a very American story to tell of her background. It is a compelling story. She is the daughter of immigrants who overcame diversity to go to two of the Nation's best universities. I admire that, and I admire the things they pointed out in their presentation of her background and what she has done. I think those are all admirable characteristics.

But what we are doing here is picking somebody to be on the U.S. Supreme Court, and what their judicial philosophy is that they will take with them. It isn't all just about the background or the experience. It is about the judicial philosophy that comes forward, and that is what my colleagues didn't discuss. So that is what I want to discuss here this afternoon.

I have had the chance to review Judge Sotomayor's records. In 1998, the Senate voted to promote Judge Sotomayor to the appellate court. I voted against her at that time because I was concerned not about her background, not about her qualifications, but I was concerned that she embraced an activist judicial philosophy. That is what I want to talk about today, because that is what we are deciding when we put somebody on the Supreme Court—what is the judicial philosophy this person carries with them.

It is not necessarily about their own background or their qualifications. Those are important to review, but at the heart is what is the judicial philosophy. Is this a person who supports an activist judiciary getting into many areas in which the American public doesn't think they should go into or is it a person who believes in more of a strict constructionist view, that the Court is there to be an umpire and not an active player in policy development? Are they an umpire who calls the balls and strikes, and not how do we do law; how do we rewrite what is here?

I think the Court loses its lustre when it gets into becoming an active player in policy development instead of being a strict umpire of policy development. Unfortunately, what I saw in Judge Sotomayor in 1998 was somebody who embraced an activist judicial philosophy. During a 1996 speech at Suffolk University Law School 2 years before the Senate voted on her nomination to the Second Circuit, Judge Sotomayor said:

> The law that lawyers practice and judges declare is not a definitive capital ''L'' law that many would like to think exists.

Translated, that is to say the law is not set. It is mobile, as moved by judges, not by legislatures. This is not the rule of law. This is the rule from the bench. This is the rule of man, and it makes our law unpredictable. That is not good for a society like ours which is based on the rule of law, not the rule by a person.

Any nominee to the Federal bench, and especially to the U.S. Supreme Court, must have a proper understanding and respect for the role of the Court—for the role they would assume. The Court must faithfully hold to the text of the Constitution and the intent of the Founders, not try to rewrite it based on ever changing cultural views. This is at the heart of what a judge does.

Democracy, I believe, is wounded when Justices on the high Court, who are unelected, invent constitutional rights and alter the balance of governmental powers in ways that find no support in the text, the structure, or the history of the Constitution. Unfortunately, in recent years, the courts have assumed a more aggressive political role. In many cases, the courts have allowed the left in this country to achieve through court mandates what it cannot persuade the people to enact through the legislative process. The Constitution contemplates that the Federal courts will exercise limited jurisdiction. They should neither write nor execute the law.

This is very basic in our law and goes back to the very Founders. As Chief Justice John Marshall said in his famous 1803 case, Marbury v. Madison, that every law student has studied at length, the role of the court is simple. It is to ''say what the law is.'' It is not to write the law. It is not to rewrite the law. It is to ''say what the law is,'' what did the legislature pass, when it needs interpretation. It is not about writing it. It is not about the mobility, that the law isn't with a capital ''l,'' and we can move it here based on these factors that we think are different with the cultural environment and we may have to move it over here in 10 years because the environment has changed and the law changes with it.

If the law changes, it is by legislatures. It is not by the court. That is why Marbury v. Madison said the law is to ''say what the law is,'' not to rewrite it.

In Federalist 78, Alexander Hamilton wrote this—law students study this as well:

> Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatsoever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

The court is to have judgment. A judge is to have judgment, not write the law.

In Hamilton's view, judges could be trusted with power because they would not resolve divisive social issues—that is for the legislature to do—short-circuit the political process, or invent rights which have no basis in the text of the Constitution.

I have long believed the judicial branch preserves its legitimacy with the public and has its strength with the public through refraining from action on political questions. This concept was perhaps best expressed by Justice Felix Frankfurter, a steadfast Democrat appointed by President Franklin Delano Roosevelt. Justice Frankfurter said this:

> Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their judgment is best informed, and therefore most dependable, within narrow limits. Their essential quality is detachment, founded on independence. History teaches that the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility in choosing between competing political, economic and social pressures. Primary responsibility for adjusting the interests which compete in the situation before us of necessity belongs to the Congress.

That is to quote Justice Frankfurter.

I recall a private meeting I had with then-Judge Roberts, before assuming the position of Chief Justice, when he had been nominated to be Chief Justice—a wonderful Justice on the Supreme Court who then-Senator Obama voted against. Senator Obama voted against the confirmation of John Roberts, voted against the confirmation of Samuel Alito to the Supreme Court based, I believe, primarily on judicial philosophy because they believed in strict constructionism; that a court was to be a court and not a legislative body. Then-Senator Obama voted against both John Roberts and against Samuel Alito.

In my meeting with Judge Roberts, he talked about baseball and about the courts and his analogy to baseball. He gave a great analogy, I thought, when he said:

> It is a bad thing when the umpire is the most watched person on the field.

Imagine that, watching a baseball game and the thing you are watching the most is the umpire because the umpire is both umpire and a player. How confusing, how difficult, and what a wrong way to have a game. He, of course, Judge Roberts, was alluding to the current situation in American governance where the legislature can pass a law, the executive sign it, but everybody waits, holding their breath to see what the courts will do with it.

Unfortunately, Judge Sotomayor seems to me far too interested in being both an umpire and active player. Prior to becoming a Federal judge, Sonia Sotomayor spent more than a decade on the board of directors of the Puerto Rican Legal Defense and Education Fund. A September 25, 1992, article in the New York Times referred to Judge Sotomayor as ''a top policy maker'' on the group's board.

In 1998, the group brought suit against the New York City Police Department, claiming that a promotion exam was discriminatory because the results gave a disproportionate number of promotions to White police officers. As a judge on the appellate court, Judge Sotomayor was involved in a nearly identical case, Ricci v. Destefano, involving a group of White firefighters seeking promotion in New Haven, CT. City officials in New Haven decided to void the results of the exam because it had a disparate impact on minorities. Judge Sotomayor agreed with the city's decision, and we are now waiting on a ruling from the Supreme Court.

Sotomayor's work as an activist challenging the New York Police Department's test results in 1998 is evidence that she may have allowed personal biases to guide her decision to rule against New Haven firefighters. I hope we can find out more in her confirmation interviews and in her hearings. But I am also troubled by the number of amicus briefs filed by the fund in support of what are radical positions on pro-abortion issues during the time Sotomayor was on this same board.

Six briefs were filed taking positions outside of the mainstream in support of abortion rights in prominent cases such as in Webster v. Reproductive Health Services or in Ohio v. Akron Center for Reproductive Health. In that Ohio v. Akron case, the Court upheld Ohio's parental consent laws. These are laws that say, before a minor can have an abortion, they must have parental consent.

Joining the majority opinion were moderate Justice Sandra Day O'Connor and liberal Justice John Paul Stevens. Yet the group that Judge Sotomayor was associated with filed a brief opposing this parental notification law, saying ''any efforts to overturn or in any way to restrict the rights in Roe v. Wade,'' they opposed any restriction, even allowing parents of a minor child to have parental notification that their child was going to go through this major medical procedure. She took a stand opposed to that parental right that most of the American public, 75 percent of the American public supports; that parental right of that notification. She opposed it.

According to the New York Times:

> The board monitored all litigation undertaken by the fund's lawyers, and a number of those lawyers said Ms. Sotomayor was an involved and ardent supporter of their various legal efforts during her time with the group.

I am also deeply concerned that Judge Sotomayor will bring this radical agenda to the Court.

Judge Sotomayor has given speeches and written articles promoting judicial activism. The President who appointed her said judges should have ''the empathy to recognize what it's like to be a young teenage mom; the empathy to understand what it is like to be poor or African-American or gay or disabled or old,'' and that difficult cases should be decided by ''what is in the Justice's heart.''

While I think it is admirable to have empathy, a Justice and a person who sits on the bench is to decide this based on the law. That is what they are to decide it upon, not an interpretation or rewriting of the law.

The President's view of the role of a Judge on the Court is not shared by Justices Marshall or Frankfurter, nor is it the view of Hamilton and the drafters of the Constitution.

The oath that all Supreme Court Justices take says:

> I will administer justice without respect to persons, and do equal right to the poor and to the rich.

That is the oath they take. The Justice is to be blind and just to hear the case and decide it based on the facts and what the law is and say what the law says, not what they wish it to be nor what is in their heart. It is to be blind and it is to hold these and to weigh these equally and fairly to determine the truth and to determine the outcome in the case.

The President is asking his nominees to ignore, in essence, their oath. I fear Justice Sotomayor is all too eager to comply.

In her writings, Judge Sotomayor has rejected the principle of impartiality and embraces a rather novel idea that a Judge's personal life story should come into play in the courtroom. In a 2001 speech at the UC Berkeley Law School, which was later published, Judge Sotomayor dismissed the idea that ''judges may transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law,'' by saying that ''ignoring our differences as women or men of color we do a disservice both to the law and society.''

I am not sure why Judge Sotomayor believes the law is somehow different when interpreted by people of a different gender, but I think Judge Sotomayor is absolutely wrong and we do a disservice to law and society when we don't transcend our personal sympathies and prejudices and base our decisions upon the facts and the law.

Judge Sotomayor's view is contrary to the words engraved upon the Supreme Court's entrance which state ''equal justice under law.''

In the same 2001 speech, Judge Sotomayor made the following astonishing statement:

> Personal experiences affect the facts judges choose to see. . . . I simply do not know what the difference will be in my judging. But I accept there will be some.

When Judge Sotomayor says that ''personal experiences affect the facts judges choose to see,'' does that mean she is willing to ignore other facts? Is justice blind or is it actually interpreting and seeing which facts to pick and which facts not to pick?

The role of judges is to examine all the facts of a particular case, not solely the facts that deliver a desired outcome or solely the facts that the judge can relate to based on his or her personal biography. It is dangerous for this body to consent to elevating a judge who believes that justice equates with picking winners and losers based upon his or her own personal biases. That is not judging.

I hope my colleagues understand this 2001 speech at Berkeley was not an isolated incident. In a 1994 speech, Judge Sotomayor used language nearly identical to that of the 2001 speech, saying judges should not ignore their differences as women and people of color and to do so would be a disservice to the law and society. In 1994, Judge Sotomayor discussed the impact that more women on the bench will have on the ''development of the law.''

''Development,'' like this is about the writing of the law. If that is the case, that is done by the Congress not by the courts. Judges do not make law, and under no circumstances should they be under the impression they do.

Judge Sotomayor sees judges as lawmakers, as both umpire and player. In the 2005 appearance at Duke Law School, she said: ''The court of appeals is where policy is made.''

I wonder how Alexander Hamilton would respond. I think he would wholly disagree with that interpretation. Unfortunately, Judge Sotomayor's writings and statements lead me to believe that she is a proponent, a clear proponent, of an activist judiciary. I cannot support her nomination. I will vote no when it comes before the full Senate.

I ask unanimous consent that her speech in the Berkeley La Raza Law Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Berkeley La Raza Law Journal, 2002]

RAISING THE BAR: LATINO AND LATINA PRESENCE IN THE JUDICIARY AND THE STRUGGLE FOR REPRESENTATION

Judge Reynoso, thank you for that lovely introduction. I am humbled to be speaking behind a man who has contributed so much to the Hispanic community. I am also grateful to have such kind words said about me.

I am delighted to be here. It is nice to escape my hometown for just a little bit. It is also nice to say hello to old friends who are in the audience, to rekindle contact with old acquaintances and to make new friends among those of you in the audience. It is particularly heart warming to me to be attending a conference to which I was invited by a Latina law school friend, Rachel Moran, who is now an accomplished and widely respected legal scholar. I warn Latinos in this room: Latinas are making a lot of progress in the old-boy network.

I am also deeply honored to have been asked to deliver the annual Judge Mario G. Olmos lecture. I am joining a remarkable group of prior speakers who have given this lecture. I hope what I speak about today continues to promote the legacy of that man whose commitment to public service and abiding dedication to promoting equality and justice for all people inspired this memorial lecture and the conference that will follow. I thank Judge Olmos' widow Mary Louise's family, her son and the judge's many friends for hosting me. And for the privilege you have bestowed on me in honoring the memory of a very special person. If I and the many people of this conference can accomplish a fraction of what Judge Olmos did in his short but extraordinary life we and our respective communities will be infinitely better.

I intend tonight to touch upon the themes that this conference will be discussing this weekend and to talk to you about my Latina identity, where it came from, and the influence I perceive it has on my presence on the bench.

Who am I. I am a ''Newyorkrican.'' For those of you on the West Coast who do not know what that term means: I am a born and bred New Yorker of Puerto Rican-born parents who came to the states during World War II.

Like many other immigrants to this great land, my parents came because of poverty and to attempt to find and secure a better life for themselves and the family that they hoped to have. They largely succeeded. For that, my brother and I are very grateful. The story of that success is what made me and what makes me the Latina that I am. The Latina side of my identity was forged and closely nurtured by my family through our shared experiences and traditions.

For me, a very special part of my being Latina is the mucho platos de arroz, gandoles y pernir—rice, beans and pork—that I have eaten at countless family holidays and special events. My Latina identity also includes, because of my particularly adventurous taste buds, morcilla,—pig intestines, patitas de cerdo con garbanzo—pigs' feet with beans, and la lengua y orejas de cuchifrito, pigs' tongue and ears. I bet the Mexican-Americans in this room are thinking that Puerto Ricans have unusual food tastes. Some of us, like me, do. Part of my Latina identity is the sound of merengue at all our family parties and the heart wrenching Spanish love songs that we enjoy. It is the memory of Saturday afternoon at the movies with my aunt and cousins watching Cantinflas, who is not Puerto Rican, but who was an icon Spanish comedian on par with Abbot and Costello of my generation. My Latina soul was nourished as I visited and played at my grandmother's house with my cousins and extended family. They were my friends as I grew up. Being a Latina child was watching the adults playing dominos on Saturday night and us kids playing lotería, bingo, with my grandmother calling out the numbers which we marked on our cards with chick peas.

Now, does any one of these things make me a Latina? Obviously not because each of our Carribean and Latin American communities has their own unique food and different traditions at the holidays. I only learned about tacos in college from my Mexican-American roommate. Being a Latina in America also does not mean speaking Spanish. I happen to speak it fairly well. But my brother, only three years younger, like too many of us educated here, barely speaks it. Most of us born and bred here, speak it very poorly.

If I had pursued my career in my undergraduate history major, I would likely. provide you with a very academic description of what being a Latino or Latina means. For example, I could define Latinos as those peoples and cultures populated or colonized by Spain who maintained or adopted Spanish or Spanish Creole as their language of communication. You can tell that I have been very well educated. That antiseptic description however, does not really explain the appeal of morcilla—pig's intestine—to an American born child. It does not provide an adequate explanation of why individuals like us, many of whom are born in this completely different American culture, still identify so strongly with those communities in which our parents were born and raised.

America has a deeply confused image of itself that is in perpetual tension. We are a nation that takes pride in our ethnic diversity, recognizing its importance in shaping our society and in adding richness to its existence. Yet, we simultaneously insist that we can and must function and live in a race and color-blind way that ignore these very differences that in other contexts we laud. That tension between ''the melting pot and the salad bowl''—a recently popular metaphor used to described New York's diversity—is being hotly debated today in national discussions about affirmative action. Many of us struggle with this tension and attempt to maintain and promote our cultural and ethnic identities in a society that is often ambivalent about how to deal with its differences. In this time of great debate we must remember that it is not political struggles that create a Latino or Latina identity. I became a Latina by the way I love and the way I live my life. My family showed me by their example how wonderful and vibrant life is and how wonderful and magical it is to have a Latina soul. They taught me to love being a Puerto Riqueña and to love America and value its lesson that great things could be achieved if one works hard for it. But achieving success here is no easy accomplishment for Latinos or Latinas, and although that struggle did not and does not create a Latina identity, it does inspire how I live my life.

I was born in the year 1954. That year was the fateful year in which Brown v. Board of Education was decided. When I was eight, in 1961, the first Latino, the wonderful Judge Reynaldo Garza, was appointed to the federal bench, an event we are celebrating at this conference. When I finished law school in 1979, there were no women judges on the Supreme Court or on the highest court of my home state, New York. There was then only one Afro-American Supreme Court Justice and then and now no Latino or Latina justices on our highest court. Now in the last twenty plus years of my professional life, I have seen a quantum leap in the representation of women and Latinos in the legal profession and particularly in the judiciary. In addition to the appointment of the first female United States Attorney General, Janet Reno, we have seen the appointment of two female justices to the Supreme Court and two female justices to the New York Court of Appeals, the highest court of my home state. One of those judges is the Chief Judge and the other is a Puerto Riqueña, like I am. As of today, women sit on the highest courts of almost all of the states and of the territories, including Puerto Rico. One Supreme Court, that of Minnesota, had a majority of women justices for a period of time.

As of September 1, 2001, the federal judiciary consisting of Supreme, Circuit and District Court Judges was about 22% women. In 1992, nearly ten years ago, when I was first appointed a District Court Judge, the percentage of women in the total federal judiciary was only 13%. Now, the growth of Latino representation is somewhat less favorable. As of today we have, as I noted earlier, no Supreme Court justices, and we have only 10 out of 147 active Circuit Court judges and 30 out of 587 active district court judges. Those numbers are grossly below our proportion of the population. As recently as 1965, however, the federal bench had only three women serving and only one Latino judge. So changes are happening, although in some areas, very slowly. These figures and appointments are heartwarming. Nevertheless, much still remains to happen.

Let us not forget that between the appointments of Justice Sandra Day O'Connor in 1981 and Justice Ginsburg in 1992, eleven years passed. Similarly, between Justice Kaye's initial appointment as an Associate Judge to the New York Court of Appeals in 1983, and Justice Ciparick's appointment in 1993, ten years elapsed. Almost nine years later, we are waiting for a third appointment of a woman to both the Supreme Court and the New York Court of Appeals and of a second minority, male or female, preferably Hispanic, to the Supreme Court. In 1992 when I joined the bench, there were still two out of 13 circuit courts and about 53 out of 92 district courts in which no women sat. At the beginning of September of 2001, there are women sitting in all 13 circuit courts. The

First, Fifth, Eighth and Federal Circuits each have only one female judge, however, out of a combined total number of 48 judges. There are still nearly 37 district courts with no women judges at all. For women of color the statistics are more sobering. As of September 20, 1998, of the then 195 circuit court judges only two were African-American women and two Hispanic women. Of the 641 district court judges only twelve were African-American women and eleven Hispanic women. African-American women comprise only 1.56% of the federal judiciary and Hispanic-American women comprise only 1%. No African-American, male or female, sits today on the Fourth or Federal circuits. And no Hispanics, male or female, sit on the Fourth, Sixth, Seventh, Eighth, District of Columbia or Federal Circuits.

Sort of shocking, isn't it. This is the year 2002. We have a long way to go. Unfortunately, there are some very deep storm warnings we must keep in mind. In at least the last five years the majority of nominated judges the Senate delayed more than one year before confirming or never confirming were women or minorities. I need not remind this audience that Judge Paez of your home Circuit, the Ninth Circuit, has had the dubious distinction of having had his confirmation delayed the longest in Senate history. These figures demonstrate that there is a real and continuing need for Latino and Latina organizations and community groups throughout the country to exist and to continue their efforts of promoting women and men of all colors in their pursuit for equality in the judicial system.

This weekend's conference, illustrated by its name, is bound to examine issues that I hope will identify the efforts and solutions that will assist our communities. The focus of my speech tonight, however, is not about the struggle to get us where we are and where we need to go but instead to discuss with you what it all will mean to have more women and people of color on the bench. The statistics I have been talking about provide a base from which to discuss a question which one of my former colleagues on the Southern District bench, Judge Miriam Cederbaum, raised when speaking about women on the federal bench. Her question was: What do the history and statistics mean. In her speech, Judge Cederbaum expressed her belief that the number of women and by direct inference people of color on the bench, was still statistically insignificant and that therefore we could not draw valid scientific conclusions from the acts of so few people over such a short period of time. Yet, we do have women and people of color in more significant numbers on the bench and no one can or should ignore pondering what that will mean or not mean in the development of the law. Now, I cannot and do not claim this issue as personally my own. In recent years there has been an explosion of research and writing in this area. On one of the panels tomorrow, you will hear the Latino perspective in this debate.

For those of you interested in the gender perspective on this issue, I commend to you a wonderful compilation of articles published on the subject in Vol. 77 of the Judicature, the Journal of the American Judicature Society of November–December 1993. It is on Westlaw/Lexis and I assume the students and academics in this room can find it.

Now Judge Cedarbaum expresses concern with any analysis of women and presumably again people of color on the bench, which begins and presumably ends with the conclusion that women or minorities are different from men generally. She sees danger in presuming that judging should be gender or anything else based. She rightly points out that the perception of the differences between men and women is what led to many paternalistic laws and to the denial to women of the right to vote because we were described then ''as not capable of reasoning or thinking logically'' but instead of ''acting intuitively.'' I am quoting adjectives that were bandied around famously during the suffragettes' movement.

While recognizing the potential effect of individual experiences on perception, Judge Cedarbaum nevertheless believes that judges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law. Although I agree with and attempt to work toward Judge Cedarbaum's aspiration, I wonder whether achieving that goal is possible in all or even in most cases. And I wonder whether by ignoring our differences as women or men of color we do a disservice both to the law and society. Whatever the reasons why we may have different perspectives, either as some theorists suggest because of our cultural experiences or as others postulate because we have basic differences in logic and reasoning, are in many respects a small part of a larger practical question we as women and minority judges in society in general must address. I accept the thesis of a law school classmate, Professor Steven Carter of Yale Law School, in his affirmative action book that in any group of human beings there is a diversity of opinion because there is both a diversity of experiences and of thought. Thus, as noted by another Yale Law School Professor—I did graduate from there and I am not really biased except that they seem to be doing a lot of writing in that area—Professor Judith Resnik says that there is not a single voice of feminism, not a feminist approach but many who are exploring the possible ways of being that are distinct from those structured in a world dominated by the power and words of men. Thus, feminist theories of judging are in the midst of creation and are not and perhaps will never aspire to be as solidified as the established legal doctrines of judging can sometimes appear to be.

That same point can be made with respect to people of color. No one person, judge or nominee will speak in a female or people of color voice. I need not remind you that Justice Clarence Thomas represents a part but not the whole of African-American thought on many subjects. Yet, because I accept the proposition that, as Judge Resnik describes it, ''to judge is an exercise of power'' and because as, another former law school classmate, Professor Martha Minnow of Harvard Law School, states ''there is no objective stance but only a series of perspectives—no neutrality, no escape from choice in judging,'' I further accept that our experiences as women and people of color affect our decisions. The aspiration to impartiality is just that—it's an aspiration because it denies the fact that we are by our experiences making different choices than others. Not all women or people of color, in all or some circumstances or indeed in any particular case or circumstance but enough people of color in enough cases, will make a difference in the process of judging. The Minnesota Supreme Court has given an example of this. As reported by Judge Patricia Wald formerly of the D.C. Circuit Court, three women on the Minnesota Court with two men dissenting agreed to grant a protective order against a father's visitation rights when the father abused his child. The Judicature Journal has at least two excellent studies on how women on the courts of appeal and state supreme courts have tended to vote more often than their male counterpart to uphold women's claims in sex discrimination cases and criminal defendants' claims in search and seizure cases. As recognized by legal scholars, whatever the reason, not one woman or person of color in any one position but as a group we will have an effect on the development of the law and on judging.

In our private conversations, Judge Cedarbaum has pointed out to me that seminal decisions in race and sex discrimination cases have come from Supreme Courts composed exclusively of white males. I agree that this is significant but I also choose to emphasize that the people who argued those cases before the Supreme Court which changed the legal landscape ultimately were largely people of color and women. I recall that Justice Thurgood Marshall, Judge Connie Baker Motley, the first black woman appointed to the federal bench, and others of the NAACP argued Brown v. Board of Education. Similarly, Justice Ginsburg, with other women attorneys, was instrumental in advocating and convincing the Court that equality of work required equality in terms and conditions of employment.

Whether born from experience or inherent physiological or cultural differences, a possibility I abhor less or discount less than my colleague Judge Cedarbaum, our gender and national origins may and will make a difference in our judging. Justice O'Connor has often been cited as saying that a wise old man and wise old woman will reach the same conclusion in deciding cases. I am not so sure Justice O'Connor is the author of that line since Professor Resnik attributes that line to Supreme Court Justice Coyle. I am also not so sure that I agree with the statement. First, as Professor Martha Minnow has noted, there can never be a universal definition of wise. Second, I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

Let us not forget that wise men like Oliver Wendell Holmes and Justice Cardozo voted on cases which upheld both sex and race discrimination in our society. Until 1972, no Supreme Court case ever upheld the claim of a woman in a gender discrimination case. I, like Professor Carter, believe that we should not be so myopic as to believe that others of different experiences or backgrounds are incapable of understanding the values and needs of people from a different group. Many are so capable. As Judge Cedarbaum pointed out to me, nine white men on the Supreme Court in the past have done so on many occasions and on many issues including Brown.

However, to understand takes time and effort, something that not all people are willing to give. For others, their experiences limit their ability to understand the experiences of others. Others simply do not care. Hence, one must accept the proposition that a difference there will be by the presence of women and people of color on the bench. Personal experiences affect the facts that judges choose to see. My hope is that I will take the good from my experiences and extrapolate them further into areas with which I am unfamiliar. I simply do not know exactly what that difference will be in my judging. But I accept there will be some based on my gender and my Latina heritage.

I also hope that by raising the question today of what difference having more

Latinos and Latinas on the bench will make will start your own evaluation. For people of color and women lawyers, what does and should being an ethnic minority mean in your lawyering? For men lawyers, what areas in your experiences and attitudes do you need to work on to make you capable of reaching those great moments of enlightenment which other men in different circumstances have been able to reach. For all of us, how do change the facts that in every task force study of gender and race bias in the courts, women and people of color, lawyers and judges alike, report in significantly higher percentages than white men that their gender and race has shaped their careers, from hiring, retention to promotion and that a statistically significant number of women and minority lawyers and judges, both alike, have experienced bias in the courtroom?

Each day on the bench I learn something new about the judicial process and about being a professional Latina woman in a world that sometimes looks at me with suspicion. I am reminded each day that I render decisions that affect people concretely and that I owe them constant and complete vigilance in checking my assumptions, presumptions and perspectives and ensuring that to the extent that my limited abilities and capabilities permit me, that I reevaluate them and change as circumstances and cases before me requires. I can and do aspire to be greater than the sum total of my experiences but I accept my limitations. I willingly accept that we who judge must not deny the differences resulting from experience and heritage but attempt, as the Supreme Court suggests, continuously to judge when those opinions, sympathies and prejudices are appropriate.

There is always a danger embedded in relative morality, but since judging is a series of choices that we must make, that I am forced to make, I hope that I can make them by informing myself on the questions I must not avoid asking and continuously pondering. We, I mean all of us in this room, must continue individually and in voices united in organizations that have supported this conference, to think about these questions and to figure out how we go about creating the opportunity for there to be more women and people of color on the bench so we can finally have statistically significant numbers to measure the differences we will and are making.

I am delighted to have been here tonight and extend once again my deepest gratitude to all of you for listening and letting me share my reflections on being a Latina voice on the bench. Thank you.

Mr. BROWNBACK. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN pertaining to the introduction of S. 1343 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LUGAR. Mr. President, today the Senate considers the nomination of Harold Koh to be Legal Adviser to the Department of State. After reading his answers to dozens of questions, attending his hearing in its entirety, meeting with him privately, and reviewing his writings, I believe that Dean Koh is unquestionably qualified to assume the post for which he is nominated. He has had a distinguished career as a teacher and advocate, and he is regarded widely as one of our Nation's most accomplished experts on the theory and practice of international law. He also has served ably in our government as a Justice Department lawyer during the Reagan administration and as Assistant Secretary of State for Democracy, Human Rights, and Labor from 1998 to 2001.

The committee has received innumerable letters of support for the nominee attesting to his character, his love of country, and his respect for the law. He enjoys support from the lawyers with whom he has worked, as well as those including former Solicitor General Kenneth Starr—whom he has litigated against.

Both in private meetings and in public testimony, Dean Koh has affirmed that he understands the parameters of his role as State Department Legal Adviser. He understands that his role will be to provide policymakers objective advice on legal issues, not to be a campaigner for particular policy outcomes. He also has affirmed that as Legal Adviser, he will be prepared to defend the policies and interests of the U.S. Government, even when they may be at odds with positions he has taken in a private capacity. In applying laws relevant to the State Department's work, he has stated clearly that he will take account of and respect prior U.S. Government interpretations and practices under those laws, rather than considering each such issue as a matter of first impression.

Finally, I believe Dean Koh respects the role of the Senate and the Congress on international legal matters, especially treaties. He has promised to consult with us regularly and fully, not just when treaties come before the Senate, but also on the application of treaties on which the Senate has already provided advice and consent, including any proposed changes in the interpretation of such treaties.

Absent extraordinary circumstances, President Obama and Secretary of State Clinton should be able to choose the individuals on whom they will depend for legal analysis, interpretation, and advice. Given Dean Koh's record of service and accomplishment, his personal character, his understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for 18 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHORT SELLING

Mr. KAUFMAN. Mr. President, I rise again to speak out about the problems in the financial markets caused by abusive short selling activities, which includes naked short selling and rumor mongering. It can also include abuse of the credit default market by planting false suggestions that an issuer's survival is in doubt. My focus today, however, is on the first element—naked short selling.

Let me be clear about my main point. The public believes and the SEC has yet to discount that the effects of abusive naked short selling practices helped cement the demise of Bear Stearns and Lehman Brothers, as well as made it significantly harder for banks to raise critical capital in the throes of this financial crisis. It is no exaggeration to say that abusive short selling at a critical moment further endangered our financial system and economy and thereby help lead to taxpayer bailouts that have totaled hundreds of billions of dollars. We are still waiting for the SEC's enforcement response. It is likely we will continue to wait, as I will discuss, because current rules are ineffective and unenforceable.

There is still a critical need for better SEC regulations that would help the enforcement division to do its job and stop naked short selling that is abusive and manipulative dead in its tracks.

Yes the SEC in April proposed five versions of a return to the uptick rule, which I believe never should have been repealed in the first place, at least without putting something effective in its place. The uptick rule, which simply required stock traders to wait for an uptick in price before continuing to sell a stock short, was in effect for 70 years—that is 7–0 years—until it was repealed in June of 2007. The comment period for the reinstatement of some form of the prior uptick rule is complete, and it is disappointing, but not surprising, to see that many on Wall Street now oppose that modest step. I continue to urge the SEC to move forward on that front.

As I have consistently maintained in my communications with the SEC, however, reinstating some form of the uptick rule alone puts too narrow a frame on the problems associated with naked short selling. The problem at its root is that the current rules against naked short selling are both inadequate and impossible to enforce. A strict preborrow requirement would address the problem and end it once and for all. Yet the SEC still has done nothing to propose a preborrower rule. If we end up with no uptick rule and no preborrow requirement, the SEC will be bending to the will of an industry that has shown recklessness but clearly lacks remorse.

There is a fierce urgency to fix this problem. Today, the financial markets are teetering on the brink of either continuing with a bull market rally or falling back substantially in what would be the continuation of a severely painful bear market. If the markets of certain stocks fall back precipitously again and if the bear market raiders act again using abusive naked short selling practices to damage and possibly destroy the stocks of banks and other companies, the SEC will have a lot of explaining to do—unless we see responses from the agency in the near term.

I have been writing the SEC and talking about this issue on the Senate floor since March 3. It is now June 24, and the SEC has still done nothing. It is time for the SEC to act.

Let me review the history of this issue and the evidence.

Naked short selling occurs when a trader sells a financial instrument short without first borrowing it or even ensuring it can be borrowed. This converts our securities and capital markets into nothing more than gambling casinos since the naked seller purports to sell something he doesn't own, and may never own, in the expectation that prices of the instruments sold will decline before ever settling the trade. Because this activity requires no capital outlay, it also inspires naked short sellers to flood the market with false rumors to make the prediction a self-fulfilling one.

This practice often leads to fails to deliver. If the seller does not borrow the security in time to make delivery to the buyer within the standard 3-day settlement period, the seller ''fails to deliver.'' Sometimes fails to deliver can be caused by human or mechanical errors, but those types of fails are only a small portion of the actual number of fails to deliver our markets confront continually.

Selling what you do not own and have not borrowed gives a seller a free ride. It effectively says: Show me the money now and you will get your stock sometime in the future. By analogy, it is very much like giving access to the Super Bowl on the day of the game—in other words, giving someone a ticket to the Super Bowl on the day of the game—in return for a promise that the spectator will ultimately produce a ticket long after the big event has occurred.

It is well known that abusive short selling has been linked to the downfall of two major financial firms—Bear Stearns and Lehman Brothers.

According to Bloomberg News:

> Failed trades correlate with drops in share value, enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman, and other stocks last year.

Let me repeat that. ''Failed trades,'' according to Bloomberg News, ''correlate with drops in share value, enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman, and other stocks last year.''

The huge increase in naked short selling exacerbated the financial crisis. Listen to this. In January 2007, 550 million shares failed to deliver. By January 2008, 1.1 billion shares failed to deliver. And in July of 2008, 2 billion shares failed to deliver.

These fails to deliver drove stock value down further than the market would have done by diluting stock prices. According to Clinton Under Secretary of Commerce Robert Shapiro in his recent comprehensive study:

> Before Bear Stearns collapsed, its fails to deliver went from less than 100,000 to 14 million, significantly diluting the values of its stock.

As the Coalition Against Market Manipulation stated:

> Just as counterfeit currency dilutes and destroys value, these phantom shares deflate share prices by flooding the market with false supply.

For example, according to EuroMoney, on March 14, 2008, ''128 percent of Bear Stearns' outstanding stock was traded.'' Let me repeat that. On March 14, 2008, 128 percent of Bear Stearns outstanding stock was traded. How can more than 100 percent be traded? It can only occur because of the absence of required borrowers and naked short selling. Without a preborrow requirement, in 1 day, multiple locates allow the same single share of a stock to be sold over and over. And without effective rules or enforcement, millions of shares of stock are sold short and not delivered as required.

Lehman Brothers also faced a similar abnormal increase in fails to deliver before its collapse.

According to Bloomberg:

> As Lehman Brothers struggled to survive last year, as many as 32.8 million shares in the company were sold and not delivered to buyers on time. . . .That was more than a 57-fold increase over the prior year's peak of 567,518 failed trades . . .

Many banks that help to drive the U.S. economy are particularly at risk from abusive short selling practices due to the importance of investor confidence in maintaining their capital.

On September 19, 2008, the SEC implemented a temporary emergency order barring all short selling to protect 799 financial companies, which included many banks, because of the damage naked short selling had done in destroying their company and investor values. But barring all short selling is like throwing the baby out with the bathwater. Proper short selling provides the marketplace with greater liquidity and the prospect of meaningful price discovery.

Naked short selling practices led to market disequilibrium and the SEC recognizing that the only way to protect these companies from unnecessary devaluation was to implement a ban. Many of these companies later moved under the Troubled Assets Relief Program, TARP.

While new regulations issued by the SEC last fall were the first steps to protect companies, the SEC has not done nearly enough. If naked short selling is not policed and rules against market manipulation are not enforced effectively, naked short selling will continue to harm TARP banks and companies. If stronger regulations are not implemented, abusive short selling will impair the government's ability to invest taxpayer money into TARP banks and return them to health and thus limit the effects of the government's economic recovery plan.

The SEC began addressing these issues 10 years ago with a concept release that eventually became known as Regulation SHO, a set of rules that has been amended several times. But a price extracted by Regulation SHO was the elimination of the 70-year-old uptick test.

Reg SHO intended to curb naked short selling by requiring would-be short sellers to have merely a reasonable expectation they can deliver the stock when it must be delivered and imposing a post-trade requirement that would-be short sellers actually preborrow securities for future trades only if too many fails have already occurred. This is somewhat akin to a ''one free bite at the apple'' approach, something regulators attempt to avoid. The reason is because, in practice, it turns out to be a ''free bite at the apple'' each time a manipulative trader switches brokers—something a manipulative trader can easily do with no penalty.

But this rule has proved effectively unenforceable according to former SEC Commissioner Roel Campos and others. Current SEC regulations allow traders to short a stock if the trader ''reasonably believes that it can locate and borrow the security by the settlement day.''

Reasonableness includes merely glancing at a list of easy to borrow stocks, with no need to continue to locate even if the list is faulty. Let me repeat. Reasonableness includes merely

glancing at a list of easy to borrow stocks, with no need to continue to locate even if this list is faulty. That rule, the mother of all loopholes, is much too vague to have any real effect. Any trader who passed Finance 101 could provide proof that he or she ''reasonably believed'' the shorted stocks could be located. In fact, the provision of a false locate is beneficial for generating commissions on the trade.

Ultimately, many commentators and I believe the SEC cannot bring cases against the gravest violators of this rule, because it does not have the means to prove intent. The rule is, in effect, unenforceable. The SEC has, in fact, not brought a single enforcement case for naked short selling. We must change the rules so the SEC Enforcement Division can do its job.

Even former SEC Chairman Christopher Cox said the SEC is:

. . . concerned that the persistent failures to deliver in the market for some securities may be due to loopholes in Regulation SHO.

It is too difficult to prove a trader's motives necessary for proving a fraud violation. I strongly believe the SEC needs to strengthen its rules, surveillance, and the enforcement regarding naked short selling to prevent market manipulation and loss of investor confidence.

Again, according to Robert Shapiro:

. . . there is considerable evidence that market manipulation through the use of naked short sales has been much more common than almost anyone has suspected, and certainly more widespread than most investors believe.

Furthermore, indicators the SEC typically uses to determine the effects of abusive short selling do not accurately reflect the extent of the problem. The so-called Threshold List provided by the SEC tracks sustained fails to deliver of over 10,000 shares, accounting for at least 5 percent of a company's outstanding shares.

According to Shapiro, this list does not capture the naked short sales that occur frequently that are under this threshold, and it does not capture the large volume of short interests that can spike during the 3-day settlement period. Nor does it capture any trades that occur outside of the Depository Trust and Clearing Corporation, so-called ex-clearing trades.

Let us look to other countries. Other countries have taken proper steps to make sure rules that prevent naked short selling are clear and easy to enforce. According to EuroMoney, naked short selling is:

. . . a situation specific to the U.S. markets.

Alan Cameron, head of clearing, settlement and custody client solutions at BNP Paribas Securities Services in London, says he has seen little to indicate similar instances of fails to deliver in Europe. Some European countries such as Spain impose strict fines on failures to deliver. It's not an issue here in Europe.

Therefore, I strongly believe that the SEC must adopt new policies in order to protect the damage to investor confidence and, yes, the damage to our economic recovery that is being caused by naked short selling.

Today, along with Senators ISAKSON and TESTER, and Representative CAROLYN MALONEY, who cochairs the Joint Economic Committee, I wrote to SEC Chairman Mary Schapiro on this subject. Our letter urged that the Commission establish a pilot program to study whether a strict preborrow agreement would work effectively to end the problem of naked short selling. Such a pilot program would lead to the collection of data about stock lending and borrowing and the costs and benefits of imposing a preborrow requirement on all short sales.

Recently, Senators LEVIN, GRASSLEY, and SPECTER, in connection with the release of a General Accountability Office study analyzing recent SEC actions to curb abusive short selling, called for the SEC to consider imposing a strict preborrow requirement on short sales as the best way to end abusive short selling.

I strongly agree. As I have said, a preborrow requirement would address the problem at its most fundamental level and it should be urgently considered by the SEC as it rethinks its regulations and enforcement approach in this area.

Moreover, the system by which stocks currently are loaned and borrowed can and should be greatly improved, improving efficiency and producing cost savings. For example, centralized systems for loaning and borrowing stocks might better enable the SEC to impose fair rules on stock loans and borrowers in connection with short sales as well as enhance the SEC's ability to provide regulatory oversight to prevent naked short selling.

As one commentator has written in EuroMoney in December 2008, the:

. . . SEC knows it has to introduce the preborrow rule if it wants to eliminate fails to deliver for good. As long as there are companies on the Regulation SHO list, then the problem is not being solved. The only sustainable solution to making naked short-selling is a rule requiring both pre-borrow and a hard delivery. . . . for Bear Stearns: only a pre-borrow could put a brake on the naked short-selling.

I urge the SEC to invite a balanced group of commentators, including members of the investing public, to air these issues publicly as it continues efforts to draft and promulgate additional rules to end abusive short selling.

I know there are critics of a preborrow requirement who claim it would limit liquidity. This is not so, and there is no meaningful evidence to support this argument. Indeed, the recent study by Robert Shapiro disproves the claim. Other knowledgable sources, such as Harvey Pitt, former SEC Chairman and founder of LendEQS, an electronic stock loan transaction firm, believe the opposite would occur, because lending would increase.

In Hong Kong, the imposition of a preborrow requirement has been quite successful. Hong Kong implemented the preborrow rule after the Asian financial crisis of 1997 to 1998, when its markets collapsed. In late 2008, while the United States saw an exponential increase in fails to deliver, Hong Kong avoided large spikes in short sales almost completely. Other countries, such as Australia and many other EU members, have also successfully maintained preborrow requirements for years. The United States must urgently address the issue of abusive short selling. If we want to protect our markets, investors, and companies from caustic manipulation, we need better rules.

In closing, I urge the SEC to act decisively, both by following through and reimposing the substance of the prior uptick rule and through a pilot program to study the effects of a strict preborrow requirement. It is way past time to put an end to naked short selling, once and for all.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

15TH ANNIVERSARY OF THE PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA

Mr. REID. Mr. President, I rise to call to the attention of the Senate the 15th anniversary celebration of the Progressive Leadership Alliance of Nevada, also known as PLAN. PLAN is a consortium of more than 25 organizations in Nevada that strives for social, economic, and environmental justice throughout the State. PLAN is dedicated to improving the future of all Nevadans by fostering relationships and building bridges between our communities. By working with diverse constituencies, PLAN is involved in impacting policy decisions in our great State of Nevada.

The Progressive Leadership of Nevada was established in 1994 as a nonprofit organization focusing on advocacy and education. Among its many

accomplishments, this outstanding coalition helped Nevada become the 11th State in our Nation to enact the Employment Non-Discrimination Act and the 13th State to extend hate crimes legislation. Additionally, PLAN was instrumental in making Nevada's tax system more equitable, passing death penalty reforms, and increasing human services funding.

I commend the Progressive Leadership Alliance of Nevada for its 15 years of continued support and achievements on behalf of the Silver State. Thanks to the leadership of everyone at PLAN, Nevada continues to ensure protections and advancement of all citizens.

THE TRAVEL PROMOTION ACT OF 2009

Mr. GRAHAM. Mr. President, today I rise to recognize the importance of the tourism industry to our country and the State of South Carolina, and to express my support for the passage of initiatives like the Travel Promotion Act of 2009 and a spouse travel tax deduction that seek to bolster an industry that is a vital component to the economies of so many communities and States.

South Carolina is home to some of the most unique destinations for leisure or business travel in the world. From the trails of Table Rock Mountain in the Blue Ridge, to the quaint mill villages throughout the South Carolina National Heritage Corridor, to a kayak excursion in the Congaree Swamp National Park, to a horse carriage ride through the streets of historic Charleston, the Palmetto State is a wealth of natural, cultural, recreational and historic opportunities for any visitor. Golf Digest magazine selected 11 of South Carolina's more than 500 golf courses as some of the top 100 public courses in the Nation for 2009. Conde Nast Traveler magazine named Charleston as the No. 2 destination in the country, rounding out 16 consecutive years as one of the magazine's top 10 travel destinations in America. The list goes on. The one-of-a-kind history, landscape and culture of our State help all visitors to understand our pride in the motto ''Smiling Faces, Beautiful Places.''

The sum of these treasures is an economic engine that drives the prosperity of our State. The tourism industry is the second largest industry in the State of South Carolina. In 2007, the industry generated $17.2 billion and employed more than 12 percent of the State's workforce. Not only does tourism generate more than $100 billion in tax revenue and employ more than 7 million individuals nationwide, but the industry also encourages investment, attracts new business, and enhances the quality of life for local residents. Tourism is truly the lifeblood for many communities not only in South Carolina but throughout America.

Unfortunately, the economic downturn is taking its toll on the tourism industry. I remain concerned with the impact that the recession continues to have on the decisions of domestic and international leisure travelers, and on business meetings travel. Families and individuals are tightening their belts, afraid to spend hard-earned money in an unpredictable economy that could still worsen. International travel to the United States has declined since September 11, 2001, despite the weak dollar enabling most overseas travelers to do and see even more in our country.

Domestic business travel accounts for about one-fifth of all trips to South Carolina each year. More and more companies are hesitant to book perfectly legitimate corporate meetings and conferences in destinations like Greenville and the South Carolina coast for fear that they will be singled out for irresponsible spending during an economic recession. According to a Meetings and Conventions magazine study, more than half of those interviewed believed that recent harsh criticism against meetings and events has influenced their companies' decisions to hold such events. We must not allow the irresponsible behavior of some to damage public opinion regarding business travel for responsible organizations.

In the first 3 months of 2009, hotel occupancy in South Carolina was down more than 12 percent, with losses in all of our traditional tourist and business meeting destinations. Tourism-related tax revenue is down 5 percent from this time last year. These are only a couple of real numbers that directly impact employment and local economies in South Carolina, a State currently suffering from one of the highest unemployment rates in the Nation at 12.1 percent.

While I believe the economy will rebound eventually, consumer confidence is not showing sufficient signs of improvement. We must encourage international travelers, Americans, and American business to continue to travel for leisure and to hold appropriate destination corporate meetings and conferences, despite the downturn in the economy. I remain committed to exploring new ways to accomplish this goal in the U.S. Senate.

I recently signed on as a cosponsor to S. 1023, the Travel Promotion Act, as I believe it is a significant step in restoring and encouraging overseas travel to the United States. While I supported a measure for the Senate to proceed to this legislation last week, I was unable to support cloture on S. 1023 as I do not believe the majority provided the minority with sufficient opportunity to offer amendments. My vote was unrelated to the substance of the legislation, and I am disappointed that the Senate was unable to complete action on the bill this week.

The Travel Promotion Act facilitates collaboration between various stakeholders in the tourism industry so that they may share ideas on how best to promote travel to America. South Carolina welcomes about 1 million international travelers each year. While this number may be low compared to other tourism destinations, overall South Carolina benefits greatly from their visits as international travelers tend to stay longer and spend more in our hotels, restaurants, shops, cultural sites and more. Through this legislation, I am hopeful that efforts to encourage travel to our country will benefit South Carolina.

To encourage business travel nationally, I authored legislation, S. 261, which would allow for a spouse to deduct travel expenses such as transportation, food and lodging expenses, when traveling with his or her spouse on business travel. Business travel accounts for more than 20 percent of all travel in South Carolina. I strongly believe that restoring this tax deduction would encourage additional travel and subsequent exploration of work-travel destinations. It is my hope that Congress will act on this legislation in a timely manner.

Now is an opportune time to travel, as nearly all tourism destinations are offering packages and deals to entice families and corporate meetings to choose their respective areas. Hotel rates are some of the lowest we have seen in years, while gas prices remain affordable. I am hopeful that families and corporations will take advantage of this opportunity, and consider South Carolina for their next destination.

It is vital that Congress recognize the importance of the tourism industry to our country, and encourage all Americans to continue to travel. I look forward to working with my colleagues on new ways to support the tourism industry.

ADDITIONAL STATEMENTS

COMMENDING MAJOR GENERAL THOMAS F. DEPPE

• Mr. BAUCUS. Mr. President, today I join my colleague Senator TESTER in recognizing and paying tribute to MG Thomas F. Deppe, Vice Commander of Air Force Space Command, and his wife Eileen for their lifetime of service and unfaltering dedication to the U.S. Air Force and our great Nation.

As both an airman and leader, spanning 42 years of military service, General Deppe's contributions to our Nation's strategic deterrence and space missions were critical to the warfighter, global economy and safety of our families. General Deppe's leadership was an essential element in winning the Cold War and vital to Air Force Space Command's support of

combat operations around the world to include Operations Enduring Freedom, Iraqi Freedom, the global war on terrorism and overseas contingency operations.

General Deppe began his illustrious Air Force career by graduating from Basic Military Training School in 1967. In September of 1967, General Deppe was introduced to the Air Force through missile instrumentation electronics technical training. This training led to a series of aircraft munitions assignments and rounded out his enlisted service with an Air Force recruiting position, achieving the enlisted rank of technical sergeant. In 1977, General Deppe received his commission through the Officer Training School. This led him to his first assignment in Montana at Malmstrom Air Force Base. General Deppe's Air Force journey as an officer would take Eileen and him through a series of wing, air staff and joint assignments relating to strategic and tactical missile and space systems. He operated the ground-launched cruise missile in Europe and later served as the commander of the 351st Organizational Missile Maintenance Squadron in Missouri at Whiteman Air Force Base. Additionally, he commanded the 90th Logistics Group at Francis E. Warren Air Force Base, WY, and the 341st Space Wing in Montana. While assigned to the National Military Command Center, he directed actions during the early days of Operation Iraqi Freedom and the Space Shuttle Columbia recovery effort.

Mr. TESTER. Mr. President, General Deppe went on to command the Air Force's land-based strategic deterrent force at 20th Air Force in Wyoming before his present assignment as the Vice Commander of Air Force Space Command.

During General Deppe's tenure as Vice Commander, Air Force Space Command, he provided inspirational leadership to over 39,000 personnel responsible for a global network of satellite command and control, communications, missile warning, and space launch facilities and ensured the combat readiness of America's ICBM force. Exploiting his unique blend of operational experience and staffing acumen, General Deppe championed the implementation of a new management headquarters construct through Air Force Space Command's ''Lanes-In-The Road'' initiative. The results clearly aligned the command's headquarters organizations with its own functional concepts as well as the operational mission areas outlined in the U.S. Air Force Concept of Operations. In addition, he guaranteed the future viability of the Air Force Nuclear Enterprise by driving major system revitalization initiatives, to include the Air Force chief of staff-approved creation of an ICBM weapons instructor course at the U.S. Air Force Weapons School. He was instrumental in successfully implementing visionary space mission area initiatives with wide-ranging national and international implications, to include the launch and range enterprise transformation effort, the commercial and foreign entities support pilot program and the operational expansion of on-orbit global positioning system and wideband global satellite communications capabilities. Finally, General Deppe oversaw the command's lead role to stand-up the 24th Air Force to execute the Air Force's cyberspace mission.

General Deppe's impeccable service is characterized by his Master Missileer Badge, Command Space Badge, Space Professional Level III certification, operational space experience in nuclear operations and spacelift, weapon systems expertise in the Minuteman II, Minuteman III and Peacekeeper ICBMs, Hound Dog and Quail Air-Launched Cruise Missiles, the Ground-Launched Cruise Missile and the Atlas III, Titan IV, Delta II and Delta III boosters.

Today Senator BAUCUS and I have mentioned but a few of MG Thomas F. Deppe's many achievements. General Deppe is a visionary, steadfast military leader and honorable man. I know my colleagues join us in paying tribute to him and his wife Eileen and their children, Lisa, Tom and Ken, for the 42 years they have dedicated to our country and to the betterment of the U.S. Armed Forces. General Deppe, thank you for your service to our Nation, and we wish you well.●

100TH ANNIVERSARY OF RICHVALE, CALIFORNIA

● Mrs. BOXER. Mr. Presdient, I am pleased to recognize the 100th anniversary of the community of Richvale, CA. In 1909, settlers from the Midwest began to arrive by train and horse-drawn carriages to this town with hopes of creating a close-knit community. Over the last century, Richvale has grown from a small settlement town of a few families to the heart of rice country in northern California.

As families settled in this small Butte County town in the early 1900s, California's rice industry began to take shape. Richvale became an early producer of rice in the State with the support of local churches, general stores, and blacksmith shops. The strong sense of community, as well as ideal soil and climate conditions, led to the success of the region's dominance in growing rice. The Richvale community worked together closely to develop irrigation systems, soil improvement, conservation techniques, and formed cooperatives with their neighbors to store and dry their crops to increase their yields and fight agricultural-related pests and diseases. These practices served as a model for other rice growers as the industry began to grow throughout the Upper Sacramento Valley. The Rice Experiment Station, that has been in operation since 1912 and conducts innovative rice improvement research and seed production, is located just south of Richvale and is credited with much of the California rice industry's international success.

Richvale's thriving commercial rice production continued as many of the men went to serve their country during World Wars I and II. The women of Richvale kept the industry alive by taking control of the responsibilities that included the day-to-day work, as well as the business side of the farming operations.

Richvale continues to thrive as a cornerstone in California's rice country, while still maintaining their smalltown character that drew early settlers to the region. I commend the Richvale community for their success in both the rice industry and for serving as an example of the success that a small community of dedicated neighbors can accomplish when they come together around a common goal. I wish Richvale another 100 years of success.●

CONGRATULATING BALLARD HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Ballard High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Ballard High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Ballard High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING BOWLING GREEN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Bowling Green High School in Bowling Green, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in

our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Bowling Green High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Bowling Green High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING BROWN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Brown High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Brown High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Brown High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING DUNBAR HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Dunbar High School in Lexington, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Dunbar High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Dunbar High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING DUPONT MANUAL HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate DuPont Manual High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 precent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1of 15 schools from Kentucky on this list, DuPont Manual High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of DuPont Manual High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING HOLMES HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Holmes High School in Covington, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Holmes High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Holmes High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING OLDHAM COUNTY HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Oldham County High School in Buckner, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Oldham County High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Oldham County High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING RYLE HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Ryle High School in Union, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Ryle High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Ryle High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING SOUTH OLDHAM HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate South Oldham High School in Crestwood, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, South Oldham High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of South Oldham High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING WOODFORD COUNTY HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Woodford County High School in Versailles, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Woodford County High School has

earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Woodford County High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

REMEMBERING WARREN H. ABERNATHY

● Mr. GRAHAM. Mr. President, I ask my fellow colleagues to join me in honoring the memory of a dedicated servant and leader, Warren H. Abernathy. After a lifetime of unprecedented service to his State and Nation as a World War II veteran and a 49-year staffer of Senator Strom Thurmond, Mr. Abernathy passed away in Spartanburg, SC, on June 22, 2009, at the age of 85.

While he will be remembered by most as a ''private man who wanted to make a difference,'' I will remember him as a larger than life figure who greeted everyone with a smile. He was a World War II veteran who was prepared to make the ultimate sacrifice on behalf of our freedom. After a lifetime of duty, he retired as colonel with the U.S. Army Reserves.

Born and raised in Spartanburg, Mr. Abernathy attended Spartanburg High School, Wofford College, and graduated from Spartanburg Methodist College and the University of South Carolina. He later received a master's in business administration from Command and General Staff College at Fort Leavenworth, KS, and in September of 1992 he received an honorary doctorate of humane letters from Voorhees College in Denmark, SC.

In 1948 he began working for then-Governor J. Strom Thurmond as his administrative assistant. When Governor Thurmond was elected Senator Thurmond, Mr. Abernathy transitioned with him and served as the Senator's State assistant for 49 years. Mr. Abernathy also served as the former secretary-treasurer of the Strom Thurmond Foundation, a U.S. marshall, a member of the Civil Service, an honorary member of the South Carolina Law Enforcement Division, and in 2007 the Spartanburg County Bar Association awarded him the E. C. Burnett, III, Contribution to Law and Justice Award for his contributions as a nonlawyer to the overall improvement of the legal system in Spartanburg County.

In addition to his time in politics, Mr. Abernathy was an active member of the Southside Baptist Church where he participated in the Layman's Sunday school class and served as a former deacon. In 1997 a portion of highway 29 in Spartanburg, SC, was renamed Warren H. Abernathy Highway by the Department of Transportation in honor of his service. And after decades of serving South Carolina, Mr. Abernathy was awarded the Order of the Palmetto from Governor David Beasley on April 13, 1998.

Mr. Abernathy, the husband of the late Margaretta Scruggs Abernathy, is survived by family and friends who are rightfully proud of a well-lived life in service of his fellow man.

I ask that the U.S. Senate join me in commemorating Mr. Abernathy's lifelong dedication to service to our country and to the State of South Carolina.●

100TH ANNIVERSARY OF THE DETROIT RESCUE MISSION MINISTRIES

● Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate the Detroit Rescue Mission Ministries—DRMM—on 100 years of dedicated service to the Metro Detroit community. Through their commitment to meeting the emotional, spiritual and material needs of the individuals they serve each day, the Detroit Rescue Mission Ministries truly embody their motto: ''Rebuilding one life at a time.''

Founded in 1909, this faith-based, non-profit organization has consistently worked to combat the debilitating and persistent challenges of homelessness, hunger, and addiction in southeastern Michigan. The DRMM has waged this important fight by bringing together a variety of interested parties throughout southeastern Michigan, as well as a wealth of resources. By coordinating 50,000 donors, 120 faith-based organizations, and multiple State, county, and local government agencies, the DRMM has galvanized the community support necessary to make a significant difference in the lives of Michiganders.

The DRMM has played a central role in the rehabilitation of countless individuals in Metro Detroit. The DRMM provides basic necessities for at-risk individuals while fostering a desire to rebuild their lives. This organization offers critical services in the form of emergency, transitional, and permanent housing; psychological and spiritual counseling; substance abuse treatment; and emergency food and clothing. Each year, the DRMM provides 1 million nutritious meals at seven local facilities; more than 160,000 nights of emergency shelter; 75,000 clothing items; and substance abuse treatment for thousands of men and women.

I know my colleagues join me in congratulating all who have contributed to the important work of the Detroit Rescue Mission Ministries over the years, and I look forward to another century of commitment to the community.●

COMMENDING WILD OATS BAKERY & CAFÉ

● Ms. SNOWE. Mr. President, today I recognize a small business in my home State of Maine that admirably embodies the ideal dichotomy of being both a successful business and a well-regarded member of the community. Wild Oats Bakery & Café, an independently-owned dining establishment located in Brunswick, also provides guests with a quintessentially New England experience, as Yankee Magazine recently recognized the restaurant with the ''Best Taste of Home'' Editor's Choice award in its annual Best of New England listing.

Opened in October 1991 by owners Becky and David Shepherd, Wild Oats Bakery & Café has remained a consistent purveyor of fresh, homemade foods for nearly two decades, resulting in its immense popularity among the local community and area Bowdoin College students. Located inside the Tontine Mall in downtown Brunswick, Wild Oats has grown from a 5-employee operation to its current crew of over 20. Additionally, Wild Oats has doubled the size of its space, and has added a deck and patio for dining during the beautiful Maine summer, all the while maintaining a cozy and personable atmosphere.

With a menu that includes baked goods, breads, soups and chowders, salads, sandwiches, entrees, desserts, as well as frozen meals to bring home, Wild Oats offers patrons an appealing variety of delicious, made-from-scratch products to suit a diverse array of taste buds. To support another Maine small business, Wild Oats sells Carrabassett Coffee, produced in the western Maine town of Kingfield. The company has also launched a unique delivery service to nearby Bowdoin College, where parents can surprise their sons and daughters with a delectable birthday cake accompanied by a Wild Oats coffee mug, water bottle, or t-shirt.

From the beginning, Wild Oats has strived to make customer service the top priority and has consistently sought innovative ways to better serve its customers. These efforts have certainly not gone unnoticed as Wild Oats has become an increasingly integral part of the local community. In fact, Wild Oats' most recent distinction as the ''Best Taste of Home for 2009'' is just one of several awards the restaurant has garnered in recent years. Last year, the company was named Small Business of the Year by the Southern Midcoast Chamber of Commerce. This award came six months after it was acknowledged with the Small Business Leadership Award by Governor John Baldacci for the firm's 16-year history of employing persons with disabilities. The Shepherds have partnered with several Midcoast organizations, including Independence Association and Work Enterprises, to hire

workers with disabilities over the years.

While the Shepherds operate and own Wild Oats, they are the first to point out that they rely heavily on their stellar and experienced employees, an extended family that they include in many decision making and leadership opportunities. Among them is Louisa Edgerton, the store's manager, who has been with Wild Oats since 1997 and brought over 20 years in the food service industry with her. Another notable employee is Frank Golek. Frank, who assists with food preparation and cleaning, has worked at the restaurant since 1996, affording him the distinction of the longest serving Wild Oats employee.

Wild Oats' commitment to the local community goes beyond serving scrumptious lunches, dinners, and sweets. Both Becky and David Shepherd, who have lived in Brunswick since 1981, have been active members of the local community for many years. Becky has served on the Brunswick school and library boards, and both donate significant time and money to various community based projects both locally and throughout Maine, particularly regarding education and the environment.

A mainstay of the Brunswick downtown for nearly two decades, Wild Oats Bakery & Café is a unique restaurant that has assuredly earned its exceptional reputation for quality service and delicious cuisine. I offer my sincerest congratulations to Becky and David Shepherd and everyone at Wild Oats Bakery & Café on their well-deserved accomplishments, and I wish them many years of continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPONS-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency, declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2009.

The current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals that would otherwise have been lifted in Proclamation 8271 of June 26, 2008.

BARACK OBAMA.
THE WHITE HOUSE, *June 24, 2009*.

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. SCHIFF (appointed a manager on the part of the House for the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas), announced that the House has agreed to the following resolutions:

H. Res. 520. Resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

H. Res. 565. Resolution appointing and authorizing managers for the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas.

At 1 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 1172. An act to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

H.R. 1211. An act to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H. R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills were signed by the Acting President pro tempore (Mr. INOUYE) on today, Wednesday, June 24, 2009, which were previously signed by the Speaker of the House:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1172. An act to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; to the Committee on Veterans' Affairs.

H.R. 1211. An act to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 24, 2009, she had presented to the President of the United States the following enrolled bills:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

*Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 1332. A bill to prohibit States from carrying out more than one congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. CRAPO, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. BENNETT, and Mr. ENZI):

S. 1333. A bill to provide clean, affordable, and reliable energy, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MENENDEZ, and Mr. LAUTENBERG):

S. 1334. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 1335. A bill to require reports on the effectiveness and impacts of the implementation of the Western Hemisphere Travel Initiative, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY:

S. 1336. A bill to amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, and Ms. CANTWELL):

S. 1337. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Mr. CARPER (for himself and Mr. ALEXANDER):

S. 1338. A bill to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN:

S. 1339. A bill to provide for financial literacy education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1341. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. RISCH):

S. 1342. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. BENNET, and Mr. CASEY):

S. 1343. A bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself and Mr. KYL):

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund; read the first time.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. BAYH, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 1345. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 1346. A bill to penalize crimes against humanity and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 1347. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 202. A resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Samuel B. Kent; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 203. A resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge Samuel B. Kent; considered and agreed to.

By Mr. VITTER:

S. Res. 204. A resolution designating March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day''; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. ISAKSON):

S. Res. 205. A resolution supporting the goals and ideals of African American Bone Marrow Awareness Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 307

At the request of Mr. WYDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 451

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 510

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 711

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 819

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 846

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1112

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1230

At the request of Mr. ISAKSON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1253

At the request of Mr. CORKER, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1287

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1287, a bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 29

At the request of Mr. REID, his name was added as a cosponsor of S. Con. Res. 29, a concurrent resolution expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Alaska (Mr. BEGICH), the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY), the Senator from North Carolina (Mrs. HAGAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. WICKER), the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. Res. 199, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MENENDEZ, and Mr. LAUTENBERG):

S.. 1334. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1334

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''James Zadroga 9/11 Health and Compensation Act of 2009''.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Thousands of rescue workers who responded to the areas devastated by the terrorist attacks of September 11, 2001, local residents, office and area workers, and school children continue to suffer significant medical problems as a result of compromised air quality and the release of other toxins from the attack sites.

(2) In a September 2006 peer-reviewed study conducted by the World Trade Center Medical Monitoring Program, of 9,500 World Trade Center responders, almost 70 percent of World Trade Center responders had a new or worsened respiratory symptom that developed during or after their time working at the World Trade Center; among the responders who were asymptomatic before September 11, 2001, 61 percent developed respiratory symptoms while working at the World Trade Center; close to 60 percent still had a new or worsened respiratory symptom at the time of their examination; one-third had abnormal pulmonary function tests; and severe respiratory conditions including pneumonia were significantly more common in the 6 months after September 11, 2001 than in the prior 6 months.

(3) An April 2006 study documented that, on average, a New York City firefighter who responded to the World Trade Center has experienced a loss of 12 years of lung capacity.

(4) A peer-reviewed study of residents who lived near the World Trade Center titled ''The World Trade Center Residents' Respiratory Health Study: New Onset Respiratory Symptoms and Pulmonary Function'', found that data demonstrated a three fold increase in new-onset, persistent lower respiratory symptoms in residents near the former World Trade Center as compared to a control population.

(5) Previous research on the health impacts of the devastation caused by the September 11, 2001, terrorist attacks has shown relationships between the air quality from Ground Zero and a host of health impacts, including lower pregnancy rates, higher rates of respiratory and lung disorders, and a variety of post-disaster mental health conditions (including posttraumatic stress disorder) in workers and residents near Ground Zero.

(6) A variety of tests conducted by independent scientists have concluded that significant World Trade Center (WTC) contamination settled in indoor environments surrounding the disaster site. The Environmental Protection Agency's (EPA) cleanup

programs for indoor residential spaces, in 2003 and 2005, though limited, are an acknowledgment that indoor contamination continued after the WTC attacks.

(7) At the request of the Department of Energy, the Davis DELTA Group at the University of California conducted outdoor dust sampling in October 2001 at Varick and Houston Streets (approximately 1.2 miles north of Ground Zero) and found that the contamination from the World Trade Center ''outdid even the worst pollution from the Kuwait oil fields fires''. Further, the United States Geological Survey (USGS) reported on November 27, 2001, that dust samples collected from indoor surfaces in this area registered at levels that were ''as caustic as liquid drain cleaners''.

(8) According to both the EPA's own Inspector General's (EPA IG) report of August 21, 2003 and the Governmental Accountability Offices's (GAO) report of September 2007, no comprehensive program has ever been conducted in order to characterize the full extent of WTC contamination, and therefore the full impact of that contamination—geographic or otherwise—remains unknown.

(9) Such reports found that there has never been a comprehensive program to remediate WTC toxins from indoor spaces. Thus, area residents, workers and students may continued to be exposed to WTC contamination in their homes, workplaces and schools.

(10) Because of the failure to release federally appropriated funds for community care, a lack of sufficient outreach, the fact that many community members are receiving care from physicians outside the current City-funded World Trade Center Environmental Health Center program and thus fall outside data collection efforts, and other factors, the number of community members being treated at the World Trade Center Environmental Health Center underrepresents the total number in the community that have been affected by exposure to Ground Zero toxins.

(11) Research by Columbia University's Center for Children's Environmental Health has shown negative health effects on babies born to women living within 2 miles of the World Trade Center in the month following September 11, 2001.

(12) Federal funding allocated for the monitoring of rescue workers' health is not sufficient to ensure the long-term study of health impacts of September 11, 2001.

(13) A significant portion of those who have developed health problems as result of exposures to airborne toxins or other hazards resulting from the September 11, 2001, attacks on the World Trade Center have no health insurance, have lost their health insurance as a result of the attacks, or have inadequate health insurance.

(14) The Federal program to provide medical treatments to those who responded to the September 11, 2001, aftermath, and who continue to experience health problems as a result, was finally established more than five years after the attacks, but has no certain long-term funding.

(15) Rescue workers and volunteers seeking workers' compensation have reported that their applications have been denied, delayed for months, or redirected, instead of receiving assistance in a timely and supportive manner.

(16) A February 2007 report released by the City of New York estimated that approximately 410,000 people were the most heavily exposed to the environmental hazards and trauma of the September 11, 2001, terrorist attacks. More than 30 percent of the Fire Department of the City of New York first responders were still experiencing some respiratory symptoms more than five years after the attacks and, according to the report, 59 percent of those seen by the WTC Environmental Health Center at Bellevue Hospital (which serves community members) are without insurance and 65 percent have incomes of less than $15,000 per year. The report also found a need to continue and expand mental health services.

(17) Since the 5th anniversary of the attack (September 11, 2006), hundreds of workers a month have been signing up with the monitoring and treatment programs.

(18) In April 2008, the Department of Health and Human Services reported to Congress that in fiscal year 2007 11,359 patients received medical treatment in the existing WTC Responder Medical and Treatment program for WTC-related health problems, and that number of responders who need treatment and the severity of health problems is expected to increase.

(19) The September 11 Victim Compensation Fund of 2001 was established to provide compensation to individuals who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(20) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(21) Some individuals did not know they were eligible to file claims for compensation for injuries or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

(22) Further research is needed to evaluate more comprehensively the extent of the health impacts of September 11, 2001, including research for emerging health problems such as cancer, which have been predicted.

(23) Research is needed regarding possible treatment for the illnesses and injuries of September 11, 2001.

(24) The Federal response to medical and financial issues arising from the September 11, 2001, response efforts needs a comprehensive, coordinated long-term response in order to meet the needs of all the individuals who were exposed to the toxins of Ground Zero and are suffering health problems from the disaster.

(25) The failure to extend the appointment of Dr. John Howard as Director of the National Institute for Occupational Safety and Health in July 2008 is not in the interests of the administration of such Institute nor the continued operation of the World Trade Center Medical Monitoring and Treatment Program which he has headed, and the Secretary of Health and Human Services should reconsider extending such appointment.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following new title:

''TITLE XXXI—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory and Steering Committees

''SEC. 3101. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM WITHIN NIOSH.

''(a) IN GENERAL.—There is hereby established within the National Institute for Occupational Safety and Health a program to be known as the 'World Trade Center Health Program' (in this title referred to as the 'WTC program') to provide—

''(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and clean-up workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks on the World Trade Center; and

''(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

''(b) COMPONENTS OF PROGRAM.—The WTC program includes the following components:

''(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3111, including clinical examinations and long-term health monitoring and analysis for individuals who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks on the World Trade Center.

''(2) INITIAL HEALTH EVALUATION FOR COMMUNITY MEMBERS.—An initial health evaluation under section 3121, including an evaluation to determine eligibility for followup monitoring and treatment.

''(3) FOLLOW-UP MONITORING AND TREATMENT FOR WTC-RELATED CONDITIONS FOR RESPONDERS AND COMMUNITY MEMBERS.—Provision under sections 3112, 3122, and 3123 of follow-up monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses (including necessary prescription drugs) of individuals with a WTC-related health condition.

''(4) OUTREACH.—Establishment under section 3104 of an outreach program to potentially eligible individuals concerning the benefits under this title.

''(5) UNIFORM DATA COLLECTION.—Collection under section 3105 of health and mental health data on individuals receiving monitoring or treatment benefits, using a uniform system of data collection.

''(6) RESEARCH ON WTC CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center.

''(c) NO COST-SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost-sharing to an eligible WTC responder or any eligible WTC community member.

''(d) PAYOR.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under subtitle B shall be paid for by the WTC program.

''(2) WORKERS' COMPENSATION PAYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payment for treatment under subtitle B of a WTC-related health condition in an individual that is work-related shall be reduced or recouped to the extent that the Secretary determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)(2)) and paragraph (3) of such section shall apply to the recoupment under this paragraph of a payment to the WTC program with respect to a

workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary, with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act.

''(B) EXCEPTION.—If the WTC Program Administrator certifies that the City of New York has contributed the matching contribution required under section 3106(a)(3) for a 12-month period (specified by the WTC Program Administrator), subparagraph (A) shall not apply for that 12-month period with respect to a workers' compensation law or plan, including line of duty compensation, to which the City is obligated to make payments.

''(3) HEALTH INSURANCE COVERAGE.—

''(A) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan, the provisions of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) shall apply to such a health plan and such individual in the same manner as they apply to a group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a). Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost-sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC program.

''(B) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in subparagraph (A) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement

''(4) WORK-RELATED DESCRIBED.—For the purposes of this subsection, a WTC-related health condition shall be treated as a condition that is work-related if—

''(A) the condition is diagnosed in an eligible WTC responder, or in an individual who qualifies as an eligible WTC community member on the basis of being a rescue, recovery, or clean-up worker; or

''(B) with respect to the condition the individual has filed and had established a claim under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

''(e) QUALITY ASSURANCE AND MONITORING OF CLINICAL EXPENDITURES.—

''(1) QUALITY ASSURANCE.—The WTC Program Administrator, working with the Clinical Centers of Excellence, shall develop and implement a quality assurance program for the medical monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

''(A) adherence to medical monitoring and treatment protocols;

''(B) appropriate diagnostic and treatment referrals for participants;

''(C) prompt communication of test results to participants; and

''(D) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

''(2) FRAUD PREVENTION.—The WTC Program Administrator shall develop and implement a program to review the program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. Such program shall be similar to current methods used in connection with the Medicare program under title XVIII of the Social Security Act. This title is a Federal health care program (as defined in section 1128B(f) of such Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

''(f) WTC PROGRAM ADMINISTRATION.—The WTC program shall be administered by the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

''(g) ANNUAL PROGRAM REPORT.—

''(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

''(2) CONTENTS OF REPORT.—Each annual report under paragraph (1) shall include the following:

''(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

''(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

''(ii) of the individuals who were certified, on the number who received medical monitoring under the program and the number of such individuals who received medical treatment under the program;

''(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which the individuals were treated; and

''(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year.

''(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

''(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

''(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by the City of New York under section 3106(a)(3).

''(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

''(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

''(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

''(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

''(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with WTC exposures, including the findings of research conducted under section 3141(a).

''(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

''(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC program:

''(A) FDNY RESPONDERS.—The benefits provided for eligible WTC responders described in section 3106(b)(1)(A).

''(B) OTHER ELIGIBLE WTC RESPONDERS.—The benefits provided for eligible WTC responders not described in subparagraph (A).

''(C) ELIGIBLE WTC COMMUNITY MEMBERS.—The benefits provided for eligible WTC community members in section 3106(b)(1)(C).

''(h) NOTIFICATION TO CONGRESS WHEN REACH 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The WTC Program Administrator shall promptly notify the Congress—

''(1) when the number of certifications for eligible WTC responders subject to the limit established under section 3111(a)(5) has reached 80 percent of such limit; and

''(2) when the number of certifications for eligible WTC community members subject to the limit established under section 3121(a)(5) has reached 80 percent of such limit.

''(i) GAO REPORT.—Not later than 3 years after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2009, the Comptroller General of the United States shall submit to the Congress a report on the costs of the monitoring and treatment programs provided under this title.

''(j) NYC RECOMMENDATIONS.—The City of New York may make recommendations to the WTC Program Administrator on ways to improve the monitoring and treatment programs under this title for both eligible WTC responders and eligible WTC community members.

''SEC. 3102. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this section referred to as the 'Advisory Committee') to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC program eligibility criteria and on additional WTC-related health conditions.

''(b) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

''(1) 4 occupational physicians, at least two of whom have experience treating WTC rescue and recovery workers;

''(2) 1 physician with expertise in pulmonary medicine;

''(3) 2 environmental medicine or environmental health specialists;

''(4) 2 representatives of eligible WTC responders;

''(5) 2 representatives of WTC community members;

''(6) an industrial hygienist;

''(7) a toxicologist;

''(8) an epidemiologist; and

''(9) a mental health professional.

''(c) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(d) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public website established for the WTC program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary, not to exceed $100,000, for each fiscal year beginning with fiscal year 2009.

''(f) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC program is in operation.

''(g) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

''SEC. 3103. WTC HEALTH PROGRAM STEERING COMMITTEES.

''(a) ESTABLISHMENT.—The WTC Program Administrator shall establish two steering committees (each in this section referred to as a 'Steering Committee') as follows:

''(1) WTC RESPONDERS STEERING COMMITTEE.—One steering committee, to be known as the WTC Responders Steering Committee, for the purpose of facilitating the coordination of medical monitoring and treatment programs for the eligible WTC responders under part 1 of subtitle B.

''(2) WTC COMMUNITY PROGRAM STEERING COMMITTEE.—One steering committee, to be known as the WTC Community Program Steering Committee, for the purpose of facilitating the coordination of initial health evaluations, monitoring, and treatment programs for eligible WTC community members under part 2 of subtitle B.

''(b) MEMBERSHIP.—

''(1) INITIAL MEMBERSHIP OF WTC RESPONDERS STEERING COMMITTEE.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title). In addition, the committee membership shall include—

''(A) a representative of the Police Commissioner of the City of New York;

''(B) a representative of the Department of Health of the City of New York;

''(C) a representative of another agency of the City of New York, selected by the Mayor of New York City, which had a large number of non-uniformed City workers who responded to the September 11, 2001, terrorist attacks on the World Trade Center; and

''(D) three representatives of eligible WTC responders;

in order that eligible WTC responders constitute half the members of the Steering Committee.

''(2) INITIAL MEMBERSHIP OF WTC COMMUNITY PROGRAM STEERING COMMITTEE.—

''(A) IN GENERAL.—The WTC Community Program Steering Committee shall initially be composed of members of the WTC Environmental Health Center Community Advisory Committee (as in existence on the day before the date of the enactment of this title) and shall initially have, as voting members, the following:

''(i) 11 representatives of the affected populations of residents, students, area workers, and other community members.

''(ii) The Medical Director of the WTC Environmental Health Center.

''(iii) The Executive Director of the WTC Environmental Health Center.

''(iv) Three physicians, one each representing the three WTC Environmental Health Center treatment sites of Bellevue Hospital Center, Gouverneur Healthcare Services, and Elmhurst Hospital Center.

''(v) Five specialists with WTC related expertise or experience in treating non-responder WTC diseases, such as a pediatrician, an epidemiologist, a psychiatrist or psychologist, an environmental/occupational specialist, or a social worker from a WTC Environmental Health Center treatment site, or other relevant specialists.

''(vi) A representative of the Department of Health and Mental Hygiene of the City of New York.

''(B) APPOINTMENTS.—

''(i) WTC EHC COMMUNITY ADVISORY COMMITTEE.—The WTC Environmental Health Center Community Advisory Committee as in existence on the date of the enactment of this title shall nominate members for positions described in subparagraph (A)(i).

''(ii) NYC HEALTH AND HOSPITALS CORPORATION.—The New York City Health and Hospitals Corporation shall nominate members for positions described in clauses (iv) and (v) of subparagraph (A).

''(iii) TIMING.—Nominations under clauses (i) and (ii) shall be recommended to the WTC Program Administrator not later than 60 days after the date of the enactment of this title.

''(iv) APPOINTMENT.—The WTC Program Administrator shall appoint members of the WTC Community Program Steering Committee not later than 90 days after the date of the enactment of this title.

''(v) GENERAL REPRESENTATIVES.—Of the members appointed under subparagraph (A)(i)—

''(I) the representation shall reflect the broad and diverse WTC-affected populations and constituencies and the diversity of impacted neighborhoods, including residents, hard-to-reach populations, students, area workers, parents of school-aged students, community-based organizations, Community Boards, WTC Environmental Health Center patients, labor unions, and labor advocacy organizations; and

''(II) no one individual organization shall have more than one representative.

''(3) ADDITIONAL APPOINTMENTS.—Each Steering Committee may appoint, if approved by a majority of voting members of the Committee, additional members to the Committee.

''(4) VACANCIES.—A vacancy in a Steering Committee shall be filled by the Steering Committee, subject to the approval of the WTC Program Administrator, so long as—

''(A) in the case of the WTC Responders Steering Committee—

''(i) the composition of the Steering Committee includes representatives of eligible WTC responders and representatives of each Clinical Center of Excellence and each Coordinating Center of Excellence that serves eligible WTC responders; and

''(ii) such composition has eligible WTC responders constituting half of the membership of the Steering Committee; or

''(B) in the case of the WTC Community Program Steering Committee—

''(i) the composition of the Committee includes representatives of eligible WTC community members and representatives of each Clinical Center of Excellence and each Coordinating Center of Excellence that serves eligible WTC community members; and

''(ii) the nominating process is consistent with paragraph (2)(B).

''(5) CO-CHAIRS OF WTC COMMUNITY PROGRAM STEERING COMMITTEE.—The WTC Community Program Steering Committee shall have two Co-Chairs as follows:

''(A) COMMUNITY/LABOR CO-CHAIR.—A Community/Labor Co-Chair who shall be chosen by the community and labor-based members of the Steering Committee.

''(B) ENVIRONMENTAL HEALTH CLINIC CO-CHAIR.—A WTC Environmental Health Clinic Co-Chair who shall be chosen by the WTC Environmental Health Center members on the Steering Committee.

''(c) RELATION TO FACA.—Each Steering Committee shall not be subject to the Federal Advisory Committee Act.

''(d) MEETINGS.—Each Steering Committee shall meet at such frequency necessary to carry out its duties, but not less than 4 times each calendar year and at least two such meetings each year shall be a joint meeting with the voting membership of the other Steering Committee for the purpose of exchanging information regarding the WTC program.

''(e) DURATION.—Notwithstanding any other provision of law, each Steering Committee shall continue in operation during the period in which the WTC program is in operation.

''SEC. 3104. COMMUNITY EDUCATION AND OUTREACH.

''(a) IN GENERAL.—The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC program. The outreach and education program—

''(1) shall include—

''(A) the establishment of a public website with information about the WTC program;

''(B) meetings with potentially eligible populations;

''(C) development and dissemination of outreach materials informing people about the WTC program; and

''(D) the establishment of phone information services; and

''(2) shall be conducted in a manner intended—

''(A) to reach all affected populations; and

''(B) to include materials for culturally and linguistically diverse populations.

''(b) PARTNERSHIPS.—To the greatest extent possible, in carrying out this section, the WTC Program Administrator shall enter into partnerships with local governments and organizations with experience performing outreach to the affected populations, including community and labor-based organizations.

''SEC. 3105. UNIFORM DATA COLLECTION.

''(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the utilization of monitoring and treatment benefits provided to eligible WTC responders and eligible WTC community members, the prevalence of WTC-related health conditions, and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided.

''(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Coordinating Center of Excellence for analysis by such Coordinating Center of Excellence.

''(c) PRIVACY.—The data collection and analysis under this section shall be conducted in a manner that protects the confidentiality of individually identifiable health information consistent with applicable legal requirements.

''SEC. 3106. CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—

''(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall enter into contracts with Clinical Centers of Excellence specified in subsection (b)(1)—

''(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

''(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for follow-up to individuals who are enrolled in the monitoring program;

''(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

''(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

''(E) for the provision of translational and interpretive services as for program participants who are not English language proficient; and

''(F) for the collection and reporting of data in accordance with section 3105.

''(2) CONTRACTS WITH COORDINATING CENTERS OF EXCELLENCE.—The WTC Program Administrator shall enter into contracts with Coordinating Centers of Excellence specified in subsection (b)(2)—

''(A) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3105, that has been collected and reported to such Coordinating Centers by the corresponding Clinical Centers of Excellence under subsection (d)(3);

''(B) for the development of medical monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

''(C) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

''(D) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3131;

''(E) for coordinating and administrating the activities of the WTC Health Program Steering Committees established under section 3103(a); and

''(F) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under subparagraph (A) and on the development of medical monitoring, initial health evaluation, and treatment protocols under subparagraph (B).

The medical providers under subparagraph (D) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the medical conditions included in the list of identified WTC-related health conditions for responders and of identified WTC-related health conditions for community members.

''(3) REQUIRED PARTICIPATION BY NEW YORK CITY IN MONITORING AND TREATMENT PROGRAM AND COSTS.—

''(A) IN GENERAL.—In order for New York City, any agency or Department thereof, or the New York City Health and Hospitals Corporation to qualify for a contract for the provision of monitoring and treatment benefits and other services under this section, New York City is required to contribute a matching amount of 20 percent of the amount of the covered monitoring and treatment payment (as defined in subparagraph (B)).

''(B) COVERED MONITORING AND TREATMENT PAYMENT DEFINED.—For the purposes of this paragraph, the term 'covered monitoring and treatment payment' means payment under paragraphs (1) and (2) including under each such paragraph as applied under sections 3121(b) and 3122(a) for WTC community members, and section 3123 for other individuals with WTC-related health conditions, and reimbursement under section 3106(c)(1)(C) for items and services furnished by a Clinical Center of Excellence or Coordinating Center of Excellence, after the application of paragraphs (2) and (3) of section 3101(d).

''(C) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—The WTC Program Administrator shall—

''(i) bill the amount specified in subparagraph (A) directly to New York City; and

''(ii) certify periodically, for purposes of section 3101(d)(2), whether or not New York City has paid the amount so billed.

''(D) LIMITATION ON REQUIRED AMOUNT.—In no case is New York City required under this paragraph to contribute more than a total of $250,000,000 over any 10-year period.

''(b) CENTERS OF EXCELLENCE DEFINED.—

''(1) CLINICAL CENTER OF EXCELLENCE.—In this title, the term 'Clinical Center of Excellence' means the following:

''(A) FOR FDNY RESPONDERS.—With respect to an eligible WTC responder who responded to the 9/11 attacks as an employee of the Fire Department of the City of New York and who—

''(i) is an active employee of such Department—

''(I) with respect to monitoring, such Fire Department; and

''(II) with respect to treatment, such Fire Department (or such entity as has entered into a contract with the Fire Department for treatment of such responders) or any other Clinical Center of Excellence described in subparagraph (B), (C), or (D); or

''(ii) is not an active employee of such Department, such Fire Department (or such entity as has entered into a contract with the Fire Department for monitoring or treatment of such responders) or any other Clinical Center of Excellence described in subparagraph (B), (C), or (D).

''(B) OTHER ELIGIBLE WTC RESPONDERS.—With respect to other eligible WTC responders, whether or not the responders reside in the New York Metropolitan area, the Mt. Sinai-coordinated consortium, Queens College, State University of New York at Stony Brook, University of Medicine and Dentistry of New Jersey, and Bellevue Hospital.

''(C) WTC COMMUNITY MEMBERS.—With respect to eligible WTC community members, whether or not the members reside in the New York Metropolitan area, the World Trade Center Environmental Health Center at Bellevue Hospital and such hospitals or other facilities, including but not limited to those within the New York City Health and Hospitals Corporation, as are identified by the WTC Program Administrator.

''(D) ALL ELIGIBLE WTC RESPONDERS AND ELIGIBLE WTC COMMUNITY MEMBERS.—With respect to all eligible WTC responders and eligible WTC community members, such other hospitals or other facilities as are identified by the WTC Program Administrator.

The WTC Program Administrator shall limit the number of additional Centers of Excellence identified under subparagraph (D) to ensure that the participating centers have adequate experience in the treatment and diagnosis of identified WTC-related health conditions.

''(2) COORDINATING CENTER OF EXCELLENCE.—In this title, the term 'Coordinating Center of Excellence' means the following:

''(A) FOR FDNY RESPONDERS.—With respect to an eligible WTC responder who responded to the 9/11 attacks as an employee of the Fire Department of the City of New York, such Fire Department.

''(B) OTHER WTC RESPONDERS.—With respect to other eligible WTC responders, the Mt. Sinai-coordinated consortium.

''(C) WTC COMMUNITY MEMBERS.—With respect to eligible WTC community members, the World Trade Center Environmental Health Center at Bellevue Hospital.

''(3) CORRESPONDING CENTERS.—In this title, a Clinical Center of Excellence and a Coordinating Center of Excellence shall be treated as 'corresponding' to the extent that such Clinical Center and Coordinating Center serve the same population group.

''(c) REIMBURSEMENT FOR NON-TREATMENT, NON-MONITORING PROGRAM COSTS.—A Clinical or Coordinating Center of Excellence with a contract under this section shall be reimbursed for the costs of such Center in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A), subject to the provisions of section 3101(d), as follows:

''(1) CLINICAL CENTERS OF EXCELLENCE.—For carrying out subparagraphs (B) through (F) of subsection (a)(1)—

''(A) CLINICAL CENTER FOR FDNY RESPONDERS IN NEW YORK.—The Clinical Center of Excellence for FDNY responders in New York specified in subsection (b)(1)(A) shall be reimbursed—

''(i) in the first year of the contract under this section, $600 per certified eligible WTC responder in the medical treatment program, and $300 per certified eligible WTC responder in the monitoring program; and

''(ii) in each subsequent contract year, subject to paragraph (3), at the rates specified in this subparagraph for the previous contract year adjusted by the WTC Program Administrator to reflect the rate of medical care inflation during the previous contract year.

''(B) CLINICAL CENTERS SERVING OTHER ELIGIBLE WTC RESPONDERS IN NEW YORK.—A Clinical Center of Excellence for other WTC responders in New York specified in subsection (b)(1)(B) shall be reimbursed the amounts specified in subparagraph (A).

''(C) CLINICAL CENTERS SERVING WTC COMMUNITY MEMBERS.—A Clinical Center of Excellence for eligible WTC community members in New York specified in subsection (b)(1)(C) shall be reimbursed—

''(i) in the first year of the contract under this section, for each certified eligible WTC community member in a medical treatment program enrolled at a non-hospital-based facility, $600, and for each certified eligible WTC community member in a medical treatment program enrolled at a hospital-based facility, $300; and

''(ii) in each subsequent contract year, subject to paragraph (3), at the rates specified in this subparagraph for the previous contract year adjusted by the WTC Program Administrator to reflect the rate of medical care inflation during the previous contract year.

''(D) OTHER CLINICAL CENTERS.—A Clinical Center of Excellence for other providers not described in a previous subparagraph shall be reimbursed at a rate set by the WTC Program Administrator.

''(E) REIMBURSEMENT RULES.—The reimbursement provided under subparagraphs (A), (B), and (C) shall be made for each certified eligible WTC responder and for each WTC community member in the WTC program per year that the member receives such

services, regardless of the volume or cost of services required.

''(2) COORDINATING CENTERS OF EXCELLENCE.—A Coordinating Center of Excellence specified in section (a)(2) shall be reimbursed for the provision of services set forth in this section at such levels as are established by the WTC Program Administrator.

''(3) REVIEW OF RATES.—

''(A) INITIAL REVIEW.—Before the end of the third contract year of the WTC program, the WTC Program Administrator shall conduct a review to determine whether the reimbursement rates set forth in this subsection provide fair and appropriate reimbursement for such program services. Based on such review, the Administrator may, by rule beginning with the fourth contract year, modify such rates, taking into account a reasonable and fair rate for the services being provided.

''(B) SUBSEQUENT REVIEWS.—After the fourth contract year, the WTC Program Administrator shall conduct periodic reviews to determine whether the reimbursement rates in effect under this subsection provide fair and appropriate reimbursement for such program services. Based upon such a review, the Administrator may by rule modify such rates, taking into account a reasonable and fair rate for the services being provided.

''(C) GAO REVIEW.—The Comptroller General of the United States shall review the WTC Program Administrator's determinations regarding fair and appropriate reimbursement for program services under this paragraph.

''(d) REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless—

''(1) the Center establishes a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center;

''(2) the Center provides for the coordination of monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions;

''(3) the Center collects and reports to the corresponding Coordinating Center of Excellence data in accordance with section 3105;

''(4) the Center has in place safeguards against fraud that are satisfactory to the Administrator;

''(5) the Center agrees to treat or refer for treatment all individuals who are eligible WTC responders or eligible WTC community members with respect to such Center who present themselves for treatment of a WTC-related health condition;

''(6) the Center has in place safeguards to ensure the confidentiality of an individual's individually identifiable health information, including requiring that such information not be disclosed to the individual's employer without the authorization of the individual;

''(7) the Center provides assurances that the amounts paid under subsection (c)(1) are used only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A); and

''(8) the Center agrees to meet all the other applicable requirements of this title, including regulations implementing such requirements.

''(e) NYC RIGHT OF INSPECTION AND AUDIT.—

''(1) IN GENERAL.—The City of New York, for any program under this title for which the City contributes a matching amount pursuant to subsection (a)(3)(C), shall have the right to, independently but in coordination with the WTC Program Administrator—

''(A) inspect or otherwise evaluate the quality, appropriateness, and timeliness of services provided to recipients of assistance under a contract under such program; and

''(B) audit and inspect any books and records of any Clinical Center of Excellence or Coordinating Center of Excellence that pertain to—

''(i) the ability of the Center of Excellence to provide services to program recipients under the contract; or

''(ii) expenditures made utilizing City funds.

''(2) MEMORANDUM OF UNDERSTANDING.—The WTC Program Administrator shall enter into a memorandum of understanding with the City of New York setting forth the terms and conditions of how the inspections and audits conducted by the City under paragraph (1) shall be carried out. The memorandum of understanding shall include provisions requiring that any audits conducted by the City of New York under paragraph (1) will be done in a manner to protect the confidentiality of program participants and in accordance with the Health Insurance Portability and Accountability Act of 1996 and other applicable Federal and State medical confidentiality requirements.

''SEC. 3107. ENTITLEMENT AUTHORITIES.

''Subject to subsections (b)(4)(C) and (c)(4) of section 3112—

''(1) subtitle B constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment for monitoring, initial health evaluations, and treatment in accordance with such subtitle; and

''(2) section 3106(c) constitutes such budget authority and represents the obligation of the Federal Government to provide for the payment described in such section.

''SEC. 3108. DEFINITIONS.

''In this title:

''(1) The term 'aggravating' means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks on the World Trade Center, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

''(2) The terms 'certified eligible WTC responder' and 'certified eligible WTC community member' mean an individual who has been certified as an eligible WTC responder under section 3111(a)(4) or an eligible WTC community member under section 3121(a)(4), respectively.

''(3) The terms 'Clinical Center of Excellence' and 'Coordinating Center of Excellence' have the meanings given such terms in section 3106(b).

''(4) The term 'current consortium arrangements' means the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and the Mt. Sinai-coordinated consortium and the Fire Department of the City of New York.

''(5) The terms 'eligible WTC responder' and 'eligible WTC community member' are defined in sections 3111(a) and 3121(a), respectively.

''(6) The term 'initial health evaluation' includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC program.

''(7) The term 'list of identified WTC-related health conditions' means—

''(A) for eligible WTC responders, the identified WTC-related health conditions for eligible WTC responders under paragraph (3) or (4) of section 3112(a); or

''(B) for eligible WTC community members, the identified WTC-related health conditions for WTC community members under paragraph (1) or (2) of section 3122(b).

''(8) The term 'Mt.-Sinai-coordinated consortium' means the consortium coordinated by Mt. Sinai hospital in New York City that coordinates the monitoring and treatment under the current consortium arrangements for eligible WTC responders other than with respect to those covered under the arrangement with the Fire Department of the City of New York.

''(9) The term 'New York City disaster area' means the area within New York City that is—

''(A) the area of Manhattan that is south of Houston Street; and

''(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

''(10) The term 'New York metropolitan area' means an area, specified by the WTC Program Administrator, within which eligible WTC responders and eligible WTC community members who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraph (A), (B), or (C) of section 3106(b)(1).

''(11) Any reference to 'September 11, 2001' shall be deemed a reference to the period on such date subsequent to the terrorist attacks on the World Trade Center on such date.

''(12) The term 'September 11, 2001, terrorist attacks on the World Trade Center' means the terrorist attacks that occurred on September 11, 2001, in New York City and includes the aftermath of such attacks.

''(13) The term 'WTC Health Program Steering Committee' means such a Steering Committee established under section 3103.

''(14) The term 'WTC Program Administrator' means the individual responsible under section 3101(f) for the administration of the WTC program.

''(15) The term 'WTC-related health condition' is defined in section 3112(a).

''(16) The term 'WTC Scientific/Technical Advisory Committee' means the WTC Health Program Scientific/Technical Advisory Committee established under section 3102.

''Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

''PART 1—FOR WTC RESPONDERS

''SEC. 3111. IDENTIFICATION OF ELIGIBLE WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

''(a) ELIGIBLE WTC RESPONDER DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'eligible WTC responder' means any of the following individuals, subject to paragraph (5):

''(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for medical monitoring under the current consortium arrangements (as defined in section 3108(4)).

''(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

''(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

''(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks on the World Trade Center, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

''(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center as the WTC Program Administrator, after consultation with the WTC Responders Steering Committee and the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of certifications for eligible responders has reached 80 percent of the limit described in paragraph (5) or on or after the date that the number of certifications for eligible community members has reached 80 percent of the limit described in section 3121(a)(5).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in either of the following categories:

''(A) FIRE FIGHTERS AND RELATED PERSONNEL.—The individual—

''(i) was a member of the Fire Department of the City of New York (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island land fill, and the NYC Chief Medical Examiner's office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

''(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of the City of New York (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

''(II) received any treatment for a WTC-related mental health condition described in section 3112(a)(1)(B) on or before September 1, 2008.

''(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEAN-UP WORKERS.—The individual—

''(i) worked or volunteered on-site in rescue, recovery, debris-cleanup, or related support services in lower Manhattan (south of Canal Street), the Staten Island Landfill, or the barge loading piers, for—

''(I) at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001;

''(II) at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(III) at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(ii)(I) was a member of the Police Department of the City of New York (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated on-site in rescue, recovery, debris clean-up, or related support services in lower Manhattan (south of Canal Street), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

''(II) participated on-site in rescue, recovery, debris clean-up, or related services at Ground Zero, the Staten Island Landfill or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(III) participated on-site in rescue, recovery, debris clean-up, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(IV) participated on-site in rescue, recovery, debris clean-up, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iii) was an employee of the Office of the Chief Medical Examiner of the City of New York involved in the examination and handling of human remains from the September 11, 2001, terrorist attacks on the World Trade Center, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001 and ending on July 31, 2002;

''(iv) was a worker in the Port Authority Trans-Hudson Corporation tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

''(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, or maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks on the World Trade Center during a duration and period described in subparagraph (A).

''(3) APPLICATION PROCESS.—The WTC Program Administrator in consultation with the Coordinating Centers of Excellence shall establish a process for individuals, other than eligible WTC responders described in paragraph (1)(A), to apply to be determined to be eligible WTC responders. Under such process—

''(A) there shall be no fee charged to the applicant for making an application for such determination;

''(B) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(C) an individual who is determined not to be an eligible WTC responder shall have an opportunity to appeal such determination before an administrative law judge in a manner established under such process.

''(4) CERTIFICATION.—

''(A) IN GENERAL.—In the case of an individual who is described in paragraph (1)(A) or who is determined under paragraph (3) (consistent with paragraph (5)) to be an eligible WTC responder, the WTC Program Administrator shall provide an appropriate certification of such fact and of eligibility for monitoring and treatment benefits under this part. The Administrator shall make determinations of eligibility relating to an applicant's compliance with this title, including the verification of information submitted in support of the application, and shall not deny such a certification to an individual unless the Administrator determines that—

''(i) based on the application submitted, the individual does not meet the eligibility criteria; or

''(ii) the numerical limitation on eligible WTC responders set forth in paragraph (5) has been met.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED RESPONDERS.—In the case of an individual who is described in paragraph (1)(A), the WTC Program Administrator shall provide the certification under subparagraph (A) not later than 60 days after the date of the enactment of this title.

''(ii) OTHER RESPONDERS.—In the case of another individual who is determined under paragraph (3) and consistent with paragraph (5) to be an eligible WTC responder, the WTC Program Administrator shall provide the certification under subparagraph (A) at the time of the determination.

''(5) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The total number of individuals not described in subparagraph (C) who may qualify as eligible WTC responders for purposes of this title, and be certified as eligible WTC responders under paragraph (4), shall not exceed 15,000, subject to adjustment under paragraph (6), of which no more than 2,500 may be individuals certified based on modified eligibility criteria established under paragraph (1)(C). In applying the previous sentence, any individual who at any time so qualifies as an eligible WTC responder shall be counted against such numerical limitation.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (4) in accordance with such subparagraph; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (3).

''(C) CURRENTLY IDENTIFIED RESPONDERS NOT COUNTED.—Individuals described in this subparagraph are individuals who are described in paragraph (1)(A).

''(6) POTENTIAL ADJUSTMENT IN NUMERICAL LIMITATIONS DEPENDENT UPON ACTUAL SPENDING RELATIVE TO ESTIMATED SPENDING.—

''(A) INITIAL CALCULATION FOR FISCAL YEARS 2009 THROUGH 2011.—If the WTC Program Administrator determines as of December 1, 2011, that the WTC expenditure-to-CBO-estimate percentage (as defined in subparagraph (D)(iii)) for fiscal years 2009 through 2011 does not exceed 90 percent, then, effective January 1, 2012, the WTC Program Administrator may increase the numerical limitation under paragraph (5)(A), the numerical limitation under section 3121(a)(5), or both, by a number of percentage points not to exceed the number of percentage points specified in subparagraph (C) for such period of fiscal years.

''(B) SUBSEQUENT CALCULATION FOR FISCAL YEARS 2009 THROUGH 2015.—If the Secretary determines as of December 1, 2015, that the WTC expenditure-to-CBO-estimate percentages for fiscal years 2009 through 2015 and for fiscal years 2012 through 2015 do not exceed 90 percent, then, effective January 1, 2015, the WTC Program Administrator may increase the numerical limitation under paragraph (5)(A), the numerical limitation under section 3121(a)(5), or both, as in effect after the application of subparagraph (A), by a number of percentage points not to exceed twice the lesser of—

''(i) the number of percentage points specified in subparagraph (C) for fiscal years 2009 through 2012, or

''(ii) the number of percentage points specified in subparagraph (C) for fiscal years 2012 through 2015.

''(C) MAXIMUM PERCENTAGE INCREASE IN NUMERICAL LIMITATIONS FOR PERIOD OF FISCAL

YEARS.—The number of percentage points specified in this clause for a period of fiscal years is—

''(i) 100 percentage points, multiplied by

''(ii) one minus a fraction the numerator of which is the net Federal WTC spending for such period, and the denominator of which is the CBO WTC spending estimate under this title for such period.

''(D) DEFINITIONS.—For purposes of this paragraph:

''(i) NET FEDERAL WTC SPENDING.—The term 'net Federal WTC spending' means, with respect to a period of fiscal years, the net Federal spending under this title for such fiscal years.

''(ii) CBO WTC MEDICAL SPENDING ESTIMATE UNDER THIS TITLE.—The term 'CBO WTC medical spending estimate under this title' means, with respect to—

''(I) fiscal years 2009 through 2011, $900,000,000;

''(II) fiscal years 2012 through 2015, $1,890,000,000; and

''(III) fiscal years 2009 through 2015, the sum of the amounts specified in subclauses (I) and (II).

''(iii) WTC EXPENDITURE-TO-CBO-ESTIMATE PERCENTAGE.—The term 'WTC expenditure-to-estimate percentage' means, with respect to a period of fiscal years, the ratio (expressed as a percentage) of—

''(I) the net Federal WTC spending for such period, to

''(II) the CBO WTC medical spending estimate under this title for such period.

''(b) MONITORING BENEFITS.—

''(1) IN GENERAL.—In the case of an eligible WTC responder under section 3111(a)(4) (other than one described in subsection (a)(2)(A)(ii)), the WTC program shall provide for monitoring benefits that include medical monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an eligible WTC responder who is an active member of the Fire Department of the City of New York, the responder shall receive such benefits as part of the individual's periodic company medical exams.

''(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3131.

''SEC. 3112. TREATMENT OF CERTIFIED ELIGIBLE WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) WTC–RELATED HEALTH CONDITION DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC-related health condition' means—

''(A) an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks on the World Trade Center, based on an examination by a medical professional with experience in treating or diagnosing the medical conditions included in the applicable list of identified WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

''(B) a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the medical conditions included in the applicable list of identified WTC-related health conditions, is substantially likely be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2).

In the case of an eligible WTC responder described in section 3111(a)(2)(A)(ii), such term only includes the mental health condition described in subparagraph (B).

''(2) DETERMINATION.—The determination of whether the September 11, 2001, terrorist attacks on the World Trade Center were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

''(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

''(i) evaluated and characterized through the use of a standardized, population appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

''(ii) assessed and documented by a medical professional with experience in treating or diagnosing medical conditions included on the list of identified WTC-related health conditions.

''(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

''(i) assessed through the use of a standardized, population appropriate medical questionnaire approved by Director of the National Institute for Occupational Safety and Health and a medical examination; and

''(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

''(3) LIST OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR ELIGIBLE WTC RESPONDERS.—For purposes of this title, the term 'identified WTC-related health condition for eligible WTC responders' means any of the following health conditions:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder-fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastro-esophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Post traumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(xi) V codes (treatments not specifically related to psychiatric disorders, such as marital problems, parenting problems, etc.), secondary to another identified WTC-related health condition for WTC eligible responders.

''(C) MUSCULOSKELETAL DISORDERS.—

''(i) Low back pain.

''(ii) Carpal tunnel syndrome (CTS).

''(iii) Other musculoskeletal disorders.

''(4) ADDITION OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The WTC Program Administrator may promulgate regulations to add an illness or health condition not described in paragraph (3) to the list of identified WTC-related conditions for eligible WTC responders. In promulgating such regulations, the Secretary shall provide for notice and opportunity for a public hearing and at least 90 days of public comment. In promulgating such regulations, the WTC Program Administrator shall take into account the findings and recommendations of Clinical Centers of Excellence published in peer reviewed journals in the determination of whether an additional illness or health condition, such as cancer, should be added to the list of identified WTC-related health conditions for eligible WTC responders.

''(B) PETITIONS.—Any person (including the WTC Health Program Scientific/Technical Advisory Committee) may petition the WTC Program Administrator to propose regulations described in subparagraph (A). Unless clearly frivolous, or initiated by such Committee, any such petition shall be referred to such Committee for its recommendations. Following—

''(i) receipt of any recommendation of the Committee; or

''(ii) 180 days after the date of the referral to the Committee,

whichever occurs first, the WTC Program Administrator shall conduct a rulemaking proceeding on the matters proposed in the petition or publish in the Federal Register a statement of reasons for not conducting such proceeding.

''(C) EFFECTIVENESS.—Any addition under subparagraph (A) of an illness or health condition shall apply only with respect to applications for benefits under this title which are filed after the effective date of such regulation.

''(D) ROLE OF ADVISORY COMMITTEE.—Except with respect to a regulation recommended by the WTC Scientific/Technical Advisory Committee, the WTC Program Administrator may not propose a regulation under this paragraph, unless the Administrator has first provided to the Committee a copy of the proposed regulation, requested recommendations and comments by the Committee, and afforded the Committee at least 90 days to make such recommendations.

''(b) COVERAGE OF TREATMENT FOR WTC–RELATED HEALTH CONDITIONS.—

''(1) DETERMINATION BASED ON AN IDENTIFIED WTC-RELATED HEALTH CONDITION FOR CERTIFIED ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3111 for a certified eligible WTC responder determines that the responder has an identified WTC-related health condition, and the physician makes a clinical determination that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September, 11, 2001, terrorist attacks on the World Trade Center is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator

with the medical facts supporting such determination; and

''(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

''(B) REVIEW; CERTIFICATION; APPEALS.—

''(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A) of a WTC-related health condition.

''(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not an identified WTC-related health condition or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center is not substantially likely to be a significant factor in significantly aggravating, contributing to, or causing the condition.

''(iii) APPEAL PROCESS.—The Administrator shall provide a process for the appeal of determinations under clause (ii) before an administrative law judge.

''(2) DETERMINATION BASED ON OTHER WTC-RELATED HEALTH CONDITION.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that a certified eligible WTC responder has a WTC-related health condition that is not an identified WTC-related health condition for eligible WTC responders—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

''(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

''(B) REVIEW; CERTIFICATION.—

''(i) USE OF PHYSICIAN PANEL.—With respect to each determination relating to a WTC-related health condition transmitted under subparagraph (A)(i), the WTC Program Administrator shall provide for the review of the condition to be made by a physician panel with appropriate expertise appointed by the WTC Program Administrator. Such a panel shall make recommendations to the Administrator on the evidence supporting such determination.

''(ii) REVIEW OF RECOMMENDATIONS OF PANEL; CERTIFICATION.—The Administrator, based on such recommendations shall determine, within 60 days after the date of the transmittal under subparagraph (A)(i), whether or not the condition is a WTC-related health condition and, if it is, provide for a certification under paragraph (1)(B)(ii) of coverage of such condition. The Administrator shall provide a process for the appeal of determinations that the responder's condition is not a WTC-related health condition before an administrative law judge.

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

''(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician shall provide treatment that is medically necessary and in accordance with medical protocols established under subsection (d).

''(B) MEDICALLY NECESSARY STANDARD.—For the purpose of this title, health care services shall be treated as medically necessary for an individual if a physician, exercising prudent clinical judgment, would consider the services to be medically necessary for the individual for the purpose of evaluating, diagnosing, or treating an illness, injury, disease or its symptoms, and that are—

''(i) in accordance with the generally accepted standards of medical practice;

''(ii) clinically appropriate, in terms of type, frequency, extent, site, and duration, and considered effective for the individual's illness, injury, or disease; and

''(iii) not primarily for the convenience of the patient or physician, or another physician, and not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of the individual's illness, injury, or disease.

''(C) DETERMINATION OF MEDICAL NECESSITY.—

''(i) REVIEW OF MEDICAL NECESSITY.—As part of the reimbursement payment process under subsection (c), the WTC Program Administrator shall review claims for reimbursement for the provision of medical treatment to determine if such treatment is medically necessary.

''(ii) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator may withhold such payment for treatment that the Administrator determines is not medically necessary.

''(iii) REVIEW OF DETERMINATIONS OF MEDICAL NECESSITY.—The Administrator shall provide a process for providers to appeal a determination under clause (ii) that medical treatment is not medically necessary. Such appeals shall be reviewed through the use of a physician panel with appropriate expertise.

''(4) SCOPE OF TREATMENT COVERED.—

''(A) IN GENERAL.—The scope of treatment covered under paragraphs (1) through (3) includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

''(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

''(C) TRANSPORTATION EXPENSES.—To the extent provided in advance in appropriations Acts, the WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

''(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—In the case of a certified eligible WTC responder who has been determined by an examining physician under subsection (b)(1) to have an identified WTC-related health condition, but for whom a certification of the determination has not yet been made by the WTC Program Administrator, medical treatment may be provided under this subsection, subject to paragraph (6), until the Administrator makes a decision on such certification. Medical treatment provided under this paragraph shall be considered to be medical treatment for which payment may be made under subsection (c).

''(6) PRIOR APPROVAL PROCESS FOR NON-CERTIFIED NON-EMERGENCY INPATIENT HOSPITAL SERVICES.—Non-emergency inpatient hospital services for a WTC-related health condition identified by an examining physician under paragraph (1) that is not certified under paragraph (1)(B)(ii) is not covered unless the services have been determined to be medically necessary and approved through a process established by the WTC Program Administrator. Such process shall provide for a decision on a request for such services within 15 days of the date of receipt of the request. The WTC Administrator shall provide a process for the appeal of a decision that the services are not medically necessary.

''(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MEDICAL MONITORING, AND TREATMENT OF WTC–RELATED HEALTH CONDITIONS.—

''(1) MEDICAL TREATMENT.—

''(A) USE OF FECA PAYMENT RATES.—Subject to subparagraph (B), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act.

''(B) PHARMACEUTICALS.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

''(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

''(I) select one or more appropriate vendors through a Federal competitive bid process; and

''(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC program.

''(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may select a separate vendor to provide pharmaceutical benefits to certified eligible WTC responders for whom the Clinical Center of Excellence is described in section 3106(b)(1)(A) if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

''(C) OTHER TREATMENT.—For treatment not covered under a preceding subparagraph, the WTC Program Administrator shall designate a reimbursement rate for each such service.

''(2) MEDICAL MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of medical monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator.

''(3) ADMINISTRATIVE ARRANGEMENT AUTHORITY.—The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under this section.

''(4) CLAIMS PROCESSING SUBJECT TO APPROPRIATIONS.—The payment by the WTC Program Administrator for the processing of claims under this title is limited to the amounts provided in advance in appropriations Acts.

''(d) MEDICAL TREATMENT PROTOCOLS.—

''(1) DEVELOPMENT.—The Coordinating Centers of Excellence shall develop medical treatment protocols for the treatment of certified eligible WTC responders and certified eligible WTC community members for identified WTC-related health conditions.

''(2) APPROVAL.—The WTC Program Administrator shall approve the medical treatment protocols, in consultation with the WTC Health Program Steering Committees.

''PART 2—COMMUNITY PROGRAM

''SEC. 3121. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF ELIGIBLE WTC COMMUNITY MEMBERS.

''(a) ELIGIBLE WTC COMMUNITY MEMBER DEFINED.—

''(1) IN GENERAL.—In this title, the term 'eligible WTC community member' means, subject to paragraphs (3) and (5), an individual who claims symptoms of a WTC-related health condition and is described in any of the following subparagraphs:

''(A) CURRENTLY IDENTIFIED COMMUNITY MEMBER.—An individual, including an eligible WTC responder, who has been identified as eligible for medical treatment or monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

''(B) COMMUNITY MEMBER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not an eligible WTC responder and meets any of the current eligibility criteria described in a subparagraph of paragraph (2).

''(C) COMMUNITY MEMBER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not an eligible WTC responder and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center as the WTC Administrator determines after consultation with the WTC Community Program Steering Committee, the Coordinating Centers of Excellence described in section 3106(b)(1)(C), and the WTC Scientific/Technical Advisory Committee.

The Administrator shall not modify such criteria under subparagraph (C) on or after the date that the number of certifications for eligible WTC community members has reached 80 percent of the limit described in paragraph (5) or on or after the date that the number of certifications for eligible WTC responders has reached 80 percent of the limit described in section 3111(a)(5).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual are that the individual is described in any of the following subparagraphs:

''(A) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

''(B) A person who worked, resided, or attended school, child care or adult day care in the New York City disaster area for—

''(i) at least four days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

''(ii) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

''(C) A person who worked as a clean-up worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

''(D) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

''(E) A person whose place of employment—

''(i) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

''(ii) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the Lower Manhattan economy after the September 11, 2001, terrorist attacks on the World Trade Center.

''(3) APPLICATION PROCESS.—The WTC Program Administrator in consultation with the Coordinating Centers of Excellence shall establish a process for individuals, other than individuals described in paragraph (1)(A), to be determined eligible WTC community members. Under such process—

''(A) there shall be no fee charged to the applicant for making an application for such determination;

''(B) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(C) an individual who is determined not to be an eligible WTC community member shall have an opportunity to appeal such determination before an administrative law judge in a manner established under such process.

''(4) CERTIFICATION.—

''(A) IN GENERAL.—In the case of an individual who is described in paragraph (1)(A) or who is determined under paragraph (3) (consistent with paragraph (5)) to be an eligible WTC community member, the WTC Program Administrator shall provide an appropriate certification of such fact and of eligibility for followup monitoring and treatment benefits under this part. The Administrator shall make determinations of eligibility relating to an applicant's compliance with this title, including the verification of information submitted in support of the application and shall not deny such a certification to an individual unless the Administrator determines that—

''(i) based on the application submitted, the individual does not meet the eligibility criteria; or

''(ii) the numerical limitation on certification of eligible WTC community members set forth in paragraph (5) has been met.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED COMMUNITY MEMBERS.—In the case of an individual who is described in paragraph (1)(A), the WTC Program Administrator shall provide the certification under subparagraph (A) not later than 60 days after the date of the enactment of this title.

''(ii) OTHER MEMBERS.—In the case of another individual who is determined under paragraph (3) and consistent with paragraph (5) to be an eligible WTC community member, the WTC Program Administrator shall provide the certification under subparagraph (A) at the time of such determination.

''(5) NUMERICAL LIMITATION ON CERTIFICATION OF ELIGIBLE WTC COMMUNITY MEMBERS.—

''(A) IN GENERAL.—The total number of individuals not described in subparagraph (C) who may be certified as eligible WTC community members under paragraph (4) shall not exceed 15,000. In applying the previous sentence, any individual who at any time so qualifies as an eligible WTC community member shall be counted against such numerical limitation.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (4) in accordance with such subparagraph; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (4).

''(C) INDIVIDUALS CURRENTLY RECEIVING TREATMENT NOT COUNTED.—Individuals described in this subparagraph are individuals who—

''(i) are described in paragraph (1)(A); or

''(ii) before the date of the enactment of this title, have received monitoring or treatment at the World Trade Center Environmental Health Center at Bellevue Hospital Center, Gouverneur Health Care Services, or Elmhurst Hospital Center.

The New York City Health and Hospitals Corporation shall, not later than 6 months after the date of enactment of this title, enter into arrangements with the Mt. Sinai Data and Clinical Coordination Center for the reporting of medical data concerning eligible WTC responders described in paragraph (1)(A), as determined by the WTC Program Administrator and consistent with applicable Federal and State laws and regulations relating to confidentiality of individually identifiable health information.

''(D) REPORT TO CONGRESS IF NUMERICAL LIMITATION TO BE REACHED.—If the WTC Program Administrator determines that the number of individuals subject to the numerical limitation of subparagraph (A) is likely to exceed such numerical limitation, the Administrator shall submit to Congress a report on such determination. Such report shall include an estimate of the number of such individuals in excess of such numerical limitation and of the additional expenditures that would result under this title if such numerical limitation were removed.

''(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

''(1) IN GENERAL.—In the case of a certified eligible WTC community member, the WTC program shall provide for an initial health evaluation to determine if the member has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC program. Initial health evaluation protocols shall be approved by the WTC Program Administrator, in consultation with the World Trade Center Environmental Health Center at Bellevue Hospital and the WTC Community Program Steering Committee.

''(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

''(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for initial health evaluation under this part for an eligible WTC community member shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

"SEC. 3122. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED ELIGIBLE WTC COMMUNITY MEMBERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3111 and 3112 shall apply to followup monitoring and treatment of WTC-related health conditions for certified eligible WTC community members in the same manner as such provisions apply to the monitoring and treatment of identified WTC-related health conditions for certified eligible WTC responders, except that such monitoring shall only be available to those certified as eligible for treatment under this title. Under section 3106(a)(3), the City of New York is required to contribute a share of the costs of such treatment.

''(b) LIST OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—

''(1) IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—For purposes of this title, the term 'identified WTC-related health conditions for WTC community members' means any of the following health conditions:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder—fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastro-esophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Post traumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(xi) V codes (treatments not specifically related to psychiatric disorders, such as marital problems, parenting problems, etc.), secondary to another identified WTC-related health condition for WTC community members.

''(2) ADDITIONS TO IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—The provisions of paragraph (4) of section 3112(a) shall apply with respect to an addition to the list of identified WTC-related health conditions for eligible WTC community members under paragraph (1) in the same manner as such provisions apply to an addition to the list of identified WTC-related health conditions for eligible WTC responders under section 3112(a)(3).

"SEC. 3123. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3122 shall apply to the followup monitoring and treatment of WTC-related health conditions for eligible WTC community members in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for WTC community members. Under section 3106(a)(3), the City of New York is required to contribute a share of the costs of such monitoring and treatment.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

''(1) is not an eligible WTC responder or an eligible WTC community member; and

''(2) is diagnosed at a Clinical Center of Excellence (with respect to an eligible WTC community member) with an identified WTC-related health condition for WTC community members.

''(c) LIMITATION.—

''(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

''(2) LIMITATION.—The amount specified in this paragraph for—

''(A) fiscal year 2009 is $20,000,000; or

''(B) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the Consumer Price Index for All Urban Consumers.

"PART 3—NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK

"SEC. 3131. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

''(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are eligible WTC responders or eligible WTC community members and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

''(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

''(1) meet criteria for credentialing established by the Coordinating Centers of Excellence;

''(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3106(a)(2)(B);

''(3) collect and report data in accordance with section 3105; and

''(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes.

"Subtitle C—Research Into Conditions

"SEC. 3141. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS IN NEW YORK CITY.

''(a) IN GENERAL.—With respect to individuals, including eligible WTC responders and eligible WTC community members, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

''(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks on the World Trade Center;

''(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

''(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3151), through a Clinical Center of Excellence, or through a Coordinating Center of Excellence.

''(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

''(1) among WTC responders and community members under treatment; and

''(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

''(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Health Program Steering Committees and the WTC Scientific/Technical Advisory Committee.

''(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research otherwise conducted by the National Institutes of Health.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each fiscal year, in addition to any other authorizations of appropriations that are available for such purpose.

"Subtitle D—Programs of the New York City Department of Health and Mental Hygiene

"SEC. 3151. WORLD TRADE CENTER HEALTH REGISTRY.

''(a) PROGRAM EXTENSION.—For the purpose of ensuring on-going data collection for victims of the September 11, 2001, terrorist attacks on the World Trade Center, the WTC Program Administrator, shall extend and expand the arrangements in effect as of January 1, 2008, with the New York City Department of Health and Mental Hygiene that provide for the World Trade Center Health Registry.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each fiscal year to carry out this section.

"SEC. 3152. MENTAL HEALTH SERVICES.

''(a) IN GENERAL.—The WTC Program Administrator may make grants to the New York City Department of Health and Mental Hygiene to provide mental health services to address mental health needs relating to the September 11, 2001, terrorist attacks on the World Trade Center.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,500,000 for each fiscal year to carry out this section.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3101 of the Public Health Service Act,'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.''; and

(4) by adding at the end the following new paragraph:

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001''; and

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

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

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clause:

''(iii) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subsection:

''(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2009, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, subject to subparagraph (B), liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors thereof, shall not be in an amount that exceeds the sum of the following:

''(i) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(ii) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(iii) The amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

''(iv) The amount of all available liability insurance coverage maintained by any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, or direct or indirect.

''(v) The amount of all available liability insurance coverage maintained by contractors and subcontractors.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to claims or actions based upon conduct held to be intentionally tortious in nature or to acts of gross negligence or other such acts to the extent to which punitive damages are awarded as a result of such conduct or acts.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order:

''(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

''(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

''(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

''(D) If there are no funds available as described in clause (i),(ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.''.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, and Ms. CANTWELL):

S. 1337. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I am introducing the Filipino Veterans Family Reunification Act of 2009. I am pleased that my colleagues, Senators INOUYE, KENNEDY and CANTWELL, have joined me in introducing this bill. Our bill will reunite Filipino World War II veterans who are U.S. citizens and U.S. residents with their children in the Philippines, who have languished for years on the visa waiting list. In seeking an exemption from the numerical limitation on immigrant visas for the children of the Filipino veterans, our bill will address and resolve an issue rooted in a set of historical circumstances that are now nearly 7 decades old.

In 1934, the Philippines, an American possession since 1898, was placed on the path to independence. The enactment of the Philippine Independence Act established the Philippines as a commonwealth with certain powers over its internal affairs but with the United States retaining sovereign power. It also set a 10-year timetable for the commonwealth's independence from the U.S.

In 1941, President Franklin D. Roosevelt responded to Japan's increasingly aggressive military posture in Asia and the Pacific by issuing a presidential order that called and ordered into the service of the Armed Forces of the United States all of the organized military forces of the Commonwealth of the Philippines. The authority for this presidential order was the Philippine Independence Act, which retained for the United States sovereign power over the commonwealth. Accordingly, over 200,000 Filipinos were drafted into the United States armed forces, and served honorably during World War II.

In 1942, Congress passed the Second War Powers Act, including Sections 701 and 702, Nationality Act of 1940, which authorized the naturalization of all aliens serving in the U.S. armed forces. Pursuant to this act, about 7,000 Filipinos serving in the U.S. armed forces outside the Philippines became U.S. citizens. Naturalization of the Filipinos who had served in the U.S. armed forces in the Philippines began in Manila in August 1945, but was halted two months later when the American vice consul's naturalization authority was revoked.

At the time, U.S. officials indicated that the government of the Commonwealth of the Philippines had expressed concerns that the naturalization, and likely emigration to the U.S., of the Filipino veterans would drain the soon-to-be-independent Philippines of essential manpower and undermine the new nation's postwar reconstruction efforts. Others, however, believed this was a pretext for what came to be known as the Rescissions Act of 1946.

In February and May 1946, the 79th Congress passed the First Supplemental Surplus Appropriations Rescission Act, PL 79–301, and the Second Supplemental Surplus Appropriations Rescission Act, PL 79–391, respectively. Now collectively known as the Rescissions Act of 1946, PL 79–301 authorized a $200 million appropriation to the Commonwealth Army of the Philippines conditioned on a provision that service in the Commonwealth Army of the Phillippines should not be deemed to have been service in the active military or air service of the U.S.

It would take Congress more than four decades to acknowledge that the Filipino World War II veterans had, indeed, served in the U.S. armed forces. The Immigration Act of 1990 included a provision that offered the opportunity to obtain U.S. citizenship to those Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940. And nineteen years later, the American Recovery and Reinvestment Act, ARRA, of 2009 included a provision that authorized the payment of benefits to the 30,000 surviving Filipino veterans in the amount of $15,000 for those who are citizens and $9,000 for those who are non-citizens.

Of the 30,000 surviving Filipino World War II veterans, 7,000 are U.S. citizens and reside in this country. Many of these U.S. citizens filed visa petitions for their children, who remained in the Philippines. Now in their eighties and nineties, these men continue to wait for their children, who languish on the visa waiting lists, to join them. The Filipino Veterans Family Reunification Act exempts the veterans' children, about 20,000 individuals in all, from the numerical limitation on immigrant visas. It does not require any appropriation and will serve to not only reunite these veterans with their children, but also honor their too-long-forgotten World War II service to this Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1337

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Filipino Veterans Family Reunification Act of 2009''.

SEC. 2. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note).''.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CRAPO to introduce the Crime Victims Fund Preservation Act of 2009, which would restore and increase critical funding for direct services and compensation to victims of crime under the Victims of Crime Act.

I was honored to support the passage of the Victims of Crime Act of 1984,

VOCA, which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. The Victims of Crime Act provides grants for direct services to victims, such as state crime victim compensation programs, emergency shelters, crisis intervention, counseling, and assistance in participating in the criminal justice system. These services are all financed by a reserve fund created from fines and penalties paid by Federal criminal offenders, at no cost to taxpayers.

A number of us have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly four million crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. The Crime Victims Fund makes these programs possible and has helped hundreds of thousands of victims of violent crime bravely move forward with their lives.

Several years ago, I worked to make sure that the Crime Victims Fund would be there in good times, and in bad. We made sure it had a ''rainy day'' capacity so that in lean years, victims and their advocates would not have to worry that the fund would run out of money and that they would be left stranded. More recently, an annual cap has been set on the level of funding to be spent from the Fund in a given year, in part to help preserve adequate funds from year to year. When this cap was established, and when President Bush then sought to empty the Crime Victims Fund of unexpended funds, I joined with Senator CRAPO, Senator MIKULSKI and others from both political parties to make sure that the Crime Victims Fund was preserved. Fortunately Congress has consistently rejected efforts to rob crime victims of resources that are appropriately set aside to assist them and their families.

Unfortunately, the cap on the fund has not kept pace with the demand for compensation and services. From 2006 to 2008, VOCA victim assistance formula grants were cut by $87 billion or 22 percent. This reduction in funding, coupled with the current economic climate, was devastating to victim service providers who were forced to curtail services, lay off staff, and close their doors, jeopardizing the well-being and recovery of many crime victims.

In addition, victim service professionals have seen a clear increase in victimization and victim need in the past year as job losses and economic stress translate into increased violence in the home and in our communities. The National Crime Victims Helpline reported a 25 percent increase in calls in recent months and the National Domestic Violence Hotline reported a similar increase. Local shelters and crisis lines are also reporting a rise in demand as the shortage of affordable housing and rising unemployment are increasing the time that victims stay in emergency shelters. The rising unemployment rate also means victims are less likely to have insurance to cover their crime-related expenses.

At a Judiciary Committee hearing I chaired in April on the Victim of Crime Act, witnesses testified that there has also been an increase in the variety of crimes being committed. The National Crime Victims Helpline has seen an increase in calls from fraud victims people falling prey to ''work at home'' scams, secret shopper scams, investment scams, mortgage fraud, and construction fraud. Such victims are in desperate need of financial counseling and mental health counseling to overcome the stress and emotional impact of falling victim to these scams. Under Federal regulations, States may use compensation and victim assistance programs to aid financial crime victims, but services are not available. Victim service providers are reluctant to expand their outreach and services without assured increased funding and there is already too much competition for the limited funds available. The National Census of Domestic Violence Services conducted last fall showed that in one day, nearly 9,000 victims were turned away from shelter, counseling, and other crucial services because local programs were unable to serve them.

The need for victim assistance and compensation has grown. The Crime Victims Fund can provide more help. Recent years have seen an increase in collections from criminal fines and penalties. Accordingly, Congress has the ability to provide stable and predictable growth without jeopardizing the sustainability of the fund, and should do so through this legislation. The Crime Victims Fund Preservation Act would establish a minimum funding level for programs under VOCA to ensure reasonable and predictable growth in victim services through fiscal year 2014. Providing a stable and predictable funding stream will enable states to expand their programs and outreach to the thousands of victims who have nowhere to turn. Again, I emphasize that it does not cost a dime of taxpayer funds but will come exclusively from Federal criminal fines and penalties.

I want to commend Senator MIKULSKI, the Chairwoman of the Commerce, Justice, and Science Appropriations Subcommittee, and Senator SHELBY, the Ranking Member, for working with the President to provide $100 million in the economic recovery package for crime victims. That additional funding is sorely needed right now and I know it was sincerely appreciated by victim service providers. Funding in the Omnibus Appropriations Act of 2009 together with the Recovery Act funds, restored funding to the 2006 level, adjusted for inflation. A 2010 cap on total VOCA obligations of $705 million is expected to maintain the funding level for assistance grants provided in 2009 through the Recovery Act funding and annual appropriations. I believe that the certainty this legislation will provide will be helpful to the states, victim service providers, and the citizens they serve, and will help improve this vital program.

I look forward to working with Senator CRAPO, Senator MIKULSKI and many other interested Senators on this initiative to provide increased, stable, and predicable funding for to meet the ongoing need for essential services for crime victims and their families in the years ahead.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1340

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crime Victims Fund Preservation Act of 2009''.

SEC. 2. CRIME VICTIMS FUND.

Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) The amount made available from the Fund for the purposes of paragraphs (2), (3), and (4) of subsection (d) shall be not less than—

''(A) $705,000,000 for fiscal year 2010;

''(B) $867,150,000 for fiscal year 2011;

''(C) $1,066,594,500 for fiscal year 2012;

''(D) $1,311,911,235 for fiscal year 2013; and

''(E) $1,613,650,819 for fiscal year 2014.''.

By Mr. MENENDEZ:

S. 1341. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, today I am introducing the Close the SILO/LILO Loophole Act. This legislation will close a loophole in which banks and other entities are taking advantage of the financial crisis to exploit transit agencies and other local public entities to collect windfall payments. This bill seeks to permanently end this abusive practice, saving the public scarce resources.

Sale-In/Lease Out and Lease-In/Lease Out, SILO/LILO, contracts are a type of financial transaction in which a public entity transfers assets, equipment or infrastructure, to a bank or other entity while simultaneously entering into a long-term lease with the same bank or other entity. From the 1990's to 2003, public agencies, including transit agencies and rural electric coops, entered into these LILO and SILO

transactions. As part of the agreement, the bank required the public agency to pay a AAA-rated entity a fee to make lease payments throughout the term of the lease. This arrangement provided security for the banks and insured that lease payments would be made.

When the financial crisis hit last year, many AAA-rated entities involved in these transactions were downgraded. Banks took advantage of these downgrades and some sued these public agencies, citing a clause in the agreements that required only AAA-rated entities to make lease payments. They did this even though the public agencies in question did not miss any of their regular lease payments to the banks.

Not only is this predatory, but allowing this practice to continue is also contrary to public policy. While the SILO/LILO contracts provided much needed resources for capital intensive projects that benefitted the public, they also provided tax benefits to the banks—tax benefits that Congress found to be tax avoidance schemes and effectively eliminated in 2003. In 2008, the Internal Revenue Service proposed a settlement of the leases, effectively eliminating all future tax benefits while allowing the underlying commercial transactions to remain in place. If we let these suits against public agencies continue, we are basically allowing banks to get these tax benefits through another means—taking taxpayer money from public transit agencies and other public agencies around the Nation.

At this moment in time, we have myriad infrastructure needs. Public agencies are working hard to fill the demand for infrastructure projects. President Obama and Congress acknowledged the need and delivered the American Recovery and Reinvestment Act. Now is not the time to financially burden the agencies that we rely on for building, repairing, maintaining and preserving our infrastructure. The Close the SILO/LILO Loophole Act will help lift the uncertainty under which these public agencies are operating, enabling them to serve the public better. I hope to work closely with Chairman BAUCUS to end this crisis so public agencies can continue to serve the public and not banks seeking a windfall.

By Mr. BROWN (for himself, Mr. BENNET, and Mr. CASEY):

S. 1343. A bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWN. Mr. President, every day during the school year, some 700,000 Ohio children are eligible to receive a free or reduced-price lunch at their school. Every day during the school year, these meals could ensure that children get enough to eat, particularly those children who are from homes where they don't get enough to eat, and it would ensure that children receive the good-quality, nutritious food they need. Yet today only about 86 percent of eligible children in Ohio receive a free school breakfast, a free school lunch, or a reduced-price breakfast or lunch. Only 86 percent of those eligible do. That means 1 in 10 Ohio children goes without a meal every day at school unnecessarily. Thus, tens of thousands of children from large urban districts in Cleveland and Cincinnati and Toledo to rural districts in Appalachia, children in small towns and medium towns all over the State and all over the country don't receive a healthy meal at school. Mr. President, about 150,000 children eligible at school for free or reduced-price lunch or breakfast don't get the meals at school that they are eligible for, and it is unacceptable. We can do something about it.

The application process for free lunch and breakfast is antiquated—stuck in a low-tech, old-fashioned, file-cabinet kind of system. The current paper application process doesn't reflect today's school districts. It doesn't adjust to changing demographics. It doesn't take advantage of the tremendous advancements in technology our society enjoys generally. That is why I will be introducing today the Hunger Free Schools Act, along with Senators CASEY and BENNET, that would dramatically reduce the number of paper applications for the free school lunch program. This legislation will directly enroll an estimated 100,000 Ohio children and thousands of children around the Nation in the National School Lunch Program. The Hunger Free Schools Act would modernize the application system for free school meals. The Hunger Free Schools Act would ensure that the system functions the way it was actually designed to work.

By increasing the number of children who receive nutritional school meals, we can help them receive a better education. Just think of children who sit in schools—small children, children of middle-school age, children in high school, but particularly small children—with their stomachs growling. They haven't really had breakfast or they haven't had a nutritious breakfast. Children who think so much about their hunger rather than their school work, children who by afternoon feel weak because they haven't had the calories and nutrition they need, this bill could do something about this. By increasing the number of healthy children, we will be more effective in lowering rates of child obesity and diabetes. It is not just about not getting enough to eat, it is also the quality of food they eat if they don't eat in the school cafeteria the school breakfast that is provided for them.

Nationwide, this bill would reduce paperwork and administrative costs to make access to meals easier for nearly 7 million children—hundreds of thousands of children in the Presiding Officer's home State of Illinois and over 100,000 children in my State of Ohio. Reducing paperwork and administrative costs saves time for administrators, reduces the burden on schools, and makes it a whole lot easier for teachers who don't have to think so much about helping their children figure out how to get a free school lunch or a free school breakfast.

President Obama cited administrative costs as a barrier to ending childhood hunger. His goal of eliminating this moral problem by 2015 is within reach, in part because of this legislation. More must be done.

Another way to combat childhood hunger is to make sure more families are aware of summer feeding programs.

Let me give another number. Some 700,000 children in my State are eligible for the reduced or free school breakfast and lunch. Of that number, about 500,000 actually get free lunch and breakfast. Those same students are eligible for the summer feeding program in June, July, and August—a program that is in rec centers, churches, parks, and in other kinds of buildings sprinkled across our State. Yet only about 60,000, or 1 in 10 children who are eligible, partake in the summer feeding program. So those children who, every day, get a free breakfast and lunch during the school year are also eligible in the summer to get free breakfast, lunch, and a free snack. But very few of them actually get those breakfasts and lunches or snacks in the summer.

You can imagine what that does to the chance for those children to become obese or to have a lack of nutrition and what all that means. The summer feeding program is every bit as important as the school breakfast and lunch program. That is why I remind parents and educators and guardians that the summer food service program is available to provide children a free breakfast, lunch, or snack during summer months. I encourage parents, educators, and guardians in Ohio, and around the Nation, to find a local summer feeding location.

I suggest people watching, if they are from my State, to go on my Web site, brown.senate.gov. We have roughly 1,000 summer feeding program locations on the Web site. People from Ohio can look on there and find out where there might be half a dozen sites in Richland County or perhaps 5 or 6 locations in Allen County or 25 or so locations in Lorain County, where young people can sign up to go to the summer feeding program or they can just show up and be fed. Ohioans can also find information through the Ohio Department of Education. Other Americans

should contact the U.S. Department of Agriculture, which has a State-by-State breakdown of resources. Students in summer reading programs at the public libraries might be eligible for the summer feeding program. They should find out from the library or from a music program they are part of or anyplace they might go, if they are eligible.

Again, I remind people that if your son or daughter is eligible for the school lunch program, they are also eligible for the summer feeding program. The end of the school year doesn't mean that we have an end to hunger. It means we need to make some people aware of the summer feeding program. Coupled with the summer feeding program, this Hunger Free Schools Act can ensure that our children reach their full potential.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. BAYH, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 1345. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe A Book Act. I thank Senators AKAKA, BAYH, COLLINS, KERRY, LAUTENBERG, LEAHY, LINCOLN, LUGAR, MURRAY, STABENOW, and WHITEHOUSE for joining us as original cosponsors of this bill.

Our legislation would create a Federal pediatric early literacy grant initiative based on the long-standing, successful Reach Out and Read program. The program would award grants to high-quality non-profit entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from six months to 5 years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4–8 points on vocabulary tests. I have seen upclose the positive impact of this program on children and their families when visiting a number of the 40 Rhode Island Reach Out and Read sites.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1345

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prescribe A Book Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

(A) Providing peer–to–peer training to healthcare providers in research–based methods of literacy promotion as part of routine pediatric health supervision visits.

(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 7.

(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

(2) PEDIATRIC EARLY LITERACY PROGRAM.—The term ''Pediatric Early Literacy Program'' means a program that—

(A) creates and implements a 3-part model through which—

(i) healthcare providers, doctors, and nurses, trained in research–based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

(C) receives the endorsement of nationally–recognized medical associations and academies.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 3. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to eligible entities to enable the eligible entities to implement Pediatric Early Literacy Programs.

SEC. 4. APPLICATIONS.

An eligible entity that desires to receive a grant under section 3 shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

SEC. 5. MATCHING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under section 3. Such matching funds may be in cash or in-kind.

SEC. 6. USE OF GRANT FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall—

(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this Act; and

(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(b) CONTRACTOR CRITERIA.—Each contractor shall be selected under subsection (a)(1) on the basis of the extent to which the contractor gives priority to serving a substantial number or percentage of at–risk children, including—

(1) children from families with an income below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, particularly such children in high–poverty areas;

(2) children without adequate medical insurance;

(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) children living in rural areas;

(5) migrant children; and

(6) children with limited access to libraries.

SEC. 7. RESTRICTION ON PAYMENTS.

The Secretary shall make no payment to an eligible entity under this Act unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

SEC. 8. REPORTING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $15,000,000 for fiscal year 2010;

(2) $16,000,000 for fiscal year 2011;

(3) $17,000,000 for fiscal year 2012;

(4) $18,000,000 for fiscal year 2013; and

(5) $19,000,000 for fiscal year 2014.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 1346. A bill to penalize crimes against humanity and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Crimes Against Humanity Act of 2009. This narrowly-tailored legislation would make it a violation of U.S. law to commit a crime against humanity. Congress must ensure that criminals who commit mass atrocities do not find safe haven in our country.

I would like to thank the other original cosponsors of the Crimes Against Humanity Act, Senator PATRICK LEAHY of Vermont, the Chairman of the Senate Judiciary Committee, and Senator RUSSELL FEINGOLD of Wisconsin, the Chairman of the Senate Judiciary Subcommittee on the Constitution and the Chairman of the Senate Foreign Relations Subcommittee on African Affairs.

For generations, the U.S. has led the struggle for human rights around the world and has supported holding perpetrators of crimes against humanity accountable. Over 50 years before the Nuremberg trials, George Washington Williams, an African-American minister, lawyer and historian, called for an international commission to investigate ''crimes against humanity'' in the Congo, which was then ruled by Belgium's King Leopold II. Under King Leopold's iron fist, Congo's population was reduced by half, with up to 10 million people losing their lives. In a letter to the U.S. Secretary of State, Mr. Williams decried the ''crimes against humanity'' perpetrated by King Leopold's regime.

Over 50 years later, following the Holocaust, the U.S. led the efforts to prosecute Nazi perpetrators for crimes against humanity at the Nuremberg trials. Crimes against humanity were first defined in the Nuremberg Charter in 1945. Sixteen men were found guilty of crimes against humanity in the Nuremberg trials, including Hermann Goring, commander of the Luftwaffe and the highest-ranking official to order the ''Final Solution.''

Since then, the U.S. has supported efforts to prosecute perpetrators of crimes against humanity, including Nazi war criminals who had escaped accountability. In 1961, Adolf Eichman, the ''architect of the Holocaust,'' was convicted in Israel for committing crimes against humanity. Michael Musmanno, a U.S. Naval officer and judge at the Nuremberg trials, was a key prosecution witness. In 1987, Klaus Barbie, the ''Butcher of Lyon'', was convicted in France for crimes against humanity he committed while heading the Gestapo in Lyon.

The U.S. has also supported the prosecution of crimes against humanity before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

More recently, we have seen crimes against humanity being committed on a massive scale in Darfur in western Sudan. In this region of six million people, hundreds of thousands were killed and as many as 2.5 million were driven from their homes in recent years. Part of the solution to the carnage in Darfur is arresting and prosecuting the perpetrators. Otherwise, these perpetrators will continue to act with impunity and victims will feel they have no recourse but to resort to violence themselves.

We have also seen crimes against humanity being committed in the eastern Democratic Republic of Congo, most disturbingly through the use of rape as a weapon of war. The systematic and deliberate use of mass rape to humiliate, expel and destroy communities in the eastern Democratic Republic of Congo offends our common humanity.

However, it is not only Darfur and the eastern Democratic Republic of Congo that are safe havens for the perpetrators of crimes against humanity. Perpetrators of mass atrocities have sought to escape accountability for their actions by coming to our own country. According to the Department of Homeland Security, over 1000 war criminals have found safe haven in the United States.

I am the Chairman of the Judiciary Committee's Human Rights and the Law Subcommittee. Last year I held a Human Rights and the Law Subcommittee hearing entitled ''From Nuremberg to Darfur: Accountability for Crimes Against Humanity.'' This hearing identified a glaring loophole in U.S. law—currently, there is no U.S. law prohibiting crimes against humanity. As a result, the U.S. government is unable to prosecute perpetrators of crimes against humanity found in our country. In contrast, other grave human rights violations, including genocide, using or recruiting child soldiers, and torture, are crimes under U.S. law.

We heard testimony in the Human Rights and the Law Subcommittee that many U.S. allies have incorporated crimes against humanity into their criminal codes, including Australia, Canada, Germany, the Netherlands, New Zealand, South Africa, Spain, Argentina and the United Kingdom.

Expert witnesses testified before the Subcommittee about the urgent need for the United States to enact similar legislation. Gayle Smith, the Co-Founder of the Enough Project, testified that it is in our national interest to enact crimes against humanity legislation:

> If unchallenged, the violence that defines crimes against humanity feeds on itself: conflicts spread, institutions crumble, economies decline and young people are taught the dangerous lesson that violence is more potent tool for change than hope. . . . Ensuring that those who commit crimes against humanity are in violation of U.S. law is in our national interests, and clearly in the interests of the victims who have few if any protectors or defenders.

Diane Orentlicher, a law professor at American University's Washington College of Law and one of our country's leading experts on human rights crimes, testified:

> The United States has, since Nuremberg, provided indispensable leadership in ensuring prosecution of crimes against humanity by various international tribunals, as well as by other countries we have supported. So it's quite remarkable that we of all countries don't have a law on our books making it possible to prosecute this crime when perpetrators show up in our own territory.

The crimes against humanity loophole has real consequences. When the U.S. government learned that Marko Boskic, who allegedly participated in the Srebrenica massacre in the Bosnian conflict, was living in Massachusetts, he was charged with visa fraud, rather than crimes against humanity. ''They should condemn him for the crime,'' said Emma Hidic, whose two brothers were among the estimated 7,000 men and boys killed in the Srebrenica massacre, upon learning that Boskic had been charged only with visa fraud.

The Crimes Against Humanity Act would close this loophole in U.S. law and give our government the authority to prosecute those found in the U.S. who commit crimes against humanity. In keeping with the principles the U.S. and our allies established after World War II, this legislation would help ensure that the perpetrators of crimes against humanity do not find safe haven in our country.

This bill would make it a violation of U.S. law to commit a crime against humanity, i.e. any widespread and systematic attack directed against a civilian population that involves murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking or ethnic cleansing.

I am the author of the Genocide Accountability Act, the Child Soldiers Accountability Act, and the Trafficking in Persons Act, legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to the perpetrators of genocide, child soldier recruitment and use, and human trafficking. The Crimes Against Humanity Act is the next logical step. It would subject perpetrators of crimes against humanity to criminal sanctions, in the same way that perpetrators of genocide, child soldier recruitment and human trafficking are subject to criminal sanctions under U.S. law.

Ensuring U.S. law prohibits crimes against humanity is consistent with the longstanding U.S. support for the prosecution of crimes against humanity perpetrated in World War II, Rwanda, the former Yugoslavia and Sierra Leone, among other places.

This legislation will send a clear message to perpetrators of crimes against humanity that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter crimes against humanity.

The Crimes Against Humanity Act is supported by a broad coalition of human rights and religious groups, including Armenian Assembly of America, Center for Justice and Accountability, Center for Victims of Torture, Enough Project, the Episcopal Church, Genocide Intervention Network, Human Rights First, Human Rights Watch, International Justice Mission, Jubilee Campaign USA, Inc., Physicians for Human Rights, Robert F. Kennedy Center for Justice & Human Rights, Save Darfur Coalition, the United Methodist Church, and U.S. Campaign for Burma. Today I received a letter of support for the Crimes Against Humanity Act from 29 organizations, including all of those I have named. As the letter explains:

This legislation would fill an existing gap in U.S. law by allowing U.S. prosecutors to hold the perpetrators of mass atrocities accountable for their acts. While often less publicized than genocides, crimes against humanity are as devastating to their victims and as worthy of vigorous and unbending attention from the United States government. We must ensure that perpetrators of mass atrocities cannot evade justice by coming to the United States.

Daoud Hari is a refugee from Darfur now living in our country and author of The Translator: A Tribesman's Memoir of Darfur. I urge my colleagues to contemplate the challenge that Mr. Hari posed at the Human Rights Subcommittee hearing on crimes against humanity: while none of us individually can stop the crimes against humanity committed in Darfur and other countries around the globe, failing to take action only ensures that these horrific atrocities will continue.

With far too few exceptions, we have failed to prevent and stop crimes against humanity. The promise of Nuremberg remains unfulfilled. We have a moral obligation to take action to help the survivors of crimes against humanity around the world and to help prevent this horrific crime by holding perpetrators accountable.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1346

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crimes Against Humanity Act of 2009''.

SEC. 2. ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 25 the following:

''CHAPTER 25A—CRIMES AGAINST HUMANITY

''Sec.
''519. Crimes against humanity.

''§ 519. Crimes against humanity

''(a) OFFENSE.—It shall be unlawful for any person to commit or engage in, as part of a widespread and systematic attack directed against any civilian population, and with knowledge of the attack—

''(1) conduct that, if it occurred in the United States, would violate—

''(A) section 1111 of this title (relating to murder);

''(B) section 1581(a) of this title (relating to peonage);

''(C) section 1583(a)(1) of this title (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

''(D) section 1584(a) of this title (relating to sale into involuntary servitude);

''(E) section 1589(a) of this title (relating to forced labor); or

''(F) section 1590(a) of this title (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

''(2) conduct that, if it occurred in the special maritime and territorial jurisdiction of the United States, would violate—

''(A) section 1591(a) of this title (relating to sex trafficking of children or by force, fraud, or coercion);

''(B) section 2241(a) of this title (relating to aggravated sexual abuse by force or threat); or

''(C) section 2242 of this title (relating to sexual abuse);

''(3) conduct that, if it occurred in the special maritime and territorial jurisdiction of the United States, and without regard to whether the offender is the parent of the victim, would violate section 1201(a) of this title (relating to kidnapping);

''(4) conduct that, if it occurred in the United States, would violate section 1203(a) of this title (relating to hostage taking), notwithstanding any exception under subsection (b) of section 1203;

''(5) conduct that would violate section 2340A of this title (relating to torture);

''(6) extermination;

''(7) national, ethnic, racial, or religious cleansing;

''(8) arbitrary detention; or

''(9) imposed measures intended to prevent births.

''(b) PENALTY.—Any person who violates subsection (a), or attempts or conspires to violate subsection (a)—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results from the violation of subsection (a), shall be fined under this title and imprisoned for any term of years or for life.

''(c) JURISDICTION.—There is jurisdiction over a violation of subsection (a), and any attempt or conspiracy to commit a violation of subsection (a), if—

''(1) the alleged offender is a national of the United States or an alien lawfully admitted for permanent residence;

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, regardless of the nationality of the alleged offender; or

''(4) the offense is committed in whole or in part within the United States.

''(d) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.

''(e) DEFINITIONS.—In this section:

''(1) ARBITRARY DETENTION.—The term 'arbitrary detention' means imprisonment or other severe deprivation of physical liberty except on such grounds and in accordance with such procedure as are established by the law of the jurisdiction where such imprisonment or other severe deprivation of physical liberty took place.

''(2) ARMED GROUP.—The term 'armed group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.

''(3) ATTACK DIRECTED AGAINST ANY CIVILIAN POPULATION.—The term 'attack directed against any civilian population' means a course of conduct in which a civilian population is a primary rather than an incidental target.

''(4) ETHNIC GROUP; NATIONAL GROUP; RACIAL GROUP; RELIGIOUS GROUP.—The terms 'ethnic group', 'national group', 'racial group', and 'religious group' have the meanings given those terms in section 1093 of this title.

''(5) EXTERMINATION.—The term 'extermination' means subjecting a civilian population to conditions of life that are intended to cause the physical destruction of the group in whole or in part.

''(6) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL OF THE UNITED STATES.—The terms 'lawfully admitted for permanent residence' and 'national of the United States' have the meanings give those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(7) NATIONAL, ETHNIC, RACIAL, OR RELIGIOUS CLEANSING.—The term 'national, ethnic, racial, or religious cleansing' means the intentional and forced displacement from 1 country to another or within a country of any national group, ethnic group, racial group, or religious group in whole or in part, by expulsion or other coercive acts from the area in which they are lawfully present, except when the displacement is in accordance with applicable laws of armed conflict that permit involuntary and temporary displacement of a population to ensure its security or when imperative military reasons so demand.

''(8) SYSTEMATIC.—The term 'systematic' means pursuant to or in furtherance of the policy of a state or armed group.

''(9) WIDESPREAD.—The term 'widespread' means involving multiple victims.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

''25A. Crimes against humanity ..... 519''.

JUNE 24, 2009.

Hon. RICHARD J. DURBIN,
Chairman Subcommittee on Human Rights and the Law, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DURBIN: We write to express our strong support for the Crimes Against Humanity Act of 2009. This legislation would fill an existing gap in U.S. law by allowing U.S. prosecutors to hold the perpetrators of mass atrocities accountable for their acts. While often less publicized than genocides, crimes against humanity are as devastating to their victims and as worthy

of vigorous and unbending attention from the United States government. We must ensure that perpetrators of mass atrocities cannot evade justice by coming to the United States. We applaud your leadership in ensuring that the United States is well equipped to fight these grave crimes and we urge Congress to enact the bill with all due speed.

The United States government has long been at the forefront of global efforts to seek accountability for the perpetrators of the worst crimes known to humankind. In the years after World War II, the United States was an essential player in the formation of the Nuremberg Tribunal and the Genocide Convention, two key pieces of the foundation for all international justice efforts that have followed. Since then, in Bosnia, Rwanda, Cambodia, Sierra Leone, and Darfur, among others, the U.S. government has steadfastly supported justice for victims of crimes against humanity, war crimes, and genocide, whether by supporting national justice systems or by assisting in the creation of special tribunals.

The bill defines crimes against humanity as widespread and systematic attacks directed against a civilian population that involve murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, or ethnic cleansing. This category includes some of the most atrocious crimes committed in recent history—the campaigns of mutilation and murder of civilians in Sierra Leone and Uganda, the systematic rape of women in ethnic areas of Burma and in the Democratic Republic of the Congo, the ethnic cleansing in Bosnia and Kosovo. These crimes might look like genocide to a layperson, but they are a distinct category of crime and separate legislation is needed to provide United States courts with jurisdiction to prosecute those who commit them if they are present in the United States.

Such legislation has not existed before today, despite the U.S. government's sustained efforts to ensure accountability for crimes against humanity elsewhere. Alleged perpetrators of those crimes have therefore been able to escape prosecution in the United States. Though U.S. law prohibits grave human rights violations such as genocide and torture, alleged perpetrators of crimes against humanity may escape accountability due not to their innocence of unforgivable acts but to loopholes in the U.S. criminal code.

The Crimes Against Humanity Act of 2009 would close this illogical gap in U.S. law. Just as they may pursue those who have committed related and similarly horrific crimes, U.S. prosecutors would have the authority to ensure that those in the United States who have committed crimes against humanity may not evade accountability merely by fleeing to our country.

The United States has provided a means to prosecute those who commit genocide and torture as well as those who use child soldiers in war. Those who commit the similar crimes that constitute crimes against humanity should face no better future. We therefore urge Congress to enact this bill without delay.

Sincerely,

The Advocates for Human Rights.
Africa Action.
AIDS-Free World.
Armenian Assembly of America.
Center for Justice and Accountability.
Center for Victims of Torture.
EarthRights International.
Enough Project.
The Episcopal Church.
Equality Now.
Citizens for Global Solutions.
Genocide Intervention Network.
Harvard Immigration and Refugee Clinical Program.
Human Rights First.
Human Rights Watch.
International Justice Mission.
Jubilee Campaign USA, Inc.
National Immigrant Justice Center.
National Immigration Forum.
Open Society Policy Center.
Physicians for Human Rights.
Refugees International.
Robert F. Kennedy Center for Justice & Human Rights.
Rocky Mountain Survivors Center.
Save Darfur Coalition.
United Methodist Church, General Board of Church and Society.
United Nations Association of the United States of America.
U.S. Campaign for Burma.
V-Day.

Mr. LEAHY. Mr. President, today, I am pleased to join Senator DURBIN and Senator FEINGOLD in introducing the Crimes Against Humanity Act of 2009. This legislation will make it a violation of United States law to commit a crime against humanity, and will help ensure that the perpetrators of crimes against humanity do not find safe haven in the United States. I commend Senator DURBIN for his work on this legislation and for his leadership as chairman of the Subcommittee on Human Rights and the Law.

Last Congress, I was pleased to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, the first-ever congressional committee established to address human rights issues. The work that we have done through this Subcommittee has helped the Senate focus on important and difficult legal human rights issues, including genocide, human trafficking, child soldiers, war crimes, corporate accountability overseas, systematic rape, and torture.

The work of the Human Rights and the Law Subcommittee has already achieved important results. Last Congress, the President signed into law the Child Soldiers Accountability Act, which outlawed the abhorrent practice of recruiting and using child soldiers, and the Genocide Accountability Act, which closed a loophole that had allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. These legislative initiatives were a critical step toward showing the international community that the United States will not tolerate human rights abuses at home or abroad, and that those who commit these atrocities must be held accountable for their actions. I am pleased to join Senator DURBIN to take the next step to protect victims of crimes against humanity in the United States, and to hold those responsible for these terrible crimes to account.

Along with genocide and war crimes, crimes against humanity are among the most serious crimes under international law. We see such crimes against humanity by groups or governments as part of a widespread or systematic attack against a civilian population. These deplorable crimes include murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, and ethnic cleansing, and they continue to take place around the world in places like Uganda, Burma, and Sudan.

Although the United States has strongly and consistently for more than 60 years supported the prosecution of perpetrators of crimes against humanity, there is currently no United States law prohibiting crimes against humanity. As a result, the government is unable to prosecute perpetrators of crimes against humanity found in our country. This legislation will fix this loophole by enabling the Attorney General to prosecute crimes against humanity committed by a U.S. national, legal alien or habitual resident in the United States. The law will also enable the prosecution of any crimes against humanity committed in whole or in part within the United States, as well as offenses that occur outside the United States, if the offender is currently located in the United States.

The actions prohibited by the Crimes Against Humanity Act of 2009 are appalling. They happen too often throughout the world. We must promote accountability for human rights violations committed anywhere in the world, and we must do whatever we can to prevent those who commit such crimes from escaping justice by finding a safe haven in the United States. A foreign policy that seeks to defend human rights will never fully achieve its goals if we undermine our own credibility by failing in our commitment to uphold the highest standards of human rights here at home. I urge Senators on both sides of the aisle to support this important legislation to help this country take another step toward reclaiming our place as a guardian of human rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 202—TO PROVIDE FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and

perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 203—TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST JUDGE SAMUEL B. KENT

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and a chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

SENATE RESOLUTION 204—DESIGNATING MARCH 31, 2010, AS ''NATIONAL CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY''

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 204

Whereas the congenital diaphragmatic hernia birth defect is one of the most prevalent, life-threatening birth defects in the United States;

Whereas the congenital diaphragmatic hernia birth defect is a severe, often deadly birth defect that has a devastating impact, in both human and economic terms, affecting equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas the congenital diaphragmatic hernia birth defect occurs in 1 in every 2,000 live births in the United States and accounts for 8 percent of all major congenital anomalies;

Whereas, in 2004, there were approximately 4,115,590 live births in the United States, and in approximately 1,800 of those live births, the congenital diaphragmatic hernia birth defect occurred, causing countless additional friends, loved ones, spouses, and caregivers to shoulder the physical, emotional, and financial burdens the congenital diaphragmatic hernia birth defect causes;

Whereas there is no genetic indicator or any other indicator available to predict the occurrence of the congenital diaphragmatic hernia birth defect, other than through the performance of an ultrasound during pregnancy;

Whereas there is no consistent treatment or cure for the congenital diaphragmatic hernia birth defect;

Whereas the congenital diaphragmatic hernia birth defect is a leading cause of neonatal death in the United States;

Whereas 50 percent of the patients who do survive the congenital diaphragmatic hernia birth defect have residual health issues, resulting in a severe strain on pediatric medical resources and on the delivery of health care services in the United States;

Whereas proactive diagnosis and the appropriate management and care of fetuses afflicted with the congenital diaphragmatic hernia birth defect minimize the incidence of emergency situations resulting from the birth defect and dramatically improve survival rates among people with the birth defect;

Whereas neonatal medical care is one of the most expensive types of medical care provided in the United States and patients with the congenital diaphragmatic hernia birth defect stay in intensive care for approximately 60 to 90 days, costing millions of dollars, utilizing blood from local blood banks, and requiring the most technically advanced medical care;

Whereas the congenital diaphragmatic hernia birth defect is a birth defect that causes damage to the lungs and the cardiovascular system;

Whereas patients with the congenital diaphragmatic hernia birth defect may have long-term health issues such as respiratory insufficiency, gastroesophageal reflux, poor growth, neurodevelopmental delay, behavior problems, hearing loss, hernia recurrence, and orthopedic deformities;

Whereas the severity of the symptoms and outcomes of the congenital diaphragmatic hernia birth defect and the limited public awareness of the birth defect cause many patients to receive substandard care, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid serious complications in the future, compromising the quality of life of those patients;

Whereas people suffering from chronic, life-threatening diseases and birth defects, similar to the congenital diaphragmatic hernia birth defect, and family members of those people are predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with such diseases and birth defects may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas the congenital diaphragmatic hernia birth defect is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit the people and families suffering from the congenital diaphragmatic hernia birth defect;

Whereas collaboration, technological innovation, scientific momentum, and public-private partnerships can save billions of Federal dollars under Medicare, Medicaid, and other programs for therapies, and early intervention will increase survival rates among people suffering from the congenital diaphragmatic hernia birth defect;

Whereas improvements in diagnostic technology, the expansion of scientific knowledge, and better management of care for patients with the congenital diaphragmatic hernia birth defect already have increased survival rates in some cases;

Whereas there is still a need for more research and increased awareness of the congenital diaphragmatic hernia birth defect and for an increase in funding for that research in order to provide a better quality of life to survivors of the congenital diaphragmatic hernia birth defect, and more optimism for the families and health care professionals who work with children with the birth defect;

Whereas there are thousands of volunteers nationwide dedicated to expanding research, fostering public awareness and understanding, educating patients and their families about the congenital diaphragmatic hernia birth defect to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held on March 31, making that day an appropriate time to recognize National Congenital Diaphragmatic Hernia Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day'';

(2) supports the goals and ideals of a national day to raise public awareness and understanding of the congenital diaphragmatic hernia birth defect;

(3) recognizes the need for additional research into a cure for the congenital diaphragmatic hernia birth defect; and

(4) encourages the people of the United States and interested groups to support National Congenital Diaphragmatic Hernia Awareness Day through appropriate ceremonies and activities, to promote public awareness of the congenital diaphragmatic hernia birth defect, and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 205—SUPPORTING THE GOALS AND IDEALS OF AFRICAN AMERICAN BONE MARROW AWARENESS MONTH

Ms. STABENOW (for herself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas a bone marrow or blood cell transplant is a potentially life-saving treatment for patients with leukemia, lymphoma, and other blood diseases;

Whereas a bone marrow or blood cell transplant replaces a patient's unhealthy blood cells with healthy blood-forming cells from a volunteer donor;

Whereas a patient who does not have a suitably matching donor in the family may search the National Marrow Donor Program Donor Registry for a donor;

Whereas blood or cell samples from adult donors or cord blood units are tested and the tissue or cell type is added to the National Marrow Donor Program Donor Registry, and physicians may search that registry when they need to find donors whose tissue type matches their patients';

Whereas African Americans make up 8 percent of, or more than 550,000 of the 7,000,000 people currently on, the National Marrow Donor Program Donor Registry;

Whereas of the 35,000 people that have received transplants since the inception of the National Marrow Donor Program Donor Registry, only 1,500 have been African Americans;

Whereas more than 70 life-threatening diseases can be treated with a bone marrow transplant;

Whereas there is a possibility that an African American patient could match a donor from any racial or ethnic group, but the most likely match is another African American;

Whereas to become a volunteer donor, potential donors must be between 18 and 60 years of age, meet health guidelines, provide a small blood sample or swab of cheek cells to determine the donor's tissue type, complete a brief health questionnaire, and sign a consent form to have the tissue type of the donor listed on the Donor Registry;

Whereas the Bone Marrow Wish Organization, which is a minority-run nonprofit organization based in Detroit that was started by an actual bone marrow donor, is initiating ''African American Bone Marrow Awareness Month'';

Whereas the annual month of awareness would promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout the Nation; and

Whereas July 2009 would be an appropriate month to observe African American Bone Marrow Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of African American Bone Marrow Awareness Month;

(2) urges the people of the United States to participate in appropriate programs and activities with respect to bone marrow awareness, including speaking with health care professionals about bone marrow donation; and

(3) urges all people of the United States to register to become blood marrow donors and encourages all people of the United States to organize blood marrow registration drives in their communities.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE SAMUEL B. KENT

Ms. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent will meet on Thursday, June 25, 2009, at 4:30 p.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Peg Gustafson on 202–224–6154.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 24, 2009 at 10:45 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 11 a.m., to hold a roundtable entitled ''Iran at a Crossroads?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 9 a.m. to conduct a hearing entitled ''Type 1 Diabetes Research: Real Progress and Real Hope for a Cure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 24, 2009, from 10:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CARDIN. Mr. President, I ask unanimous consent that the subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that four law clerks on my staff, Eka Akpakip, Kristina Campbell, Nick Rotsko, and Roberto Valenzuela be granted floor privileges during the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 85, S. 962.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 962) to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on Foreign Relations, with amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 962

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Partnership with Pakistan Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

(4) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with over 175,000,000 people, an annual population growth rate of 2 percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(5) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(6) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 7 years.

(7) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(8) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to be using Pakistan's Federally Administered Tribal Areas (FATA) and parts of the North West Frontier Province (NWFP) and Balochistan as a haven and a base from which to organize terrorist actions in Pakistan and globally, including—

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

(ii) the massacre of approximately 165 people in Mumbai, India, including 6 United States citizens, in late November 2008; and

(B) attacks within Pakistan, including—

(i) an attack on the visiting Sri Lankan cricket team in Lahore on March 3, 2009;

(ii) an attack at the Marriott hotel in Islamabad on September 9, 2008;

(iii) the bombing of a political rally in Karachi on October 18, 2007;

(iv) the targeting and killing of dozens of tribal, provincial, and national holders of political office;

(v) an attack by gunfire on the U.S. Principal Officer in Peshawar in August 2008; and

(vi) the brazen assassination of former Prime Minister Benazir Bhutto on December 27, 2007.

(9) In the 12-month period ending on the date of the enactment of this Act, Pakistan's security forces have struggled to contain a Taliban-backed insurgency that has spread from FATA into settled areas, including the Swat Valley and other parts of NWFP and Balochistan. This struggle has taken the lives of more than 1,500 police and military personnel and left more than 3,000 wounded.

(10) On March 27, 2009, President Obama noted, ''Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan.''.

(11) According to a Government Accountability Office Report (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(12) In the past year, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with two-thirds of the population living on less than $2 a day and one-fifth of the population living below the poverty line according to the United Nations Development Program.

(13) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(15) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the

duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(9) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to support economic growth and development in order to promote stability and security across Pakistan;

(3) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(5) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(6) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, India, or elsewhere in the world;

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

(8) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy;

(9) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods[; and]

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan[.]; *and*

(11) to encourage the development of local analytical capacity to measure progress on an integrated basis across the areas of donor country expenditure in Pakistan, and better hold the Government of Pakistan accountable for how the funds are being spent.

SEC. 5. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) AVAILABILITY OF [FUNDS.—Of the amounts] *FUNDS.—*

(1) *IN GENERAL.—Of the funds* appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

[(1) none of the amounts]

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

[(2) not more than $750,000,000]

(B) not more than $750,000,000 may be made available for assistance to Pakistan in any fiscal year after 2009 unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during that fiscal year—

[(A) a certification]

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

[(B) a memorandum]

(ii) a memorandum explaining the reasons justifying the certification described in [subsection (A)]*clause (i).*

[(c) MAKER OF CERTIFICATION.—In the event]

(2) *MAKER OF CERTIFICATION.—In the event* of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification described under [subsection (b)(2)]*paragraph (1)(B)* may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to provide such waiver.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(e) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the [Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4.]*Government of Pakistan—*

(1) should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4; and

(2) should be geared primarily toward bolstering the counter-insurgency capabilities of the Government to effectively defeat the Taliban-backed insurgency and deny popular support to al Qaeda and other foreign terrorist organizations that are based in Pakistan.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government [administration; and

[(vii) countering the narcotics trade;] *administration;*

(vii) countering the narcotics trade; and

(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

(ii) investments in energy and water, including energy generation and cross-border infrastructure projects with Afghanistan;

(iii) employment generation, including essential basic infrastructure projects such as roads and irrigation projects and other physical infrastructure; and

(iv) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders[; and];

(C) investments in people, particularly women and children, including—

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops

that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban [communities; and

(iv) higher education] *communities;*

(iv) vocational training for women and access to microfinance for small business establishment and income generation for women; and

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships[.]*; and*

(D) long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(2) FUNDING FOR POLICE REFORM, EQUIPPING, AND TRAINING.—Up to $100,000,000 of the funds appropriated pursuant to subsection (a) should be used for police reform, equipping, and training.

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

(h) AUTHORITY TO USE FUNDS FOR OPERATIONAL AND AUDIT EXPENSES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to $10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to [$20,000,000]*$30,000,000* may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to $5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

(2) AUTHORITY IN ADDITION TO EXISTING AMOUNTS.—The amounts authorized under subparagraphs (A) and (B) of paragraph (1) to be used for the purposes described in such subparagraphs are in addition to other amounts that are available for such purposes.

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than [30 days]*45 days* after the date of enactment of this Act, or September 15, 2009, whichever date comes later, the [President] *Secretary of State* shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include—

(1) a description of the principal objectives of United States assistance to Pakistan to be provided under this Act;

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of [criteria to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative basis]*criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis* for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of the role to be played by Pakistani national, regional, and local officials *and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders* in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with [such officials] *such representatives* in developing the strategy[; and];

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project[.];

(7) a description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations; and

(8) a projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance'':

(A) Civil liberties.
(B) Political rights.
(C) Voice and accountability.
(D) Government effectiveness.
(E) Rule of law.
(F) Control of corruption.
(G) Immunization rates.
(H) Public expenditure on health.
(I) Girls' primary education completion rate.
(J) Public expenditure on primary education.
(K) Natural resource management.
(L) Business start-up.
(M) Land rights and access.
(N) Trade policy.
(O) Regulatory quality.
(P) Inflation control.
(Q) Fiscal policy.

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the [President] *Secretary of State* shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

(A) a description of all assistance provided pursuant to this Act since the submission of the last report, including each program or project for which assistance was provided and the amount of assistance provided for each program or project;

(B) a description of all assistance provided pursuant to this Act, including—

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

(C) a list of persons or entities from the United States or other countries that have received funds in excess of [$250,000]*$100,000* to conduct projects under this section during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

(ii) the relationship of such programs and projects to the purposes of assistance described in subsection (f); and

(iii) the amounts proposed to be allocated to each such program or project;

(F) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(G) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(H) any incidents or reports of waste, fraud, and abuse of expenditures under this section;

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under [subsection (h); and] *subsection (h);*

(J) a description of the expenditures made from any Chief of Mission Fund established pursuant to subsection (h)(3) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $10,000[.]*; and*

(K) an accounting of assistance provided to Pakistan under this Act, broken down into the categories set forth in subsection (j)(8).

(l) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(1) a review of, and comments addressing, the Pakistan Assistance Strategy Report; and

(2) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act.

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as

a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

(n) CONSULTATION REQUIREMENT.—The President shall consult the appropriate congressional committees on the strategy in subsection (j), including criteria and benchmarks developed under paragraph (4) of such subsection, not later than 15 days before obligating any assistance under this section.

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted [and consistent] efforts to prevent al Qaeda and associated terrorist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan;

(2) are making concerted [and consistent] efforts to prevent the Taliban and associated militant groups from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is important to the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) ANNUAL REPORT.—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO–08–806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget; and

(4) the Secretary of Defense should submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the use of Coalition Support Funds, which may be submitted in classified or unclassified form as necessary.

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the Pakistan-Afghanistan border areas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally[; and];

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation[.]; *and*

(5) explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

SEC. 10. TERM OF YEARS.

With the exception of subsections (b)(1)(B), (j), (k), and (l) of section 5, this Act shall remain in force after September 30, 2013.

Mr. CARDIN. Mr. President, I am pleased the Senate is considering S. 962, the Enhanced Partnership with Pakistan Act. I would like to commend Senator KERRY and Senator LUGAR—the chairman and ranking member of the Foreign Relations Committee, respectively for introducing this important legislation and working to achieve its passage. I am proud to cosponsor this bill.

Pakistan's stability is of vital strategic importance to the United States of America. A nuclear-armed nation, Pakistan is also home to Taliban and al-Qaida militants who have taken countless innocent lives in their quest to impose an extremist vision on the world. We must support the Government of Pakistan as it confronts the threat of violent extremism, and we must support the people of Pakistan to enable them to resist extremist threats. Reports indicate over 2 million Pakistanis have been displaced following Taliban advances in recent months. This humanitarian crisis is compounded by fundamental problems of widespread poverty and underdevelopment. The United Nations Development Program reports two-thirds of Pakistan's population live on less than $2 a day. America's efforts in Pakistan must empower Pakistanis to improve their living conditions and resist propaganda campaigns by extremist groups. The Enhanced Partnership with Pakistan Act is an essential effort in accomplishing this mission.

America's relationship with Pakistan has too often relied on military aid and not enough on promoting a deeper, long-term strategic engagement with the Pakistani people. The Enhanced Partnership with Pakistan Act is intended to transform this relationship. The bill calls for a tripling of nonmilitary aid to Pakistan and conditions assistance of the United States on Pakistan's continued progress and achievement of benchmarks. In these difficult economic times, we must ensure taxpayer dollars are spent wisely.

The Enhanced Partnership with Pakistan Act requires the President to submit regular reports to Congress to ensure this is the case, and resources have the desired impact.

I look forward to continuing to build our relationship with the people of Pakistan as we tackle shared challenges and explore shared opportunities.

Mr. REID. I ask unanimous consent the committee-reported amendments be agreed to, the bill as amended be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 962), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 962

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Partnership with Pakistan Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

(4) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with over 175,000,000 people, an annual population growth rate of 2 percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(5) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(6) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 7 years.

(7) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(8) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to be using Pakistan's Federally Administered Tribal Areas (FATA) and parts of the North West Frontier Province (NWFP) and Balochistan as a haven and a base from which to organize terrorist actions in Pakistan and globally, including—

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

(ii) the massacre of approximately 165 people in Mumbai, India, including 6 United States citizens, in late November 2008; and

(B) attacks within Pakistan, including—

(i) an attack on the visiting Sri Lankan cricket team in Lahore on March 3, 2009;

(ii) an attack at the Marriott hotel in Islamabad on September 9, 2008;

(iii) the bombing of a political rally in Karachi on October 18, 2007;

(iv) the targeting and killing of dozens of tribal, provincial, and national holders of political office;

(v) an attack by gunfire on the U.S. Principal Officer in Peshawar in August 2008; and

(vi) the brazen assassination of former Prime Minister Benazir Bhutto on December 27, 2007.

(9) In the 12-month period ending on the date of the enactment of this Act, Pakistan's security forces have struggled to contain a Taliban-backed insurgency that has spread from FATA into settled areas, including the Swat Valley and other parts of NWFP and Balochistan. This struggle has taken the lives of more than 1,500 police and military personnel and left more than 3,000 wounded.

(10) On March 27, 2009, President Obama noted, ''Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the U.S. homeland from its safehaven in Pakistan.''.

(11) According to a Government Accountability Office Report (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(12) In the past year, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with two-thirds of the population living on less than $2 a day and one-fifth of the population living below the poverty line according to the United Nations Development Program.

(13) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(15) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police

forces, levies, Frontier Corps, and Frontier Constabulary.

(9) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to support economic growth and development in order to promote stability and security across Pakistan;

(3) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(5) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(6) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, India, or elsewhere in the world;

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

(8) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy;

(9) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan; and

(11) to encourage the development of local analytical capacity to measure progress on an integrated basis across the areas of donor country expenditure in Pakistan, and better hold the Government of Pakistan accountable for how the funds are being spent.

SEC. 5. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the funds appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

(B) not more than $750,000,000 may be made available for assistance to Pakistan in any fiscal year after 2009 unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during that fiscal year—

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification described under paragraph (1)(B) may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to provide such waiver.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(e) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan—

(1) should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4; and

(2) should be geared primarily toward bolstering the counter-insurgency capabilities of the Government to effectively defeat the Taliban-backed insurgency and deny popular support to al Qaeda and other foreign terrorist organizations that are based in Pakistan.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government administration;

(vii) countering the narcotics trade; and

(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

(ii) investments in energy and water, including energy generation and cross-border infrastructure projects with Afghanistan;

(iii) employment generation, including essential basic infrastructure projects such as roads and irrigation projects and other physical infrastructure; and

(iv) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(C) investments in people, particularly women and children, including—

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban communities;

(iv) vocational training for women and access to microfinance for small business establishment and income generation for women; and

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships; and

(D) long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(2) FUNDING FOR POLICE REFORM, EQUIPPING, AND TRAINING.—Up to $100,000,000 of the funds appropriated pursuant to subsection (a) should be used for police reform, equipping, and training.

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

(h) AUTHORITY TO USE FUNDS FOR OPERATIONAL AND AUDIT EXPENSES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to $10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to $30,000,000 may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to $5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

(2) AUTHORITY IN ADDITION TO EXISTING AMOUNTS.—The amounts authorized under subparagraphs (A) and (B) of paragraph (1) to be used for the purposes described in such subparagraphs are in addition to other amounts that are available for such purposes.

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for

projects and programs, subject to existing reporting and notification requirements.

(j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, or September 15, 2009, whichever date comes later, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include—

(1) a description of the principal objectives of United States assistance to Pakistan to be provided under this Act;

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy;

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project;

(7) a description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations; and

(8) a projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance'':

(A) Civil liberties.
(B) Political rights.
(C) Voice and accountability.
(D) Government effectiveness.
(E) Rule of law.
(F) Control of corruption.
(G) Immunization rates.
(H) Public expenditure on health.
(I) Girls' primary education completion rate.
(J) Public expenditure on primary education.
(K) Natural resource management.
(L) Business start-up.
(M) Land rights and access.
(N) Trade policy.
(O) Regulatory quality.
(P) Inflation control.
(Q) Fiscal policy.

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

(A) a description of all assistance provided pursuant to this Act since the submission of the last report, including each program or project for which assistance was provided and the amount of assistance provided for each program or project;

(B) a description of all assistance provided pursuant to this Act, including—

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

(C) a list of persons or entities from the United States or other countries that have received funds in excess of $100,000 to conduct projects under this section during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

(ii) the relationship of such programs and projects to the purposes of assistance described in subsection (f); and

(iii) the amounts proposed to be allocated to each such program or project;

(F) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(G) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(H) any incidents or reports of waste, fraud, and abuse of expenditures under this section;

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under subsection (h);

(J) a description of the expenditures made from any Chief of Mission Fund established pursuant to subsection (h)(3) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $10,000; and

(K) an accounting of assistance provided to Pakistan under this Act, broken down into the categories set forth in subsection (j)(8).

(l) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(1) a review of, and comments addressing, the Pakistan Assistance Strategy Report; and

(2) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act.

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

(n) CONSULTATION REQUIREMENT.—The President shall consult the appropriate congressional committees on the strategy in subsection (j), including criteria and benchmarks developed under paragraph (4) of such subsection, not later than 15 days before obligating any assistance under this section.

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban and associated militant groups from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is important to the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) ANNUAL REPORT.—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate

congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO–08–806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget; and

(4) the Secretary of Defense should submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the use of Coalition Support Funds, which may be submitted in classified or unclassified form as necessary.

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the Pakistan-Afghanistan border areas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally;

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation; and

(5) explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

SEC. 10. TERM OF YEARS.

With the exception of subsections (b)(1)(B), (j), (k), and (l) of section 5, this Act shall remain in force after September 30, 2013.

JOHN ARTHUR ''JACK'' JOHNSON POSTHUMOUS PARDON

Mr. REID. I ask unanimous consent we now discharge the Judiciary Committee from further consideration of S. Con. Res. 29 and we proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

Mr. REID. Mr. President, I ask unanimous consent to be a sponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 29

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

AFRICAN AMERICAN BONE MARROW AWARENESS MONTH

Mr. REID. I now ask unanimous consent the Senate proceed to the consideration of S. Res. 205.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) supporting the goals and ideals of African American Bone Marrow Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, this resolution will bring more attention to the crucial need for more minorities to become bone marrow donors. I am pleased to be joined by my colleague, Senator ISAKSON of Georgia, and my good friend, Representative CAROLYN CHEEKS KILPATRICK, in supporting this important endeavor.

According to A Bone Marrow Wish Foundation, bone marrow transplants can cure over 70 life-threatening diseases such as leukemia. About 70 percent of patients will need a nonfamily member to donate healthy marrow.

Generally, minority patients will need a match from someone who shares the same ethnicity. But finding a successful match can be a huge challenge: although there are more than 6 million potential donors registered, only 450,000 are African Americans.

I know from firsthand experience how important such a donation can be. Last year, any chief of staff, who is Latina, made a donation to a 9-year-old child with leukemia.

I urge all of my colleagues to join us in encouraging more Americans to learn more about bone marrow donation and perhaps consider being a donor themselves.

I ask unanimous consent that a letter of support from the National Marrow Donor Program be printed after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MARROW DONOR PROGRAM,
Washington, DC, June 22, 2009.

Resolution Designating July as African American Bone Marrow Awareness Month.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: The National Marrow Donor Program (NMDP) is pleased to offer this letter in support of a resolution that you sponsor to recognize July as African American Bone Marrow Awareness Month. You have been a long time supporter of the NMDP and the Bone Marrow Wish Organization, which is an NMDP affiliated nonprofit based in Detroit that works to promote awareness in minority communities. We applaud your efforts to bring further attention to the need for African Americans to join the Registry.

The NMDP is entrusted to operate the C.W. Bill Young Cell Transplantation Program (Program) via competitively bid contracts with the Health Resources and Services Administration (HRSA). The NMDP is the international leader in the facilitation of unrelated donor transplants using bone marrow, peripheral blood stem cells, and umbilical cord blood. We provide a single point of access for physicians and transplant patients. Over the last 20 years, the NMDP has facilitated over 35,000 transplants for patients with blood disorders such as leukemia, lymphoma and aplastic anemia, as well as certain immune system and genetic disorders. Congress established the program to ensure that every American in need of transplantation has access to a matching unrelated adult donor or cord blood unit.

This resolution will assist the NMDP with our efforts to recruit African American donors to the Registry by designating the month of July for the NMDP to promote donor awareness and increase the number of African Americans registered, which is critical to our success. Adding minorities to the Registry, and in particular African Americans, is critical. Unlike Caucasians who have an 88-percent chance of finding a match on the Registry or Hispanics who have an 81-percent chance, African Americans only have a 60-percent chance of finding a match. In designating July as African American Bone Marrow Awareness Month, the NMDP can continue to promote awareness to ensure that all Americans have a greater chance of finding a match.

Today the Registry lists over seven million adult donors on the Registry, but only 8-percent of those donors are African Americans. In closing, every day, more 6,000 men, women, and children search the National Marrow Donor Registry for a match. More donors are needed on the Registry so that all patients in need will have access to this therapy. This resolution will help raise the awareness needed to add more donors to the Registry. We appreciate your continued efforts to support the mission of the NMDP and to assist us to increase the numbers of individuals on the National Registry.

Sincerely,

MICHAEL J. BOO,
Chief Strategy Officer.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas a bone marrow or blood cell transplant is a potentially life-saving treatment for patients with leukemia, lymphoma, and other blood diseases;

Whereas a bone marrow or blood cell transplant replaces a patient's unhealthy blood cells with healthy blood-forming cells from a volunteer donor;

Whereas a patient who does not have a suitably matching donor in the family may search the National Marrow Donor Program Donor Registry for a donor;

Whereas blood or cell samples from adult donors or cord blood units are tested and the tissue or cell type is added to the National Marrow Donor Program Donor Registry, and physicians may search that registry when they need to find donors whose tissue type matches their patients';

Whereas African Americans make up 8 percent of, or more than 550,000 of the 7,000,000 people currently on, the National Marrow Donor Program Donor Registry;

Whereas of the 35,000 people that have received transplants since the inception of the National Marrow Donor Program Donor Registry, only 1,500 have been African Americans;

Whereas more than 70 life-threatening diseases can be treated with a bone marrow transplant;

Whereas there is a possibility that an African American patient could match a donor from any racial or ethnic group, but the most likely match is another African American;

Whereas to become a volunteer donor, potential donors must be between 18 and 60 years of age, meet health guidelines, provide a small blood sample or swab of cheek cells to determine the donor's tissue type, complete a brief health questionnaire, and sign a consent form to have the tissue type of the donor listed on the Donor Registry;

Whereas the Bone Marrow Wish Organization, which is a minority-run nonprofit organization based in Detroit that was started by an actual bone marrow donor, is initiating ''African American Bone Marrow Awareness Month'';

Whereas the annual month of awareness would promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout the Nation; and

Whereas July 2009 would be an appropriate month to observe African American Bone Marrow Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of African American Bone Marrow Awareness Month;

(2) urges the people of the United States to participate in appropriate programs and activities with respect to bone marrow awareness, including speaking with health care professionals about bone marrow donation; and

(3) urges all people of the United States to register to become blood marrow donors and encourages all people of the United States to organize blood marrow registration drives in their communities.

MEASURE READ THE FIRST TIME—S. 1344

Mr. REID. Mr. President, I understand that S. 1344, introduced earlier today by a Senator, is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Mr. President, I ask now for its second reading, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 25, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, with Senators permitted to speak during that morning business hour for up to 10 minutes each; that following morning business, the Senate proceed to executive session and resume postcloture debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. Finally, I ask that the time during any adjournment or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow we will resume the postcloture debate on the Koh nomination. If we are required to use the full 30 hours of debate time, we would vote on the confirmation of this good man around 5:30 tomorrow. We are also working on an agreement to consider the Legislative Branch appropriations bill. I hope we are able to yield back some of the debate time on the Koh nomination so we can begin consideration of that appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, June 25, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAMES LAGARDE HUDSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE KENNETH L. PEEL.

DEPARTMENT OF STATE

JOHN VICTOR ROOS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

JAMES B. SMITH, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

JACQUELINE A. NAVE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JESUS CLEMENTE
LYNN G. NORTON

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SCOTT A. NEUSRE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JENNIFER M. CRADIER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CAROL HAERTLEINSELLS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHALE L. BOOTHE
MURRAY M. REEFER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAUL E. HABENER
MARC A. SILVERSTEIN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DENISE K. ASKEW
LOWANDA DENT
MARTHA M. ONER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LAURA NIHAN
JAMES M. ROGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL A. FRAZER
VINCENT D. ZAHNLE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALAINE C. ENCABO
VALERIA GONZALEZKERR
GREGORY J. HADFIELD
DOUGLAS A. KUHL
BENEDICT P. MITCHELL
SCOTT C. SHARP

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KRIS R. POPPE

To be major

CASEY P. NIX

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ANNE B. WARWICK

To be lieutenant colonel

SUNDIATA M. ELAMIN
STEPHEN J. GRAHAM

To be major

ROD W. CALLICOTT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL F. BOYEK
JOHN D. HERMANN

To be major

PETER A. ANYAKORA
MATTHEW R. DANGELO
DAVID W. HEITMAN
GERALD S. MAXWELL

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

WESLEY L. GIRVIN
JOHN J. KISSLER
MAURICE T. WILLIAMS

To be major

RAY C. HERNANDEZ
LINDA K. LEWIS
CHRISTOPHER R. MORSE
HOWARD A. MURRAY
ANTHONY W. PARKER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LUIS DIAZ
GREGORY R. SOPEL

To be major

MICHAEL D. ALKOV
MARC F. CRAIG
LAURA R. FUENTES
JEFFREY B. HAMBRICE
CRISTIAN G. MORAZAN
MARK J. SAUER

HOUSE OF REPRESENTATIVES—*Wednesday, June 24, 2009*

The House met at 10 a.m.

Rev. Shawn L. Kumm, Zion Evangelical Lutheran Church, Laramie, Wyoming, offered the following prayer:

Gracious, Heavenly Father, who is ever-watchful and attentive to the needs of this country and who has promised to ''Satisfy us in the morning with Your steadfast love, that we may rejoice and be glad all our days,'' I implore You to provide for the people of this land honest and productive industry. Preserve us from famine, disasters, pestilence, and disease. Grant us courage and steadfastness in times of testing. Restrain unrest within and without our borders, and keep safe those who watch over and protect us at every level of life. Give us compassion and open hearts in times of want and need.

And finally, for this assembly who is charged with the responsibility of representing the people of this Nation, bestow wisdom and courage as laws are crafted and enacted.

To You, O Father, I give thanks and praise, with the Son and the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

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

Mr. WILSON of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. Con. Res. 30. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

The message also announced that pursuant to section 194 of title 14, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy:

The Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation.

The Senator from Louisiana (Mr. VITTER), At Large.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy:

The Senator from Utah (Mr. BENNETT), from the Committee on Appropriations.

The Senator from Oklahoma (Mr. INHOFE), At Large.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations, and the Senator from North Carolina (Mr. BURR), At Large, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 1295(b) of title 46, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy:

The Senator from Georgia (Mr. ISAKSON), from the Committee on Commerce, Science and Transportation.

The Senator from South Carolina (Mr. GRAHAM), At Large.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy:

The Senator from Alaska (Ms. MURKOWSKI), from the Committee on Appropriations.

The Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

HONORING PASTOR SHAWN KUMM, GUEST CHAPLAIN

The SPEAKER pro tempore. Without objection, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 1 minute.

There was no objection.

Mrs. LUMMIS. I rise in honor of today's guest chaplain, Pastor Shawn Kumm. He is joining us from Laramie, Wyoming, where he has served the congregation at the Zion Evangelical Lutheran Church for 13 years.

Originally from Iowa, Pastor Kumm settled in Wyoming in 1996. He has held two offices in the Wyoming District of the Lutheran Church Missouri Synod, first as secretary to the board of directors, followed by his nomination in 2003 to vice president of the synod, a position which he currently holds.

Pastor Kumm and his wife, Barbie, have two children, his son, Nickoli, and his daughter, Alexandra, who joins him here today.

Pastor Kumm has provided invaluable help to the members of his church and my constituency. I thank him for his positive impact, leadership, and service to the community and wish him the best as his congregation continues to grow with God's blessing.

I also want to acknowledge Representative JEFF FORTENBERRY, who joins me here today, and Pastor Kumm's parents, who reside in Representative FORTENBERRY's district.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WMATA TRAGEDY

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

Mr. HOYER. Madam Speaker, on Monday evening, as millions of Americans were making their daily commute home, tragedy struck in our Nation's Capital. The collision outside of the Fort Totten station in Northeast Washington, the worst in the 33-year history of Washington's Metro system, claimed the lives of nine people and left more than 80 injured.

Among those lost were Ana Fernandez of Hyattsville and Cameron Williams of Takoma Park from my State of Maryland. My heart and my thoughts, as I know all the Members' thoughts, are with the loved ones as well as all of those suffering the sudden loss caused by this tragedy.

Those include the family and friends of train operator, Jeanice McMillan, and passengers, Lavonda King, Mary Doolittle, Veronica Dubose, Dennis Hawkins and Ann Wherley and her husband, Major General David F. Wherley, Jr. Let me also extend my gratitude to the first responders and medical professionals whose work at the scene was so critical in preventing further tragedies.

While the cause of this accident is unknown at this time, we do know this: The safety of our citizens is our highest priority, and we must take every precaution to make sure this loss of life does not occur again.

In the very near future, I will be joining with my colleagues from the region in introducing the final measure required to authorize $3 billion in dedicated Federal and local funding for Metro. Millions and millions of tourists from throughout this Nation ride on this system as well as tens of thousands of the employees who work for this country.

We received formal notice from the Governors of Maryland and Virginia and the Mayor of the District of Columbia that the jurisdictions had amended the WMATA Compact to enable such funding just last week, and I hope we can move quickly to pass this legislation critical to meeting Metro's capital and maintenance needs. We don't know that that was the cause, but certainly it is a consideration.

Hundreds of thousands of people rely on Washington's Metro system every day, from the Federal employees who keep our Government running to the visitors from every corner of the country who come to our Nation's Capital. Let it be our tribute to those we mourn today to ensure America's subway is safe for all who use it.

I know my colleagues join me in expressing our sympathy and prayers to all those who were struck by tragedy the other night.

''WE ARE OUT OF MONEY''

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

Mr. KIRK. Madam Speaker, our Government will attempt to borrow $104 billion just this week, a world record. As Congress accelerates spending, Treasury has borrowed $560 billion in January, $707 billion in February, $750 billion in March, $665 billion in April, and $773 billion in May.

To cover increased borrowing, the Fed is now electronically printing money to cover our debts. Their records show they have printed $152.7 billion to cover our mounting debts.

We are quickly running out of other people's money. Printing dollars electronically will accelerate inflation next year.

Remember, inflation is the enemy of senior citizens on a fixed income. President Obama was right when he said, ''We are out of money.'' Our policies here in the Congress should reflect that sober assessment.

CARBON OFFSETS WILL BENEFIT POLLUTERS

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

Mr. KUCINICH. Science tells us we must begin to reduce global greenhouse gas emissions in the next 5 to 10 years. But according to an analysis by offsets expert and Stanford law professor Michael Wara, it is possible that we could see no reduction of CO_2 emissions until the year 2040 because of offsets and unlimited banking of allowances in the new energy and environment bill.

The bill allows 2 billion tons of carbon dioxide a year, roughly equivalent to 30 percent of all U.S. greenhouse gas emissions. Supporters of the bill point out that coal use will increase by 2020 because electric utilities will continue to use dirty coal, the prime source of pollution.

With 2 billion tons of offsets per year, we are told that electric utilities will reduce carbon emissions at places other than their generating plants so they really don't have to actually decrease their emissions, and coal-fired CO_2 emissions will increase through 2025. No wonder there are 26 active coal plant applications. Increased CO_2 emissions will be our gift to the next generation? Apparently the planet is not melting. With this bill, it is just getting better—for polluters.

□ 1015

REFORM HEALTH CARE THE RIGHT WAY

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

Mr. FLEMING. Madam Speaker, from today, the ABC network will be known as the ''All Barack Channel'' due to unprecedented propaganda for the President's health plan.

Democrats and Republicans agree that our health care system needs reforming, and we essentially agree on how, with one very important exception: a government-run plan is not the solution.

Our current Medicare system is a microcosm of what the proposed public plan would look like. Medicare is propped up by the privately insured as it is, and is still on a course for bankruptcy within 10 years.

Our President says he can make a government-run system lower cost. Then why hasn't anybody been able to do that with Medicare in 50 years? Creating a public option like Medicare will progressively increase private insurance costs due to cost shifting and eventually drive private insurers out of business. Besides the damage it would do to the private sector, the government does not have the money to pay the $1.6 trillion price tag.

As a physician, I say we need to reform, bring down costs, and increase access to private insurance. We do not need the government in the exam room.

ENERGY: WALL STREET'S NEXT BUBBLE

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

Mr. DEFAZIO. Madam Speaker, Europeans have had a market-based cap-and-trade system on greenhouse gas emissions for 4 years, and it has failed. The last recorded year, $60 billion in trades, that is added costs, and higher greenhouse gas emissions.

Now the House of Representatives wants to bring that European system here to the United States of America, despite its failures. Why? Well, the market-based approach is only a failure if your objective is meaningful and predictable real reductions in greenhouse gas emissions. Perhaps something else is afoot.

Europe already has a carbon offset futures derivatives market, complete with credit default swap insurance. Is it AIG and mortgages all over again but now with carbon? We are going to bring that here to the United States. Wall Street is tingling with excitement. A trillion dollars speculative market.

Listen to this: Carbon will be the world's biggest commodity market, and it could become the biggest market overall, Louis Redshaw at Barclays. Oh, Wall Street loves this so much. A brand new Wall Street bubble on something as essential as energy. Deja vu all over again.

CONGRATULATING CAROLINE COUNTY

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

Mr. WITTMAN. Madam Speaker, I rise today to express my sincere congratulations to Caroline County, Virginia, recipient of the 2009 All-American City Award for its outstanding civic accomplishments. This recognition is well deserved, and rightly honors Caroline County, which has long been dedicated to meeting the needs of its community.

Established by the National Civic League in 1949, the All-American City Award recognizes localities for community projects involving grassroots civic engagement and cooperation between public, private, and nonprofit sectors that best illustrate community-based problem solving. Each year, the National Civic League honors 10 communities throughout the country for effectively addressing the most critical challenges facing America's communities.

Caroline County submitted three community-based projects, including the Dawn Rehabilitation Project, the Caroline Library, and the Caroline Dental Program. These projects blend public, private, and civic resources to address specific challenges of the community.

I am proud to see our citizens and local government work in concert to meet community needs. Caroline County was the only city or county from Virginia in a field of 32 finalists from across the country. The Caroline County delegation traveled to Tampa, Florida, to present the challenges and solutions for its community to a panel of national experts, and I am proud to recognize Caroline County as a wonderful and unique community of Virginia's First Congressional District for receiving the 2009 All-American City Award.

AMERICAN CLEAN ENERGY AND SECURITY ACT

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

Mr. POLIS. Madam Speaker, I rise today in strong support of the American Clean Energy and Security Act. We are on the verge of an historic step that we have a responsibility and an opportunity to take for the health of our environment, our economy, and our Nation.

Opponents simply don't comprehend the magnitude of the problem of global warming or the opportunities that come with the solution. The U.S. is currently losing clean energy jobs and market share to Germany, China, and Korea. U.S. consumers continue to send $400 billion a year to places like the Middle East and Venezuela every time we fill up our gas tanks.

Madam Speaker, we have a responsibility to enact swift and strong climate change legislation. It is absolutely false to suggest that this legislation will cost Americans. It will cost us more if we don't act.

With the consumer protections and increases in efficiencies that this bill puts in place, American families will save hundreds of dollars each over the next decade. Saving consumers money is hardly a tax. Saving businesses money is hardly a tax. Allowing American technology to stagnate while we pollute and pay to address that pollution, that is a tax that the American people are tired of paying and have paid for far too long.

The Democratic plan declares energy independence and puts America on a path to economic recovery.

TAXING AMERICAN FAMILIES IS NOT THE ANSWER

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

Mr. WILSON of South Carolina. Madam Speaker, House Democrats plan to vote on their national energy tax legislation this week. It defies common sense when the American people are faced with losing jobs and families are making hard decisions about how to weather this tough economy. The Democrats' priority is to impose a new tax. This cap-and-tax proposal will lead to job losses, higher gas prices, and increased electricity rates on American families with $3,128 of new taxes for each family each year. Moreover, it is also unnecessary when there are positive alternatives to promote clean energy technology.

An all-of-the-above energy policy would achieve the goals of a cleaner environment while promoting oil and natural gas exploration in America, invest in innovative new technologies and encouraging conservation and smarter energy use. Above all, it would be no new tax on American families nor would it punish small businesses. Taxing American families is not the answer to our energy needs.

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

GEOGRAPHIC DISPARITIES

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

Mr. WALZ. Madam Speaker, reforming Medicare formulas so that they reward quality and value is one of the changes that must be part of any discussion on health care reform.

The Congressional Budget Office recognizes the problem of a simple fee-for-service payment system regardless of the quality of care our patients receive. That means we pay doctors for doing more tests and ineffective treatments.

In my home district of southern Minnesota, the Mayo Clinic is a model of providing high quality care at low prices. But because of the way Medicare payments are figured today, the Mayo Clinic is penalized for that. We must reward those that save money and at the same time provide the highest quality of care. This can be done by creating an index within the Medicare physician fee formula to simply measure quality.

I urge my colleagues to support the inclusion of this sort of provision in the final health care reform package.

AVOID EUROPEAN ENERGY MODEL

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

Mr. TIAHRT. Madam Speaker, this administration and the Democrat Congress are pushing us towards European socialism through more government control. This week it is the energy economy. We are scheduled to consider the Waxman-Markey cap-and-tax scheme that will cap our growth and tax all of us.

In 2005, the Europeans implemented the emissions trading scheme, or ETS. ETS has increased household energy costs by 16 percent and industrial energy costs by 32 percent in just 4 years with no measurable effect on greenhouse gases.

The Heritage Foundation projects the Waxman-Markey impact on America will be a 74 percent increase in gasoline prices, a 90 percent increase in electricity prices, and at least 850,000 jobs lost every year. The energy bill for the average American household will go up over $3,000 per year. That is exactly what the authors want. President Obama recently stated that the only way a cap-and-tax scheme will work is for higher energy costs. They have to ''skyrocket.''

I urge my colleagues to reject this bill that is all economic pain and no environmental gain and, instead, join me in supporting the American Energy Act that promotes and develops domestic energy sources, encourages conservation, and advances renewable technologies while pursuing America's competitive edge.

COMMENDING BRIGADIER GENERAL JAMES P. COMBS

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, today I come

to the floor to honor an individual who has sacrificed over 42 years of his life for this great Nation.

Brigadier General James P. Combs has proudly and gallantly served his country on foreign soil in the countries of Vietnam, Afghanistan, and Iraq. He was appointed Commander of our Joint Forces Training Base in Los Alamitos, California, on November 1, 2005. General Combs retired from Federal service on October 1, 2007, at which time Governor Schwarzenegger assigned him in a State active duty position to remain as the base commander.

On July 4, 2009, in just a little over a week, General Combs will retire from the United States Armed Forces. And on behalf of those who have had the honor to serve with him and a grateful Nation, I commend him on his numerous accomplishments, his outstanding leadership, and his incredible military career.

Brigadier General James P. Combs will always remain a soldier's soldier and a true American hero.

CAP THE TAXACRATS AND TRADE THEM FOR OFFSHORE RIGS

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

Mr. POE of Texas. Madam Speaker, this country has lost nearly 3 million jobs just this year. That's over a million more than the 2 million men, women, and children, including illegals living within the fourth largest city in the United States, namely, Houston, Texas.

We are still buying oil from dictators who don't like us because the enviro-elites are dead set on their none-of-the-above energy plan. No oil, no gasoline, no oil shale, no clean coal, no nuclear, no drilling, and that means no natural gas. Just what do they expect to use to power the Nation's cities and industry?

The taxacrats' plan is simple: tax energy consumption. And because of these new taxes and higher energy costs, even more jobs are at risk.

According to the National Black Chamber of Commerce, the national energy tax will cost another 2.5 million jobs in America. America cannot afford any more of this change. The cap-and-trade bill will cost jobs, raise taxes, raise the cost of energy, and, according to the Congressional Budget Office, won't even significantly help the climate.

The bill is bad for everybody except the enviro-elites who get more government control over the rest of us. What we need to do is cap the taxacrats and trade them for some offshore rigs in the Gulf of Mexico.

And that's just the way it is.

COMMENDING TULAROSA HIGH SCHOOL

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

Mr. TEAGUE. Madam Speaker, I want to congratulate Tularosa High School in Tularosa, New Mexico, for receiving a bronze medal in U.S. News and World Report's annual report of the best high schools in America.

This award shows that Tularosa High School is serving all of its students well regardless of their backgrounds. Also, this means that the school is performing well on a broad range of indicators, not just one or two, and that the students learning there are getting the training that they need to do well in college. Tularosa High School not only performed well against its peers in New Mexico, but competed admirably with schools across the United States.

Schools like Tularosa High School achieve such great distinctions because of the hard work and dedication of the teachers, staff, and administration. Their students also deserve to be commended for fully taking advantage of all of the opportunities provided to them at Tularosa High School. It takes a team of hardworking folks to make this type of progress.

I am honored to have schools like Tularosa High School in my district. I commend their achievement and wish them luck in replicating it again.

□ 1030

IRANIAN ELECTIONS: WHERE'S THE PROOF?

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

Mr. STEARNS. Good morning, Madam Speaker.

My colleagues, it is vital that the elected officials in the United States express their solidarity with those who peacefully advocate for freedom in Iran.

It is clear that the votes in the Iranian elections were manipulated. An analysis by the London-based Chatham House, a British think tank, found that the turnout in two provinces exceeded 100 percent, along with other fraudulent activities. How could they count 40 million votes in 4 hours, many of them paper votes?

Let's see a list of registered voters and voter turnout by province and how these elections compare with earlier Iranian elections. These are crucial questions and considerations in determining the validity of these elections.

I agree with the President that the disputed elections are a matter for the Iranians to resolve themselves. However, as a leader of the Free World, the President should have stepped up earlier in support of the pro-democracy demonstrators and in condemning the attacks on them. And he should ask, Where is the proof? Where is the proof in the Iranian elections?

RECOGNIZING OUTGOING OFFICIALS OF THE EIGHTH DISTRICT OF ILLINOIS

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

Ms. BEAN. Madam Speaker, I rise to recognize the outstanding contributions of the outgoing village presidents and mayors from the Eighth District of Illinois.

In April, following municipal elections and retirements, many of our local leaders left office, including Bill Gentes from Round Lake, Scott Gifford from Deer Park, Keith Hunt from Hawthorn Woods, Dick Hyde from Waukegan, Tom Hyde from Island Lake, Cindy Irwin from Fox Lake, Dorothy Larson from Antioch, Catherine Mechert from Bartlett, Ted Mueller from Hainesville, Rita Mullins from Palatine, Tim Perry from Grayslake, Virginia Povidas from Lakemoor, Salvatore Saccomanno from Wauconda, and John Tolomei from Lake Zurich. Their long-standing service embodies what leadership is all about.

Our mayors often serve as the voice of our local communities and are the closest contact for many residents on government issues. I thank them all for actively representing their cities and in their dealings with my office on Federal issues. I have enjoyed working with each and every one of them and wish them the best of success. They have assisted our office in better serving our communities and all Illinois families.

GUANTANAMO BAY

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

Mr. MORAN of Virginia. Madam Speaker, for weeks this body has been subjected to uninformed, false demagoguery with regard to President Obama's effort to close the prison at Guantanamo Bay.

I want to share some actual facts with regard to the people at Guantanamo Bay. There were 772 sent between the years 2001 and 2003. They are clearly not the worst of the worst. According to the Department of Defense's own Combatant Status Review Tribunal, only 8 percent of detainees were characterized as fighters, 92 percent were not fighters.

Of all the foreign nationals at Guantanamo Bay, only 5 percent were captured by United States forces, 2 percent by coalition forces, but 93 percent were turned in primarily by Pakistani forces in return for ransom, oftentimes for as much as $5,000. And from DoD records, a significant majority of the detainees are not even accused of committing a single hostile act.

Madam Speaker, it is time to put aside the rhetoric and start informing our constituents. We are a better Nation than the demagoguery we've been subjected to over Guantanamo Bay.

FINANCIAL EMERGENCY FACING U.S. POSTAL SERVICE

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

Mr. TOWNS. Madam Speaker, I would like to talk about the financial emergency facing the postal service. We must act now to correct this problem.

The postal service lost nearly $2 billion in the second quarter and expects to lose more than $6.5 billion in 2009, despite cutting billions in costs. It faces an unprecedented decline in mail volume due to the recession and the diversion of mail to electronic communication.

Uniquely, the postal service is required to pay over $5 billion annually into the Retiree Health Benefits Trust Fund, which is overfunded compared to similar companies. An inflexible law requires the postal service to shell out billions of dollars to prefund retiree benefits, regardless of economic or financial conditions.

The postal service expects a cash shortfall of $1.5 billion at the end of the fiscal year and might not be able to meet its financial obligations. This situation is a threat to postal employees and customers. We must act now to address the financial emergency at the postal service and continue to work on its long-term challenges as well.

HEALTH CARE REFORM

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

Ms. WATSON. Madam Speaker, we urgently need to fix health care for American families, for American businesses, and for our fiscal future.

President Barack Obama and his Congress want to reduce your cost, offer you the choice of doctors and plans, and guarantee affordable quality health care for all. Cost less and cover more. Your choice: you have it, you like it, then you keep it. Security and peace of mind. Quality patient-centered care.

We need a uniquely American solution that builds on the best of what works to foster competition among private plans and provide patients with quality choices. We must ensure that every child in America is covered. We must invest in prevention and wellness. We must ensure that doctors and nurses get the information they need.

Never again will your coverage be denied, and never again will we have to make a life or a job decision based on coverage.

Never let your family suffer financial catastrophe or bankruptcy because of high medical costs.

DEMOCRATS' BROKEN PROMISES

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

Mr. BOEHNER. Madam Speaker and my colleagues, 3 years ago the Democrat leadership, in their document ''A New Direction,'' made these promises: ''Every person in America has a right to have his or her voice heard. No Member of Congress should be silenced on the House floor.''

Secondly: ''Respectful of both the wishes of the Founders and the expectations of the American people, we offer the following principles to restore democracy in the people's House, guaranteeing that the voices of all people are heard.''

And, thirdly, one of those principles was this: ''Bills should generally come to the floor under a procedure that allows for an open, full, and fair debate, consisting of a full amendment process that grants the minority its right to offer alternatives, including a substitute.''

Madam Speaker, today, and over the last few months, the majority is breaking its promise. Why? Because Democrats here in Congress just can't spend taxpayer money fast enough. It is bad for taxpayers who are already paying too much, and it's even worse for future generations who will inherit the Democrats' mountain of unsustainable debt.

Americans want Democrats to stop the spending and start keeping their promises, like helping to create more jobs in America. Where are the jobs that the administration and Democrats in Congress promised? After we passed the stimulus bill, where are the jobs? We haven't seen them yet. The American people deserve better, and Republicans will continue to demand it.

Madam Speaker, in my hand is the most dangerous credit card in the history of the world, it is also the most expensive: it is a voting card for Members of Congress. This voting card this year has been used to rack up trillions of dollars worth of additional debt, additional debt that our kids and our grandkids will be burdened under and will be imprisoned by.

Listen, we've got important work to do here on the floor, such as the Defense Authorization bill that we are about to take up. Republicans have been working with Democrats on this bill to get it done in a bipartisan way. And I think we also have a responsibility to protect taxpayers from Washington's out-of-control spending. We take that seriously as well, and we will never yield in our effort to protect taxpayers and future generations.

MOTION TO ADJOURN

Mr. BOEHNER. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 96, nays 308, not voting 29, as follows:

[Roll No. 424]

YEAS—96

Aderholt	Frank (MA)	Nunes
Akin	Frelinghuysen	Olson
Alexander	Gallegly	Paul
Austria	Garrett (NJ)	Pence
Bachus	Gingrey (GA)	Petri
Barrett (SC)	Gohmert	Pitts
Bartlett	Goodlatte	Radanovich
Barton (TX)	Granger	Roe (TN)
Blackburn	Harper	Rogers (AL)
Boehner	Hastings (WA)	Rogers (MI)
Bonner	Hensarling	Rohrabacher
Broun (GA)	Hunter	Ryan (WI)
Burton (IN)	Inglis	Scalise
Calvert	Jenkins	Schmidt
Camp	Johnson (IL)	Schock
Cantor	Johnson, Sam	Sensenbrenner
Cao	Jones	Sessions
Capito	King (IA)	Shimkus
Carter	Kingston	Smith (NE)
Chaffetz	Kline (MN)	Smith (TX)
Chandler	Lamborn	Souder
Clay	Latham	Stearns
Coble	Lewis (CA)	Thompson (PA)
Coffman (CO)	Lummis	Thornberry
Cole	Lungren, Daniel E.	Tiahrt
Crenshaw	McCaul	Turner
Culberson	McKeon	Wamp
Duncan	McMorris Rodgers	Whitfield
Fallin	Miller, Gary	Wilson (SC)
Flake	Myrick	Wittman
Fleming	Neugebauer	Young (AK)
Forbes		Young (FL)
Foxx		

NAYS—308

Ackerman	Buyer	Donnelly (IN)
Adler (NJ)	Capps	Dreier
Altmire	Capuano	Driehaus
Andrews	Carnahan	Edwards (MD)
Arcuri	Carney	Ehlers
Baca	Carson (IN)	Ellison
Bachmann	Cassidy	Emerson
Baird	Castle	Engel
Baldwin	Castor (FL)	Eshoo
Barrow	Childers	Etheridge
Bean	Clarke	Farr
Becerra	Cleaver	Fattah
Berkley	Clyburn	Filner
Berry	Cohen	Fortenberry
Biggert	Conaway	Foster
Bilbray	Connolly (VA)	Franks (AZ)
Bilirakis	Cooper	Fudge
Bishop (GA)	Costa	Giffords
Bishop (NY)	Costello	Gonzalez
Blumenauer	Courtney	Gordon (TN)
Blunt	Crowley	Graves
Boccieri	Cuellar	Grayson
Bono Mack	Cummings	Green, Al
Boozman	Dahlkemper	Green, Gene
Boren	Davis (AL)	Griffith
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Guthrie
Boustany	Davis (KY)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	Deal (GA)	Hall (TX)
Braley (IA)	DeFazio	Halvorson
Bright	DeGette	Hare
Brown (SC)	Delahunt	Harman
Brown, Corrine	DeLauro	Hastings (FL)
Brown-Waite, Ginny	Dent	Heinrich
Buchanan	Diaz-Balart, L.	Heller
Burgess	Diaz-Balart, M.	Herger
Butterfield	Dingell	Herseth Sandlin
	Doggett	Higgins

Hill	McClintock	Roskam
Himes	McCollum	Ross
Hinchey	McCotter	Rothman (NJ)
Hinojosa	McDermott	Roybal-Allard
Hirono	McGovern	Royce
Hodes	McHugh	Rush
Hoekstra	McIntyre	Ryan (OH)
Holden	McMahon	Salazar
Holt	McNerney	Sánchez, Linda T.
Honda	Meeks (NY)	
Inslee	Melancon	Sanchez, Loretta
Israel	Mica	Schakowsky
Issa	Michaud	Schauer
Jackson (IL)	Miller (FL)	Schiff
Jackson-Lee (TX)	Miller (MI)	Schrader
	Miller (NC)	Schwartz
Johnson (GA)	Miller, George	Scott (GA)
Johnson, E. B.	Minnick	Scott (VA)
Jordan (OH)	Mitchell	Serrano
Kagen	Mollohan	Sestak
Kanjorski	Moore (KS)	Sherman
Kaptur	Moore (WI)	Sires
Kildee	Moran (KS)	Skelton
Kilpatrick (MI)	Moran (VA)	Slaughter
Kilroy	Murphy (CT)	Smith (NJ)
Kind	Murphy (NY)	Smith (WA)
King (NY)	Murphy, Patrick	Snyder
Kirk	Murphy, Tim	Space
Kirkpatrick (AZ)	Murtha	Speier
Kissell	Nadler (NY)	Spratt
Klein (FL)	Napolitano	Stark
Kosmas	Neal (MA)	Sutton
Kratovil	Nye	Tanner
Kucinich	Oberstar	Tauscher
Lance	Obey	Taylor
Langevin	Olver	Teague
Larsen (WA)	Ortiz	Terry
Larson (CT)	Pallone	Thompson (CA)
LaTourette	Pascrell	Thompson (MS)
Latta	Pastor (AZ)	Tiberi
Lee (CA)	Paulsen	Tierney
Lee (NY)	Payne	Titus
Levin	Perlmutter	Tonko
Linder	Perriello	Towns
Lipinski	Peters	Tsongas
LoBiondo	Peterson	Upton
Loebsack	Pingree (ME)	Van Hollen
Lofgren, Zoe	Platts	Velázquez
Lowey	Poe (TX)	Visclosky
Lucas	Polis (CO)	Walden
Luetkemeyer	Pomeroy	Walz
Luján	Posey	Wasserman Schultz
Lynch	Price (GA)	
Mack	Price (NC)	Waters
Maffei	Putnam	Watson
Maloney	Quigley	Watt
Manzullo	Rahall	Weiner
Markey (CO)	Rehberg	Welch
Markey (MA)	Reichert	Westmoreland
Marshall	Reyes	Wexler
Massa	Richardson	Wilson (OH)
Matheson	Rodriguez	Wolf
Matsui	Rogers (KY)	Woolsey
McCarthy (CA)	Rooney	Wu
McCarthy (NY)	Ros-Lehtinen	Yarmuth

NOT VOTING—29

Abercrombie	Ellsworth	Sarbanes
Berman	Gerlach	Shadegg
Bishop (UT)	Hoyer	Shea-Porter
Brady (TX)	Kennedy	Shuler
Campbell	Lewis (GA)	Shuster
Cardoza	Marchant	Simpson
Conyers	McHenry	Stupak
Dicks	Meek (FL)	Sullivan
Doyle	Rangel	Waxman
Edwards (TX)	Ruppersberger	

□ 1105

Messrs. CUMMINGS, LUJÁN, BRALEY of Iowa, FARR, ELLISON, BUTTERFIELD, DENT, LUETKEMEYER, COSTELLO, TAYLOR, BRIGHT, BERRY, JOHNSON of Georgia, ADLER of New Jersey, COURTNEY, SERRANO and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

Messrs. DUNCAN, SCALISE, and GOODLATTE changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

Mr. SKELTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2990) to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2990

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Disabled Military Retiree Relief Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 101. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component

members experiencing extended and frequent mobilization for active duty service.

SEC. 102. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 103. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 104. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 105. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 106. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 107. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

Subtitle B—Retired Pay Benefits

SEC. 111. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 112. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans' Disability Compensation

SEC. 121. ONE-YEAR EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2010, and ending on September 30, 2010, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means the following:

''(A) In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(B) In the case of a member or former member receiving retired pay under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2010, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent

''(ii) January 1, 2011, rated 80 percent or 70 percent.

''(iii) January 1, 2012, rated 60 percent or 50 percent.

''(C) In the case of a member or former member receiving retired pay under chapter 61 regardless of years of service, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2013, rated 40 percent or 30 percent.

''(ii) January 1, 2014, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause shall apply only if the termination date specified in subparagraph (D) of paragraph (1) occurs during or after the calendar year specified in the clause, except that, eligibility may not extend beyond the termination date.''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title with fewer than 20 years of creditable service otherwise creditable under section 1405 or computed under section 12732 of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under

sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the retirement of the member if the termination date in paragraph (1)(D) of such subsection has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

SEC. 201. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 202. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 203. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 204. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 205. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. 212. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 214 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 214 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 213. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 214 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 218 of this subtitle.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 214. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 215. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 214 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 214 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 214 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 216. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), and section 214 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 216(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 214.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 217 of this subtitle.

SEC. 217. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 214 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 214 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 218. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 213;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 219. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 212 and the provisions of section 214 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE III—DEEPWATER OIL AND GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE REPEAL

SEC. 301. REPEAL.

Effective October 1, 2010, section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) by striking subsections (a), (b), (c), and (f);

(2) by redesignating subsections (d) and (e) as subsections (a) and (b), respectively;

(3) in subsection (a), as so redesignated, by striking ''obligated from the Fund under subsection (a)(1)'' and inserting ''available under this section''; and

(4) in subsection (b), as so redesignated, by striking ''In addition to other amounts that are made available to carry out this section, there'' and inserting ''There''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on then resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009. The disabled veterans tax has, for decades, prevented retirees from receiving the full benefits they have earned in military retired pay and veterans disability compensation.

The one group of retirees that have endured great hardship but have been among the last to be embraced by reform is the disabled retiree with less than 20 years of service.

This group of retirees has been ignored by even the most reform-minded advocate until the Democratic Congress acted to include them in the Combat-Related Special Compensation program when the National Defense Authorization Act for Fiscal Year 2008 was adopted. And yet this group of retirees has perhaps the most compelling story to tell.

Many of these servicemembers were on track to serve a full military career but were blocked from serving 20 years because of their disabilities. It's this group of retirees that were disabled at younger ages and often with young families. As a result, they are often the most financially stressed.

The President took a definitive step forward in support of disabled retirees with less than 20 years of service when he proposed legislation in his budget request for fiscal year 2010. The President's proposal would phase in full concurrent receipt of military retired pay and VA disability compensation for these deserving veterans over 5 years.

We share the President's view that our veterans and their families, and particularly disabled retirees with less than 20 years, have made tremendous sacrifices for our country, but this bill moves us closer to fulfilling the President's plans and the commitment of Congress to give disabled veterans full access to the benefits they deserve.

While H.R. 2990 is an important step, we must recognize that it is an incremental step that reaches only the most severely disabled over the first year of the President's phased implementation plan. Congress has been working to find a way to permanently eliminate the disabled veterans tax for many years, but finding this entitlement program is an immensely difficult task. I'm grateful to all of my House colleagues who have worked to find the budget offsets needed to provide this temporary fix for our veterans. As we pursue this legislation, we will continue to do all we can to honor our country's debt to our veterans and their families.

I would note that H.R. 2990 also includes a number of valuable changes that enhance the Federal civilian retirement benefits. In addition, the bill extends expiring authorities concerning a wide variety of bonuses and special pays that are critical to military recruiting and retention.

H.R. 2990 is a good bill. It's an important bill that supports the President's initiative regarding disabled retirees and fulfills the longstanding commitment of Congress to provide for the welfare of disabled veterans.

There still remains much to be done to find a permanent solution, and this

bill provides the framework for our future action. Our veterans have never quit on America, and you can be certain that we will never quit on our veterans. I urge my colleagues to support the Disabled Military Retiree Relief Act of 2009.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 2990, the Disabled Military Retiree Relief Act of 2009. This bill has a number of good provisions dealing with military and civilian personnel, which I appreciate as a 31-year Army National Guard veteran representing Parris Island, the Marine Corps Air Station at Beaufort, the Beaufort Naval Hospital, and Fort Jackson.

I want to focus on one section of the bill that would provide concurrent receipt of Department of Defense disability pay and Veterans Administration disability pay to a small number of people discharged from the services with less than 20 years' service because of injuries sustained while in the service.

This section, which is but a ghost of the proposal submitted by President Obama, is a small but important step in expanding the population eligible for full concurrent receipt. I'm glad some progress is being made.

What troubles and disappoints me most, however, is that this bill, which will be attached to the National Defense Authorization Act for 2010, could have done so much more had the Democratic leadership of the House made elimination of concurrent receipt and elimination of the widow's tax a priority from the beginning of this Congress.

Instead, we were unable to even debate my amendment at the full committee markup of the Defense Authorization dealing with concurrent receipt, the elimination of the Survivor Benefit Plan and Dependency and Indemnity Compensation offset is a widow's tax, the extension of health care to early retiring Reserve component members, and the use of the misnamed Reserve Fund in the budget resolution.

I would note that since the introduction of the amendment, the Democratic leadership has found a way to fund H.R. 2990, using resources and dollars outside the House Armed Services Committee jurisdiction to provide for just 9 months of very limited concurrent receipt for disabled military retirees.

While that is a step forward to eliminating some of the injustice inflicted on disabled retirees, it does nothing to cure the injustice still being suffered by most persons losing their rightly earned benefits because of the remaining concurrent receipt prohibitions.

Had the House leadership seen eliminating these injustices as a priority, they could have allocated a small percentage—less than 1 percent—necessary in the $15 trillion they provided for government spending in 2010 to 2014. Or, they could have used the Reserve Fund authority as proposed in my amendment.

□ 1115

Instead we must settle for a small pittance for a small group of retirees. I hope that since the authority for this limited concurrent receipt is for only 9 months, that the Democratic leadership makes resolving all the concurrent receipt and SBP–DIC offset injustices a real, not a symbolic, priority next year. As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedoms. I know firsthand of the courage of our troops. My late father-in-law Julian Dusenbury, a dedicated Marine, was awarded the Navy Cross for leading the capture of the Japanese headquarters of Shuri Castle in Okinawa. He was shot by a sniper, resulting in his being in a wheelchair for the rest of his life. He was grateful to have served America.

With that, Madam Speaker, I yield as much time as he may consume to the gentleman from Georgia, Dr. BROUN.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 73, nays 316, not voting 44, as follows:

[Roll No. 425]

YEAS—73

Aderholt
Akin
Alexander
Austria
Barrett (SC)
Bartlett
Barton (TX)
Blackburn
Boehner
Broun (GA)
Burton (IN)
Calvert
Camp
Capito
Carter
Chaffetz
Childers
Clay
Coffman (CO)
Cole
Deal (GA)
Fallin
Flake
Fleming
Gallegly
Garrett (NJ)
Goodlatte
Granger
Harper
Hastings (WA)
Hensarling
Inglis
Issa
Jenkins
Johnson, Sam
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
McKeon
McMorris Rodgers
Miller, Gary
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Radanovich
Roe (TN)
Rogers (AL)
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Teague
Thompson (PA)
Thornberry
Tiahrt
Turner
Wamp
Young (AK)
Young (FL)

NAYS—316

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Cantor
Cao
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter

Smith (NJ)	Tiberi	Waters
Smith (WA)	Titus	Watt
Snyder	Tonko	Weiner
Space	Towns	Welch
Speier	Tsongas	Westmoreland
Spratt	Upton	Wexler
Stark	Van Hollen	Whitfield
Sutton	Velázquez	Wilson (OH)
Tanner	Visclosky	Wilson (SC)
Tauscher	Walden	Wittman
Taylor	Walz	Wolf
Terry	Wasserman Schultz	Woolsey
Thompson (CA)		Wu

NOT VOTING—44

Bachus	Gohmert	Moore (WI)
Berman	Grijalva	Moran (VA)
Boucher	Harman	Murphy (CT)
Brady (TX)	Higgins	Olver
Burgess	Hoyer	Pascrell
Campbell	Johnson (IL)	Sarbanes
Cardoza	Kennedy	Shea-Porter
Clarke	Lewis (GA)	Stupak
Conyers	Lucas	Sullivan
Costa	Maloney	Thompson (MS)
Delahunt	Marchant	Tierney
Doyle	Matsui	Watson
Edwards (TX)	McCaul	Waxman
Frank (MA)	McHenry	Yarmuth
Gingrey (GA)	Miller (NC)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1140

Messrs. BUYER, BONNER, BOYD, POMEROY, Mrs. BIGGERT, Messrs. PETERSON, CANTOR, DICKS, WESTMORELAND, and Ms. HIRONO changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HARMAN. Madam Speaker, on rollcall No. 425, I was attending a classified briefing. Had I been present, I would have voted ''nay.''

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Missouri has 16 minutes remaining; the gentleman from South Carolina has 16¼ minutes remaining.

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

This is a very, very important bill, particularly important to disabled American veterans. I notice we have had two adjournment motions already. I hope we can take this bill up because those young and young women deserve it.

Special thanks to the Speaker, Leader HOYER, Chairman TOWNS, Chairman SPRATT, Chairman RAHALL, Chairman GORDON, Chairman WAXMAN, Chairman MARKEY, Mr. LYNCH, SUSAN DAVIS, and Mr. EDWARDS for all the help that they have given us on this very complicated, very important matter for our disabled veterans.

At this time, Madam Speaker, I yield 2 minutes to my friend and colleague, the distinguished chairman of the Committee on Oversight and Government Reform, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank the gentleman from Missouri for yielding.

Madam Speaker, as Chair of the Oversight and Government Reform Committee, I rise in support of H.R. 2990. I am pleased the legislation we are considering today will assist the men and women of our Armed Forces by permitting disabled military retirees to receive both their disability compensation and their retired pay concurrently.

Let me pause and thank Chairman SKELTON for working closely with the Oversight Committee on title II of this legislation. Title II makes several positive changes to the retirement system for Federal employees. These changes will enhance the system's efficiency and effectiveness as a recruiting and management tool when we need to be attracting the best and the brightest to the Federal workforce.

Most of title II's provisions were included in H.R. 1804, a bill I sponsored that passed the House by a unanimous voice vote on April 1. After passing the House, the retirement provisions were added to the landmark tobacco legislation that President Obama signed into law this week. Unfortunately, they were removed for procedural reasons in the Senate version of the tobacco bill that President Obama signed.

I am delighted we have the opportunity to consider these measures again today. Title II includes provisions to eliminate inconsistency in the way part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. These provisions will help employees and managers plan for a wave of upcoming retirements and encourage highly talented individuals to return to government service.

I thank the staff of both committees. I thank Chairman SKELTON for his support. And I urge all of my colleagues to vote for this very important legislation. And I hope that the other side stops calling for adjournments because this bill is very, very important and we need to move it forward.

Mr. WILSON of South Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

□ 1145

Mr. HALL of Texas. Madam Speaker, I stand here to speak on this bill. I have some misgivings about it. But I intend to vote for this bill. I can't vote against this bill because it benefits people that have served this country and that have suffered for this country. And I have never, in the 28 years I have been here, voted for a bill that affected adversely any veteran or any person that stood up for this country, and I admire and respect Mr. SKELTON, the author of this bill. I disagree with the way he has funded it and want to point that out.

I would also point out that I have a letter addressed to Mr. SKELTON. He has not had the time to receive it because this bill was introduced yesterday, and it is on the floor today. That is a little hasty. But this is an important bill, and it is a bill that needs to be passed. But I'm torn today as I rise to speak on H.R. 2990. On the one hand, I support the revisions in the bill, retired pay benefits for Reserve members and compensation and benefits for servicemembers. But where I'm torn is how the chairman, my good friend, Mr. SKELTON, chose to pay for the compensation and benefits provided under the bill.

I will first point out that this is a bill for the veterans, and this is a bill for those that probably without this bill would not have the assistance that they need, that they deserve and that they are entitled to.

I would also say that as a veteran of World War II, and probably one of about four or five on this floor still here, five or six over in the Senate, there are not very many of us left, but I take no backseat to anybody in supporting veterans. I have a veterans' hospital that my predecessor, Sam Rayburn, provided and benefited. And I have had the pleasure of walking in a mass of walkathons to preserve that hospital, from Bonham, Texas, where Mr. Rayburn lived, to Dallas, to protest cuts in it, as anybody here would. Anybody on this floor has to support the purpose of this bill, which is for those that are suffering.

The major desire of those that have served in any war is that no other generation would have to fight such a war and that we remove the causes of war. And probably the greatest duty of a Member of Congress is to prevent a war. And how do you prevent a war? You prevent a war by removing the causes of it. And energy itself, or the lack of it, has been the cause of most wars that I know anything about. Japan didn't hate this country. Japan loved this country. But our country had cut off their access to oil. They had 13 months' national existence. We had to know that Japan would break out somewhere. That was a war over energy, not the hatred of the United States of America. Twelve or fourteen years ago, George Bush, Senior, sent 450,000 of our troops over to Kuwait. That was not a battle for the emir of Kuwait. We don't care anything at all about the emir of Kuwait. That was to keep a bad guy, Saddam Hussein, from getting his foot on half the known mineral reserves and energy of that area over there. That was a war for energy.

So I have a bill that I passed. I passed it as a Democrat once, it failed, it didn't get through. I passed it as a Republican with Democratic and Republican support. It passed this body. The

chairman, IKE SKELTON, voted for it at the time. And that bill is now underway. And I want to say a few words about that bill because I think you're entitled to know, and I'm very hopeful that the other body will look closely at this. And I'm going to be working toward that. I haven't had the time or the opportunity to work toward it, and neither did I have the incentive to do anything to kill this bill.

I urge everybody within the sound of my voice to vote for this bill and to commend IKE SKELTON for his leadership and his devotion to the men and women that fight for this country and care for this country.

I think unfortunately regarding this bill, he chose to redirect the funds which by law, Public Law 109–58, a law that passed the House 275–156, a law that Chairman SKELTON voted for, are reserved for the Ultra-Deepwater and Unconventional Onshore Natural Gas and Other Petroleum Research and Development Program, also known as section 999.

Now the hard, cold facts about it that brought that bill into being was that we can get energy up from the coastal waters. We can get it up to around 80 or 90, 900 feet. And this bill, without the technology, could not get it to the surface where we could benefit from it. But we knew that the energy was there. And we knew that technology was there. And the bill I introduced is not an energy bill nor a technology bill. It puts the two together. And it pays universities, and there are 26 universities in this country, and I'm going to mention some of those in a few minutes, that stepped forward, that are working within this bill and have put 3 years work into it.

I just think that we need to remember section 999. It has achieved a lot since its enactment. It passed, and it passed the bill. It was in the bill that we passed, what, a year and a half ago, a consortium that administers the program has grown to achieve over 140 entities in 28 States, including 26 universities. Those 26 universities, I'm not going to recite all those universities, they are available and people know where they are and which they are, but I do want to point out just some of the universities: MIT—this is a list of them here—MIT; Florida International University; Louisiana State University; Massachusetts Institute of Technology; Mississippi State University. It goes on down: Rice University; Texas A&M; Texas Tech; Universities of Kansas, Oklahoma, Texas, Tulsa, Utah, Alaska-Fairbanks, Houston, Michigan, South Carolina, Southern California, West Virginia, and West Virginia State. Those are just some of the many institutions that are working within the confines of the bill that we passed.

The consortium has awarded dozens of projects. These are underway. If you divert this money from this bill to support the bill that Mr. SKELTON has, these are the things that you're knocking out, an effort to find energy for 100 years that this country needs, that would prevent us from having to pay foreign agents, Arab nations that we don't trust and don't trust us, those millions and trillions of dollars could stay here in this country. And the consortium has awarded dozens of projects, including 43 research projects currently underway, with a total project value of nearly $60 million.

Also, Madam Speaker, the value of the projects over and above the amount of annual funding for the projects, $37,500,000 was achieved because industry believes in the value of the program and has invested substantially in it, a testament to the work that the program has achieved to date. These projects were selected on a competitive basis from over 180 proposals totaling nearly $415 million. This program is underway and the projects awarded by the consortium include components that benefit dozens of universities throughout the country. In fact, the research and development projects undertaken through the program have included the participation of nearly 1,500 energy researchers from coast to coast. These are not the majors. These are little people. These are for little people. These are for the American people. These are to prevent a war in the future by providing the energy of today.

Nearly 80 percent of the awards made through the section 999 program have gone to universities, nonprofit organizations, national laboratories, and State institutions.

Program awards have created high-tech and innovative domestic jobs. The National Energy Technology Laboratory has estimated that the awards would create 1,300 job years from research alone. All the while, Madam Speaker, the research projects are aiding the development of cleaner, safer, and more environmentally responsible domestic energy sources, and yes, hundreds of years of energy that is there, we can bring to the top now that we couldn't before.

We get the technology. It doesn't cost the taxpayers anything. We pay for the energy we get by the technology that gives us the ability to bring it up, ability we didn't have—we couldn't get the energy. With that technology, we can get that energy, and that is the thing that really breaks my heart to see us kill a program that is underway and is working. It is hundreds of years of energy.

I want to just point out one other thing. Section 999 does just the type of research that the Secretary of Energy, the Honorable Steven Chu, feels that the Federal Government should be supporting, as he stated in a hearing earlier this year as he testified before the House Science and Technology Committee.

So this is a bill that is a wonderful bill. For the purpose of the bill, I support it. I'm going to vote for it. I urge everybody else to vote for it. But I urge you to work and look forward and find out for yourself the funds that are being utilized to take its place, already underway successfully and producing for us, not to throw it aside. There are surely other areas that we can find. And I will join Mr. SKELTON in that, as this thing goes to conference, if it goes to conference, or as it works its way through the other body.

I thank you, and I thank Chairman SKELTON.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina, my friend, my colleague, the gentleman who is the chairman of the Committee on the Budget, Mr. SPRATT.

Mr. SPRATT. Madam Speaker, I commend the gentleman for bringing the bill to the floor and I rise in strong support of the Disabled Military Retiree Relief Act of 2009.

This bill accomplishes several important things. It enhances the benefits of Federal civil service retirees. It extends the bonuses available to our military recruiters to ensure that they have the tools needed for recruitment and retention. But most importantly, this bill restores the benefits earned by a group of veterans who are particularly deserving. The group I speak of is comprised of veterans who were medically retired with a disability and less than 20 years of service. These disabled veterans tend to be younger, and as a result, they tend to be less well off financially.

Reducing their earned benefits by offsetting the receipt of one benefit against the other, retirement pay against VA disability benefits, does not strike them as fair. And we can understand why.

We first recognized their cause in the Defense Authorization Act for Fiscal Year 2008, when the Congress, Democratic Congress, fought to include them in the Combat Related Special Compensation program. Now President Obama has asked us to take the cause one step further. He has asked us to provide concurrent receipt, phased in over a period of 5 years, for those veterans who are medically retired with a disability rating and for whom no longevity requirement applies. This bill moves to fund the first year of that proposal.

This legislation will go a long way towards showing these veterans that they have not been forgotten, their service has not been forgotten nor has their disability which they incurred in service. Specifically, this bill will repeal the offset, which has prevented medically retired veterans from concurrently receiving their retirement pay and their VA disability compensation at the same time.

Despite its high importance, please bear in mind that this is a 1-year solution. And there is a reason for that. We have a rule here called the PAYGO, pay-as-you-go rule, which basically says when you enhance or expand eligibility for an entitlement program, you have to pay for it so that it will not worsen the deficit.

In order to provide the offsets to keep from worsening the deficit as we undertook this very just adjustment of the veterans benefit program, we have had to look across the spectrum for different items. You just heard some of them read off by Mr. HALL a few minutes ago. We will have to, next year, do the same thing to continue this benefit. And to expand the benefit we will have to look for even more. So it is not easy. It is not easy by any means. But it is worthy of these veterans who have done a yeoman service for their country, who have sustained wounds that they will bear for the rest of their life, and which have disability benefits which should not be offset.

So this is a significant step forward, but it is a step that we have not yet completed. It is a step in the right direction, but we still have a way to go. And next year we will have to revisit this again in order to renew this benefit and in order to expand it for another year. Nevertheless, this is a well-worked piece of legislation for a veterans group that dearly deserves the benefits that it provides.

I urge support for the bill.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to my friend, my dear colleague, the chairwoman of the Armed Services Subcommittee on Military Personnel, the gentlelady from California (Mrs. DAVIS).

□ 1200

Mrs. DAVIS of California. Madam Speaker, I rise in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009.

I would like to echo the comments of Chairman SKELTON on the merits of this bill and to congratulate him for bringing this important measure to the floor.

The process of identifying and coordinating the spending offsets was a long, hard struggle which demonstrates the resolve of the chairman and the Armed Services Committee as a whole to end the disabled veterans tax.

The disabled veterans tax has been an economic burden on our military retirees for far too long. This is especially true for the severely disabled military retirees that were denied to serve for a full 20-year career, and this bill provides immediate protection for the most severely disabled with ratings of 190 percent.

Madam Speaker, this is not a perfect solution. The chairman and I and all of our colleagues on the Armed Services Committee want a full and permanent fix, but the task to find the needed offsets from entitlement accounts was a very difficult one. But no one, no one should doubt our resolve to bring full benefits to our disabled retirees.

I want to assure other groups with issues that face the same daunting challenge to find entitlement funding offsets, that we have not forgotten your causes. Today we have focused on disabled retirees, but we are fully aware that more needs to be done to (1) fix the SBP/DIC offset; (2) enhance reserve retirement benefits; (3) protect health care benefits; and (4) eliminate the disabled veteran's disability tax for those disabled retirees who are not addressed by H.R. 2990.

We will continue to search for the necessary offsets to resolve each and every one of these programs as soon as possible.

Madam Speaker, Democrats have much to be proud about in our efforts to eliminate the veterans disability tax. We are again taking a leadership role in providing the benefits that our disabled military retirees deserve. H.R. 2990 is a good bill that keeps faith with our veterans.

I urge my colleagues to support the Disabled Military Retiree Relief Act of 2009.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, this bill is a tribute to excellent Armed Services Committee staff work, and I wish to acknowledge the fact that so many, supporting both Democrats and Republicans, did yeomen's work on this: Erin Conaton, Bob Simmons, Debra Wada, Mike Higgins, John Chapla, Jeanette James, and Eryn Robinson did a masterful job in gluing a very complicated and difficult bill together, and I want to publicly thank them.

At this time, I want to yield 1 minute to my friend and colleague, the gentleman from Georgia, who is also a member of the Armed Services Committee, Mr. MARSHALL.

Mr. MARSHALL. Madam Speaker, I want to thank the chairman, the staff, and other Members for the work that has been done in order to provide this relief to the disabled veterans tax. I would like to encourage all Members and all veterans to call the failure or the inability of those who are entitled to concurrent receipt of retirement benefits and disability benefits to call this the disabled veterans tax, a term that was coined about 6 years ago. More and more veterans are using that term. And as we use at that term and get this thing labeled the way it should be, as a disabled veterans tax, I am convinced that over the years we will find the offsets that are needed in order to completely eliminate this unfair tax on disabled veterans.

Again, Mr. Chairman, I thank you. Without your due diligence here and an awful lot of work by staff, we wouldn't be able to make the inroads that we have made this time around. An awful lot of credit goes to you.

Mr. SKELTON. I thank the gentleman from Georgia.

At this time I yield to my colleague, my friend, the gentleman from Massachusetts (Mr. LYNCH) 2 minutes, who is also the chairman of the Subcommittee on Federal Workforce, Postal Service and the District of Columbia on the Committee on Oversight and Government Reform.

Mr. LYNCH. Madam Speaker, I would like to thank Chairman TOWNS and Chairman SKELTON for their leadership on this bill, H.R. 2990, and I am pleased to be a cosponsor of this bill. There is a saying which is true, that we can never fully repay our men and women in uniform for what they have given to our Nation. We can never fully repay them for their sacrifice and their service. But I am happy to say that Chairman SKELTON is trying his best, along with Chairman TOWNS and the ranking member, to do just that.

As chairman of the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia, I am delighted that key civil service retirement provisions are also approved by this Chamber included in the measure being considered today.

Federal employee and postal unions, as well as employee retiree and management groups, all support these provisions. These provisions will improve the Federal Employee Retirement System by providing workers with retirement credit for unused sick leave. Additionally, the civil service retirement annuity calculations problem for those employees who wish to phase down to part-time work at the end of their Federal careers will also be rectified. The Office of Personnel Management has long supported this fix as a way to retain the skilled and knowledgeable employees who are nearing the end of their careers at a time of a more mature Federal workforce. The government, as an employer, must take the lead in addressing these workplace realities.

This bill will also provide retirement credit for hundreds of D.C. Government employees who now serve as Federal employees. I would like to make it clear that these retirement provisions are paid for by treating Federal workers in Hawaii, Alaska, Puerto Rico, Guam, the U.S. Virgin Islands and the Northern Mariana Islands the same as all other Federal employees, and I look forward to working with the respective delegates of those areas on this issue.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, at this time I yield 1 minute to my friend,

my colleague, the gentleman from Georgia (Mr. SCOTT) who is the vice chairman of the Foreign Affairs Subcommittee on Terrorism and Nonproliferation and International Trade.

Mr. SCOTT of Georgia. I thank Chairman SKELTON for giving me this opportunity to speak on behalf of this very important and timely bill. I also want to commend President Obama and Speaker PELOSI for the leadership they have provided.

This is my 8th year in Congress, and for each of these 8 years I have worked hard on this bill of concurrent receipts. I can't think of a more important bill that we could offer at this time as we approach the Fourth of July when this Nation celebrates its independence and freedom. At the forefront of that, the reason we are able to celebrate this independence and freedom is because of the soldiers and our veterans. And we have long felt that it is not fair nor right if our soldiers are injured and disabled, and if they have to leave service, why should they have to choose between a retirement pay and disability.

What we are saying with this measure is the right thing to do, is to make sure our soldiers have both. I urge a unanimous vote for this. Every Member of this Chamber should vote ''yes'' on this important bill.

Mr. WILSON of South Carolina. Madam Speaker, in conclusion, again I would like to commend the chairman for H.R. 2990. This is a step forward, but I am confident that all of us, that we can work together for more.

I yield back the balance of my time.

Mr. SKELTON. Madam Speaker, I have no more requests for time on our side and I wish to thank the gentleman from South Carolina (Mr. WILSON) for his excellent cooperation and hard work to make this bill a reality. We are most appreciative. Again, I thank all of those who worked on this very complicated piece of legislation, and other kudos to the Armed Services staff on both sides of the aisle. It is very important. It is very important for our veterans, particularly those disabled veterans who have had less than 20 years of service. It treats them as they should be treated.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of H.R. 2990 to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes. I want to thank my good friend from Missouri, the Chairman of the Armed Services Committee Mr. SKELTON, and all the cosponsors of this important legislation. I want to thank you especially for including in this bill, provisions to extend locality pay to federal employees in Alaska, Hawaii, and the Territories.

Madam Speaker, federal employees in American Samoa are not getting fair treatment. To date, American Samoa is the only non-foreign area in which federal employees do not receive a cost-of-living allowance. Notwithstanding that by law, federal employees in the U.S. Territory of American Samoa are eligible to receive COLA payments, under OPM regulations American Samoa is not listed as a COLA-designated area. Given that American Samoa faces many of the same issues driving higher prices for goods, services, and travel that face other territories in similar situations, it seems discriminatory that the Office of Personnel Management (OPM) has chosen not to provide COLA to federal employees in American Samoa.

Further exacerbating the problem is the fact that ''post differential'' compensation is paid to federal employees who are working in American Samoa who have come in from other areas of the country. And so the only non-foreign area federal employees who do not receive any additional compensation are those federal employees from American Samoa, working in American Samoa.

All current and future employees in the non-foreign areas who are eligible to receive a COLA, whether or not they actually do receive it, are covered by this legislation and would therefore receive locality pay under this bill. Under this measure, federal employees in American Samoa will receive 12.9 percent locality pay received by the rest of the US.

Locality pay will be extended to GS employees, administrative law judges, members of the Senior Executive Service, senior level and senior technical (SL/ST) employees, administratively determined employees, GS employees that do not receive COLA, and employees in agencies with unique personnel systems such as the Transportation Security Administration, DoD, the Federal Aviation Administration, the Department of Veterans Affairs, and those agencies covered by the Financial Institution, Reform, Recovery and Enforcement Act.

This is a very important legislation for all federal employees and especially my constituents in the U.S. Territory of American Samoa, and I urge my colleagues to pass H.R. 2990.

Mr. ABERCROMBIE. Madam Speaker, I rise today in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009. This important legislation will finally address the issue of concurrent receipt, as well as other significant issues that plague public employees. One key issue affecting federal employees in Hawaii is the long-awaited transition from a Cost of Living Allowance (COLA) to locality pay, as is currently used on the mainland United States.

Equitable retirement pay for federal employees outside the contiguous 48 states is a concern shared by the approximately 50,000 civil servants living in Alaska, Hawaii and the U.S. territories. The current cost of living adjustment (COLA) provided to federal employees outside the continental United States has created a retirement inequity between them and their mainland counterparts. If federal service in non-contiguous areas is seen as a detriment to future financial security, our government will have an increasingly difficult time attracting and retaining the very best personnel. Further, federal workers should not have to resort to completing their final years of service on the mainland just to earn adequate retirement pay.

I think this bill is an important step in addressing the inequality between those serving in the continental United States and those in more remote locations, such as Alaska, Hawaii and the territories. Federal employees throughout the nation are making an equal contribution to the health, well-being and security of our nation. Regardless of where they live, they deserve equal treatment and should not be penalized in their retirement for choosing to contribute to the local communities outside the 48 contiguous states.

I believe that all federal employees will be better off under this bill than under the COLA system because their entire pay will now be counted toward their retirement benefits. Moreover, with COLA rates scheduled to decrease for many locations this year, and territories such as American Samoa receiving none, now is the time to act.

Please join me in supporting H.R. 2990 and ensuring retirement equity for all federal employees regardless of their location.

Mr. RAHALL. Madam Speaker, whenever an opportunity arises for the Congress to step forward and act to ensure that our veterans receive the full benefits they have earned, this Member is at the front of the line.

So when I was made aware of the need for monies to offset the cost of H.R. 2990, the Disabled Military Relief Act, I was proud to find the funds within the jurisdiction of the Natural Resources Committee which I chair.

Most Americans, I believe, see it as deeply unfair and certainly counter to American values that disabled veterans would be penalized with cuts in benefits when they also receive retirement pay. That policy does not reflect the thanks of a grateful nation. That is a practice that must be stopped.

Toward that end, I have been glad to support the use of $50 million in receipts from the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Program to help in the short-term provide our veterans with full access to the benefits they so rightly deserve. While this legislation represents a temporary one-year fix, I look forward to the opportunity to support a permanent solution.

There are those who may decry the use of those funds to pay for veterans benefits and who will complain that this offset is too costly to the oil and gas industry.

In response I point out an Associated Press article from earlier this month, which reported that the oil and gas industry has accelerated its spending on lobbying during this year faster than any other industry. In fact, Big Oil spent $44.5 million lobbying Congress and federal agencies in just the first three months of this year.

Madam Speaker, if those lucrative, multinational firms would simply call off their highly paid, smartly dressed lobbyists for three-and-a-half-month, this offset would be entirely covered. In essence, this amounts to a choice between three-and-a-half months of pay of deep-pocketed lobbyists and the debt we owe our veterans.

Madam Speaker, I stand with America's veterans.

Mr. PIERLUISI. Madam Speaker, I rise to express my concern with Subtitle B of Title II of H.R. 2990, entitled ''Non-Foreign Area Retirement Equity Assurance.'' This Subtitle would transition federal employees in certain non-foreign areas, including Puerto Rico, from

non-foreign cost-of-living allowances ("COLAs") to locality pay. The legislation is no doubt the result of a well-meaning effort to create uniformity in how various areas of the contiguous and non-foreign areas of the United States are treated. However, because the legislation would significantly change the system governing pay and benefits for affected federal employees, a full vetting of this issue—including the holding of a hearing—is necessary before the House can prudently consider the legislation.

More than 41,000 white-collar federal civilian employees are stationed in the following "non-foreign" areas outside the contiguous United States: Alaska, Hawaii, Guam, the Commonwealth of Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. These employees receive non-foreign COLAs, in addition to their regular pay, to compensate them for the higher living costs they face in the non-foreign areas.

Replacing non-foreign COLAs with locality pay would represent a significant change to the manner in which pay, retirement, and other benefits are calculated. First, non-foreign COLAs and locality pay are calculated according to two different measurements. Non-foreign COLAs are based on cost-of-living differences between the affected areas and Washington, DC. By contrast, locality pay is based on cost-of-labor differences between federal and nonfederal workers in the same geographic area. Second, a non-foreign COLA is not added to an employee's basic rate of pay when calculating retirement and other benefits. Locality pay, by contrast, is counted toward those benefits. Third, COLA payments may not be taxed at the federal level; locality pay is federally taxed.

Because these differences between non-foreign COLAs and locality pay would have a substantial impact on the manner in which a federal employee's pay and other benefits are calculated, it is imperative that Congress carefully examine this legislation. In particular, concerns have been raised that the legislation may not sufficiently address the varying labor markets in the territories, which could result in decreased locality pay levels or reduced locality pay rates being applied in the territories. At this time, I am not in a position to fully assess the merits of these claims. However, this is precisely why a hearing by the committee of jurisdiction is necessary. The House Committee on Oversight and Government Reform and its Federal Workforce Subcommittee are well-positioned to address the concerns that have been expressed. However, by considering this legislation under suspension of the rules and outside the House's normal procedures, the House has taken away this important opportunity.

Too much is at stake for the Congress to act in such a hasty manner. I urge my colleagues to reconsider the House's approach to this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 2990.

The question was taken.

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

Mr. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 202

In the Senate of the United States, June 24, 2009.

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate has agreed to the following resolution:

S. RES. 203

In the Senate of the United States, June 24, 2009.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and a chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

MOTION TO ADJOURN

Mr. WILSON of South Carolina. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 26, nays 361, not voting 46, as follows:

[Roll No. 426]

YEAS—26

Bartlett	Gordon (TN)	Sensenbrenner
Boehner	Hastings (WA)	Simpson
Bright	Hensarling	Souder
Carter	Hinchey	Thompson (PA)
Chaffetz	Johnson (IL)	Tiahrt
Clay	Johnson, Sam	Whitfield
Coffman (CO)	King (IA)	Wilson (SC)
Garrett (NJ)	Kingston	Young (AK)
Gohmert	Pitts	

NAYS—361

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

NOT VOTING—46

Bachus	Hoyer	Rush
Berry	Kennedy	Sánchez, Linda T.
Campbell	Lewis (GA)	Schrader
Cao	Matheson	Schwartz
Capuano	McCotter	Sessions
Cole	McHenry	Shea-Porter
Conyers	Meeks (NY)	Speier
Davis (IL)	Moran (VA)	Stark
Dingell	Murphy, Tim	Stupak
Doyle	Paul	Sullivan
Engel	Pence	Tierney
Fleming	Posey	Turner
Frank (MA)	Price (GA)	Van Hollen
Gingrey (GA)	Rangel	Watson
Halvorson	Rogers (AL)	
Higgins	Ross	

□ 1235

Mr. RYAN of Wisconsin, Mrs. MCMORRIS RODGERS, Messrs. GARY G. MILLER of California, BROUN of Georgia, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, Mrs. BLACKBURN, Messrs. INSLEE, BISHOP of Utah, RADANOVICH, MCHUGH, Mrs. SCHMIDT, Mrs. BACHMANN, Messrs. NEUGEBAUER, LAMBORN, BURTON of Indiana, and SCHOCK changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POSEY. Madam Speaker, on rollcall No. 426, I was unavoidably detained while questioning a witness in committee. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 573 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 5 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed four of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, or D of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by

the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2892, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

MOTION TO ADJOURN

Mr. TIBERI. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 25, nays 366, not voting 42, as follows:

[Roll No. 427]

YEAS—25

Bartlett
Barton (TX)
Bright
Carter
Chaffetz
Clay
Coffman (CO)
Connolly (VA)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hastings (WA)
Hensarling
Holt
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Sensenbrenner
Sessions
Shadegg
Souder
Tiahrt
Tiberi
Young (AK)

NAYS—366

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

NOT VOTING—42

Baird
Bilbray
Boehner
Boyd
Braley (IA)
Buchanan
Campbell
Cao
Conyers
Dingell
Doyle
Fleming
Grijalva
Gutierrez
Hall (NY)
Hill
Hinojosa
Kagen
Kennedy
Lewis (GA)
Manzullo
McHenry
Melancon
Miller (NC)
Moran (VA)
Murphy, Tim
Paul
Peterson
Rangel
Ros-Lehtinen
Ross
Sánchez, Linda T.
Schakowsky
Shea-Porter
Snyder
Stark
Stupak
Sullivan
Tierney
Waters
Westmoreland
Yarmuth

□ 1302

Ms. VELÁZQUEZ and Messrs. FRANK of Massachusetts and LARSON of Connecticut changed their votes from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

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

Mr. PERLMUTTER. Thank you, Madam Speaker.

For purposes of debate only, I yield the customary 30 minutes to my friend from California (Mr. DREIER). All time yielded is for the purpose of debate only.

I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 573.

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

There was no objection.

Mr. PERLMUTTER. Madam Speaker, today the House will debate and vote on the Homeland Security Appropriations Act for fiscal year 2010.

My friend Chairman DAVID PRICE and Ranking Member HAROLD ROGERS have crafted a strong bill which invests in robust border security, attentive and agile emergency management capabilities, helpful to State and local partners, and secures our transportation system. This bill reflects Congress' commitment to protect our Nation from the threats it faces with a bottom line $2.6 billion increase in Department of Homeland Security funding over last year.

In the area of border security and immigration enforcement, this bill increases funding for Customs and Border Protection by more than $146 million. This increase will allow the Border Patrol to better address violence and drug smuggling along our southern border, which has become a very serious concern in recent years. For emergency preparedness and response, this bill fully funds the versatile State Homeland Security Grant program, a program for which I have long advocated. This critical program allows for States to address the security threats most pressing to them. After all, the biggest threats to Colorado may not be the same as the biggest threats to New York or California.

This bill also restores funding to the Assistance for Firefighters Grant program to $800 million. I have presented

dozens of Federal grant checks to fire departments across my district during my tenure in Congress; and I can say from experience, FIRE and SAFER Grants mean better training for our firefighters, better equipment and more firefighters on our streets, and safety for our citizens.

On another topic, I have said for years now that our computer networks are essential parts of our Nation's infrastructure; and as such, they need more focus for security. So I am pleased to see this bill increases funding for DHS's National Cybersecurity Division by $68 million over last year.

In the field of transportation security, this bill takes a large step forward. We increased funding for aviation security by $511 million over last year, investing a great deal in screening and detection technology for explosives. More important, in my opinion, we more than doubled funding for surface transportation security. This commitment is an essential step to preventing attacks on our rail and mass transit systems which have been the target of attacks in places such as London, Madrid and Mumbai.

Although we increase funding for many activities under DHS, this bill also tightens the belt. The bill terminates 16 programs, many of which have been unsuccessful in meeting their mission. In addition, the bill cuts nearly $800 million from various programs. In short, this bill puts the taxpayer dollars in the components of DHS which provide real results and real security.

Looking beyond the funding levels of this bill, we must also recognize that DHS is a department which relies heavily on a well-trained workforce. This bill provides the resources the Department of Homeland Security personnel, as well as our State and local partners, need to meet their objectives. I urge my colleagues to support this rule.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I want to begin by expressing my appreciation to my very good friend, a new member of the Rules Committee, the gentleman from Colorado (Mr. PERLMUTTER) for yielding me the customary 30 minutes.

I yield myself as much time as I may consume.

Madam Speaker, I am going to begin by doing something that I don't believe I have ever done when managing a rule here in the House. Traditionally when Mr. BOEHNER, our Republican leader, gets up or my Rules Committee colleagues, Messrs. DIAZ-BALART and SESSIONS or Ms. FOXX, would stand up here, we rise to basically make the case for Members of the minority. We're Republicans. We make the Republican case about how important it is for us to ensure the rights of the minority, something that James Madison talked about very eloquently 220 years ago.

Today I rise on behalf of all of my colleagues; and I rise, especially today, for Democrats because it's unprecedented that we would be in the circumstance that we are today. Now I've seen an awful lot in this institution in the years that I've been privileged to serve here. I've observed the way this House is run. In most instances, under both Democrats and Republicans, I have been very proud of the work product that has emerged. But in many of those instances, I have been less than proud of the way the greatest deliberative body known to man—or what has been described as such by people like the distinguished Chair of the Committee on Appropriations, Mr. OBEY, is no longer the greatest deliberative body known to man, or at least we're slipping away from that—because we're undermining the deliberative process.

Usually when we get off-track, which has happened under both Republicans and Democrats, and put our short-term goals ahead of the long-term interest of the institution, it is not a good thing. It is, we often believe, noble for us to put our short-term goals there because we have an important priority. When my friends in the majority asked the Nation to give them control of this House, they correctly criticized me personally and others within the Republican leadership because we said that we limited their voices in amendment and debate. It didn't happen often, but it did happen. And I will say that without the ability to offer improvements to legislation and ideas, Members of this body could not do the job that they are charged with doing; and that is, pursuing the hopes, dreams and aspirations of their constituents. We all represent a little less than three-quarters of a million people; and we have a responsibility, Democrats and Republicans alike, to do just that. That's why I say again, Madam Speaker, I rise in support of the effort to ensure that my Democratic colleagues are not shut out of this process.

Now as you know very well, Madam Speaker, when our California colleague, Speaker PELOSI, took the gavel, she promised that they would do better than I did as chairman of the Rules Committee, and better than our Republican leadership had done in the past. Unfortunately this rule before us really illustrates just how far we have fallen from those great words that were put forward by Speaker PELOSI.

With this rule, it's very difficult for me to know exactly where to begin with criticism; but let's start with the very nature of the rule itself. We all know that the House has allowed less debate and fewer amendments in its consideration of bills over the last few years. The one great exception to that has been the appropriations process. Why? Because we all know article I, section 9 of the Constitution places the responsibility to spend the people's money in our hands as Members of Congress. We've always taken this responsibility very seriously in a bipartisan way. And we've always—under both Democrats and Republicans—allowed Democrats and Republicans to engage in a free-flowing and rigorous debate.

Everyone is very, very concerned about what happened last week. My Democratic colleagues are concerned with the number of votes that were held and the outrage that we demonstrated. We Republicans are horrified that we began down that route. Unfortunately, last week's act was just the warm-up to what we're seeing today. Today we are beginning what can only be described as the main event. This is because today's rule will become the model for every appropriations bill that we consider in the future. It is very likely that this rule, Madam Speaker, will become the model for every bill that we consider in this Congress.

Rather than any Member, Republican or Democrat, being able to offer any germane amendment on behalf of their constituents and the Nation, this resolution from the Rules Committee, under the direction of Chairman OBEY and Speaker PELOSI, limits what ideas can be debated on this floor; and as I said, it limits the ideas proposed by my Democratic colleagues. So anyone who wants to say that I'm standing here, Madam Speaker, just whining on behalf of the minority, it is preposterous. Democrats sat in line before the Rules Committee until nearly 11 o'clock last night; and Democrats have been shut out of this process. So unfortunately I, representing the minority, am the only one who can stand here on behalf of our Democratic colleagues. It means, unfortunately, that our constituents—and I say this to my colleagues—our constituents in Democratic districts and Republican districts alike are unfortunately being held hostage by the chairman of the Appropriations Committee. If he's having a bad day, the American people will have no recourse. That means that our constituents' concerns about spending will go unheeded, and we all know that that's what this is about. If you doubt it, look no further than last week's funding bill for this institution alone. We fought for several amendments that could bring about a reduction in the 16.2 percent increase in spending for the Legislative Branch appropriations bill. We had some large cuts, but we had the most modest cut imaginable. The gentleman from Georgia (Mr. BROUN) offered an amendment in the Rules Committee to allow for a one-half of 1 percent reduction in the 16.2 percent increase that we put into place. While the American people are struggling to make ends meet, while people are trying to keep their jobs, their homes, we in this institution allowed for a 16.2 percent increase; and

we simply said in the appropriations process that maybe we should debate on the floor whether or not we would have a one-half of 1 percent cut. Unfortunately that was completely denied.

I also want to take a moment to discuss some of the more creative aspects of this rule, as were read by the Reading Clerk. For the first time ever, the rule allows the Chair to impose 2-minute voting. Now previously 2-minute voting was something that was done with a bipartisan agreement. Democrats and Republicans came together and said, We have got so many votes here, rather than having Members sit around with 5-minute voting, we would agree to 2-minute voting. Now I will say that ignoring this process that has existed in the past, including the provision that allows the Chair to actually impose 2-minute voting, we ignore the stress that 2-minute voting places on the nonpartisan professionals who tally our votes. It increases the opportunity for error.

I would commend to my colleagues the report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007; and on page 10 under The Events Surrounding Roll Call Number 814, it makes very clear that one of the factors involved in this was the fact that there were 11 2-minute votes held leading up to that. I know full well, as I look at the wonderfully dedicated and hardworking rostrum staff, what a litany of 2-minute votes is imposed on them.

□ 1315

And we want to make sure that what happened on August 2 of 2007 never happens again. And allowing the Chair to impose 2-minute voting does create the potential for that.

I also have to say, Madam Speaker, that I'm very concerned about the fact that this rule does create a scenario that puts people in an awkward position. I have a number of very, very close friends with whom I have been privileged to serve here. One of those is my colleague from North Carolina (Mr. PRICE), who works closely with Mr. ROGERS in a bipartisan way dealing with the issue of our Nation's homeland security.

I have already said, Madam Speaker, that I am very troubled with amendment No. 68 that was put forward, and I don't mean to get too far down into the weeds here, but we have another unprecedented action put into place here. Amendment No. 68 simply said, page 93, line 13, ''strike 'the.''' This is the amendment that was submitted to the Rules Committee. This amendment was submitted, and a revised version of it was submitted; and now, Madam Speaker, the revised version makes in order seven amendments, one of which actually required waivers to allow it to proceed. Now, this has not been done before and it's unfortunate. It was really sort of a bait and switch. We saw this amendment that said ''strike 'the,''' and then it's revised all of a sudden with seven amendments being made in order. Unfortunately, this is not the kind of transparency that we were promised when the new majority came to power.

There are other elements to the rule that I don't want to discuss, but suffice it to say that each and every provision of this rule, Madam Speaker, is designed to restrict and limit the rights of Democrats and Republicans to debate and improve this bill, as has always been done in the 220-year history of this great institution.

Now, why is any of this important? Because, Madam Speaker, process is substance. In committee there were many amendments defeated even though they would have gone a long way to improving the bill and reducing problems like illegal immigration, an issue that Mr. ROGERS has worked very closely on. One of those is the E-Verify program that my California colleague (Mr. CALVERT) has worked on. He made an attempt to offer that amendment. It was defeated. And Mr. KINGSTON similarly offered an amendment to require government contractors to use E-Verify to deal with our Nation's border security. His amendment was also defeated. I supported both of those amendments up in the Rules Committee.

Now we won't get the opportunity to debate the kinds of things that Mr. ROGERS, Mr. CALVERT, and Mr. KINGSTON wanted us to be able to address. I personally believe that, while I support E-Verify, I believe that the bill that I have worked on, H.R. 98, which would establish a smart counterfeit-proof Social Security card, is the best way to end the magnet that draws people into the country illegally. But I do think that E-Verify is a very important step in the direction of dealing with our security.

Under the traditional process, Madam Speaker, as you know very well, we could address all of these issues. All of these issues from both Democrats and Republicans could have been considered, but, unfortunately, it ain't going to happen.

One of the most senior Members of this institution once said, ''We have gotten so far from the regular order that I fear that the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.''

Now, that Member was DAVID OBEY. He said that in the fall of 2000. While he was concerned about how the House was handling an appropriations conference report, those were the words of Chairman OBEY at that time. His words have never been truer than they are right now. The problem is that now the shoe is on the other foot. Today Chairman OBEY is the one who is circumventing regular order.

What we have here is, Madam Speaker, what tragically is becoming the new normal. And it's all being done in the name of dramatically increasing spending because we have seen over the last 2 years an 85 percent increase in nondefense spending, an 85 percent increase in nondefense spending. And now we're denied any opportunity to bring about the kinds of reductions that we need to utilize.

Madam Speaker, I know that we have schedules to keep. That's the argument that is regularly propounded by the Chair of the Rules Committee and others in the Democratic leadership. We understand the exigencies of that schedule. But throwing aside the quaint notion of democracy and debate is something that I believe would lead, as Republican leader JOHN BOEHNER said earlier today, Thomas Jefferson to be spinning in his grave. It would lead James Madison to be horrified, the notion of casting aside democracy and debate because we have to maintain our schedules.

And I will say again on this scheduling notion, Madam Speaker, last week, rather than 127 amendments, we would have had, I believe, 30 amendments, and before we had gotten to consideration of the legislative branch bill, I am sure that hours and hours and hours ahead of that we would have been completed with the work of the Commerce-Justice-Science Appropriations bill.

I urge my colleagues on the other side of the aisle to stand up for the rights of Democratic Members of this institution who are being denied this. Reject this rule. Let's come back with what has been the case for 220 years under both political parties, that being an open process.

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

Mr. PERLMUTTER. Madam Speaker, I would like to inquire of my friend how many speakers he has on his side.

Mr. DREIER. Will the gentleman yield?

Mr. PERLMUTTER. Certainly.

Mr. DREIER. I thank my friend for yielding. Well, I would first inquire of my friend if he has any speakers before I respond.

Mr. PERLMUTTER. I do not.

Mr. DREIER. Let me just say at this juncture we do have several speakers, and I would ask my friend if he might want to yield some of his time because I know we have several speakers who would gladly utilize the time.

I will say to my friend that it does seem to me rather unfortunate that,

with the exception of our very brave and courageous friend from Colorado, there is no one on the majority side who wants to stand up and defend the notion of denying Democrats——

Mr. PERLMUTTER. Reclaiming my time, I thank my friend from California for commending me.

But what I want to talk about, and I will be brief and then reserve the balance of my time, is I appreciate some of the comments that the gentleman has made about the need for debate and speech and the opportunity for each of us to have a say as to the legislation that proceeds from this Chamber. But on the other hand, this country, the people of this country are demanding that we act, that we not completely just shut down and sit on our hands, twiddle our thumbs and say, woe is me, but it is time to act both on appropriations bills as well as other bills.

And I'd say to my friend, and I know that it was a way to protest what was happening on the floor, but the delay that was exhibited last week simply frustrates the will of the electorate to change the direction of this Nation. And I would also remind my friend that, Madam Speaker, the pressure that is placed on our staff at the rostrum by changing votes time and time again simply really is the problem and really redoubles the effort that they have to put forward.

So I appreciate his comments about the pressure that's placed on the staff by 2-minute voting. I would remind my friend the same kind of pressure, if not a lot more, is placed on the staff by changing votes for, in my opinion, only reasons of delay.

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

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

I will be happy to yield to my friend if he wants to engage on this issue at all.

First, to his last point, as he talked about the challenge that our wonderful rostrum staff before us, who are so dedicated and hard working, have to deal with with repeated votes. So the answer to that is to allow the Chair to impose on this institution 2-minute voting? I know this is all inside baseball stuff, but all one needs to do is go back and look at that report on the August 2, 2007, vote, which I have right here and look at page 10, and the issue of 2-minute votes is raised.

Mr. PERLMUTTER. Will my friend yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PERLMUTTER. To that point by my friend, on page 10, I have read the report since last night; so I thank you for pointing it out to me. And what page 10 says, and really what has led to this moment, I'd say to my friend, is the fact that at the close of the legislative day of Thursday, August 2, the House had been in session for 51 hours that week and 65 hours the week before. There really is no causal relation, I'd say to my friend, to where it talks about 2-minute votes.

Mr. DREIER. Reclaiming my time, Madam Speaker, let me just say that, again, if you look at the middle paragraph on page 10, the issue of 2-minute voting is raised, and I think common sense would say with the argument just put forward by my friend from Colorado about the challenge of votes, the notion of going from 5-minute to 2-minute votes does not improve the situation that they face.

To my friend's first point, Madam Speaker, I would like to say the following: the American people did send us here to act. They're expecting action. They want us to act. The American people are hurting. I come from Los Angeles, California. We have a 12½ percent unemployment rate in the City of Los Angeles. I represent suburban Los Angeles and part of the Inland Empire, and I will say that we are dealing with very serious economic challenges. People are losing their businesses, people are losing their homes, and people are obviously losing their jobs. They want us to get our economy back on track. And one of the things that they were promised was that if we passed the economic stimulus bill, the unemployment would not exceed 8 percent. Right now we all know that the unemployment rate, as was said by President Obama, is now 9.4 percent; and based on reports we have received in the last few days, it reportedly is probably going to go higher. I hope and pray that that is not the case.

But one of the things that we've found is that over the last couple of years, an 85 percent increase in nondefense spending has not provided what the American people want, and that is some security when it comes to their jobs, getting their jobs back, saving their businesses, and saving their homes. That's the action they want us to take. And the process we are in the midst of right now denies us any opportunity, Democrats or Republicans, the chance to bring about meaningful cuts in expenditures.

At this point, Madam Speaker, I would like to yield 4 minutes to the distinguished ranking member of the Subcommittee on Homeland Security from the Appropriations Committee, my very, very good friend and classmate (Mr. ROGERS).

□ 1330

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Madam Speaker, I am sorely disappointed at the rule that has been proposed for the consideration of this Homeland Security Appropriations bill, one of the most important of the bills that the Congress will face. Our constituents are entitled to have us speak for them. That is the reason that they selected us. And yet now we are being denied the opportunity to register the thoughts and opinions of the constituents that we represent.

There were some 70 amendments proffered to be offered on the floor on this bill. Only 14 will be allowed. Never in my experience, and I have been here 28 years, on the Appropriations Committee 26 of those years, have I ever seen a rule this restrictive on allowing members of the committee, as well as the Members of the body, to express their views.

This is a muzzle of the minority. You are muzzling the people that we represent. You say, well, there are so many amendments, it would take us forever, and it would slow down our process of spending. That is what this is all about. The majority is attempting to muzzle the minority to speed up the process of spending, borrowing, and taxing. I regret that. I think it is sad for the institution, not to mention our constituents and the Members of this body.

Well, those 70 amendments we could go through in no time flat. Last year, well, for the 2008 appropriations for this department, there were 178 amendments offered. We didn't shut down the process and deny those people the chance to offer their amendment and to say their piece about what their constituents thought about the bill. We simply went through them, 2 days. After a certain period of time, we were able to work out unanimous consent agreements amongst the Members of the body to reduce the time allotted to each amendment. Or we substituted a colloquy with the other offerer of the amendment instead of offering the amendment, and that satisfied them. They had their day in court, so to speak. Other amendments were not offered. This is nothing new. This is the practice of this honored institution to allow Members to offer their thoughts and opinions and amendments.

If it takes time, that is what democracy is all about. It may not be pretty. The making of sausage is not pretty. But that is what we are in the process and the business of doing. You are shutting down the Members of this body who have legitimate, in-order amendments, almost in toto. And I resent that. The ranking member of the subcommittee was denied the opportunity to offer his own amendment, a legitimate, in-order amendment.

That has never happened, to my knowledge, before. You are making history, but in a sad, sad way. Give us the chance to speak for our constituents, the people that want to know why you are shutting off their voice in this great deliberative body. Give us an open rule, as we have always had it. We have never had a restrictive rule like this on appropriations bills. Give us a chance to be heard.

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

Mr. PERLMUTTER. I continue to reserve the balance of my time.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to the son of a 20-year veteran of the House Rules Committee, the gentleman from Bowling Green, Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Madam Speaker, last night we brought, in my opinion, a very important amendment before the Rules Committee dealing with what I called the Homeland Security Administration run amok with their bureaucrats. And what this would do is, this amendment would prevent the Homeland Security Administration from being able to utilize the dollars under the bill to say that over 36 million Americans that have a certain type of pocketknife, I don't care if it is from a hunter or a fisherman or a farmer or a person that works in a factory or a police officer or a firefighter, and make these illegal. And it is sad that we have to do it this way, that instead of bringing them here to the floor that we have to go through the Rules Committee. But I think that the amendment that we offered last night, along with my colleague from Idaho (Mr. MINNICK), that it is an important thing to save jobs in this country. I think he said in his district alone it would be over some 200 hundred jobs. Nationally you are looking at over 4,000 individuals in a time when we are losing jobs in this country; 4,000 jobs could be affected, and ancillary jobs by over 20,000 jobs. So I really stress that this is an important amendment. I appreciate the gentleman for yielding.

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

Mr. PERLMUTTER. I continue to reserve.

Mr. DREIER. I yield 1 minute to my very good friend from Athens, Georgia, who had an amendment that he would have been allowed to debate if we had an open rule, and unfortunately, he is not (Mr. BROUN of Georgia).

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

I rise today in strong opposition to this rule. I submitted six amendments to this bill. And I am outraged that the Democrats have denied my rights to debate and receive a vote on any of them today. And actually they not only denied my right, but they are denying Americans the ability for us to present amendments that will stop this outrageous spending.

One of my amendments would have added funding to the 287(g) program, which provides State law enforcement with the training and subsequent authorization to identify a process and then, when appropriate, detain immigration offenders that they encounter during their regular job as law enforcement. I had many amendments. But the Democrats denied my constituents, denied the American people, the ability to have my voice and others' heard.

They are stealing our grandchildren's future with this outrageous spending. We have got to stop it. The American people need to stand up and say ''no'' to this steamroller of socialism that is being brought by the Democratic majority and their leadership.

Mr. PERLMUTTER. I still reserve my time. I would ask my friend how many speakers he has.

Mr. DREIER. Madam Speaker, let me say that there were a number of Members who were expected to be joining us, I would say to my friend, and the fact is that they were anticipating a debate taking place on the rule. And very, very courageously, my friend has been the only Member on the Democratic side to stand up, and I am the one standing here defending the rights of Democrats I'm happy to say. So the gentleman might want to talk for a couple of minutes while I wait for some of my colleagues who thought the debate might be taking place later if he wants to.

Mr. PERLMUTTER. I would say my friend from California can speak on his own behalf and take up a few minutes if he likes, but I'm going to reserve the balance of my time.

Mr. DREIER. Madam Speaker, well, I guess then that I will close the debate. I thought we were expecting some other people.

The SPEAKER pro tempore. The gentleman has 5½ minutes remaining.

Mr. DREIER. Madam Speaker, this debate is all about spending. The American people are hurting. Jobs are being lost. Businesses are being lost. Homes are being lost. And the American people are expecting us to put into place policies that will get the economy back on track.

We were promised by President Obama that if we passed the $787 billion, really $1 trillion, stimulus bill that the unemployment rate would not exceed 8 percent. Today the unemployment rate is at 9.4 percent, and tragically it appears to be getting worse. And what is our answer? Well, it is to continue a pattern that has been going on for 2 years now. In nondefense spending, we have had an 85 percent increase in Federal spending, an 85 percent increase.

And what is it we have said? We believe, Madam Speaker, that we can responsibly put into place spending cuts. We have made attempts. My friend, Mr. BROUN, whom I mentioned earlier, wanted to offer a one-half of 1 percent spending cut in the 16.2 percent increase that was put into place for our spending for the legislative branch last week, and he was denied his chance to bring about that modest cut.

As we look at the appropriations process now, bringing about reductions in spending is not an option. They are simply increases in spending time and time again.

Now what is being utilized to make sure that we can continue to increase spending? Well, unfortunately, Madam Speaker, what is being done is we are shutting out the opportunity for both Democrats and Republicans to have a right to offer amendments. Now I will say, having been here for more than a couple of years, one of the most exhilarating experiences that one can have as a Member of Congress is to stand up under an open rule, especially during the appropriations process, ask that they strike the last word, and be recognized for 5 minutes to engage in what can really be a free-flowing debate. We have two members of the Rules Committee who have never served in this institution before, and they have never experienced the opportunity for that free-flowing debate on any legislation. And an open rule has not been an option so far.

But Madam Speaker, I never thought that I would see the day when we would, on the sacrosanct article 1, section 9 power in the Constitution dealing with spending, prevent Democrats and Republicans from having an opportunity to engage in that. I think about my colleagues who want to regularly engage in debate, Democrats like DENNIS KUCINICH and MARCY KAPTUR. I may not agree with them often, but I believe they should be able to participate in the process. We have Republicans like DEVIN NUNES, JEFF FLAKE and others who want to be able to stand up. Mr. BROUN, who just spoke, Mr. ROGERS, Mr. CALVERT and others want to have a chance to stand up. And guess what, Madam Speaker? They unfortunately are denied that in this process.

Justice Felix Frankfurter in 1943 made the following statement. He said, The history of liberty is largely due to the history of procedural safeguards.

Now, Madam Speaker, I believe that the Federal Government is too big and spends too much, as our Leader BOEHNER regularly says. And I believe that we should have a right to bring about those reductions so that we can get our economy back on track to ensure that Americans aren't going to lose their jobs, their businesses and their homes. And we are denied that chance today.

But I want to say to my Democratic colleagues and my Republican colleagues, Madam Speaker, we have an opportunity. And it is before us right now. All we need to do is vote ''no'' on the previous question, and what will happen? We will be continuing the 220-year tradition of appropriations under an open amendment process. If we can defeat the previous question, I, Madam Speaker, will offer an amendment that will allow us to do exactly what Chairwoman Obey in the year 2000 said needed to be done. We need to allow for a free-flowing, open debate so that deliberative democracy can, in fact, once

again flourish. So I urge my colleagues to vote against the previous question and allow us to have the opportunity to offer an open rule.

And with that, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I do want to compliment my friend from California on his debate, his comments, his remarks and his complaints. Some of them are legitimate. But what we are here today to deal with is the security of the United States of America. He is complaining about an 85 percent increase in spending when my friend knows full well that spending came about because of tax cuts, the prosecution of two wars, the collapse of a banking system and an emergency in the United States of America to get us back on track and to change the direction of this Nation.

Now what we are dealing with in this bill, and the reason we need to bring it on the floor and act, not delay, not delay like we saw last week, with Members circling the well, changing their votes time and time again or presenting amendments where they add $1 million, subtract $1 million, just to have an amendment. We are here, Madam Speaker, because this is one of our most important responsibilities, and that is to protect this country from terrorist attacks, foreign and domestic, and to ensure that our borders are secure. That is the purpose of the Homeland Security Appropriations bill.

The bill at $42.6 billion is slightly above last year's level. But it helps with Coast Guard, with border violence, with maritime safety, environmental protection, and assistance for the TSA as people come and go through our airports, as well as cybersecurity.

□ 1345

There are funds in the bill for FEMA, for flood map modernization, and for rebuilding of the gulf coast. This is a sensible investment. This is a sensible rule, and I would ask, Madam Speaker, that because this bill invests in a stronger domestic security both at our borders, throughout our transportation systems and our communities, I urge a ''yes'' vote on the previous question and on the rule.

Mr. DREIER. Madam Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 573 OFFERED BY MR. DREIER OF CALIFORNIA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the adoption of H. Res. 573, if ordered, and suspending the rules and passing H.R. 2990.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 21, as follows:

[Roll No. 428]

YEAS—238

Abercrombie	Boswell	Clyburn
Ackerman	Boucher	Cohen
Adler (NJ)	Boyd	Connolly (VA)
Altmire	Brady (PA)	Conyers
Andrews	Braley (IA)	Cooper
Arcuri	Broun (GA)	Costa
Baca	Brown, Corrine	Costello
Baird	Butterfield	Courtney
Baldwin	Capps	Crowley
Barrow	Capuano	Cuellar
Bean	Cardoza	Cummings
Becerra	Carnahan	Dahlkemper
Berkley	Carney	Davis (AL)
Berman	Carson (IN)	Davis (CA)
Berry	Castor (FL)	Davis (IL)
Bishop (GA)	Chandler	Davis (TN)
Bishop (NY)	Childers	DeFazio
Blumenauer	Clarke	DeGette
Boccieri	Clay	Delahunt
Boren	Cleaver	DeLauro

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sires
Skelton
Slaughter
Smith (WA)
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NAYS—174

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

NOT VOTING—21

Boustany
Bright
Campbell
Himes
Issa
Kennedy
Kissell
Lewis (GA)
Markey (CO)
McHenry
Miller (NC)
Schauer
Shea-Porter
Sherman
Snyder
Souder
Speier
Stupak
Sullivan
Watson
Wu

□ 1410

Messrs. FLEMING and TERRY changed their vote from ''yea'' to ''nay.''

Messrs. BLUMENAUER, CARNEY, and MEEKS of New York changed their vote from ''nay to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BROUN of Georgia. Madam Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—ayes 172, noes 238, not voting 23, as follows:

[Roll No. 429]

AYES—172

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

NOES—238

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)

Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—23

Abercrombie
Berkley
Bright
Campbell
Davis (TN)
Doyle
Ellison
Frank (MA)
Giffords
Himes
Kennedy
Kissell
Lewis (GA)
Markey (CO)
Matheson
McHenry
Mica
Paul
Rangel
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1418

Mr. HINOJOSA changed his vote from ''aye'' to ''no.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 430]

YEAS—239

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

NAYS—184

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

NOT VOTING—10

Boswell
Campbell
Doyle
Kennedy
Lewis (GA)
McHenry
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1426

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. WESTMORELAND. Madam Speaker, I move to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion to reconsider.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 169, nays 251, not voting 13, as follows:

[Roll No. 431]

YEAS—169

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie

Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—251

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

NOT VOTING—13

Burgess
Campbell
Carnahan
Conyers
Kennedy
Lewis (GA)
Luján
McHenry
Ryan (WI)
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining on this vote.

□ 1433

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at $10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, ''[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'';

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included $575 billion of new spending and $212 billion of revenue reductions for a total deficit impact of $787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional $300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee proposed an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit;

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principles of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.' '' (The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.' '' (The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. PRICE of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 2990.

The vote was taken by electronic device, and there were—ayes 31, noes 393, not voting 9, as follows:

[Roll No. 432]

AYES—31

Bartlett	Gohmert	Price (GA)
Barton (TX)	Hastings (WA)	Sensenbrenner
Blackburn	Hensarling	Sessions
Boehner	Issa	Shadegg
Broun (GA)	Johnson (IL)	Souder
Carter	Johnson, Sam	Tiahrt
Chaffetz	King (IA)	Westmoreland
Coffman (CO)	Kingston	Woolsey
Connolly (VA)	Marchant	Young (AK)
Garrett (NJ)	Miller, Gary	
Gingrey (GA)	Olson	

NOES—393

Abercrombie	Boswell	Cleaver
Ackerman	Boucher	Clyburn
Aderholt	Boustany	Coble
Adler (NJ)	Boyd	Cohen
Akin	Brady (PA)	Cole
Alexander	Brady (TX)	Conaway
Altmire	Braley (IA)	Cooper
Andrews	Bright	Costa
Arcuri	Brown (SC)	Costello
Austria	Brown, Corrine	Courtney
Baca	Brown-Waite, Ginny	Crenshaw
Bachmann	Buchanan	Crowley
Bachus	Burgess	Cuellar
Baird	Burton (IN)	Culberson
Baldwin	Butterfield	Cummings
Barrett (SC)	Buyer	Dahlkemper
Barrow	Calvert	Davis (AL)
Bean	Camp	Davis (CA)
Becerra	Cantor	Davis (IL)
Berkley	Cao	Davis (KY)
Berman	Capito	Davis (TN)
Berry	Capps	Deal (GA)
Biggert	Capuano	DeFazio
Bilbray	Cardoza	DeGette
Bilirakis	Carnahan	Delahunt
Bishop (GA)	Carney	DeLauro
Bishop (NY)	Carson (IN)	Dent
Bishop (UT)	Cassidy	Diaz-Balart, L.
Blumenauer	Castle	Diaz-Balart, M.
Blunt	Castor (FL)	Dicks
Boccieri	Chandler	Dingell
Bonner	Childers	Doggett
Bono Mack	Clarke	Donnelly (IN)
Boozman	Clay	Doyle
Boren		Dreier

Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—9

Campbell
Conyers
Kennedy
Larsen (WA)
Lewis (GA)
Obey
Shea-Porter
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1510

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2990, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 2990.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 433]

YEAS—404

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

NOT VOTING—29

Aderholt
Arcuri
Bachus
Boucher
Campbell
Conaway
Conyers
Ehlers
Fallin

Johnson, E. B.
Kennedy
Kingston
Kirk
Lewis (GA)
Linder
Markey (MA)
McIntyre
Miller, George
Neal (MA)
Obey
Rahall
Rooney
Shea-Porter
Smith (TX)
Stupak
Sullivan
Tierney
Velázquez
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1518

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCINTYRE. Madam Speaker, during rollcall vote No. 433 on June 24, 2009, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ROONEY. Madam Speaker, on rollcall No. 433, I was in a meeting and unavoidably detained. Had I been present, I would have vote "yea."

Mr. CONAWAY. Madam Speaker, on rollcall No. 433, I was in a meeting of constituents and unavoidably detained. Had I been present, I would have voted "yea."

Mr. RAHALL. Madam Speaker, on rollcall No. 433, had I been present, I would have voted "yea."

MOTION TO ADJOURN

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. KING of Iowa. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 36, noes 381, not voting 16, as follows:

[Roll No. 434]

AYES—36

Bartlett
Barton (TX)
Blackburn
Boehner
Broun (GA)
Carter
Chaffetz
Connolly (VA)
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Hastings (WA)
Hensarling
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lewis (CA)
Manzullo
Marchant
Massa
Olson
Price (GA)
Richardson
Sensenbrenner
Sessions
Shadegg
Souder
Spratt
Stearns
Thornberry
Tiahrt
Westmoreland
Young (AK)

NOES—381

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

NOT VOTING—16

Campbell
Conyers
Davis (IL)
Hinojosa
Kennedy
Lewis (GA)
Linder
McDermott
Minnick
Obey
Payne
Rush
Shea-Porter
Stark
Stupak
Sullivan

□ 1535

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2892, and that I may include tabular material on the same bill.

The SPEAKER pro tempore (Mrs. DAVIS of California). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 573 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2892.

□ 1536

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I am pleased to present the fiscal year 2010 Homeland Security Appropriations bill, as reported by the Homeland Security Appropriations Subcommittee. It is the product of extensive information gathering and analysis, with 15 hearings touching every Department of Homeland Security component. The bill provides the resources and the direction that the Department needs for the coming fiscal year.

This bill also reflects our subcommittee's tradition of bipartisan cooperation initiated by its first chairman and now ranking member, HAL ROGERS. I want to thank the distinguished ranking member for his advice and help on making this a better bill, and to his staff, too, for working so closely and constructively with us. We agree on most of this bill, if not every item, and I believe this is a bill that every Member in this body can get behind.

In total, the bill contains $42.625 billion in discretionary appropriations for the Department of Homeland Security. This is $2.6 billion, or 6.5 percent, above the comparable fiscal year 2009 amount, and about 1 percent below the administration request, excluding Coast Guard overseas contingency operations. This level reflects our share of the $10 billion cut made in the budget resolution to the administration's overall request.

Homeland security requires identification and response to all threats, whether man-made or natural. This ''all-hazards'' approach is the hallmark of our subcommittee, an approach we are happy to see President Obama and Secretary Napolitano embrace. The persistent threat of pandemic flu is an unmistakable reminder of why we must prepare for all hazards, as is the annual and predictable onslaught of natural disasters, from hurricanes and floods to wildfires and ice storms. Accordingly, this bill will enable our government to better protect the American people against all major threats.

Appropriately for the start of hurricane season, the bill maintains a robust $844 million for FEMA management and administration, and $2 billion for disaster relief. In addition, the bill and report specifically place FEMA at the forefront of disaster response management, thereby avoiding confusion when working with our State and local partners.

State and local emergency managers and first responders are equal partners in disaster preparedness and response, and I am pleased that the administration's budget request recognizes this important partnership. This bill strengthens our commitment to our State and local partners by providing $3.96 billion for grant and training programs, including: $330 million for Emergency Management Performance Grants, our one true all-hazards grant program; $950 million for State homeland security grants; $887 million for the Urban Area Security Initiative, which targets the highest risks of terrorism; and $800 million for firefighter assistance grants.

Within that $800 million for firefighter assistance grants, $420 million is for SAFER staffing grants, or personnel grants, and $380 million is for basic equipment and training grants. The additional funding for SAFER is part of a targeted and temporary effort to stem the tide of layoffs and ensure our communities are protected by an adequate number of firefighters.

In addition to the increased funding, the supplemental appropriations bill just passed allows the waiver of certain restrictions and broadens the use of SAFER to allow the grants to be used for the hiring, rehiring and retention of firefighters for fiscal years 2009 and 2010.

Madam Chairman, one could make an argument for increasing nearly any account in this bill; but since we can't spend the whole Federal Treasury on homeland security, we must base our priorities on risk. The subcommittee has done this with respect to the identification and removal of illegal aliens who have committed crimes; in other words, illegal aliens who have proven their capacity to do harm in our communities.

The bill continues the tradition of recent bills by targeting $1.5 billion of Immigration and Customs Enforcement appropriations for this priority, an effort that the President and Secretary Napolitano wholeheartedly support.

Part of this funding furthers development of the Secure Communities program, which offers a productive approach for Federal immigration agents to work closely with State and local law enforcement while distinguishing the traditional Federal role of enforcing immigration law from the local role of prosecuting criminal violations. We have heard from many law enforcement and community groups about the importance of keeping a bright line between immigration enforcement and local community policing, and the Secure Communities program does just that.

Taking on the international drug cartels along our southwest border is another major priority we support in this bill. The bill enhances funding for CBP and ICE to combat illegal narcotics smuggling from Mexico and the cartels' trafficking in weapons and bulk currency. The bill supports a realistic and strategic approach to southwest border infrastructure and maintains a historically robust Border Patrol force.

Other specific priorities we have funded included: $800 million for explosive detection systems at airports and $122.8 million for air cargo security to meet the 100 percent screening requirement for air cargo in the hold of passenger planes by August of 2010; $804 million to continue developing systems to screen inbound land- and sea-based cargo for weapons or nuclear materials, which includes $162 million to strengthen overseas operations to monitor and target cargo; $241.5 million for the Coast Guard to support overseas contingencies in the Persian Gulf and off the coast of Somalia; $382 million for cybersecurity, to help protect vulnerable computer infrastructure from the escalating sophistication and intensity of cyberattacks; and $10 million above the administration's request to expand the Alternatives to Detention program nationwide. Alternatives to Detention is a cost-effective alternative for low-risk individuals such as asylum seekers, families, and the elderly.

The bill includes several policy items requested by the administration. It clarifies fee authorities for temporary protected status petitions and visa fraud investigations; it extends the E-Verify program for 2 years; and it continues a longstanding provision related to imported prescription drugs.

As it did last year, this bill contains Member-requested and Presidential earmarks. Each Member's project has been vetted by DHS and deemed eligible, if part of a grant program, or consistent with the Department's mission otherwise.

□ 1545

We did have to reduce earmarks by 5 percent below last year's level.

This is a good bill, one I hope every Member will support.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield myself such time as I may consume.

Let me start, Madam Chairman, by commending the chairman on putting together a thoughtful bill. I also want to sincerely thank him for listening to our concerns on this side and for continuing this subcommittee's traditions of bipartisanship, professionalism and, where possible, accommodating the minority's interests.

However, I must also express my grave concern over an issue that casts a long and sad shadow over this important bill. The fact that we are not here today debating this bill under an open rule breaks with long-cherished traditions concerning appropriations bills.

I, for one, am outraged that today's debate on the critical issue of homeland security has been arbitrarily constrained. Such dictatorial tactics are contrary to the very purposes of this Chamber and our legislative process. To add insult to injury, the majority also denies the ability of a hard-working member of our subcommittee, the gentleman from California, and

even the ranking member of this subcommittee, to offer amendments on E-Verify. Both amendments were clearly in order, and both amendments pertain to a critical issue that is germane to this bill. To deny us the ability to offer such legitimate amendments is a complete travesty.

Now, as to the FY10 bill, Chairman PRICE has already discussed many of the details, so I will refrain from repeating them. But I think it is important to note that with this bill before us today, the chairman has significantly improved the hand that we were dealt by the administration, a hand that included an extremely late and bureaucracy-laden budget request with huge increases for policy and administrative offices at headquarters at the expense of operations, and also a somewhat tightened 302(b) allocation that is nearly a half billion dollars below the budget estimate. These conditions present a somewhat mixed picture about how this new administration and the current House leadership are prioritizing security nearly 8 years after 9/11.

Indeed, I find it incredibly ironic and disappointing that just 2 weeks ago President Obama released a 77-page strategy on stopping the Mexican drug cartels that professes the need to enhance our intelligence and drug interdiction capabilities, yet his FY10 budget only marginally increases Homeland's intelligence office and Border Patrol and actually proposes cuts to Customs and Border Patrol's operational assets and Coast Guard personnel. This is a prime example of where the President's rhetoric doesn't match reality.

Given the current threat environment, now is not the time to shortchange our investment in security and leave our front-line personnel in the lurch wanting for the tools required to fulfill their mission.

Now, having said all that, I do think the chairman has endeavored to make up for these deficiencies by somewhat scaling back on the administration's plans for more bureaucrats, making some prudent enhancements to operations and producing a pretty good bill for FY10. That's not to say it is absolutely perfect. There are some areas where I would have changed and am concerned about.

One of the concerns I have is the bill's funding levels for operational and surveillance assets. While the chairman has made some enhancements to operations, more could and should be done to equip our operators in the field. With a drug war raging in Mexico and the drug supply lines bustling from South America, we must not only step up operations along the southwest border, but also increase our interdiction efforts in the source and transit zones.

Second, I would be remiss, Madam Chairman, if I didn't clarify my position on a piece of language contained in the report accompanying today's bill. On page 49, the report says ''that ICE must have no higher immigration enforcement priority,'' referring to the identification and removal of criminal aliens. Now, I know the issue of criminal aliens is near and dear to Chairman PRICE's heart, as it is mine. Over the past 2 years, I have supported his efforts in this regard with one major caveat, that an emphasis upon criminal aliens will not come at the expense of other critical immigration and enforcement functions. Every time I hear someone on the other side of the aisle profess that ICE should have no higher immigration enforcement priority than criminal aliens, I must remind them that not one of the 9/11 hijackers could be classified as so-called ''criminal aliens'' and that all of the 9/11 terrorists exploited the legal immigration system. So immigration enforcement matters to our homeland security, and we must not lose sight of that fact.

Now, in addition to these concerns, I think it is imperative that the homeland security implications of closing the Guantanamo Bay facility be thoroughly addressed. So I am thankful that through a bipartisan effort during our committee markup we adopted my amendment to require the Department to conduct a thorough threat assessment for each and every Guantanamo detainee, to add their names as well to the no-fly lists, and prevent the possibility of immigration benefits being used as a loophole that could lead to the release of these detainees into the United States.

This is a deadly serious issue. We need to know the threat posed by a possible transfer of these terrorists to both our hometowns and to susceptible inmate populations in our prisons across our country. And this need to know is exacerbated by the fact that the President is moving forward with detainee transfers and resettlements as we speak, ignoring Congress' bipartisan, bicameral calls for better planning and risk analysis. The adoption of that amendment is a prime example of how this body can work together in the name of responsible oversight and security, and I believe it's an absolutely vital addition to the bill.

Madam Chairman, it is my hope that we can continue to address these issues and further improve what I believe to be a well-crafted bill. While I have made it clear that it is my intention to support this bill, I will also continue to voice my suggestions for how it can be strengthened.

In closing, let me again voice my disappointment and indignation with the majority's decision to close down a full and open debate on today's bill. This misguided decision by the Democrat leadership clouds what should be a thorough discussion of the safety and security of our Nation.

I look forward to working with the chairman of the subcommittee and the committee as we continue to move the bill through the 2010 process, a process that I hope can salvage some vestige of the long-standing and cherished traditions of open and fair debate.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield myself 1 minute, to be followed by 4 minutes for a colloquy. But before we go any further in this debate today, I do want to pay tribute to our staff by name. These staff members have worked day and night for weeks now up to the committee markup, and now up to this floor consideration.

Our chief clerk, Stephanie Gupta, Shalanda Young, Jeff Ashford, Jim Holm, Will Painter, Adam Wilson, Matt Behnke; and from my staff, Paul Cox, who spends full time on Homeland Security matters. On the minority side, the able minority clerk, Ben Nicholson, as well as Allison Dieters. We need to again and again thank these staff members, these true professionals, for the way they back up our work.

And now, Madam Chairman, I would like to yield 4 minutes to the gentleman from Colorado (Mr. POLIS) for purposes of a colloquy.

Mr. POLIS. I thank and congratulate Chairman PRICE for his hard work on this legislation. My colleague, Congresswoman ROYBAL-ALLARD, and I would like to engage the chairman in a colloquy for the purpose of highlighting the funding for alternatives to detention in H.R. 2892.

Over the last decade, the United States has spent billions of dollars in the detention of hundreds of thousands of mostly noncriminal immigrants and asylum seekers. There are, however, viable alternatives to our current detention system, and they are generally more affordable and humane than detention itself.

It is not surprising that Immigration and Customs Enforcement, ICE, has also recognized the need for alternatives to detention, such as the Intensive Supervision Appearance Program (ISAP) and the Enhanced Supervision and Reporting Program, which includes electronic monitoring. The Homeland Security Appropriations Act for fiscal year 2010 funds these smarter and less expensive means of enforcing our immigration laws, allocating $74 million to expand alternatives to detention programs nationally.

I yield to Congresswoman ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Mr. POLIS, I share your concerns about the financial cost of detention, and I am also distressed by the impact our current policies have on families and communities.

Every year, hundreds of thousands of noncriminal immigrants are held in detention. Many of these immigrants are

detained for months or years in one of several hundred detention facilities in the country. They often face significant challenges like inadequate access to medical care, legal assistance, and other necessary resources. Separated from their families and communities, they may languish in isolation and fall into depression. In some cases, entire families are held in prison-like conditions. I believe we can do better and have introduced legislation to address many of these concerns.

I commend Chairman PRICE for recognizing the importance of funding alternatives to detention, a major step towards reforming our detention system.

Mr. POLIS. I yield to Chairman PRICE.

Mr. PRICE of North Carolina. I want to thank Representative POLIS and Representative ROYBAL-ALLARD, a fine, hardworking member of our subcommittee, for the work they've done on this issue, for highlighting the financial cost and the human impact of ICE'S current detention policy. I, too, believe we can do better.

While the average cost of detention is about $100 per person per day, alternative programs such as telephone reporting, unannounced home visits, local office reporting, and electronic monitoring cost, on average, less than $20 per person per day and are very successful. According to a recent ICE analysis of the program, the Intensive Supervision Appearance Program currently has a 99 percent total appearance rate for all immigration hearings, a 95 percent appearance rate at final removal hearings, and a 91 percent compliance rate with removal orders.

This program has been successful at pilot sites in Colorado, California, Maryland, Kansas, Florida and Pennsylvania; so, therefore, I sought funding to expand it. Our bill increases the budget for alternatives to detention programs by 16 percent above the President's request.

Mr. POLIS. I thank the chairman for highlighting more cost-effective and humane alternatives to detention and for recognizing the financial and human costs of our current detention system. I want to applaud his leadership as well as that of my colleague, Representative ROYBAL-ALLARD from California, on this important issue.

Mr. PRICE of North Carolina. Madam Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 3 minutes to a very hardworking member of our subcommittee, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I would like to thank Chairman PRICE and Ranking Member ROGERS for crafting a very thoughtful bill for fiscal year 2010, the Homeland Security Appropriations bill. And I appreciate the recognition of the Air and Marine Operations Center, which is located in my congressional district. AMOC has been foremost in aviation-oriented law enforcement operations and coordinates our operations in the United States. It plays an integral role in protecting us from attack from drug and gun smuggling across our borders.

However, I was disappointed that the extension of E-Verify was reduced from the President's request of 3 years to 2 years. The House overwhelmingly passed a 5-year reauthorization last year, and I think many people would support a permanent reauthorization of E-Verify.

During full committee markup of the bill I offered an amendment but was repeatedly told that a reauthorization of E-Verify would be part of a comprehensive immigration reform bill, which simply makes no sense. A reauthorization of a voluntary program that has existed for 13 years should not be part of an immigration reform debate. Perhaps my friends on the other side of the aisle are confusing reauthorization with mandatory participation in E-Verify, which I support, of course.

However, the thousands of businesses that use E-Verify to comply with existing Federal law and the two States that have made it mandatory deserve assurance that the program will continue to be available.

□ 1600

Furthermore, I would like to clear up some misconceptions about the E-Verify program, which seem to be endlessly repeated.

E-Verify is 99.6 accurate. That's right, only .4 percent of tentative nonconfirmations are an error in the data. E-Verify is free to employers. It does not cost anything other than the minutes it takes to sign up for the program to use the system.

My friends on the other side of the aisle repeatedly state that 10 percent of naturalized citizens receive a tentative non-confirmation. I would like to deliver some good news: That statistic is now down to 6.1 percent. So that means 93.9 percent of naturalized citizens are immediately cleared to work. Of the 6.1 percent that received the tentative non-confirmation, they only need to call a toll-free number to rectify their information.

Other than my disagreement with the length of the reauthorization, I was also disappointed that an amendment I offered in the Rules Committee was ruled out of order. My amendment would have allowed Members to vote on whether the executive order requiring Federal contractors to use E-Verify should not be delayed again. The executive order has been delayed three times for dubious reasons.

Secretary Napolitano has signaled her support for E-Verify, and the people running E-Verify have declared they are ready with the Federal contractor requirement. When it comes to doing business with the Federal Government, which is funded by the American taxpayer, the use of E-Verify should be mandatory.

In closing, I would like to reiterate my support for the bill, but with strong reservations about the majority's actions that has severely restricted amendments and has shut down a once open process.

Mr. PRICE of North Carolina. Madam Chairman, I yield 2 minutes to another fine member of our subcommittee, Mrs. LOWEY.

Mrs. LOWEY. Madam Chair, I would like to thank the gentleman from North Carolina for writing a strong bill that provides much-needed funding for critical initiatives, several of which I would like to mention.

Emergency communication gaps remain for many first responders. The bill includes $50 million for interoperability grants, $45 million for the Office of Emergency Communications, and $80 million for Command, Control, and Interoperability research and development. These important programs will benefit first responders in all of our communities.

The bill also includes $887 million for the Urban Area Security Initiative, nearly $50 million more than FY09. This is the only program designed to exclusively assist high-risk urban areas such as New York, and I thank the chairman for substantially increasing its funding.

However, I would be remiss if I did not mention the Securing the Cities Initiative, which is not funded in the bill. This program seeks to prevent the smuggling of illicit nuclear material into Manhattan. The threat of a radiological attack and New York's status as the number one terror target remains, and I hope the bill signed into law includes money for securing the cities. I know there are concerns due to the length of the project and unspent funds, but I do believe we must do everything we can to prevent what President Obama has called the most immediate and extreme threat to global security.

This is still a good bill, and I thank the gentleman from North Carolina for everything he has done to ensure that our first responders, particularly those in high-risk areas, are prepared for future emergencies.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 3 minutes for the purpose of a colloquy to the gentleman from Washington State, Mr. HASTINGS.

Mr. HASTINGS of Washington. Madam Chairman, I thank my friend from Kentucky for yielding, and I rise to engage in colloquy with Chairman PRICE.

Mr. Chairman, as you quickly know we are quickly approaching the August 2009 deadline to screen 100 percent of the cargo transported on passenger airplanes. I commend you and Ranking

Member ROGERS for your work to provide adequate funding to help TSA meet the important requirements without slowing commerce.

The cargo screening requirement has already gone into effect at the Seattle-Tacoma International Airport in the Northwest and other major west coast airports. Cherry growers in my district, who transport half of the cherries they export on passenger aircraft, will only be able to ship their fruit in a timely manner this season because TSA has committed to bringing in resources from other parts of the country. This will not be possible once the 100 percent requirement goes into effect nationwide.

As you know, Madam Chairman, perishable items like cherries can be harmed by screening equipment and even delayed in getting to market. Canine teams have been identified as the most workable way to screen cherries and other perishable items. I was pleased to work with Ms. JACKSON-LEE of Texas and Mr. ROGERS of Alabama to offer an amendment to the TSA authorization bill earlier this month to increase the number of canine teams used for air-cargo screening by no less than 100 teams. This amendment passed the House by a voice vote.

Now, while the TSA authorization bill has yet to be signed into law, Mr. Chairman, is it your intention that TSA utilize funds provided in this bill to train additional canine teams? And I yield.

Mr. PRICE of North Carolina. I thank the gentleman, and I certainly recognize the important role that canine teams play in screening perishable items like fruits and vegetables. It's my intention that TSA use a portion of these funds to train additional canine teams for air-cargo screening.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Chairman, I would like to thank you for this clarification and again, for the ranking member, Mr. ROGERS, and for your attention to this important issue. I look forward to continuing to work with you to ensure that the 100 percent air-cargo screening requirement is met 100 percent without unnecessarily harming cherry growers.

Mr. PRICE of North Carolina. Madam Chairman, I yield 3 minutes for the purpose of a colloquy to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I rise for the purpose of entering into a colloquy with the chairman of the subcommittee.

Mr. Chairman, I welcome a colloquy with my distinguished colleague. Mr. Chairman, as you know, my district is home to many levee districts along the Mississippi River.

On February 25, 2009, the Federal Emergency Management Agency issued a new policy on rehabilitation assistance for levees. Under this new policy, levee districts are prohibited from receiving FEMA assistance for flood cleanups, debris removal and dewatering. Instead, the burden for funding critical flood control activities is being shifted away from FEMA to the Corps of Engineers even though, as I understand it, the Corps does not have the authorization or the funding to reimburse the levee districts for these activities.

My community, Mr. Chairman, is concerned that this policy leaves levees and the river communities they protect vulnerable during peak flooding seasons while many are still recovering from last summer's floods. In fact, the Illinois Emergency Management Agency recently reported that a drainage district in southern Illinois was denied reimbursement for debris removal as the direct result of this new policy.

Mr. Chairman, I have contacted FEMA to urge them to reverse the policy and continue assisting levee districts with these costs to avoid further gaps in disaster assistance.

Mr. Chairman, I understand that FEMA and the Corps are working on this issue, but if there is no resolution by the time this bill heads to conference, I may need the assistance of the chairman to resolve this matter.

Mr. PRICE of North Carolina. Well, I thank the gentleman from Illinois for recognizing this important issue. The FEMA policy on levee assistance was intended to clarify the roles and responsibilities of Federal agencies in providing critical flood recovery work.

I understand that the gentleman and the other members of the Illinois delegation have concerns that the policy may not be accurate in its accounting of Federal responsibility and may have the unintended consequence of leaving gaps in assistance for local communities in levee districts. As the gentleman mentioned, FEMA and the Army Corps are reevaluating the policy to ensure there are no gaps in disaster assistance.

I would like to stress this is only a policy, not a rule, so FEMA could easily make adjustments to this document. If changes are necessary, FEMA should do so in consultation with the Army Corps to ensure accurateness. This issue is also being evaluated with the House Transportation and Infrastructure Committee, the authorizing committee of jurisdiction.

I will monitor the issue as our bill progresses. I will work with the gentleman, the Transportation and Infrastructure Committee, and the Energy and Water Appropriations Subcommittee as we go forward.

Mr. HARE. I thank the chairman, and I thank you again for your attention to this matter. This is a matter of great importance to my district and I look forward to working with you.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise for the purpose of entering into a colloquy with the chairman of the subcommittee to highlight a serious concern with regard to FEMA's subcontracting practices.

Mr. PRICE of North Carolina. I welcome a colloquy with my distinguished colleague.

Mr. GARRETT of New Jersey. Thank you.

Chairman Price, I have constituents back in my district in the State of New Jersey who have highlighted a current FEMA solicitation for risk map production. What it does, it seems to shut out the small and the medium, the small medium-sized businesses. Back after Hurricane Katrina, FEMA was, rightly so, criticized for issuing sole-source contracts to three very large companies. Unfortunately, that pattern seems to be repeating itself.

I agree that updating the Nation's flood map is critical to managing and reducing the Nation's flood risk, but operating the program under a fair and an open competition, I think, will produce the best results for the district, the State and the country as well.

I yield.

Mr. PRICE of North Carolina. I thank the gentleman from New Jersey for highlighting this issue. I agree that the flood-map program is an instrumental tool in reducing the loss of life and property from floods. This subcommittee will work with the gentleman to review the recent contract solicitation.

I am committed to ensuring that DHS invests acquisition dollars in projects that are well planned, competitively awarded, well managed and closely overseen.

Mr. GARRETT of New Jersey. I appreciate the chairman's comments on that. As I said a moment ago, this is not just about the Fifth District or even the State of New Jersey, which has had a number of flooding problems in the past, but this is an important issue for fairness all across the country to address the issue of flooding across the country as well.

Mr. PRICE of North Carolina. Madam Chairman, I would like to recognize our colleague, Mr. CUELLAR, for 2 minutes.

Mr. CUELLAR. Thank you, Mr. Chairman.

Madam Chairman, I rise in strong support of this bill and Chairman PRICE's manager's amendment, which includes an amendment that I coauthored with my friend, Mr. MARTIN HEINRICH, to reduce government waste, abuse, and inefficiency.

This simple amendment, commonsense amendment, ensures that no taxpayer dollars will be used to purchase

first-class tickets for the employees of agencies funded by this bill, except in special circumstances, as allowed by law.

Madam Chairman, it goes without saying that the Federal Government should never use taxpayer dollars for extravagant luxuries and excessive spending. To say that these are difficult economic times is an understatement. There has never been a more important moment for the Federal Government to demonstrate that it is a careful steward of taxpayers' dollars and that it would not engage in frivolous and wasteful excesses.

Just as every American household has gathered around the kitchen table, finding ways to cut costs and reduce waste, the Federal Government has the responsibility to do the same. Fiscal responsibility should be a primary objective of every Member. And as a member of the fiscally responsible Blue Dog Coalition, I will continue to work with my colleagues to address the increasing national debt that we have.

However, it is important that we tackle every cost-saving opportunity, large or small, to meet that goal. I am pleased that Chairman PRICE included this amendment in his manager's amendment. I would also like to thank my colleague from New Mexico, Mr. HEINRICH, for working with me on this issue, and for his dedication on cost-saving issues.

I don't see Mr. HEINRICH here, so I would conclude my remarks.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, could I inquire of the time remaining.

The CHAIR. The gentleman from Kentucky has 14 minutes remaining and the gentleman from North Carolina also has 14 minutes remaining.

Mr. ROGERS of Kentucky. I yield 4 minutes to one of our hardest-working members of our committee and subcommittee, the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. I want to thank Mr. PRICE of North Carolina.

Our Subcommittee on Homeland Security is, I think, a terrific example of how the Congress ought to operate. I am one of the most dedicated fiscal conservatives in the House. Our subcommittee is made up of people of very strong beliefs on both sides of the aisle, but we don't work in that committee with regard to party. We don't even mention party labels. I have done my best to really erase that term from my language and focus on what's fiscally conservative and fiscally liberal.

But this committee really has to work on what is good for the Nation. We have to work together in a way, I think, that has—I hope the leadership of the Congress would use the work of this subcommittee, the work of all the subcommittees on Appropriations, as a model.

It's important, I think, for this Congress in this time of record debt and deficit to do what's right for the country, do what's right for the kids and our grandchildren, and focus on ways to be fiscally responsible. At a time of record debt and deficit, at a time when the national debt is now approaching $11 trillion, at a time when the deficit is at record levels, at a time when the new President has laid out a budget and foresees record debt and deficit as far as the eye can see, we in the Congress have a special responsibility to be guardians of the Treasury, do everything in our power to control spending and avoid unnecessary increases in spending.

And the Homeland Security bill in front of the Congress today is one that was again put together by our subcommittee, Mr. ROGERS, working with Chairman PRICE. Everybody in the subcommittee participated. I am very grateful to you, Chairman PRICE, for working so closely with all of us and putting this bill together.

□ 1615

Without the increase for bioshield, the funding level for Homeland Security is about what—actually, below the level of inflation. At a time when we are under attack from foreign terrorists who are going to use any means at their disposal to sneak into the United States to kill Americans, it's important that we do everything in our power to protect this Nation.

Homeland security is one of those areas where there are no parties' labels, where we have an obligation to work together, and we've done so on this subcommittee. We have profound concerns and differences on the overall spending levels of the appropriations bills as a whole, of the omnibus spending bill that we passed earlier this year, of the spendulus bill that was passed earlier year, of the tremendous unprecedented increases in spending we have seen in this Congress, but on this subcommittee we've all worked together.

I'm particularly pleased to follow my friend from Texas, Mr. CUELLAR. All of us in the Texas delegation have worked together so well in securing our southern border. HENRY CUELLAR and I were elected together, and CIRO RODRIGUEZ, who serves on the subcommittee with me, who represents the Del Rio area.

HENRY and CIRO and I were elected to the Texas legislature in 1986. That friendship that we formed from 1986 has served us well today. And we've worked together in establishing a program called Operation Streamline, a zero-tolerance program where we are enforcing in Texas existing law, with largely existing resources, to arrest and prosecute essentially everybody that crosses the border illegally between Del Rio and Zapata County, with a result that the crime rate has plummeted. In Laredo, they have seen about a 60 percent drop in the crime rate; in Del Rio, over 70 percent drop in the crime rate; and the lowest level of illegal crossings since they began to keep statistics.

This is a piece of good news the Nation needs to hear, that our border is far more secure in Texas because we're enforcing existing law, applying common sense, and working together in a partnership between State and local authorities and the Federal authorities.

We have, in Texas, I think, demonstrated that Texas, we always keep Texas first in our minds regardless of party. And I want to thank the chairman and our ranking member for putting together a bill that focuses on national security and includes the interests of all Members from all parts of the country.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 2 minutes to one of our outstanding new Members from Florida, Ms. KOSMAS.

Ms. KOSMAS. I rise today in support of the 2010 Homeland Security Appropriations Act, a bill that will improve the safety and security of our cities, ports, borders, and air travel.

This bill also provides important funding for our first responders on the front lines of emergencies through State and local grants, including the Metropolitan Medical Response System. I would like to thank Chairman PRICE and Ranking Member ROGERS for including my amendment to increase funding by $4 million for this vital program in the manager's amendment.

Increasing funding over fiscal year 2009 will help ensure that high-threat, highly populated communities such as the Orlando metropolitan area will be better prepared to respond when faced with emergencies, whether it be a terrorist attack, an epidemic disease outbreak, or a natural disaster.

The MMRS program assists 124 highly populated jurisdictions across the country in their efforts to coordinate among law enforcement, fire, EMS, public health, and emergency management agencies. It allows these jurisdictions to develop response plans, conduct training and exercises, and acquire personal protective equipment to respond most effectively to emergency situations.

I believe, and I think we all believe, that preparedness is the key to mitigating disasters, and this additional funding will ensure that our local emergency responders will be better able to protect their citizens and to reduce damages.

Mr. ROGERS of Kentucky. Madam Chairman, I yield such time as he may consume to a hardworking Member of this Congress, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I do thank the gentleman from Kentucky for yielding me this time. I want to say, first of all, and express my appreciation to Chairman PRICE and to Ranking Member ROGERS. They certainly are two of the hardest working Members we have in this Congress and two men whom I admire the most and for whom I have the greatest respect.

I want to say that, overall, I think these leaders have produced a very good bill, particularly in regard to aviation security. That's something in which I have a great interest because I did chair the Aviation Subcommittee for 6 years, and I know they have greatly increased the security at the airports and so forth.

In fact, I will be offering an amendment a little bit later that does freeze the appropriation for the Air Marshal Service, which I do feel, as one high-ranking TSA official told me 2 days ago, is sort of gilding the lily. And I think it's a very unnecessary, useless part of the Federal Government and of this bill.

But, overall, I think it's a very fine bill. And I particularly want to thank Chairman PRICE and Ranking Member ROGERS for the work that they're doing in regard to cybersecurity, because from everything that I have read over these last few years, that is going to be one of the areas that is going to be the most troublesome to this country in the years ahead.

And so, Madam Chair, I will simply say that I want to express my appreciation to Chairman PRICE and Ranking Member ROGERS, and particularly the staff that has worked so hard on this legislation.

Mr. PRICE of North Carolina. Madam Chairman, I yield 2 minutes to the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Madam Chairman, I rise to engage Chairman PRICE of the Homeland Security Subcommittee in a colloquy.

Mr. PRICE of North Carolina. I am pleased to enter into a colloquy with my distinguished colleague from Arizona.

Mrs. KIRKPATRICK of Arizona. Madam Chairman, Mr. Chairman, over the past several years we in the Southwest have witnessed a dramatic rise in illegal activity along our border. The new leadership at the Department of Homeland Security is committed to cracking down on this problem, and Federal law enforcement on the ground is doing an excellent job of putting the new plan into action.

One organization with a pivotal role in our border efforts is Customs and Border Protection, CBP, Air and Marine, which provides critical air support to CBP officers and Border Patrol agents. This air support is an unrivaled resource in our fight to keep our borders safe.

Unfortunately, I have repeatedly heard frustration from agents in my district that air resources are in short supply and are often not available to agents on the ground.

Mr. Chairman, it is important that we work to resolve this issue, whether by better management of existing resources or by increasing those resources. Therefore, as this bill heads toward conference, I ask your support in making sure these important questions are addressed and answered.

Mr. PRICE of North Carolina. I appreciate the gentlewoman's strong commitment to securing our Nation's borders and her hard work on this issue as a Member from a border State and a member of the authorizing committee on Homeland Security.

I assure her I will work with her to provide information about how it meets requests for air support on the border, as well as any program changes or resources required to optimize CBP Air and Marine effectiveness at the border.

Mrs. KIRKPATRICK of Arizona. Reclaiming my time, I wish to thank the distinguished chairman and his staff for working with me on this important issue.

Mr. ROGERS of Kentucky. Madam Chairman, I would like to recognize now for such time as he may consume the ranking Republican on the full Committee on Appropriations, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Thank you very much for yielding me the time. I really rise for a couple of reasons to speak generally about this bill.

First is to say that the two people who are providing the leadership for this bill are as fine of members of the Appropriations Committee as there are. Chairman PRICE is one of those people who digs into issues, does his homework. He treats people in a fair and balanced way. Beyond that, he's a fabulous person to be associated with in the Appropriations Committee.

HAL ROGERS, on the other hand—let's see, what can I say about HAL ROGERS? A wonderful Member from Kentucky, who also in this arena knows as much about this subject as anybody that I know.

One of the things that's disconcerting to me about this bill, for it is one that perhaps addresses the most important area of responsibility we have, that is, protecting our homeland. Combine this bill with our national security measure and that is our national defense and America's ability to protect freedom in the world. But, indeed, it's interesting to note that at a subcommittee meeting recently, I spent some time dealing with another bill, an area that the public isn't always so supportive of, namely, the foreign assistance or foreign aid bill.

And it came to my attention in this process and exchange that the foreign aid bill that will be coming to the floor very soon is approximately $10 billion more than our Homeland Security bill. Think about that.

We're in a condition where people, to say the least, here at home are pressed to the wall, all kinds of concerns besides the economy, concern about our security here at home. And they don't always stand up intently to say we've got to be sending our money overseas in the form of foreign aid. In this arena, the Homeland Security bill has almost $10 billion less in it than the foreign aid bill. Now, it's a very interesting commentary, to say the least.

Beyond that, let me mention to both the chairman and the ranking member, California, of course, has lots of border. Later on, I will have an amendment relative to border security. But, indeed, I know many of the Members who are listening to this discussion today are worried about their own borders in their home territory.

If we cannot advance technologically and by way of funding our ability to protect our homeland and be dead serious about it, projecting over a 10-year period, then we're making a very big mistake in this House.

The work that's done by our chairman and our ranking member has produced a very fine product. They really have balanced, within the limited means that they have, the priorities that I think I would apply myself. But, indeed, I want the Members to know that there is still a lot of work to do.

And, one more time, congratulations to both HAL ROGERS and to our chairman.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 2 minutes to a distinguished subcommittee member from the authorizing committee, our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I offer my appreciation to the appropriators, Mr. PRICE and Mr. ROGERS, and would ask that as we make our way through this process that we continue to collaborate and work on issues that will move forward the whole issue of security and safety.

Quickly, I would hope that as we move through conference we'd have an opportunity to ensure that the Office of Risk Management is, in fact, the lead office that analyzes the issue of risk, risk-based assessment as it relates to security.

But, Mr. Chairman, Chairman PRICE, I would like to speak to you specifically about the Transportation Security Authorization bill, which just about a week or so ago was passed with a reemphasis or a new emphasis on the security of surface transportation.

We know that just a few days ago we had an enormous tragedy here in Washington, D.C. That question may have fallen upon the issue of safety, but it could have been an issue of security, an

issue dealing with terrorism. And we know, as it relates to the Department of Transportation safety inspectors for rail, pipeline, and highway, there are over a thousand of them; but as it relates to security, transportation security, a mere 175.

Of course, you know I had an amendment that would have simply moved $4 million in order to ensure that we would have an increase in safety or security inspectors under the Transportation Security Administration pursuant to the legislation that was passed by this House.

I would like to continue to work with the appropriators as this bill moves toward conference and moves toward the Senate. And I would ask the chairman, I would like to yield to him, that we have a focus on the authorizing language that says that we need to do more with respect to security for surface transportation, rail, buses, trains, and other resources, and work with him to ensure that we would have dollars to increase the number of transit security inspectors.

I yield to the gentleman.

□ 1630

Mr. PRICE of North Carolina. I thank my colleague for her good work on this issue and her very effective pointing out of our unmet needs in the area of surface transportation security. I do, indeed, pledge to work with her as we move toward conference to see what kind of resources we can identify.

Ms. JACKSON-LEE of Texas. I thank the chairman.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Madam Chair, last night we were in Rules on, I believe, a very important amendment that Mr. MINNICK and I offered. It was really to save jobs; and it was also really to put a hold on what was happening with Homeland Security and also what was going on with the folks at Customs, trying to put forward a regulation, a rule that's going to put Americans out of work.

At the same time it's also not only going to put Americans out of work, but we're looking at 35 million Americans that have a certain type of knife. I do not believe that a rule should be done that Congress in 1958 defined what a certain type of knife was. So last night of course we were there, and we shouldn't have been there. We should have been here on an open rule and with an amendment on the floor and not in the Rules Committee because this is important.

Again, as I said, this is going to cost jobs, jobs at the Buck Knife Company up in the northwest part of the United States—hundreds of jobs. It's estimated that over 4,000 individuals in this country could be affected just in the knife industry alone. Not only those 4,000 individuals there, but there is about 20,000 other ancillary jobs out there. That's why it's so important we should be talking about this. But unfortunately, again, where we were last night, we weren't doing what we should have been doing. We should have had the amendment here on the floor because I believe it's absolutely important that we make sure the House is headed in the right direction, the way it should be going; and that's through the process that we should be in, the normal process, not the process that we're in today.

But I thank the gentleman for yielding because I think that the debate that we're in is very, very vital to this country.

Mr. PRICE of North Carolina. Madam Chair, may I inquire how much time we have remaining?

The CHAIR. The gentleman from North Carolina has 8½ minutes remaining. The gentleman from Kentucky has 3½ minutes remaining.

Mr. PRICE of North Carolina. We have no further speakers on the floor at this point. There may be one on the way.

I would like to reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield myself the balance of my time.

You know, since 9/11 I think we've come a long way in securing the country. It's been 8 long years. Laborious tasks have been undertaken. First, the formation of the Department of Homeland Security, attempting to merge some 22 different agencies of the government into a single agency under the umbrella of the Department of Homeland Security. And yes, we've made progress—I think substantial progress—in aviation security and the protection of goods coming into the country by container box. We've made substantial gains across the board in securing our American homeland. But we're still a long way from being where we need to be.

It seems like it's been terribly slow in many of the areas that we need to work on. But you know, it's amazing to me. I was just reading a book about World War II and just how quickly the Nation responded to the attack on Pearl Harbor, 1941. In just 4 years, Madam Chair, half the time since 9/11, the Nation geared up and produced 6,500 ships. It produced some 300,000 airplanes, hundreds of thousands of tanks and rifles, ammunition, warships, liberty ships, transport ships, thousands upon thousands of howitzers and weapons of war in just 4 short years. And we've had double that time since 9/11 to gear up for the protection of the country from the newest threat in the globe.

And yes, I am disappointed at times about the progress that we lack. But I've got to say that we've got some very brave people in all these agencies that now make up the Department of Homeland Security, that take their responsibilities deadly serious. They work hard; they don't get much thanks from anyone for the good work that they do; and we should take a moment the next time we go through an airport and thank that TSA worker or that Coast Guard worker or that FEMA helper in our home districts. I recently had the great opportunity to thank the FEMA response to a terrible flood in my district over Mother's Day weekend. But we need to thank these people because they don't get much of that, and they are doing a great service in defending us on our home turf.

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

Mr. PRICE of North Carolina. I want to thank our distinguished former chairman and ranking member for those remarks. He is a student of history, as he's just demonstrated. He came to this subcommittee as its founding chairman with a great deal of understanding of just how big this challenge was after 9/11, bringing these 22 agencies together, but also with an instinct for how to put it all together and make this department work. We've made great strides. I agree with him also on the work yet to be done, of course, but over these 7 years we can look back on considerable progress.

Mr. ROGERS talked about the careers of civil servants and others, the Border Patrol agents, Coast Guard men and women, the people who staff these agencies every day. One of the benefits of the process we had this year, holding more broad-gauged hearings before we had a budget and before we had the agency heads in place, was for us to get a closer look at some of these career people and the good work they've done. We took a broader look at agency operations and gained some appreciation for what is being achieved and a better fix on some of the things that we need to improve.

I hope and believe that our bill reflects that experience. It has been put together in a cooperative fashion. We look forward to taking it on from the House today and, by the start of the new fiscal year, being ready to put the program we envision in place. We're delighted to work with the new Secretary and the President's appointees at the agencies who are now assuming their roles. This bill today, I'm confident, is a very positive step in the process of putting this department's program together in cooperation with the new administration for the benefit of all Americans.

Mr. TIAHRT. Madam Chair, I rise today to express my concern regarding the provisions of this bill relating to the National Bio- and Agro-defense Facility, NBAF. The threats facing this country are numerous and varied. With the intention of closing the research facility at Plum Island, NY, it is imperative that a

new research facility be constructed as quickly as possible.

This is one of the many reasons why officials at the Department of Homeland Security selected Manhattan, Kansas, as the site for the new NBAF research center. Kansas State University is already home to a Biosafety Level 3, BSL 3, research facility, which means that right this minute the Plum Island facility could be relocated, with minimal disruptions in its critical research.

Construction is ready to begin on the new BSL 4 NBAF facility. State and local funding is already in place to assist in the development of the facility. The only thing lacking is action by those in Washington.

This bill, however, ignores not only the requests made by myself and other Members representing the great State of Kansas, but also the decision of the Department of Homeland Security. By not funding NBAF, this bill leaves our nation and its food supply vulnerable to dangerous diseases, including Rift Valley Fever and African Swine Fever. Furthermore, it allows live cultures of these and other dangerous diseases to remain in facilities at Plum Island that DHS defined as, ''reaching the end of its life cycle.''

In refusing to fund construction on the new NBAF site in Manhattan, the Committee raised concerns over the risk of diseases, particularly Foot-and-Mouth Disease, FMD, being released into the heart of livestock country. On that issue let me point out that DHS was aware of this risk when Manhattan, Kansas, was selected as the new site, and is already taking steps to address these concerns by an anticipated threat assessment which should be released shortly.

I sincerely hope that as this bill works its way towards the Conference Committee that funding for construction of the new NBAF facility can be included. I have spoken with the Chairman and Ranking Member, and have their assurances that once these concerns are addressed, they will take steps to fund this critical program. I look forward to working with my colleagues on the Committee to ensure that our nation remains protected from dangerous diseases.

Ms. ROYBAL-ALLARD. Madam Chair, I rise today in strong support of the fiscal year 2010 Homeland Security Appropriations bill.

One of our government's foremost duties is to protect the American people.

Fulfilling that critical mission falls to the men and women of the Department of Homeland Security and, as Members of Congress, we have an obligation to provide them with the resources they need to meet the challenge of defending our nation.

Ably led by Chairman DAVID PRICE and Ranking Member HAL ROGERS, the Homeland Security Subcommittee has crafted legislation that does just that. It allocates more than $42 billion to equip our Border Patrol officers, baggage screeners, customs agents and Coast Guard captains to successfully combat the threats America faces.

Like President Obama, we understand that even in a tough fiscal environment, with so many pressing priorities competing for the same scarce tax dollars, the Department deserves funding that reflects the scale of its responsibilities.

Of course, our success in meeting America's security challenges depends on more than the size of the Department's annual appropriation. Just as important is the strength of its planning and the effectiveness of its leadership.

Accordingly, the bill provides a sound blueprint for responsibly managing an organization that encompasses more than 200,000 employees at 22 different agencies. Drawing on the expertise of GAO, the DHS Inspector General and stakeholders both in government and private industry, the legislation successfully matches resources and risks, ensuring a balanced approach to protecting our most sensitive infrastructure. For example, in the wake of the London and Madrid bombings, it will ensure that our vulnerable transit systems are no longer neglected by providing $103 million for surface transportation security.

Just as importantly, the bill also takes meaningful steps to address the injustices inherent in our broken immigration system.

Under the previous administration, instead of pursuing violent felons, Immigration and Customs Enforcement, ICE, elected to fill its arbitrary quotas by seeking out working immigrants who posed no threat to their communities. Since 2002, the deportation of noncriminals has increased by 400 percent while criminal deportations are up only 60 percent. This bill sensibly shifts ICE's primary enforcement target from families to felons.

In addition, the bill responds to reports of asylum seekers denied medical attention and children subjected to lonely nights in border jails by imposing stronger oversight on detention centers and expanding alternatives to incarceration for vulnerable immigrants.

These provisions are vitally important and they point to perhaps the bill's greatest strength: the recognition that we can protect the American people without violating their rights or compromising our ideals.

I thank the Chairman and his staff once again for their excellent work on this crucial legislation and urge its swift passage.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the Homeland Security Appropriations Act of 2010. This bipartisan legislation funds the homeland security priorities of the country and strengthens our commitment to our state and local homeland security partners.

To help address the unique security needs of our high-risk urban areas, such as the Washington Capitol Region, the bill requests $887 million for Urban Area Security Initiative grants. These grants fund the security services and equipment needs of the nation's highest-threat, high-density areas and helps to ensure that our state and local leaders have the resources they need to protect these areas from terrorist attack.

In addition to appropriating funding to secure our passenger rail and air and sea ports, the bill provides funding for interoperable communications and for the nation's emergency operation centers. For our firefighters and other first responders, the bill adds $800 million for assistance grants for training and equipment. These funds will also be used to stem the tide of layoffs that are weakening our fire services and putting the public's safety at increased risk.

The House considers this bill just two days after the Washington Capitol Area experienced one of the worst passenger rail tragedies in our nation's history. We owe a debt of gratitude to the first responders who arrived from across the region to provide aid and comfort to the victims of this tragedy.

By funding these and other important programs, the Homeland Security Appropriations Act of 2010, helps make our country more secure in times like these. I encourage my colleagues to join me in support of this vital piece of legislation.

Mr. MORAN of Kansas. Madam Chair, I come to the House of Representatives to encourage my colleagues to support and fund an urgent national security priority—the creation of the National Bio and Agro-Defense Facility, also known as NBAF.

From a rancher feeding his cattle this morning in Washington, Kansas, to a family sitting down for supper tonight here in Washington, D.C., Americans need to know that the United States is prepared to handle an outbreak of dangerous animal disease that could harm our country's economy and our food supply.

Our nation's current animal disease research center, located at Plum Island, New York, is well over 50 years old and can no longer meet our needs. With today's threat of bioterror attack, as well as the threat of natural and accidental outbreaks of foreign animal diseases, it is clear that more research capacity is needed. NBAF is needed to concentrate our efforts to assess disease threats to livestock, wildlife and humans, and to develop the vaccines and countermeasures against these threats. A modern, safe animal disease research laboratory is critical for protecting our country.

After years of study and a rigorous selection process, in January, the Department of Homeland Security unanimously chose to build NBAF at Kansas State University in Manhattan, Kansas. DHS found Kansas State University to be the best fit for this critical mission. Kansas was chosen because of the State's existing biosecurity research infrastructure, skilled animal science workforce, strong citizen support, and large cost-share contribution. At the time, NBAF was expected to be completed by 2015.

Despite the fact that there has never been stronger need for accelerated animal disease research, I am incredibly disappointed that NBAF may now be delayed. The President requested $36 million in 2010 for NBAF design and construction. I have concerns that this investment is inadequate for moving forward with this security priority. But as the House today considers H.R. 2892, the FY 2010 Department of Homeland Security Appropriations Act, it appears that even the President's requested funding amount may not be provided. Citing safety concerns with researching foot and mouth disease, FMD, on the mainland, the spending bill provides no funding for NBAF. In addition, the bill requires yet another FMD risk analysis.

As a Member of Congress who represents a large agricultural district, I understand the importance of determining the risks associated with conducting FMD research, whether on an island or in the middle of the country. What we know is that studies by experts at DHS and

elsewhere say that FMD can be safely studied on the mainland, as it is done in other countries like Canada, just across our northern border. Modern biocontainment technology has eliminated the need for locating this work on an island, like we did decades ago. The same state-of-the-art research methods and facilities allow the Centers for Disease Control and Prevention to research dangerous human diseases in the city of Atlanta. While I understand the risk associated with the research of any dangerous disease, it should not blind us to the risk of inaction. The bottom line is that if we do not build NBAF and increase our capacity to combat diseases, our country will be less safe.

The research that will be performed at NBAF is critical to secure America's food supply and protect our agricultural industries from animal disease outbreaks. A modern facility that can respond to outbreaks is urgently needed and must remain a top priority for the U.S. As the appropriations process moves forward, I strongly encourage my colleagues in Congress to fund and support NBAF.

Mr. NADLER of New York. Madam Chair, I rise in support of H.R. 2892, the Homeland Security Appropriations Act for fiscal year 2010.

While the bill provides vitally necessary funds to secure our nation's safety, it also contains a troubling provision regarding people who are currently detained at the Guantanamo Bay facility. This provision would prohibit the use of any funds in the bill to provide any immigration benefits to any Guantanamo detainee. Examples provided by the bill of such benefits include ''a visa, admission into the United States, parole into the United States, or classification as a refugee or applicant for asylum.'' The language does include the proviso that nothing in this provision prohibits detainees from being brought into the United States for prosecution.

Now, I want to prosecute and punish anyone who has sought to harm the United States or is responsible for attacks on the United States and its people. But, we do not know that everyone in Guantanamo fits into this category. There are likely people still imprisoned at Guantanamo today who are there, not because they are a threat, but because our government can not figure out what to do with them. As you know, the Bush Administration already released many people from Guantanamo who were wrongly detained there and our courts have ordered the release of others who apparently were not linked to any terrorist organization and pose no threat to the United States. There were, and possibly still are, innocent people being detained by our government at Guantanamo Bay.

It is shameful for our country to deny a visa to an innocent person who we have determined is no threat to the United States, who the United States wrongly imprisoned for years, who may be prosecuted if returned to his own country, and who the United States may not be able to send to any other country. Frankly, if they are innocent of any crime and pose no threat to the United States, they should be allowed to come to the United States. In addition, I do not see how we can deny them asylum if we determine they have a legitimate fear of persecution if sent anywhere else.

Because the Homeland Security bill provides such critical funding to first responders all over the country, and especially to my city of New York, I can not justify voting against it. Funding for these services is desperately needed.

However, I want to warn my colleagues about the dangers of reflexively adding provisions to every appropriations bill that may end up further harming innocent people who were mistakenly imprisoned by our government. If you want to make a political point that you oppose terrorists, fine. But, you have to allow for the fact that until we know for sure that all of the people remaining at Guantanamo are terrorists, it is not right to punish everyone who is there just to make a political point. We have a moral obligation to do better.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 2892, the Department of Homeland Security Appropriations Act for Fiscal Year 2010.

This legislation provides $44 billion for the Department of Homeland Security to continue its work to keep Americans safe, keep our borders secure, and ensure our communities are prepared for any disaster—whether natural or man-made.

At a time when our state and local governments are strained in the current economic downturn, this legislation continues our federal commitment to support local efforts that keep our communities safe. It provides $3.55 billion for first responder grant initiatives, including $810 million for Fire Grants, $950 million for State Emergency Preparedness Grants, $330 million for Emergency Management Performance Grants, and a total of $90 million for interoperable communications and emergency response centers.

H.R. 2892 will help secure our border and improve the enforcement of our nation's immigration laws. The measure would fully fund 20,019 border patrol agents with $3.5 billion and provide $732 million for border fencing, infrastructure and technology. It would provide $5.7 billion for Immigration and Customs Enforcement (ICE) to enhance our ability to identify and remove immigrants who have illegally entered the country, and $248 million for the United States Citizenship and Immigration Services to improve the processing of visas for those eligible to enter the country. This funding includes $112 million to operate and improve E-Verify, the DHS initiative that empowers businesses to screen potential employees' immigration status.

As North Carolina is a prime hurricane state, I am pleased that this bill makes important investments in all-hazards disaster preparedness. It provides $2 billion for Disaster Relief, $220 million to continue flood map modernization and to maintain modernized maps, and $200 million to address the increasing needs for emergency food and shelter, recognizing that the current economic downturn is a disaster in its own right.

Madam Chair, this is a strong bill that enhances our ability to keep our nation secure and our citizens safe. I urge my colleagues to join me in supporting this legislation.

Mr. CROWLEY. Madam Chair, I rise in support of H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

The Department of Homeland Security Appropriations bill makes fundamental investments that are vital to our nation's security. It tightens our nation's borders, allows for installation of the latest explosive detection systems at airports nationwide, protects our ports and critical infrastructure, and provides grants to meet the needs of our first responders. It also increases funding for the Urban Areas Security Initiative, which is very important to my home city of New York, by almost $50 million, matching the President's request, for a total allocation of $887 million.

In the months following the September 11th attacks, I spearheaded the creation of the High Threat Urban Area Account Program, which later became the Urban Area Security Initiative (UASI). I undertook this effort because, at the time, there were no Federal domestic security grant programs that provided funding solely on the basis of threat and risk. While I recognize that the threat of terror lingers everywhere, there are, unfortunately, several cities and areas that are more vulnerable to attack. New York, my home city, is one of them.

This is not a distinction we are proud of, but it is a reality we face. Al-Qaeda has already attacked my city twice. And, for me, it became all the more personal when my cousin, a New York City fireman, died during the September 11, 2001 attacks trying to help people out of Tower 2 at the World Trade Center.

What happened on September 11th can never happen again, and that is what the UASI program is about. The grants go to cities and states under the greatest threat of attack. In New York City, the grants have been used to train and better equip first responders, and provide them with better communication systems to assure preparedness, in addition to improved monitoring of critical infrastructure.

Late last month, four men were arrested in a plot to bomb two Bronx synagogues. According to authorities, they had planted bombs in cars outside the two synagogues, and were planning to shoot down military planes at an Air National Guard base in upstate New York. New York's Office of Homeland Security later provided Urban Area Security Initiative Nonprofit Security Grant Program (NSGP) funds in order to resolve the vulnerabilities of the synagogues. Additionally, it was Federal homeland security dollars that assisted the New York Police Department in their excellent investigative work to stop this act of terror before it occurred.

Madam Chair, the threat of terrorism remains very real, making it essential for cities that face the greatest risk to have the tools and resources necessary to stop attacks before they occur. Cities, like New York, remain a major target for terrorists, and programs like UASI help us fight terrorism and ensures that our first responders have the equipment they need to protect the American people.

I would like to thank the gentleman from North Carolina, Chairman of the Homeland Security Appropriations Subcommittee, for his leadership, hard work, and dedication to the urban area initiative and I urge adoption of the bill.

Mr. KUCINICH. Madam Chair, I rise in support of the Department of Homeland Security Appropriations Act of 2009 and the employees of the Department of Homeland Security (DHS). The service and dedication of the men

and women that work to ensure the safety of our country is admirable.

This bill responds to the public safety needs of our communities in a time of hardship by providing $800 million in grants to fire departments, of which $380 million is provided for the Assistance for Firefighters Grants program used to train, hire and retain our local firemen and women. It funds an increase in the number of border patrol agents to 20,019, providing additional jobs and better national security. I also support the provisions requiring DHS to monitor the medical care of all detainees held in immigration detention facilities and to direct Immigration and Customs Enforcement (ICE) to report to Congress on steps it has taken to ensure that all detainees are receiving proper medical care and attention.

I remain concerned about provisions in the bill regarding prisoners held in the Guantanamo Bay detention facility. I commend President Obama's pledge to close Guantanamo Bay, but this bill fails to ensure that the rule of law and our commitment to universal human rights are being upheld for detainees.

Section 522(a) of the bill requires the Department of Homeland Security to conduct extensive threat assessments for all detainees held at the Guantanamo Bay detention facility as of April 20, 2009, and to place all detainees on the ''no-fly'' list unless there is Presidential Certification to exclude them on such a list. This section also prohibits any funds in the act from being used to provide detainees with any immigration benefits, including refugee or asylum classification. The treatment and detention of hundreds of foreign nationals held indefinitely and illegally without charge at Guantanamo Bay has violated our most basic democratic principles. The burden to right this wrong by ensuring due process for the remaining 245 falls on the U.S. The detainees held at Guantanamo Bay must be afforded habeas corpus protections. We must have the confidence in our own U.S. system of justice to try the detainees.

I will continue to work to ensure all have equal protection under the law. I urge my colleagues to support passage of this bill.

Mr. PRICE of North Carolina. Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111–183, not to exceed four of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, and not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, or D of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,427,000: *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC.

PART A AMENDMENT NO. 1 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 1 offered by Mr. PRICE of North Carolina:

Page 2, line 9, after the dollar amount, insert ''(reduced by $17,000,000)''

Page 2, line 18, after the dollar amount, insert ''(increased by $5,900,000)''.

Page 5, line 20, after the dollar amount, insert ''(increased by $4,900,000)''.

Page 39, line 21, after the dollar amount insert ''(increased by $7,000,000)''.

Page 40, line 10, after the dollar amount insert ''(increased by $3,000,000)''.

Page 40, line 14, after the dollar amount insert ''increased by $3,000,000)''

Page 40, line 20, after the dollar amount, insert ''(increased by $4,000,000)''.

Page 44, line 25, after the dollar amount insert ''(increased by $10,000,000)''.

Page 45, line 1, after the dollar amount insert ''(increased by $10,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC.__. None of the funds made available under this Act may be used to close or transfer the operations of the Florida Long Term Recovery Office of the Federal Emergency Management Administration located in Orlando, Florida.

SEC.__. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC.__. No funds appropriated by this Act may be used to impose any negative personnel action against any Department of Homeland Security employee who engages with the public in the course of the employee's duties, for the use of surgical masks, N95 respirators, gloves, or hand sanitizer.

The CHAIR. Pursuant to House Resolution 573, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I yield myself as much time as I may consume.

My amendment, I believe, is noncontroversial. It includes a number of amendments put forth by other Members that we believe would be good additions to the bill, including: First, additional funding for the Firefighter grant program that draws on proposals from Representatives ALTMIRE, PASCRELL, AUSTRIA, PETER KING and BIGGERT; additional funding for nonprofit security grants, from Representatives COHEN and WEINER; additional funding for the Metropolitan Medical Response System, from Representative KOSMAS; additional funding to implement the Western Hemisphere Travel Initiative, from Representative MITCHELL; ensuring that DHS employees who interact with the public can use personal protective equipment without negative personnel action, from Representative LYNCH; a prohibition on funds in this bill being used for first-class travel, with certain exceptions, from Representative CUELLAR; and a prohibition of funds in this bill from being used to close or transfer operations of a FEMA recovery office, coming from Representative HASTINGS.

All increases are appropriately offset elsewhere in the bill. While the bill includes earmarks in it, which have been properly disclosed according to House procedures, this amendment does not contain any congressional earmarks. I ask Members to support this amendment.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chair, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chair, it saddens me that the longstanding cherished traditions of debate within this Chamber have come to this—a so-called manager's amendment that is more about limiting the time on today's debate and placating the interests of Democrats than truly improving this bill. So I rise in opposition to this amendment, not on the substance of the amendment itself, mind you, but on the flawed and misguided procedure under which it is being offered. We seldom do manager's amendments on appropriations bills on the floor; and when on the rare occasion that we have, it's been a true manager's amendment, one that is noncontroversial and bipartisan. This

amendment meets the interests of nine Democrats, and the minority was never consulted on the substance and construction of this amendment—never.

Furthermore, this amendment includes a provision that would be subject to a point of order during a normal debate to make this provision in order, then included in this flawed amendment. And finally, denying other Members the right to offer their amendments that were clearly germane and in order, including one of this ranking member. It's beyond the pale.

The majority also denies the ability of a hardworking member of our subcommittee, and myself as well, an opportunity to offer an amendment on E-Verify, the way that employers in this country can be sure that an applicant for work is not an illegal alien. Both amendments were clearly in order. Both amendments pertain to a critical issue that's germane to this bill. To deny us the ability to offer such legitimate amendments is a complete travesty, especially in light of this amendment before us.

So it is clearly not a manager's amendment, in my view. Instead, it's a vehicle for the majority to further ramrod this bill off the floor through what is perhaps the most closed and arbitrarily constrained debate I have seen in my 28 years or so in Congress.

□ 1645

I am very troubled by the road the majority is heading down with actions such as this, actions that muddle what should be an open debate on one of the most critical bills that this body will consider this year. Today should be about our homeland security, not partisan politics.

I urge Members to reject this flawed procedure and oppose this misnamed manager's amendment.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 1 minute to one of the sponsors of one of these amendments that has been included in this chairman's amendment, Representative ALTMIRE, who has been working very hard on the firefighter grant program.

Mr. ALTMIRE. I thank the chairman for yielding.

I want to highlight the one provision which I worked hard to put into this manager's amendment. I can think of few that are more deserving and in need of support under this Homeland Security bill than our Nation's first responders. In particular, volunteer firefighters represent all walks of life and are part of the fabric of nearly every community in this country.

The most important source of Federal assistance for our local firefighters is the Assistance to Firefighters Grant Program that has provided for so many fire companies over the years. Volunteer firefighters make every sacrifice for our communities and are always on call; so it's the very least we can do to make certain that they're as safe and well protected as possible.

That's why I add the language to this bill to shift $10 million in funding over to the firefighter grants program. This funding will help hundreds of fire companies across the Nation make the necessary equipment and vehicle upgrades that are so critically needed.

I thank the chairman for including in the bill my language to increase funding for our Nation's volunteer firefighters, and I ask my colleagues to support it.

Mr. ROGERS of Kentucky. Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 1 minute to the gentleman from Tennessee (Mr. COHEN), who likewise is the initiator of one of our amendments.

Mr. COHEN. Madam Chairman, this amendment, which I appreciate being incorporated into the manager's amendment and was also sought in a similar fashion by Mr. WEINER of New York, would include language to increase funding to the Urban Areas Security Initiative Nonprofit Security Grant program. The Urban Areas Security Initiative Nonprofit Security Grant program is an important program that helps fund support for the not-for-profits that could be subject to attack. Nonprofit organizations often are like hospitals, which are vital to our communities' ongoing security and safety, especially if there is an attack that can spread terror and havoc on a community if they are attacked. And if you have research facilities attacked, there are other concerns in the community. The nonprofit entities can include hospitals and historic landmarks.

In my community of Memphis, which I hope has an opportunity to share, there's the Med, there's St. Jude Children's Research Hospital, and other great hospitals. New York has many too; and that's why Mr. WEINER, I think, was interested in this. And the terror that could be spread by attacking a museum or a library and sending panic through the community could be very disastrous to the well-being of the people in that community and in the Nation.

So hopefully the increase in this funding will help our cities secure their funds and secure their facilities. I would like to thank the chairman for the addition of the funding and the support for the additional $3 million for the Urban Areas program. I would like to thank Mr. PRICE and the committee for their work in including it in the manager's amendment.

Mr. PRICE of North Carolina. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I object to this amendment on procedural grounds. It's not a bipartisan amendment as manager's amendments are supposed to be, so I urge a ''no'' vote.

Mr. LYNCH. Madam Chair, I thank the gentleman from North Carolina for his work on this bill. I also thank the Chairman for incorporating my amendment into the manager's amendment and for giving me time to speak.

My amendment to H.R. 2892, the Department of Homeland Security Appropriations Act would afford D.H.S. workers the right to voluntarily don and access personal protective equipment (PPE), including surgical masks, the N–95 respirator, gloves and hand sanitizer without fear of reprisal.

Given the reluctance on the part of D.H.S. to address the voluntary use of personal protective equipment amidst the H1N1 flu outbreak, as Chair of the Federal Workforce Subcommittee, it has fallen on my shoulders to ensure the health and safety of Federal employees—especially frontline Federal workers at D.H.S. who are tasked with the tremendous job of keeping the American public safe.

In my opinion it is unconscionable that our workers have been repeatedly denied the use of these protective items—and even threatened with disciplinary action for attempting to protect themselves from a communicable disease that has resulted in the World Health Organization, WHO, declaring its highest pandemic alert possible—Phase Six. Further, it is alarming that D.H.S. has been unable—or unwilling—to issue and to distribute comprehensive, written guidance on the voluntary usage of PPE to its own employees during a public health emergency.

Federal workers such as Transportation Security Officers, TSOS, U.S. Customs and Border Patrol Officers and Border Patrol Agents, and ICE Agents who work in high risk areas and come in contact with thousands of individuals per shift deserve better. C.B.P. Officers working at the Laredo, Texas port of entry and the Otay Mesa port of entry in San Diego, CA, can screen over 5,000 individuals per shift and have been routinely threatened for asking to wear masks. The nineteen-month-old baby of an ICE agent in Miami, Florida, who works at the Krome Immigration Service Processing Center which has six confirmed H1N1 flu cases, has been diagnosed with the H1N1 virus. I simply cannot fathom why these workers are not being supported, but I am committed to ensuring that common-sense policies are implemented at D.H.S.

It is essential that Federal agencies implement adequate and uniform worker protection policies for the employees who protect the Nation as part of their daily duties. These are the very employees who will be called upon to respond in the event of an emergency. Without such policies, not only is the health of front line employees being put at risk, but the health of their families and the general welfare of the public is also placed at risk. In short, the Federal Government cannot ably respond to emergencies if the very personnel needed as part of that response are themselves compromised.

I thank Chairmen PRICE and THOMPSON for their support of this amendment.

Mr. ROGERS of Kentucky. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

PART B AMENDMENT NO. 5 OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. LEWIS of California:

Page 2, line 9, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 2, line 18, after the dollar amount, insert ''(reduced by $14,000,000)''.

Page 3, line 7, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 3, lines 14 and 16, after each dollar amount, insert ''(reduced by $18,000,000)''.

Page 5, line 20, after the first dollar amount, insert ''(increased by $34,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from California (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Madam Chairman, as I proceed with this amendment, I want to one more time associate myself first with the remarks of my ranking member regarding the manager's amendment but, in turn, express my deep respect and appreciation for the two gentlemen handling this bill. Chairman PRICE and my colleague from Kentucky have worked very professionally together and I think this House would be served well if we extend it to all of our subcommittees.

The amendment which I have at the desk is a relatively simple amendment. I rise to restore some balance to what otherwise is a thoughtful and very constructive bill.

My amendment takes a small fraction of funding, increases recommended for administrative expenses, and adds 200 new Border Patrol agents out of that transfer of funding, agents that will serve on the front lines of the bloody drug war raging in Mexico and produce increased security across our borders from entry by way of smugglers and people who are coming here for other sorts of contraband activities.

My amendment seeks to increase the resources for those who are charged to keep our Nation safe and secure as well as ensnare money and illegal weapons flowing southbound; resources that will fulfill the promises repeatedly made by President Obama to both the American people and the courageous Mexican Government in their fight against the cartels.

In fact, it was just 2 weeks ago that the President unveiled a new strategy on securing the southwest border and fighting the cartels, a strategy that calls for sustained enhancements to border security and counternarcotics activities.

The President's budget request calls for only 44 new agents. That's right, only 44 new agents. Contrast that with the 2,500 additional agents this Congress funded just last year; 44 new agents in this bill, 2,500 additional agents last year. How can we support such a flattening of this crucial security asset? How can we risk a reduction in the size of the Border Patrol when our border security needs are so great and the agent attrition rate is now creeping up to about 11 percent?

The decision to fund what is essentially a current services budget for Border Patrol comes in conjunction with a request for more than a 30 percent increase in administrative, policy, and bureaucratic functions at DHS. Talk about getting your priorities all wrong. Think about that, 11 percent versus 30 percent. Clearly a higher priority ought to be given to border security by way of more personnel.

At a time of such obvious need in the face of a bloody and all too real drug war, now is the time to follow through on border security, not plateau and rest on our laurels.

As Ranking Member ROGERS has often pointed out, Chairman PRICE has done a laudable job scaling back the President's request for more bureaucrats and made some rather prudent enhancements to operations in this bill. However, the Border Patrol agents are not increased above the request, and I think it is something this Chamber should weigh in on heavily.

So my amendment seeks to add 200 agents while asking the DHS administrative offices to get by on no more than a 14.8 percent increase, an increase that is more than sufficient and one that many of us probably think is too high during the current fiscal climate.

My amendment simply asks what's more important: resources to provide our operators and watch guards in the field or added bureaucracy? We have all read the terrible stories of the brutal murders in North Mexico. Let's follow through on our commitment to secure our borders, stop the advance of the cartels' influence, and improve on our homeland security.

I urge the Members to support this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. LEWIS of California. I'd be happy to yield.

Mr. ROGERS of Kentucky. I want to congratulate our leader for this very adequate amendment that will help us on the border where the drug war wages, and we can use that personnel. The meager increases in the number of agents the gentleman has referred to in the bill needs to be increased, and the gentleman's amendment does just that, and I congratulate him and support it fully.

Mr. LEWIS of California. I appreciate very much my colleague's speaking on my amendment.

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

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, this is an amendment that the Department of Homeland Security did not request and does not support.

I do, however, want to salute the distinguished ranking member for his support of the Border Patrol. That support is widely shared in this body, on both sides of the aisle. But as the honorable ranking member knows, this committee has been fully a part of that effort to build up the Border Patrol. We're second to none in supporting, on a bipartisan basis, robust increases in Border Patrol numbers in recent years. We have dramatically enhanced border enforcement measures overall.

Since the start of the 110th Congress, we have funded an increase of 5,100 agents. That's a 33 percent increase over the number funded through 2007. By October of this year, CBP will have 20,019 Border Patrol agents. That's more than double the workforce in 2003.

A level of 20,000 agents has been a bipartisan goal. Both the current and the prior administrations used it as a target. Indeed, the Republican majority in its report on the 2007 DHS authorization bill affirmed this when they wrote, and I'm quoting: ''It's estimated that a force of 18,000 to 20,000 agents will be necessary along with implementation of border technologies to secure the Nation's borders.'' So this amendment does somewhat move the goal posts in the middle of the game, you might say.

The amendment ignores the fact that CBP can't absorb this unplanned increase. They are right this minute pulling out all the stops to hire before October another 760 Border Patrol agents as well as 250 mission support staff to ensure that agents are out patrolling and not sitting behind desks. This is not the time to burden the recruitment system with unrequested new agents, not to mention to impose unfunded costs for their vehicles and facilities and ID support.

Just a word, Madam Chairman, about the offsets. The amendment uses as an offset several management accounts,

about 5 percent cuts in most of these areas. It doesn't seem so bad until you realize that when this bill came to the floor, we were already more than 10 percent below the administration's request in this account. The Chief Information Officer takes the largest cut. We are already $39 million below the request for this office, and cuts here would undermine key efforts to improve information security and reduce risks at the Department's data centers. So cutting more funds now means less core support for Department operations, less oversight, more waste, and an even longer road to getting the DHS the American taxpayers deserve.

For all these reasons, Madam Chairman, I urge my colleagues to defeat this amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LEWIS of California. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART B AMENDMENT NO. 8 OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Madam Chairwoman, I have an amendment at the desk that was made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. KING of New York:

Page 2, line 9, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 2, line 18, after the dollar amount insert ''(reduced by $45,000,000)''.

Page 58, line 15, after the dollar amount insert ''(increased by $50,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Madam Chairman, I ask unanimous consent that Representative CLARKE be listed as cosponsor of this amendment.

The CHAIR. The Chair cannot entertain that request at this time.

Mr. KING of New York. Madam Chairman, I yield myself 1 minute.

I insert into the RECORD a letter dated June 4, 2009, to Chairman PRICE and Ranking Member ROGERS from virtually every law enforcement first responder head in New York, Connecticut, and New Jersey.

NEW YORK REGIONAL JOINT WORKING GROUP ON SECURING THE CITIES,

JUNE 4, 2009.

Subject: FY2010 Appropriations for Securing the Cities Program

Hon. DAVID E. PRICE,
Chairman, Committee on Appropriations, Subcommittee on Homeland Security, Rayburn House Office Building, Washington, DC.

Hon. HAROLD ROGERS,
Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: We are writing to urge you to include $40 million to fund the Securing the Cities (STC) program in your markup of the FY2010 Department of Homeland Security appropriations bill. This funding would be equal to the FY2008 appropriation for the program.

Securing the Cities is a vital, federally funded effort to protect New York City from the threat of an improvised nuclear device or a radiological dispersal device (a ''dirty bomb''). The program involves equipping many different agencies in New York, New Jersey, and Connecticut with state-of-the-art mobile radiation-detection equipment, training them in its proper use, and leveraging existing technology and infrastructure to deploy a permanent defensive radiation-detection ring around New York City.

The STC program is the only federal initiative designed specifically to protect a U.S. city from a radiological or nuclear terrorist attack, which President Obama has called, ''the most immediate and extreme threat to global security.'' We never saw the program as a ''pilot,'' as some have suggested, but as an operational model, developed to protect the city that suffered the most on September 11, 2001, and that continues to be at the top of the terrorist threat list.

Since the STC program was proposed by the Department of Homeland Security in 2006, we have:

begun taking delivery of approximately 4,500 units of radiation-detection equipment;

prepared to train all of our response personnel in the proper use of the equipment;

conducted three full-scale exercises in which radioactive materials were intercepted by our agencies;

developed detailed operational nuclear-interdiction plans for the region;

begun developing the fixed radiation-detection systems that will be installed on bridges and tunnels into New York City;

and, begun to implement a situational awareness system that will ultimately allow us to track and swiftly interdict radiological threats anywhere in the region.

All of the money appropriated since FY2007 has been programmed, and most of it has been obligated. We expect to complete the purchase of our situational awareness system, developed with FY2007 funding, by the end of this year; we have begun taking delivery of radiation-detection equipment purchased with FY2008 funds; and, we have submitted our application for FY2009 funds. Additional funding is necessary to complete the final stages of development of the fixed radiation-detection system, which is on the verge of becoming operational, and to establish wireless connections among and between our mobile systems.

The STC program was designed as a joint federal, state, and local initiative with significant investments and commitments at all levels. Federal STC funding only pays for a fraction of the cost of the total program. For example, the STC program benefits from the absorption of manpower and operational costs by state and local agencies. STC also leverages major existing New York City investments, including the fiber-optic lines that will be run to New York City bridges and tunnels as part of the Lower Manhattan Security Initiative and New York City's wireless network (NYCWiN). The total cost of the STC program as seen by Congress does not account for these significant outlays at the state and local level.

Together, the STC partners represent three layers of government, three states, 60 counties, and over 80 law enforcement agencies. In our view, the STC program is an extraordinary example of interagency and intergovernmental collaboration, and one of the most successful DHS programs in existence. Zeroing this program out, as the President's FY2010 Budget has mistakenly proposed, would do great harm to the security of New York as well as the quality of our agencies' partnership with DHS. We understand the need for fiscal restraint in the current financial climate. However, this critical investment will ensure that law enforcement and emergency response agencies have the resources needed to protect our nation's largest city from the most damaging terrorist threat imaginable.

For these reasons, we urge you to appropriate funding to the STC program at a level equal to the FY2008 appropriation—$30 million for acquisitions and $10 million for research, development, and operations. We welcome the opportunity to brief members of your staff on the progress of this program either in the New York region or in Washington, DC.

We appreciate your consideration of this request.

Sincerely,

Raymond W. Kelly, Commissioner, Police Department, City of New York;

Nicholas Scoppetta, Commissioner, Fire Department, City of New York;

Harry J. Corbitt, Superintendent, New York State Police.

Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police;

Colonel Thomas Davoren, Deputy Commissioner, Connecticut State Police;

Lawrence W. Mulvey, Commissioner of Police, Nassau County Police Department;

Richard Dormer, Commissioner, Suffolk County Police Department;

William A. Morange, Deputy Executive Director, Metropolitan Transportation Authority;

Denise E. O'Donnell, Deputy Secretary for Public Safety, New York State/Commissioner, NYS Division of Criminal Justice;

Thomas G. Donlon, Director, New York State Office of Homeland Security;

James F. Kralik, Sheriff, Rockland County Sheriff's Office;

Thomas Belfiore, Commissioner-Sheriff, Westchester County Police Department;

Richard L. Cañas, Director, New Jersey Office of Homeland Security and Preparedness;

James M. Thomas, Commissioner, Connecticut Department of Emergency Management and Homeland Security;

Samuel J. Plumeri, Jr., Director of Public Safety/Superintendent of Police, Port Authority of New York and New Jersey;

Steven W. Lawitts, Acting Commissioner, Department of Environmental Protection, City of New York;

Thomas R. Frieden, Commissioner, Department of Health and Mental Hygiene, City of New York;

Joseph F. Bruno, Commissioner, Office of Emergency Management, City of New York and;

Janette Sadik-Khan, Commissioner, New York City Department of Transportation.

□ 1700

Madam Chairlady, the King-Clarke bipartisan amendment restores $40 million for the Securing the Cities Initiative, a vital homeland security program which prevents terrorist attacks which are based on nuclear or radiological material, primarily in the form of dirty bombs. I should point out that a nearly identical amendment had the support of this House in 2007 by a majority of more than 2–1.

Securing the Cities is a networked ring of radiological detectors on highways, toll plazas, bridges, tunnels and waterways leading into and out of New York City. It is the only Department of Homeland Security program dedicated to protecting cities and surrounding regions against the nuclear threat of dirty bombs.

Madam Chair, this successful program is an operational model which can be replicated in cities and suburbs throughout the country. The proposed cut in funding for Securing the Cities would seriously undermine further implementation of needed nuclear and radiological detection capability.

The WMD Commission, a bipartisan commission, warned in December of 2008 that nuclear and biological terrorism was not only a serious threat but a likely threat.

The CHAIR. The time of the gentleman has expired.

Mr. KING of New York. I reserve my time.

Mr. PRICE of North Carolina. Madam Chairwoman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to first commend my New York colleagues, particularly NITA LOWEY, JOSÉ SERRANO and STEVE ISRAEL, all on the Appropriations Committee, for promoting Securing the Cities and the work that it has made possible in their State. Indeed, their tireless advocacy for New York's regional security has resulted in notable increases in grant allocations to regional governments and first responders.

New York State homeland security grants rose from $27 million in 2006 to $112 million in 2009. That is a four-fold increase. And New York's Urban Area Security Initiative grants grew from $124 million in 2006 to $145 million in 2009. It remains the largest recipient of urban area funds.

I couldn't agree more that Securing the Cities is a valuable pilot program demonstrating how State and local Governments could develop, with Federal agencies, an architecture to prevent a nuclear or radiological attack on New York. But I must emphasize that Securing the Cities is a 3-year pilot project, and this period is over. DHS requested no 2010 program because it is already positioned to accomplish its goals as a pilot program. So what we have here today is, in effect, an earmark for New York.

The next steps are to conclude the program, assess the results, and identify candidates of future pilots, if any, outside of New York. Funding remains available for New York to continue this program well into 2010. About 84 percent of the 2009 funding and 10 percent of the 2008 funding are presently unobligated. Award decisions for these funds are pending with one quarter left in the fiscal year. DHS knows of no unfunded requirements for this program. Remaining balances will enable New York to transition from a pilot to an ongoing regional operation. And that is what needs to happen.

Adding money to continue a completed pilot is not the answer. New York surely does not want to be dependent on year-to-year appropriations amendments to continue this vital protective function. This needs to move to a sustainment mode, run by New York and its partner communities. It needs to identify funding sources that can be used for this purpose, including these urban area security grants, of course, the Transit Security grants, and others. The New York area has received about $1.4 billion through these grants since 2003 and can expect about $298 million in new funding this year.

The amendment also earmarks $10 million for new radiation portal monitors. But here again, there is no identified requirement for additional funding. The ability to put this to use in 2010 is highly questionable.

The amendment's offsets, $5 million from the Office of the Secretary and Executive Management and $45 million from the Under Secretary For Management, are particularly troubling. We are already well below the request in these areas. We have trimmed salary increases. We rejected new investments in departmental facilities. Cutting more funds will result in a longer road to getting the Department of Homeland Security the American taxpayers deserve.

So I appreciate the intention of this amendment. I certainly appreciate the achievements of the Securing the Cities program. We know that this is a vital program and that these protective functions are important. But for that very reason, we need to get away from an earmark, and get away from a pilot program, and put this on the sustainment mode.

It is in that spirit and for that reason that I ask my colleagues to oppose this amendment.

I reserve the balance of my time.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Ms. CLARKE) assumed the chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The Committee resumed its sitting.

Mr. KING of New York. Madam Chair, I recognize the gentlelady from New York, the cosponsor of the amendment, and a really zealous fighter on this issue, Ms. CLARKE, for 90 seconds.

Ms. CLARKE. Madam Chairman, I would like to thank Ranking Member KING for yielding. I want to urge Members of the House to support the King-Clarke amendment to the fiscal year 2010 Homeland Security Appropriations Act, H.R. 2892. Neither the President's budget request for fiscal year 2010 nor H.R. 2892 includes funding for the Securing the Cities Initiative. This initiative has created the department's Domestic Nuclear Detection Office, which is charged with directing the Nation's capability to detect and report unauthorized attempts to develop or transport nuclear or radiological materials.

This amendment restores the Federal commitment to this critical antiterrorism initiative and funds it.

Since coming to Congress in 2001, I have worked with my colleagues on homeland security to protect our Nation against dirty bomb threats. In fact, my bill, the Radiological Materials Security Act, would help secure domestic sources of radiological materials that could be used to make a dirty bomb.

We recognize that in the 21st century there are many very technical ways, many technologically advanced ways, in which communities across this Nation can sustain attack. And we are stating through this amendment today that this program has created a protocol that is a model for the Nation.

So I urge my colleagues as we continue to grow in the 21st century and protect our critical cities and infrastructure that we will redirect funds to this particular program and that you will vote this amendment in order.

Mr. PRICE of North Carolina. I will continue to reserve.

Mr. KING of New York. Madam Chair, I yield 90 seconds to the gentleman from California and the ranking member on the committee, Mr. LUNGREN, 90 seconds.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Chair, some may wonder why someone from California would be here supporting an amendment that appears to be directed towards assisting the

other side of the country. It is because of the success of the program to this point. That is, this is not only for the City of New York, but it is for that entire region, and I believe it has shown how it can be replicated in other parts of the country. Also, the greatest concern I have of an attack by terrorists who wish to do us ill would be a nuclear attack of some sort in one of our major metropolitan areas.

The interdiction capabilities of this program could prevent a bomb from entering New York or from leaving the city to head to other parts of the region or Nation. And its lessons, I think, can help other cities around the country where similar initiatives could be implemented. And importantly, and this was used as a point of criticism I believe by the chairman, this amendment would provide $10 million for the procurement of radiation portal monitors, not just in the New York area, but from around the country. It seems to me that because of the success of this program, because of its opportunity for duplication and replication in other parts of the country, this is a worthy amendment.

I believe that these initiatives are designed to save lives. They are, in fact, not just regional but national in scope and deserve national support.

Radiation detection cannot be taken lightly. We must ensure that the federal commitment to a dedicated funding stream is there. So I would urge support of this amendment in restoring funding to the Securing Our Cities project, a critical national initiative and one of a kind.

Mr. KING of New York. Madam Chair how much time remains?

The CHAIR. The gentleman has 1 minute remaining.

Mr. KING of New York. Madam Chair, I yield myself the balance of my time.

Madam Chair, this initiative is extremely essential not just for New York but the entire Nation because it is very much expected that the next attack upon a major city will be launched from the suburbs, whether it is New York, Los Angeles, Chicago or wherever.

Now, on the issues raised by the chairman, I have great respect for the chairman. The fact is all of the 2008 funds have been designated. All of them, once all the materials come in, will be paid. Every penny has been designated.

Similarly for 2009, that money has been designated as well. There was a delay, not because of New York City, but because the department took so long in getting out the application. Once they were out, the city applied, and the money has been allocated and has been designated.

When the chairman mentioned the increase in New York funding since 2006, he picked 2006. That was the year that New York was cut by 40 percent. So that is really not a good barometer to be using. The fact is New York is the number one terrorist target in the country. New York remains the number one terrorist target in the country. My district lost well over 100 people on September 11. We dread the thought of another attack, certainly a nuclear attack.

This program works. I urge the adoption of the amendment.

Mr. PRICE of North Carolina. How much time is remaining, Madam Chairman?

The CHAIR. The gentleman has 90 seconds remaining.

Mr. PRICE of North Carolina. Madam Chairwoman, I will close and have no further speakers. But I do want, once again, to commend the gentleman for the spirit in which he offers this amendment and the zeal with which Members whom we all know and respect, like Mr. ISRAEL, Mr. SERRANO and Mrs. LOWEY, protect their cities and have defended this program.

We take a backseat to no one with respect to those efforts. We understand New York's unique needs and how successful this pilot program has been.

As a matter of fact, though, the money for carrying out the remaining aspects of this program is already in the pipeline. And these very arguments for the importance of this program are exactly why we need to take a more long-term approach and get away from a pilot program, get away from yearly amendments, yearly earmarks, and make this part of our permanent, long-term protective efforts. Of course, we will work with the New York delegation to find the resources that will let them do just that.

So I pledge my cooperation in that endeavor.

I hope the spirit of this opposition is well understood. We do want to work on this matter. We just believe that this amendment is not the right approach. And therefore we do ask for its defeat.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of New York. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. BILIRAKIS:

Page 2, line 9, after the dollar amount, insert ''(reduced by $1,700,000)''.

Page 15, line 20, after the dollar amount, insert ''(increased by $1,700,000)''.

Page 17, line 16, after the dollar amount, insert ''(increased by $1,700,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Madam Chair, I yield myself as much time as I may consume.

I rise to offer this important amendment which will help increase our Nation's visa screening capabilities overseas to stop the entry into our country of terrorists, criminals, and others who may wish to do us harm.

As a member of the Homeland Security Committee and a ranking member of the Subcommittee on Management, Investigations and Oversight, I have come to understand the importance of being proactive in strengthening our homeland security. At the same time, I have also become concerned about the inadequacies in the screening process and background checks conducted on those seeking temporary admission to our country.

While many visa seekers simply want to come here to study or work and comply with the terms of their visas, some do not. And some, as we tragically saw on 9/11, want to enter our country to wage war against us.

□ 1715

That's why we need to strengthen the process by which temporary visitors are screened prior to their entry into the United States. Congress recognized this weakness and created the Visa Security Program, which places Immigration and Customs Enforcement personnel overseas at risk locations to more carefully screen and investigate visa applicants.

This important terrorist detection program allows ICE to proactively investigate and review visa applications to identify potential terrorists or criminal suspects before they gain entry into the United States. That is the key.

Unfortunately, the administration did not seek increased funding for this valuable program in its budget request. While I am pleased that the bill we are considering today ensures that a portion of the funding for this program will be reserved to open several new visa security units in high-risk locations, I think we should provide additional resources to accelerate ICE's plan for expanding to other critical locations, which is what my amendment does.

ICE currently operates 14 visa security units overseas. My amendment increases funding for the Visa Security Program by $1.7 million which will allow ICE to stand up an additional

visa security unit. ICE has identified additional locations for new units but has not yet opened its units in these areas, largely due to the resource constraints.

To offset this increase, my amendment would take a corresponding amount from the Office of the Secretary, which under this bill receives $147 million, a $24 million increase over fiscal year 2009, including $3 million for establishing a new intermodal security coordination office that largely will duplicate existing department efforts.

We must be mindful of the way we spend our scarce resources. When it comes to security, we must avoid creating more bureaucracy and ensure that we are allocating funds where the risk is greatest. This amendment will help do that and ensure that the department is operating as effectively and efficiently as possible.

My amendment will provide needed resources to keep terrorists out of the country while still allowing sufficient funding for establishing an office for which the need is questionable.

I urge all of my colleagues to help strengthen our Nation's homeland security by supporting this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to salute the gentleman for a well-thought out and wise amendment. I will support the amendment, and I hope it wins.

Mr. BILIRAKIS. I reserve the balance of my time.

The CHAIR. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. PRICE of North Carolina. Madam Chairman, I rise also to thank the gentleman for this amendment, which would increase the budget for the ICE Visa Security Program by $1.7 million. This addition would be offset by corresponding reductions to the Office of Secretary and Executive Management, but not a devastating cut.

The committee has fully funded the $30.2 million request for the Visa Security Program, which is $3.4 million over the 2009 appropriations level already. This program places ICE agents and investigators overseas in embassies and consulates to assist State Department officials by investigating the criminal and terrorist backgrounds of those who apply for visas to come to the United States.

The committee also expanded the program by more than 45 percent in the 2009 Appropriations Act, and I recognize its ongoing importance for the security of our country. The additional funds proposed in this amendment will allow ICE to continue to accelerate its Visa Security Program deployments in 2010. In other words, it would build in a very positive way on the progress we were making. And with this in mind, I am happy to accept the gentleman's amendment.

I reserve the balance of my time.

Mr. BILIRAKIS. I yield myself the balance of my time to close.

I want to thank the chairman and the ranking member, and I urge my colleagues to help strengthen our Nation's homeland security by supporting this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BILIRAKIS. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $268,690,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $63,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $299,593,000; of which $86,912,000 shall be available for salaries and expenses; and of which $212,681,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $345,556,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $199,677,000 shall remain available until September 30, 2011.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $111,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $7,576,897,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems, to be awarded under full and open competition: *Provided*, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in

an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

PART B AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. KING of Iowa:

Page 5, line 20, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I yield myself 2 minutes.

This is an amendment that takes a million dollars out and puts a million dollars in, and it comes from time I spent on the border and time I worked with our Border Patrol officers, our law enforcement officers on the border over the last several years. I have been down to the border, traveled along primarily the Arizona border, and had our law enforcement officers point to the pinnacles and say, There are drug lookouts, drug smuggling lookouts and people smuggling lookouts up on top of the promontories. These are the equivalent of military positions.

I have actually personally walked a map around and had them put X's on the map to show me where these lookouts are, and over time, I developed this map that I have handed to the Secretary of Homeland Security. The locations are not disputed. This is a cat-and-mouse game that is going on between our law enforcement personnel all along the border, between ICE, the Shadow Wolves, and our Border Patrol personnel.

I had a conversation with John Morton, who is the new director of ICE. He recognizes this concern. I am encouraged that this administration has taken notice of the lookouts that control the smuggling routes and tip them off when our law enforcement personnel converge in.

Sometimes they will run a decoy, and this cat-and-mouse game has got to end. No nation can maintain its sovereignty if we are going to allow military positions, lookout positions to exist. So this million dollars is at the encouragement of ICE's people as well. A million dollars will be directed at taking out these lookout sites and removing this as a tool from our drug smugglers and our people smugglers on the border.

I think it is something that is a bipartisan piece of legislation and it ends the cat-and-mouse game. By the way, their request was Congress should have a voice on this when I had that conversation with ICE. And so I encourage support for this amendment.

Mr. ROGERS of Kentucky. Would the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the ranking member.

Mr. ROGERS of Kentucky. The gentleman has worked hard on this issue and has brought forth some information that is very helpful to us, and I support the amendment he has offered and salute him for offering it.

Mr. KING of Iowa. I thank the gentleman, and I reserve my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. The amendment simply increases and decreases funding for CBP salaries and expenses by $1 million with no statutory direction.

Now, my colleague would have us understand this amendment would somehow provide funding for a targeted border enforcement effort. I must respectfully disagree. In fact, it will do nothing of the kind.

The procedure used in this amendment is meaningless, having no effect, and establishing no legislative mandate. With no statutory significance, it also will have no impact whatsoever on the conference outcome with the Senate. It neither identifies the activity being defunded nor the one being augmented.

On that basis alone, and to discourage the use of this kind of parliamentary tactic to stretch out the time for general debate, I urge colleagues to defeat this amendment.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself 1½ minutes.

I would respectfully disagree with the gentleman. As I read my amendment, I think the dialogue I heard was it increases and then decreases funding. Actually, this amendment decreases and then increases funding. I don't know if that changes the gentleman's analysis of what the amendment actually does. I don't add to this funding. I simply decrease it and then add it back in.

I would have been happy to work with some language that would have perhaps been made in order, but in order for this Congress to have a voice on these lookouts—and this is drug smugglers that hold military positions, the equivalent of military positions that have stones stacked up like sandbags and people in there with semiautomatic weapons and have their supplies brought up to them by patrols that make sure that they have food and water and sometimes other things. They come and go as they see fit. We let them sit on top of these mountains and smuggle into the United States 90 percent of the illegal drugs that are consumed in the United States of America. And accompanying that are all of the violence, the death, the things that are associated with illegal drugs.

This amendment is clearly in order, and how this Congress speaks to this amendment is how ICE and the balance of the law enforcement personnel on the border will react.

I'm asking that we simply join our voices together and ask for enforcement so we don't concede these locations to the people who are smuggling 90 percent of the illegal drugs into America.

Mr. ROGERS of Kentucky. Would the gentleman yield?

Mr. KING of Iowa. I would be very happy to yield.

Mr. ROGERS of Kentucky. Are these lookout posts on U.S. soil?

Mr. KING of Iowa. On U.S. soil.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of my time in order to close.

As the ranking member from Kentucky said, this is something that I have done a lot of work on, and I am not the only Member of Congress who has gone to these lookouts. I have gone there and walked across the desert with our Shadow Wolves, for example, and had them point up and say, On that mountain, they have a position and they have state-of-the-art optical equipment, state-of-the-art radio equipment. They are watching every move that our Border Patrol, ICE, Customs and Border Protection, and Shadow Wolves are making on that southern border.

Whenever we deploy manpower, if we set up our ground-base radar that picks up humans, personnel walking across the desert, they know where our locations are. They shift their traffic accordingly. I have watched them run the decoy. I have been part of picking up 230 or 240 pounds of marijuana in one load that probably helped 2,000-some pounds go through another load.

We simply cannot tolerate in the United States of America, at least as much as 70 miles inside the United States—and I will be going down next week to look at some of these locations that are actually north of Tucson on the road to Phoenix. This is the United States of America, our sovereign territory, and playing cat and mouse with people there with semiautomatic weapons, supplies, smuggling drugs through the United States has got to stop. And this Congress should join together and,

with this amendment, ask them to do so to stop that activity and defend our soil and put an end to this. It would be a very good help to dramatically reduce the amount of illegal drug smuggling into the United States.

I urge adoption of the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $462,445,000, to remain available until expended, of which not less than $267,960,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $167,960,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $732,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $150,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including lifecycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress, and obligations and expenditures for all outstanding task orders as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: *Provided further*, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $513,826,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the

prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $682,133,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which $279,870,000 shall remain available until expended; of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,311,493,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days after the end of each fiscal quarter, on progress implementing the preceding proviso and the funds obligated during that quarter to make that progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That of the total amount provided, not less than $2,549,180,000 shall be for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigation and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That none of the funds provided under this heading may be obligated to co-locate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation, (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of Federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly is engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff''): *Provided further*, That none of the funds made available in this Act may be used to modify or restructure the bureaucratic organization of the Federal Protective Service as part of U.S. Immigration and Customs Enforcement.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $105,000,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $11,818,000, to remain available until expended: *Provided*, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,265,740,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,409,776,000 shall be for screening operations, of which $1,138,106,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $800,000,000 shall be available for the purchase and installation of these systems: *Provided further*, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,165,740,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: *Provided further*, That Members of the House of Representatives and Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of Homeland Security; the Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $103,416,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $992,980,000, to remain available until September 30, 2011: *Provided*, That not to exceed $5,000,000 may be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

□ 1730

PART B AMENDMENT NO. 2 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. DUNCAN:

Page 24, line 9, strike the dollar amount and insert ''$819,481,000''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. DUNCAN. Madam Chairman, former Congressman Sonny Callahan, a very respected former subcommittee chairman on the Appropriations Committee, told me that we had done all we needed to do on airplane security when we secured the cockpit doors. Whether you agree with him or not, that one very inexpensive action took away the ability to hijack and use airplanes the way they were used on 9/11.

Now we are about to appropriate $860 million for the Federal Air Marshal Service, and I believe this money could be much better spent in any one of hundreds of other ways. However, my amendment does not eliminate this agency, even though I do believe it is a needless, useless agency. And my amendment does not even cut its funding. All it does is freeze this agency at its current level of funding, $819 million.

Air marshals arrest an average of a little over four people each year. Even after my amendment, they would still be getting about $200 million per arrest. There must not be a softer, easier, more cushy job in the entire Federal Government than just to ride airplanes back and forth, back and forth, back and forth, many of them in first class. I would rather give this money to local law enforcement people who are fighting real crime, the street crime that people want fought.

Families all over this country are having to tighten their belts, and many millions are having to reduce spending. It would seem to me that the least we can do is stop giving big increases to agencies like this that really are doing almost no good at all. Actually, more air marshals have been arrested since 9/11 than there have been arrests by air marshals. This is an agency that has gone from just 33 before 9/11 to over 4,000 today.

Now, what TSA is doing at the airports, what all the other Federal, State and local law enforcement agencies are doing, what private companies are doing on security and all the many other things that are done on this bill on aviation security are more than enough. We need to realize that we cannot make everyone totally safe even if we spent the entire Federal budget on security.

I chaired the Aviation Subcommittee for 6 years and have always been a strong supporter of law enforcement and aviation security, but as one high-ranking former TSA official told me 2 days ago, this air marshal agency is simply ''gilding the lily.''

The Wall Street Journal said in an editorial a few months after 9/11: ''We would like to suggest a new post-September 11 rule for Congress: Any bill with the word ''security'' should get double the public scrutiny and maybe four times the normal weight, lest all kinds of bad legislation become law under the phony guise of fighting terrorism.'' That was from The Wall Street Journal when they noticed that almost every Department agency was requesting additional funds and using the word ''security'' to justify it, even unnecessary appropriations.

Everyone on both sides of the aisle, Madam Chairman, likes to call themselves fiscally conservative. Well, even if my amendment were to pass, this agency would be getting an almost 60 percent increase since 2003, more than double the rate of inflation since that time.

This amendment is bare bones fiscal conservatism, very minimal fiscal conservatism. And I might add that I have never had a run-in with an air marshal. In fact, I don't even believe that I know an air marshal, so this is nothing personal. But USA Today a few months ago had an article about this agency and all the troubles and problems they're having, and I can tell you that I think this agency at least should not keep getting huge increases in funding.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment with great respect for the gentleman from Tennessee who, after all, has labored in this body for many years in the areas of transportation and transportation security. I take what he believes very, very seriously. And I know that he offers this amendment in all earnestness.

I want to say more in a minute about what our committee has done to make certain some of the elements that he is looking for are indeed addressed; namely, by requiring a long-term assessment of the air marshal staffing needs. This is not something we should go on funding indefinitely without assessment or analysis; and we intend for that to occur. But I do not believe this amendment to simply flat-fund the Federal air marshals is the best approach.

The exact number of Federal air marshals is security-sensitive, but a reduction of $40.6 million, which the gentleman proposes, would result in a significant number of air marshals being let go, and TSA would have to put in place a hiring freeze for all of fiscal 2010. As a result, we would have fewer high-risk international and domestic flights covered. In fact, flight coverage would be below what it was in 2009.

With this funding reduction, it is possible that air marshals may not be on all flights during some high-consequence events, such as the 2010 Olympics or national special security events. Now, I'm sure that TSA would make every effort not to reduce coverage for such events, but we would need to worry about resources being spread thinly under the gentleman's amendment.

The funding reduction would limit the air marshals' ability to rapidly respond to unanticipated events as they did in the past, such as the U.K. liquid explosives threat, evacuation of U.S. citizens from Lebanon, or in response to hurricanes like Ike and Katrina. In addition, funding restrictions would affect air marshals' ability to support

TSA's VIPR teams. These are teams that conduct unannounced, high-visibility exercises in mass transit and passenger rail facilities and are designed to disrupt possible threats determined by reports from our intelligence community. So these air marshals do perform vital functions, and we need to know what we're doing if we cut back personnel levels.

Having said that, I do want to call the attention of colleagues to our report, page 74 to be explicit, where we discuss the long-term prospects for this air marshals program. We go into some detail about these additional security measures that the gentleman outlined which, indeed, may change the picture in the longer term. We don't know. We want DHS to reassess what is the appropriate long-term staffing level for the Federal air marshals in light of its new risk assessment model that better targets staff deployments.

So we have ordered up this study. Until we receive it, we believe it is premature to reduce funding for air marshals without the kind of sound analysis that would demonstrate what threats might be addressed or what might not be addressed if there is a diminished effort by the air marshal program.

So, again, with appreciation for the gentleman's history on this issue, I do respectfully urge a ''no'' vote on the amendment. But I do pledge to Members that we are going to undertake an assessment of this program for the long-term. And this time next year we will expect to have a much better analysis of what the long-term prospects should be.

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

Mr. DUNCAN. Madam Chairman, I will close by saying that, first of all, I appreciate the kind comments by the chairman of the subcommittee for whom I have the greatest and deepest respect.

I served on the conference committee that created the TSA. I do believe that aviation security is very important, and I do believe that this bill does many good things in that respect. But I also know that the Air Marshal Service has a horrendous record so far. And as I said earlier, when you think of the very few arrests that they've made, it comes out to an average of a little over four a year, or about $200 million per arrest. I can't think, really, of any Department or agency in the Federal Government that does less good with more money than this agency. And yet, in spite of that, I am not trying to eliminate the agency; I am not trying to cut its funding. All I've done by this amendment is advocate a freeze that would save a little over $40 million. And if we can't do that, then really we can't do anything that is truly fiscally conservative in this Congress. I think when we recently raised our national debt limit to over $13 trillion, I think we at least need to start taking a few baby steps like this. So I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DUNCAN. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

The Clerk will read.

The Clerk read as follows:

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and for repairs and service-life replacements for small boats for such requirements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,822,026,000, of which $340,000,000 shall be for defense-related activities; of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111/th/ Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,347,480,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $103,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $119,500,000 shall be available until September 30, 2012, for other equipment; of which $10,000,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities; of which $100,000,000 shall be available for personnel compensation and benefits and related costs; and of which $1,014,980,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $591,380,000 is for surface ships: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the

Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $10,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $19,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,457,409,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2011: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $883,346,000, of which $744,085,000 shall remain available until September 30, 2011: *Provided*, That of the amount made available under this heading, $155,000,000 may not be obligated for the National Cyber Security Initiative program and $25,000,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program; the specific goals and milestones set for the program; and the funds allocated to achieving each of those goals: *Provided further*, That of the total amount provided, $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance and outreach programs.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $351,800,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes—

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing such recommendations;

(4)(A) a certification by the Chief Procurement Officer of the Department that—

(i) the program has been reviewed and approved in accordance with the investment management process of the Department;

(ii) the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(iii) the plans for the program comply with Federal acquisition rules, requirements, guidelines, and practices; and

(B) a description by the Chief Procurement Officer of the actions being taken to address areas of non-compliance, the risks associated with such areas as well as any plans for addressing such risks, and the status of the implementation of such actions;

(5)(A) a certification by the Chief Information Officer of the Department that—

(i) an independent verification and validation agent is currently under contract for the program;

(ii) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architecture that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas; and

(iii) the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department investment decision makers; and

(B) a listing by the Chief Information Officer of all the program's high risks and the status of efforts to address them;

(6) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(7) a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $128,400,000, of which $30,411,000 is for salaries and expenses: *Provided*, That $97,989,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $844,500,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (Div. C Title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination.

PART B AMENDMENT NO. 7 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Speaker, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. POE of Texas:

Page 38, line 19, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 52, line 2, after the dollar amount, insert ''(increased by $32,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chairman, the amendment I am offering today seeks to add additional funding to the highly successful and widely supported National Predisaster Mitigation Fund. In a time of deficits and rampant government spending, predisaster mitigation is good for the taxpayer.

According to a study first released in 2005, the ''National Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities,'' performed by the group called the Multi-Hazard Mitigation Council, stated that for every $1 spent on mitigation, $3 to $4 is saved. Further, the Congressional Budget Office issued its own report on predisaster mitigation and its cost savings and confirmed the savings derived from this program.

According to these studies, this amendment that I'm offering could save anywhere from $96 million to $128 million in future disaster costs. In communities such as I represent along the gulf coast of Texas, predisaster mitigation is essential in weathering future devastating hurricanes which have ravaged my district in recent years in helping to reduce the cost towards recovery. Just since I've been elected, the following hurricanes have hit my southeast district in Texas: Katrina, Rita, Humbert, Gustav, and the latest is Ike.

Every year it seems, Madam Chairman, a new hurricane comes down Hurricane Alley through my congressional district, but also hits other gulf States. The purpose of this program is to implement hazard reduction measures prior to an event. Funds can be used to help retrofit buildings, such as the courthouse that is used as the Center for Emergency Management Services. Those retrofitting buildings can withstand high wind damage. Also it moves properties out of flood plains, and flood-proof buildings, among many other things.

The problem is requests for funding from this program is three times the amount of money that is actually available under current law. This amendment takes $32 million out of the $850 million of salaries. The $32 million figure comes from the amount that's over the President's request. And communities throughout Hurricane Alley and other areas in the country prone to devastation, such as earthquakes and wildfires, are all looking at ways to strengthen their defenses and avoid the often long and painful recovery.

□ 1745

The predisaster recovery program is a community-based program and emphasizes commitment to local input on what's needed. Over the last decade, the predisaster mitigation program has developed and grown as mitigation itself has become accepted as Federal policy. Adoption and expansion of mitigation as a beneficial approach for government has been bolstered by studies that demonstrated cost reductions following disasters due to earlier mitigation investments.

So I ask support of this amendment and support of communities that would benefit from this amendment before disaster strikes.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, the gentleman seeks to add $32 million for predisaster mitigation grants by cutting the same amount from FEMA's management and operations programs.

Again, I appreciate the gentleman's support for predisaster mitigation. I come from a State where both predisaster and postdisaster mitigation have been very important and often successful programs. And I believe the funding levels recommended by our committee in recent years have reflected this favorable evaluation.

But the offset the gentleman proposes is just untenable. I have to say that, and I want to spend some time in explaining it because I do respect the motivation that he brings to this effort.

We have, today, correspondence from State and local emergency managers who also think this offset is unacceptable. They oppose this amendment because it cuts critical FEMA programs, and, in particular, I have a letter dated today from the International Association of Emergency Managers along these lines.

The Congress has spent the last 4 years since Hurricane Katrina rebuilding FEMA's management and operations capabilities. At the time of Katrina, the agency was understaffed and unable to effectively manage a catastrophic disaster. It's my belief that the increases over the last 2 fiscal years were a major factor in FEMA's

return to strength as demonstrated during the response to Hurricane Ike and the Midwest floods.

I am afraid the gentleman's amendment could send us backwards. The gentleman would cut the account that supports the National Hurricane Program, the National Dam Safety Program, national continuity programs, disaster operations and disaster mitigation.

The committee supports predisaster mitigation. That's why we included a $10 million increase for predisaster mitigation grants above fiscal year 2009.

But the gentleman proposes a further increase, and I believe that should not come at the detriment of FEMA's operational readiness.

Besides, the grant program that the gentleman seeks to increase had $143 million that was unobligated or not spent at the time this bill was reported. In other words, there is a good deal of money in the pipeline.

So as a supporter of increased mitigation, and as the chairman of a committee that has championed increased mitigation, I believe we have enough funds for now to support ongoing mitigation work, and I think the offset would be detrimental to FEMA's readiness to respond to disasters.

So I respectfully urge a ''no'' vote on the amendment.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

I appreciate the chairman's input on my amendment.

As I mentioned earlier, the request for predisaster mitigation funds is three times what is available under current law. And I probably have dealt with FEMA as much as anybody in this House, not by choice, but because of the fact that our district keeps getting hammered by hurricanes, starting with Katrina. And the management system of FEMA has a lot to be desired. That has to be dealt with eventually in another issue.

Hurricane Rita, 2005, people in my congressional district are still living with blue plastic tarps on their roofs because of the inadequate response. That is why this bill is so important, because it allows for predisaster mitigation. It allows the hospitals to get a generator so that when they lose their power, they are able to take care of the patients that are in the emergency room. That is a portion of predisaster mitigation.

And I think it's imperative that we be proactive because it takes FEMA too long to respond to disasters, which drives up the cost of recovery. Some people in my district still say FEMA is the disaster.

We talked earlier on other amendments about the fact that a next terrorist attack may occur in New York City. That may be so. But Mother Nature, as we say in Texas, ''has a mad on'' for Hurricane Alley because we keep getting hammered every year with hurricanes.

And one way to help is to ratchet up the amount of money available in areas in the Gulf Coast and other parts of the country that have the likelihood of being hit by a major disaster. Where recovery takes a long time, and if we are prepared with just a third of the money that is needed to recover, we can be prepared, and communities can get back together a lot quicker.

So I would respectfully disagree with the chairman and say that we need to adopt this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $2,829,000,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) $15,000,000 shall be for the Citizen Corps Program.

(5) $250,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) $250,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C 70107(c).

(7) $12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(8) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) $50,000,000 shall be for grants in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(10) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(11) $40,000,000 shall remain available until expended for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as detailed in the statement accompanying this Act.

(12) $235,000,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $132,000,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; and $40,000,000 shall be for the Center for Domestic Preparedness, Alabama; and

(B) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University:

Provided, That not to exceed 3 percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 90 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (5) through (7) and (10), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, eligible applicants shall submit applications within 45 days after the grant announcement, and the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to

emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $800,000,000, of which $380,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $330,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,000,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to $90,080,000 may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to the ''Management and Administration'' account until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall report monthly beginning July 1, 2009, to the Committee on Appropriations of the House of Representatives regarding the number of individuals and households in need of Federal disaster assistance as a result of such severe storms, tornados, flooding, and mudslides (under FEMA–1841–DR) but denied assistance due to failure to meet flood insurance requirements. Such report shall include the reasons and circumstances for each denial per individual and household: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $159,469,000, which shall remain available until September 30, 2011, and shall be derived from offsetting collections assessed and collected under section 1308(b)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(3)), which shall be available as follows: (1) not to exceed $52,149,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(b)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(3)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That if the Administrator of the Federal Emergency Management Agency determines that such amount for salaries and expenses is insufficient, the Administrator of the Federal Emergency Management Agency may use amounts made available under this heading for flood plain management and flood mapping to pay for such salaries and expenses, but only if the Administrator submits to the Committees on Appropriations of the Senate and the House of Representatives notice of the Administrator's intention to use such funds for such purpose 30 days in advance of any such use: *Provided further*, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 shall be for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 (42 U.S.C 1366(i)) shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and as detailed in the statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $248,000,000, of which $100,000,000 shall be for processing applications for asylum or refugee status; and of which $112,000,000 is for the basic pilot program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: *Provided further*, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: *Provided further*, That none of the funds made available under this heading for may be obligated for development of the ''REAL ID hub'' until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'': *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $142,200,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $825,356,000, to remain available until expended: *Provided*, That of the amount provided, $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: *Provided further*, That not less than $2,000,000 shall be available for the Naval Postgraduate School: *Provided further*, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: *Provided further*, That $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: *Provided further*, That $4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: *Provided further*, That none of the funds available under this heading, in this Act, or in any previously enacted law shall be obligated for construction of a National Bio– and Agro–defense Facility located on the United States mainland until the Secretary of Homeland Security receives a risk assessment prepared by a person who is not an officer or employee of the Department of Homeland Security of whether foot-and-mouth disease work can be done safely on the United States mainland.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $39,599,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $326,537,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, office, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts

in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report listing all dollar amounts specified in this Act and accompanying explanatory statement that are identified in the detailed funding table at the end of the explanatory statement accompanying this Act or any other amounts specified in this Act or accompanying explanatory statement: *Provided*, That such dollar amounts specified in this Act and accompanying explanatory statement shall be subject to the conditions and requirements of subsections (a), (b), and (c) of this section.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, other transactional agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State and Local Programs.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as immigration information officers, contact representatives, or investigative assistants.

SEC. 513. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft by the earliest date possible.

(b) Checked baggage explosive detection equipment and screeners that exist as of the date of the enactment of this Act shall be used to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available for such purpose.

(c) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter.

(d) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirements of section 44901(g)(2) of title 49, United States Code.

(e) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' accounts for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly

reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 515. Any funds appropriated to the Coast Guard ''Acquisition, Construction, and Improvements'' account for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 516. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 517. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2009'' and inserting ''2010''.

SEC. 518. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 519. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by Section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 520. For fiscal year 2010, none of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 522. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through other than full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 523. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies.

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 527. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 528. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 529. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 530. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.): *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 531. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 532. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2009'' and inserting ''Until September 30, 2010,''; and

(2) in subsection (d)(1), by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''.

SEC. 533. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 534. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal

Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 535. Notwithstanding any other provision of law, in the fiscal year 2010 or a subsequent fiscal year, if the Secretary of Homeland Security determine that the National Bio– and Agro–defense Facility should be located at a site other than Plum Island, New York, the Secretary shall liquidate the Plum Island asset by directing the Administrator of General Services to sell, through public sale, all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as the Secretary determines are necessary to protect government interests and meet program requirements: *Provided*, That the proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio– and Agro–defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs referred to in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 536. Any official who is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 537. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, Unites States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $2,203,000 is rescinded.

SEC. 540. The explanatory statement referenced in section 4 of Public Law 110–161 for ''National Predisaster Mitigation Fund'' under Federal Emergency Management Agency is deemed to be amended—

(1) by striking ''Dalton Fire District'' and all that follows through ''750,000'' and inserting the following:

''Franklin Regional Council of Governments, MA	250,000
Town of Lanesborough, MA	175,000
University of Massachusetts, MA	175,000'';

(2) by striking ''Santee and'';

(3) by striking ''3,000,000'' and inserting ''1,500,000'';

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

''Town of Branchville, SC	1,500,000'';

and

(5) by striking ''Public Works Department of the City of Santa Cruz, CA'' and inserting ''Monterey County Water Resources Agency, CA''.

SEC. 541. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 542. From the unobligated balances of prior year appropriations made available for the ''Infrastructure Protection and Information Security'' account, $5,963,000 is rescinded.

SEC. 543. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for acquisition, construction, and improvements for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 544. For fiscal year 2010 and hereinafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 545. (a) EXTENSION OF PROGRAMS.—Section 143 of Division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580 et seq.), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.—

(1) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2009, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(A) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including—

(i) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(ii) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(B) subject to the availability of appropriations for such purpose, provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(C) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be jointly reviewed by the Office of the Inspector General of the Social Security Administration and the Office of Inspector General of the Department of Homeland Security.

(2) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under paragraph (1) for any fiscal year beginning on or after October 1, 2009, has not been reached as of October 1 of such fiscal year, the most recent agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under paragraph (1) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this paragraph, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means of the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and the Committee on Finance of the Senate of the failure to reach the agreement required under paragraph (1) for such fiscal year. Until such time as the agreement required under paragraph (1) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

(c) GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a)

of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(2) MATTERS TO BE STUDIED.—In the study required under paragraph (1), the Comptroller General shall determine and analyze—

(A) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(B) the processes by which such erroneous tentative nonconfirmations are remedied; and

(C) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Finance of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives.

(d) GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM ON SMALL ENTITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives a report containing the Comptroller General's analysis of the effects of the basic pilot program described in section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(A) the costs of compliance with such program on small entities;

(B) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of such program on small entities;

(D) factors that impact small entities' enrollment and participation in such program, including access to appropriate technology, geography, entity size, and class of entity; and

(E) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(3) SPECIFIC CONTENTS.—The report shall provide specific and separate details with respect to—

(A) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(B) small entities operating in States that have mandated use of the basic pilot program.

SEC. 546. (a) IN GENERAL.—Strike subparagraphs (A) through (C) that appear within section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447) and insert the following:

''(A) SECRETARAY OF STATE.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of State until expended for programs and activities—

''(i) to increase the number of consular and diplomatic security personnel assigned primarily to the function of preventing and detecting fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15);

''(ii) otherwise to prevent and detect visa fraud, including fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), as well as the purchase, lease, construction, and staffing of facilities for the processing of these classes of visa, in consultation with the Secretary of Homeland Security as appropriate; and

''(iii) upon request by the Secretary of Homeland Security, to assist such Secretary in carrying out the fraud prevention and detection programs and activities described in subparagraph (B).

''(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).

''(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

CLARIFICATION OF FEE AUTHORITY

SEC. 547. (a) IN GENERAL.—In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) CONSTRUCTION.—Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

SEC. 548. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''October 4, 2010''.

SEC. 549. For Fiscal Year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by entering into a contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference. In the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

SEC. 550. From unobligated balances for fiscal year 2009 made available for the Federal Emergency Management Agency ''Trucking Industry Security Grants'' account, $5,572,000 is rescinded.

SEC. 551. None of the funds made avilable in this Act may be obligated for full–scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: *Provided*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Adveced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds provided in this Act may be obligated for high-risk concurrent development and production of mutually dependent software and hardware.

SEC. 552. (a) As part of a plan regarding the proposed disposition of any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, the Secretary of Homeland Security shall conduct a threat assessment for each such individual who is proposed to be transferred to the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories that—

(1) determines the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories if the individual were so transferred; and

(2) determines the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories if the individual were transferred to such a facility.

(b) Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

''(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

(c) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States, parole into the United States, or classification as a refugee or applicant for asylum) to any individual who is detained, as of April 20, 2009, at Naval Station, Guantanamo Bay, Cuba.

(d) Nothing in subsections (b) and (c) shall be construed to prohibit a detainee held at Guantanamo Bay from being brought to the United States for prosecution.

□ 1800

PART B AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chair, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. KING of Iowa:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The CHAIR. Pursuant to House Resolution 573, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. I yield myself 2 minutes.

My amendment prohibits the Department of Homeland Security funds in this bill from being used to hire illegal immigrants. The Immigration and Nationality Act is very clear. Section 274(a) makes it a crime to knowingly hire or employ an illegal immigrant. There are no exceptions.

Despite the law, over 8 million illegal immigrants currently have jobs in the United States, and some of those are no doubt employed by and with DHS funds under Federal contracts.

Unemployment today is at over 15 percent for lower-skilled American workers. Congress should do anything possible to end the hiring of illegal immigrants and save those jobs for American workers, Madam Chair.

A 2006 audit report by the Office of Inspector General indicates that the U.S. Government was the Nation's most egregious employer of illegal aliens. Seventeen of the top 100 offending employers were Federal, State, or local government entities. This report also found that, of the sample, 44 percent of the government workers were unauthorized workers, and 3 percent of government workers had no immigration status whatsoever.

These numbers are alarming. The IG report raises a national security issue. The report states, ''Noncitizens who work without DHS authorization could affect homeland security because they may obtain employment in sensitive areas.''

The report goes on to say that the People's Republic of China ranked fourth and Iran ranked sixth among the top 10 countries of birth for employees that were audited in this report.

With the unemployment rate at 9.4 percent, we have got to stop the hiring of illegals, and the Federal Government has to lead the charge.

I reserve the balance of my time.

Mr. PRICE of North Carolina. I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. PRICE of North Carolina. I would reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I'd yield such time as he may consume to the ranking member, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding and I thank him for this amendment, and I support it fully. The administration's new policy on worksite enforcement, from my point of view, amounts to de facto amnesty.

The raid that was made in Seattle after this administration took office, where the 24 or so illegal aliens who got their job by false papers were seized and arrested and then turned loose and, on top of that, given a work permit, that's the new policy of this administration. So that an illegal alien knows that if he or she is working in a place that's raided, they can get a permit to go back to work, which makes them legal.

So, as far as I'm concerned, the new policy of the administration is de facto amnesty, and the gentleman's amendment reaches a part of that issue, and I salute him for it. But I hope and trust that the administration will come to their senses and give us a rational immigration policy that requires worksite enforcement at a time when American citizens of the country are out of work, that will enforce the illegal alien laws on the books.

And I thank the gentleman for yielding.

Mr. KING of Iowa. Reclaiming my time, and thanking the ranking member from Kentucky, I would just add that we as employers on this Hill are now required to use E-Verify with our employees. This isn't too high a standard to ask of the balance of the Federal Government, particularly within this appropriation.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield such time as she may consume to the chairwoman of the Immigration Subcommittee of the Judiciary Committee, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. PRICE.

In looking at this amendment, I think it's important for Members to know that they can either vote for it or against it. It doesn't really matter because it's a restatement of existing law.

I would direct the attention of Members to section 274A(h)(3) of the Immigration and Nationality Act, 8 U.S. Code 1324a(h)(3), which says, and I read it, in part, authorized alien means with respect to the employment of an alien at a particular time the alien is not at that time either lawfully admitted for permanent residence or authorized to be so employed by this act or by the Attorney General.

As I say, this provision is not necessary. Current law also requires all employers to verify the employment authorization of employees here in the Federal Government, and there already are criminal and civil penalties for hiring unauthorized immigrants. Again, that is current law.

Current law also permits employers to electronically verify the employment eligibility of employees pursuant to section 401 and 402 of Public Law 104–208, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That is the E-Verify program that Members are aware of.

Current law requires the legislative and executive branches of the Federal Government to use E-Verify to verify the employment eligibility of their employees pursuant to section 402(e)(1) of Public Law 104–208; again, the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

So, I provide this information to Members not as an advocate for or against the amendment, simply to note that this is a restatement of existing law.

Mr. PRICE of North Carolina. I thank our colleague for those clarifying remarks and yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, may I inquire as to how much time remains?

The CHAIR. The gentleman has 90 seconds remaining.

Mr. KING of Iowa. Thank you, Madam Chair. I yield myself the balance of my time.

I would just reiterate that the Federal Government is among the most egregious violators of hiring illegal workers, and that's been brought out in this IG report that I spoke to in my opening remarks.

Seventeen of the top 100 violating entities were government entities, with 44 percent of the government workers that were part of this study were unauthorized. It didn't mean they were all illegal; it meant they were not verified.

And so I recall back in 1986 when the amnesty bill was passed, the last big amnesty bill was passed, I remember the fear that the INS would come into my office, and I made sure that I dotted all the I's, crossed all the T's, verified the identification, and kept the I–9 file on record. And they're still on record someplace in my archives. I think that is the kind of due diligence that the Federal Government—all government ought to support.

This is an amendment that one might argue that it doesn't directly change policy. I would agree with the

gentlelady, the Chair of the Immigration Subcommittee, on that, but it reinforces and it reiterates a policy. There are no exceptions to violation of that section of the code.

This is an amendment also that passed on this particular appropriations bill in 2007. It's something that has had broad support across this country, and it really should not be controversial. It should be something that we should all join together with, and hopefully we will be able to move along and get to the point where the right, left, and middle hand knows what the others are doing.

I urge adoption of the amendment.

□ 1815

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr KING of Iowa. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Madam Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 6 offered by Mr. NEUGEBAUER:

At the end of the bill (before the short title) add the following new section:

SEC. ____. The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) ''Office of the Under Secretary for Management'', $200,000,000.

(2) ''Office of Inspector General'', $5,000,000.

(3) ''U.S. Customs and Border Protection—Salaries and Expenses'', $160,000,000.

(4) ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', $100,000,000.

(5) ''U.S. Customs and Border Protection—Facilities Management'', $420,000,000.

(6) ''U.S. Immigration and Customs Enforcement—Automation Modernization'', $20,000,000.

(7) ''Transportation Security Administration—Aviation Security'', $1,000,000,000.

(8) ''Coast Guard—Acquisition, Construction, and Improvements'', $98,000,000.

(9) ''Federal Emergency Management Agency—State and Local Programs'', $300,000,000.

(10) ''Federal Emergency Management Agency—Firefighter Assistance Grants'', $210,000,000.

(11) and ''Federal Emergency Management Agency—Emergency Food and Shelter'', $100,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Madam Chairman, I yield myself 3 minutes.

These are unprecedented times in our country. We have people that are out of work. We have people that are losing their homes. Businesses are closing. And a lot of people wonder, how did that happen? When some people look for the cause of that, they say that unbridled spending and borrowing by individuals, by companies and even by government brought us to this point in our country where our economy is in a deep slump. Many of those families are having to make a lot of changes in their lives, making sacrifices.

Unfortunately, the Federal Government is not doing the same thing. At a time when across this country American families are tightening their belts, stopping the unlimited spending and borrowing, the Federal Government continues to do just that. In fact, Madam Chairman, this year we're on track to have a $2 trillion deficit. Now just for those folks that don't know what $1 trillion is, if you had to count to 1 trillion, it would take you 17,000 years. So if you are going to count to 2 trillion, it is going to take you 34,000 years.

So what does my amendment do? What this does is it just says, this stimulus money that we put into Homeland Security, some $2.7 billion on top of the $43 billion that we had already approved for FY09 and we're now talking about approving $43 billion for 2010, basically it says, you know what, we're going to have to tighten our belts. So it takes that stimulus money out.

Now you say, Well, why would you do that? Well, what we've already heard from a number of people, including administration officials, is, Hey, we may not be spending this correctly. We may not have gotten it right. Well, let me tell you, when people back home are having to tighten their belts and when they are looking at some of the largest deficits in the history of this country, they want Congress to get this right. What this does, it preserves the many programs that are already important and that many people have spoken on behalf of; but it doesn't let them continue to spend this $2.7 billion that, quite honestly, we didn't have to begin with. It's one thing to spend additional money when you have it; but when you don't have it, it's another issue.

The people back home are faced with that very same issue. I got a letter from one of my constituents in Abilene, Texas, the other day. It said, Congressman, you know what, we got caught up in the credit card and borrowing; and it said, We've stopped that. We've quit charging a lot of things we used to charge. We have not taken the vacations we were taking. We've dropped a lot of items. We were doing it, and now we're saving.

The question she asked, Congressman, why isn't the Federal Government doing the same thing? Do they not understand that we cannot continue to run these deficits at these levels, continue to spend money that we do not have? Madam Chairman, we have to stop this. We cannot leave a legacy for future generations where they have no future. It is projected in just a few years that we will be paying interest to the tune of $1 billion a day—$1 billion a day in interest. And that interest doesn't do anything for our country. It pays back countries like China and Japan for the money that they have provided to support our borrowing and spending habit. It's time that we stop that. This is a commonsense approach. It keeps the funding at a constant level, but it takes away this $2.7 billion that we didn't have in the first place.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, it's clear what the gentleman's amendment does. It reduces funding levels in various accounts in this bill by the amounts appropriated in the Recovery Act. Just as a few examples, he cuts $200 million from the Under Secretary for Management because there was $200 million in the Recovery Act for the new DHS headquarters at St. Elizabeth's. But there's no money in this bill for the new DHS headquarters. He's just cutting management and oversight for the Department by more than 75 percent.

He cuts $5 million from the Inspector General because there was $5 million specifically included to help monitor Recovery Act expenditures. But there's no money in this bill specifically for Recovery Act oversight. It simply comes out of the Inspector General's Office and the critical work that he does.

He cuts $420 million from the CBP budget for facilities management because there was $420 million included in the Recovery Act to replace and renovate land ports of entry into the U.S.. But there's no money in this bill for such construction. So it's really just an indiscriminate and enormous cut to the general upkeep of Border Patrol and Customs facilities.

The gentleman cuts $210 million from the Firefighter Assistance Grants program because there was $210 million included in the Recovery Act for fire station construction. But there's not a penny in this bill for fire station construction. This amendment would reduce grant funding for firefighter equipment by over 50 percent, at a time when local firefighter budgets are already on the chopping block.

The effect of this amendment is very different from the effect of simply rescinding Recovery Act funds. Rather than erasing the effect of stimulus moneys provided through this title in the current year, it guts the ability of the agency to function in the coming year. It would nearly eliminate the budgets for hiring personnel, managing equipment purchases, departmental security, and DHS facilities. If this amendment passes, the Kansas City Royals—not exactly the biggest spending team in baseball—would spend more on player payroll than the third-largest department in the Federal Government would have to manage its affairs. CBP couldn't pay rent for their existing facilities. Modernization of airport screening for explosives and advancements permitting passengers to safely carry larger containers of liquids onto planes would grind to a halt. I think that's probably enough to illustrate just how destructive this amendment would be and how indiscriminate it would be.

I urge my colleagues to oppose this devastating amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. The chairman brings up the point that we are gutting this bill. In fact, we are not gutting this bill. We're just trying to give the American taxpayers some of their money back, $2.7 billion. And unfortunately it was $2.7 billion that we didn't have. If he has some other areas that would be better served by cutting those programs, I would love to have that discussion with him. But the bottom line is, I was on an airplane coming back to Washington. I had two people come up and say, Congressman, y'all have got to stop this spending. We can't afford it.

And you know who even gets that more than anybody? I have a 10-year-old grandson Nathan, and I gave Nathan a gift card not too long ago. He and I went to the store, and he went around the store and gathered up a lot of things that he thought would be something that he would like to have. And when he got to the counter, he realized that had he more items in his basket than he had money on his gift card. So he didn't turn to his granddaddy and say, Granddaddy, can you spot me a little extra? He took those items that he couldn't afford back to the shelf where they belonged. That's what the American people want us to do. They want us to do what my 10-year-old grandson Nathan did, and that is to understand that we have a finite amount of money. We cannot break this country. And if we keep spending like this, we are going to break this country.

When we passed this $782 billion stimulus package, we then came back and we started bailing out automobile companies. We had an omnibus bill, $400 billion. We passed a $3.7 trillion budget. People in America, Madam Chairman, are saying, What in the world are y'all doing? The young family back in Abilene, Texas—they get it. Nathan Neugebauer, my 10-year-old grandson, he gets it. I'm wondering when the United States Congress is going to get it.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART C AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Emergency Management Agency—National Predisaster Mitigation Fund'' shall be available for a grant to the City of Emeryville, California.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would remove $600,000 from the city of Emeryville, California, and return the money to FEMA's Pre-Disaster Mitigation account. The Pre-Disaster Mitigation account used to be awarded solely on the basis of merit. When we established the Department of Homeland Security, we were told time and time again, Don't worry. We're not going to earmark any funding in this legislation, or this bill will not be earmarked. We were told that for a couple of years. Now guess what—it was earmarked a couple of years ago. Now more, now more, now even more. Now there are well over 100 earmarks in the bill.

Of course the State of California is no stranger to floods. In fact, according to FEMA, since the year 2000, parts of California have been declared a major disaster due to flooding five times. But there are many other areas of the country that also suffer from flooding. Louisiana, we all know, is a State that often gets pounded with hurricanes and has also had five major disaster declarations due to flooding in the past 10 years alone. Yet Louisiana doesn't receive a single earmark in this year's Pre-Disaster Mitigation fund. How can this be? The answer is easy. When you abide by a process that rewards some Members over others, you wind up with a spoils system. And I would submit that's what we have with the Pre-Disaster Mitigation fund is a classic spoils system. Unless we can determine that mother nature somehow finds those districts represented by appropriators and sends more floods, more earthquakes, more natural disasters somehow to those districts or to the districts of powerful people on powerful committees, then we have a spoils system. That is an example here.

When we look at this year's Pre-Disaster Mitigation earmarks, we see of the $150 million appropriated for the grant program, altogether in this year's bill, more than $24 million is earmarked. There are a total of 58 predisaster earmarks. Nearly 30 percent of them go to members of the Appropriations Committee. When you consider the dollar value of these 58 earmarks, the picture becomes even bleaker. Nearly 40 percent of the funds earmarked for Pre-Disaster Mitigation are going to districts represented by members on the Appropriations Committee.

Again, unless Mother Nature knows which districts are represented by appropriators, we've got a problem here. Appropriators make up just 13 percent of this legislative body. So 13 percent of the House will take home 40 percent of Pre-Disaster Mitigation spoils. Homeland Security earmarks, as a whole, favor Members who serve in a position of power, either as an appropriator, in leadership, as a chairman or a ranking minority member of the committee. If that's not a spoils system, I don't know what is. We ought to let this Pre-Disaster Mitigation program work as it should.

A while ago the Department of Homeland Security asked if this account could be distributed with a risk-based formula, but the committee said no. They wanted to keep the same competitive grant formula, a competitive grant formula that really isn't competitive at all because a quarter of it is already earmarked; and within a few years, it will probably all be earmarked. And guess what—it will largely go to the districts represented by appropriators or those in powerful committee positions.

I urge the adoption of the amendment.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, if this amendment were to be adopted, the locality that is targeted, namely, the city of Emeryville,

would not receive funding, nor would the locality even be able to compete for a Pre-Disaster Mitigation grant through FEMA because the amendment would strike any Pre-Disaster Mitigation funding for that locality for the fiscal year 2010.

Now, Madam Chairwoman, FEMA has reviewed every mitigation project in this bill. Each project was deemed eligible based on the requirements in the Stafford Act and will be used to protect lives and reduce property damages in some of the most hazard-prone areas of the country. There should be no question that this request underwent rigorous scrutiny and meets the test of being aligned with and supporting the missions of DHS.

□ 1830

So I urge colleagues to defeat this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. PRICE of North Carolina. I would yield, yes.

Mr. ROGERS of Kentucky. I want to join the gentleman in saying that we have scrubbed these congressionally directed spending in this bill unlike anything before. They are clean, and they are needed in the areas where they have been congressionally directed. So I join the gentleman in opposing this amendment.

Mr. PRICE of North Carolina. I thank the gentleman.

Madam Chairman, I am happy now to yield to our colleague from California (Ms. LEE).

Ms. LEE of California. Let me thank both gentlemen for their support and for understanding the necessity really for this congressionally directed spending, Federal funding, better known as an earmark to some.

Let me just say that I do rise in opposition to the amendment offered by the gentleman from Arizona and in support of the request for funding that was made by the city of Emeryville in my district for funding through FEMA's Predisaster Mitigation Program.

Let me just start by saying that I respect the gentleman from Arizona (Mr. FLAKE). We have worked together in the past on many issues related to lifting the embargo on Cuba and normalizing relations with that country and on many, many issues. But I believe he is wrong about the funding I requested in the Homeland Security Appropriations for the city of Emeryville's Community Emergency Safety Facilities Project.

The city of Emeryville is in my district. It has a dense population of nearly 10,000 residents and a 1.2 square-mile region. Although much smaller in size than the neighboring city of San Francisco, this small city has become a leader in interagency cooperation and for the new economy innovation. On behalf of the city of Emeryville—now, this was the only request that I made—I requested $600,000 to help finance the seismic retrofitting of the city's principal, and this is the only, emergency community gathering and housing facility in the event of a natural disaster. It's the Emery Unified High School gymnasium. The city has requested these funds to finance 15 percent of the initial cost for phase one of the project for ''seismic planning and development,'' which in total would cost about $4 million. The balance of the funding will come from redevelopment funds directly from the city of Emeryville and also an anticipated local bond between $40 million and $75 million that will also direct some funds to the project.

The remainder of the necessary capital, which is expected to finish this project, will come from State, local, and Federal sources, including school facilities funding, competitive State bond programs, and Federal development or infrastructure grants.

Several years ago an evaluation of the Emery Secondary School gymnasium was conducted based on FEMA's criteria for structurally sound facilities and came to the following conclusion: without seismic strengthening of the buildings, they could experience high levels of localized structural and nonstructural damage in a moderate or large earthquake sufficient to pose unacceptable high levels of risk to the life safety of the buildings' occupants.

The Hayward Fault, which runs through Emeryville and the two neighboring cities of Berkeley and Oakland, is considered one of the most dangerous earthquake faults in the world. Scientists agree that the Hayward Fault could soon experience a large earthquake with an impact on many densely populated cities throughout the bay area. The Hayward Fault has ruptured about every 140 years for its previous five large earthquakes, and this past October marked the 140th anniversary of the 1868 earthquake, which was approximated to be a magnitude of about 7.

The recent earthquake disasters around the world highlight the need for the highest level of structural safety in our schools and emergency facilities.

This is the only request and I'm just asking that we support this, Madam Chairman. I would certainly support any disaster mitigation efforts for Mr. FLAKE's district should a disaster hit his district. I would also support funding to alleviate that.

Mr. FLAKE. Madam Chair, let me just say again here's a chart. This is FEMA predisaster earmarks secured by appropriators, leadership, committee Chairs, and ranking members. If we look here at fiscal year 2009 and 2010, again 49 and 51 percent respectively, the money is going to powerful appropriators or committee Chairs or ranking minority members that represent just 25 percent of the body.

Again, I will yield anybody time who can stand and say with a straight face that Mother Nature targets districts represented by appropriators or committee Chairs or ranking minority members. I don't think that's the way it is.

I have great respect for the gentlewoman from California. We have worked together on a number of issues. And this is not just an issue that anybody has with this particular earmark, but it is with many in this piece of legislation. We need to ensure that FEMA looks and does this on a risk-based way where they look at risk and award accordingly. When Members of Congress do an earmark, it simply becomes a spoils system; and, unfortunately, I think that's what we are seeing here.

So I would urge support for the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

PARLIAMENTARY INQUIRY

Mr. CULBERSON. Madam Chair, parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. CULBERSON. Madam Chair, could we ask the Clerk to please read the text of the amendment so we can be sure which amendment is before the House.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Part C amendment No. 5 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Emergency Management Agency—National Predisaster Mitigation Fund'' shall be available for a grant to the Harris County Flood Control District, Texas.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment would remove an earmark of $1 million for the Harris County Flood Control District and would return money to FEMA's Predisaster Mitigation Fund. This is a similar amendment to the one that I just offered. These are earmarks to the Predisaster Mitigation Fund, as I mentioned before.

It used to be that when organizations at the local level wanted to apply for this funding, they submitted a proposal to FEMA. FEMA has a 70-page guidance document for people applying for these grants. Unfortunately, when people apply now, 25 percent of the money that was in this grant program is gone because it's earmarked. It's been taken away, taken off the top. Where it really wasn't before. And as I mentioned before, when you have one-quarter of this funding taken, we find that 40 percent of the value goes to just 25 percent of the Members or actually 40 percent of the value goes to just 13 percent of the Members in this body, those districts represented by appropriators.

And, again, I will gladly yield time to anybody who can stand and say that Mother Nature targets districts by appropriators or other powerful Members more than Mother Nature does other districts. It simply doesn't happen.

But, again, FEMA has asked if they could establish a more risk-based program where they could evaluate risk and allocate funding accordingly. That's how it should be done. But we in Congress have said no, because why? We like the system how it is because it's easy to earmark and it makes it more likely that Members, particularly of the Appropriations Committee, can get earmarks for their district. And that's what we have here.

In this particular case, this flood control district, before we started earmarking this account, applied for a grant under the Predisaster Mitigation Program and got a grant. So competitively they established that they had need for it. That's how it should be. But then the next year I don't know if it was going to get the grant or just didn't want to apply, but money was earmarked and then the next year earmarked again. Now this year there's another earmark for that same flood control district.

I think it's time to let FEMA decide under a risk-based formula where this funding should go. We all know the process here. It's why we have a commission to close military bases because we simply can't discipline ourselves as Members to say that base in my district may need to be closed, and then we move to protect other people's bases if they'll protect ours. The process of logrolling takes effect. That's why it's best to establish criteria and let the agency do the work. If we don't like how they do it, we exercise oversight and force them to change the program and to do it equitably. But to do it this way just means that a spoils system occurs, and that's what we have here.

Madam Chair, I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, the gentleman from Arizona's amendment purports to be fiscally conservative.

I have, as a Member of Congress over the years, established one of the best fiscal conservative ratings in Congress. I voted against $2.6 trillion of spending under President Bush, $1.3 trillion so far under this President. I've consistently been ranked as one of the most fiscally conservative Members of Congress. And we, each of us, are elected by our districts to use our good judgment, to use discretion and, in my case, fiscally conservative standards in those spending requests that we push forward, those that we set aside. I've worked aggressively with my ranking member and members of this committee to try to save money in this bill and others.

But the city of Houston, Harris County, has suffered in just the most recent hurricane, Hurricane Ike, which just hit the gulf coast. It hit Houston the hardest, $2.1 billion worth of damage to southeast Texas that the Federal Government has reimbursed. The city of Houston alone, Harris County, home damage: $8.5 billion worth of damage to homes in Harris County.

Now, I asked for very little as a Member of Congress to try to help the people of Houston. One area where we need help is in flood control. One area where we clearly need help is in mitigation to prevent additional damage.

In fact, because of the work I've done as a member of the Appropriations Committee and in the very few areas I asked for help on are national security, border security, medical and scientific research, and in flood control. And in flood control, the homes along Braes Bayou, for example, didn't flood. The Texas Medical Center, Mr. FLAKE, did not flood as a result of this hurricane because of work that I was able to do with the help of my colleagues on the Appropriations Committee, the Harris County delegation working together.

Mr. FLAKE's amendment would strike all Federal funding for all of Harris County flood control. His amendment not only would save no money. To all my fellow fiscal conservatives out there watching, that would be one thing.

Your amendment saves no money, and you would eliminate all Federal flood control money for all Harris County, which just got hammered by the biggest hurricane to hit southeast Texas in my lifetime.

□ 1845

Now let me yield briefly to my ranking member, Mr. ROGERS, and I would be proud to yield to my chairman, Mr. PRICE.

Mr. ROGERS of Kentucky. I join the gentleman in opposing the amendment.

I think the gentleman would be derelict in his duties to the Congress and to the people of his district and the country if he didn't make these efforts to help the people that he represents. That is not a unique thing to try to help the people that you represent in the U.S. Congress. And I salute the gentleman.

Mr. CULBERSON. In a fiscally conservative way I may add. And I'm proud to yield to my chairman, Mr. PRICE, from North Carolina.

Thank you, Mr. ROGERS.

Mr. PRICE of North Carolina. I commend the gentleman for looking out for his people, looking out for his home area and crafting an amendment that is responsive to some very real perils. And I will just say, once again, these proposals have been vetted by FEMA. There is no question they underwent rigorous scrutiny. This is consistent with the Stafford Act and will protect lives and reduce property damages in this locality. So I commend him for his advocacy.

Mr. CULBERSON. Thank you, Mr. Chairman.

I would also say that each one of us, as Members of Congress, how I for myself have said from the moment I was appointed to the Appropriations Committee, I have published every request that I submit for designated spending on my Web site. I was the first Member of Congress to send a Twitter message from the Oval Office, the first one to send a Twitter message from the floor of Congress. I love technology. My hero, Thomas Jefferson, always said to try all abuses at the bar of public opinion. And I believe very strongly in transparency and openness. I published every appropriations request I have ever made on my Web site since 2003. I was the first Member of Congress to do so. I published every appropriation, designated funding request, that I received on my Web site since 2003. I believe I was the first Member of Congress to do so, because I don't ask for much. I will not make a funding request for a private individual or a private company. I limit them to national security, border security, local units of government, State Government, or the Texas Medical Center, God bless them, the great work they are doing at M.D. Anderson Hospital, medical or scientific research, the Nation's space program or flood control. The Houston ship channel will silt up in 6 months unless we on the Appropriations Committee direct the Army Corps of Engineers to dredge it. They would not have built a railroad bridge connecting Galveston Island to the Texas mainland

unless the Homeland Security Committee, and I want to thank Mr. ROGERS and Chairman PRICE again, for connecting the Galveston Island to the mainland. That is not even in my district, nor is the Houston ship channel.

These are fiscally conservative, prudent requests, Mr. FLAKE. You in Arizona, I have to tell you, are just not familiar with Harris County. I don't think you will find any Member of Congress with higher fiscally conservative standards than I have. And I think the request is entirely appropriate. It is absolutely necessary for an area that got hammered by the hurricane.

And I urge defeat of the Member's amendment because it won't even save money.

The CHAIR. The time of the gentleman has expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. FLAKE. May I ask the time remaining.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. FLAKE. I will be glad to yield to the gentleman 30 more seconds if you want to go on. You are making my case.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. CULBERSON. Thank you. Madam Chairman, Kitt Peak—I'm not sure what part Arizona Mr. FLAKE has, but every piece of legislation passed by Congress directs the Congress—JEFF, which part of Arizona do you have? Excuse me.

Mr. FLAKE. The East Valley.

Mr. CULBERSON. Due south. I'm an amateur astronomer, a passionate fan of Kitt Peak Observatory. Let's say Congress passes a piece of legislation to designate funding for Kitt Peak Observatory. Every bill Congress passes designates funding. All of us have an obligation——

Mr. FLAKE. Reclaiming my time.

Mr. CULBERSON. We have to be fiscally conservative, Mr. FLAKE, on every bill, not just appropriations.

Mr. FLAKE. I'm a slow learner.

Let me remind the gentleman that this district, Harris County, received $1 million when they applied for the funding before the earmarks started, 2 years ago, last year, I'm sorry, 3 years ago—2 years ago got a $1 million earmark, last year got another $1 million earmark, this year asking for a third $1 million earmark. And we just had another member of the Texas delegation stand just moments ago and offer an amendment to move money to the predisaster mitigation account because he couldn't get the funding for his district in Texas because 25 percent of the funding, by the time people in his district even applied for the funding, is gone. It is earmarked, cut off the top.

And I already explained the spoils system that is here, and still nobody has taken me up on my offer. I will yield time to anybody who can tell me that Mother Nature targets districts represented by appropriators.

It simply doesn't happen.

Mr. CULBERSON. I will happily take the challenge. I'm ready.

Mr. FLAKE. No thanks. I know better. But I believe my time is out.

I urge adoption of the amendment. We simply have to be more fiscally responsible. And we have to have a system at FEMA that is based on risk and merit rather than spoils. This is a system based on spoils right now. That is why the adoption of the amendment should be done.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 2 Offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Science and Technology—Research, Development, Acquisition, and Operations'' shall be available for the National Institute for Hometown Security, Kentucky, and the amount otherwise provided under such heading is hereby reduced by $10,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment would remove $10 million in funding for the National Institute for Homeland Security based in Somerset, Kentucky, and reduce the overall cost of the bill by a commensurate amount.

This is not the first time I have brought this earmark to the floor. This earmark is always noticeable if for nothing else the cost. Compared to most earmarks in the bill, this is one of the largest earmarks we have in the Homeland Security bill year after year. This year the earmark alone would cost taxpayers $10 million, and if approved, this would actually be the lowest dollar amount the institute has received since its creation in 2004. According to the Web site, the National Institute for Homeland Security is an independent, nonprofit corporation designed to allow universities in Kentucky to ''more effectively compete for research funds and projects aimed at improving homeland security.''

It goes on to say that the institute's end goal is to match up local universities with projects, then commercialize the resulting product.

Madam Chairman, we all know that Congress has a problem with spending overall. We have a $7.87 billion stimulus package. We had a massive omnibus appropriations bill, we have had numerous bailouts of private companies. Now we are facing nearly $2 trillion in deficits just this year. When I came to this body just 8 years ago, our total budget was around $2 trillion. Now we will have a deficit by the same amount. Yet here we are; we are funding a nonprofit organization, which again, according to its own Web site, apparently would not exist without the assistance of Congress. And it seems that the purpose of this center is to attract other earmarks. It is an institute that seems to beget other earmarks.

I simply don't think that we can continue to do this. Since it was created, the institute has received $74 million in taxpayer funding: $12 million in 2005; $20 million in both 2006 and 2007; $11 million in both 2008 and 2009. When will this end? When will we say enough is enough? We have funded this institute enough, and it will have to compete on its own for other grants.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chair, I rise to claim opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chairman, the Consortium of Kentucky Colleges and Universities was asked by the Department of Homeland Security if they would take on research projects that the department needed answers on, and the consortium said, yes, we will. They said, we can't compete probably singly working by ourselves with the MITs or the Cal Techs or the Harvards or maybe Phoenix University or the University of Arizona. But collectively, as a group, we can.

And so the department gives the project to the consortium, and the best pieces of the consortium then collect together to work on that project. The University of Kentucky may be teamed up with Western Kentucky University, the University of Louisville or perhaps an out-of-state university, and they work on and solve the project that the department has need for.

To set the record straight, the institute receives specified research task orders from the science and technology directorate at DHS. The task orders are then farmed out to the consortium of colleges and universities throughout the State of Kentucky and other public

and private entities across the country for their input on that particular problem.

This process taps into and unleashes the intellectual firepower of our best and brightest people to address new and emerging threats to the homeland.

These are competitive grants. Make no mistake. These are competitive grants. All decisions on funding are made by the Department of Homeland Security. So far, 22 projects are underway with dozens of colleges and universities participating. These are low-cost solutions with a minimal footprint and maximum results.

A couple of examples. University of Kentucky researchers have developed a system to maintain the security of raw milk as it is transported from the dairy farm to the processing plant to combat a problem that we found in China where many dozens of young people were sickened by milk that had been tainted. This issue is critical in securing our food supply. That system is now available across America and is being used.

University of Louisville researchers are developing a system that samples air particles in large enclosed spaces such as shopping malls and sports venues to detect the presence of explosive materials. We know from the London and Madrid mass-transit bombings that terrorists seek enclosed and populated places. Western Kentucky University teamed up with the University of Louisville, and they have designed devices to detect leaks in rail transport tanker cars. A chlorine or ammonium nitrate spill in any neighborhood could be disastrous. Research funds have been awarded to reduce the explosive potential of ammonium nitrate and fuel oil by coating the material with coal combustion byproducts. These two chemicals, when mixed, form a common explosive material for terrorists and were the deadly combination used in the tragic Oklahoma City bombing.

MITOC, Man-Portable Interoperable Tactical Operation Center, provides communication services to disaster sites to make interoperable communications where it did not exist in these public venues. MITOC has been deployed to areas around the country to help them solve the interoperable need for communications in the disaster scene when no other communication systems were working, including Texas during Hurricane Ike and recently in Kentucky during the massive ice storm throughout the entire State.

So these are research projects that are producing results that the department needs and asks this consortium to do, and is engaging the intellectual firepower of these universities and colleges in Kentucky and their counterparts throughout the country. It is one of the best things the department has ever done. And I'm happy to say it is in my home State of Kentucky.

Mr. PRICE of North Carolina. If the gentleman will yield, I want to commend him for his advocacy of these outstanding programs and join him in opposition to this ill-conceived amendment.

Mr. ROGERS of Kentucky. I thank the gentleman.

I reserve.

Mr. FLAKE. May I inquire of the time remaining?

The CHAIR. The gentleman has 3 minutes remaining.

Mr. FLAKE. Let me just say first there have been a few statements first that imply that the Department of Homeland Security or FEMA in the case of the last two amendments somehow endorsed these amendments or endorsed these projects. According to OMB, the administration responses about earmark requests ''should not be construed as an evaluation or recommendation of specific earmark requests based on merit or value.'' So we can say that, hey, the agency wants this. But the official position of the administration is, We are taking no position. And of course, they really can't because these earmark dollars are sometimes taken from the account that they would otherwise use to give grants based on merit or based on risk.

Again, this chart is even starker when we look at the overall bill that we are considering today. Homeland security earmark dollars secured by appropriators, leadership, committee chairs, and ranking members. FY 09, 45 percent—45 percent—of the total in earmark dollars in the bill went to this group. This group represents just 25 percent of the body.

□ 1900

Mr. CULBERSON. Would the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. CULBERSON. Did you do an analysis by geography? For example, those of us on the Texas gulf coast that get hammered by hurricanes need help with flood mitigation. Did you analyze it geographically and see what percentage goes to the coastal areas of the United States or the floodplains of the Mississippi River?

Mr. FLAKE. I thank the gentleman. I think we all know that the alignment of appropriators and Members in powerful positions does not align with the gulf coast or any other geographic position.

Getting back to the chart, 45 percent last year went to those in powerful positions; 45 percent to 25 percent. This year it is even starker: 71 percent of all earmark dollars in this bill are going to 25 percent of this body. That is a spoil system. I don't know how else you can claim otherwise, unless as I said, and I will yield simply for the purpose if somebody can stand up and say that Mother Nature targets this group more than others, then this is a spoil system. When we have here an earmark that has been over and over and over awarded, $74 million in taxpayer funding, $12 million in 2005, $20 million in both 2006 and 2007.

Mr. CULBERSON. Would the gentleman yield?

Mr. FLAKE. I will yield to the gentleman only if he will answer the question yes or no: Does Mother Nature target districts represented by appropriators?

Mr. CULBERSON. Mother Nature targets all districts equally, Mr. FLAKE. But when it comes to floods and hurricanes, they target the gulf coast. When it comes to floods from the big rivers, they target the Mississippi River Valley.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''United States Customs and Border Protection—Salaries and Expenses'' shall be available for award to Global Solar, Arizona, for the portable solar charging rechargeable battery systems, and the amount otherwise provided under such heading is hereby reduced by $800,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I hesitate to challenge this earmark. It was secured by my colleague from Arizona, Mr. PASTOR, for whom I have great admiration and we have a great friendship, but this amendment would remove $800,000 for the portable solar charging rechargeable battery system, and it would lower the bill by a commensurate amount.

According to the earmark table itself, the recipient of this earmark is Global Solar, who, according to the Web site, is a ''privately held company that was incorporated in 1996 that has evolved into a major producer of solar cells.''

The certification letter filed by the earmark's sponsor says the money will

be used ''for the acquisition of manpackable, solar-charging, rechargeable battery systems for use by the U.S. Border Patrol.''

My concern is not with the technology nor with the needs of the Border Patrol, nor with this company in particular. My concern lies with why a specific for-profit entity was designated to receive this earmark funding.

The President recently referred to earmarks for for-profit entities as the ''single most corrupting element of this practice.''

The PMA scandal that has plagued the House of Representatives for months has largely centered on campaign contributions and earmarks for for-profit entities. We simply cannot move ahead as if nothing is happening outside of this body, or even within this body. We have our own Ethics Committee, and the Justice Department is investigating the relationship between campaign contributions and earmarks, and that is largely the case when you have earmarks that go to for-profit companies, earmarks that are little more than sole-source contracts or no-bid contracts.

This is the only one gratefully in this legislation that I have been able to find, an earmark that goes to a for-profit entity, and I would submit, Madam Chair, that we simply shouldn't be earmarking funds for private companies in this legislation.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to very quickly turn to Mr. PASTOR, the author of this provision, but I want to assure Members that this provision, like other directed spending, has been vetted down at the Department of Homeland Security. It has been certified to be consistent with the agency's mission; otherwise, it simply isn't eligible.

Now, on this item in particular, I would invite the attention of Members to the actual language of the bill, page 6. This earmark is for $800,000 for procurement of portable solar-charging, rechargeable battery systems to be awarded under full and open competition.

That language is pretty plain; isn't it?

This item is required by law to be subject to a competitive procurement process. And, indeed, any item now in appropriations bills involving for-profit entities are subject to the same requirement. We all need to understand that and read the plain language of the bill.

I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I join the chairman in opposing the amendment. As he says, all of these congressionally directed spending earmarks have been vetted by the Department. They have been scrubbed by our subcommittee unlike anything before, and I join in opposition.

Mr. PRICE of North Carolina. I thank the gentleman, and I yield now to my colleague, Mr. PASTOR, to expand on this provision and the reasons that the proposed amendment should be rejected.

Mr. PASTOR of Arizona. First of all, I want to state for the record that I have never met personally with the company listed as the recipient for this earmark. It has spurred my interest, the technology and the use of technology, that I brought this request to the subcommittee. And while this is a for-profit company which is listed as a recipient, under the new rules instituted in this Congress this year, this company or any company will have to compete for the contract, and I know of at least three U.S. companies with products suitable for such competition and a great number of foreign companies that could compete.

This request has been vetted by the Department of Homeland Security and the Border Patrol. The Border Patrol's special response teams and technical teams have stated requirements for this technology which allows them to recharge their power-intensive equipment while deployed in the field on extended missions. These teams manpack over 100 pounds of equipment into the field on their missions, so every pound saved is significant.

This technology, which is basically photovoltaic film, lightweight, portable, allows them to leave behind at the camp previously used car battery-type systems in favor of this lightweight, portable, photovoltaic film. And this allows the person using it to be able to extend the mission for a longer period of time and to be able to recharge their battery so that they can use their communication system, can use sensors, and will allow the Border Patrol to be more effective in its law enforcement efforts. This type of technology is currently used by the military, especially the Marine Corps.

So the intent for this earmark is not to reward a company because they met with me or because they contributed, which they did not, but to bring forth to the attention of the Border Patrol that this equipment is available for competition for the companies that qualify according to their purchase order so that we can make the Border Patrol, as they extend into the desert, to be more effective and be able to continue the law enforcement. That is the only reason for this earmark, and I oppose the amendment.

Mr. FLAKE. Madam Chair, we have that language saying that this earmark would be awarded under full and open competition. But if you meet with the Department of Defense, as I have, and you ask them, Currently, do you compete out? Do you subject to competition the earmarks that you see? They will say, Yes; yes, unless we don't, basically.

So I asked them—if we look at the 2008 Defense bill, for example, I asked the Department of Defense to actually look and do a random sampling of the earmarks that came that they say are subject to competition to see how many of them actually went to the earmark recipient listed. With uncanny precision, the answer came back all of them that they sampled did go to the earmark recipient listed. If these are to be competed out, why do we have to mention the company at all?

I don't know if it is in order to ask for a unanimous consent to simply remove the name of the company. If these are going to be competed out anyway and if there are at least three companies that have this technology, would it not be in order to say——

Mr. PASTOR of Arizona. Would the gentleman yield?

Mr. FLAKE. Yes, I would yield.

Mr. PASTOR of Arizona. I would have no objection if you removed the name.

Mr. FLAKE. Would it be in order to modify the amendment under a unanimous consent?

The CHAIR. The gentleman may ask unanimous consent to modify his amendment.

Mr. FLAKE. I would ask unanimous consent to modify the amendment to strike the name of the company listed in order that this may be subject to full and open competition.

The CHAIR. Is there objection to the request of the gentleman from Arizona?

Mr. PASTOR of Arizona. I object. At the urging of your colleagues, they asked me to object, so I will object.

The CHAIR. Objection is heard.

Mr. FLAKE. I understand.

As I mentioned before, I have the utmost respect for my colleague from Arizona. He is a straight shooter, and I know that if it were up to him, he would do this. And I think that some things go on their own without sometimes us realizing what we are doing.

But in this case, the language stands that this earmark is to go to a specific company despite other language that may be in the legislation to say this is to be competed out. We know, based on experience, that the Department of Defense or the Department of Homeland Security, in this case, the agency, looks to see what the committee wanted and they will award it based on that, and so it really isn't full and open competition. We shouldn't be listing the company here.

So I would have to urge adoption of the amendment to strike this earmark

unless we can remove the company listed.

Mr. PRICE of North Carolina. Would the gentleman yield?

Mr. FLAKE. Yes.

Mr. PRICE of North Carolina. The gentleman is aware the company is not listed in the bill. The only place the company is listed is in the report, which is a matter of disclosure, and it is not amendable. It can't be modified here on the floor. The bill, as I read earlier, the plain language of the bill says this will be competed.

The CHAIR. The gentleman's time has expired. The amendment will not be altered because objection has been heard.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1915

PART D AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Speaker, I have an amendment at the desk as designee of Mr. CAMPBELL.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Protection and Programs Directorate—Infrastructure Protection and Information Security'' shall be available to SEARCH of Sacramento, California, for interoperable communications, technical assistance and outreach programs, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I feel obligated, since I ran out of time, to explain why simply because the language isn't in the bill itself or the name of the company that that still means that the earmark will likely go to the company listed.

In the past few years, the previous President said that he would instruct the agencies not to fund any earmarks that weren't in the bill text. And so as a way to get around it and make sure that those earmarks were funded, the Appropriations Committee actually inserted language saying that language in the report would carry the force of law. And so that's what we've been operating under for the past couple of years to make sure that those earmarks that are simply in a table or in a report still get funded.

In this case, we have language that will be in the table, the table that accompanies the bill in the report. The table in the report lists the company, Global Solar, that is to receive the earmark. And there is a certification that the Member filed saying this earmark is to go to this company at this address. And so, notwithstanding the fact that the language isn't in the bill itself, we still have an issue where the earmark will likely go to the intended recipient.

This amendment would remove $1 million for funding for the National Institute for Communications Interoperability, a nonprofit organization and a subsidiary of SEARCH, the National Consortium for Justice Information and Statistics. In recent testimony before the House Appropriations Committee, the executive director of SEARCH described the organization as a ''State criminal justice support program with a mission to promote the effective use of information and identification technology by criminal justice agencies nationwide.''

This entity just received a $500,000 earmark in the omnibus bill that Congress approved just a few short months ago. According to the sponsor's office, this particular earmark would support the launch of a nationwide institute to train emergency responders to better command and control emergency resources. The proposed pilot project would provide training, certification and outreach programs to State, regional and local coordinators in the first responder community.

Now, this sounds strikingly familiar to a program within the Department of Homeland Security, one that they already administer. The Department of Homeland Security SAFECOM program has developed the Statewide Communications Interoperability Planning Methodology, a comprehensive 10-phase process created to assist States in the creation of their statewide emergency communication plan.

Now, why should Federal funds be earmarked for a private organization that seems to duplicate an effort already undertaken by the agency for which we are appropriating now? If the Department of Homeland Security requires services that only SEARCH could provide, the administration could request funds for it.

So, Madam Chairman, I don't think that we need to earmark funds here. There is a program within the Department of Homeland Security already that does what this private organization—which has just received an earmark in a bill we did a few months ago—is seeking to do.

With that, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. As with earlier items that we have discussed this evening, there is simply no question that this request underwent rigorous scrutiny, meets the test of being aligned with supporting the missions of the Department of Homeland Security, and I urge my colleagues to defeat the amendment.

I am happy to yield at this point to my colleague, Mr. ROTHMAN, to expand on the reasons that this amendment is ill advised.

Mr. ROGERS of Kentucky. Would the Chair yield?

Mr. ROTHMAN of New Jersey. I yield to the ranking member.

The CHAIR. The gentleman from North Carolina controls the time.

Mr. PRICE of North Carolina. I am happy to yield to the ranking member.

Mr. ROGERS of Kentucky. I simply want to join my chairman in opposition to the amendment for the reasons that he said.

Mr. PRICE of North Carolina. I thank the gentleman.

Now I yield to Mr. ROTHMAN.

Mr. ROTHMAN of New Jersey. I thank the chairman.

First, I would like to thank Chairman PRICE and Ranking Member ROGERS and my fellow subcommittee members for their leadership on this entire Homeland Security legislation and for their support for this project. As you know, the Department of Homeland Security reviewed this project and had no objection to it. This is a good bill and a good project.

Mr. FLAKE's amendment would remove funding for this project that would otherwise help local, State, and Federal emergency response agencies better communicate and coordinate in the aftermath of a terrorist attack or natural disaster.

My district is across the river from what were the Twin Towers in New York City, and we know firsthand the difficulties that arose in that terrible tragedy because of the inoperability, the lack of communication technologies working together amongst police, fire, and other emergency services.

There was a landmark publication, ''Why Can't We Talk,'' which was produced in the wake of 9/11 by a national task force of 18 associations representing public safety and elected officials. It noted five key reasons why first responders struggle to communicate sometimes with their own agencies.

This $1 million project would support specific initiatives established in the National Emergency Communications Plan delivered to Congress in July 2008 by the U.S. Department of Homeland

Security's Office of Emergency Communications. Working in partnership with that office, the National Institute for Communications Interoperability would address the most critical issue facing the first responder community today, their ability to command and control emergency resources in response to terrorist attacks, natural disasters and crimes through interagency communication.

This project will not only help to make our Nation safer by demonstrating how various regional emergency responses can better coordinate, but it will help to ensure that local, State and Federal tax dollars that have already been allocated in previous Homeland Security measures and in previous budgets throughout the United States are used more wisely. The primary goal of this project is to ensure the best possible use of taxpayer money by public safety officers and first responder organizations.

Federal, State, and local governments have invested a substantial amount of capital, as they should have, on first responder equipment, emergency plans, and safety personnel. It makes sense for Congress to support a project that will help to coordinate these efforts and maximize the return on these essential investments.

I urge the defeat of this amendment.

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 2 minutes remaining.

Mr. FLAKE. I would urge adoption of the amendment. As I mentioned, when you look at the bill itself, you see again the spoils system that's occurring here: 71 percent of the dollar value of earmarks in this legislation go to just 25 percent of this body; 71 percent goes to 25 percent. That's not an equal distribution.

As we know, Mother Nature does not target those districts represented by appropriators or powerful Members, yet we have a system that awards earmarks based on those criteria.

Mr. ROTHMAN of New Jersey. May I ask the gentleman to yield for a short question?

Mr. FLAKE. Yes.

Mr. ROTHMAN of New Jersey. Is the gentleman aware that there will be five areas across this country that will be supported by this program as determined by this organization which has been established by 50 States and the territories?

Mr. FLAKE. That's right. And I'm also aware that the Department of Homeland Security has a similar program that does similar things, yet we are earmarking over and above on top of that.

I simply think that if we don't like the way the Department of Homeland Security is allocating resources, we need to change that or we need to give them guidance; we need to oversee what they do. For example, in my district a couple of years ago, the Department of Homeland Security spent money to synchronize street lights in a small town in my district. That wasn't an appropriate use of funds. But instead of spending time rooting out that kind of waste, we're saying we don't like the way you did that, so we're going to do some of our own. And so it is a duplicative program. And in the end, we end up spending more money and more money; and that's why the budget increases for this agency every year.

We simply cannot continue to do this when we have a $2 trillion budget deficit this year alone. At some point we've got to say we've got to save taxpayer money, spend it wisely, and do it in a way that actually addresses risk, not seniority.

Mr. ROTHMAN of New Jersey. Will the gentleman yield for one more question?

The CHAIR. The time of the gentleman has expired.

The gentleman from North Carolina has 1 minute remaining.

Mr. PRICE of North Carolina. I am happy to yield to my friend from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank the gentleman.

My friend from Arizona does not, Madam Chairman, dispute the validity and the importance of coordinating emergency communication throughout the United States, nor does my friend from Arizona dispute that this project represents five pilot projects across the country. So I find it difficult to believe that there would be any objection to this very valuable program that has already met with success and that is deserving of additional new outreach to the first responders emergency personnel across the country.

Ms. MATSUI. Madam Chair, SEARCH, the National Consortium for Justice Information and Statistics, is headquartered in my district in Sacramento, CA. I know this organization, and I support the earmark that will allow SEARCH to continue to perform its important work across the country supporting the homeland security efforts of state and local entities.

Over the past 40 years, this fine organization has accomplished a great deal to promote information sharing solutions among first responders. As a non-profit organization of the states with a membership body of gubernatorial appointees, SEARCH has served local, state, tribal, and federal information sharing and communications interoperability initiatives nationwide and continues to benefit the whole country.

SEARCH is uniquely qualified to develop and implement the program funded by this earmark. That is why I rise in support of the SEARCH National Institute for Communications Interoperability to promote interoperability in communications among first responders.

I urge Members to vote "no" on this amendment and support funding to SEARCH for the National Institute for Communications Interoperability.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. PRICE of North Carolina. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Ms. DEGETTE, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the

report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. In the engrossment of H.R. 2647, the Clerk shall—

(a) add the text of H.R. 2990, as passed by the House, as new matter at the end of H.R. 2647;

(b) conform the title of H.R. 2647 to reflect the addition to the engrossment of H.R. 2990;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 7. Upon the addition of the text of H.R. 2990 to the engrossment of H.R. 2647, H.R. 2990 shall be laid on the table.

SEC. 8. During consideration of H.R. 2647, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

□ 1930

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 572 provides for consideration of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, under a structured rule.

Last week the House Armed Services Committee reported H.R. 2647 favorably to the House by unanimous vote. The final vote came at 2:30 in the morning after more than 14 hours of thorough debate.

During that time the members of the committee did not see eye-to-eye on every issue, but we did not split by party lines on every vote, and we often had differing views on how to devote limited resources to endless challenges. In the end, we all agreed by a unanimous vote that we must take steps to keep our country safe and keep our military prepared. We must work to eliminate wasteful spending and restore fiscal discipline, and we must provide our troops and their families with the care that they need and the quality of life that is worthy of their sacrifice.

Mr. Speaker, H.R. 2647 makes significant progress on all these fronts. It strengthens our national security by focusing resources on the most immediate and severe threats to our troops and our country. The bill enhances efforts to prevent the spread of weapons of mass destruction by increasing funding for the Cooperative Threat Reduction Program and by fully supporting the Department of Energy's nonproliferation programs.

The bill cuts extensive spending, excessive spending on flawed missile-defense programs and, instead, invests more resources in systems that are proven to work and strategies that meet immediate threats.

H.R. 2647 also takes an important step forward in strengthening accountability and increasing oversight of the defense contracting process. The bill grows the size of the civilian acquisition workforce, which will reduce our reliance on defense contractors and cut down on wasteful spending.

The bill improves the quality of life and the quality of care for our men and women in uniform by providing a 3.4 percent pay raise for each servicemember, by expanding access to education and training, by increasing funding for family housing programs, and by expanding TRICARE coverage for members of the Reserve and their families prior to mobilization.

After 7 years of conflict in Afghanistan and Iraq, this bill provides a basis for ensuring that the plans for progress are sound and that the objectives for victory are clear. The bill requires frequent reports to Congress on the objectives and measurements for success in Afghanistan and the progress of withdrawing our troops from Iraq.

The bill also directs the GAO to provide Congress with separate reports, which will assess strategic plans for both Iraq and Afghanistan.

Congress must do everything in its power to ensure that our military strategies are working and our ultimate goals are achievable. I believe that we can always do more, but I also believe that this bill provides a starting point for that process. Lastly, Mr. Speaker, while this bill addresses broad strategic issues and threats across the globe, it also has a direct impact on our districts.

While communities across the country are saving, struggling and working to recover from this recession, other communities are preparing for even tougher times ahead. In 2011, scores of military bases will close for good as a result of the 2005 BRAC. For decades, these bases have been the backbones of communities and provided the surrounding areas with jobs, tenants, customers and neighbors, which will now be lost in a matter of years.

H.R. 2647 expands the use of no-cost economic development conveyances as a tool to redevelop and restart communities affected by base closure. This provision allows the Department of Defense to transfer property to a local redevelopment authority at no cost if the land will be used for purposes of economic development.

At a time of declining property values, devastating job loss and crippling economic hardship, we must provide communities with every possible tool to redevelop and reorganize. This bill will assist in that effort.

I am looking forward to completing our work on this year's defense authorization.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE) for the time, and I yield myself such time as I may consume.

While our men and women in uniform are risking their lives in war zones, we,

in Congress, need to support them. I am proud to once again support the bipartisan National Defense Authorization Act to honor and support the brave men and women of the United States Armed Forces.

I also wish to commend and congratulate both the Armed Services Committee Chairman SKELTON and Ranking Member MCKEON for their commitment to put partisanship aside in order to get this important bill to the floor.

The National Defense Authorization Act, which passed unanimously out of the Armed Services Committee, authorizes $550.4 billion for the activities of the Department of Defense. It also provides $130 billion to support our combat operations in Iraq, Afghanistan and other fronts of the war on terror.

Our men and women in uniform and their families have sacrificed dearly to protect the United States, and that is why I am pleased that the bill will provide our troops with a 3.4 percent pay raise.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 100 days before they go on active duty and provides almost $2 billion for family housing programs to expand and improve the quality of military housing.

The bill authorizes the expansion of the size of the military by 15,000 Army troops, 8,000 Marines, over 14,500 Air Force personnel, and approximately 2,500 sailors in the Navy.

I would like to thank the committee and the distinguished chairman for including my request for funding, authorization obviously of funding, for the construction of a new, permanent headquarters for the United States Southern Command that is located in the congressional district that I am honored to represent. Currently the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized by this bill will be used to build a new headquarters on land adjacent to the current location and lease it from the State of Florida for the grand sum of $1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over $1.2 billion and over 20,000 jobs to south Florida's economy.

Mr. Speaker, while I support the underlying legislation, I have deep reservations about the majority's decision to block full restoration of missile defense funding. This comes as North Korea's demented despot continues to mock global condemnation of his nuclear program and threatens the United States and our friends and our allies with mass destruction.

Just today an official from the North Korean Central News Agency, a mouthpiece for the dictatorship said, ''If the U.S. imperialists start another war, the army and the people of Korea will wipe out the aggressors on the globe once and for all.''

At the same time, the Iranian tyranny, while it massacres its own people in the streets, continues to threaten to wipe Israel off the face of the map. It is clear to me that the world faces a grave and, I believe, imminent threat from both of those dictatorships in North Korea and Iran. Now is not the time to cut missile defense.

Since the beginning of military aviation, the United States has wisely invested in our military air superiority, and in recent military operations we have clearly seen our investments pay off. Our military air superiority saves the lives of our men and women in uniform and also saves the lives of countless civilians. Unfortunately, the Obama administration feels that it is not necessary to continue our long history of investment in air superiority and is calling for the termination of the F–22 fighter aircraft production, even though the chief of staff of the Air Force publicly called for continued production of F–22s.

Now, thankfully, the Armed Services Committee successfully reinstated over $300 million to at least keep alive F–22 production. Unfortunately, I am shown at this time a statement of administration policy where it reads that if the final bill presented to the President contains this provision keeping alive the F–22 production line, that the President's senior advisers would recommend a veto. Mr. Speaker, I think that's most unfortunate.

I am also concerned that the majority failed to support a repeal of the so-called widow's tax. This provision penalizes surviving spouses of servicemembers who die on active duty or from service-related conditions by forcing them to accept a dollar-for-dollar reduction in their military survivor benefit plan payments in order to receive tax-free dependency and indemnity compensation from the Department of Veterans Affairs.

I have cosponsored two-pieces of legislation introduced by Mr. BUYER and Mr. ORTIZ to remedy this injustice, and I am hopeful that Congress will soon address it.

Now, as supportive as I am of the underlying legislation, I must oppose the rule brought forth by the majority.

□ 1945

Prior to the consideration of the rule, Members from both sides of the aisle submitted 129 amendments to the Rules Committee. The vast majority of amendments, 79, were introduced by members of the majority party. Last night, the majority on the Rules Committee decided to make in order for discussion on this floor two-thirds of the majority amendments and one-third of the minority amendments.

Last week, when members of the minority submitted a number of amendments to the Commerce, Justice, and Science Appropriations bill, the majority claimed the minority were using dilatory tactics and shut down the ability of Members to offer amendments. This week, when the majority party offered a large number of amendments, the majority rewarded them for doing their jobs and representing their constituents by allowing 51 of their amendments for debate by the House.

At the same time, minority party members who were also representing the interests of their constituents were once again punished by the majority for doing their jobs and were only allowed 11 amendments.

In the end, the majority gets about five times the number of amendments made in order as the minority, and I think that's unfair. I think it's petty and unfair. What does the majority gain by using such an unfair process? In reality, nothing more than ending comity and diminishing the stature of this House and its Members.

I reserve the balance of my time.

Ms. PINGREE of Maine. I yield 3 minutes to a member of the Committee on Armed Services, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentlewoman from Maine for yielding and would also like to thank, in particular, Chairman SKELTON and Ranking Member MCKEON for their leadership in crafting this legislation before us.

This year's National Defense Authorization Act takes significant steps forward in supporting our National Guard and Reserve. Earlier this month, Iowa observed the 1-year anniversary of the floods that devastated large parts of my district. The Iowa National Guard played a critical role in the response to those floods, and their heroic work is a testament to the vital function the National Guard plays in domestic disaster response, even as their role in operations abroad increases.

Nationwide, more than 700,000 National Guard and Reserve soldiers have been called to duty since September 11, 2001, and as the National Guard continues to transform into an operational reserve, it is essential that they are properly resourced for both their overseas and homeland missions.

This bill provides $6.9 billion, $600 million more than the President's request, to address equipment shortfalls in the Reserve components. It also extends health care coverage for the National Guard and Reserve and makes essential investments in National Guard facilities, including the Fairfield, Cedar Rapids, Muscatine, and Middletown facilities in my district.

I am very proud also that the NDAA includes an amendment I offered with Ms. BORDALLO to improve National

Guard readiness by requiring the Secretary of the Army to report to Congress on the creation of a Trainees, Transients, Holdees, and Students Account.

At any given time, 13.3 percent of the Army National Guard is nondeployable, and this account would serve as a temporary unit for these soldiers. In so doing, it would end the practice of borrowing soldiers from one unit in order to improve the readiness of others and will improve both morale and overall readiness.

I strongly urge support for the rule and for the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Florida.

Mr. Speaker, today we are considering the rule for a bill to develop and deploy defensive capabilities for the protection of the American people, our stationed men and women, and our allies. The rising threat from North Korea and Iran highlights why our national security strategy must include a comprehensive, multilayered, and robust missile defense program to protect our homeland.

Both of these rogue nations, Mr. Speaker, provocatively flaunt their growing capabilities with long-range missiles and nuclear programs. Just last week, we learned that North Korea is planning to launch a missile towards the U.S. around the 4th of July holiday. To repeat a phrase used by our President just last week, these regimes pose a ''grave threat'' to the safety and security of our citizens and our allies.

Yet the bill which is the subject of this rule, Mr. Speaker, sustains an inexplicable $1.2 billion cut from the missile defense budget. Mr. Speaker, the question before us is very simple: How do we reconcile gutting missile defense when it will defend against what our own President rightfully calls a ''grave threat''? It simply doesn't make sense.

The cuts include a 35 percent reduction to the Ground-based Midcourse Defense program, a system located in Alaska and California for the purpose of protecting this country against the type of missile North Korea is gearing up to launch.

This is not the time to be reducing our commitment to missile defense. We must fund the current missile defense systems that protect us today and the forward-looking programs that will protect us tomorrow.

Mr. Speaker, we must restore the $1.2 billion cut from the missile defense programs today.

Ms. PINGREE of Maine. I yield 3 minutes to the Chair of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I cannot remember the last time I was as deeply disappointed in the actions of people with whom I generally agree and continue to admire as I am by this rule.

President Obama, to his credit, has become the first President to try to put on to military spending the same kind of notion that resources are limited that people apply elsewhere. Military spending, in which old threats are continued to be dealt with while new threats are dealt with, make it impossible for us to talk about curtailing a deficit without doing damage elsewhere.

To his credit, President Obama and Secretary Gates said we do not need to build more F–22s. It was conceived to defeat the Soviet Union in a war. It's over. It's a wonderful weapon. It just has a terrible defect for a weapon—no enemy, no military mission. It will never be fired in anger.

It is bad enough that the committee, by only a 31–30 vote, undercut this President's effort to begin to apply fiscal discipline everywhere. Sure, military is important, but health care is important and highway safety is important and local police are important. All of those impinge on our life and all must be dealt with in discipline in the fiscal area, except military gets a pass.

I was particularly disappointed when the Rules Committee, because of some in the leadership, decided not even to allow us to debate it. A major initiative of the new President to curtail excess military spending is overturned by one vote in committee, and we are not even allowed to debate it.

And I have to say to my Republican friends, it is clear to me that their interest in open debate is very selective. They are for openly debating anything they want to debate, but they were opposed to this amendment coming on as well. So there's no consistency or principle of: Let's have open debate. It's: Let's get what we want and let's forget about the rest.

It has been said that truth is the first casualty of war. Apparently, intellectual integrity and logical consistency are the first casualties of a military bill.

I heard Members say a few months ago, Oh, an economic recovery program. Federal spending can't bring jobs. Federal Government spending adds to the deficit. It doesn't bring jobs.

Lo and behold, the F–22 became a jobs bill. It's what I call weaponized Keynesianism. Only if you're building weapons, particularly weapons that will never be used, is there a stimulative effect in the economy.

Mr. LINCOLN DIAZ-BALART of Florida. Will the gentleman yield?

Mr. FRANK of Massachusetts. If the gentleman yields me time, I will.

Secondly, we are told that we have to deal with the deficit. The President made a beginning in trying to curtail military spending on weapons he said we do not need. If this bill goes through, as it apparently will, because we could not even debate it, his efforts will be undercut. The floodgates will be open, and any effort to have reasonable constraints on military spending, as we have on police and fire and emergency medical and other things that are important for health and safety, will be undercut.

This is a terrible decision and a terrible precedent. Of course, to add injury to injury, they did it by taking money out of environmental cleanup.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I simply wanted to point out to my friend that despite the fact that we support the committee having maintained the production line for the F–22, we made a motion in committee for an open rule that would have permitted the gentleman's amendment.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I will yield.

Mr. FRANK of Massachusetts. I will acknowledge that. I was in error, and I apologize. It had been reported to me that there were votes against it, so I apparently got bad information. And I thank the gentleman for that futile gesture on my behalf.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman for his debate. Despite the fact that we're in disagreement on this issue, he is a great parliamentarian and it's an honor to serve with him.

At this time, I yield 3 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend from Florida for yielding time. Mr. Speaker, there is no greater priority for the Federal Government than the defense of our Nation, and the Defense Authorization bill is a vehicle for setting military priorities for our country.

This bill also has jurisdiction over the Nation's defense nuclear waste cleanup program administered by the Department of Energy. The Environmental Management program within the Department is responsible for cleaning up the waste of our Nation's nuclear weapons production sites; production sites like Hanford, in my district, that secured our Nation's victory in World War II and in the Cold War.

As a result of that work, these sites are now contaminated with massive volumes of radioactive and hazardous waste. The Federal Government has a legal obligation to clean up these sites.

As this bill, Mr. Speaker, has moved through the process, there have been several proposals by both Democrats and Republicans to move specific military projects by reducing the authorization for nuclear waste funding. Mr. Speaker, let's be clear on what these

proposals are really about. It's about setting our Nation's defense priorities and not a judgment on the merits of cleaning up our nuclear waste sites.

The nuclear cleanup program is being used as a piggy bank for these priorities since, Mr. Speaker, it's the only sizable source of funds within this bill that doesn't directly fund our troops or equipment.

Now, Mr. Speaker, I know why nuclear cleanup is being used by both parties as a piggy bank. I absolutely don't support those actions, and I will vote against those actions, but in doing so, I want to be clear that it is in the appropriations process where cleanup money becomes real.

Insufficient funding in the appropriations process would have real and serious consequences on cleaning up these sites. The cleanup program simply cannot sustain continued appropriation reductions without jeopardizing progress, breaking legally binding commitments to States, and increasing long-term costs to taxpayers.

Mr. Speaker, for 15 years I have worked in a bipartisan way to raise awareness of the Federal Government's cleanup obligation and to remind my colleagues again that the effort at these sites helped us win both World War II and the Cold War.

I will continue to stand up for cleanup where needed. In doing so, I am determined that the effort to promote cleanup be a bipartisan effort.

With that, I thank my friend from Florida for yielding.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to a member of the Committee on Armed Services, the gentlewoman from Arizona (Ms. GIFFORDS).

□ 2000

Ms. GIFFORDS. Mr. Speaker, I rise today in support of this bill and to praise Chairman SKELTON and Ranking Member MCKEON as well as the chairmen and ranking members of the subcommittees on Armed Services and especially the staff for getting this bill right.

This week we're having a great debate about energy in our country. Most Americans don't realize that the Department of Defense is responsible for approximately 80 percent of all the energy used by the Federal Government. The final bill that we were able to pass out of committee this week includes groundbreaking language to encourage continued advances on responsible energy. Working with the Department, we included a series of new reporting requirements. We increase the use of electric and hybrid vehicles; we speed up the development of biofuels; and we encourage additional investment and use of geothermal energy. We also made some commonsense decisions regarding our fighter aircraft fleet. As a committee working in a bipartisan manner, we set aside the rhetoric, and we took into account current and future threats to balance the force. We sustained the current operational fleet. We supported additional F–22s requested by our combatant commanders. We maintained robust F–35 funding. And we provided additional flexibility for the Air Force to fill the impending fighter gap with less expensive but quite capable 4.5 Generation fighters.

I again congratulate Chairman SKELTON, Ranking Member MCKEON and the committee staff for their hard work on this legislation. I strongly encourage my colleagues to support it.

The SPEAKER pro tempore. The Chair will note that the gentleman from Florida has 15½ minutes remaining, and the gentlewoman from Maine has 17¼ minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule. I offered an amendment on Monday to address an injustice against the members of our armed services that were shut out from consideration by this rule.

Briefly, my amendment would have given an across-the-board pay raise of 5 percent to our military personnel. According to estimates made by the Congressional Research Service, the pay gap between military personnel and civilians in comparable positions is 3 percent. Given that the cost of living increase for 2010 is 2.9 percent, my amendment is an important first step to addressing this problem. Particularly during a recession but really at any time it is unacceptable that our men and women in uniform receive less than their civilian counterparts.

Recently I was in Afghanistan and had the opportunity to see firsthand the professionalism and the commitment of our troops, what service they render to us, why are they being treated this way. I received assurances from the House Parliamentarian that my amendment was in order, and the Congressional Budget Office said it complies with all PAYGO requirements. I cannot understand why the majority would deny our troops the right to an up-or-down vote or, at the very least, a debate that would at least bring out the issues. If we have time to debate an amendment that would require a study of the number of subcontractors used by the Department of Defense, we should have time to debate giving our troops a fair wage.

Mr. Speaker, this is the second time that I've offered this amendment to increase the pay of our troops and the second time that it has been denied. I would urge my colleagues to oppose this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DRIEHAUS), a member of the Committee on Armed Services.

Mr. DRIEHAUS. I thank the gentlewoman for this opportunity.

There has been much talk about fiscal responsibility on the floor of this House, and I come to the floor to support the rule and support the bill. I support it because of the inclusion of the Joint Strike Fighter competitive engine program because when we talk about fiscal responsibility, it is through competition that we achieve fiscal responsibility. Since fiscal year 2006, nearly $2.5 billion has been provided for the development of the Joint Strike Fighter competitive engine program, and last month President Obama signed the Weapons Systems Acquisitions Reform Act of 2009 into law. This supported an increased use of competition and defense procurement. The expected cost of the primary Joint Strike Fighter propulsion system has increased by $1.8 billion while the competitive engine program has not experienced any cost growth at all. In fact, the contractor has indicated a willingness to negotiate on fixed price terms for the remaining development and production of the competitive engine.

We know that competition works. When we looked at the F–15 and F–16 in the 1970s, we found that the great engine war brought lower prices, better engines, better competition, and more reliability. We have the same thing today with the Joint Strike Fighter; and in this bill we have included the competitive engine program, which is critical to the success of the Joint Strike Fighter engines.

I urge you to support the rule because with it comes enhanced contractor responsiveness, technological innovation, improved operation readiness, and a more robust industrial base for the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I am going to oppose this rule and ask my colleagues also to oppose it based on what's not in it.

An amendment that I presented yesterday to the Rules Committee was not made in order; and consequently, the Members of this House will not be allowed to take a stance on a very important issue that our colleagues on the other end of the building, the Senators, have taken a stance on unanimously to oppose, the release of the detainee photographs.

The President of the United States has said, listening to his field commanders, General Petraeus and General Odierno, that the release of these photographs would work to put Americans in danger, would be used at as a recruiting tool and, in my view, might also be used by President Ahmadinejad

to turn the pro-democracy protests going on in his country away from protests against Ahmadinejad and protests against America, given the nature of these photographs.

This is a discrete body of photographs taken between September 1, 2001, to January 22, 2009, that have no business being released in the public arena. We need a legislative fix that would prevent the release of these photographs into the public arena; and my amendment, married up with an exact replica in the Senate, would have allowed these photographs to be protected properly.

The amendment would have protected on a rolling 3-year basis these photographs, certified by the Secretary of Defense that they would, in fact, be used as recruiting tools, and could be used to incite violence against American troops that might not otherwise be there should these photographs not be released. There is no good reason to release these photographs.

I wish the Rules Committee would have allowed this debate. As our colleague from Massachusetts said last night, For some reason we're afraid of debate on this floor, the way the Rules Committee works. Why are we afraid to have this debate? It is unanimous on the other end of this building that they believe these photographs should be protected. The President has come out saying that it is appropriate to protect these photographs. And we're not talking about forever. We're simply talking about 3 years at a time to protect these photographs. I'm disappointed that the Rules Committee failed to allow the Members of this body to express their will, as opposed to the will of the chairman of the committee and maybe a couple of others who, in their judgment, believe that these photographs should, in fact, be released.

The courts have said that they recognize the validity of the consequences that are set forth in General Petraeus' comments as well as General Odierno's comments to the courts. The other side can simply say they believe it is better to have these photographs be used as recruitment tools for al Qaeda as well as the other ill uses that they will be put to.

It's unfortunate the Rules Committee, led by the chairman, ruled this way. As a consequence, I will be voting against this rule, and I ask my colleagues to vote likewise.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I thank the gentlewoman for the time.

I rise today to support my colleague, Chairman BARNEY FRANK. I am equally or even more disappointed than he is that his amendment on the F–22 funding was not made in order for the defense authorization debate.

There is absolutely no need for additional funding for this flawed program. The Cold War is over. The existing 187 F–22 planes have already cost the United States a total of $65.1 billion; and while this bill only includes $369 million for advanced procurement, the total amount for 12 additional F–22s will run $2 billion.

Think of what we could do with $2 billion in the United States of America. We have schools that are in need. We have a health care system that's broken. We have to move on with our global warming program. Mr. Speaker, $2 billion would help any one of those issues. The F–22 has never been used in Iraq or Afghanistan. It is absolutely not necessary or useful in counterinsurgency operations. The existing 187 that we have right now are actually adequate for any single contingency that could happen in the United States of America. Both civilian and military leadership of the Pentagon support ending production at 187, including the President of the United States. The idea that this House will not have a chance to have a full debate on Chairman FRANK's amendment is unacceptable, and this rule is truly flawed.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend, the distinguished gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding. I rise today in adamant opposition to this rule.

This is one of many rules which do nothing but censor our side from being able to put forth amendments that make sense, that cut the size of the Federal Government, that cut the size of the huge growth in Federal spending.

Now under the Constitution, national defense should be and must be the major function of the Federal Government. We have to have a strong national Federal defense, and we have to have the experts tell us how that comes about. We need to have the experts tell us what defense systems are needed, such as the F–22.

The prior speaker was talking about how it's unneeded and how those funds could be utilized for social programs, but I disagree. National defense should and must be the major function of the Federal Government. We need to fund our defense because we have people around this world, countries as well as the terrorists, who want to destroy what this country stands for. So we need to fund missile defense; we need to fund the F–22; we need to fund those defense programs as well as the research and development that's absolutely critical to make sure that we stay a sovereign and a secure nation.

But also many Republican amendments were submitted. In fact, I submitted some myself. But the majority decided to stifle our ability to be able to bring those amendments to the floor, to talk about things that Members of Congress think are very important in this bill. But we were hushed. Our voices were quieted. Why? Because we have a steamroller of socialism that's being forced down the throats of the American people. We're trying very hard on our side to stop the outrageous spending. We're trying on our side to have a fiscally responsible government, not only in defense spending but also all across the board. We have an energy tax that's being proposed just this week that's going to cost jobs. It's going to put people literally out of work. It's going to raise the cost of food, medicine and all goods and services in this Nation.

Unfortunately, over and over again we've seen this majority, the leadership of this Congress, prevent Republican proposals from being brought to this floor, from being debated, from being presented to the American public for public examination and for us to be able to debate them. But we've been censored, and it's wrong. The American public needs to stand up and say ''no.'' I very adamantly encourage my colleagues to say ''no'' to this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), the Chair of the Homeland Security Subcommittee on Intelligence.

Ms. HARMAN. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman SKELTON and Ranking Member MCKEON for moving another unanimous bipartisan authorization bill out of their committee. As a former member of the House Armed Services Committee, I admire the bipartisan way in which the committee operates. My aerospace-centric congressional district is grateful too. Thanks too to Personnel Subcommittee Chair SUSAN DAVIS and her staff for working with me on an issue of paramount importance, the epidemic of rape and sexual assault in the military.

Mr. Speaker, the math is shocking. Women who serve in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

□ 2015

Only 317 out of the 2,763 subjects investigated during fiscal year 2008 were referred to courts martial. That's 11 percent, a figure far below civilian prosecution rates where 40 percent of those arrested for rape are prosecuted.

DOD must close the gaps in prosecution and remove obstacles to legal enforcement. Effective investigation and prosecution are the keys to turning this epidemic around, by drawing bright red lines around unacceptable conduct.

This bill includes language from a resolution I authored with our colleague MIKE TURNER, who has been a

champion on this issue; and I thank him for his hard work. Our provision calls for review of DOD's capacity and infrastructure to investigate and prosecute sexual assault and rape cases and to identify any deficiencies. The legislation also requires that DOD develop a sexual assault prevention plan for Congress' review. This would include action plans for reducing the number of sexual assaults and timelines for implementation of the program. DOD would be required to develop a mechanism to measure the effectiveness of its prevention program.

While this bill is commendable and includes good steps towards eliminating rapists in the ranks, I believe we can do even more. We must build on these efforts and insist on real accountability from the chain of command. And a major step toward eradicating rape in the military is making sure that blue-on-blue attacks are punished.

Mr. Speaker, this is a force protection issue and a moral issue. Congress and DOD must do better. And when our colleague JOHN MCHUGH becomes Army Secretary, I urge him to pursue the issue and support the Army's impressive ''I am strong'' campaign initiated by his predecessor, our former colleague, Pete Geren. I urge an ''aye'' vote.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule.

This body at this time sits under a cloud. We have investigations from the Justice Department and an investigation by our own Ethics Committee into the intersection between campaign contributions and earmarks. More specifically, earmarks that go to for-profit companies, sole-source contracts, no-bid contracts, that's what earmarks basically are, that are going to, in particular, defense contractors. And then contributions come back from individuals who represent those groups and the lobbyists who represent those groups, so-called ''circular fundraising.'' That's being investigated, as I mentioned, by the Justice Department and our own Ethics Committee.

And yet this rule will set in motion a process by which we will approve more than 300 in this bill alone, 300 earmarks, no-bid contracts, for private companies, for-profit companies. Again, in this legislation, if this rule is approved, this legislation will provide more than 600 earmarks, more than half of which, over 300 of which, represent no-bid contracts to private companies. We simply cannot continue to do this, Mr. Speaker.

I offered an amendment that would prohibit Members from giving earmarks or no-bid contracts to their campaign contributors. That amendment was not ruled in order. It should have been. We should as a body decide that we cannot continue this practice. We need to remove the cloud that hangs over this body that rains on Republicans and Democrats alike.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I read this evening with interest the President of the United States has threatened to veto the Defense bill if the additional funding exists for F–22 fighter planes.

Mr. Speaker, the President is absolutely right. And the real problem today is that opportunity to vote against those unnecessary planes are not allowed in this rule. In the end we have to stop spending more and start spending smarter.

I was extremely disappointed to learn that the administration's recommendation to halt the F–22 program was overridden. 187 F–22 Raptor fighter jets are not enough? The Raptor has not even been deployed to Iraq or Afghanistan, our two largest military fronts.

While I am not an expert on defense procurement, our Defense Secretary, Robert Gates, is. So I tend to believe him when he said that the notion of not buying 60 more F–22s imperils the national security of the United States is ''completely nonsense.''

We are far and away the most superior air force in the world. Why would we pour billions more into an area where we already dominate and continue to support an aircraft that is not suited to the current battlefields in which we fight? We have to invest in low-tech equipment such as unmanned drones, which are effective in those areas of conflict.

And always remember that every defense dollar spent to bolster an area where we already dominate is a dollar we don't have to spend to take care of our soldiers, strengthen our forces, and improve in areas where we may be vulnerable and our soldiers may be vulnerable.

Again, we have to simply stop spending more and start spending smarter. Our soldiers deserve it. The taxpayers deserve it.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from Maine and I thank you, Mr. Speaker, for your courtesy, and I want to thank all who have come to participate in this debate. This legislation enjoys extraordinarily wide bipartisan support.

It's unfortunate that the rule that brings it to the floor is not fair. As I pointed out, it makes about two-thirds of the amendments that were introduced to the Rules Committee from the majority party in order and only about one-third of the amendments presented or introduced, proposed for debate by Members of the minority party. That's not fair. And it maintains a pattern that obviously we have seen deepened, augmented significantly in a very worrisome way in the appropriations process, where for the first time all of the appropriations bills are being brought to the floor under restrictive rules. We have had significant debate, but that's something that is also unfair and unfortunate, and it diminishes the rights of each of the Members of this House.

So I do think it's important we get to debate on legislation, in this case, this authorization of the Armed Forces legislation that enjoys such widespread bipartisan support.

So once again, opposing the rule and opposing the previous question, I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART) for the dialogue that we have had here on the floor tonight.

Mr. Speaker, the rule before us today will continue the open debate that was held on committee, some of which continue tonight, and further our efforts to find solutions to those pressing problems.

In particular, this rule adds the text of H.R. 2990 to the underlying bill, which funds a 1-year expansion of concurrent receipts for retired veterans, extends retention bonuses and special pay authorities for enlisted servicemembers and funds provisions in the Federal Retirement Reform Act of 2009.

I would like to thank the Chair, Chairman SKELTON, Ranking Member MCKEON, and all my colleagues on the House Armed Services Committee for their tireless work on this bill.

I urge a ''yes'' vote on the previous question and on the rule.

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT AS MEMBER TO THE PUBLIC INTEREST DECLASSIFICATION BOARD

The SPEAKER pro tempore. Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of

the House to the Public Interest Declassification Board for a term of 3 years:

Mr. David Skaggs, Longmont, Colorado

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–52)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency, declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2009.

The current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals that would otherwise have been lifted in Proclamation 8271 of June 26, 2008.

BARACK OBAMA.
THE WHITE HOUSE, *June 24, 2009*.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 573 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2892.

□ 2028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 1 printed in part D of House Report 111–183, offered by the gentleman from Arizona (Mr. FLAKE) had been postponed and the bill had been read through page 93, line 12.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. PRICE of North Carolina.

Amendment No. 5 printed in part B by Mr. LEWIS of California.

Amendment No. 8 printed in part B by Mr. KING of New York.

Amendment No. 1 printed in part B by Mr. BILIRAKIS of Florida.

Amendment No. 3 printed in part B by Mr. KING of Iowa.

Amendment No. 2 printed in part B by Mr. DUNCAN of Tennessee.

Amendment No. 7 printed in part B by Mr. POE of Texas.

Amendment No. 4 printed in part B by Mr. KING of Iowa.

Amendment No. 6 printed in part B by Mr. NEUGEBAUER of Texas.

Amendment No. 7 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 2 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part D by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 85, not voting 9, as follows:

[Roll No. 435]

AYES—345

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sutton

Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—85

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bishop (UT)
Blunt
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Calvert
Campbell
Carter
Chaffetz
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hunter
Inglis
Issa
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
Mack
Marchant
McCaul
McClintock
McHenry
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Thornberry
Wamp
Wilson (SC)

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Kennedy
Kirk
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes are remaining in this vote.

□ 2058

Messrs. CALVERT, LEWIS of California, ISSA, and EHLERS changed their vote from ''aye'' to ''no.''

Messrs. WHITFIELD, CAMP, PITTS, REHBERG, WOLF, Mrs. CAPITO, Mrs. BONO MACK, Ms. FALLIN, Messrs. SMITH of Nebraska, TERRY, Ms. GINNY BROWN-WAITE of Florida, Messrs. ROE of Tennessee, BROWN of South Carolina, COFFMAN of Colorado, MCCOTTER, HERGER, DEFAZIO, MCCARTHY of California, MANZULLO, DEAL of Georgia, WESTMORELAND, BOOZMAN, GINGREY of Georgia, Mrs. BLACKBURN, and Mr. KING of New York changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 5 OFFERED BY MR. LEWIS OF CALIFORNIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LEWIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 55, not voting 9, as follows:

[Roll No. 436]

AYES—375

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

NOES—55

Ackerman
Andrews
Baldwin
Berry
Blumenauer
Bordallo
Butterfield
Carson (IN)
Clarke
Conyers
Crowley
DeGette
Edwards (MD)
Ellison
Eshoo
Farr
Fudge
Grijalva
Hastings (FL)
Hinchey
Hirono
Honda
Hoyer
Jackson (IL)
Kilpatrick (MI)
Lee (CA)
Matsui
McDermott
McGovern
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Norton
Olver
Perlmutter
Polis (CO)
Price (NC)
Sablan
Sánchez, Linda T.
Scott (VA)
Serrano
Sires
Slaughter
Snyder
Speier
Stark
Tonko
Tsongas
Velázquez
Visclosky
Watson
Watt
Woolsey

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2102

Messrs. CARSON of Indiana and SNYDER changed their vote from ''aye'' to ''no.''

Ms. WASSERMAN SCHULTZ changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 8 OFFERED BY MR. KING OF NEW YORK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 148, not voting 9, as follows:

[Roll No. 437]

AYES—282

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Childers
Clarke
Clay
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (KY)
Deal (GA)
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Ehlers
Ellison
Emerson
Engel
Faleomavaega
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hoekstra
Holt
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kucinich
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shuler
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tonko
Towns
Turner
Upton
Velázquez
Walden
Wamp
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—148

Adler (NJ)
Andrews
Baldwin
Becerra
Berry
Bishop (GA)
Blumenauer
Bordallo
Boswell
Boyd
Braley (IA)
Bright
Butterfield
Capps
Carnahan
Carter
Castor (FL)
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Culberson
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeGette
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Eshoo
Etheridge
Farr
Filner
Gonzalez
Gordon (TN)
Granger
Green, Al
Grijalva
Gutierrez
Halvorson
Hare
Hastings (WA)
Herseth Sandlin
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lipinski
Loebsack
Luján
Markey (CO)
Matsui
McCollum
McDermott
McGovern
McIntyre
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Napolitano
Norton
Oberstar
Obey
Olver
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Rush
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Shea-Porter
Sherman
Shimkus
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2106

Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida and Ms. ZOE LOFGREN of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 1 OFFERED BY MR. BILIRAKIS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 6, not voting 10, as follows:

[Roll No. 438]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)

Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—6

Clarke
Conyers
Edwards (MD)
Grijalva
Jackson (IL)
Lee (CA)

NOT VOTING—10

Capuano
Christensen
Conaway
Dahlkemper
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2110

Messrs. CUMMINGS and WELCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAHLKEMPER. Madam Chairman, on rollcall No. 438, I voted, but it did not record. Had I been present, I would have voted ''aye.''

PART B AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 187, answered ''present'' 1, not voting 11, as follows:

[Roll No. 439]

AYES—240

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Faleomavaega
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—187

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Heinrich
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sherman
Simpson
Sires
Skelton
Slaughter
Snyder
Speier
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—11

Capuano
Christensen
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Pierluisi
Scott (GA)
Spratt
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2114

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 2 OFFERED BY MR. DUNCAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 294, not voting 11, as follows:

[Roll No. 440]

AYES—134

Aderholt
Akin
Alexander
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Cassidy
Castle
Chaffetz
Coble
Cole
Conaway
Crenshaw
Dahlkemper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Faleomavaega
Fallin
Farr
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Pence
Petri
Pitts
Poe (TX)
Polis (CO)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Terry
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)

NOES—294

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Calvert
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—11

Boehner
Butterfield
Capuano
Christensen
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Miller, George
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2117

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 7 OFFERED BY MR. POE OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 230, not voting 7, as follows:

[Roll No. 441]

AYES—202

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)

Gohmert
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—230

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

NOT VOTING—7

Boehner
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2121

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 349, noes 84, not voting 6, as follows:

[Roll No. 442]

AYES—349

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Waters
Weiner
Welch

Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—84

Ackerman
Andrews
Baldwin
Becerra
Berman
Berry
Blumenauer
Braley (IA)
Capps
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Doyle
Edwards (MD)
Ellison
Engel
Farr
Fudge
Grijalva
Gutierrez
Hare
Hastings (FL)
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Kaptur
Kilpatrick (MI)
Kucinich
Lee (CA)
Lofgren, Zoe
Luján
Markey (MA)
Matsui
McCollum
McDermott
McMahon
Mollohan
Moore (WI)
Moran (VA)
Nadler (NY)
Napolitano
Norton
Olver
Pierluisi
Polis (CO)
Quigley
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (VA)
Serrano
Sires
Slaughter
Stark
Sutton
Tauscher
Thompson (MS)
Tonko
Towns
Tsongas
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—6

Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2124

Mr. HASTINGS of Florida changed his vote from ''aye'' to ''no.''

Mr. WELCH, Ms. ESHOO, and Ms. CORRINE BROWN of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. McMAHON. Madam Chair, during roll-call vote No. 442, I mistakenly recorded my vote as "no" when I should have voted "aye."

PART B AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 318, not voting 8, as follows:

[Roll No. 443]

AYES—113

Adler (NJ)
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Chaffetz
Coble
Cole
Conaway
Culberson
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOES—318

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Capuano
Christensen
Edwards (TX)
Kennedy
Lewis (GA)
Stupak
Sullivan
Towns

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2128

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 322, not voting 7, as follows:

[Roll No. 444]

AYES—110

Akin
Austria
Bachmann
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—322

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 348, not voting 9, as follows:

[Roll No. 445]

AYES—82

Akin
Bachmann
Barrett (SC)
Blackburn
Bono Mack
Boustany
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Doggett
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Mack
McCaul
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich

Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Boehner
Capuano
Christensen
Kagen
Kennedy
Lewis (GA)
Lofgren, Zoe
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 2135

Mr. WITTMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 317, not voting 8, as follows:

[Roll No. 446]

AYES—114

Akin
Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Doggett
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Harper
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kline (MN)
Kosmas
Lamborn
Lance
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Moran (VA)
Myrick
Nadler (NY)
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rangel
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Thornberry
Tiberi
Tierney
Upton
Westmoreland
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Boehner
Capuano
Christensen
Hall (TX)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2138

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 318, not voting 11, as follows:

[Roll No. 447]

AYES—110

Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Kosmas
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)

NOES—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Boehner
Capuano
Christensen
Frank (MA)
Gohmert
Kennedy
Lewis (GA)
Roybal-Allard
Schrader
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2141

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 320, not voting 7, as follows:

[Roll No. 448]

AYES—112

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Kosmas
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—320

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr

Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Boehner
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2145

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2010''.

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. DEGETTE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 573, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 573, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

Mr. PRICE of Georgia. Madam Speaker, I move that the vote on the amendments be divided.

The SPEAKER pro tempore. The Chair will respond by reading from House Resolution 573.

The Chair is reading from page 3, line 11:

In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question.

Mr. PRICE of Georgia. Madam Speaker, I move that the amendments be divided.

The SPEAKER pro tempore. The Chair has just read the rule saying that the amendments en gros may not be divided.

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, isn't it true that rules routinely provide for a separate vote to be allowed when the Committee rises on amendments being offered in the Committee of the Whole?

The SPEAKER pro tempore. The Chair will not compare this rule to other rules.

Mr. PRICE of Georgia. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, if a Member voted ''no'' on one amendment and ''yes'' on another amendment and wanted the opportunity to have a separate vote on those two amendments, my understanding is that the ruling of the Chair and the rule prohibits a separate vote on those two amendments; is that correct?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. PRICE of Georgia. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. If I desired a vote on two separate amendments, is there a way under the rule for that to be accomplished?

The SPEAKER pro tempore. The Chair will read the rule again. Page 3, line 11:

In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

It is my understanding that this type of rule has never been utilized before. Is the Speaker aware of that?

The SPEAKER pro tempore. The Chair will not serve as historian.

Mr. PRICE of Georgia. I thank the Speaker.

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

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

MOTION TO RECOMMIT

Mr. ROGERS of Kentucky. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Kentucky. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Kentucky moves to recommit the bill H.R. 2892 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 2, line 18, after the dollar amount insert ''(reduced by $50,000,000)''.

On page 52, line 19, after the first dollar amount insert ''(increased by $50,000,000)''.

On page 52, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Speaker, since the majority has shut out nearly all the minority from offering legitimate and well-reasoned amendments, I offer this motion to recommit.

The motion is straightforward. It would simply add $50 million to the E-Verify program. This program allows an employer to call and verify that an applicant for a job is not an illegal immigrant. For months the administration and this majority have delayed,

diminished and ultimately dismissed the government-run employee verification system under the guise that the system is inaccurate, costly, and susceptible to error and identity theft. However, E-Verify is accurate 99-plus percent of the time. In my book, 99 percent accuracy, especially when we're talking about jobs and security, is a pretty good statistic.

Having said that, this motion would ensure beyond a shadow of a doubt complete and total accuracy of E-Verify. No longer can opponents of E-Verify hide behind concerns about incorrect readings or system errors. This motion simply directs $50 million in this bill to improve on a system that the current Secretary of Homeland Security had the good sense to adopt in her home State when she was governor 2 years ago.

E-Verify ensures that a legitimate worker has a legitimate shot at a job. If we can't help our citizenry in this, what are we doing here? Second, it's a tool to prevent illegitimate workers from working in secure areas; airport runways, military bases, Federal buildings, train yards and so forth. Continued opposition to this creates a security vulnerability we simply can't afford. We have record-level unemployment in this country, and we have Americans who want to work, yet we continue to drag our feet and delay both an economic tool and a homeland security tool.

So let's get past the rhetoric. Let's add sufficient funds to ensure even greater accuracy, capacity and oversight to prevent the risk of identity theft. Madam Speaker, $50 million is just one-third of the raise the departmental headquarters gives itself under this bill. So let's give Americans at least a fighting chance at a job and ensure that our government and U.S. businesses are employing legitimate American workers.

I yield to my colleague from California.

Mr. CALVERT. Madam Speaker, as the original author of E-Verify, I would like to report tonight we have over 135,000 employers throughout the United States that are using E-Verify every day successfully. Millions of employees have gone through that system to make sure that the workforce that they're employing is a legal workforce. As a former employer in the restaurant business, I can tell you, I wish I had that system available to me. Adding this $50 million will make sure E-Verify is accurate. It's already 99 percent accurate. That's pretty good for government work. We can make it even more accurate. We need to make sure that jobs in this country go to people who are here legally. This is an opportunity for the House to vote for this motion to recommit that will make sure that Americans who are looking for jobs will have the opportunity to find one.

So I would ask all my colleagues, vote ''yes'' on this motion to recommit.

Mr. ROGERS of Kentucky. I thank the gentleman for those remarks. Give Americans a job.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Speaker, let me say at the outset that I understand Members will make their own decision about this amendment, and I'm not going to presume to recommend a ''yes'' or ''no'' vote. But I am going to say a few things which need to be said and give a few facts about the impact of this motion and about this program, which I hope will help Members make this decision.

It is ironic, given the amount of discussion we've heard tonight about how harmful the deficit is, to suddenly be told that a program that's already growing at 12 percent a year, well above inflation, needs to be increased.

Let me just remind Members of what the figures look like. This E-Verify program was funded in the '08 fiscal year at $60 million. It's funded this year at $100 million. It will be funded next year, according to our bill, at $112 million. Yet as of the end of April, the program had not obligated 70 percent of its 2009 budget, even though the fiscal year was more than half over. A third of the funds from the last year of the Bush administration also remain unobligated. So this doesn't look like a situation where throwing money at the program will solve its problems since the program obviously cannot spend the funds it currently has bankrolled.

Now it is true that the E-Verify system has problems, particularly with falsely telling an unacceptable number of U.S. citizens that they cannot work. We provide ample money in this bill to work on those problems. However, the 2010 budget funds the entire $112 million request for the E-Verify system. It also, by the way, extends the program's authorization by 2 years. The additional funding already provided in the bill will allow the DHS managers of E-Verify to improve oversight and auditing of the program to address technical difficulties that hamper its success. There is absolutely no indication that taking this $112 million budget figure to $162 million would accomplish anything except decimating the top ranks of DHS by way of this costly offset.

With the amendments that have been adopted here today, including this one, we would have cut $120 million below the administration's request for the Office of the Undersecretary for Management. A cut like this would fall hardest on important initiatives, which this House has backed in a bipartisan fashion: to improve departmental security, to train workers to meet the department's acquisition needs, to tighten oversight of DHS's major procurements, and to ensure classified programs aren't wasting taxpayer dollars or accidentally leaking classified information through the procurement process. It is a massive and devastating cut, not a free ride, not in the least. Members can make their own decision.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2892; ordering the previous question on H. Res. 572; adopting H. Res. 572, if ordered; and approving the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 6, as follows:

[Roll No. 449]

AYES—234

Aderholt	Chaffetz	Hastings (WA)
Adler (NJ)	Childers	Heller
Akin	Coble	Hensarling
Alexander	Coffman (CO)	Herger
Altmire	Cole	Herseth Sandlin
Arcuri	Conaway	Hill
Austria	Crenshaw	Himes
Bachmann	Culberson	Hodes
Bachus	Dahlkemper	Hoekstra
Barrett (SC)	Davis (AL)	Hunter
Barrow	Davis (KY)	Inglis
Bartlett	Davis (TN)	Issa
Barton (TX)	Deal (GA)	Jenkins
Bean	DeFazio	Johnson (IL)
Biggert	Dent	Jones
Bilbray	Diaz-Balart, L.	Jordan (OH)
Bilirakis	Diaz-Balart, M.	Kanjorski
Bishop (UT)	Donnelly (IN)	King (IA)
Blackburn	Dreier	King (NY)
Blunt	Driehaus	Kingston
Boccieri	Duncan	Kirk
Boehner	Ehlers	Kirkpatrick (AZ)
Bonner	Ellsworth	Kissell
Bono Mack	Emerson	Kline (MN)
Boozman	Fallin	Kosmas
Boren	Fleming	Kratovil
Boustany	Forbes	Lamborn
Brady (TX)	Fortenberry	Lance
Bright	Foster	Latham
Broun (GA)	Foxx	LaTourette
Brown (SC)	Franks (AZ)	Latta
Brown-Waite, Ginny	Frelinghuysen	Lee (NY)
	Gallegly	Lewis (CA)
Buchanan	Garrett (NJ)	Linder
Burgess	Gerlach	Lipinski
Burton (IN)	Giffords	LoBiondo
Buyer	Gingrey (GA)	Loebsack
Calvert	Gohmert	Luetkemeyer
Camp	Goodlatte	Lummis
Campbell	Granger	Lungren, Daniel E.
Cantor	Graves	
Cao	Griffith	Mack
Capito	Guthrie	Maffei
Carney	Hall (NY)	Manzullo
Carter	Hall (TX)	Marchant
Cassidy	Halvorson	Markey (CO)
Castle	Harper	Marshall

Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Capuano
Kennedy
Lewis (GA)
Lucas
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain on this vote.

□ 2215

Mr. SESTAK changed his vote from ''aye'' to ''no.''

Ms. MARKEY of Colorado, Ms. SHEA-PORTER and Messrs. ADLER of New Jersey, KANJORSKI and HODES changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. PRICE of North Carolina. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2892, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of North Carolina:

On page 2, line 18, after the dollar amount insert ''(reduced by $50,000,000)''.

On page 52, line 19, after the first dollar amount insert ''(increased by $50,000,000)''.

On page 52, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

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

The amendment was agreed to.

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

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

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

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 37, not voting 7, as follows:

[Roll No. 450]

YEAS—389

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier

Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—37

Barrett (SC)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Castle
Chaffetz
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Hensarling
Hoekstra
Inglis
Jenkins
Johnson (IL)
Linder
McClintock
Neugebauer
Paul
Pence
Petri
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Westmoreland

NOT VOTING—7

Capuano
Kennedy
Lewis (GA)
Murphy (CT)
Sessions
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2223

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the vote on ordering the previous question on House Resolution 572, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 181, not voting 7, as follows:

[Roll No. 451]

YEAS—245

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

NAYS—181

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

NOT VOTING—7

Buyer
Capuano
Coble
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2230

Mr. FRANK of Massachusetts changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 9, as follows:

[Roll No. 452]

YEAS—222

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus

Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
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Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
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Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

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

NOT VOTING—9

Capuano
Coble
Hinojosa
Kennedy
Lewis (GA)
Slaughter
Stupak
Sullivan
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are left on this vote.

□ 2238

Mr. KIND of Wisconsin changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–184) on the resolution (H. Res. 578) providing for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2647 and to insert extraneous material thereon.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2647.

□ 2241

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

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

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

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

Mr. Chairman, I rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The House Armed Services Committee brings before the House a bill reported out of committee by a vote of 61–0. This consensus was achieved after a great deal of hard work. Our mark lasted almost 17 hours. We considered 129 amendments; we adopted 107 of them. We had an excellent debate on the issues in the best traditions of our committee. I am confident we will have a similar experience here in the full House.

Mr. Chairman, I am pleased to be joined in support of the bill by my friend and my partner, BUCK MCKEON. I am thrilled that he is our ranking member, and I commend him for jumping in head first on his first official day on the job, which of course was a full day for our markup. He has been a very able and constructive partner as well as, when required, a skilled opponent. I must, however, mention our esteemed colleague, JOHN MCHUGH, who has agreed to become the Secretary of the Army, but who leaves our committee having established a lasting legacy, especially on issues of personnel.

In this debate we will consider, and I am confident that we will adopt, an amendment that is sponsored by both Mr. MCKEON and me that is a tribute to the work of JOHN MCHUGH on our committee.

Likewise, I must thank the subcommittee chairmen and ranking members who contributed so much on this bill. They did their homework, and I am pleased with the outcome of our efforts. They solved almost every problem set out for them, and they accomplished a lot of good government at the same time.

□ 2245

They were ably assisted by our committee staff, the amazing professionals in the Office of the Legislative Counsel, and the Office of the Parliamentarian.

This bill authorizes $550.5 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. The bill also authorizes $130 billion to support ongoing military operations in Iraq and Afghanistan during fiscal year 2010. These amounts are essentially equal to the President's budget request for items in the jurisdiction of our committee.

H.R. 2647 reflects the Congress' deep commitment to supporting American servicemembers and providing the necessary resources to keep Americans safe. The bill provides our military personnel with a 3.4 percent pay raise, an increase of .5 percent above the President's request. The bill also includes a number of initiatives to support military families. In this, the Year of the Military Family, we provide funds to establish a Center for Care for military members and their families. We also increase the weight allowance for senior noncommissioned officers, and authorize the transportation of a second vehicle for members who are changing stations from or to a nonforeign area outside the United States. The bill also provides funding to enhance the Health Professions Scholarship program for mental health providers to support the troops and their families.

The mark fully funds the President's budget request for military training, equipment, maintenance, and facilities upkeep. By doing so, the committee continues its efforts to address readiness shortfalls that have developed over the past 8 years.

To address some of these concerns in this mark, we have added $1.6 billion to operation and maintenance, including $395 million for Navy aviation and ship depot maintenance, $762 million to achieve 100 percent of the requirement for sustainment of facilities, including the Department of Defense schools, which, by the way, are excellent, and $450 million to improve the quality of Army training barracks.

The war in Afghanistan is a critical mission that is finally getting the attention it demands, and I've been saying that for quite some time. To ensure our strategy in both countries is effective and achieves the intended goals within well-defined timelines, the bill requires the President to assess American efforts and regularly report on progress. It also authorizes the new Pakistan Counter-Insurgency Fund to allow our commanders to help Pakistan quickly and more effectively go after the terrorists in their safe havens.

On Iraq, the committee supports the President's policy while also upholding the Congress' responsibility to provide oversight to the process of drawing down the mountain of material purchased, transported and built up in Iraq at tremendous expense to the taxpayer.

In the area of nonproliferation, the bill increases funding and creates new authorities to strengthen the Department of Defense's Cooperative Threat Reduction program. The bill also fully supports the Department of Energy's nonproliferation programs, and adds substantial funding in support of the President's plan to secure and remove all known vulnerable nuclear materials that can be used for weapons.

The bill takes additional steps on acquisition reform beyond what we did in the bill on weapons acquisition which was enacted and signed into law by the President last month.

It also ensures that the Quadrennial Defense Review currently being undertaken by the Department of Defense both complies with the law and gives Congress the insight it needs to make judgments about force structure and programmatic changes.

In summary, Mr. Chairman, I believe this bill can be supported by every Member of this House. I recognize that some who have deep objections to current defense policy on various issues may feel compelled maybe to oppose the bill. That's their right, of course. But even in most of those cases, I believe that solid progress is made in this bill toward protecting our national security in the right way.

I ask Members to vote for H.R. 2647, for our troops and their families, and for a strong national defense for our Nation.

The object of our affection, Mr. Chairman, are the young men and young women in uniform who do professional, outstanding work for our country. This bill helps them in their efforts. All of us are proud of them, and I hope that the vote on this bill, when we vote tomorrow, will reflect that pride in the military of the United States of America.

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

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

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security issues undertaken by the Departments of Defense and Energy.

We all take our legislative responsibilities very seriously. This is especially true during a time of war, and it is always true of my good friend and colleague, Armed Services Committee chairman IKE SKELTON.

I would be remiss, Mr. Chairman, without saying a word about the outgoing ranking member, JOHN MCHUGH. I know we all agree that this committee, this Congress, and the 23rd District of New York will all miss the leadership of JOHN MCHUGH. I look forward to speaking more about JOHN later in our debate.

As a result of Chairman SKELTON's tireless efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2010 last Wednesday. The vote was unanimous, 61–0.

Consistent with the longstanding bipartisan practice of the Armed Services Committee, this bill reflects our committee's continued strong support for the brave men and women of the United States Armed Forces.

This legislation acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists, supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress, and calls on the President to provide our U.S. military commanders with the military forces they require in order to succeed.

In Iraq, the committee ensures the Congress will support the President's plan to redeploy combat forces while providing our commanders on the ground the flexibility to hold hard-fought security gains and ensure the safety of our forces.

Mr. Chairman, we owe our soldiers, sailors, airmen and marines the very best available equipment, training and support in order to provide them with the best possible tools to undertake their missions and return safely. The provisions that are already in this bill go a considerable way in demonstrating this support, but we can, and should, improve it.

Congress, and particularly the Armed Services Committees in both Chambers, has the unmistakable obligation to ensure that the Department of Defense develops and deploys defensive capabilities that protect the American people, our forward-deployed forces, and our allies. This includes promising programs in the areas of missile defense.

In a year where Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, elements of genuine national security threat, this bill endorsed reductions to capabilities that would provide a comprehensive missile defense

system to protect the U.S. homeland, our forward-deployed troops, and our allies.

We need to take steps that would reverse the administration's 35 percent reduction to a critical component of the national missile defense system located in Alaska and California, which is designed as a last line of defense to protect the U.S. homeland. It's unfortunate that we've been forced to trade national missile defense capabilities for more theater missile defense. Both are necessary, and both could have been adequately funded without such deep cuts.

Building on the Weapons Acquisition Reform bill that the President signed in May, this legislation takes a number of important steps on major weapons programs. I am pleased that this bill provides $368.8 million in advance procurement funding for 12 additional F–22s. Keeping the F–22 production line open is not only necessary to meet military requirements, but also sustains a critical sector of the defense industrial base and provides over 95,000 direct and indirect jobs at a time when our economy is struggling through a recession.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom. I am pleased that this legislation includes a 3.4 percent pay raise, which is half a percentage point above the President's request. I commend and thank Chairman SKELTON for working to address the concurrent receipt in the suspension bill addressed earlier today. However, I remain concerned that we were not able to fund payments to military surviving spouses by repealing the ''widow's tax'' and allowing access to TRICARE for Guard and Reserve members who receive earlier retirement. If this is truly to be the Year of the Military Family, we must make it a priority to fund these programs, too.

One of the few areas where there is disagreement within our committee is detainee policy. These are differences that I believe need to be debated and given a vote within the full House. As you know, many Members believe the American people do not want detainees in Guantanamo brought to the sovereign territory of our country. I am disappointed we will not debate amendments dealing with the transfer or release of detainees from Guantanamo Bay, Cuba into the United States.

Finally, I strongly agree with many Members who believe that Congress should do everything possible to ensure that the detainee pictures presently subject to the Freedom of Information Act are not released. The President and our military commanders determined that these photos, if released, would risk the safety of U.S. forces in Iraq and Afghanistan. Given the overwhelming support for this language in the Senate, I regret that we could not address this issue on the House floor today.

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers.

I thank Chairman SKELTON for putting together an excellent bill and helping us to stay focused on delivering a bill that protects, sustains, and builds our forces. I look forward to working with my colleagues to improve and pass H.R. 2647.

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

Mr. SKELTON. Mr. Chairman, the Member I am about to yield to for 3 minutes will be giving her last presentation in this House, for she will be, very shortly, a member of the administration within the State Department with a high-ranking position. We wish her well, as well as wishing her well in her upcoming marriage.

I yield 3 minutes to my friend, my colleague, the distinguished chairman of the Subcommittee on Strategic Forces, the gentlelady from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Thank you, Mr. Chairman, for those very kind words. It has been a pleasure to work with you and my colleagues on the committee and my colleagues in the House. Thank you for your patriotic service.

I am pleased to rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, and to summarize the portions of the bill drafted by the Strategic Forces Subcommittee which I am proud to have chaired for the past 3 years.

I want to thank my colleagues on both sides of the aisle, including Ranking Member TURNER for his hard work and always good willingness to work in a bipartisan way.

H.R. 2647 includes $14.3 billion for the Department of Energy national security programs, not including nuclear nonproliferation programs, $9.3 billion for ballistic missile defense programs, the amount the President requested, and $11 billion for military space programs, including just over $9 billion for Air Force space programs.

For Department of Energy national security programs, the bill authorizes $6.5 billion for nuclear weapons activities and $5 billion for the Defense Environmental Cleanup.

H.R. 2647 authorizes a new stockpiling management program to provide better guidance to the National Nuclear Security Administration on the maintenance of our nuclear weapons and to establish clear limits on that maintenance. The bill also adds a new requirement for lab-to-lab peer review called ''Dual Validation'' as part of the annual assessment of the nuclear stockpile.

For missile defense, the bill authorizes the President's request of $9.3 billion overall, including nearly $8 billion for the Missile Defense Agency. The bill focuses on the highest priority threats and on making our missile defense system more effective. As such, the bill shifts away from the capabilities-based approach of the last few years, which meant that if a contractor said they could build it, MDA would fund it whether or not it addressed a current threat or whether or not the combatant commanders requested it. That approach yielded several early-to-need programs that fell behind schedule and went way over budget and left us with ground-based interceptors in Alaska that we are currently spending millions of dollars to fix and upgrade.

□ 2300

In contrast, as MDA Director General Patrick O'Reilly told our subcommittee in May, the process leading up to this year's request on missile defense was the first that involved the combatant commanders in a meaningful way and the first with a mature Missile Defense Evaluation Board in place.

This more sensible process yielded a balanced, threat-based approach to missile defense.

H.R. 2647 includes $1 billion to further develop the Ground-based Midcourse Defense system to defend against emerging long-range threats, and it includes a requirement to prepare a sustainment and modernization program for the ground-based system.

H.R. 2647 also substantially increases the deployment of proven missile defense capabilities such as Aegis BMD and the Terminal High Altitude Area Defense, THAAD, which are designed to counter the ballistic missile threats our troops are most likely to face: Short, medium-range missiles.

Over the next 5 years, the Aegis Standard Missile-3 inventory will grow from 133 to 325.

Mr. Chairman, I want to thank you again for working with me. I think this is a very good bill. I think we address the threats to our forward-deployed troops, our allies, and I hope my colleagues work with us to support the bill and get its passage.

In military space programs, the mark builds on the bipartisan approach the subcommittee took in the last Congress.

The bill makes reductions in programs with significant schedule and cost risks, including the Third Generation Infrared Satellite System and the High Integrity GPS program.

The bill reflects the subcommittee's support for the Operationally Responsive Space (ORS) program, and includes an increase of twenty-three point four million dollars to support the launch of the first ORS imaging satellite, ORS SAT–1.

H.R. 2647 also requires the Secretary of Defense to submit a space science and technology strategy when the President submits

the budget request to Congress. This provision will help guide the Administration and Congress as we approach major investment decisions in national security space.

H.R. 2647 also provides a twelve month extension for the Congressional Commission on the Strategic Posture of the U.S., to allow the commission to review the strategic security issues addressed by the pending Nuclear Posture Review and Quadrennial Defense Review.

Finally, in intelligence-related matters, the bill recommends a funding increase to boost the focus and resources of the Intelligence Community devoted to analyzing foreign nuclear weapons capabilities, programs, and intentions.

H.R. 2647 also includes two important planning requirements related to intelligence.

First, it requires the Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, to prepare a plan to maintain a robust foreign nuclear activities analysis capability in the DOE national labs.

Second, it requires the Secretary of Defense, in consultation with the DNI, to assess foreign ballistic missile intelligence analysis gaps and shortfalls, and prepare a plan to address such gaps.

In sum, H.R. 2647 smartly tackles the critical national security priorities within the jurisdiction of the Strategic Forces Subcommittee. I strongly encourage my colleagues to support H.R. 2647.

Mr. MCKEON. Mr. Chairman, I yield to the gentleman from Maryland (Mr. BARTLETT) the ranking member on the Air and Land Forces Subcommittee such time as he may consume.

Mr. BARTLETT. Thank you.

I would like to thank my good friend from Hawaii (Mr. ABERCROMBIE) the chairman of the Air and Land Forces Subcommittee, for his continued professionalism and all the hard work that has taken place behind the scenes to get this bill done. This is not an easy process and the legislation before us reflects many difficult decisions.

Once again, this bill places force-protection issues at the top of the priority list. It provides additional funds for the National Guard equipment account and the services' unfunded priority lists. And the changes that this bill makes in regards to body armor is long overdue and will provide better protection for our war fighters for years to come.

As I said during our oversight hearings and subcommittee markup, there is no doubt that this budget and the decisions that come along with it will fundamentally change the United States Air Force and Army.

I see two problems. First, the budget should not drive the strategy. The strategy should be set, then the funding requirements are laid out in the budget that follows. It appears to me that in many cases funding limitations in the FY 2010 budget top line were the sole driver in major policy decisions.

The second problem that I see is that instead of openly engaging the legislative branch on policy matters proposed for structure changes and the shifting requirements for major weapons platforms, the executive branch has chosen to lock us out of those debates and tie our hands by unveiling sweeping policy changes buried under the guise of a budget request.

A case in point is the joint cargo aircraft. I have asked witnesses in the Army, the Air Force, the Office of the Secretary of Defense: What has changed? Why is this mission being moved out of the Army and solely over to the Air Force, when not 4 months ago we received the Quadrennial Roles and Missions Review Report that stated, ''the option that provided most value to the joint force was to assign the C–27J to the Air Force and Army. ''

None of them have been able to answer the question, but all of them stated that there was no new study or analysis conducted that countered the existing plan or reduced the JROC recruit requirement for 78 joint cargo aircraft.

What has happened as a result of all this is that the Congress is now left to debate the puts and takes in the budget when there has been no vetting of the underlying threat assumptions policy or strategy. This body, not the executive branch, is charged with a constitutional mandate to raise and support armies and navies. I am extremely troubled that these decisions have been made in a vacuum and appear at least on the surface to be informed by nothing other than top-line budget pressures.

I want to be clear that my frustration is with the Department, not this bill. In fact, given the little information that we have received, I believe our Members on both sides of the aisle and our really excellent staff have done an amazing job. As I said on many occasions, the House Armed Services Committee has a long tradition of focusing on those issues that most impact and help our brave men and women in uniform. And I, like all our Members on both sides of the aisle, am very proud to be serving on this committee.

Finally I would like to briefly comment on the Army's Future Combat System. As we all know, the Secretary of Defense announced a decision to restructure the decision and terminate the Manned Ground Vehicles. Our committee has scrutinized the Future Combat System program in a bipartisan manner since 2004. We have consistently had concerns in regard to the survivability of the Manned Ground Vehicles, but we have never questioned the need for the Army to modernize and replace a combat vehicle fleet that is in excess of 30 years old.

The problem that I have is there is still much information that we need from OSD so that we can make informed decisions. As a result, we have been forced to make some very difficult decisions I would prefer to make with more information.

Again, on balance, this is a good bill, and I encourage all members to support it.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, my colleague from Texas, who is the distinguished chairman of the Subcommittee on Readiness, Mr. ORTIZ.

Mr. ORTIZ. Thank you, Mr. Chairman.

I rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The bill before us today reflects our committee's continuing efforts to reverse a decline in the readiness posture for Armed Forces.

I would like to thank the ranking member from my subcommittee, my good friend, Mr. FORBES of Virginia, for his help in bringing together this excellent bill.

The United States military is, without a doubt, the premier fighting force in the world. However, military leaders face significant challenges as they seek to fulfill the basic equipment and training needs.

H.R. 2647 is dedicated to providing the necessary resources and authorities to help reverse declining trends in training and equipment readiness. H.R. 2647 includes the following provisions to improve the overall state of the United States military readiness:

It provides $13 billion for reset of Army and Marine Corps equipment, deployment. It adds $762 million to fully sustain military base facilities and infrastructure, including Department of Defense schools.

It adds $450 million for Army barracks improvements and provides $440 million to support National Guard and Reserve military construction programs. It adds $395 million to Navy depot maintenance accounts for ships and aircraft.

It authorizes $90 million for energy conservation projects and encourages use of renewable energy and hybrid and electric vehicles. It requires a GAO report on DOD's approach to balancing the dueling requirements of troops.

It includes a 1-year extension of premium pay for Federal civilian employees deployed to Iraq and Afghanistan, and it provides $4.7 billion for training opportunities for the Army.

This bill also does many good things for south Texas. It provides additional space for the Army Reserve to warehouse equipment in a controlled humidity environment in Robstown, Texas.

The bill also authorizes an energy demonstration project at Naval Air Station Kingsville that would reduce carbon emissions and provide a renewable source of free electricity.

I support this bill, H.R. 2647, and am proud of what this bill does to restore strength to our military.

My friends, this is a good bill that reflects our bipartisan desire to improve readiness and balance the many priorities of our Armed Forces.

I urge my colleagues and my friends to vote for this bill.

Mr. MCKEON. I yield now to the gentleman from Virginia, the subcommittee ranking member on the readiness committee, Mr. FORBES, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman, for the opportunity to stand in support of this year's defense policy bill.

I would also like to express my sincere appreciation for Chairman SKELTON and Ranking Member MCKEON for their leadership and hard work in crafting a bipartisan bill that was unanimously supported by the Armed Services Committee. I would also like to thank the gentleman from Texas (Mr. ORTIZ) for his friendship and the foresight with which he conducts the readiness subcommittee.

This bill does much to address the readiness issues facing the Department of Defense by providing the Navy with $395 million to address both of the Navy's shortfalls in ship repair and aviation maintenance. We have fully funded other key readiness accounts so that our men and women have the tools, training and equipment they need when they deploy to protect our Nation.

I am pleased that this bill continues a steadfast commitment to fully funding the 2005 BRAC round for the Army, Air Force and Navy so that it can be completed by September 2011. However, I am deeply disappointed that the measure does not fully fund $350 million for defense-wide BRAC projects, which includes the construction of critical military hospitals for our men and women in uniform.

The amendment that was adopted by the full committee that led to this reduction will end up costing taxpayers more than $2 billion in 2010 alone, which is enough money to fully fund these critical health care facilities and restore $1.2 billion for comprehensive missile defense. Instead, this provision will lead to inflated wages in Guam, while taking American jobs from construction projects in Texas, Maryland, and Virginia.

That provision notwithstanding, there are many worthwhile provisions in this bill that will support our men and women in uniform, as well as the communities that support them.

I am pleased that we have added $9 billion above the President's request to assist small businesses and allow them to compete for local defense contracts, an additional $65 million to provide aid to school districts impacted by military families, and $20 million above the President's request to assist the military and conservation groups working together to protect against encroachment at our military installations.

All in all, Mr. Chairman, I believe that this is a good bill, and it will do much to support the readiness of our military.

I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, the distinguished chairman of the Subcommittee on Sea Power and Expeditionary Forces, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I very much want to thank our outstanding chairman, Mr. SKELTON for giving me this opportunity.

I rise in support of H.R. 2647, the National Defense Authorization Act. As chairman of the Sea Power and Expeditionary Forces Subcommittee, I am pleased to report to the House that this bill strengthens our Navy and Marine Corps by providing the necessary equipment for the brave young sailors and marines to carry out the tasks that our Nation requests of them. In all, this bill authorizes $38 billion for Navy and Marine Corps procurement, $19.6 billion for Navy and Marine Corps research and development efforts, $3.2 billion for Navy and Marine Corps Overseas Contingency Operations, and $401.9 million for maintaining a robust United States merchant fleet.

I believe that the balance between quality, capability, and affordability is met head on with the bill before the House tonight. The bill provides authorization for the correct number of ships, planes and ground vehicles with the right capability to meet the threat, but with the recognition that unless equipment can be procured affordably, we will never be able to build our fleet or our air wings. That's why, working in a bipartisan manner, the subcommittee recommended and the full committee adopted our recommendation to grant multiyear procurement authority for the construction of DDG 51 destroyer programs, the world's best destroyer, and multiyear procurement authority to realize significant cost savings in the procurement of F/A 18 Strike Fighters to repopulate our air wings on the decks of our carriers.

In particular, the bill would authorize construction of eight new battle force vessels to include a Virginia Class submarine, three Littoral Combat Ships, one DDG 51 Burke Class Destroyer, two T-AKE Dry Cargo Ammunition Ships and one Joint High Speed Vessel. In addition to new construction, the bill would authorize procurement of long lead material construction for seven additional vessels in coming years, most importantly, two submarines per year starting next year.

The bill would authorize the Secretary of the Navy to enter into multiyear contracts for the purchase of additional F/A 18 Superhornets and E/A 18 Growlers. The bill contains over $100 million in additional funding to buy long-lead equipment and materiel necessary to continue production of these aircraft.

These are the finest aircraft in the world today, save our own Air Force F22 Raptor. Since it's unlikely that our Navy and Air Force will go to battle against themselves, that means the Superhornet is unmatched by any other strike fighter in the world.

We must always remember that the Navy and the Marine Corps are our Nation's 9–1–1 force; they can arrive anywhere in the world quickly with full combat power. They do not need weeks or months to ship and stage equipment. This is why the expeditionary force desperately needs more of these strike fighters. The bill will provide that capability.

This bill would also continue vital research and development efforts to ensure that our fleet maintains the technology and the superiority necessary to defeat all threats.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield an additional minute to the gentleman.

Mr. TAYLOR. Most notably, advanced missile and advanced submarine threats. The bill would fund the design and development of the next class of missile submarine, the next class of nuclear powered cruiser, and the next class of aircraft carriers.

Finally, the bill authorizes the resources necessary to maintain a robust United States Merchant Marine and authorizes $60 billion for the Title XI program.

Mr. Chairman, I would like to thank Captain Will Ebbs, Ms. Jeaness Simlar, Heath Pope, Doug Bush, and Jesse Tollson for their work in putting together this portion of the bill. I recommend it to the full House for its passage.

□ 2315

The CHAIR. The gentleman from Missouri has 12 minutes remaining. The gentleman from California has 18 minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the ranking member on the Terrorism Subcommittee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I do rise in support of the National Defense Authorization Act for Fiscal Year 2010. As the ranking member of the Terrorism and Unconventional Threats and Capabilities Subcommittee, I think we have put together a good and an excellent mark. And I'd like to thank the chairman of the subcommittee for all of his cooperation in putting this together.

The members of the subcommittee have worked hard to address the many issues that face special operations, information technology, and science and technology investments, just to name a few of the areas that our subcommittee has handled.

We have provided important support to the Department's effort to enhance NATO capabilities so that our forces do not bear the entire burden of the efforts in Afghanistan and elsewhere around the globe.

I believe we should support additional efforts to increase NATO's ability to contribute, especially at a time when irregular threats are only increasing and partnerships will prove of the utmost importance.

Our bill also addresses the needs of our special operators by increasing the budget request to address the command's unfunded requirements. These forces are at the tip of the spear in our military's efforts to counter terrorism and to bring stability to regions on the brink of chaos.

The bill includes measures to strengthen the Department's ability to operate in cyberspace and to address vulnerabilities to our information technology systems. The bill directs the establishment of a joint program office to better coordinate the acquisition of cyber capabilities across the Department and continues to push the Department to establish processes for the timely acquisition of needed information technology systems.

Finally, this bill continues our previous support of science and technology programs. Sustained investment in this area is very important for our military forces to maintain their warfighting capability not just now, but well into the future.

I would say that we need to continue to work on strategic communications, combating the potential use of weapons of mass destruction, and ensuring our national defense strategy addresses appropriately the range of threats found in our security environment today.

We must not lose sight of the importance of these issues and to ensure our forces have the resources, the authorities, and the equipment needed to provide for our Nation's defense.

Before finishing, I'd like to thank our former ranking member, Mr. JOHN MCHUGH, for all of his help, confidence, and advice. We wish him Godspeed. With that, I ask for my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend, the chairman of the Subcommittee on Terrorism and Unconventional Threats and Capabilities, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I rise in support of the National Defense Authorization Act and to discuss briefly the portions of the bill contained under the subcommittee that I chair on Terrorism and Unconventional Threats and Capabilities. And I want to begin by thanking Ranking Member MILLER from the great State of Florida for his support for this bill. We work in true bipartisan fashion on the subcommittee, following the lead of our able chairman, who does the same with the full committee, and I think, in large part as a result of that, we produce a very good product.

I also want to thank the chairman for his overall leadership on the committee in putting together this mark. It places the priorities exactly where they belong, first and foremost, on our troops and their families, giving them the support they need to continue to fight and defend our country.

In program after program, you can see the priority that that is put in this bill. I really appreciate the chairman's work on that and, particularly, the 3.4 percent pay raise across the board for our military.

The bill also prioritizes our fight in Afghanistan, the central front now in the war against al Qaeda. It is absolutely clear that the battle over there has a profound impact on the national security of this country. This bill gives our troops over there the resources and equipment they need to fight the fight, to defeat al Qaeda, and to protect us against the violent extremists in that region.

In particular, it also recognizes the battle in Pakistan by funding counterinsurgency efforts there that are so critical not just to success in Pakistan but to success in Afghanistan as well.

On the subcommittee portion of our mark on the Terrorism Subcommittee, we are focused on three main issues: First of all, support for counterterrorism efforts, the fight against al Qaeda, and broader counterinsurgency and counterterrorism efforts across the globe; second, the support for innovative new technologies to give our troops the updated equipment that they need to best fight those fights; and lastly, to protect our homeland against unconventional threats.

All of these areas are focused on irregular warfare, unconventional threats, and the emerging threats that we face. And I want to take just a moment to thank Secretary Gates for his leadership in funding the money necessary, the programs necessary, the troops necessary to fight these fights. He made some bold steps in this bill to move us past a cold war mentality to focus on the threats that are right there before us from al Qaeda and other violent extremist groups. I think that makes an enormous difference.

In particular, in our mark we do everything we can to support our troops with the special operations command. They are the tip of the spear in fighting terrorism, in fighting insurgencies throughout the globe. We are growing their force—in the process of growing their force. It is necessary to fund that growth and fully support their outstanding efforts in protecting us across the globe.

We are very pleased with the operations and always make a high priority funding their efforts. We fully fund all of their unfunded requirements in this mark.

So, with that, Mr. Chairman, I simply again want to compliment Chairman SKELTON, Ranking Member MCKEON, also Ranking Member MCHUGH for all of his work on this committee and on this bill and Ranking Member MILLER for his support as well. I think we have put together an outstanding bill that will best protect the national security interests of this country.

Mr. MCKEON. I yield, at this time, 3 minutes to the ranking member on the Seapower Subcommittee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. I rise in support of the National Defense Authorization Act for Fiscal Year 2010. As ranking member of the Seapower and Expeditionary Forces Subcommittee, I applaud the efforts of Chairman TAYLOR and his staff, who have done an excellent job in meeting the needs of our sailors, aviators, and marines.

With respect to aviation, the bill takes an important step toward addressing the Navy's strike-fighter shortfall. The Navy completed a study required in last year's bill to evaluate the potential benefits of a multiyear procurement for the F/A–18 Super Hornet, which is the only ''hot'' production line we have for fighters for the Navy.

Unfortunately, the Secretary of Defense refused to allow the report to be submitted to Congress. In the absence of any analysis of this issue from the Department, the committee used its own judgment and included a multiyear authority for the Super Hornet.

We also provide sufficient long-lead funding to allow the Navy to execute this multiyear contract. I believe this is imperative, especially as the Navy continues to find more and more areas of concern on the legacy fleet that may make it challenging to extend the service life of these aircraft. I want to thank Chairman TAYLOR for working with me on this issue, as well as a number of others.

For the Marine Corps, the bill fully funds the Marine's Expeditionary Fighting Vehicle program, Mine Resistant Ambush Protected Vehicles, known as MRAPs, and all of the items on their unfunded requirements.

Despite the fact that the Department of Defense refused to provide the 30-year shipbuilding program required by law, which made this committee's work difficult, the bill largely supports the President's budget request in this area.

At the full committee, Representative CONAWAY and I, along with Chairman TAYLOR, introduced an amendment that would put some teeth into the changes made to the Littoral Combat Ship program cost cap. The Navy needs to know that we're serious about

controlling costs and do not adjust cost caps lightly.

The main concern I have with this bill does not fall under the Seapower Subcommittee, but I must mention it. Cutting missile defense by $1.2 billion makes no sense, particularly when North Korea and Iran are both working on nuclear weapons and long-range missiles. A cut of this magnitude is unacceptable.

I also continue to have one other overarching concern. We're not investing enough in the future of our military. The top line provided by the administration and, frankly, by this Congress, is too low. While we seem to be throwing money into every other problem under the Sun, we're tightening our belts on defense. This makes no sense.

But, again, this is a good bill overall, and Chairman SKELTON has done his best with these constraints. We're very thankful for his leadership.

Finally, Mr. Chairman, I'd like to give my best wishes to our former ranking member, JOHN MCHUGH, who has a fine record in this institution, and I know he will continue to serve and fight for the men and women in uniform. Nevertheless, he will be missed on this committee.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. SKELTON. I yield 3 minutes to my colleague and my friend, the distinguished chairwoman of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. I certainly want to salute our exemplary leader on this committee, Mr. SKELTON, and thank him very much for all his support.

Mr. Chairman, I join my colleagues on the House Armed Services Committee in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. As chairwoman of the Military Personnel Subcommittee, I'm particularly proud of the provisions in the bill that improve the quality of life for our servicemembers, their families, retirees, and military survivors.

I want to recognize my colleague and ranking member, the gentleman from South Carolina, JOE WILSON, for working with me in support of these very important initiatives.

Mr. Chairman, servicemembers and their families are bearing the burden of multiple deployments after nearly 8 years of conflict. It is our responsibility to support our men and women in uniform and their families, given the enormous sacrifices they are making in defense of our Nation.

We all agree that these men and women are the heart and soul of our military. All the weapons systems in the world cannot substitute for their competency, their dedication and sacrifice.

Sadly, a recent survey shows that 94 percent of military families do not believe that the American people truly understand the sacrifices they are making on behalf of our country, so we have a responsibility to change that, and we're trying to do that with this bill today.

Fortunately, this year the subcommittee did not have to deal with the dramatic increases to TRICARE fees and premiums previously proposed by the Department of Defense. Secretary Gates has indicated a willingness to work with the committee to address the significant growth in military health care expenditures. And we need to work together not only with the Department of Defense, but with those who represent our military personnel, retirees, survivors, and their families to find a fair and equitable solution that protects our beneficiaries and ensures that the financial viability of the military health care system is real.

Some of the highlights of the bill include a 3.4 percent pay raise, which is half a percent higher than the President's budget request. Those who are serving on the front lines every day have earned this pay raise.

The bill also includes a number of initiatives that are focused on military families, such as TRICARE coverage for reservists and their families and a monthly compensation allowance for members with combat-related catastrophic illnesses and injuries to receive assistance for activities related to daily living.

The committee has taken more steps to address the serious mental health issues faced by our military. I am pleased that we will be able to include a series of amendments to make the mental health provisions in this bill even stronger. We must continue to work on this issue.

Lastly, this bill continues the committee's oversight and commitment to significantly reducing sexual assaults and harassment within the Department of Defense.

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

Mr. MCKEON. Mr. Chairman, I yield now to the subcommittee ranking member on Military Personnel, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I rise in strong support of H.R. 2647. This bill contains significant policy and funding initiatives that address important issues for our military personnel and quality of life.

I was honored to serve with Military Personnel Subcommittee Chairwoman SUSAN DAVIS, who I have seen firsthand promote our servicemembers, their families, and veterans.

Mr. Chairman, I would also like to thank Chairman IKE SKELTON and the professional staff for their efforts; particularly John Chapla and Jeanette James.

To that end, the bill contains many important initiatives, including a military pay raise of 3.4 percent. The raise is 0.5 percent above the President's budget request.

□ 2330

Mindful of the challenge the Army is having with large numbers of nondeployable personnel, we have recommended continued growth in Army end strength. The bill would allow the Army to increase by 30,000 in 2011 or 2012. I am particularly pleased that we changed the matching fund requirement to a 75–25 percent ratio between the Department of Defense and the States for the National Guard Youth ChalleNGe Program.

In addition, the bill protects child custody arrangements for deployed parents, championed by Congressman MIKE TURNER of Ohio. With all these good things in the bill, I must again raise my disappointment that we were unable to even debate my amendment in full committee dealing with concurrent receipt; the elimination of the survivor benefit plan; the dependency and indemnity compensation offset, more sadly known as the widows tax; the extension of health care to early retiring Reserve component members; and the use of the misnamed Reserve fund in the budget resolution.

Had the Democratic leadership seen eliminating these injustices as a priority, they could have allocated the small percentages necessary in the $15 trillion they provided for government spending in 2010 to 2014. This is less than one-sixth of 1 percent of mandatory spending for this period.

In addition, I was disappointed by the fact that for the second year in a row, we were unable to include my amendment to extend early retirement credit for service for National Guardsmen and Reservists back to September 11, 2001, retrospectively. The prospective retirement credits since January 28, 2008, is a start; but as a 31-year veteran of the Army National Guard, I know more needs to be done. As a Nation, we owe more than our gratitude for the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom.

With that, Mr. Chair, H.R. 2647 is a strong defense authorization bill. I urge my colleagues to vote ''yes'' in support of H.R. 2647.

Congratulations to our dedicated colleague Congressman JOHN MCHUGH of New York for his selection to serve as Secretary of the Army.

Mr. Chair, I rise in strong support of H.R. 2647, The National Defense Authorization Act for Fiscal Year 2010. This bill contains significant policy and funding initiatives that address important issues for military personnel and quality of life.

I was honored to serve with Military Personnel Subcommittee Chairwoman SUSAN DAVIS who I have seen firsthand promote our servicemembers, their families, and veterans.

Mr. Chair, I would also like to thank Chairman IKE SKELTON and the professional staff of the Armed Services Committee for their efforts, particularly John Chapla and Jeanette James.

To that end, this bill contains many important initiatives, including: A military pay raise of 3.4 percent. The raise is .5 percent above the President's Budget request which reduces the pay gap to 2.4 percent from 13.5 percent in fiscal year 1999, culminating ten years of enhanced pay raises.

Mindful of the challenge the Army is having with large numbers of non-deployable personnel, we recommend continued growth in Army end strength. The bill would allow the Army to increase by 30,000 in 2011 or 2012. Such growth would significantly improve the Army's ability to deploy fully manned units.

I am particularly pleased that we changed the matching fund requirement to a 75–25 percent ratio between the Department of Defense and the states for the National Guard Youth Challenge Program. Other initiatives I would mention are:

The statutory mandate for the Department of Defense to account for all the missing from World War II, the Korean War, the Cold War, the Vietnam War, the Persian Gulf War and other conflicts designated by the Secretary of Defense, and increase the number of identifications from the current 70 per year to 350 per year by 2020; and

Extending TRICARE Reserve Select to members of the Retired Reserve who qualify for a non-regular retirement but have not reached age 60, otherwise known as ''grey area retirees.''

Continuing our commitment to support our wounded warriors, the bill would:

Establish a database to track service members who have been exposed to blasts to further enhance the care provided to for blast-related health issues, and;

Require medical examinations before service members with post-traumatic stress or traumatic brain injury may be involuntarily separated from the service.

In addition, the bill protects child custody arrangements for deployed parents championed by Congressman MIKE TURNER of Ohio.

With all the good things in this bill, I must again raise my disappointment that we were unable to even debate my amendment at full committee dealing with concurrent receipt, the elimination of the Survivor Benefit Plan and the Dependency and Indemnity Compensation offset, more sadly known as the widow's tax, the extension of health care to early retiring reserve component members, and the use of the misnamed Reserve Fund in the Budget Resolution.

I would note that since the introduction of my amendment, the Democratic leadership has found a way to fund for nine months a very limited concurrent receipt for disabled military retirees. That is a step forward to eliminating some of the injustice inflicted on disabled retirees. It however does nothing to cure the injustice still being suffered by most persons losing their rightly earned benefits because of the remaining concurrent receipt prohibitions.

Had the Democratic leadership seen eliminating these injustices as a priority, they could have allocated the small percentages necessary in the 15 trillion dollars they provided for government spending in 2010 to 2014. This is less than one-sixth of one percent of mandatory spending for this period. Or, they could have used the Reserve Fund authority as proposed in my amendment.

Instead we must settle for a small pittance for a small group of retirees.

I hope that since the authority for this limited concurrent receipt is for only nine months, that the Democratic leadership makes resolving all the concurrent receipt and the Survivor Benefit Plan and Dependency and Indemnity Compensation injustices a real, not symbolic priority, next year. We should focus on eliminating the widow's tax.

In addition, I was disappointed by the fact that, for the second year in a row, we were unable to include my amendment to extend early retirement credit for service for National Guardsmen and Reservists back to September 11, 2001, retrospectively. The prospective retirement credit since January 28, 2008, is a start, but as a 31 year veteran of the Army National Guard I know more needs to be done.

As a nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom.

With that, Mr. Chair, H.R. 2647 is a strong defense authorization bill. I urge my colleagues to vote ''yes'' in support of H.R. 2647.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 572 and as chairman of the Committee on Armed Services, I request that during further consideration of H.R. 2647 in the Committee of the Whole, and following consideration of amendment No. 1, printed in House Report 111–182, the following amendments be considered: amendment No. 3, printed in House Report 111–182; amendment No. 4, printed in House Report 111–182; en bloc amendment No. 1; amendment No. 2, printed in House Report 111–182; amendment No. 9, printed in House Report 111–182, as modified; amendment No. 15, printed in House Report 111–182, as modified; en bloc amendment No. 2; amendment No. 20, printed in House Report 111–182, as modified; amendment No. 24, printed in House Report 111–182; amendment No. 34, printed in House Report 111–182; amendment No. 39, printed in House Report 111–182; en bloc amendment No. 3; en bloc amendment No. 4.

Mr. Chairman, at this time I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I rise to invite the chairman to engage in a colloquy with me.

Mr. Chairman, I wish to respectfully convey that I have three concerns with some of the practices employed by the Virtual Army Experience, a high-tech traveling exhibit employed by the Army as a recruiting tool. First, children as young as 13 years old are participating in the Virtual Army Experience, which paints an inaccurate picture of war by glorifying it while sanitizing the real effects. More than a mere video game, it includes interactions with real veterans who appear to be in perfect health. It also requires that the user, regardless of age, share personal information as a condition of participation. I think that we can find common ground on these issues. Specifically, I believe we can agree that the Virtual Army Experience video game must be revalidated to ensure that its age-appropriate rating is accurate in the context of how it's being employed, that the Virtual Army Experience content should be reviewed to ensure it accurately reflects the consequences of war, and that there must be increased transparency with regard to how the personal information of the participants collected during participation will be used by the Army.

Mr. SKELTON. As the gentleman knows, I support the VAE. At the same time, I know it can be improved. I would be happy to work with the gentleman to address the issues that you have so aptly raised.

Mr. KUCINICH. I want to thank the chairman for working with me on this.

Mr. MCKEON. Mr. Chairman, I yield at this time 3 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. I would like to thank and congratulate Chairman SKELTON, Ranking Member MCKEON and his predecessor JOHN MCHUGH, who has been nominated for Secretary of the Army, and lend my support for H.R. 2647, the fiscal year 2010 National Defense Authorization Act. I would also like to thank Mrs. TAUSCHER, Chairwoman of the Strategic Forces Subcommittee. She has provided a strong and thoughtful voice on national security issues. I wish her the very best in her new position as Under Secretary of State for Arms Control and International Security.

This bill contains sound bipartisan provisions that provide key capabilities to our warfighters, strengthens our Nation's strategic forces and sustains the intellectual capital supporting our national security infrastructure.

The National Nuclear Security Administration is provided with the flexibility necessary to increase the long-term reliability, safety and security of our nuclear weapons stockpile. I was disappointed, however, that the bill implements the administration's missile defense cut of $1.2 billion. Given North Korea's widely publicized nuclear missile tests and missile launches, not to mention Iran's recent missile tests, cuts in missile defense challenge common sense. I cannot reconcile why the administration has decided to decrease

missile defense funding while daily news reports, substantiated by our own intelligence agencies, articulate an increasing missile threat. Despite the current threat posed by North Korea, including reports of a potential ICBM launch, the committee rejected amendments, many that were offered by myself and my colleagues, to restore missile defense funds. This included providing a modest amount of funds to complete a partially constructed missile interceptor field in Alaska designed to protect the U.S. homeland. Ironically, the bill includes $80 million for dismantling North Korea's missile program. I don't think anyone actually believes that Kim Jong Il is going to allow the Obama administration to enter North Korea and dismantle its nuclear weapons program. Unfortunately, the administration's $1.2 billion cut has set up false choices between protection of the United States homeland and protection of our forward-deployed troops and allies. Both are necessary, and both could have been adequately funded without such deep cuts. I am, however, pleased this bill included key provisions of the bipartisan NATO First bill that my colleague Mr. MARSHALL and I introduced to fortify America's transatlantic security links with our European allies.

I want to thank the chairman for his efforts, including these provisions in this bill. Lastly I would like to thank JANE HARMAN, JOE WILSON and SUSAN DAVIS for their support and assistance as this bill includes strong provisions to enhance sexual assault protections for women in uniform. Also with the chairman's support, this bill includes provisions that would protect the custody rights of our men and women who are serving. Unbelievably, courts across this country have denied our men and women their custody rights as a result of their absence in serving their country. Secretary Gates has committed to work with this committee, and I look forward to his work on this. I would like to encourage support for the 2010 National Defense Authorization Act.

Mr. SKELTON. Mr. Chairman, may I inquire as to the time remaining for each side, please.

The CHAIR. The gentleman from Missouri has 4½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. SKELTON. At this time I yield to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman and the chairman for his leadership and the opportunity to engage in a brief colloquy.

I rise today to ask for your help in improving the care of our wounded warriors. Later this week, I will introduce the Wounded Warrior K–9 Corps Act to establish a program for organizations that provide wounded warriors and disabled veterans with service animals, like physical therapy dogs and guide dogs. There are several organizations around the country that train animals to work with disabled soldiers and veterans. These organizations, like many not-for-profit organizations, are struggling at this moment to collect necessary resources in these difficult economic times. The difference between these organizations and others is that they're giving our soldiers and veterans a service that they have earned. I applaud their private fundraising, and at the same time I realize that this is our responsibility as well. Mr. Chairman, this legislation will allow the government to keep its promise to America's disabled soldiers and veterans and help them retain an excellent quality of life after their service. Thanks to modern medicine, more and more of our brave men and women are able to sustain wounds that may have been fatal in the past. This is a blessing, but it also requires new tools to allow them to return to civilian working life. I have seen these programs in action. I have witnessed the growth of these veterans and wounded soldiers after working with a guide dog or animal that can assist them with physical therapy and lifetime care and support. These programs succeed, and I believe every American who puts on a uniform and risks their lives for our country should have the full support of this Congress in this mission.

Mr. SKELTON. I certainly thank the gentleman from Florida (Mr. KLEIN) for bringing this issue to the floor. As the gentleman knows, the bill under consideration calls for a report on military working dogs. Mr. KLEIN's legislation would surely take the next step with a grant for therapy dogs for disabled soldiers and veterans. I look forward to working with the gentleman from Florida to ensure that Congress stands behind our soldiers as well as our veterans.

Mr. KLEIN of Florida. I thank the chairman of the Armed Services Committee, and I urge my colleagues to support H.R. 2647.

Mr. SKELTON. I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Chairman, I rise in strong support of the National Defense Authorization Act for fiscal year 2010, and I'd like to take a moment to highlight some important aspects of the bill. The members and the staff of the House Armed Services Committee are dedicated to supporting our men and women in uniform, and this bill truly reflects our undying commitment to those servicemembers. I am pleased to see that this bill makes progress towards strengthening our naval power and projection on the high seas. We must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy.

Our Nation's security and forward presence also depends on the timely delivery and deployment of our various naval platforms. Therefore, I urge my colleagues to support the provisions that provide for the construction of a new Virginia-class submarine, research and development funds for the SSBN Ohio-class replacement submarine, and advanced procurement for the new Ford-class carrier. Although this bill provides a temporary waiver for the number of carriers to dip below 11, I have deep reservations about this provision and firmly believe maintaining 11 aircraft carriers is essential to maintaining our long-term naval superiority.

While I support this bill, I do have some concerns about the administration's overall direction for our military and the decision-making process that went into the budget. It is imperative that we preserve the integrity of the congressional oversight through appropriate and efficient transparency. Without a 30-year shipbuilding plan and a 30-year military aviation plan, we are denied a full understanding of the administration's perspective of what the defense of our Nation's interest requires. The strategic risk we accept in this defense authorization bill is equally as important as the dollar figure. The American people rightfully expect that the Members of this Congress are fully aware of the strategic risk associated with the President's budget request.

As we consider strategic threats facing our country today, I urge my colleagues to strongly support a bipartisan amendment that would be offered by the gentleman from Arizona (Mr. FRANKS). This amendment will rightfully restore funding for the Missile Defense Agency by $1.2 billion. North Korea continues to test its missile capabilities while Iran pursues a nuclear weapons program. Therefore, it is imperative that we provide full funding to our Nation's most crucial missile defense programs.

□ 2345

Keeping Americans safe from terrorists at home is equally important. The American people have spoken and made it very clear that they do not want detainees from Guantanamo brought to the United States. I believe this issue should be openly debated and given a vote within the full House.

Again, I strongly support this bill and look forward to improving some of the provisions on the floor tomorrow. I would like to thanking Ranking Member MCKEON, Chairman SKELTON, and also Mr. MCHUGH for his service.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, my colleague,

the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much for his continued leadership and the leadership of the ranking member.

Mr. Chairman, I rise to raise three points, and I'd like to refresh the memory of the chairman. As he well knows, over a period of congressional terms, I brought to his attention the inability of families to publicly acknowledge their loved ones who lost their life in battle coming back from a foreign land as they came into Dover Air Force Base. I want to recognize the fact that this new administration, even though we had a number of legislative initiatives in previous defense authorization bills, have now allowed families to be able to have their loved ones publicly acknowledged as they have come in from losing their life on a foreign field. I think that is an important note, and I hope families of America will recognize that the fallen are respected the moment they hit the soil of the United States.

I also wish to make note of the increased coverage of TRICARE, but I would like to work with the committee as we go forward to expand the number of facilities which our active duty soldiers and others can access. In particular, I would like to see an emphasis on inner-city facilities that would allow or have TRICARE accreditation.

Finally, I would like to acknowledge the GAO study that asked for a strategic response to Afghanistan and Iraq. As someone who has persistently or continuously expressed her opposition to the present Iraq war and the status, I want to keep the pressure on that we begin to downsize but, more importantly, that we have a strategy for doing so that we can do it safely. And then as it relates to Afghanistan to make sure that we also have a strategy so that we can ensure that our troops are, in fact, fighting a battle that we can win. We want peace. We want freedom. But we want to make sure that we can bring our troops home.

I thank the chairman for the time and the ranking member, and I appreciate their leadership on this legislation.

Mr. MCKEON. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Utah, the one that led us in that great debate on the F–22 that saved the day.

Mr. BISHOP of Utah. I thank the chairman and the ranking member for this bipartisan bill and the wonderful bipartisan amendment the saves our Air Force and moves us forward.

I rise this evening to support the bill H.R. 2647. I commend my friends on both sides of the aisle on the House Armed Services Committee for continuing the tradition of working in a bi-partisan manner to provide for the common defense of this country, and for the dedicated men and women of the armed forces.

However, I do have reservations. It is readily apparent that the Administration has taken a haphazard approach to cutting defense programs, such as missile defense, and the F–22 fighter, as budget drills. There are no studies by any qualified source, including military analysis, that support these reductions as a means of meeting the needs of the military. When asked in committee, for example, if 187 F–22s were what the Air Force needs or merely what the Air Force can afford, the answer was quick and direct; It was what the Air Force was ''told'' it could afford, and the basis of the decision was political and budgetary, not based on national security.

When the F–22 program requirement was first established, it was based on procurement of 750 aircraft. We on the committee have repeatedly requested that the Department provide us with analysis upon which this budget decision of only 187 planes was based. That analysis still has not been provided, leaving a strong indication that it is a budget drill, pure and simple. I am pleased that a majority of committee members supported an amendment to restore F–22 long-lead procurement funding for 12 additional aircraft in FY10. There were strong indications during markup that many members, a good majority on both sides of the political aisle, would like to have supported full F–22 production of 12 to 20 aircraft in FY10, and not just long lead procurement items.

One of the most disturbing recent developments on the F–22 is the release of a letter signed by Air Force Combat Commander General John D. W. Corley, wherein he verifies in writing that there are NO studies which support the Administration's decision to end the F–22 production at 187 aircraft, and he further maintains that 250 aircraft are necessary to ensure a ''moderate risk'' level. A copy of his letter was included in the House Committee report to accompany this bill. I urge all of my colleagues to read it. General Corley also states that the Administration developed its F–22 termination plan without even consulting with Air Combat Command. That's very disturbing. The very command with the technical expertise in charge of fighter operations was not even consulted by the Office of the Secretary of Defense? This alone raises very serious questions about the soundness of the Administration's decision. This decision on F–22 will have profound implications on our nation's strength and air dominance 15 and 20 years from now. We cannot afford to go ''high risk'' at only 187 aircraft. Not with Russia, China and other nations fielding advanced fighter aircraft in the next two years.

It is also ironic that, at a time when the Administration is spending hundreds of billions in tax dollars to create jobs, that it would be so intent upon cutting the F–22, which is responsible for 25,000 direct and 70,000 indirect jobs. Why are good defense jobs any less valuable than those that the Administration claims to have created in the $800 billion Stimulus package? These are good jobs that are producing a vital defense weapon system to protect our homeland, which will be lost unless funding is restored.

The F–22 and F–35 are not duplicative aircraft. They are not interchangeable. They were designed for different, but complimentary roles. We need both, but we also need adequate numbers of both.

I also oppose the cuts proposed by the Administration to missile defense programs such as Ground Midcourse Defense (GMD) and Kinetic Energy Interceptor (KEI). It seems that the ''savings'' from these cuts, at $1.8 billion, are rather small in comparison to the lost opportunities for further research and development in improving our defense of the homeland against emerging and future missile threats.

These cuts also have devastating impacts on the defense industrial base, especially large defense solid rocket booster production. If allowed to stand, every program associated with large-scale defense solid booster production will be decimated. Someone must pay more attention to the cumulative impact of these different programmatic budget decisions on the solid rocket booster industrial base as a whole. It also seems wasteful that DoD and the Missile Defense Agency (MDA) will not proceed with a planned booster test firing in September of this year with the KEI program when the booster has already been produced and delivered to the test site at Vandenberg AFB. The MDA should move forward with this test that has already been bought and paid for by U.S. taxpayer investment since 2004, and which could result in a significant harvest of scientific data for use on future defense projects.

It is highly ironic that the Administration's announcement to end the Ground Based Interceptors at 30 land-based missiles occurred on the very same day that North Korea conducted its long-range missile test threatening Japan and possibly parts of the United States. Just this past week, with renewed missile threats from North Korea against Hawaii, the Secretary of Defense touted our ground-based interceptors as providing protection, even as the Administration continues to advocate a halt to their production! This is no way to protect the homeland. Secretary Gates has said his recommendation for GMD is ''not a forever decision.'' That's fine, but one cannot quickly restart a production line in the future. And we may not have the luxury of time in the future.

Were any of our 30 interceptors to be fired, there would be no replacements. It is also highly likely that two or more interceptors would be fired at any incoming threat. So potentially one rogue missile threatening Hawaii, or the western U.S. would require the use of two, three or more of our ground based interceptors. The Administration's termination of GMD allows for no replacements and worse—no defense industrial base capability to easily or quickly restart production of land based interceptors. Again, this is a short-sighted budget decision which endangers our long-term national security.

In conclusion, I urge that the cuts in missile defense be restored in order to adequately defend our homeland now and into the future. There is nothing more fundamental to the very survival of America than the United States military. Everything else is a corollary to that fundamental principle. It is my profound hope that we can work together over the next 3 to 4 years to build the additional F–22s until we reach the 240 to 250 numbers that Air Force planners have repeatedly stated are absolutely necessary.

Mr. MCKEON. Mr. Chairman, I yield now 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the TRICARE Continuity of Coverage for National Guard and Reserve Families Act of 2009, of which I'm a cosponsor and which was amended into the National Defense Authorization Act.

Members of our National Guard and Reserves are eligible for TRICARE health insurance during their service and after the age of 60 but not during the time in between, the time in between when they retire until the age of 60, being referred to as being in the ''gray area. ''

Specifically, ''gray area'' retirees are Reserve component retirees under the age of 60 with more than 20 years of faithful and honorable service who have qualified for retirement at age 60.

The legislation fills in that gray area to ensure that these men and women have the opportunity to purchase TRICARE Standard health care coverage during that time and provides access to the care they deserve. This legislation is important because currently around 50 percent of those serving in Iraq and Afghanistan are Reservists and National Guard. And this option for purchasing TRICARE Standard will serve as an incentive for those Guardsmen and Reservists to continue to serve.

I thank the Armed Services Committee, the chairman, and the ranking member for including this important legislation in the National Defense Authorization Act for Fiscal Year 2010.

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

Mr. MCKEON. Mr. Chairman, I yield such time as he may consume to Mr. AUSTRIA for the purpose of a colloquy.

Mr. AUSTRIA. I thank Mr. MCKEON for yielding.

I appreciate you and Chairman SKELTON for bringing this important bill to the floor. It does provide what we need for national security and for our men and women who are serving so selflessly in our Nation's defense, and I thank you both for your hard work on this bill.

I was reading the committee report language that accompanies the bill regarding insourcing new and contracted-out functions. And I wanted to bring to your attention some very serious concerns small business owners in my district have raised in regard to this issue.

Small business owners dealing in defense contracting are losing employees to the Federal Government. This practice apparently is becoming a trend in the defense contracting community, a trend that I find deeply troubling.

Mr. MCKEON. Will the gentleman yield?

Mr. AUSTRIA. I certainly will be happy to yield.

Mr. MCKEON. I thank the gentleman for raising this issue.

You are correct, the Defense Department is moving toward reshaping its workforce by reducing the number of service support contractors and replacing them with government employees. We have been told this effort will hire over 13,000 government civilians to replace support contractors at a proposed savings of $900 million.

Mr. AUSTRIA. Let me just say, in my view, that we should not be growing government during this economic crisis. In my opinion, it's already too big. But we certainly should not be increasing the Federal Government at the expense of small businesses, in this particular case, small defense contractors. It's simply not fair and it's not in the best interest of the taxpayer.

Mr. MCKEON. Will the gentleman yield?

Mr. AUSTRIA. I would be happy to yield.

Mr. MCKEON. As you know, Chairman SKELTON and I included in our committee report language that stresses our belief that these insourcing initiatives should not be driven by random goals or arbitrary budget reductions. In the language we also note that these insourcing initiatives should give appropriate consideration to the impacts on the contractor workforce. I'm also very concerned that the estimated cost savings will never be realized.

That said, I would be happy to work with the gentleman from Ohio and any other interested parties as the bill moves forward to revisit the important issue of how to balance the defense workforce: military, civilian employee, and contract.

Mr. AUSTRIA. I thank the gentleman, and I look forward to continuing to work with him on this very important issue.

Mr. MCKEON. Mr. Chairman, we have had, I think, a lot of good input tonight on the bill. I ask that all of our Members tomorrow support the bill.

In the morning we will move into the amendment process. The chairman and his staff have done a tremendous job of helping put the 60-plus amendments that were approved out of the Rules Committee into a process that I think will help us in moving forward in an expeditious manner in the morning. I look forward to that.

Again, I thank the chairman for his graciousness and his leadership in moving the bill to this point.

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

Mr. SKELTON. Mr. Chairman, let me first express my gratitude and admiration to the new ranking member of the Armed Services Committee, Mr. MCKEON. He hit the ground running, a veteran of our committee, and his first baptism of fire was in the markup of the some-17 hours of this bill in committee, and we thank him for his leadership and for his diligence in making this a success.

Tomorrow, under the rule, Mr. Chairman, we will consider the various amendments, four groups of en bloc amendments and several by themselves, according to the rule that's been set forth and the time limits set thereon.

This is an important piece of legislation. It deals with the security of our country, the security of our citizens. It deals with those young men and young women in uniform wherever they may be. It's our job to do our best to support them and this bill does just that.

I thank the members of the committee on both sides of the aisle. They have been magnificent to work with.

Mr. BISHOP of Georgia. Mr. Chair, I rise in support of my amendment to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. In short, my amendment would provide the Department of Defense, and in particular, the Office of Economic Adjustment, the authority to financially support the development and construction of public infrastructure in communities which are directly impacted by the expansion and growth of military installations.

Mr. Chair, the last Military Base Re-alignment and Closure initiative, which occurred in 2005, coupled with the ongoing transformation of the Army and re-positioning of troops worldwide, has had a tremendous impact on the local communities which house our nation's military installations and facilities.

In its FY2009 Budget Justification, DOD estimated the total one-time cost for the most recent BRAC round in 2005 at nearly $32 billion, of which nearly $23 billion will be for military construction. For FY2009, DOD's budget request was $9.07 billion, while Congress approved $8.77 billion. And just yesterday, the House Appropriations Committee, of which I am a member, approved at total of $7.49 billion for BRAC construction activities.

The Muscogee County School District for example, which is located in my congressional district in Georgia, is estimated to receive 5,000 to 9,000 additional school-aged children as a result of the planned growth and expansion of Ft. Benning. DOD's most recent projections put the number of new school aged children at approximately 3,000 to 4,000. But no matter what the number, there is a consensus that several thousand new children will be attending a school system which currently does not have the facilities to house them.

According to some estimates, nearly 25 local school districts nationwide could be required to accommodate tens of thousands of additional military dependent school-aged children due entirely to DOD actions and decisions. The financial cost to school systems across the county resulting from the latest round of DOD initiatives could exceed $2 billion over the course of the next several years. This includes the communities surrounding Ft. Bliss [Texas], Ft. Bragg [North Carolina], Ft. Carson [Colorado], Ft Lee [Virginia], as well as several other facilities where major growth is envisioned by DOD.

By providing DOD the authority to develop public infrastructure, including local schools,

as provided in my amendment, we begin to address this challenge by providing the Department with expanded authority to assist select communities in addressing their local facility needs.

There is precedent. During Word War II, the Korea and Vietnam wars, our National leaders saw fit to partner with local education agencies to build schools to accommodate children of the military, defense employees and contractors who worked on the military installations. Likewise, the Department supported the construction of schools as a result of the expansion and growth of the military's Kings ay installation.

Mr. Chair, in closing, the enormity and size of the challenges facing communities impacted by DOD personnel movements is overwhelming. This amendment is an important step in providing the Department with the authority to begin to work with these communities in addressing their infrastructure needs—needs which have been created by the Department's own actions.

I urge the House's support for this amendment.

Mr. ABERCROMBIE. Mr. Chair, I have the honor of serving as the Chairman of the Air and Land Forces Subcommittee of our Armed Services Committee. I would like to thank our Chairman, IKE SKELTON, for his great leadership in bringing this outstanding bill to this point. I also welcome the new Ranking Member, BUCK MCKEON, and am confident that he and Chairman SKELTON will make a great team.

I would also like to thank ROSCOE BARTLETT, our subcommittee's ranking member, for all his support and advice in putting our bill together.

This bill is about balancing the capabilities and readiness of our current military forces with desired future required military capabilities.

Our military personnel are at risk each and every day. Our first priority is to make sure those men and women are properly supported by ensuring our military programs adequately support current military requirements.

We are doing everything possible to provide our personnel in Iraq and Afghanistan the equipment they need as well as provide for the equipment needs of our National Guard units here at home, to meet crisis response and potential natural disaster requirements. The subcommittee's jurisdiction includes $82 billion in Department of Defense procurement and research and development in Titles I and II and another $20 billion in Title XV, for overseas contingency operations.

We have made nearly $3 billion in reallocations within the Subcommittee, funding higher priority current requirements, using funds from programs with excessive unexpended balances, delayed execution, and excessive cost growth.

Our Subcommittee increased the unfunded requirements of the Army and Air Force by over $1 billion by reallocating funding from these lower priority projects. The mark also provides an additional $603 million for procurement and research and development of the F136 competitive engine for the F–35 aircraft program. This is largely offset by rebalancing within the F–35 program, by reducing procurement from 32 to 30 aircraft.

Nearly $2.7 billion is authorized for 176 Apache, Kiowa, Black Hawk, and Chinook helicopters and an additional $1.2 billion is provided for helicopter modifications. Our bill:

Fully funds elements of the Future Combat Systems program that will continue in some form, at $2.55 billion;

Provides $2.5 billion for new and upgraded Army ground combat vehicles;

Provides $263 million for research and development of future Army ground combat vehicle upgrades and improvements; and

Provides $600 million for National Guard and Reserve Equipment, above and beyond what is in the budget request.

The change by the National Guard to an operational reserve status, coincident with a reorganization of the Army, has greatly increased the amount of equipment Guard and Reserve units are required to have. While the Department is making improvements and progress in providing improved funding to equip the National Guard and Reserve to enhance its role as an operational reserve, there are a significant number of units that do not have their required equipment.

Given the operational reserve equipage model, a large percentage of nondeployed Army National Guard units are far below Army standards for equipment on hand. Without the right type and amounts of equipment, even the most dedicated and experienced soldier or airman cannot train for combat, or provide adequate assistance when there is a domestic emergency.

The committee continues to work on improving intelligence, surveillance, and reconnaissance, known as ISR capabilities, as well as improving counter improvised explosive device technology, vehicle armor, body armor, and helmet protection. Like many other mission areas in the Department of Defense, there is no apparent nexus for intelligence, surveillance, and reconnaissance joint strategy, requirements coordination, acquisition or deployment focus, where a single lead organization is responsible.

An example that can be cited is the unplanned and expensive proliferation of dissimilar ISR platforms all seeking to provide the same capability.

Coalition forces control the skies in both theaters and has the world's best ISR technology, but does not use this advantage to full advantage.

The Department still fails to provide joint ISR employment plans for both Iraq and Afghanistan. This bill directs the Department to assess the current use of ISR systems in Iraq and Afghanistan and make recommendations on how to more effectively coordinate and use all the systems we have deployed and plan to deploy.

The committee has in the past directed the Department to define joint ISR requirements and develop a long-term strategic plan to make informed acquisition decisions to meet ISR goals. That continues to be a work in progress.

BODY ARMOR

It is widely reported that our soldiers in Afghanistan routinely carry loads of 130 to 150 lbs for a 3-day mission. Personnel can only wear so much armor, beyond which their operational effectiveness is inhibited, which in turn increases their risk of being injured. Two provisions in our bill require the Secretary of Defense, beginning with the fiscal year 2011 budget request, to establish research and development program elements and procurement budget line items for the development and acquisition of body armor and personnel protection enhancements.

The language also strongly encourages the Secretary of Defense to consider establishing a DOD-wide Task Force on par with the MRAP Vehicle Task Force to promote weight reduction initiatives for body armor.

The bill fully funds the President's request of approximately $700 million for body armor.

MINE RESISTANT AMBUSH PROTECTED (MRAP) VEHICLES

With regard to the Mine Resistant Ambush Protected (MRAP) vehicle program, over 16,000 vehicles have been produced in just over two years. Approximately 15,000 vehicles have been fielded and these vehicles continue to save lives daily. Almost $26.0 billion has been provided by Congress for this program.

This bill fully funds the President's request of $5.45 billion for MRAP category vehicles. The request procures approximately 1,000 MRAP All-Terrain Vehicles, a lighter weight version of the current MRAP Vehicle, to be used in Afghanistan. The request also provides operation, maintenance, and sustainment funding as well as necessary funds to address home-station training requirements.

TACTICAL WHEELED VEHICLES

The bill provides $5.25 billion for light, medium, and heavy tactical wheeled vehicles or ''Humvees'' and ''trucks.'' This funding keeps the industrial base operating at high levels of production and will help address shortfalls in the Guard and Reserve components. In closing, I again want to thank my distinguished chairman and ranking member of the full committee and our subcommittee.

H.R. 2647 is deserving of a ''yes'' vote from every Member of this body.

Mr. LANGEVIN. Mr. Chair, I rise in support of the fiscal year 2010 National Defense Authorization Act, and I want to thank my good friend Chairman SKELTON for his leadership in crafting an excellent bill.

This bill gives not only gives our service men and women the tools they need to keep our nation safe, but it also makes valuable investments in programs and projects that support our military families, increase oversight of our war efforts and further critical non-proliferation efforts. It recognizes the sacrifices made not only by our troops, but by their families as well, providing a 3.4 percent pay raise, expanded TRICARE coverage, and $1.95 billion for military family housing. This measure will increase oversight and accountability by requiring the President to report on U.S. goals in Afghanistan and Pakistan and our redeployment from Iraq. It also adds $2.5 billion to programs designed to stop the proliferation of nuclear weapons, one of the most urgent threats the world faces today. Finally, the bill strengthens our nation's missile defense capabilities, by increasing funding for systems vital to protect against real threats while balancing technology development to face the needs of tomorrow.

I am particularly pleased with the steps taken in this bill to ensure that contractor

waste, fraud and abuse is brought to an end and that we have an efficient and fair system for meeting critical defense needs. During the Armed Services Committee's mark-up, I offered an amendment, which was adopted by voice vote, to alter the OMB Circular A–76 process for determining which activities are inherently governmental functions and vital to our national defense. My amendment will ensure the A–76 process is fair for our government workforce and provide the Obama Administration a chance to address past failures of the A–76 process.

This legislation also addresses the need to enhance our military's cybersecurity capabilities. Cyberspace is a growing component of the modern battlefield, and we must ensure our forces are prepared for the wars of tomorrow. I applaud the efforts of the Secretary of Defense and the services to meet the growing threat of cyberattacks. I am concerned, however, that individuals with critical cyber skills are not making a career in the uniformed services. We need to do everything in our power to recruit and retain talented and experienced individuals, and that is why I offered an amendment during committee consideration that requires the Secretary of Defense to submit to Congress a report assessing the challenges to retention and professional development of uniformed and civilian cyber operators. I am pleased that this requirement is now included in the bill before us today. This report will help define numbers of personnel, recruitment and retention incentives, policy impediments, and methods to improve interagency and academic outreach to individuals with critical cyber skills.

Finally, I also want to give praise to Secretary Gates, Chairman SKELTON and Chairwoman TAUSCHER for working with our military commanders to shape a budget that protects the U.S. and our allies from real ballistic missile threats. The bill provides $9.3 billion for missile defense, supporting critical programs that are tested and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The U.S. Intelligence Community estimates that the most significant ballistic missile threat to U.S. interests, deployed forces, and our allies comes from short- and medium-range ballistic missiles that represent 99% of the total number of ballistic missiles other than those held by the United States, NATO nations, Russia, and China. H.R. 2647 supports the President's request to increase funding by $900 million for systems that counter this threat, such as the Aegis BMD system and the Terminal High Altitude Area Defense (THAAD) system.

Looking forward, this bill also provides $1 billion to support the requests of President Obama, Secretary Gates, and the Chairman of the Joint Chiefs of Staff to support the development and operation of 30 Ground-based Midcourse Defense interceptors, designed to guard against future emerging threats. According to senior defense officials, these 30 interceptors are more than what is necessary to deal with any long-range threat from a rogue state in the near and mid-term. This will ensure our nation is able to face the threats of today and tomorrow.

Mr. Chair, this bill admirably balances critical national security needs with realistic budget considerations, and I am proud to support it. Again, I thank Chairman SKELTON for his leadership and urge my colleagues to vote for this important legislation.

Mr. GINGREY of Georgia. Mr. Chair, as we consider H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, I would like to say a special thanks to Chairman SKELTON and Ranking Member MCKEON—as well as to subcommittee Chairman ABERCROMBIE and Ranking Member BARTLETT—for their tireless efforts in support of our soldiers, sailors, airmen, and marines who are bravely defending us at home and abroad.

While not a perfect bill, this legislation covers a wide scope of issues that are vitally important to our Armed Services, both active and reserve component, and it clearly addresses the most pressing needs of our troops in a very trying time for America. A 3.4% pay raise for all members of the Armed Forces will further reduce the military-civilian pay disparity. I am very pleased with the work the Committee has done this year to authorize $368 million for the advance procurement of long-lead supplies needed to build 12 additional F–22's in 2011. The F–22 is the world's most capable fighter, and these funds will go a long way towards providing stability for our forces and ensuring that America maintains air dominance for the foreseeable future.

While I applaud the work of the Committee in addressing pressing readiness issues, I am however concerned about the deep cuts to missile defense. A viable missile defense system is critical to deterring and countering emerging threats to our national security—especially as Iran and North Korea develop their nuclear capabilities. I look forward to working with Chairman SKELTON, Ranking Member MCKEON, and the rest of the Committee as this bill moves forward to address these program needs.

While there is much to be proud of in this bill, I am disappointed that the Rules Committee failed to make any of my four amendments in order. These were commonsense amendments, Mr. Chair, that would make the Department of Defense (DoD) more effective in carrying out its mission.

The first amendment I offered to this bill would have ensured that no detainees at the Guantanamo Bay detention facility are transported to the United States. The American people have spoken on this issue with 55% of them opposed to allowing terrorists to be transported to American soil. Further, a June 12, 2009 letter from the Director of the Federal Bureau of Prisons to my colleague, Trent Franks, stated that ''there is insufficient bed space in any high-security Federal prison to confine these individuals. In addition, there are currently no beds available in our Administrative Maximum United States Penitentiary in Florence, Colorado, to confine any more Federal inmates, let alone any of the Guantanamo Bay detainees. If called upon to confine any of these detainees, we would most likely confine them in ADX Florence and in one or more high-security penitentiaries. Depending on the numbers, this might require us to transfer a sufficient number of inmates to other penitentiaries in order to create the necessary bed space. Such transfers would impose significant additional challenges on our agency.'' Clearly the transfer of these detainees to anywhere in America is dangerous and must be prohibited.

My second amendment would express the sense of Congress that active military personnel who live in or are stationed in Washington, DC, would be exempt from the District's firearms restrictions. On June 26, 2008, the Supreme Court of the United States in the case, District of Columbia v. Heller, held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus, ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional. However, the D.C. City Council has circumvented the Supreme Court ruling by enacting the Firearms Control Emergency Amendment Act of 2008, making a waiver necessary to ensure that our military men and women—of which there are 40,000 in Washington and who have been trained in firearm use—are permitted to safely carry a firearm in the District.

A further amendment would prohibit DoD civilian employees from using official paid work time for union activities, ensuring that American taxpayers are not subsidizing labor organizations. DoD was one of the largest abusers of using ''official time'' for union activity. Its total number of official time hours in FY 2008 was 331,099 (a 5.1% increase from FY 2007). OPM estimated the official time wage cost for the DoD was $12,141,699 for FY 2008, which is an $855,694 increase from FY 2007. This is just one example of union activity being subsidized by taxpayer dollars on official time.

My final amendment would have provided the Secretary of Defense with a waiver from section 526 of the Energy Independence and Security Act of 2007 regarding the procurement of alternative fuels if the Secretary feels that a waiver is appropriate to enhance the readiness of the Armed Forces. Section 526 prohibits all federal agencies from contracting for alternative fuels that emit higher levels of greenhouse gas emissions than ''conventional petroleum sources.'' DoD accounts for over 80% of all federal government fuel usage, and its annual fuel expense more than doubled between 2003 and 2007—from $5.2 billion to $12.6 billion. The Secretary of Defense needs a waiver from section 526 so that DoD's fuel costs can be kept low.

Mr. Chair, there is much to be proud of in this bill. I again commend Chairman SKELTON and Ranking Member MCKEON for their efforts to keep this bill focused on the needs of the war-fighter, a fact that I hope is not lost as we progress through the amendment process.

Ms. WOOLSEY. Mr. Chair, while I cannot support H.R. 2647, this legislation does contain important provisions regarding family and medical leave for military families.

Last session, Congress passed—also in a Defense Authorization bill—legislation to provide military families with up to 26 weeks of leave under the Family and Medical Leave Act (FMLA) to care for injured servicemembers. I had introduced this bill in the House, and its provisions implement one of the recommendations of the President's Commission on Care for America's Returning Wounded Warriors, chaired by Secretary Donna Shalala and Senator Bob Dole.

Also included in the final legislation was an amendment introduced by Representative ALTMIRE (with then Representative UDALL) to provide up to 12 weeks of leave for military families who need this leave to deal with qualifying exigencies arising out of the deployment of a servicemember to Iraq or Afghanistan.

Once this legislation became law, and the Bush Department of Labor issued regulations, we realized that corrections needed to be made to these FMLA provisions to truly effectuate their purpose to assist military families when these families need time off from work. Section 585 of H.R. 2647 does just that; and clarifies:

That family members of certain seriously ill and injured veterans are entitled to the 26 weeks of leave; and

That the family members of regular active servicemembers (and not just reservists and members of the national guard) are entitled to 12 weeks of leave for ''exigencies'' when they are deployed away from home.

Finally, Section 585 provides that exigency leave will be available when a servicemember is to be deployed anywhere overseas and not just overseas in support of a contingency operation (e.g. Iraq or Afghanistan).

The FMLA is intended to help individuals balance their family and work obligations. Millions of working people are now eligible for unpaid job protected leave. When the Act was passed in 1993, it was a giant step and is of great importance to working families.

Since a majority of military spouses work, they too must balance work and family. They work to put food on the table and support their families. But they face additional challenges because their lives are disrupted by multiple deployments, involving not only reservists and members in the National Guard, but those servicemembers in regular active duty as well.

The conflicts in Iraq and Afghanistan have resulted in over 34,000 casualties with many servicemembers being seriously wounded. These injured warriors need substantial support and care from their families, often for long periods of time, and some permanently. In addition, a recent Pentagon study found that 11 percent of Iraq veterans and 20 percent of Afghanistan veterans suffer from post-traumatic stress syndrome, an often disabling condition.

The expansion of the FMLA to include leave for military families was much needed. The provisions of Section 585 in H.R. 2647 help clarify the original intent of the law.

Mrs. MILLER of Michigan. Mr. Chair, I rise today in strong support of National Defense Authorization Act of 2009.

The Department of Defense directed the Army to restructure its premier modernization program known as Future Combat Systems—FCS program—which includes a network of new sensors, radios, robotic vehicles and a fleet of new combat vehicles.

I personally commend the thousands of dedicated soldiers, department of defense civilians and their defense industry partners who worked on the project.

More than 1,000 of these dedicated men and women that do the engineering work for the FCS program live and work in my district. Some 10,000 employees in 74 Michigan companies worked to provide the Army a new ground combat vehicle fleet.

Many of them will be economically disadvantaged, despite their best efforts, by termination of the combat vehicle project.

Legislation passed by the Armed Services committee recognizes the restructuring of the FCS program and provides guidance on how the Army should proceed.

Providing for the national defense is in the preamble of the Constitution of the United States, it is this body's most solemn duty and responsibility. We must ensure that the men and women we send into harm's way have the very best training and equipment we can provide.

It's imperative that we move rapidly to provide the Army a new ground combat vehicle that protects American soldiers against IEDs, road side bombs and anti-tank munitions. We must not lose the momentum gained during six years of research and development and the multibillion dollar taxpayer investment on this project.

Any new program must consider both Army and Marine Corps needs for manned ground combat vehicles now and in the future. It must build on what we have learned from three separate FCS ground vehicle designs as well as lessons learned from combat operations in Iraq and Afghanistan.

We have the best trained and dedicated Armed Forces in the world. Will we ask them to go to combat with vehicles that are nearly two generations old, designed for a different enemy and more conventional warfare?

Instead, let's build on the work that has already been done; ensure that billions of taxpayer dollars already spent are not wasted by starting from scratch, and provide U.S. Soldiers and Marines vehicles and systems that provide increased situational awareness for the conflicts of the future.

I urge the members to make a new combat vehicle the centerpiece of Army's research and development efforts in a restructured program.

Mr. PASCRELL. Mr. Chair, I would like to take this opportunity to thank Chairman SKELTON and his Committee for the important work they have done on this legislation and the strides they have made to ensure that individuals with traumatic brain injury (TBI) are identified and afforded the benefits that they deserve.

TBI is the signature injury of our current conflicts overseas. As many as 20 percent of the 1.8 million deployed troops—or an estimated 360,000 soldiers—have sustained traumatic brain injuries while in Iraq and Afghanistan. Unfortunately, many of these men and women in uniform are falling through the cracks. We must ensure that these individuals are properly identified and provided with the world class health care that they deserve. H.R. 2647 takes important steps to achieving both of these goals.

First, I applaud the inclusion of language submitted by myself and Congressman TODD PLATTS, who is both a member of the Armed Services Committee and serves as my Co-Chair on the Congressional Brain Injury Task Force, that calls on the branches of the Armed Services to implement long-term tracking for blast exposures, as the Army National Guard (NG) has already done. The NG initiative records the exposure to blasts in troops' personnel records in order to document the incident in the event of problems associated with traumatic brain injury or exposure to contaminants. This database will help determine eligibility for appropriate treatment, care, and disability entitlements. A comprehensive blast tracking system will also assist in efforts to research blast injuries and mild TBI and improve outreach, education, and follow-up for injured personnel who might otherwise fall through the cracks.

Second, I am appreciative of the inclusion of language that I submitted regarding the awarding of the Purple Heart to individuals who have sustained traumatic brain injuries, which calls on the Secretary to review its policies and procedures for determining eligibility and awarding of the Purple Heart as it relates to TBI. Media reports and anecdotal evidence have suggested that Purple Hearts may have been awarded inconsistently to service personnel who have sustained combat-related TBIs, suggesting that individuals with more severe TBIs may be eligible for the distinguished Purple Heart while individuals with less severe ones often receive refusals.

We believe that the Purple Heart criteria set out in regulation encompass soldiers who sustain a TBI or concussion as the result of enemy action. The Department of Defense's own Legislative Affairs has, however, stated that a brain injury that requires minimal medical attention would not suffice. I would caution against the use of such absolutes in the face of uncertainty about the effects of blast-related TBIs. Because the field of science still knows relatively little about effective interventions and the long-term consequences of traumatic brain injuries, particularly mild ones and those caused by blasts, the Department of Defenses' interpretation of treatment should not preclude injured soldiers who fulfill all other Purple Heart criteria from receiving the recognition and benefits they deserve.

Third, I am pleased to see the inclusion of legislation introduced by Congressman WALTER JONES, of which I am an original co-sponsor. This important language permits separated service members to seek a review of their discharge if their post-traumatic stress disorder (PTSD) or TBI was not taken into consideration when determining their separation and mandates a physical exam for active duty service members before an administrative separation proceeding if the service member had been diagnosed with PTSD or TBI. The effects and prevalence of PTSD and TBI have become too harsh and too widespread for our military leaders to overlook, and ensuring that the full facts of soldiers' injuries are considered upon discharge is the least we can do to ensure these individuals receive the care and benefits they deserve.

Finally, I praise the Committee for its recognition of the need for civilian and military collaboration in the science of the brain by providing for a Visiting NIH Senior Neuroscience Fellowship Program. This will provide an important opportunity for the military to learn from the work occurring at the National Institutes of Health on neuroscience and vice versa.

Thank you again to Chairman SKELTON, and I look forward to continuing to work with the Committee as we make further improvements

to the care and benefits that we provide to the brave men and women that put their lives on the line for our freedom.

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 2647, the National Defense Authorization Act for FY 2010.

As the representative of Fort Bragg and Pope Air Force Base, I am pleased that this bill makes important investments to support our national security and recognize the contributions of not only our men and women in uniform but also the families that support them. It provides for a 3.4 percent pay raise for service members and authorizes $1.95 billion for family housing programs. It expands support for those who are injured in battle, with enhancements for the medical ''mission to heal'' and funding to help friends and family visit or otherwise support recovering service members. It also expands TRICARE health coverage for reserve component members and their families.

H.R. 2647 improves military readiness and authorizes additional funds for equipment depleted by the war in Iraq and Afghanistan. It authorizes the president's request for 15,000 more Army troops, 8,000 more Marines, 14,650 more Air Force personnel, and 2,477 more Navy sailors, and also includes funding for force protection to keep those troops safe in theater. It recognizes the toll on our Army National guard and reserves by providing new battle gear and construction projects in our communities.

While I am pleased that this resolution provides authorization of $50 million for Impact Aid funding, with additional $15 million for BRAC-affected areas, these levels are inadequate for the pressing needs our school districts have as they care for military-connected students. As the former superintendent of North Carolina's schools, I know first-hand that we cannot provide a high-quality education without high-quality facilities. In North Carolina, the BRAC process has swelled enrollment in the counties around Fort Bragg—Cumberland, Harnett, Johnston, and Sampson—without increasing the tax base that supports the local schools. Impact Aid funding has barely increased in the last five years. We must renew our commitment to support these students and give local schools the support they need to provide them a quality education, especially in the current economic downturn that is straining state and local budgets.

Mr. Chair, despite this shortfall, this is a strong bill that supports our men and women in uniform, and their families, and enhances our national security. I urge my colleagues to join me in supporting this legislation.

Ms. BEAN. Mr. Chair, I rise in support of H.R. 2647, the National Defense Authorization Act and encourage its passage. Earlier this Congress I introduced H.R. 1267, ''Captain James A. Lovell Federal Health Care Act of 2009, which provides legislative authority to the Navy and the Department of Veterans Affairs (VA) to jointly operate the new ''Captain James A. Lovell Federal Health Care Center.'' In the other body, Senator DICK DURBIN has been working to include similar language in the Senate version of the National Defense Authorization Act.

After completion, the Lovell Federal Health Care Center will be the first health care facility in the nation to be operated jointly between the VA and the Navy saving taxpayers millions of dollars that would otherwise have been needed to rebuild or renovate the Navy's nearby hospital. Without this legislation, the Center will not be able to provide essential services to thousands of military beneficiaries in the region. Beneficiaries who had previously received care at the Naval Health Clinic Great Lakes would either be ineligible for care or would charged a significant co-pay for certain care, including emergency, hospitalization, outpatient, and behavioral health services. The facility is scheduled to begin joint operations on October 1, 2010.

While my legislation was not included in the underlying bill, it is my understanding that Senator Durbin will be able to include similar language in the Senate NDAA. I will continue to work with my colleagues in the Senate on its inclusion, and encourage passage of the underlying bill.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the National Defense Authorization Act of 2010. This important piece of legislation authorizes $680 billion for training, equipment, healthcare, and for important quality of life improvements for our troops and their families.

The rising cost of goods and services and rising unemployment is taking an especially serious toll on our men and women in uniform and their families. As military commanders demand more time in theater for active duty personnel and rely more on the contribution of reservists, many of whom leave higher-paying jobs to be activated, demands on the limited financial resources of military families increase. The National Defense Authorization Act of 2010 was crafted with the concerns and urgent needs of these dedicated public servants and their families in mind.

The legislation authorizes $135 billion for personnel needs and $27 billion for healthcare. It raises the basic pay of our service members at a time when a pay-raise is dearly needed and the bill helps fund re-enlistment bonuses for active-duty members and reservists. To enable service members to spend more time with their families between tours, the bill increases the maximum leave days that a service member can accumulate and carry over from one year to the next. And, to ensure that our service members have a safe and secure home to return to, the bill contains $2 billion for the construction and renovation of new and existing family military housing.

I am pleased to report to my constituents who have concerns about traffic congestion as the region prepares for the move of Walter Reed Hospital to Bethesda, that the bill instructs the Department of Defense to use all available resources to implement the Defense Access Road Program near the National Naval Medical Center.

The provisions and funds authorized by this act will help our men and women in uniform serving in the field, and help give them more peace of mind that their families back home are being cared for in their absence. I encourage my colleagues to join me in supporting the bill.

Today, there was also a vote on an amendment to this legislation offered by my colleague Massachusetts Representative JAMES MCGOVERN, which would require the Department of Defense to report an exit strategy for military forces in Afghanistan by no later than December 31st of this year. While I do not oppose the intent of my colleague's amendment, I did oppose the amendment on the grounds that President Obama has already laid out his strategy for Afghanistan in a speech delivered in March 2009. Like President Obama, I want to bring our troops home as soon as possible consistent with our national security needs.

As the President emphasized in his speech, Afghanistan is where the plot to attack the United States on September 11th, 2001 was developed and put into motion. It is of vital importance to U.S. national security that we do what is necessary to eliminate the threat posed to the American people from al Qaeda.

Mr. Chair, I urge that we support the National Defense Act of 2010.

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

The CHAIR. All time for general debate has expired.

Mr. SKELTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LUJÁN) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, had come to no resolution thereon.

HONORING JOHN CALLAWAY

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

Mr. QUIGLEY. Mr. Speaker, yesterday evening the highly respected radio and television broadcasting pioneer John Callaway died in Chicago.

After more than 30 years with Chicago's Public Television, John Callaway's extraordinary dedication to honest journalism that served the people will be greatly missed.

John can be credited with many great firsts in the world of televised broadcasting. He was a leader in the nationwide development of CBS news stations and hosted WTTW's Chicago's first evening news analysis.

The former Peabody and Emmy Award winner had said that he hoped his shows would allow the viewer to see the ''fabric and soul of the city.'' Ladies and gentlemen, let me tell you in my city the fabric and soul is often both extraordinary and tragic. For me and many Chicagoans, the airwaves will feel quite empty without John Callaway as the host of channel 11's show ''Chicago's Tonight's Week in Review.'' Tonight he will be remembered not only by his loving wife, Sandra

Callaway, and daughters Liz and Ann, but by the citizens of Chicago and the American people.

REVISION TO BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEAR 2010 AND FISCAL YEARS 2010 THROUGH 2014

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

Mr. SPRATT. Madam Speaker, under section 324 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revision to the budget allocations and aggregates for certain House committees for fiscal year 2010 and the period of fiscal years 2010 through 2014. This adjustment responds to House consideration of the bill H.R. 2990, the Disabled Military Retiree Relief Act of 2009. A corresponding table is attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this revised allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year	Fiscal year–	Fiscal years
	2009	2010	2010–2014
Current Aggregates: [1] [2]—			
Budget Authority–	3,668,788–	2,882,117–	n.a.
Outlays–	3,357,366–	2,999,049–	n.a.
Revenues–	1,532,579–	1,653,728–	10,500,149
Change in the Disabled Military Retiree Relief Act (H.R. 2990):–			
Budget Authority–	0–	178–	n.a.
Outlays–	0–	165–	n.a.
Revenues–	20–	54–	317
Revised Aggregates:—			
Budget Authority–	3,668,788–	2,882,295–	n.a.
Outlays–	3,357,366–	2,999,214–	n.a.
Revenues–	1,532,599–	1,653,782–	10,500,466

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(h)).
[2] Current aggregates include a correction to the 2010 outlay adjustment previously done for the supplemental. Outlays are $11 million below the previously reported amount.
n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2009		2010		2010–2014 total	
	BA	Outlays	BA	Outlays	BA–	Outlays
Current allocation:———						
Armed Services–	0–	0–	0–	0–	35–	35
Natural Resources–	0–	0–	0–	0–	0–	0
Oversight and Government Reform–	0–	0–	0–	0–	0–	0
Change in the Disabled Military Retiree Relief Act (H.R. 2990):——						
Armed Services–	0–	0–	160–	147–	188–	188
Natural Resources–	0–	0–	0–	0–	−200–	−109
Oversight and Government Reform–	0–	0–	18–	18–	241–	241
Total–	0–	0–	178–	165–	229–	320
Revised allocation:———						
Armed Services–	0–	0–	160–	147–	223–	223
Natural Resources–	0–	0–	0–	0–	−200–	−109
Oversight and Government Reform–	0–	0–	18–	18–	241–	241

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Mr. PETERS, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. QUIGLEY, for 5 minutes, today.
Mr. INSLEE, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 30. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

ADJOURNMENT

Mr. QUIGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, June 25, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2405. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2008, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

2406. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

2407. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on activities during Calendar Year 2008, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

2408. A letter from the Chairman, Federal Reserve System, transmitting the System's report entitled, ''Federal Reserve Credit and Liquidity Programs and the Balance Sheet''; to the Committee on Financial Services.

2409. A letter from the Administrator, Acting Energy Information Administration, Department of Energy, transmitting the Department's report for calendar year 2008 on the country of origin and the sellers or uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to Public Law 102-486, section 1015; to the Committee on Energy and Commerce.

2410. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures, pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

2411. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report for fiscal year 2008, pursuant to the Animal Drug User Fee Act of 2003; to the Committee on Energy and Commerce.

2412. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report regarding premarket approval of devices that may be used in pediatric patients, pursuant to Public Law 110-85, section 302; to the Committee on Energy and Commerce.

2413. A letter from the Members of the Board, Broadcasting Board of Governors, transmitting proposed legislation to authorize appropriations for the Broadcasting Board of Governors for Fiscal Years 2010 and 2011; to the Committee on Foreign Affairs.

2414. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notice of enhancements or upgrades from the level of sensitivity of technology or capability of the F-16 Advanced Integrated Defensive Electronic Warfare Suite [Transmittal No. 0A-09], pursuant to Section 36(b)(5)(A) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

2415. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a translation of the Department's human rights reports into principal languages and the distribution on post websites, pursuant to Public Law 110-53, section 2122(b); to the Committee on Foreign Affairs.

2416. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers — received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2417. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Introduction [Docket FAR 2009-0001, Sequence 4] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2418. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-036, Trade Agreements-Costa Rica, Oman, and Peru [FAC 2005-33; FAR Case 2008-036; Item I; Docket 2009-0019, Sequence 1] (RIN: 9000-AL23) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2419. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-032, Contractor's Request for Progress Payments [FAC 2005-33; FAR Case 2005-032; Item II, Docket 2008-0002; Sequence 1] (RIN: 9000-AI47) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2420. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 4] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2421. A letter from the Chief, Endangered Species Listing, FWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Quino Checkerspot butterfly (Euphydryas editha quino) [Docket No.: FWS-R8-ES-2008-0006; 92210-1117-0000-B4] (RIN: 1018-AV23) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2422. A letter from the Deputy Chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Removing References to Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service; Adding a Provision To Facilitate the Expansion of the Use of Approved Electronic Equivalents of Paper Forms [CIS No.: 2405-07; DHS Docket No. USCIS-2007-0005] (RIN: 1615-AB56) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2423. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''Annual Report to Congress for Fiscal Year 2008'' in reference to the Office of Justice Programs (OJP), pursuant to 42 U.S.C. 3712(b), 3789e Public Law 90-351, section 102(b) and 810; to the Committee on the Judiciary.

2424. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals; Colorado River, Lake Havasu City, AZ [Docket No.: USCG-2008-0320] (RIN: 1625-AA00) received July 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2425. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30659 Amdt. No 3315] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities [EPA-HQ-OPA-2008-0546; FRL-8919-9] (RIN: 2050-AG49) received June 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2427. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Thirteenth 2009 Annual Report of the Supplemental Security Income Program, pursuant to Section 231 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

2428. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's update on the study of chronic hardcore drug users, pursuant to 21 U.S.C. 1714; jointly to the Committees on Oversight and Government Reform, the Judiciary, Energy and Commerce, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 578. Resolution providing for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–184). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself, Mr. HELLER, Mr. CONNOLLY of Virginia, Mr. THOMPSON of Pennsylvania, Mr. BISHOP of New York, Mr. RUSH, Ms. DEGETTE, Mrs. BONO MACK, Mr. HERGER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mrs. CAPPS, Mr. TOWNS, Mr. PAUL, Mr. CARNEY, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. LANCE, Mr. MASSA, Mrs. HALVORSON, Ms. TITUS, and Mr. LAMBORN):

H.R. 3011. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Ms. BALDWIN, Mr. BOCCIERI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. CHILDERS, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Mr. JACKSON

of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. KILROY, Mr. KISSELL, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LIPINSKI, Mr. LOEBSACK, Mr. LYNCH, Mr. MASSA, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOLLOHAN, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE, Mr. PERRIELLO, Mr. PETERS, Mr. PETERSON, Ms. PINGREE of Maine, Mr. RAHALL, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SHULER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Mr. TONKO, Mr. VISCLOSKY, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WELCH, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, and Mr. SPRATT):

H.R. 3012. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Congress that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 3013. A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census; to the Committee on Oversight and Government Reform.

By Mrs. DAHLKEMPER (for herself, Mr. ALTMIRE, Mr. SCHRADER, Ms. VELÁZQUEZ, Mr. SHULER, Ms. CLARKE, Mr. ELLSWORTH, and Mr. NYE):

H.R. 3014. A bill to amend the Small Business Act to provide loan guarantees for the acquisition of health information technology by eligible professionals in solo and small group practices, and for other purposes; to the Committee on Small Business.

By Mr. CONAWAY:

H.R. 3015. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 3016. A bill to prohibit the use of certain funds to host Iranian officials for Independence Day celebrations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS, Mr. ANDREWS, Mr. SESTAK, Mr. BLUMENAUER, Mr. DOGGETT, Mr. NADLER of New York, Mr. CLYBURN, Mr. CARSON of Indiana, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. CASTLE, Mr. KIRK, Mr. LANCE, Mr. PLATTS, Mrs. BIGGERT, Ms. HARMAN, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. CAPUANO, Mr. SERRANO, Mr. MEEK of Florida, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. TSONGAS, Mr. STARK, Mr. JACKSON of Illinois, Mr. QUIGLEY, Ms. RICHARDSON, Mr. INSLEE, Mr. DOYLE, Mrs. LOWEY, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. WU, Mr. GRIJALVA, Mr. TIERNEY, Ms. NORTON, Mr. BERMAN, Mr. HONDA, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. LANGEVIN, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. PALLONE, Mr. HOLT, Mr. FILNER, Mr. SIRES, Mr. HARE, Mr. WEXLER, Mr. MASSA, Ms. DELAURO, Mr. CLAY, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. CLEAVER, Mrs. CAPPS, Ms. SLAUGHTER, Mr. MITCHELL, Ms. ESHOO, Mr. CARNAHAN, Mr. SCHRADER, Mr. SMITH of Washington, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM, Mr. WELCH, Mr. DINGELL, Mr. LEVIN, Mr. GUTIERREZ, Mr. ELLISON, Mr. MCGOVERN, Mr. WAXMAN, Mr. COOPER, Mr. CUMMINGS, Mr. OLVER, Mr. HIGGINS, Mr. FATTAH, Mr. ISRAEL, Ms. MATSUI, Ms. BEAN, Mr. KILDEE, Ms. SCHWARTZ, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Ms. CASTOR of Florida, Mr. CROWLEY, Mr. ENGEL, Mr. PETERS, Ms. KILROY, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. KUCINICH, Ms. LEE of California, Mr. HIMES, Ms. SPEIER, Ms. EDWARDS of Maryland, Mr. HODES, Ms. CLARKE, Mr. MOORE of Kansas, Mr. PAYNE, Mr. HEINRICH, and Ms. ZOE LOFGREN of California):

H.R. 3017. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. SCOTT of Virginia, and Mr. SMITH of Texas):

H.R. 3018. A bill to amend the Controlled Substances Act to address the use of intrathecal pumps; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. UPTON, and Mr. BOUCHER):

H.R. 3019. A bill to amend the National Telecommunications and Information Administration Organization Act to improve the process of reallocation of spectrum from Federal government uses to commercial uses; to the Committee on Energy and Commerce.

By Mr. KISSELL (for himself, Mr. BRIGHT, Mr. GRIFFITH, Mrs. KIRKPATRICK of Arizona, Ms. FOXX, Mr. COBLE, Mrs. MYRICK, and Mrs. LUMMIS):

H.R. 3020. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for the treatment of dividends paid on shares of preferred stock, held by the Secretary of the Treasury, that were issued by financial institutions which received financial assistance under such Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 3021. A bill to repeal the Gun-Free School Zones Act of 1990 and amendments to that Act; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3022. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3023. A bill to provide for the safety of United States aviation and the suppression of terrorism; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. TOWNS, Mr. GORDON of Tennessee, Ms. DEGETTE, Mr. LATHAM, Mr. MCGOVERN, Mr. LYNCH, Mr. BARROW, Mr. SIMPSON, Mr. CHANDLER, Mrs. EMERSON, Ms. DELAURO, Mr. COURTNEY, and Mr. PAUL):

H.R. 3024. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. CASTLE, Mr. BOYD, Mr. COOPER, and Mr. HILL):

H.R. 3025. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi:

H.R. 3026. A bill to amend the United States Public Housing Act of 1937 to establish a predisaster mitigation program to benefit public and assisted housing residents,

and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi:

H.R. 3027. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for predisaster hazard mitigation enhancement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 3028. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program to assist innovative natural disaster first responder programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TONKO:

H.R. 3029. A bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle power generation systems; to the Committee on Science and Technology.

By Mr. WALZ (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3030. A bill to establish pilot projects under the Medicare Program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 3031. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WELCH:

H.R. 3032. A bill to amend the Small Business Act to establish the Office of Environment, Energy, and Climate Change and to establish the Climate Change Center and Clearinghouse to provide support and information on climate change to small business concerns; to the Committee on Small Business.

By Mr. WELCH:

H.R. 3033. A bill to authorize Federal agencies and legislative branch offices to purchase greenhouse gas offsets and renewable energy credits, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 3034. A bill to amend the Internal Revenue Code of 1986 to adjust the credit percentage for qualifying advanced energy wind projects based on domestic steel content; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, and Mr. WOLF):

H.J. Res. 58. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H. Res. 579. A resolution expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and rescinding the invitation to Iranian officials to attend July 4th celebrations at United States embassies and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. ENGEL and Mr. ACKERMAN.
H.R. 159: Mr. TURNER.
H.R. 179: Mrs. DAVIS of California.
H.R. 205: Mr. JOHNSON of Illinois.
H.R. 265: Mr. CARSON of Indiana, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Ms. MATSUI, Mr. NADLER of New York, Mr. BERMAN, Ms. EDWARDS of Maryland, and Mr. OLVER.
H.R. 268: Mr. FRANKS of Arizona, Mr. DEAL of Georgia, and Mr. GINGREY of Georgia.
H.R. 270: Mr. TURNER and Mr. RAHALL.
H.R. 303: Mr. COFFMAN of Colorado, Mr. TIBERI, and Mr. TURNER.
H.R. 330: Mr. CLEAVER.
H.R. 332: Mr. SERRANO.
H.R. 333: Mr. TIERNEY, Mr. HODES, and Ms. RICHARDSON.
H.R. 557: Mr. THORNBERRY.
H.R. 571: Mr. LYNCH and Ms. TSONGAS.
H.R. 574: Mr. MORAN of Kansas.
H.R. 613: Mr. TURNER and Mr. CARNEY.
H.R. 621: Mr. BONNER, Mrs. MCMORRIS RODGERS, Mr. RANGEL, Mr. RYAN of Ohio, and Mr. TIBERI.
H.R. 634: Mr. TURNER.
H.R. 658: Mr. SKELTON.
H.R. 662: Mr. HALL of New York.
H.R. 816: Mr. KISSELL.
H.R. 983: Mr. GARY G. MILLER of California.
H.R. 1030: Mr. SMITH of Washington.
H.R. 1064: Ms. PINGREE of Maine, Mr. DICKS, Mr. PATRICK J. MURPHY of Pennsylvania, and Mrs. EMERSON.
H.R. 1111: Mr. COFFMAN of Colorado.
H.R. 1179: Ms. PINGREE of Maine.
H.R. 1207: Mr. LEWIS of California.
H.R. 1245: Mr. MITCHELL and Mr. GORDON of Tennessee.
H.R. 1255: Mr. KING of Iowa and Mr. AL GREEN of Texas.
H.R. 1293: Mr. ROE of Tennessee.
H.R. 1324: Mr. DELAHUNT, Ms. RICHARDSON, Mr. WELCH, Mr. LIPINSKI, Ms. HARMAN, and Mr. TIBERI.
H.R. 1330: Mr. CONNOLLY of Virginia.
H.R. 1339: Mr. HONDA.
H.R. 1347: Mr. LANCE.
H.R. 1428: Ms. MOORE of Wisconsin, Mr. CAO, Mr. ROE of Tennessee, and Mrs. MCMORRIS RODGERS.
H.R. 1430: Mr. HONDA.
H.R. 1454: Mr. BACHUS, Mr. BOUSTANY, and Mr. ROONEY.
H.R. 1458: Mr. UPTON.
H.R. 1479: Mr. STARK.
H.R. 1504: Mr. DAVIS of Illinois.
H.R. 1528: Ms. WOOLSEY and Mr. PAUL.
H.R. 1531: Ms. KAPTUR.
H.R. 1548: Mr. SMITH of Nebraska.
H.R. 1585: Mr. CONYERS.
H.R. 1589: Mr. MCDERMOTT.
H.R. 1596: Mr. MCGOVERN, Mr. CONYERS, Ms. NORTON, Mr. HONDA, Mr. ROSS, Mr. WEXLER, Mr. GEORGE MILLER of California, and Mr. SESTAK.
H.R. 1600: Ms. TSONGAS.
H.R. 1616: Mr. RYAN of Ohio and Mr. ADLER of New Jersey.
H.R. 1618: Mr. CARSON of Indiana and Mr. SIRES.
H.R. 1625: Ms. KAPTUR, Mr. WHITFIELD, Mr. STUPAK, Mr. ACKERMAN, Mr. PETERS, and Mr. UPTON.
H.R. 1646: Mr. LOEBSACK and Ms. KOSMAS.
H.R. 1701: Mr. PAYNE.
H.R. 1705: Mr. DEFAZIO.
H.R. 1729: Mrs. DAVIS of California.
H.R. 1799: Mr. SALAZAR and Mr. NUNES.
H.R. 1835: Mr. KRATOVIL.
H.R. 1849: Ms. JENKINS and Mr. HINOJOSA.
H.R. 1894: Mrs. MCMORRIS RODGERS.
H.R. 1924: Ms. MCCOLLUM.
H.R. 1956: Mr. CASSIDY.
H.R. 1963: Mr. MCGOVERN.
H.R. 1964: Mr. MEEK of Florida.
H.R. 1974: Mr. ETHERIDGE.
H.R. 1993: Ms. KOSMAS.
H.R. 2000: Mr. ANDREWS, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. REICHERT, Mr. DOGGETT, and Ms. GIFFORDS.
H.R. 2017: Mr. ROGERS of Michigan and Mr. REYES.
H.R. 2024: Mr. WEXLER.
H.R. 2026: Mr. BOEHNER, Mr. GARY G. MILLER of California, and Mr. MCCAUL.
H.R. 2060: Ms. ZOE LOFGREN of California.
H.R. 2067: Mr. SESTAK, Mr. ISRAEL, and Mr. TONKO.
H.R. 2119: Mr. KING of New York.
H.R. 2137: Ms. WATSON, Mr. LEWIS of Georgia, Ms. BORDALLO, Mrs. MALONEY, and Ms. ROYBAL-ALLARD.
H.R. 2143: Mr. WESTMORELAND.
H.R. 2178: Mr. AL GREEN of Texas.
H.R. 2194: Mr. WU, Mr. MCCLINTOCK, Mr. KING of Iowa, and Ms. SCHAKOWSKY.
H.R. 2254: Mr. CAPUANO, Mr. ACKERMAN, and Mr. MCNERNEY.
H.R. 2262: Mr. QUIGLEY, Mr. SESTAK, and Ms. MCCOLLUM.
H.R. 2293: Mr. WAXMAN.
H.R. 2296: Mrs. MILLER of Michigan, Mr. KINGSTON, Mrs. SCHMIDT, Mr. BARTLETT, Mr. AKIN, and Mr. BOSWELL.
H.R. 2329: Mr. SCHAUER.
H.R. 2347: Mr. TONKO.
H.R. 2348: Mr. TONKO.
H.R. 2353: Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. PAULSEN.
H.R. 2373: Mr. CARNEY and Mr. LOEBSACK.
H.R. 2404: Ms. SPEIER and Mr. NADLER of New York.
H.R. 2419: Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of Washington, Mr. GRAYSON, Mr. GORDON of Tennessee, Mr. ELLISON, Ms. SCHWARTZ, Mr. GRIJALVA, and Mr. MCGOVERN.
H.R. 2425: Mr. LOBIONDO, Mr. SESTAK, and Mr. PAULSEN.
H.R. 2448: Mrs. BONO MACK.
H.R. 2452: Mr. LEVIN, Mr. THOMPSON of Mississippi, and Mr. WESTMORELAND.
H.R. 2456: Mr. WALZ, Mrs. NAPOLITANO, Ms. WATERS, Mr. RUSH, Mr. MEEKS of New York, and Mr. FILNER.
H.R. 2478: Mr. LANCE, Mr. BACHUS, Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mrs. MALONEY, Ms. WATSON, Mr. RUSH, Mr. WAMP, Mr. FRELINGHUYSEN, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. COSTA, Mr. MCCAUL, and Mr. GRIJALVA.
H.R. 2512: Mr. QUIGLEY.
H.R. 2515: Mr. SESTAK.
H.R. 2517: Mr. VAN HOLLEN, Ms. DELAURO, Mr. BAIRD, Mr. COHEN, Mr. ADLER of New Jersey, Ms. EDWARDS of Maryland, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. DOGGETT, and Mr. HODES.
H.R. 2520: Mr. LINDER.
H.R. 2542: Mr. WITTMAN, Mr. MASSA, Mr. DICKS, and Mr. MCMAHON.

H.R. 2543: Mr. BOUSTANY, Mr. BAIRD, and Mr. ROSS.
H.R. 2547: Mr. WALZ.
H.R. 2558: Ms. DELAURO, Mr. BLUMENAUER, and Mr. PLATTS.
H.R. 2560: Mr. LATOURETTE.
H.R. 2563: Mr. LEE of New York.
H.R. 2567: Ms. WOOLSEY and Ms. DEGETTE.
H.R. 2581: Mr. SCOTT of Virginia.
H.R. 2625: Mr. QUIGLEY, Mr. CROWLEY, and Mr. PASCRELL.
H.R. 2632: Mr. BISHOP of New York.
H.R. 2635: Mr. HALL of New York, Ms. ROS-LEHTINEN, and Mr. WELCH.
H.R. 2691: Mr. SESTAK, Ms. KAPTUR, Mr. MCDERMOTT, Mrs. NAPOLITANO, and Mr. KING of New York.
H.R. 2697: Mrs. SCHMIDT, Mr. SIRES, Mr. YOUNG of Alaska, and Ms. ZOE LOFGREN of California.
H.R. 2724: Mr. JACKSON of Illinois and Mr. PRICE of North Carolina.
H.R. 2730: Mr. COURTNEY.
H.R. 2743: Mr. SARBANES, Mr. GORDON of Tennessee, Mr. STEARNS, and Mr. PLATTS.
H.R. 2770: Mr. BURTON of Indiana.
H.R. 2773: Ms. HERSETH SANDLIN and Ms. SCHAKOWSKY.
H.R. 2782: Mr. ROGERS of Kentucky.
H.R. 2793: Mr. BURTON of Indiana, Mr. LAMBORN, and Mr. MCCOTTER.
H.R. 2797: Mrs. SCHMIDT, Mr. ISSA, Mr. MARCHANT, Mr. LAMBORN, Mr. AKIN, Mr. COLE, Mr. POSEY, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. ROGERS of Alabama, Mr. REICHERT, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. LATTA, Mrs. BACHMANN, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. PENCE, Mr. SHIMKUS, Mr. BONNER, Mr. BISHOP of Utah, Mr. FORBES, Mr. THORNBERRY, Mr. CARTER, Ms. GRANGER, Mr. NEUGEBAUER, and Mr. SOUDER.
H.R. 2799: Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, and Mr. CAO.
H.R. 2808: Mr. LUETKEMEYER, Mr. GARY G. MILLER of California, and Mr. MCCAUL.
H.R. 2817: Ms. MCCOLLUM.
H.R. 2835: Mr. HONDA and Mr. COHEN.
H.R. 2844: Mr. ELLISON.
H.R. 2874: Mr. BISHOP of New York and Mrs. LOWEY.
H.R. 2882: Mr. FRANK of Massachusetts and Mr. SCOTT of Virginia.
H.R. 2900: Mr. BARRETT of South Carolina, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. LAMBORN, and Mr. FLAKE.
H.R. 2909: Ms. SCHAKOWSKY and Mr. STARK.
H.R. 2914: Mr. BRADY of Texas, Mr. HENSARLING, Mr. COLE, Mr. FLAKE, Mr. POSEY, Mr. LAMBORN, Mr. MARCHANT, Ms. FOXX, Mr. ISSA, Mr. JORDAN of Ohio, Mr. PRICE of Georgia, Mr. SCALISE, Mr. BARTLETT, Mr. TURNER, and Mr. AKIN.
H.R. 2925: Mr. SOUDER.
H.R. 2935: Ms. BORDALLO, Mr. KLEIN of Florida, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mrs. MYRICK, and Mr. LUJÁN.
H.R. 2937: Ms. LEE of California and Mr. MORAN of Virginia.
H.R. 2939: Mr. GRIFFITH, Mr. BERRY, and Mr. NUNES.
H.R. 2941: Mr. MURTHA, Mrs. BONO MACK, and Mr. LATOURETTE.
H.R. 2942: Mr. BURGESS, Mr. WILSON of South Carolina, Mr. LOBIONDO, and Mr. DUNCAN.
H.R. 2959: Mr. ETHERIDGE.
H.R. 2964: Mr. BROWN of South Carolina, Mr. MCCOTTER, and Mr. BURTON of Indiana.
H.R. 2969: Mr. THOMPSON of California.
H.R. 2987: Mr. SESTAK.
H.R. 2990: Ms. SHEA-PORTER, Mr. COURTNEY, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. MILLER of Florida, Mr. ELLSWORTH, Mr. ABERCROMBIE, Mr. HEINRICH, Mr. BRADY of Pennsylvania, Mr. LOBIONDO, Mr. SESTAK, Ms. PINGREE of Maine, Mr. MARSHALL, Ms. TSONGAS, Mr. SNYDER, Mr. JOHNSON of Georgia, Ms. BORDALLO, and Mr. COFFMAN of Colorado.
H.R. 3001: Mr. BRADY of Pennsylvania, Mr. ISRAEL, and Mr. NADLER of New York.
H.R. 3006: Ms. MCCOLLUM.
H.J. Res. 47: Mr. LUETKEMEYER.
H.J. Res. 57: Mr. JOHNSON of Illinois.
H. Con. Res. 44: Mr. MCDERMOTT and Mr. LEWIS of Georgia.
H. Con. Res. 45: Ms. JACKSON-LEE of Texas.
H. Con. Res. 51: Mr. BARTLETT.
H. Con. Res. 154: Ms. SCHAKOWSKY and Mr. KUCINICH.
H. Con. Res. 156: Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, and Mr. JACKSON of Illinois.
H. Con. Res. 157: Mr. WILSON of South Carolina.
H. Res. 90: Mr. FATTAH.
H. Res. 111: Mr. CAO, Mr. CUMMINGS, Mr. GERLACH, and Mr. DONNELLY of Indiana.
H. Res. 241: Ms. LORETTA SANCHEZ of California.
H. Res. 285: Mr. SCHOCK.
H. Res. 333: Mr. KUCINICH.
H. Res. 395: Mrs. LOWEY.
H. Res. 409: Mr. YOUNG of Florida.
H. Res. 443: Mr. CAPUANO.
H. Res. 445: Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. LATTA, Mr. SPRATT, Mr. ROGERS of Alabama, Mr. BISHOP of New York, Mr. KINGSTON, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. REYES, Mr. BOREN, and Mr. ELLSWORTH.
H. Res. 518: Mr. FARR and Mr. SESTAK.
H. Res. 519: Mr. LAMBORN, Mr. STEARNS, Mr. MCCOTTER, and Mr. MCDERMOTT.
H. Res. 531: Mrs. BIGGERT and Mr. DAVIS of Illinois.
H. Res. 549: Mr. MCCOTTER.
H. Res. 550: Ms. KILPATRICK of Michigan, Mr. CAO, and Ms. WATERS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WAXMAN or a designee at the outset of consideration of H.R. 2454, the American Clean Energy and Security Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative DICKS or a designee to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2454

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 718, strike line 7 through 20.

Strike part 2 of subtitle E of title IV of the bill (relating to the International Climate Change Adaptation Program).

H.R. 2454

OFFERED BY: MS. HIRONO

AMENDMENT NO. 2: Page 1168, line 21, through page 1169, line 2, amend paragraph (3) to read as follows:

(3) FOREST SERVICE.—Of the amounts made available each fiscal year to carry out this subpart, 5 percent shall be available to the Secretary of Agriculture for use in funding natural resource adaptation activities carried out on national forests and national grasslands under the jurisdiction of the Forest Service and for natural resource adaptation activities on State and private forest lands carried out under the Cooperative Forestry Assistance Act of 1978 and consistent with adaptation activities identified in the State-Wide Assessments and Strategies found in section 8002 of the Food, Conservation and Energy Act of 2008 or in accordance with other forest adaptation plans developed by the State forester through a public consultation processes.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R.—the Homeland Security Appropriations Act, 2010:

Federal Emergency Management Agency (FEMA), State and Local Programs—Emergency Operations Center, Union County, NJ. The entity to receive funding for this project is:

County of Union, One Elizabethtown Plaza, Elizabeth, NJ 07207.

The funding would be used to expand the capabilities of the Union County Emergency Operations Center to connect with each municipal police, fire and emergency management office, and also to serve as a redundant center to Union County Fire Mutual Aid and all 2 municipal departments during an emergency.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Name of Requesting Entity: Jackson Health System

Address of Requesting Entity: 1611 NW 12th Avenue, Miami, FL 33136

Description of Request: I have secured $500,000 for the Jackson Health System Hurricane Mitigation Structural Reinforcement Initiative. This funding will be used for Jackson Health System (JHS), operated by Miami-Dade County's Public Health Trust and is the county's sole public health system; the primary provider for the county's indigent and uninsured and its sole trauma center. At its center is Jackson Memorial Hospital (JMH), one of the nation's busiest (based on # of admissions) and largest (1,567 beds) with average annual occupancy levels consistently over 90%. When a hurricane warning is issued, JHS serves as an emergency evacuation shelter for medically at risk individuals (with limited family members).

The number of psychiatric emergency issues countywide increases and presents at JHS. Employees are required to remain in place until they are relieved, which is often after storm conditions pass. These factors contribute to hurricane related occupancy levels that are considerably higher than normal levels of operation. Miami-Dade County's geographic location places the area at risk for many natural and societal hazards. Situated in the south eastern most part of Florida the area is marked by flat topography, low land elevations and high groundwater tables in the Biscayne aquifer. Over the last one hundred years, 33 hurricanes and tropical storms have approached within 75 miles of Miami-Dade County. Of these, 9 have been a category 3 or higher intensity storm. Given that the physical demographics of the almost 2.3 million residents of Miami-Dade County inhabit the eastern most 20 miles of coastline, it is the most populated areas that suffer the maximum impact of storms. In 2004, Florida had a record breaking hurricane season with four major disaster declarations, Hurricane Charley, Hurricane Frances, Hurricane Ivan, and Hurricane Jeanne. In 2005, Florida again suffered from an extreme season with four major disaster declarations: Hurricane Dennis, Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. Florida consistently has the greatest risk for a direct hit by a hurricane of any other location in the United States. Additionally, it is subject to several other threats such as extreme tropical thunderstorms, sudden tornados and high trade winds and has the highest occurrences of severe lightning activity. Given the anticipated demands placed on the Ryder Trauma Center in the event of a direct hit of a high category storm, it is imperative that the building be structurally safe, adequately secured, and operationally functional. This funding will be used to structurally reinforce and fortify the trauma center through an exterior skin upgrade. The current construction is unsuitable for a threat of a higher category storm. This is a tremendous vulnerability for the County's only trauma center. As the most critical facility in all of Miami-Dade County, it is imperative that JHS fortify the building to ensure uninterrupted operations.This project is wholly consistent with Federal and agency missions to provide pre-disaster mitigation assistance to critical public entities who serve as vital providers of emergency services. The frequency and foreseeable nature of natural disasters striking densely populated Miami-Dade County make the project a natural priority for federal participation in protecting a safety-net institution such as the Ryder Trauma Center.

THANKING AND CONGRATULATING GEORGE A. DALLEY, CHIEF OF STAFF TO MY OFFICE, ON HIS RETIREMENT FROM THE HILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I rise today to commend a dear friend and colleague, George Albert Dalley, on an illustrious public service career spanning 30 years in federal government, private practice, international affairs, and presidential politics. With a razor-sharp intellect, unmatched mettle and grit, and an undeniable warmth and grace that has made him a beloved figure on the Hill, George returned as my Chief of Staff and Counsel in 2001—his third stint in that capacity—and will this month retire after a successful tenure.

But George is more than just a co-worker to me. We have maintained a personal and working relationship for the larger part of my political life that has proved abundantly edifying and rewarding. The many who have met and been touched by George and his life's work can attest that he is equal parts strong mind and ample heart, a kind soul who cares deeply about the issues of the day and their impact on everyday people—in America and across the globe.

Born in Havana, Cuba, to Jamaican parents in 1941, George immigrated to New York City and became a naturalized citizen, attending the prestigious Columbia University where he earned three degrees: an undergraduate degree, a master's in business administration, and a juris doctorate. He is a member of the Bars of the District of Columbia, New York, and the U.S. Supreme Court, serves as a member of the Council on Foreign Relations, and is on the Board of Directors for the Apollo Theatre Foundation and for Africare as Chair.

Between 1989 and up until he rejoined my staff in 2001, he practiced in the areas of legislative, administrative, and international law. As a former partner at Holland and Knight, he represented the interests of foreign governments—from Trinidad and Tobago, Jamaica, Costa Rica, El Salvador, Honduras, and Nicaragua to Senegal, the Cote d'Ivoire, Kenya, Mali, and Botswana—before the federal government, Congress, and multilateral financial institutions.

He sought to bring economic development to Africa and the Caribbean, working tirelessly to spur private investment in the two regions and working closely with me in securing passage of the African Growth and Opportunity Act and the enhancement of the Caribbean Basin Initiative. As a founding member of the Corporate Council on Africa and as a former U.S. counsel to the African Business Round Table, he promoted greater understanding of the opportunities for successful investment in the private sectors of African nations.

George played an integral, central role in getting Congress to deny tax preferences to companies doing business in apartheid South Africa—a move that hugely undermined that government and was reportedly one of the most influential sanctions in bringing that system down.

Aside from his loyal and dedicated service with me in the early 1970s, mid–1980s, and 2000s, George has served in senior-level posts in our government: as Deputy Assistant Secretary of State for International Organizations Affairs, responsible for U.S. policy on human rights and social issues in the United Nations; as an appointed member of the U.S. Civil Aeronautics Board, advancing the deregulation of the airline industry in the administration of President Jimmy Carter; as Deputy Director of the Mondale for President campaign.

He is an unabashed lover of people; of politics, policy and law; and of course, of his beloved New York Yankees. He and his late wife, Pearl Elizabeth Love, were a remarkable and loving couple, having raised two great sons, Jason and Benjamin, who have in turn given George two young and vivacious grandchildren, Lilah Pearl and Reid. George has served this country superbly well over the course of his career, and America is the better for it. His insight and guidance will be missed in my office and in offices throughout the Hill, but his dynamic spirit and sense of purpose we take with us as our motivation and driving force.

We thank him for his incredible service, his devoted friendship, and wish him many blessings going forward.

RECOGNITION OF MUNICIPAL MAYORS AND PRESIDENTS IN THE 8TH DISTRICT OF ILLINOIS

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. BEAN. Madam Speaker, I submit the following in recognition for their service as past municipal mayors and presidents in the 8th District of Illinois:

Bill Gentes, Round Lake
Scott Gifford, Deer Park
Keith Hunt, Hawthorn Woods
Dick Hyde, Waukegan
Tom Hyde, Island Lake
Cindy Irwin, Fox Lake
Dorothy Larson, Antioch
Catherine Mechert, Bartlett
Ted Mueller, Hainsville
Rita Mullins, Paltine
Timothy Perry, Grayslake
Virginia Povidas, Lakemoor
Salvatore Saccomanno, Wauconda
John Tolomei, Lake Zurich.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally directed funding, I am submitting the following information regarding funding included in H.R. 2892, the Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency—Emergency Operations Center

Legal Name of Recipient: Kentucky Division of Emergency Management

Address of Recipient: 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: Funding in the amount of $500,000 will be used to assist with planning and construction of a building addition to the existing Kentucky Emergency Operations Center (7,126 sq ft.) which was built in 1975. Staff are currently scattered across Frankfort in three different locations as far as 8 miles apart. During disasters, FEMA and other local, state, and federal partner agencies have no space available in the existing structure. The EOC serves as the primary in-state operations response center for coordination during an emergency.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency—Pre-Disaster Mitigation Program

Legal Name of Recipient: Kentucky Division of Emergency Management

Address of Recipient: 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: The Martin County Fiscal Court, through the Kentucky Division of Emergency Management, proposes a stream improvement project to mitigate the repetitive damage at Blacklog Fork and Old Route 40 in Inez. The County proposes to widen the channel in key locations and armor eroding banks for the first two stream miles of Blacklog Fork (above its confluence with Coldwater Fork). Roadways and bridges have already been elevated and correction of the drainage problem will alleviate flooding in this area. The bill includes $500,000 in planning and construction funds toward this $700,000 project.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: S&T Research, Development, Acquisition, & Operations

Legal Name of Requesting Entity: National Institute for Hometown Security, Kentucky

Address of Requesting Entity: 610 Valley Oak Drive, Suite 1, Somerset, Kentucky 42503

Description of Request: The funding will be used to continue to provide leadership in discovering and developing community-based critical infrastructure protection solutions; facilitate commercialization; and encourage deployment. The $10 million FY10 program will help continue robust research for homeland security solutions and build on this successful partnership.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency

Legal Name of Requesting Entity: Rural Domestic Preparedness Consortium

Address of Requesting Entity: Eastern Kentucky University, 50 Stratton Bldg., 521 Lancaster Blvd., Richmond, Kentucky 40475

Description of Request: This $3 million allocation of FEMA funds will continue robust and tailor-made homeland security and disaster response training to the rural first responder community. The non-federal grant managing entity is Eastern Kentucky University (EKU). EKU manages these grant funds on behalf of itself and its partner institutions; East Tennessee State University, Johnson City, Tennessee; Iowa Central Community College, Ft. Dodge, Iowa; NorthWest Arkansas Community College, Bentonville, Arkansas; University of Findlay, Findlay, Ohio and North Carolina Central University, Durham, North Carolina. The funding will be used to continue to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R.

Account: STAG Water and Wastewater Infrastructure Project

Name of Requesting Entity: City of Homestead

Address of Requesting Entity: 790 N. Homestead, FL, 33030

Description of Request: I have secured $500,000 for the City of Homestead Water Utility Upgrades. This funding will be used for the installation of telemetry systems that will: (1) allow the City to substantially decrease the carbon footprint associated with driving to check each pump station on a daily basis, (2) free personnel to respond to emergencies and result in the reduction of response time to emergencies at remote sites, as a result of a disaster, and (3) result in improved efficiencies in man-power, and usage of natural resources, significantly increasing reliability and diminishing sewage back up occurrences. This project is identified in the master plan which was created on the City's behalf in 2003 and updated in 2006, and will produce approximately 10 new jobs in the local economy. The City of Homestead owns and operates a wastewater treatment and sanitary sewer system, which encompasses over 89 miles of sewer lines of various sizes with a total of 50 pump stations. The plant is responsible for treatment of more than 1.63 billion gallons annually and currently serves over 9,200 customers, some of which are located outside the City limits. Now over 50 years old, Homestead's current infrastructure lacks the capacity and the ability to treat the increased wastewater demand as a result of the unprecedented population growth experienced in the last several years. Accordingly, the City has undertaken a multi-phase expansion of its Wastewater Treatment Plant and associated infrastructure. As part of this expansion and renovation, Homestead is requesting federal funding for the procurement and installation of

water and wastewater telemetry equipment, which will provide real-time information on performance, demands on the system and water withdrawals. These upgrades are crucial to allowing the staff to coordinate efforts and manage water usage, more efficiently using water from the aquifer and minimizing water losses, thereby conserving the natural resources of the Biscayne Aquifer. The projected cost for this system is $1,538,461 and will provide constant monitoring and control of 64 wastewater pump stations, 3 elevated water tanks, and 6 raw water well pumps. To date, the City has procured several studies and master plans addressing the needs of the wastewater system and has spent over $200,000 to predesign and identify crucial projects necessary to maintain the level of service to the growing community.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations bill of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Legal Name of Requesting Entity: Lake County Storm Water Management Agency

Address of Requesting Entity: 125 E. Erie St., Painesville, OH 44077, USA

Description of Request: Provide an earmark of $725,000 for the Lamplight Lane Retention Basin Project in Willoughby Hills. This flood control project along a tributary to the Euclid Creek would be funded as a flood mitigation project under FEMA. Funding will be used for excavation and embankment, clearing and grubbing, rock channel protection, 54″ diameter conduit, 16′x14′ box culvert, pavement replacement, restoration, channel erosion matting, engineering, surveying, inspection, construction, and administration. It is a valuable use of taxpayer funds because it will help alleviate substantial flooding of multiple properties. Funding this project will reduce overall risks to people, structures and property, while also reducing the need for funding from an actual disaster declaration.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I am requesting as part of H.R. 2892, the Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2892

Account: FEMA Pre-Disaster Mitigation Program

Legal Name of Requesting Entity: City of Kannapolis, North Carolina

Address of Requesting Entity: 614 8th Street, Kannapolis, NC 28081

Description of Request: Bill provides $425,000 for the 8th Street culvert replacement project in Kannapolis, NC. The existing 8th Street culvert is a 65-foot-long, four-inch by eight-inch box that was constructed using granite blocks mortared into place. As a result of Tropical Storm Fay, large cracks in the wall and floor of the culvert have allowed water to enter the area behind it and erode the fill material around it. This situation has caused a slope failure on the downstream side of 8th Street. In addition, a number of blocks used to form the top of the culvert have broken into two pieces, limiting structural support for the roadway above. The 8th Street culvert connector road from Main Street to West A Street is utilized by a number of citizens and the nearby Woodrow Wilson Elementary School as a primary transportation route. The roadway has been closed since early December 2008 due to the culvert's deteriorating condition.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2996—the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Fayetteville

Address of Requesting Entity: 113 West Mountain, Fayetteville, Arkansas 72704

Description of Request: The existing sewer line that provides service to eastern Fayetteville and the city of Elkins was constructed of clay tile pipe in the mid-1970s. This pipe is no longer water tight due to external and internal corrosion, and age. As a result, there is groundwater intrusion, likely small amounts of sewage leakage into groundwater and thence into the White River, and piping failures resulting in sewage overflows. The multi-jurisdictional issues coupled with the absence of adequate local financial resources render this an ongoing environmental challenge. The piping system is in such poor condition that sewage flows are increased by a factor of three due to extraneous rain and ground water that enters the system through the pipe defects. This extra flow overtaxes the entire wastewater system, causing sanitary sewer overflows during heavy rains and requiring greatly oversized wastewater treatment facilities.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Project name: Fredericksburg and Spotsylvania National Military Park, Binns property

Amount: $200,000

Account: National Park Service Land Acquisition

Requested by: The Conservation Fund, 1655 N. Ft. Myer Drive, Arlington, VA 22209

Intended recipient of funds: Fredericksburg & Spotsylvania County Battlefields National Military Park

Project description and explanation of the request: This project will provide $200,000 for land acquisition by the U.S. National Park Service, Fredericksburg & Spotsylvania County Battlefields National Military Park to acquire a portion of the 1,100-acre Binns property. The Binns property was the site of significant fighting during the Chancellorsville's campaign in 1863 and is today one of the largest unprotected pieces of the core battlefield area. This project provides $200,000 for land acquisition as part of a $4,228,000 project to acquire the 1,100-acre Binns property. Public funds are justified to be used by a federal agency to acquire and preserve threatened Civil War battlefields.

Project name: Rappahannock River National Wildlife Refuge, Bowers property

Amount: $500,000

Account: Fish and Wildlife Service Land Acquisition

Requested by: The Conservation Fund, 1655 N. Ft. Myer Drive, Arlington, VA 22209

Intended recipient of funds: U.S. Fish and Wildlife Service, Rappahannock River National Wildlife Refuge (RRNWR)

Project description and explanation of the request: The acquisition of the 265-acre Bowers tract at Fones Cliff will provide RRNWR the opportunity to create hiking trails, provide historic interpretation relating to the Captain John Smith National Water Trail, and ensure public access to the Fones Cliff area. This project provides $500,000 for land acquisition as part of a $3,023,000 project to acquire the 265-acre Bowers tract property. Public funds are justified to be used by a federal agency to conserve, protect, and enhance the nation's fish and wildlife and their habitats for continuing benefit of people.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

I requested one project in H.R. 2996.

$500,000 for The Conservation Fund located a 2507 Calloway Road, Tallahassee, FL 32303. This funding will go towards the purchase of environmentally sensitive land surrounding Three sisters Springs in Citrus County. This property abuts manatee protection areas and would place a large undeveloped tract of land in public ownership, allowing for the further protection of the spring as well as the endangered manatee species.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO–

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE, Army, Line 13, PE 0602601A

Legal Name of the Requesting Entity: Sturman Industries

Legal Address of the Requesting Entity: One Innovation Way, Woodland Park, CO 80863

Description of the Request: Requesting $3.5 million funding for Digital Engine/Hydraulic Valve Actuation technology development and testing for combat vehicle and automotive technology allowing the use of alternative and renewable fuels while reducing military vehicle fuel consumption through improved engine efficiency.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Navy, Line 27, PE 0603216N

Legal Name of the Requesting Entity: Global Near Space Services

Legal Address of the Requesting Entity: 8610 Explorer Dr, Ste 140, Colorado Springs, CO 80920

Description of the Request: Requesting $6 million funding for the Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance. This project will develop a lighter-than-air, unmanned aerial vehicle (UAV) that will fly at 85,000 feet for three to four months, providing low cost, persistent surveillance, high bandwidth and over the horizon communications needed to effectively fight terrorism, achieve maritime domain awareness, protect critical infrastructures and secure national borders.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Air Force, Line 8, PE 0602201F

Legal Name of the Requesting Entity: Colorado Engineering, Inc

Legal Address of the Requesting Entity: 1310 United Heights, Suite 105, Colorado Springs, CO 80921

Description of the Request: Requesting $3 million funding for the Unmanned Sense, Track, and Avoid Radar (USTAR) for low rate initial production of an advanced radar system for the Global Hawk unmanned aerial vehicle platform to detect and track large and small targets. USTAR will allow the UAV to identify potential collision risks and increase maneuvering capability in controlled airspace and improve operability in adverse weather conditions.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Air Force, Line 80, PE 0604706F

Legal Name of the Requesting Entity: Goodrich Corporation

Legal Address of the Requesting Entity: 1275 N. Newport Road, Colorado Springs, CO 80916

Description of the Request: Requesting $7 million funding for continued development and testing of the ACES 5 ejection seat for U.S. military aircraft.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Defense-wide, Line 89, PE 0603898C

Legal Name of the Requesting Entity: Not Applicable

Legal Address of the Requesting Entity: Not Applicable

Description of the Request: Requesting $500,000 funding for an Independent Advisory Group to review Ballistic Missile Defense (BMD) Education and Training Needs and recommend a BMD education and training solution to include a recommendation of roles and responsibilities, organizational structure, and/or resources and facilities for integrated missile defense training.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: MCAF

Legal Name of the Requesting Entity: Peterson Air Force Base

Legal Address of the Requesting Entity: Peterson Air Force Base, Colorado Springs, CO 80914

Description of the Request: Requesting $7.2 million funding for the East Gate realignment at Peterson Air Force Base. This project demolishes the existing gate house and road system at the East Gate of Peterson AFB and constructs a new, realigned entry road, gate house, check stations, vehicle inspection buildings and anti-terrorism/force protection measures.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act for 2010:

Requesting Member: ADERHOLT

B0ill Number: H.R. 2892

Account: FEMA—Predisaster Mitigation

Legal Name of Requesting Entity: City of Hartselle, Alabama

Address of Requesting Entity: 200 Sparkman St NW, Hartselle, AL 35640

Description of Request: ''City of Hartselle, AL, $245,000''

The funding would be used for construction and initializaing nine new emergency warning sirens. Taxpayer Justification: The citizens of Hartselle and nearby Morgan County residents will benefit from strategic placement of the emergency warning sirens. An estimated 18,000 residents will be served to ensure early warnings against potential devastating disasters. These funds will approximately be used for the following: Equipment ($190,120), Labor ($53,655), and Engineering ($1225).

Requesting Member: ADERHOLT

Bill Number: H.R. 2892

Account: FEMA—State and Local Programs

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: ''Emergency Operations Center, Winston County Commission, AL, $20,000''

The funding would be used to purchase and install necessary equipment, including radios and computers, in the Emergency Operations Center to allow a central meeting place for county and city agencies to operate during emergency situations. Taxpayer Justification: To purchase emergency equipment for a central location to be used by all agencies during times of natural or man-made emergencies. It will provide resources for information and help for the general public during disasters. These funds will approximately be used for the following: $20,000 to purchase and install necessary computers, radios and other equipment.

HONORING THE CREW OF THE ''GENERAL ARNOLD''

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the heroic crew of the *General Arnold,* a contingent of men who risked and ultimately gave their lives for our country's independence some 230 years ago.

During the course of the Revolutionary War, the American colonies relied on a small, organized navy as well as a vast number of privateers to defend themselves against the British. The privateers chartered vessels both

large and small, were commissioned with letters of marque, and dispatched on the high seas. Indeed, it is unlikely that our nation could have achieved its independence without the noble efforts of these privateers, many of whom disrupted British shipping and wrought considerable damage upon the enemy's vessels during the war.

On Christmas Day, 1778, one of these privateer ships—the *General Arnold,* a brigantine with 20 cannons under the command of Captain James Magee—set sail with its own crew and a battalion of marines led by Captain John Russell. Battered by a frightening and terrible nor'easter, the ship was driven back toward Plymouth Harbor, where it ran aground on the White Flat, a sandbar approximately one half-mile from shore.

For three days, the crew remained trapped aboard the ill-fated vessel's quarter-deck, drenched by angry sea and freezing snow and lashed by savage winds. By the time help arrived on December 28, 72 of the 105 men had perished. Many of their bodies were frozen together, locked in an ''embrace of death.'' Some of the survivors were permanently crippled, some forced to undergo amputation, and some died prematurely not long thereafter, making this incident one of the most tragic and gruesome losses of life experienced by either side during our nation's struggle for independence.

As we prepare to celebrate the birthday of our nation next week, it is important that we take a moment to acknowledge the brave men aboard the *General Arnold* who suffered and died for our freedom. Many of them, sadly, remain nameless. Yet we owe them a debt of gratitude for their valiant efforts to champion the cause of life, liberty, and the pursuit of happiness. To the crew and to all those who served on the *General Arnold,* today we honor and give you thanks for your admirable sacrifice.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 2647

Account: RDT&E, Defensewide

Recipient: EWA, Inc. 2413 Nashville Road, Bowling Green, KY 42101

Description of Request: Provide $2,000,000 to develop a tactical biometric identification system for the U.S. Special Operations Command. The system will allow intelligence officials to identify and track individuals of high suspicion remotely, without risking injury or loss of life. This project will allow for the development of a field-usable prototype, downsized for tactical mobility. It is a wise investment of taxpayer dollars to ensure, at a time when our nation's enemies attack through suicidal mass-casualty events, that the Special Operations Command be able to track and identify persons of high interest with high accuracy and from a safe distance.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2892

Account: Infrastructure Protection and Information Security

Legal Name of Requesting Entity: Clarkson University

Address of Requesting Entity: 8 Clarkson Avenue, Potsdam, NY 13699

Description: Provide an earmark of $100,000 to Clarkson University to establish and maintain a collaborative cyber security training center designed to strengthen the nation's ability to educate large numbers of highly qualified individuals in the fields of information assurance and cyber security. This initiative will also update cyber security training modules to anticipate and respond to new threats, improve warning capabilities, accelerate comprehensive responses to real time attacks, and develop next generation cyber security experts.

A TRIBUTE TO BRIG. GEN. JOSEPH ANDERSON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Brigadier General Joseph Anderson for his service to Fort Knox and our nation. Brig. Gen. Anderson has effectively served as the Deputy Commanding General of the United States Army Recruiting Command (USAREC) since May 27, 2008. Brig. Gen. Anderson will be leaving this post in July 2009.

Brig. Gen. Anderson provided outstanding leadership for USAREC that ensured it would become a successful command for recruiting. He is a talented leader, skilled motivator, and inspiring mentor.

Brig. Gen. Anderson displayed exceptional training skills, innovative ideas, and outstanding performance. His commitment to ensuring the safety of USAREC soldiers, civilian employees, contractors, and family members was extraordinary.

Brig. Gen. Anderson's dedicated effort is an example for all Kentuckians to follow. I thank Brig. Gen. Anderson for his commitment to the people of Fort Knox, the men and women in the Army, and our nation.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010 in Title XXVI, Section 2601 (a) in the Guard and Reserve Forces Facilities Section.

Request information: Representative JACK KINGSTON, H.R. 2647, Department of Defense, Army National Guard Account

Recipient information: Georgia Army National Guard, Hunter Army Aviation Facility, Savannah GA

Description: The Georgia Army National Guard received an earmark in the amount of $8,967,000.

The current facility has exceeded its useful life with several irreparable leaks. The unit is devoting considerable time in overcoming these obstacles to meet its current requirements for training, planning and storage of weapons and information technology.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I have received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Paladin Integrated Management (PIM): This project would fund the completion of testing and evaluation of the PIM self-propelled howitzer and companion ammunition resupply vehicle. These vehicles are manufactured in part by the BAE Systems facility located in York, Pennsylvania. This is a good use of taxpayer funds because the changes to this vehicle will reduce the logistics footprint thereby reducing operational and support costs. ($9 million above the President's Budget in the Research and Development Account)

BAE Systems, 3811 North Fairfax Drive, Suite 500, Arlington, VA 22203.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part

of H.R. 2892—Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2892—Department of Homeland Security Appropriations Act, 2010

Account: FEMA, Predisaster Mitigation

Legal Name of Requesting Entity: Alabama Emergency Management Agency

Address of Requesting Entity: P.O. Drawer 2160, Clanton, AL 35046

Description of Request: Provide $200,000 for the construction of a Safe Room/Tornado and Severe Wind Shelter for the City of Graysville at the Graysville East Pavilion Park on 3rd Avenue N.E. The Shelter will accommodate approximately fifty people. This project directly supports efforts by the City of Graysville to reduce damages and the loss of life and property from natural disasters such as tornados and severe storms. This project's total budget is $250,000. Specifically within the budget, $50,000 will go toward engineering cost, $75,000 toward site preparations, and $125,000 toward construction cost. This request is consistent with the intended and authorized purpose of the FEMA, Predisaster Mitigation account. The City of Graysville will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior and Environment Act of 2010.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2996

Account: Save America's Treasures

Legal Name of Requesting Entity: Traditional Arts in Upstate New York

Address of Requesting Entity: 53 Main Street, Canton, NY 13617

Description: Provide an earmark of $150,000 to the Traditional Arts in Upstate New York for the renovation of a building that houses the North Country Folk Life Center in Canton, NY. This National Register—listed building has the potential to become a destination point and serve as a vital economic driver in the region.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for FY2010:

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2647

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: Sikorsky Aircraft Corporation

Address of Requesting Entity: 1 Financial Plaza, Hartford, CT 06301

Description of Request: $20,400,000 will be used to convert ''A'' model Black Hawk helicopters to the ''L'' configuration. This additional funding for UH–60L conversions will enable a more rapid standardization of the Black Hawk fleet and assure National Guard units are ready, deployable and available to protect our national interests abroad, and respond to emergencies here at home.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 418, Article IV of impeaching Samuel B. Kent, I was unavoidably detained.

Had I been present, I would have voted "yea."

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: DAVID DREIER

Bill Number: H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Chang Industry, located at 968 Palomares Avenue, La Verne, CA 91750

Description of Request: Provide an earmark of $2,000,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $800,000 is for directional warhead blast and fragment effects characterization and optimization. $600,000 will be used for static threat defeat characterization, test and evaluation with directional warhead. The remaining $600,000 will be used for threat defeat test and evaluation on a controlled moving platform with directional warhead. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010

Account: Air Force, Air National Guard, Operations and Maintenance

Legal Name and Address of Entity Receiving Earmark: Gentex Corporation, located at 11525 6th Street, Rancho Cucamonga, CA 91730

Description of Request: Provide an earmark of $6,000,000 to complete the Air National Guard's fleet-wide implementation and standardization to the MBU–20A/P Oxygen Mask and Mask Light. Approximately, 34 percent ($2,040,000) of the funding is for manufacturing; 4 percent ($240,000) is for sustainment and systems engineering support; 6 percent ($360,000) is for inspections and tests; 20 percent ($1,200,000) is for general and administrative; 35 percent ($2,100,000) is for material; 1 percent ($60,000) is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds authorized in response to my requests submitted to the House Armed Services Committee will be allocated. In making those requests, I submitted a financial certification letter to Chairman SKELTON which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge these requests (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that should any of the requests I have submitted be included in the bill, I will place a statement describing how the funds in each of the included requests will be spent and justifying the use of federal taxpayer funds.

In order to fully comply with these standards, Madam Speaker, I hereby submit a description of how the funds authorized in the National Defense Authorization Act for Fiscal Year 2010 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Air Force

Legal Name of Receiving Entity: THY Enterprises, Inc.

Address of Receiving Entity: 440 Hillabee St., Alexander City, AL 35010

Description of Request: Provide $2,700,000 in funding for Special Mission Clothing for

AFSOC. The funding will be used to continue research and development of Special Mission Clothing for AFSOC. Approximately, $1,500,000 is for research and development of a lighter, quieter, water/wind proof, tear resistant and fire retardant material; $375,000 for engineering; $100,000 for laboratory analysis; $25,000 for field assessment; and $700,000 for risk and plan management. This Special Mission Clothing project will focus on producing products suitable for multiple Special Mission Unit requirements, and which meet or exceed military operational specifications.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Air Force

Legal Name of Receiving Entity: Telos Corporation

Address of Receiving Entity: 7956 Vaughn Road, Suite 134, Montgomery, AL 36116

Description of Request: Provide $5,000,000 in funding for Application Software Assurance Center of Excellence. This funding will provide the Air Force additional tools, training and subject matter experts to robust the analysis capability at the newly established Application Software Assurance Center of Excellence (ASACoE). To counter the growing threats in information operations, the Air Force established the Application Software Assurance Center of Excellence (ASACoE) to assess and strengthen its defenses against cyber attacks .The center's mission is to develop application security best practices that can be put in place Air Force-wide. Over the last year, the center has successfully assessed and identified vulnerabilities in numerous applications across multiple functional communities. The requested additional funding will ensure the security of the people, systems, and equipment software applications that support the Warfighter. The Center currently has 12 contracted personnel that are charged with reviewing over 3,000 software applications. At the current funding levels, the Center will complete approximately 300 within a year. The requested funding would enable the Center to accelerate the completion of the most critical tasks. The fund would increase local labor by up to 12 advanced security engineers/computer programmers in Alabama. The remaining funds would support the application tools, software and Air Force-wide training. The lead agency executing this mission for the United States Air Force is the 554th Electronic Systems Wing located at Maxwell AFB—Gunter Annex in Montgomery, Alabama. This request is consistent with the intended and authorized purpose of this unit. The funding would be provided on an existing Air Force program line. The funding will provide for software tools that includes approximately $1,000,000 for source code analysis, $750,000 for web pen test tools, and $750,000 for database scanning tools in addition to $400,000 for training and $2,100,000 for subject matter experts and travel. The funding for Long term funds is being pursued in the Department's Future Years Defense Plan.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: BAE Systems

Address of Receiving Entity: 1101 Wilson Blvd., Suite 2000, Arlington, VA 22209

Description of Request: Provide $9,000,000 for the Paladin Integrated Management for work to be completed in Anniston, AL. The FY 10 President's Budget contains funding for research and development Army funds to assist in making the M109A6 Paladin and its companion vehicle the Field Artillery Ammunition Support Vehicle (FAASV) sustainable through the year 2050. The changes to this vehicle will incorporate the Bradley's drive train and suspension components that will reduce the logistics footprint thereby reducing operational and support costs. This $9,000,000 in funding is needed in order to insure that this program be reinstated to its original schedule (the program was Congressionally reduced by that same amount during the FY09 budget process). Procurement funds to initiate low rate initial production are in the FY10 procurement budget. The Army intends to fund this program through completion. This is a national defense program which provides firepower to our troops engaged in combat.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: Electric Fuel Battery Corporation (Arotech Subsidiary)

Address of Receiving Entity: 354 Industry Drive, Auburn, Alabama 36832

Description of Request: Provide $4,000,000 for the Novel Zinc Air Power Sources for Military. This funding will develop Zinc-Air battery technology that will provide the soldier with a high energy density power source that significantly reduces battery carry weight. Previous advances in the technology have helped to cut warfighter battery carry weight in half. Continued development of body-worn energy distribution systems, coupled with further development of Zinc-Air battery technology, promises to cut warfighter battery carry weight further, while reducing battery quantities carried on long missions. Reducing battery type and count lowers operational risk by reducing the need for re-supply. In addition, Zinc-Air battery's intrinsic safety (cannot combust or explode even when penetrated by hot projectiles) enhances warfighter safety. Lithium-Air battery technology is in its infancy but has the highest possible energy density of any battery system promising a quantum leap in the warfighter mission length.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: SCRA, Institute for Solutions Generation (funding will benefit the Anniston Army Depot)

Address of Receiving Entity: 5300 International Boulevard, N. Charleston, SC 29418

Description of Request: Provide $8,200,000 in funding for the Highly Integrated Production for Expediting RESET. This funding was requested by the Calhoun County Chamber of Commerce to benefit the Anniston Army Depot, located at 7 Frankford Avenue, Anniston, AL 36201. A critical readiness issue facing the military today is repairing and restoring military equipment that has been damaged or worn out in battle. Resetting small arms and crew served weapons is particularly challenging, given their sheer numbers and the fact that, there is a growing incidence of nonconforming parts used to support reset operations there. In addition, under the current system, a lot of time and cost are required to design and apply product improvements during reset. HIPER ensure a quick and efficient RESET turn-around for weapons to the theater. The requested funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. This funding will provide $4,800,000 for integration, collaboration, scanning and reverse engineering technology, and supply chain improvements to enhance and expedite RESET efforts: $7,596,000 for labor, $544,000 for materials and $60,000 for travel.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction, Army

Legal Name of Receiving Entity:———

Address of Receiving Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201

Description of Request: Provide $3,300,000 in funding for the Industrial Area Electrical System Upgrade. This funding will be used to construct electrical system upgrades to the area south of Third Avenue in the industrial area. Construction will include new power poles, cross arms, insulators, cutouts, re closers, anchor systems, wire, transformers, underground duct and circuit breakers for a couplet 12470 volt electrical service system in the area south of Third Avenue in the industrial area. This construction will provide upgraded overhead lines and underground service from the power poles to pad mounted transformers that supply each building. Construct the secondary for a 10.5 MVA 44.000/12/470 volt substation. The substation secondary will consist of vacuum breakers, voltage regulator, bypass switches and the structural steel. Antiterrorism/force protection measures will include observance of vehicle access sitting distances, landscaping berms, exterior lighting, laminated glass, and walkway bollards.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater project

Legal Name of Requesting Entity: Clinton County Government, Frankfort, IN

Address of Requesting Entity: 125 Courthouse Square, Frankfort, IN 46041

Description of Request: Provide an earmark of $500,000 in STAG monies to continue support of the construction and installation of a multi-pond regional storm water detention facility needed to help alleviate flooding that occurs to low to moderate income households, businesses and restaurants. This area experienced water damage 3 times in 2008.

HAITI'S RECENT DIPLOMATIC ATTENTION—OPPORTUNITY FOR CARICOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I stand before you today in recognition of CARICOM's participation in the recent Haiti Donor's Conference in April and urge them to take this opportunity to fully embrace Haiti as they transition into a country looking to reach its fullest potential.

I introduce into the RECORD an article from the NY Carib News on June 16, 2009, where Assistant Secretary General of the Organization of American States (OAS), Albert Ramdin, urges CARICOM to provide greater support for Haiti.

Most people would agree that Haiti is at a critical point in its history, receiving unprecedented diplomatic attention with visits from the U.N. Secretary General, U.S. Security Council, and the appointment of President Clinton as special U.N. envoy to Haiti. Now it is especially important that CARICOM live up to its moral obligation and provide Haiti with overwhelming support and commitment.

The mentorship that CARICOM can provide to Haiti at this time is vital to Haiti's development into a country that is self-sustainable. The regional access and cultural commonality that CARICOM presents to the Haitians is one that should not be underscored.

I must acknowledge that the contributions that CARICOM have already made to Haiti are well appreciated, but I am convinced that in this global economic climate, it is especially necessary for CARICOM to reach within itself to offer a renewed commitment to the good people of Haiti.

At this time, I would like to urge CARICOM to look for additional ways to offer support to Haiti and provide them with the mentorship that is key to the country's success.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Tuesday, June 23, 2009 due to travel delays. If I was present I would have voted:

"Yea" on rollcall 419, On Motion to Suspend the Rules and Pass S. 407—Veterans' Compensation Cost-of-Living Adjustment Act of 2009;

"Aye" on rollcall 420, On Motion to Suspend the Rules and Pass, as Amended H.R. 1016—Veterans Health Care Budget Reform and Transparency Act of 2009;

"Yea" on rollcall 421, On Motion to Suspend the Rules and Pass, as Amended H.R. 1211—Women Veterans Health Care Improvement Act;

"Yea" on rollcall 422, On Motion to Suspend the Rules and Pass, as Amended H.R. 1172—To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

COMMENDING DOORWAYS FOR WOMEN AND FAMILIES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise to commend Doorways for Women and Families, Arlington County, Virginia's leading provider and advocate for victims of homelessness, violence and abuse, for its deserved honor and recognition by the Center for Nonprofit Advancement as the 2009 winner of the Washington Post Award for Excellence in Nonprofit Management. For its distinguished leadership, Doorways will receive a $10,000 cash grant and a scholarship for one person to attend the Georgetown University Center for Public and Nonprofit Leadership's Nonprofit Management Executive Certificate Program. That is, the organization's hard work and innovation will be rewarded by enhancing its ability to help more families at this time of great need, but also by assisting the organization to be more effective in managing its resources.

As our country faces one its most serious economic challenges in a century, nonprofits will play a critical role. Consequently, coordination between nonprofits and the quality of nonprofit management will play key roles in making a difference in many, many lives. Therefore, this award is an important and richly deserved honor and acknowledgement of Doorways as a stellar example that other organizations could and should follow.

With new legislation we have enacted as part of the American Recovery and Reinvestment Act and a new White House Office on Social Innovation, those nonprofits like Doorways that have dedicated themselves to achieve excellence in management practices will, I believe, be in the position to not only provide some of the best and most efficient services, but also to leverage new and innovative ways to serve. Our country and our citizens are best served by those who constantly rededicate themselves to finding ways and means to transform their services in ways that can make lasting differences and maximum efficiency with resources.

For three decades, Doorways for Women and Families has empowered women and families who are abused, homeless, or at-risk to live safe, secure and self-sufficient lives. The organization has provided shelter and services and educated the larger community about violence and homelessness. Through its three core programs, including an 11-bed Safehouse for women and families in imminent danger; the Freddie Mac Foundation Family Home, which houses 21 homeless adults and children in a state-of-the art residential facility; and the HomeStart Supportive Housing Program, which offers prevention, rapid re-housing and long-term supportive housing for families in crisis; Doorways has become a unique and treasured asset to our community. We are honored to have such special resources in our region.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2892

Account: Homeland Security, FEMA, State and Local Programs

Legal Name of Requesting Entity: City of Hopewell

Address of Requesting Entity: 300 North Main Street, Hopewell, VA, 23860, USA

Description of Request: Provides $250,000 to construct an Emergency Operations Center for the City of Hopewell. Hopewell has a large industrial presence, heavy in hazardous materials near the downtown area. This project will move these primary public safety facilities away from the primary hazard zone.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2010.

Member requesting: GUS. M. BILIRAKIS

Bill number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Name of requesting entity: City of Clearwater, Florida

Address of requesting entity: 112 South Osceola Avenue, Clearwater, Florida 33756

Description: The $500,000 will be used for wastewater treatment facility improvement in

the City of Clearwater, Florida. The funds will help the city maintain the community's public water infrastructure, a vital public service, as well as save public sector jobs. The project meets all cost-sharing requirements for projects funded by STAG infrastructure grants.

RECOGNIZING THE ALLIANCE OF ILLINOIS JUDGES

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the formation of a new judicial association—the Alliance of Illinois Judges, AIJ, which has been established to address lesbian, gay, bisexual and transgender issues in the judiciary and the legal system as a whole.

Founded by the Lesbian and Gay Judges of the Circuit Court of Cook County, the Alliance of Illinois Judges will serve to assist judges, lawyers and law students; to make sure that LGBT individuals interacting with the legal system are treated with respect and without regard to their sexual orientation or gender identity; and to help people in the LGBT community better understand how the courts and the legal system work.

The Alliance of Illinois Judges has also been set up to advocate for their members. The formation of All reminds us that lesbian and gay judges in Illinois—like lesbian and gay employees all over the country—are treated differently than their heterosexual counterparts. All intends to address these inequities.

In the last 15 years, the judiciary in Illinois and in Cook County has been transformed by the addition of many highly talented and dedicated gay and lesbian judges. Their presence in Cook County has brought about a sea change in attitudes in one of the largest consolidated court systems in the world.

In 1993, Cook County and Illinois took a giant step forward when Judge Tom Chiola, one of the founding members of AIJ, was elected not only as the first openly gay judge but also as the first openly gay elected official in Illinois. Then, in 1996, Judge Sebastian Patti was elected in a countywide election in Cook County, the second largest county in the nation. And in 1999, Nancy Katz, the first lesbian judge, was elected an Associate Judge of the Cook County Circuit Court. This month the Alliance of Illinois Judges is being launched with 16 founding members.

Madam Speaker, I want to offer my very best wishes to the Alliance of Illinois Judges and to all its members. The professional achievements of these individuals, their enormous contributions to the civic life of Chicago, Cook County and Illinois and their dedication to the legal profession remind us once again, especially during Gay Pride Month, of what we as a nation owe to lesbian and gay Americans and to the entire LGBT community.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, The FY 2010 Department of Homeland Security Appropriations Act:

Heartland Preparedness Center, Wichita, Kansas. This bill includes $500,000 in FEMA State and Local Programs funding to the City of Wichita, Kansas, for the Heartland Preparedness Center. This emergency operations center will be the primary coordination center in the event of a disaster for local, county, state and federal emergency response personnel and officials. Facility enhancements and equipment are needed to increase the communication, cooperation, training and response capabilities of the Wichita Police Dept, Sedgwick Co Sheriff, Kansas Army Nat'l Guard and USMC. Jointly locating the partnering entities will enhance the overall level of cooperation, coordination and preparation for various emergencies, and provide for more efficient use of resources, including training time and costs.

HONORING THE 37TH ANNIVERSARY OF TITLE IX

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. MALONEY. Madam Speaker, I rise today to commemorate the 37th anniversary of Title IX. This landmark legislation prohibits sex discrimination in educational programs and activities that receive federal funding, and has expanded educational and career opportunities for countless young women and girls across the United States.

This legislation is most famous for creating opportunities for women in athletics, but this legislation has done so much more. It is hard to imagine a time when women couldn't enroll in any college or university they wanted, had no chance of getting an athletic scholarship, and were steered away from classes in math and science in favor of home economics. But that was the United States before Title IX. This legislation works to address inequality and injustice in all areas of women's lives, from access to higher education, career training and advancement, and gender stereotyping and sexual harassment in schools, just to name a few.

In large part due to Title IX, more women are receiving higher degrees than at any time in the past, more each year are entering traditionally male dominated fields, and hundreds of thousands of girls are living happier and healthier lives because they have the opportunity to be part of a sports team and have strong women role models to look up to.

Yet despite the demonstrated positive impact of Title IX, opponents have tried to weaken this critical legislation. In 2005, the Department of Education issued a Title IX policy clarification that allows schools to use a less rigorous, e-mail based survey method to prove compliance. If enough young women simply deleted the mass e-mail, that was taken to mean that they were not interested in sports, and sports programs for girls could be cut. Men did not face the same burden, revealing a huge double standard while men's interest in sports was taken for granted, women's had to be proven.

What these actions seem to imply is that Title IX's work is done. I have worked to protect and promote women's rights since my very first day in Congress, and I look forward to the time when there is complete gender equality in the United States. But that day is not today.

While Title IX has undoubtedly opened doors for women faculty in higher education, women still make up just 36% of associate professors and 21% of full professors. Only 2.4% of full professors are women of color. Women only receive 20% of computer science and engineering-related Bachelor's degrees, and a joint study by the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine found that women who are interested in science and engineering careers are lost at every educational transition, and those who do enter these fields very likely to face severe discrimination throughout their careers.

The Obama Administration has already made an admirable start in tackling barriers to women's success by promoting work-family balance, establishing the White House Council on Women and Girls, and signing into law the Lily Ledbetter Fair Pay Act. Strengthening Title IX enforcement at the Department of Education would bolster the progress that has already been made in advancing women's rights, while helping to address the inequalities that remain in so many areas.

Those of us with daughters will probably remember promising them that they can be whatever they want to be when they grow up. Title IX works to make this a reality. I ask my colleagues to join me in celebrating the 37th anniversary of Title IX and acknowledging the essential role it has played in expanding opportunities for women and girls in the United States.

INTRODUCING THE FAMILIES FOR ORPHANS ACT OF 2009

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, today my colleague Rep. DIANE WATSON and I are introducing the Families for Orphans Act of 2009. This bicameral, bi-partisan bill seeks to provide children in the United States and around the world the best opportunity for the full development of his or her potential by growing up in a permanent family.

Despite good efforts of countless governments and nongovernmental organizations, the number of children growing up without parents is at epidemic levels. Thus, these children are forced to live on the streets, in child-

headed households or in institutions, hardly the nurturing environments needed for these children to reach their full potential as productive citizens of the world. Permanency is one of the most important things we can offer children and is something that every child craves.

The United States has long been interested in developing a global strategy for providing permanent parental care for orphans; however, we still lack a clear diplomatic authority to represent these interests. This bill aims to establish the Office of Orphan Policy, Development and Diplomacy, a specialized office in the Department of State. A specially appointed Coordinator would head this office, which would be responsible for developing and implementing comprehensive, evidence-based strategy to support the preservation of families and the provision of permanent families and for orphans. As our diplomats work with countries to prevent terrorism and child trafficking, this office is one more service we can offer. Our government will now be set up to identify and develop government infrastructures, services and programs that help forge permanent family care in different cultures. The ultimate goal is to find children permanent families with the focus on legally-recognized relationships between responsible adults and children without parents. It also provides resources for preserving families, seeking social, therapeutic and financial programs and services designed to enable birth families to provide safe, permanent, and nurturing care to their children and strengthen and support families at risk of dissolution, separation or domestic violence.

The bill establishes a minimum set of standards for the preservation of families and provision of permanent care by foreign governments. These standards are designed to ensure that partner countries are making the necessary steps to reduce the number of abandoned children, to reunify children with family when possible, and to promote adoption and guardianship when appropriate.

The millions of children growing up without parents have a devastating impact on society across the globe. Without a permanent family, the risk of suicide, homelessness, an incomplete education, and teen pregnancy is all far greater. Every child deserves to grow up in a loving family. This bill is a giant step to ensuring just that for all the children of the world.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WOOLSEY. Madam Speaker, on June 18, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 364, No. 384, No. 406.

Had I been present I would have voted: rollcall No. 364—"no"—Price of Georgia Amendment No. 96; rollcall No. 384—"yes"—Mollohan of West Virginia Amendment No. 11; and rollcall No. 406—"yes"—Obey of Wisconsin Amendment.

Madam Speaker, on June 19, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 410, 418.

Had I been present I would have voted: rollcall No. 410—"yes"—Providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010 and rollcall No. 418—"yes"—Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. EHLERS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010: $500,000 is provided in H.R. 2996 from the EPA STAG Water and Wastewater Infrastructure Project to separate the combined sewers and replace the aging water main in the Eastside portion of the City of Grand Rapids. The funding was requested by the City of Grand Rapids, 300 Monroe Ave. NW., Grand Rapids, MI 49503. Additional funding for this project will be covered by the City's Sewer System and Water System revenue bonds. This project is of national significance and a good use of taxpayer dollars because it will contribute to the cleanup of the Great Lakes, a nationally important water source which suffers from water quality and quantity degradation. This aggressive program and dedication of limited resources will result in the complete elimination of the city's combined sewer overflows to the Grand River and Lake Michigan in 10 years.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfare (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at the entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Legal Name of Requesting Entity: City of Brooksville

Address of Requesting Entity: P.O. Box 216, 201 Government Street, Brooksville, KY 41004

Description of Request: Appropriate $18,500 to purchase an emergency generator for the City Fire Department/Community Center and City office building. This facility is the only emergency shelter area within the City of Brooksville. The generator will allow for this critical facility to serve as a shelter and emergency operations center during times of hardship and disaster, such as the ice storm in Kentucky in early 2009. This is a valuable use of taxpayer funds because completion of the project will ensure appropriate emergency management and protection the local community during significant weather events and emergencies.

HONORING THE LIFE OF JACK M. FARMER

HON. HEATH SCHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SHULER. Madam Speaker, I rise today to honor the life of Mr. Jack M. Farmer, a distinguished member of our Western North

Carolina community. Mr. Farmer dedicated his life to benefitting his community, and it was with great communal sadness that we mourned Mr. Farmer when he passed away on September 26, 2008. He is survived by his wife, Nancy Leming Farmer, his sons, Bruce Alan Farmer and Phillip Marlowe Farmer, and 6 grandchildren.

Mr. Farmer was born on July 8, 1937, in Haywood County, North Carolina. A graduate of the Florida School of Forestry, he went on to serve as the District Ranger of North Carolina District 9 for 37 years. Because of his outstanding service, Mr. Farmer was awarded the Order of the Long Leaf Pine in 2000 by Governor Jim Hunt. The Order of the Long Leaf Pine is one of the most prominent awards presented by the Governor of North Carolina, only available to those who have dedicated over 30 years of service to the state.

In addition to his forestry service, Mr. Farmer was actively involved in his community. He was instrumental in the establishment of Pinnacle Park, a 1,100 acre public park filled with frequently-used hiking trails. Mr. Farmer also served on the Jackson County Green Ways Committee, on the Board of Directors of Cullowhee Fire Department, and as the President of the Jackson County Habitat for Humanity. Additionally, Mr. Farmer worked with Jackson County Housing to construct elderly housing and with the Jackson County Department on Aging to build access ramps for the disabled elderly. He was also an active member of the First Baptist Church of Sylva since 1965, where he often served as a Deacon.

I am proud to have had Mr. Farmer as a constituent. I extend my condolences to his family and offer my most sincere appreciation for his service to North Carolina.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests received as part of H.R. 2996 the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2996, the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Account: U.S. Forest Service, Land Acquisition

Legal Name of Requesting Entity: Angeles National Forest

Address of Requesting Entity: 701 Santa Anita Avenue, Arcadia, CA 91006

Description of Request: I requested and received a Member priority request totaling $500,000 for land acquisition in the Angeles National Forest. The acquisition of in holdings in Southern California's national forests has been identified as a priority in the state's wildlife action plan because the proximity of the forests to huge population centers puts them at high risk of development and presents significant dangers to the ecology of the region. Acquisition by the Angeles National Forest would protect the scenic values and ecological integrity of this significant in holding.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2996, the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Account: Environmental Protection Agency (EPA), State Assistance Grant Program (STAG)

Legal Name of Requesting Entity: Palmdale, CA Water District

Address of Requesting Entity: 2029 East Avenue Q, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $500,000 to replace 35,000 to 40,000 feet of rapidly deteriorating water pipelines and connections throughout the Palmdale area. This project would help conserve water otherwise lost to leakage, improve water quality, decrease maintenance costs for the District and its ratepayers, and create jobs. Additionally, these efforts would ease some of the local pressure to keep pace with reductions in water supply from the Colorado River and the State Water Project.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks in H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010. H.R. 2647 contains $8,700,000 for TFI—Upgrade DCGS Facilities (PRQE089032) in the Air Force, Military Construction account. This project is for Air National Guard at McConnell Air Force Base located at 57837 Coffeyville St., Kansas, 67221.

The funds will build an adequately sized and properly configured facility for personnel, equipment, and materials, for near-real time intelligence mission conducting the processing, exploitation, and dissemination of U–2, MQ–1 Predator, and RQ–4 Global Hawk sensor data around the world in support of warfighters by the growing 161st Intelligence Squadron of the new 184th Intelligence Group. Security features, high-capacity environmental control equipment, high-capacity secure fiber optics, and redundant power supplies are all prerequisites to accommodate the sophisticated Intelligence, Surveillance, and Reconnaissance (ISR) Operation Center. No matching funds are required for this military construction project.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfare (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at a entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

HONORING THE 70TH WEDDING ANNIVERSARY OF ROSALYN AND MURRAY KALISH

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WEXLER. Madam Speaker, I rise today to honor the 70th wedding anniversary of Rosalyn and Murray Kalish, a remarkable couple in my congressional district, whom I am proud to call my friends and who have been leaders and activists in our community for nearly three decades.

Roz and Murray, who met while attending Abraham Lincoln High School in Brooklyn, New York, both had the same last name and

the same birth date of February 18th. They instantly became friends, went to their high school prom together, and continued dating until their wedding on June 24, 1939. They lived in Brooklyn, New York, and later moved to East Meadow before relocating to Delray Beach, Florida in 1980, and they are blessed with two children, four grandchildren and four great-grandchildren.

After moving to South Florida, Murray founded the largest Democratic Club of Florida, the United South County Democratic Club, which currently has more than 2,000 members. Together, Roz and Murray have worked on behalf of so many in our community to deal with a range of issues, and it is through their advocacy that I established my friendship with them. As this friendship has grown over the years, their guidance on the needs and concerns of my constituents has grown ever more invaluable.

Madam Speaker, Roz and Murray are the true essence of community leaders. I know I speak not only for myself, but for my family and so many throughout South Florida in congratulating them on reaching this milestone. I wish Roz and Murray many more happy and healthy years together and thank them for having such an impact on my life and that of so many they have come to know.

HONORING THE HARPER J. RANSBERG YMCA FOR 50 YEARS OF SERVICE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the Harper J. Ransburg YMCA for 50 years of service to the Indianapolis community.

The Ransburg YMCA facility, which seeks to strengthen the mental, physical and spiritual well-being of its members, is a cornerstone on the Indianapolis Eastside that has responded to the critical social needs of its residents for decades. The legacy of this community center is as diverse as its 9,500 members, touching the lives of individuals of every age and background.

In addition to promoting better health and wellness, the Ransburg YMCA has provided an environment for families and for individuals to build strong bonds to become dynamic and engaged citizens. Through its child outreach programs, this YMCA has sought to reinforce positive values and foster the commitment for community service amongst children.

It is important to mention that the Ransburg YMCA would not have reached this milestone without its dedicated staff, volunteers and community members. I would like to salute them for the hard work and support that made this milestone possible.

I ask my colleagues to join me congratulating the Harper J. Ransburg YMCA as it celebrates its 50th anniversary and hope that the next 50 years bring this center, and the Indianapolis Eastside community, continued success.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BARTON of Texas. Madam Speaker, I submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 2996—FY10 Interior, Environment and Related Agencies Appropriations Bill

Account: Capital Improvement and Maintenance (construction)

Legal Name of Receiving Entity: Davy Crockett National Forest

Address of Receiving Entity: 18551 State Highway 7 East, Kennard, TX 75847–7207

Description of Request: I have secured $475,000 in funding in H.R. 2996 in the Capital Improvement and Maintenance account for the Davy Crockett National Forest.

The funding would be used for developing a detailed site plan, redesigning and upgrading the camping loops, utilities, control systems, facilities, road and parking improvements as well as repairing the historic Dam and spillway.

HONORING THE MINNESOTA NATIONAL GUARD AT THE DISABLED VETERANS REST CAMP, MARINE ON SAINT CROIX, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. BACHMANN. Madam Speaker, those who return home after serving our Nation, often changed and scarred by their experiences, deserve special recognition and honor. The Disabled Veterans Rest Camp at Marine on St. Croix provides a sanctuary and gathering place for veterans and their families to connect and heal with one another. I rise today, Madame Speaker, to honor the members of the Minnesota National Guard who have spent the past weeks helping to restore the Disabled Veterans Rest Camp so military families from across the Nation can continue to enjoy its tranquility.

For the last several weeks, the Guard has volunteered their time and engineering expertise as part of their training to restore buildings, update facilities and address the needs that come with a nearly century-old campsite. I applaud these Guardsmen and women for giving back to their fellow uniformed service members. I also want to thank our Croatian allies that are sharing in this joint deployment with the Minnesota Guard. We are very grateful that they are able and willing to help our American veterans.

The site started as a camp for World War I disabled veterans in 1926 and has seen expansion and contraction over the years. I first became familiar with it as a State Senator when it faced potential demise in 2005—a fate I was proud to have had at least a small hand in defeating. Maintaining this camp—which has a treasured place in my heart, as do the veterans it serves—as a place for disabled veterans to call their own is one of my proudest moments in my public service career.

A board of representatives from veterans' organizations runs the site and is actively involved in preserving the purpose of the camp. Madam Speaker, I rise today to honor the Minnesota Guard for paying it forward to the men and women who have sacrificed so much for our country. The tireless hours they have given at the Veterans Rest Camp are just one representation of our duty to our veterans—to serve them with gratitude and respect. We should all take these citizen-soldiers' example to heart each day, as we live in a free and prosperous land and owe it all to our veterans.

CELEBRATING THE LOS ANGELES LAKERS 2009 NBA CHAMPIONSHIP

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WATERS. Madam Speaker, today I am introducing a resolution ''Celebrating the Los Angeles Lakers 2009 NBA Championship''. This legislation will commemorate the Los Angeles Lakers 15th National Basketball Association Championship. Prior to the 2008–2009 season, the Lakers won 14 National Basketball Association (NBA) championships, with a cast of Hall of Fame players and coaches, which included NBA greats such as Jerry West, Wilt Chamberlain, Earvin ''Magic'' Johnson, Kareem Abdul-Jabbar, Shaquille O'Neal, Pat Riley, and current head coach Phil Jackson.

This season Kobe Bryant, Lamar Odom, Derek Fisher, and Pau Gasol led the 2008–2009 Lakers to a 65–17 regular season record and the #1 spot in the Western Conference Playoffs. The Lakers entered the NBA playoffs with home court advantage as a result of the team's regular season performance. In the first round the Lakers defeated the Utah Jazz in 5 games to advance to the Western Conference semifinals. The Lakers then faced the Houston Rockets in the Western Conference semifinals, winning in 7 games; advancing to the Western Conference Finals where they faced the Denver Nuggets.

The Lakers clinched the Western Conference finals in 6 games, thanks to the outstanding play by Pau Gasol and Kobe Bryant, which closed out the series. In the NBA Finals, the Lakers matched up with the Orlando Magic, led by Dwight Howard. The Lakers won the first 2 games of the finals in Los Angeles, including a hard-fought Game 2 during which Kobe Bryant and Pau Gasol combined for 53 points propelling the Lakers to a 101–96 victory. The Lakers lost Game 3 in Orlando by a score of 108–104; however, Lakers' guard Kobe Bryant scored 31 points and played all but 8 minutes of the game. The Lakers followed their loss in Game 3, by winning the next two games in Orlando to win the 2009 NBA Championship.

For his outstanding play during the NBA Finals, Lakers' guard Kobe Bryant was presented with the Bill Russell NBA Finals Most

Valuable Player Award; and his fourth NBA Championship. Lakers head coach Phil Jackson, won his 10th NBA Championship as a head coach and his 12th NBA Championship overall. Congratulations to the Lakers players, coaches, and staff on winning the 2008–2009 NBA Championship.

HONORING CITY OF OAKLAND PARK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is with great pride that I rise today to recognize the 80th anniversary of the City of Oakland Park in Florida's 20th Congressional District.

This once sleepy little town that was home to mostly farmers is now a bustling city with more than 43,000 residents.

Oakland Park is one of the older municipalities in Broward County. In fact, it was originally chartered as the town of Floranada in 1925.

But in September 1926 a hurricane devastated the area. In 1929, city leaders renamed it Oakland Park after the massive oaks that lined the community.

Residents and visitors can tour a piece of history always on display in this fine city. A portion of its oldest elementary school, Oakland Park Elementary School, is a nationally registered historical site. The school was built in 1927 and is the oldest school in continuous operation in Broward County.

The city is also at the forefront of innovation in Florida. It was the first municipality in the state to organize a public safety department. Oakland Park was also the first City to initiate a recycling program.

Madam Speaker, I thank Mayor Steven Arnst, the Members of the City Commission, and the city's staff for their many accomplishments that have made the City of Oakland Park a wonderful place to live, work and raise a family.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfens (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA, 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at the entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

INTRODUCING THE FOREIGN ADOPTED CHILDREN EQUALITY ACT OF 2009

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, today my colleague Rep. DIANE WATSON and I are introducing the Foreign Adopted Children Equality Act of 2009. This bicameral, bi-partisan bill is designed to improve upon the Child Citizenship Act of 2000, which was enacted to provide automatic U.S. citizenship to internationally adopted children of American citizens.

International adoption has been a rewarding experience for many families across the United States. However, it is a process that is stressful, complicated, and costly. The FACE Act is intended to cut through some of the paper work and to treat internationally adopted children as we treat children born abroad to American citizens.

Under the Child Citizenship Act, an internationally adopted child of a U.S. citizen receives U.S. citizenship once the child enters the U.S. to reside permanently. Once in the U.S., the child then has to go through the naturalization process. The FACE Act is intended to improve this process in many ways.

First, it would amend the CCA so that once an international adoption is completed by an American citizen and the adopted child is determined to be adoptable under U.S. law, citizenship would attach. Therefore, instead of parents having to apply for a costly visa to bring their newly adopted child home to the United States, they would apply for a U.S. passport and Consular Report of Birth, making the process that of what is required from American citizen parents whose child is born while abroad. Passports are much less expensive than visas, and once in the U.S., the passport and Consular Report of birth would serve as proof of U.S. citizenship streamlining the application process for a social security card, filing for the adoption tax credit or even enrolling the child into school thus eliminating additional paperwork burdens for these new parents.

In addition, the FACE Act allows for internationally adopted children who are now over the age of 18 and who were not naturalized by their adoptive parents, to apply for and receive citizenship without going through the naturalization process, if they so desire. Unfortunately there are many cases where adoptive parents failed to naturalize their internationally adoptive children prior to their 18th birthdays and prior to passage of the CCA in 2000. Many of these children grow up believing they are U.S. citizens only to find out they are not when they try to register to vote, enlist in the military, or apply for college. There are even cases of these children being deported to their country of origins, where they do not speak the native language nor know the culture, for committing misdemeanors. This act seeks to rectify this situation and give these children the privilege of two heritages—that of their country of origin and of their new home, the United States.

Finally, this act seeks to amend Section 301 of the Immigration and Nationality Act, the section of law that provides U.S. citizenship from birth to biological children of American citizens who are born abroad. The FACE act would add internationally adopted children of American citizens to this section providing them citizenship from birth. Thus, internationally adopted children would be given the same opportunities given to American children born abroad, such as the chance to run for President.

Together, these changes would finally treat internationally adopted children of American citizens as children of American citizens instead of as immigrants and would provide them equality with biological children born abroad to American citizens.

A SPECIAL TRIBUTE TO EDWIN G. SUAREZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I rise with great sadness as I remember the life of my good friend and former Rangel Staff Alumni, Edwin G. Suarez. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years, etched his name in history as a visionary and innovator who enriched and transformed housing projects and programs in my beloved East Harlem and the City of New York.

Edwin, a man whose life, to a remarkable degree, embodied the reverie of the American dream, was a great man of distinction which reflected his grand Puerto Rican heritage.

Born on August 13, 1940, Edwin was a longtime community leader who devoted many years to the betterment of East Harlem. He was born and raised in Manhattan, as the only son of Avelino Suárez and Julia González Suarez and dedicated his live to giving back to his beloved city as an urban planner dedicated to doing his part to ensure safe and affordable housing for all.

In his capacity as a housing manager for the City of New York, and with the NAACP as a sponsor, Edwin was able to travel the world in order to confer with his counterparts in great urban centers, including those in Japan, Ecuador, Italy, France, Holland and Scandinavia. He returned from these fact-finding missions with critical information used to improve the various housing projects and programs in New York City's East Harlem community.

Edwin proceeded to touch more lives when he entered the political arena as an elected District Leader of the 68th New York State Assembly District, Part B. He also served as my Special Legislative Assistant and served as my Congressional Liaison to my East Harlem constituents, a position he served with a tremendous sense of professionalism. He went on to serve on numerous community and municipal boards, including President of the Metro North Housing and Development Corporation, and Vice President of the Union Settlement Federal Credit Union.

The death of Edwin Suarez on June 20, 2006, brought immense sorrow and loss to his family and friends, countless community leaders and colleagues in government, and me personally. He is survived by his three children, Darlene Suárez Casey, Edwin Suárez II and Desiree J. Suárez; his only grandchild, Jasmine Suárez Osorio van Wijgerden, and his former wife, Josephine Suárez Reyes. Such a benevolent amalgamation of intellect, steadfastness, and vigor as that demonstrated by Edwin over a lifetime of sacrifice and dedication to others will greatly be missed.

This past weekend, on June 20, 2009, Edwin was memorialized by those that loved and cherished him with the renaming of the Northwest corner of East 101st Street and First Avenue in my district. It is my hope that this act will help preserve the memory of this remarkable man, not only for the benefit of those who knew him but for all who value the promise of America.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: Center for Domestic Preparedness

Address of Requesting Entity: Fort McClellan, Anniston, Alabama 36202

Description of Request: ''Center for Domestic Preparedness—$40,000,000'' Taxpayer justification—It is my understanding that the funding would be used by the Center for Domestic Preparedness in order for it to continue to provide the highest quality all hazards training to first responders from around the nation and world to ensure that they have the necessary skills to keep their communities safe. This is a Federal training facility.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: Town of Shorter, Alabama

Address of Requesting Entity: 2521 Old Federal Road, Shorter, Alabama 36075

Description of Request: ''Emergency Operations Center—$500,000'' Taxpayer justification—It is my understanding that the funding would be used to help provide emergency services to the citizens of Shorter, Alabama. Shorter is a small community in Macon County and as it develops economically it needs to be able to provide coordinated emergency services. This project will enhance community safety by allowing improved communications and coordination between first responders.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 417, Article III of impeaching Samuel B. Kent, I was unavoidably detained.

Had I been present, I would have voted ''yea''.

EARMARK DECLARATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 2996, the Fiscal Year 2010 Department of Interior, Environment and Related Agencies Appropriations Bill:

Clearwater Wastewater Biosolids Project–

Account: Environmental Protection Agency, State and Tribal Assistance Grants Infrastructure Grants

Legal name and address of requesting entity: City of Clearwater, 112 S. Osceola Avenue, Clearwater, FL 33756

Description of request: $500,000 is included in the bill for the City of Clearwater to upgrade its wastewater treatment plant by making biosolids improvements; headworks repairs; renewal and replacement of gravity sewer lines, force mains, and pumping stations; pump station compliance; generator replacement at the wastewater treatment plant; and reclaimed water. Previous federal funding for this project is as follows: FY 2002—$900,000, FY 2003—$450,000, FY 2005—$500,000, and FY 2008—$500,000.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting information regarding the following earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. I hereby certify that neither I nor my spouse has any financial interest in these projects.

Congressman JOHN FLEMING

H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, Title I, Acct: APA, Line: 26

Intended Recipient: Sikorsky Aircraft Corporation, Stratford, CT

UH–60A to UH–60L Upgrade for the Army National Guard, $20.4 M, FY10 funds would provide for critical avionics upgrades to modernize Army National Guard Black Hawk medium-lift utility helicopters.

Congressman JOHN FLEMING

H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, Title XXIII, Acct: MCA, Line: N/A

Intended Recipient: Fort Polk, Leesville, LA

Multipurpose Machine Gun Range, $6.4 M, FY10 funds would provide for the construction of a standard design Multi-Purpose Machine Gun Range, required to train and test soldiers on the skills necessary to detect, identify, engage and defeat targets in a tactical environment. Fort Polk does not currently have a suitable training area that meets the requirements needed for machine gunnery. Without this facility, the soldiers of Fort Polk, Reserve, and National Guard units will not be able to maintain efficiency for live fire training for machine gun engagements.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Naperville Heritage Society

Address of Requesting Entity: 523 S. Webster Street, Naperville, IL 60540

Description of Request: Provide an earmark of $500,000 to improve drainage and management of storm water at Chicagoland's only nationally accredited outdoor history museum. This request will improve the water quality in the DuPage River watershed by mitigating the impact of storm water on Naper Settlement's grounds and in the surrounding neighborhoods.

THE SPECTRUM RELOCATION IMPROVEMENT ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. INSLEE. Madam Speaker, I rise today to announce the introduction of the Spectrum Relocation Improvement Act of 2009 along with my colleagues, Mr. UPTON of Michigan and Mr. BOUCHER of Virginia. This bipartisan bill reforms the Commercial Spectrum Enhancement Act (CSEA) to make the current spectrum relocation process more transparent and reduce relocation risks for federal agencies and those interested in bidding in future auctions of federally encumbered spectrum.

Washington State is a leader in the technology industry. It is home to companies large and small that are producing the most cutting edge Internet service technologies that benefit not only my constituents in the first District, but Washington State and the country as a whole. However despite the innovative efforts going on in Washington, and across the country, the United States ranks 15th in broadband adoption of 30 Organization for Economic Cooperation and Development (OECD) countries; a ranking that President Obama has called ''unacceptable.''

Investment in broadband infrastructure and services is a necessary economic driver, and the American Recovery and Reinvestment Act allocated $7.4 billion dollars to aid the build out of our nation's broadband infrastructure over current spectrum, to unserved and underserved communities. This investment demonstrates the importance of broadband services, not only for America's economic recovery, but its ongoing prosperity.

Meeting the broadband infrastructure objectives desired by the American people and outlined by President Obama will require the allocation of additional spectrum for commercial use. In order for consumers to experience the next generation of voice and broadband wireless services, the government must identify more sources of spectrum. Once the government has auctioned spectrum to carriers, it is in everyone's interest to see that consumers benefit from new services as quickly as possible.

In 2006, the Federal Communications Commission's Advanced Wireless Services (AWS) spectrum auction demonstrated that spectrum auctions can finance (1) all the Federal costs associated with clearing spectrum for commercial use, (2) enhance critical Federal communications capabilities and 3) raise revenue for the Treasury. The AWS auction raised $13.7 billion from wireless companies. That figure included roughly $1 billion to relocate federal communications systems for 12 federal agencies that had been operating in those spectrum bands. Originally, the agencies were slated to clear out of the affected spectrum by March 2010.

While relocation practices and procedures worked well for 10 of the 12 agencies involved, unforeseen problems affecting some agencies took more than a year to resolve and threatened to undermine the spectrum relocation process that the House Energy & Commerce Committee, the Department of Commerce, and the Office of Management and Budget worked for several years to implement. This bill is designed to improve the relocation process for all parties involved and address the problems that surfaced during the AWS relocation process.

Fundamentally, the Spectrum Relocation Improvement Act (1) increases the amount and quality of information available to potential bidders before an auction occurs, and (2) expedites the flow of auction proceeds to the relocating agencies to keep the relocation process on track. I am convinced that more complete information about the affected federal agencies' systems, their relocation cost estimates, and schedules reduces risks for potential bidders and ensures that commercial users' bids in future spectrum auctions more fully reflect the market value of the spectrum at auction.

In my home State of Washington we are already seeing the consumer and economic benefits of the AWS auction. T-Mobile, headquartered in Bellevue, WA, has rolled out 3G broadband service in Seattle, with 560 3G base stations, and by year's end will have built out over 900 3G base stations. This investment is adding to the local economy and job market, while providing services to customers. The company expects to deliver services to an additional 2,721,987 customers by year's end.

But this issue is not only about large companies like T-Mobile, it is about small and regional carriers that provide innovative and affordable services to consumers and often face challenges, relative to the larger carriers, in raising capital in order to bid on FCC licenses.

One successful AWS bidder—Cricket—has been in Washington State for eight years and serves a constituency often not reached by the larger carriers. Cricket provides flat-rate unlimited voice and broadband service to consumers without a long-term contract or early termination fee. Nearly half of Cricket's wireless broadband subscribers had never before subscribed to Internet service—not even dial-up.

This legislation will help ensure that customers, like Cricket's, will get to take advantage of not only the first generation of broadband services, but those still to come; and will provide the necessary structure to make sure that the next spectrum auction is successful for consumers, industry, and government.

I am pleased to introduce this legislation along with my colleague Mr. UPTON who played a major role in drafting the Commercial Spectrum Enhancement Act, and with the distinguished Chairman of the Subcommittee on Communications, Technology and the Internet, Mr. BOUCHER.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 2892, the Department of Homeland Security Appropriations Act for 2010.

Amount: $12 million

Account: Department of Homeland Security—Science and Technology Directorate Account: Research, Development, and Operations—Laboratory Facilities.

Entity receiving funds: The U.S. Department of Energy's Pacific Northwest National Laboratory (PNNL) located at P.O. Box 999, Richland, WA 22352.

Description: Existing PNNL facilities located in the 300 Area of the Hanford federal nuclear site in Washington state are scheduled for demolition and cleanup by 2010. PNNL capabilities housed in the 300 Area—nearly half of the PNNL's total lab space—support critical national security initiatives. PNNL's lab space supports the Department of Energy (DOE), the Department of Homeland Security (DHS), the intelligence community and other customers, including critical non-proliferation and weapons of mass destruction (WMD) detection work for the National Nuclear Security Administration (NNSA) and DHS.

In Fiscal Year 2005, a joint team of DOE Office of Science, NNSA, and DHS officials formed to plan new lab space for PNNL—known as the CRL. These funds would fulfill DHS's commitments under the Memorandum of Understanding it signed and keep the project on schedule for completion.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a request for funding I made of the House Armed Services Committee for inclusion in H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010.

Specifically, the project will be included in Division B, Title XXI, Military Construction—Army.

H.R. 2647 includes $10.2 million for Phase 2 of the Ballistic Evaluation Facility in the Fiscal Year 2010 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey 07806–5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Armed Services Committee and the GOP Leadership, I list the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 2647, the National Defense Authorization Act for Fiscal Year 2010.

Project Name: Civil Engineer Maintenance Complex at Mountain Home Air Force Base

Amount Requested: $690,000

Account: Air Force Military Construction Account

Recipient: 366th Wing, Mountain Home Air Force Base, Idaho

Recipient's Street Address: 366 Gunfighter Avenue, Ste 107, Mountain Home Air Force Base, Idaho 83648

Description: The civil engineer functions are currently dispersed among 10 WWII–era wood-frame and Korean war-era facilities. Wood frame facilities have a RAC 2 due to failing roof structures and cracked and spreading concrete foundations that have contributed to failing floors and trusses, presenting risk to squadron members who work in the facilities. Currently, employees must evacuate during heavy snowfall or high winds. The fire safety deficiencies are endemic to all buildings, the patchwork electric wiring is maxed out, which increases fire risk, and the HVAC systems can't keep buildings heated and cooled. The dispersed locations and failing conditions of existing facilities adversely affect all daily Civil Engineering operations and negatively impacts the Wing's mission.

I appreciate the opportunity to provide an explanation of the project that was included in the report accompanying the FY2010 Defense Authorization bill on behalf of Idaho and provide an explanation of my support for it.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2467.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force, Military Construction, Air National Guard

Legal Name of Requesting Entity: 177th Fighter Wing

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234

Description of Request: Provide an earmark of $1.7 million for the construction of a properly sited, adequately sized, and configured functional space to support conventional munitions administration, training and maintenance in support of 18 PAA F–16 aircraft to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel University (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104 (2) 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $7.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Accenture

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $7.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C41 systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Absecon Mills, Inc.

Address of Requesting Entity: Vienna and Aloe Avenues, PO Box 672, Cologne, NJ 08213

Description of Request: Provide an earmark of $3.586 million for Force Protection—Non-Traditional Weaving Application for Aramid (Ballistic) Fibers and Fabrics. By reevaluating standard Industry design and manufacturing techniques for force protection technology, we believe Non Traditional weave designs of Aramid (ballistic) fiber coupled with new applications of microwave plasma treatments can enhance the strength of the fiber and result in enhanced individual mobility, ease of medical access, reduced weight, increased ballistic protection, cost effective savings and weight reduction of ballistic materials currently used

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force—Advance Procurement

Legal Name of Requesting Entity: L–3 Communications Systems

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Provide an earmark of $4.0 million for Senior Scout COMINT (Communications Intelligence) Capability Upgrade. As part of the Senior Scout ongoing mission, there is an immediate need to add improved COMINT capability to detect and characterize new, modern, low-power radio signals at extended standoff ranges in the presence of interference. The current systems are not able to detect these specific signal sets, which limits intelligence collection capabilities.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Price Systems, LLC

Address of Requesting Entity: 17000 Commerce Parkway, Suite A, Mt. Laurel, NJ 08054

Description of Request: Provide an earmark of $5.0 million for Software Lifecycle Affordability Management (SLAM). The Software Lifecycle Affordability Management (SLAM) project provides decision makers a means to understand cost tradeoffs in relation to both performance and Total Cost of Ownership (TCO). Development of the SLAM Service Oriented Architecture Cost Model (SOA–CM) enables the Army to determine which software lifecycle design/strategies realizes the greatest number of capabilities for the lowest possible cost, following the best possible schedule.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010:

I requested $3,000,000 for Trex Enterprises at 10455 Pacific Center Court, San Diego, CA 92121. Funding for this program will be used to complete development, flight testing and integration of the Brownout MMW Sensor that will reduce aircraft accident risk and allow aircrew visibility through the full range of landing and take-off operations in otherwise extremely hazardous flight conditions. ''Brownout'' is a situation Army aviators experience in combat

operations daily in Iraq and Afghanistan. Created by helicopter rotor downwash, it continues to cause aircraft accidents and remains a high risk to flight safety.

Specifically, as aircraft approach the ground, a thick plume of brown desert dust, dirt and sand disturbed by high velocity winds from rotor systems engulf the aircraft, causing a complete loss of the pilot's visual reference to the ground. The Brownout Situational Awareness Sensor (BSAS) is a cockpit display system capable of providing the aircrew visibility through the blowing sand and dust. This technology will greatly reduce the loss of aviator lives, loss of aircraft and reduce the amount of maintenance requirements resulting in damages from Brownout situations. Brownout is among the biggest hazards to rotary-wing operations in Iraq and Afghanistan, contributing to more than 71 U.S. helicopter accidents. Providing this capability is critical to aircrew safety and combat readiness.

I also requested $1,000,000 for CHI Systems at 12860 Danielson Court, Suite A, Poway, CA 92064. There is currently insufficient training provided to soldiers on the most crucial battlefield lifesaving situations. Medics and soldiers, in many instances, lack the experience to act swiftly and effectively in combat casualty situations. By combining instrumented manikin parts that support hands-on practice with computer based scenario training, this funding will complete the HapMed Combat Medic Trainer development and provide medics and soldiers the ability to practice critical lifesaving tasks. In addition to providing realistic training scenarios, HapMed is also portable, so soldiers can continue to train while they are deployed. This system has received high praise in its ability to train soldiers for medical treatment on the battlefield. According to a Science and Technology Manager for the Army, ''New technologies such as HapMed are needed to provide medics with greater opportunities to develop and test their decision making and technical medical skills.''

New Army recruits must receive training in Buddy Aid or as Combat Life Savers (CLS). Currently, insufficient training is provided to help soldiers and medics acquire and maintain some of the crucial battlefield lifesaving skills such as tourniquet application, needle chest decompression, and emergency cricothyrotomy, addressing, respectively, the top three causes of preventable death on the battlefield. In order to perform these lifesaving functions under battlefield conditions, military personnel must have the awareness and confidence to act swiftly and effectively.

Further, I requested $3,000,000 for Cubic Solutions at 5650 Kearny Mesa Road, San Diego, CA 92111. The Navy's carriers and large-deck amphibious assault ships serve as the flagships of battle groups and expeditionary forces. Commanders receive intelligence, reconnaissance, and surveillance (ISR) data from airborne manned and unmanned sensor vehicles via the ships' AN/USQ–167 Communications Data Link System (CDL–S) terminals. The AN/USQ–167 securely transports many forms of classified data, including voice communications, tactical data, photographs, and streaming video, using the NSA-approved KI–11 COMSEC equipment. The KI–11 is based on an encryption device that is no longer available. This initiative will fund a KI–11 replacement based on a new, interoperable, NSA-approved device.

Kinetic energy penetrators fabricated from tungsten offer a means to gain 40% more kill depth if nanoscale tungsten is consolidated to full density with retention of the small crystal sizes during consolidation. It is for this reason that I requested $2,000,000 for San Diego State University Research Foundation at 5250 Campanile Drive, San Diego, CA 92182. This funding will provide the Army the material that will ensure larger stand-off distances in battle (lethal to the enemy while our troops are beyond the lethal zone), earlier kinetic energy kills of incoming missiles, and more armor penetrations events. The current depleted uranium materials are toxic and need to be removed from the battlefield. For example, to avoid poisoning surgery is required on any friendly troops struck by fragments. Dual use applications are outstanding—from automobile vibration suppression to high thermal conductivity heat sinks in computers. For example, wireless telephone networks use tungsten-copper composites to improve heat removal from relay stations to improve performance.

I requested $1,000,000 for Allermed Laboratories, Inc at 7203 Convoy Court, San Diego, CA 92111. Leishmaniasis is a parasitic disease that occurs in many areas of the world in which U.S. Military personnel are deployed. Over 2500 service personnel were diagnosed with leishmaniasis in Iraq and Afghanistan during the present conflict. Funding this program will result in the development of a biological product that meets the specifications of the FDA and the DoD. A phase 1 safety trial was completed in 2007; a phase II dose-response study and sensitivity study were conducted in Tunisia and completed in 2008; a phase IIb trial is presently being conducted in San Diego, CA and will be completed in June 2009. In this trial, the sensitizing properties of the skin test doses that were used in the 2008 Tunisia trial are being evaluated.

The Navy is challenged to conduct ASW localization and small-area search operations in shallow water littoral areas against emerging modern, diesel-electric submarines and these new submarines provide a minimal noise signature making them virtually undetectable to acoustic arrays under many circumstances. $2,000,000 for Information Systems Laboratories at 10070 Barnes Canyon Road, San Diego, CA 92121 will address this issue. The Navy's answer to the quiet diesel-electric submarine localization problem is to rely on active sensors. Active sensor performance in the littorals, however, suffers degraded detection ranges from reverberation and alerts the submarine, enabling it to undertake countermeasures to avoid detection. Recent developments in miniaturization of low cost, low power electromagnetic sensor technology offers new potential for employing non-acoustic sensors to increase the Navy's capability for tactical surveillance, localization, and classification of quiet, modern diesel-electric submarines.

This funding will develop multiple small and inexpensive non-acoustic sensors, or clusters, packaged into ''A'' size buoys, the size buoy currently being used by U.S. Anti-Submarine Warfare (ASW) airborne assets, which will be demonstrated under this program. This revolutionary ''cluster approach'' is a development that promises to be equally effective in both the open ocean and the littoral against the evolving threat. A-size sonobuoy launch containers can be designed to deploy the mini-sensors in linear arrays, or clusters, depending on the mission. Ongoing electric-field detection technology research has already demonstrated promising near-term solutions and passive ''A''-size air dropped buoy concepts are ready for TRL7/8 demonstration in FY 2009.

Finally, I also requested $5,000,000 for MBDA at 5701 Lindero Canyon Road, Suite 4–100, Westlake Village, CA 91362. This funding will develop for the Navy an innovative missile solution for its requirement for an Affordable Weapon System (AWS) capable of operating from ships and with a potential Navy/USMC airborne launch capability. AWS will defeat targets at stand-off ranges, rapidly completing the engagement phase with a capability to loiter in a target area. The Navy is looking for an AWS that can kill a variety of target sets to include Strategic Fixed, Strategic Mobile, Tactical, Maritime and importantly, Irregular Warfare/Global War on Terrorism targets. Typically these include mobile land and sea targets, time critical targets, and targets of opportunity such as terrorist leadership meeting facilities, mobile missile launchers, communication nodes and weapons caches. AWS is packaged in the existing shipboard Mk–41 Vertical Launch System as a ''quad-pack'' missile which offers a four-to-one load-out advantage over the existing weapon system to provide combatant commanders the capability to carry a deeper magazine and strike many more targets. AWS also utilizes conventional, low-cost airframe materials and electronics in combination with flexible swarming cooperative attack algorithms to overwhelm and defeat these targets within their range of undefended to heavily defended threat environments. AWS will have a flyaway cost of $250K, less than a third the cost of the existing shipboard strike weapon system.

HONORING OFFICER GARLAND C. THOMPSON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I rise to honor one of Capitol Hill's most devoted and beloved public servants, Officer Garland C. Thompson, who next Tuesday the 30th will serve his last day as a Member of the Capitol Police Service.

Officer Thompson has served this great institution with dignity and honor for 34 years, joining the Capitol Police Service on June 9, 1975, after working as a fingerprint examiner for the FBI.

On September 11th Officer Thompson was one of the first Capitol Police Officers to act. He witnessed a low flying plane over the Capitol, which later was identified as the plane that crashed into the Pentagon. From that first instance, Officer Thompson acted quickly and assertively, escorting frightened citizens, Members of Congress and their families to safe locations. On that devastating day, Officer

Thompson and his fellow officers put their own lives at risk by forming a perimeter around the building, using their bodies as a shield against an unpredictable enemy.

Officer Thompson is a true hero to us all, putting his life on the line every day for the last 34 years to protect and defend this great institution. Officer Thompson is truly the ''King of Capitol Traffic.''

Whether it's his friendly smile, trademark slogans, such as ''Remember Capitol Hill is a law making area, not a law breaking area,'' or his guidance and advice he has provided to the thousands of visitors that cross his path, we all will sorely miss seeing him every day.

I ask my colleagues to all take this opportunity to thank the Capitol Police and specifically Officer Thompson, for his dedicated service. Officer Thompson, we will miss you, but we wish you all the best in your retirement. Capitol Hill will never be the same without you.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These educators have demonstrated excellence in the classroom, are dedicated to educating our nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During the program, fellows prepare a brief lesson plan on a Congressional topic of their choosing, which is then shared with the other fellows. These plans will become part of a larger teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and since then 63 teachers from across the country have participated in this innovative program. Twelve more teachers will be taking part this summer. With plans to select a teacher from every congressional district over the next several years, the House Fellows Program will impact thousands of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the ''People's House'' is one of the best ways to do that. I congratulate the following educators who are participating in the 7th session of the House Fellows Program:

Ms. Ashley Greeley (BUYER, IN–4); Ms. Susan Hunter Hilton (SPRATT, SC–5); Mr. Wayne Williams, Mr. Gregory Cosgrove (DIAZ-BALART, FL–21); Ms. Dodie Kasper and Ms. Maria Arena (JOHNSON, TX–3); Mr. Jeffrey Boogaard (ANDREWS, NJ–1); Mr. Christopher Moreno (LOWEY, NY–18); Ms. Latasha Jones (ENGEL, NY–17); Mr. Eric Major (COSTELLO, IL–12); Ms. Mollie Huber and Ms. Yvonne Jackson Pittman (PAUL, TX–14).

Madam Speaker, I urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Thanks to Dr. Robert Remini and Dr. Fred Beuttler for their outstanding leadership, and Dr. Thomas Rushford, Dr. Charles Flanagan, Mr. Anthony Wallis and Mr. Benjamin Hayes for providing the crucial staff support. Thank you also to the Office of the Historian interns: Mr. Maurice Robinson, Mr. Parker Williams, Ms. Kaitlin Utz and Ms. Debbie Kobrin.

HONORING THE JUNIOR MATRONS OF MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Junior Matrons of Morristown, New Jersey who are celebrating their 50 Anniversary this year.

The Junior Matrons of Morristown was started in 1959 by a motivated group of young African American women. They concentrated their time and energy on addressing the lack of young African American high school graduates pursuing post secondary education. For the past 50 years the Junior Matrons have focused on fulfilling their motto, ''Service through Scholarship''. This has been done through providing financial assistance to over 3,000 high school students, totaling over $2 million over the past half century. The beneficial and residual impact of this assistance cannot be over-estimated.

The Junior Matrons sponsor an annual Graduation Ball and Cotillion. The purpose of this night is threefold. First, it helps to raise awareness among the African American community about how a college education can provide an avenue to economic, political and social advantage. Second, it recognizes and rewards those who have been committed to achieving their first major educational milestone. And finally, it generates the funds necessary for a high school graduate's dream of college to become a reality. This single evening can be summed up in a statement that these women pride themselves on, ''There were a lot of things we didn't know were impossible so we just went ahead and did them.''

The passion and energy behind the founding of the Junior Matrons has continued unabated for these last 50 years, and is a credit to the collective vision of twelve charter members: the late Sue Graddick, Harriet Britt, the late Frances Younginer, my dear friend Dr. Felicia B. Jamison, Emma L. Martin, Mattile Drew, Muriel Hiller, Nadine Alston, the late Emanualine Smith, Natalie Holmes, the late Marie Davis, the late Natalie Thurmond Lattimore and Cecelia Dowdy.

Over the years the Junior Matrons have been honored by the National Association for the Advancement of Colored People and the National Urban League, among many others. Although a few of the original group are no longer with us, new leaders have taken on the mantle and are endowed with the same zeal and vision.

Madam Speaker, I am quite certain that the Junior Matrons will continue to promote the cause quality education and help provide opportunities for our young people to pursue college degrees and productive, fulfilling careers. I ask you and my colleagues to join me in congratulating the Junior Matrons of Morristown as they celebrate 50 dedicated years of serving our community.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRADY of Texas. Madam Speaker, I was unable to be present for several votes on Tuesday, June 23, 2009 due to a personal situation I needed to attend to in Texas. Nevertheless, I would request that the record indicate that I would have voted ''yes'' on each of the bills considered in the House had I been present. Specifically, S. 407, the Veterans' Compensation Cost-of-Living Adjustment Act of 2009; H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009; H.R. 1211, the Women Veterans Health Care Improvement Act; and H.R. 1172 are each common sense reforms that will improve the health and education benefits provided by the Veterans Administration. Our veterans and their families sacrifice so much on our behalf, it is important that Congress continue to do all it can to ensure that they receive the respect and support they deserve.

PERSONAL EXPLANATION

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHENRY. Madam Speaker, had I been present to vote on S. 407 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009'' my vote would have been cast in support of this bill. In addition, had I been present I would have cast my vote in support of the following bills, H.R. 1016 ''Veterans Health Care Budget Reform and Transparency Act of 2009'', H.R. 1211 ''Women Veterans Health Care Improvement Act'', H.R. 1172 ''To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their

survivors'' and H.R. 1777 ''Making technical corrections to the Higher Education Act of 1965, as amended''.

IN OPPOSITION TO CAP-ON-A-TAX LEGISLATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, I heard of a climatologist who went to apply for a job recently. During his interview, he was asked, ''What do you predict will happen with the earth's climate next year?'' He immediately replied, ''Whatever you want me to predict.''

Unfortunately, this joke seems to hit a little too close to home, when we are considering global warming legislation. Rather than responding to serious questions with serious answers, Congress is replying with what we think people want to hear. Rather than considering all angles before offering a solution, Congress is rushing through legislation in hopes to score points with voters back home. And instead of basing a bill on sound scientific data, we will be considering legislation that is devoid of input from this side of the aisle.

I rise today to express my strong opposition to Waxman-Markey ''cap and tax'' bill. I believe there are three interrelated problems with this misguided legislation. I am concerned with the process by which we have arrived at the point we are today. I am concerned with the political showmanship that has gone on as the bill was written. And I am concerned with the policy itself, which bears the tragic scars of both the process and the politics.

Madam Speaker, from the beginning of the 111th Congress to the present, the cap-and-tax bill has been subjected to unfortunate abuses of the legislative process. In April, the Energy and Commerce Committee held four days of hearings, with the intention of, according to the Committee's website, ''examine the views of the Administration and a broad range of stakeholders,'' on a discussion draft of Chairman WAXMAN's bill. However, these hearings reflected only the Chairman's perspective. Only four of the twenty-one witnesses called before the Committee expressed any opposition to cap-and-tax, despite a petition signed by more than thirty thousand meteorologists, climatologists, and other scientists stating their skepticism about the evidence of man-made greenhouse gases being responsible for increases in the earth's temperature. Contrary to claims made by the Committee, and witnesses at the hearing, there is no ''overwhelming consensus'' in favor of the hypothesis of human-caused global warming.

The bill was drafted without input from our side of the aisle. At no point was any Republican consulted regarding the contents of the bill. In the rush to get the legislation passed through Committee, it seems no one had time to read the entire bill, or figure out what it means. Committee members repeatedly asked questions regarding the potential cost of particular provisions or amendments, but received no answers.

All of this raises the question, ''why''? Why was the bill rushed through the Committee, with hardly enough time to read it, let alone determine the impact that it would have on American taxpayers, farms, and businesses? The only answer I can come up with is the desire on the part of some in this body to score points with their voters back home.

What I see happening here is similar to what happened at the end of World War II. When American soldiers first reached Nazi extermination camps, they found men, women and children that were gaunt, emaciated, and starving. A few soldiers offered children chocolate bars, not realizing that the very thing they thought would be helpful actually ended up killing the children, because their digestive systems were unable to handle the chocolate. The same sort of thing is happening here. In order to look like a hero to one part of their constituency, this cap and tax bill is being pushed through Congress, and forced on the American people, much to their detriment.

Which brings me to the third problem with Chairman WAXMAN's cap and tax bill—its just bad policy. Earlier this week, Investor's Business Daily had a front page article about the failures of Europe's program, called the Emissions Trading Scheme, or ETS. The article cites numerous studies finding that the ETS has significantly increased energy prices, ''with 'uncertain' effects on greenhouse gas emissions.'' That hardly sounds like a model of success that we should be emulating here in the United States.

Proponents of the cap and tax bill claim that they have learned from Europe's mistakes, but I disagree, Madam Speaker. The article identifies the giving away of the program's carbon allowances as the largest reason for the program's failure. This bill follows that same model, giving away roughly 85 percent of the emissions allowances.

The entire idea of a cap and trade program fails in practice. We are told, ''The cost of polluting will be paid by the polluters.'' And believe me, the authors of this bill expect them to pay a hefty price. In fact, President Obama's budget assumes that even with the sale of only 15 percent of the total emissions permits, the federal government will still take in more than $650 billion. As the cap gets lower, and there are fewer permits available, the cost for ''polluters'' is going to grow ever higher. But that is exactly what the authors want. President Obama recently stated that the only way for a cap-and-trade system to work is for energy prices to ''skyrocket.''

There is nothing in the bill to keep the ''polluters'' from passing those skyrocketing costs on to the consumers. In fact, they will be forced to so. Any business that cannot pass the costs on to consumers runs the risk of being driven out of business. In the end, it will be the American taxpayer that foots the bill for this program, in the form of higher prices at the pump, higher home energy bills, and lost economic growth. But don't just take my word for it. Even the director of the Congressional Budget Office has said that, ''under a cap-and-trade program, consumers would ultimately bear most of the costs of emission reductions.''

One analysis of this bill found that if the standards within the bill are met, by 2035 Americans will see gas prices rise 74 percent, electricity prices increase by 90 percent, and a loss of at least 850,000 jobs every year. The average American household will see its annual energy bill go up by nearly $1,500. For my home state of Kansas in particular, we are going to have to purchase an estimated $206.8 million worth of carbon credits. That is $206 million more that Kansans are going to have to pay in energy costs every year. My district will be particularly hard-hit, as estimates show my district standing to lose nearly half a billion dollars of production in 2012, and more than 5,000 non-agriculture jobs. It's this kind of economic pain that advocates are counting on to force a reduction in carbon emissions.

The European system proves this idea doesn't work. With no signs of a reduction in carbon emissions, Europeans have seen their household energy costs rise by 16 percent, and the industrial energy costs increase by 32 percent.

Spain is an especially poignant example of the failure of the European system. They committed to reaching the benchmarks set out by the Kyoto Protocol, with renewable energy standards, so-called green-collar jobs, and a commitment to reduce their carbon emission levels. But the high cost of energy in Spain has destroyed their economy, which is currently facing a 17.5 percent unemployment rate. Proponents of this bill say that we will be creating new, green jobs. But most of these jobs are temporary construction jobs that go away once facilities, like wind farms for example, are built. In Spain, for every 4 jobs that were created, 9 were lost due to the higher cost of doing business under the Emissions Scheme. We should avoid going down this same path.

There is huge potential for exploitation of the system, on multiple levels. Especially with permits being given out, rather than auctioned, government officials are in a prime position to divert additional credits towards industries or companies of their choice. There is also the possibility that utilities here in the United States could follow the lead of one European company that immediately raised their rate by 70 percent, explaining to customers that the rate hike was necessary to cover the costs of cap-and-trade. But this utility company was given more credits than it needed, and sold them on the open market.

Tack on a renewables standard to this bill, and we have the perfect recipe for failure. No place that has implemented a renewable standard has ever been able to meet the required levels. And there is little to indicate that a federal standard would be any different. As a 2008 article in the Energy Law Journal stated, ''The DOE has little, if any, experience in administering a program on the scale of a national RPS, and has shown no indication that enforcement of a major program is within the agency's capabilities...[this is] an area in which the DOE has already failed to show effective leadership.''

So what we have here is a bill that has been rammed through with no minority input, to create a system that is ripe for abuse, costs the American taxpayer thousands of dollars, cripples our businesses, and in the end, has no measureable result. This is a bill I cannot support, and urge my colleagues to reject as well. Instead, I would encourage my colleagues to join me in supporting the American

Energy Act, a comprehensive energy bill that increases access to domestic energy sources, encourages conservation, and promotes the increased use of renewable sources of energy.

Across this country, we are, once again, seeing gas prices rise. Since the beginning of the year, gas prices are up 60 cents, and crude oil has raised more than $20 a barrel, with no end in sight. Just last week, Russian oil executives predicted that crude prices could reach $250 per barrel.

It is possible for us to relieve some of this pressure by tapping into our own vast resources. The Department of Energy estimates that nearly 20 billion barrels of recoverable oil lie offshore beneath restricted waters, the equivalent to nearly 30 years worth of current imports from Saudi Arabia. Substantial offshore natural gas reserves are also restricted. Even though longstanding restrictions on offshore energy production were lifted last year, the process of leasing these areas falls under the jurisdiction of the Department of the Interior.

Unfortunately, new Secretary of the Interior Ken Salazar refuses to allow additional drilling permits, dredging up every excuse not to produce energy in these areas. The Alaskan National Wildlife Refuge, reported to hold more than 10 billion barrels of oil continues to remain off-limits. He has also sought to block progress on oil shale, a promising source of oil trapped in rock under parts of Colorado, Utah, and Wyoming. The Department of the Interior has even cancelled some existing oil and gas leases.

Often, environmental concerns are cited as the reason for opposing additional drilling. However, technological advances have greatly increased the safety of drilling. During hurricanes Rita and Katrina, less than one cup of oil was spilled in the Gulf of Mexico, despite damage to more than 120 drilling platforms. There is absolutely no reason why permits for additional drilling should be denied. Furthermore, revenue generated by these oil leases will be invested in the development of cleaner, alternative sources of energy. The end result is a reduced dependency on foreign oil, lower levels of pollution, and new jobs for Americans, all without crippling our economy.

Lastly, Madam Speaker, the American Energy Act includes one key source that could provide clean energy without emissions—nuclear power. The Department of Energy has stated that the best way for energy companies to reduce their carbon emissions is to increase their use of nuclear energy. Despite encouragement from DoE, and the fact that that it has been proven safe by countries like France, where more than 80 percent of their electricity is generated by nuclear power, the Waxman-Markey bill does nothing to encourage nuclear power.

Instead, this administration has begun to walk away from the hundreds of millions of dollars spent on the nuclear storage facility at Yucca Mountain, Nevada. The American Energy Act would provide the Nuclear Regulatory Commission authority to complete its review of the Yucca Mountain facility, repeal the limitations on Yucca's Mountain's storage capacity, and establishes a method for recycling spent nuclear fuel in the U.S. Furthermore, it would reduce the bureaucratic hoops and length of time required to receive a permit for the construction of new nuclear plants.

In conclusion, let me again encourage my colleagues to join me in rejecting the Waxman-Markey cap-and-tax bill that would cripple our economy, without addressing their environmental concerns. Instead, lets support the American Energy Act, which provides real solutions for our energy problems in an economically, and environmentally sound manner.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for regarding the earmark I secured as part of H.R. 2892, Department of Homeland Security Appropriations Act, 2010.

My request, totaling $350,000, will come from the Predisaster Mitigation account at the Federal Emergency Management Agency, FEMA, within the Department of Homeland Security, DHS, for the County of DeKalb, Illinois. This request will assist in the permanent relocation of the residents who currently live in the Evergreen Village mobile home park to protect them from future floods along the southeast branch of the Kishwaukee River. Severe storms and flooding have hit DeKalb County, Illinois, four times over the past 40 years, causing extensive property damage. Evergreen Village, which is located in an unincorporated area of DeKalb County, has been severely affected by flooding. Evergreen Village is a 19.9-acre, 130-unit mobile home park, just east of Sycamore, Illinois, and located in the southeast branch of the Kishwaukee River floodway. During major flood events, DeKalb County must evacuate Evergreen Village, which imposes high costs on the county and the residents of Evergreen Village.

DeKalb County has examined alternatives to mitigate this issue, including the construction of a levee, and concluded that the relocation and acquisition of Evergreen Village is the only viable option for protecting residents from future floods. The acquisition would involve the purchase of the mobile homes, the 19.69 acre parcel of land, three permanent buildings, and the relocation of the residents. While most residents of Evergreen Village own their mobile homes, they are nevertheless technically renters on the land they currently occupy. Thus, under the Uniform Relocation Act, URA, these mobile home owners cannot receive full relocation assistance given to other owners of primary residences in similarly situated circumstances. Factoring in the approximate appraised $30,000 cost for each mobile home and land acquisition in Evergreen Village, DeKalb County estimates that the total cost of the relocation effort will be $6.781 million. State and local resources will contribute more than the minimum matching Federal requirement to complete the project. The entity to receive funding for the Evergreen Village relocation project is the County of DeKalb, Illinois, which is located at 200 North Main Street in Sycamore, Illinois 60178.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Homeland Security Appropriations Subcommittee, Representative DAVID PRICE, and the Ranking Minority Member, Representative HAL ROGERS, for working with me in a bipartisan manner to include this critical request in this spending bill.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, legislation that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. I have received $750,000 in the FEMA, Predisaster Mitigation Account for the City of Flagler Beach located at P.O. Box 70, Flagler Beach, FL 32136. To the best of my knowledge, the funding would be used for the construction of a new EOC facility in Flagler Beach, FL.

As the population of the City of Flagler Beach has grown, the demand for services has increased. The City Hall and Emergency Operations Center share the same building, creating a constrained environment when responding to emergency situations. The city needs assistance to build a new facility that will accommodate not only current staff, but also the emergency response teams that will use the facility to respond to natural disasters, such as hurricanes that frequent Florida. The new building will expand the necessary space for city departments which will more adequately and efficiently serve the people of the community.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Ridgecrest, California

Address of Requesting Entity: 100 West California Avenue, Ridgecrest, California 93555

Description of Request: $400,000 is included for the City of Ridgecrest, California, to help fund Phase I (planning, environmental studies, engineering design and construction monitoring, and legal and administrative issues) of the city's new wastewater treatment facility. Ridgecrest, located in northeast Kern County, serves as a support community to the Naval Air Warfare Center Weapons Division at China Lake (NAWCWD), and receives and treats all of the base's wastewater, which accounts for more than one-third of the water treated at the existing facility. As the existing plant has limited capacity and with additional personnel expected on the naval base in the future, the current wastewater treatment facility will reach and exceed its capacity requiring another treatment plant in the next few years. The city recognizes the challenges it faces on this front and is proactively working to address this issue before acceptable discharge limitations are exceeded at the current plant.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2892—the Department of Interior, Environment and Related Agencies Appropriations Act, 2010, provides for the Audubon Institute, New Orleans, LA in support of an Endangered Whooping Crane Propagation Facility. This is in the Fish and Wildlife Service—Resource Management Account in the amount of $500,000. This will benefit the Audubon Nature Institute, P.O. Box 4327, New Orleans, LA 70178 in the form of additional specially-designed whooper breeding pens to hold new crane pairs, increasing Audubon's egg production capacity by 20% and contributing greatly to whooping crane preservation. In addition to benefitting Louisiana, Audubon's success in breeding cranes prompted the USFWS to select Audubon to hold 10 whooping cranes from the captive flock for potential breeding. The project will help preserve an endangered species native to Louisiana and inform similar projects on a national level.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Interior and Environment Appropriations Bill

Account: Environmental Protection Agency—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: St. Tammany Parish

Address of Requesting Entity: St. Tammany Parish, 21490 Koop Drive, Mandeville, LA 70471

Description of Request: I have secured $500,000 for St. Tammany Parish. This funding will be used to create an on-line retention pond at the western intersection of Bayou Chinchuba and U.S. Highway 59. This will reduce floodwater heights in order to reduce risk to homes, streets, highway flooding, and protect over 16,000 citizens in the Bayou Chinchuba area of St. Tammany Parish. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010

Project: Big Thicket National Preserve

Account: National Park Service, Land Acquisition

Requesting Entity: The Conservation Fund, Texas Office

Address of Requesting Entity: 101 W 6th Street, Suite 601, Austin, TX

The Big Thicket National Preserve is one of America's ecological treasures. It is an unusually shaped preserve whose boundaries include land once owned by major timber companies. This request enables the National Park Service to acquire critical land within the congressionally authorized boundary of the Big Thicket National Preserve to diversify the economic potential of southeast Texas through increased tourism opportunities. This project works only with voluntary, "willing-seller" landowners.

The $5,000,000 included in this bill for this project combined with previous funding will allow the National Park Service to purchase over 2500 acres of land on 23 tracts acquired from willing sellers or by voluntary donation. When funded in full, this request represents the final year in a seven-year land acquisition program.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 2892

Account: Other

Requesting entity: Texas Engineering Extension Service

Address of Requesting Entity: 301 Tarrow, College Station, TX 77842

Description: $23 million was received for The National Emergency Response and Rescue Training Center (NERRTC), a member of the National Domestic Preparedness Consortium (NDPC), to provide relevant and effective Weapons of Mass Destruction (WMD)/terrorism training and education to our nation's emergency responders and their supervisors, managers and senior officials. NERRTC integrates the TEEX world-class training facilities with experienced, professional instructors and trainers to provide the nation's emergency responders with a ''one-stop'' shop for training, technical assistance and exercises. NERRTC works with over 40,000 emergency responders annually and delivers training and services in all 50 states, five U.S. territories, and the District of Columbia. This funding is important to taxpayers because of its potential to save lives in emergency situations.

Salaries: $15,339,463*
Travel: $ 9,025,662*
Equipment: 0*
Supplies: $ 53,281*
Contracts: $ 259,556*
Training Materials: $10,322,038*
*Based on a $35 million request

EARMARK DECLARATION

HON. FRANK. A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2892.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: City of Brigantine

Address of Requesting Entity: 1417 West Brigantine Avenue, Brigantine, NJ 08203

Description of Request: Provide an earmark of $300,000 to be used to create a fully functioning and stand alone Emergency Operations Center with adequate backup power generation and the ability to communicate with governmental agencies, as well as other neighboring Emergency Operations Centers if a catastrophic event or incident were to occur.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standard put forth by the House Appropriations Committee and the GOP Leadership, I would like to list the congressionally-directed project I requested in my home state of Idaho that is contained in the report of HR 2892, the FY2010 Homeland Security Appropriations bill.

Project Name: Power and Cyber Systems Protection, Analysis, and Testing Program

Amount $3,000,000

Account: NPPD Infrastructure Protection and Information Security

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont Street, Idaho Falls, Idaho 83415

Description: This funding will be used to conduct vulnerability analysis, testing, and protection of power and cyber connected systems for the Department of Homeland Security, utilizing the unique resources available at the Idaho National Laboratory, such as the electric grid, SCADA and control systems, cyber and communication test beds, and the explosives test range. The project entails collaboration with leading universities and other National Laboratories to leverage ongoing research at these institutions and advance the state-of-the-art in building resilience into infrastructure systems. The funding will be used to obtain full-scale systems in sectors of interest to DHS for testing of vulnerabilities, identification of protection strategies, and evaluation of resilient designs; partner with universities and National Laboratories to develop resilient control systems; and establish a program that develops new protection schemes. The INL is uniquely placed to carry out this program, which leverages its ongoing work in this area sponsored by DOD, DHS, and Intelligence Agencies and its established relationships with industry, universities, and National Laboratories.

I appreciate the opportunity to provide a list of the Idaho project that has received funding in the FY2010 Homeland Security Appropriations bill and provide an explanation of my support for it.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, legislation that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. I have received $350,000 in the FY2010 FEMA, Emergency Operations Center account for a new EOC in Palm Coast, FL. The entity to receive funding for this project is the City of Palm Coast, 160 Cypress Point Parkway Suite B–106, Palm Coast, FL 32164. To the best of my knowledge, the funding would be used for the construction of a new EOC facility in Palm Coast, FL.

The FY 2010 funding will assist in the construction of an Emergency Operations Center in Palm Coast. The new EOC will replace the 36 year old obsolete facility. The new location of the replacement facility will better serve the community by having its location in a central area of the City.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Homeland Security Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency's Pre-Disaster Mitigation

Legal Name of Requesting Entity: City of Trenton

Address of Requesting Entity: 319 East State Street, Trenton, NJ 08608

Description of Request: Funding will be used to help fortify the City's water filtration plant from ongoing flooding and contamination risk. The plant is responsible for providing safe drinking water to 225,000 people in Trenton, Hamilton and surrounding Mercer County areas.

Work supported with the $300,000 in federal funds—which the city of Trenton will match with $100,000—will protect the drinking water supply by eliminating vulnerabilities to contamination resulting from future flood events. The city will use it to waterproof open areas, relocate vulnerable controls and electronics, and make improvements to the sump pump system and the Chlorination storage facility.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, Fiscal Year 2010

Account: U.S. Forest Service, Land Acquisition

Legal Name of Requesting Entity: Florida National Scenic Trail

Address of Requesting Entity: 5416 SW 13th Street, Gainesville, FL 32608

Description of Request: I have secured $500,000 to acquire critical and strategic holdings buffering or adjacent to Eglin Air Force Base, its flyways over the Northwest Florida Greenway, the National Forests in Florida and other Federal and State land.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the request I have detailed below is (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on a project I requested and was included in H.R. 2996—the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Account: National Park Service—Construction

Project Name: Crater Lake Visitor Education Center, Crater Lake National Park, Crater Lake, OR

Legal Name and Address of Requesting Entity: Crater Lake National Park Trust, PO Box 62, Crater Lake, OR 97604

Project Location: Crater Lake, Oregon

Description of Project: H.R. 2996 appropriates $350,000 for the Crater Lake Visitor Education Center project. According to the requesting entity, this funding will be used by Crater Lake National Park for construction and renovation of the Crater Lake Visitor Education Center. Crater Lake National Park was created by President Theodore Roosevelt and is the sixth oldest National Park in America. Furthermore, Crater Lake is the deepest lake in America and holds the purest water in the world. This is a beneficial use of taxpayer funding because the Crater Lake Visitor Center will provide valuable educational opportunities for over 2,000 grade school students and around 500,000 other visitors who visit Crater Lake from throughout the United States and the World each year.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R.

2647, The National Defense Authorization Act of Fiscal Year 2010 contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: Military Construction, Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: There is inadequate chapel space at Ft. Campbell. The current facilities are scattered across the entire installation in several substandard World War II buildings that are in disrepair. The construction of a chapel complex will provide every Fort Campbell soldier, their family members and retirees a quality facility in which to worship and practice their religious faith. As overseas deployments remain high, an increasing number of soldiers and families will rely on the chapel to support their spiritual needs. The local Clarksville Chamber of Commerce has strongly advocated for a new chapel on Ft. Campbell.

Distribution of funding: Chapel, 72 percent; Antiterrorism/Force Protection Measures, 1 percent; Infrastructure (electric, water), 11 percent; Supervision, Inspection & Overhead, 16 percent.

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: Military Construction, Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: A consolidated physical fitness facility is required to enable soldiers to maintain required fitness levels, provide facilities for recreational use and increase the quality of life for military dependents. The designated location for the fitness center is in a remote part of the installation where no facilities exist. The local Clarksville Chamber of Commerce has strongly advocated for an improved physical fitness center on Ft. Campbell.

Distribution of funding: Planning and Design, 100 percent.

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: National Nuclear Security Administration

Legal Name Requesting Entity: Y–12 National Security Complex

Address: Y–12 National Security Complex, Oak Ridge, TN 37830

Description of Request: The Operations of Facilities Program contributes to the transformation of the Y–12 site into a smaller, less expensive and more responsive enterprise. The Operations of Facilities Program provides the facilities and infrastructure required to support dismantlement, weapons production and other national security missions.

Distribution of funding: Service Contract, 100 percent.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TURNER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847.

(1) Project—Wilmington Police Department—Equipment Replacement and Modernization

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 2847

Account: OJP—Byrne

Legal Name of Requesting Entity: Wilmington Police Department

Address of Requesting Entity: 69 N South St., Wilmington, Ohio 45177

Description of Project: Located in rural Clinton County, Ohio, the Wilmington Police and Fire Department are in need of equipment modernization in order to more effectively serve the first responder needs of the community. Funds for this request will be used to replace computer equipment for the Department in order to increase public safety.

(2) Project—Improved Solutions for Urban Systems—21st Century Jobs for Disengaged Youth

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 2847

Account: OJP—JJ

Legal Name of Requesting Entity: Improved Solutions for Urban Systems (ISUS)

Address of Requesting Entity: 140 N. Keowee St., Dayton, OH 45402

Description of Project: Improved Solutions for Urban Systems is looking to expand upon their already successful model of providing education and job training for at-risk youth. Funds for this project will be used to support and train disengaged youth for 21st Century jobs, such as "green collar" jobs.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of HR 2996.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2996

Account: Fish and Wildlife Service, Land Acquisition

Legal Name of Requesting Entity: San Bernard Wildlife Refuge

Address of Requesting Entity: 2547 CR 316, Brazoria, TX 77422

Description of Request: An earmark of $2,500,000 to fund Land Acquisition for the San Bernard Wildlife Refuge in Brazoria County, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2996

Account: EPA, STAG Water and Wastewater infrastructure project

Legal Name of Requesting Entity: City of Baytown

Address of Requesting Entity: 2401 Market Street, Baytown, TX 77522

Description of Request: An earmark of $500,000 to fund Water and Wastewater infrastructure improvement in Baytown, Texas.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WOOLSEY. Madam Speaker, on June 23, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 419–423.

Had I been present I would have voted:

Rollcall No. 419—"yea"—Veterans' Compensation Cost-of-Living Adjustment Act of 2009.

Rollcall No. 420—"yea"—Veterans Health Care Budget Reform and Transparency Act of 2009.

Rollcall No. 421—"yea"—Women Veterans Health Care Improvement Act.

Rollcall No. 422—"yea"—To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

Rollcall No. 423—"yea"—To make technical corrections to the Higher Education Act of 1965, and for other purposes.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BISHOP of New York. Madam Speaker, on June 19, 2009, I was detained by a previously scheduled commitment in my district. Due to my absence, I request unanimous consent for the record to reflect that had I been here, I would have voted in the following manner:

Rollcall No. 409, I would have voted "aye";
Rollcall No. 410, I would have voted "aye";
Rollcall No. 411, I would have voted "aye";
Rollcall No. 412, I would have voted "aye";
Rollcall No. 413, I would have voted "aye";
Rollcall No. 414, I would have voted "present";
Rollcall No. 415, I would have voted "aye";
Rollcall No. 416, I would have voted "aye";
Rollcall No. 417, I would have voted "aye";
Rollcall No. 418, I would have voted "aye."

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy

on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and were included in H.R. 2647—The National Defense Authorization Act of Fiscal Year 2010.

Account: Navy; Research, Development, Test & Evaluation; Line 3, Defense Research Sciences; PE #0601153N

Project Name: ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N3I) Initiative

Legal Name and Address of Requesting Entity:

Portland State University; Oregon State University; University of Oregon; Oregon Nanosciences and Microtechnologies Institute

Portland State University

Portland, OR 97207

Project Location: Portland, OR; Corvallis, OR; Eugene, OR; Corvallis, OR

Description of Project: H.R. 2647 appropriates $2,000,000 for the ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N3I) Initiative. According to the requesting entity, this project would support collaborative research to generate new applications such as nanoelectronic devices to address the end of Moore's Law scaling, advanced solar cells, nanoscale chemical imaging for catalysis improvements in areas such as bioremediation and ethanol production, nanoscale biosensors for point-of-care health management, and biological cell imaging and measurement capabilities.

Account: Defense-wide (DOD); Research, Development, Test & Evaluation; Line 238, Industrial Preparedness; PE # 0708011 S

Project Name: Northwest Manufacturing Initiative

Legal Name and Address of Requesting Entity:

Manufacturing 21 Coalition

1100 SW 6th Avenue, Suite 1425

Portland, OR 97204

Project Location: Portland, Oregon

Description of Project: H.R. 2647 appropriates $1,200,000 for the Northwest Manufacturing Initiative. According to the requesting entity, funds for this project would improve the performance of manufacturing companies and the products they create as part of the defense logistics pipeline.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction

Legal Name of Requesting Entity: United States Southern Command

Address of Requesting Entity: City of Doral, Florida

Description of Request: I have secured an authorization for $55.4 million for construction of a new headquarters for the U.S. Southern Command. Currently, the Department of Defense is leasing the land on which SOUTHCOM is now located from a private individual. The funds would be used by the Department of Defense to build the new SOUTHCOM headquarters adjacent to the current SOUTHCOM facility in Doral, Florida. The land for this facility will be leased from the State of Florida. SOUTHCOM received $100 million in the FY08 Military Construction Appropriations bill and $81.6 million in the FY09 Military Construction Appropriations bill as the first two installments of $237 million, previously authorized in the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504).

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 Interior Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2996

Account: Environmental Protection Agency—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Town of Pendleton, NY

Address of Requesting Entity: 6570 Campbell Boulevard, Lockport, NY 14094

Description of Request: Provide an earmark of $500,000 for the sewer grinder pumps project in order to convert the low pressure system to a gravity system and will provide residents with a higher level of services and alleviate flooding of homes and roads.

Of the total amount received, 100% is for the purchase of replacement units (as a cost of $2,716 each). The Town of Pendleton will provide the labor to install each unit, which takes 4 hours and 4 laborers to complete.

The Town of Pendleton operates and maintains a sanitary sewer system on behalf of Town sewer districts. These districts currently provide sanitary services to more than half of the Town residents. The sanitary system is primarily a low-pressure system, with the exception of several new subdivisions served by gravity systems. The low-pressure system was constructed during the 1970s and is comprised of approximately 14 miles of sewer mains and 453 pump stations. The pump stations are pre-assembled package stations that were installed within individual service laterals. The stations grind residential waste and discharge it under pressure to the system. Years of harsh environmental conditions, improper waste products and normal wear and tear have caused significant deterioration in the pump stations. The stations are becoming increasingly problematic for the Town. System maintenance has steadily intensified with a current average of over 30 maintenance calls per month.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 25, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

9:30 a.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010.

SR–222

JULY 14

9:30 a.m.

Veterans' Affairs

To hold hearings to examine bridging the gap in care of women veterans.

SR–418

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land.

SD–366

JULY 29

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veteran's disability compensation.

SR–418

SENATE—*Thursday, June 25, 2009*

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Shea Harlig, spiritual leader of Chabad of Southern Nevada.

The guest Chaplain offered the following prayer:

Almighty G-d, the Members of this prestigious body, the U.S. Senate, convene here in the spirit of one of the seven Noahide Laws which were set forth by You as an eternal universal code of ethics for all mankind; that every society be governed by just laws which shall be based in the recognition of You, O G-d, as the Sovereign Ruler of all peoples and all nations. We, the citizens of this blessed country, proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—''One Nation, under G-d, with liberty and justice for all.''

Grant us, Almighty G-d, that those assembled here today be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On this 25th day of June, 2009, which corresponds to the third day of the Hebrew month of Tammuz, we are 15 years—to the day—from the passing of our esteemed spiritual leader, The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of blessed memory, who consistently extolled the virtues of this great land as a ''Nation of Kindness.''

I beseech You, Almighty G-d, to grant renewed strength and fortitude to all who protect, preserve, and help further these ideals so essential to the dignity of the human spirit. Please grant that our beloved Rebbe's vision of a world of peace and tranquility—free of war, hatred, and strife—be realized speedily in our days.

G-d bless this hallowed body. G-d bless our troops who stand in defense of this great land. G-d bless the United States of America.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING RABBI HARLIG

Mr. REID. Madam President, with the Senate Chaplain, Admiral Black, standing by, we all listened to a prayer from one of our Jewish brethren in Las Vegas, Rabbi Harlig. I am sure the Chaplain was pleased with the prayer. Those of us in attendance were pleased with the prayer. It was a meaningful, wonderful prayer for our Senate and the country. So I welcome Rabbi Harlig and thank him for helping us open the Senate with the beautiful prayer he uttered.

Rabbi Harlig and his wife Dina breathed new life into the southern Nevada Jewish community when they opened a Chabad center in their living room in 1990. It has grown dramatically since then, and successfully grown, and there are now five such community centers in southern Nevada. The organization Rabbi Harlig founded has taught so many children and adults and has done so many mitzvot—or good deeds—for so many people.

As Rabbi Harlig mentioned in his invocation, today is significant for the Chabad community because it is the day of the passing of The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, one of the great Jewish leaders of our time.

So thank you, Rabbi Harlig, for joining us in the Senate today.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for up to 1 hour. Senators will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to resume debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. We hope some of the postcloture debate time will be yielded back and we are able to vote on the nomination as early as possible. If we are unable to yield any time, the vote will occur at about 5:30 this evening.

We are also working on an agreement to consider the Legislative Branch appropriations bill. Senators will be notified when votes are scheduled or agreements are reached.

MEASURE PLACED ON THE CALENDAR—S. 1344

Mr. REID. Madam President, it is my understanding that S. 1344 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, Americans are insisting that Members of Congress work together on reforms which make health care more affordable and accessible but which don't force people off their current plans or add to an already staggering national debt. Yet the Democratic plan now being rushed through the Senate would do just the opposite. It would force millions of Americans off their health care plans and bury our Nation deeper and deeper in debt.

Democrats have repeatedly and incorrectly declared that under their

plan Americans who like their current insurance will be able to keep it. This morning, I would like to explain why that is, unfortunately, not the case.

Just last week, the independent Congressional Budget Office said that the incomplete Democratic HELP Committee proposal would cause 10 million Americans who currently have employer-based insurance to lose that coverage. Let me repeat that. Before the Democratic bill is even complete, we know that it will cause 10 million Americans to lose their health care insurance they currently have. But 10 million would just be the beginning. One key section missing from the HELP bill is the government plan Democrats say they want, and according to one study, 119 million Americans could lose their private coverage if a government plan is enacted.

Here is why this so-called government option would lead to Americans losing their current plans and why it would soon become the only option.

First, a government-run plan would have unlimited access to taxpayer dollars and could operate at a loss indefinitely, which could force private insurers out of business. Private health plans simply wouldn't be able to compete, and millions of Americans could be forced off their health plans whether they like it or not. At that point, people would have to enroll in a government plan or any surviving private health care plan, if they could afford it. I say if they could afford it because another unintended consequence of creating a government plan is that it would cause rates for private health plans to skyrocket, leaving most Americans unable to afford them. They would simply be too expensive. Right now, government programs such as Medicare and Medicaid pay hospitals and doctors less than private insurers do, and hospitals and doctors then pass on the difference to private insurers. If a government plan was established, doctors and hospitals would shift more of their cost onto private health plans, making them even more expensive and making it even harder for them to compete with a government plan. In the end, only the wealthiest would be able to afford private health plans and the kind of care most Americans currently enjoy.

Some say safeguards could be put in place to create a level playing field. But the very nature of the government running a health insurance plan in the private market is the problem. Any safeguard could easily be eliminated, and one look at the government takeovers in the insurance and auto industries shows that when the government is involved, there is really no such thing as a fair playing field.

Let's take a look at the auto industry. The government has given billions of dollars to the financing arms of Chrysler and GM, allowing them to offer interest rates that Ford, a major manufacturer in my State, and other private companies struggle to compete with. This means the only major U.S. automaker that did not take a bailout is at a big disadvantage as it struggles to compete with government-run auto companies. When Ford needed money, it had to raise it in the open market and pay an 8-percent interest rate. But GM could just call up the Treasury—just call up the Treasury—and have them wire over some taxpayer money. No company can compete with that.

So contrary to their claims, if the Democratic plan is enacted, millions of Americans will lose the health insurance they have and that they like. Again, that is not what I say, it is what the Congressional Budget Office says, it is what independent analysts say, it is what America's doctors say, and it is even what President Obama now says. The President now acknowledges that under a government plan, some people might be shifted off of their current insurance.

This isn't the only Democratic claim about health care that is increasingly suspect. Democrats have also promised their health plan will be paid for and won't add to the deficit. But the facts just don't add up. Right now, just one section—one section—of the HELP bill would spend $1.3 trillion. It is not plausible that this won't add to the deficit, which has already swelled by more than $1 trillion thanks to bailouts and the stimulus money.

So when Democrats predict their health care plan won't cause people to lose their current insurance and won't add to the national debt, Americans are certainly right to be skeptical. They made the same kinds of predictions about the stimulus bill. They said the money wouldn't be wasted. Yet we are already hearing about a $3.4 million turtle tunnel and $40,000 to pay the salary of someone whose job is to apply for more stimulus money. The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't rise above 8 percent. Now they say unemployment will likely rise to 10 percent.

Americans, indeed, want health care reform, but they do not want a so-called reform that takes away the care they have and stands in the way of their relationships with their doctors or that buries their children and grandchildren deeper and deeper in debt. I think we can do a lot better than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE REFORM

Mr. REID. Madam President, one-sixth of every dollar that is spent in America goes to health care today. If we do nothing with health care, by the year 2020 it will be 35 percent. Think about that. That is just 11 years from now. So it is obvious that crushing health care costs leave many families uninsured and underinsured and drive far too many into bankruptcy or foreclosure.

When we discuss our country's health care crisis with our constituents next week when we go home for the July 4th break and when we debate it with our colleagues in this Chamber in the coming months, they will talk about how best to relieve that burden. There are a lot of good ideas, but one of the best ways to bring down the cost is by preventing disease and illness in the first place.

Prevention and wellness are based on a simple premise: The less you get sick today, the less you will have to pay tomorrow. Part of reforming health care means making it easier for Americans to make healthier choices and live healthier lives. We are far from that goal and need to do a better job of making that possible. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of all deaths in America. So doesn't it make sense to stop them before they start? The obvious answer is yes.

It is not just a health issue, it is also an economic issue. Prevention isn't free, but it is a lot cheaper to invest in health before it is too late. Unfortunately, that investment is peanuts right now. We spend only 4 cents out of every health care dollar toward preventing disease. That is far too little. Although we spend only 4 cents of every dollar toward preventing disease, we spend 75 cents of every health care dollar caring for people with chronic conditions. It isn't enough just to treat and cure disease, we must also prevent disease and help people stay healthy. Reducing the number of us who suffer from chronic diseases will cut costs and help more Americans lead healthier and more productive lives. It is the same principle we bring to health care reform overall. Reform isn't free, but it is a lot cheaper to invest in our citizens' health, our country's health, and our economy's health before it is too late.

Everyone needs to listen, especially based on my colleague's statement he just gave. We Democrats are committed to lowering the high cost of health care. We Democrats want to ensure every American has access to that quality, affordable care, and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care to the millions—including 9 million children—who have no health care.

We are committed to a plan that says: If you like the coverage you have, you can keep it. We are committed to reducing health disparities and encouraging early detection and effective

treatment that saves lives. Just a small investment in prevention and wellness can make a big difference for American families. Reforming health care, doing so in the right way, and making that investment will help people get sick less often—and even when they do get sick, it will cost them less to get back on their feet. Benjamin Franklin famously said: ''An ounce of prevention is worth a pound of cure.'' For Americans' physical health and America's fiscal health it may be worth much more.

Madam President, I believe it is time to announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority in control of the second half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the submission of S. Res. 206 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, how much time is remaining on Republican time?

The ACTING PRESIDENT pro tempore. There is 18 minutes remaining.

Mr. ALEXANDER. Thank you, Madam President. Will you please let me know when 4 minutes remain?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. ALEXANDER. Madam President, let me talk about a threat to the middle-class family's budget, and that is health insurance. How do we pay for health care? I do not have to explain to anyone who might be listening or reading these remarks that health care, for most Americans, is a cost that is difficult to afford.

It is difficult for most small businesses. We have many large businesses who are having a difficult time competing in the world marketplace because of health care costs. We think of the auto industry in Detroit which has claimed that the legacy costs of health care have put them out of business, unable to compete, even with car companies that locate in the United States and make cars here employing American workers.

So we on the Republican side, like our friends on the Democratic side, want health care reform this year. President Obama is going to town meetings and saying what he is for. He is saying: Let's do it this year. He is saying: Let's make sure we cover the 47 million Americans who are uninsured. He is saying: Let's make sure we can afford it.

''We do not want more debt,'' the President is saying. We certainly agree with that. He already has proposed, over the next 10 years, more new debt than it cost to wage all of World War II according to the Washington Post. So we agree with him, we do not want any health care bill that creates more new debt. We do not want a health care bill that puts more new taxes on States as they pay for State-operated health care programs such as Medicaid.

We want to make sure that Americans who like their insurance are able to keep the insurance they have. About 177 million Americans have employer-sponsored health insurance which they like. They like the quality of the health care they get. We do not want to think about the 47 million who are uninsured, we want to think about all 300 million Americans.

We Republicans agree with the President. We want health care reform this year. We want a health care plan that you can afford. We want a health care plan your Government can afford, so your children do not get a big debt piled on top of them, and we want to make sure all of the uninsured are covered as well.

We want to make sure, on this side, that Washington does not come in between you and your doctor. In other words, you and your doctor make the health care choices, not some Washington bureaucrat who might cause you to wait in line or deny treatment that you and your doctor think is needed.

So how does the Senate bill that we are working on stack up with the President's ideas that we should cover everybody, be able to pay for it, and allow people to keep their insurance? Well, I am very disappointed to report that, according to the Congressional Budget Office, which is the nonpartisan agency in the Congress—and the Congress, of course, is majority Democratic, by a large margin—has given us some very disturbing information about the bill we are working on in the HELP Committee, a place that I am about to go in a few minutes to continue considering parts of the bill, since we only have a little bit of the bill that we are being asked to consider.

Here is what we know about cost: The Congressional Budget Office has said that in the first 10 years of the partial Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion.

Senator GREGG of New Hampshire, who is the ranking Republican on the Budget Committee, has pointed out that once the health care program envisioned in the Kennedy bill is up and going, that over a 10-year period, say years 5 through 14, it would be $2.3 trillion added to the debt, a debt that already has more new debt in the next 10 years, according to the Washington Post, than we spent in all of World War II in today's dollars.

People in Tennessee and across this country are saying: Whoa. Wait a minute. This is getting out of control. We need some limits. We know you have got a printing press there in Washington, DC, but our children and grandchildren and even we are going to pay the consequences if we do not have some limits on the amount of debt.

I would think the President would say to the Senators who are working on this: Wait a minute, Senators, I said this needs to be something that pays for itself. We cannot add $2.3 trillion.

That is not all. We do not even have all the Kennedy bill. Some of the most important parts are yet to come. Some of the most expensive parts are yet to come. The assumptions that we are left to work with—because we hear them discussed—is that there will be a big expansion of the Medicaid Program that States help to operate and help to pay for, usually about 40 percent of the cost, and an increase in the reimbursement rates that go to doctors and hospitals who participate in the Medicaid Program.

What would that cost? Well, in the State of Tennessee, if we increase Medicaid eligibility to 150 percent of the poverty level, which sounds pretty good, that adds about $600 million to the State cost of Medicaid in Tennessee.

If we increase the Medicaid reimbursement rates, that adds another $600 million to the State costs of Medicaid. When the stimulus funding goes away after 2 years, which was sent to the States to help pay for Medicaid costs, that is another $600 million.

Now we throw so many dollars around up here that it is hard to say what is important. But to give you one idea of what would happen if a Senator went home to be Governor and had to manage a Medicaid Program that expanded that much and were faced with a $1.2, $1.5, $1.8 billion new State cost about 2015, where would he or she get that money? A 10-percent income tax in our State would raise about $1.2 or $1.3 billion. So the costs we are talking about adding to States are astronomical. Most States are having a difficult time even balancing their budgets this year, some nearly bankrupt—think of California—and add to that huge new Medicaid costs, as well as a Federal addition to the debt of $2 or $3 trillion. It

is an unimaginable prospect and totally inconsistent with what President Obama has said, who said very sternly to Congress 2 or 3 weeks ago: We need pay as we go. If we are going to spend a dollar, we need to save a dollar or we need to tax a dollar. So we would have to raise or save $2 or $3 trillion to pay for the Kennedy bill, as we know it, and if you live in a State that has increased Medicaid costs, you could have, depending upon what these provisions say, huge new State taxes to pay for it.

That bill gets an ''F'' on the first aspect of the President's request, cost, and debt.

The second is that we cover the 47 million uninsured. Unfortunately, even though we add perhaps $2 to $3 trillion to the Federal debt, and a lot of new State taxes, the bill we are considering in the Senate HELP Committee will only cover 16 million more people who are not now insured.

In other words, we would reduce the uninsured from 47 to 30 million. We would have 30 million people left even though we added $2 or $3 trillion to the Federal debt and a lot of new State taxes. I think that is a flunking grade as well for this bill.

Then what about allowing you to keep your insurance if you like it? Well, the Congressional Budget Office also had something to say about that. It said: If the Kennedy bill, as it is presently, were enacted, about 15 million people would go from private insurance that they now have to an existing or a new government-run health care plan.

You might do that because you choose to, or you might do that because your employer says: I think I will quit offering the insurance you now have.

So this does not seem to fit what the President is suggesting we do. With all respect, I know that there has been a lot of hard work done on this bill, but we need to stop and start over even to get close to the President's own objectives.

Let's take the 46 or 47 million uninsured Americans. We need to be realistic about what we are dealing with here. Some 11 million of those are noncitizens, and about half of those are illegally here. So we deal with those in one way or another. About one-third of the uninsured, about 15 or 20 million, have incomes of over $75,000 a year. In other words, they could afford health insurance but do not have it. About 13 million are young and believe they are invincible and would only buy health insurance on their way to the hospital.

So the question is, do we raise costs for everybody else in a failed attempt to try to pass a ''one size fits all'' for all of those 46 million uninsured Americans, or do we come up with different ways of trying to entice them or require them to have an insurance policy, at least a catastrophic insurance policy, so we all are not paying $1,000 more in insurance so you cannot have insurance and go to the emergency room when you have a problem?

That is who the uninsured are.

Then let us think about the approach the Kennedy bill and other bills are making to the so-called government-run programs. There are some competing polls in newspapers, depending on how you ask the question. The New York Times, the other day, had a huge headline: Everybody likes the government-run health care program. But the Wall Street Journal and other polls that have presented questions in different ways said that by a 2-to-1 margin most people preferred a private insurance policy that they choose themselves, which is what 120 or 140 million Americans have chosen today.

Why do we need a government program? Let's think about that. The President said: Well, we need to keep the insurance companies honest. That is a little bit like saying: We need a government drugstore to keep the drugstores honest, or we need a government car company—actually we have almost got one with GM—to keep the other auto companies honest, or a government anything. That is not the way this country is supposed to work. We have a big free market system. We are entrepreneurs in this country. We want limited Federal Government.

We ought to get out of the car and banking business and out of the insurance business and stop these Washington takeovers. Yet the most imposing feature of the health care proposals proposed by our Democratic friends is a big, new government-run program to keep everybody honest.

I do not see that we need such a program under the proposals that Republicans have offered. I think we agree that whatever plan we have should require that everybody have a chance to be a part of it, that a preexisting condition you might have does not disqualify you, and that your rates need to be reasonable.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

We agree on that. We think competition is what helps keep prices low. The President says you need a government-run program for competition. But that is like putting an elephant, the government, in a room with a lot of mice and saying: All right, fellows, compete. After a while, there would not be any mice left. Your only choice would be big government, because it has the power to lower prices and subsidize itself to make sure it succeeds.

What is wrong with that? Most Medicaid patients can tell you what is wrong with that. Some 40 percent of doctors restrict access to Medicaid patients. Why? Mostly because the reimbursement rates are so low. The government program is cheaper, but it does not allow you to get any health care. It is like giving you a bus ticket, but there is no bus to catch.

So if what we chose to do in our plans is to expand the Medicaid Program, at enormous cost to State taxpayers, and have big increases in the Federal debt, we will be dumping low-income Americans into government programs that exist, and new government programs we create to which they might not gain admission.

So we think we have better ideas. They are in the Wyden-Bennett bill, which is bipartisan. They are in the Burr-Coburn bill. They are in the legislation introduced by Senator GREGG of New Hampshire. They are in the legislation Senator HATCH and Senator CORNYN are working on.

We would like to give dollars to low-income Americans so they can choose to buy an insurance policy and have the same kind of coverage that most of the rest of us can buy. We would rather give them choices in the private market, which is what, by far, most Americans have and choose today. We can do that without adding debt to the national debt. The Wyden-Bennett bill is scored at no extra debt. And we can do that in a way that reduces the number of uninsured more than the Kennedy bill does.

So, Madam President, with respect, I suggest we start over, we do it in a bipartisan way, that we take some suggestions actually from the Republican side, which has not been done at all. That is another thing the President said. He said he wanted a bipartisan bill. We have had a completely partisan bill in the Senate. We do not like that. We came here to be a part of solving this big problem. We have our ideas on the table. They are not being considered. Everyone is being polite to us, but it is: We have the votes. We won the election. We will write the bill.

I am afraid America will not be better off, and the President's goals will not be met because we will have added $2 or $3 trillion to the Federal debt, have a big new tax for states and locally, stuff low-income people into government programs, and we will still have 30 million people uninsured.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Madam President, I rise to speak about the urgent need for health care reform. I wish to thank both the Finance and HELP Committees for the enormous amount of effort they are both putting into this monumental task.

When it comes to health care, if you talk with Coloradans, they will point you in the right direction. They want us to end double-digit premium increases on the middle class and small businesses. They want us to leave alone the parts of the system that are not

broken. They agree that all Americans should have access to affordable and secure health care coverage.

But they are skeptical that Washington can get this done without breaking the bank. They want us to find a way to pay for these reforms now and not just pass on the cost to the next generation in the form of increased deficits and debt.

That is a tall order, but it is the right one and simple common sense. We will be tempted throughout this process to settle for half-fixes and easier political victories that help a few people but do not deliver real reform for all families. We have to work hard across party lines and avoid these temptations.

Showing resolve means not giving in to the usual political posturing that has characterized the debate on health care for 30 years and has gotten us nowhere. Failing to act responsibly now will result in yet another lost decade of soaring health care costs for families and small businesses.

Working families with good health insurance are now spending over $3,700 of their own annual income just on premiums, drug copays, and other out-of-pocket costs. The amount a family has to pay before health insurance coverage kicks in has gone up by over 30 percent in the last 2 years alone.

Even the amount all of us pay to cover the uninsured as a part of our health care premium—a hidden tax on every family in the country who has health insurance—has increased to over $1,000 a year. This hidden tax will only continue to increase for all families if we keep walking down this path.

Our top priority must be to stop this ever-increasing spiral of health care costs that create such a struggle for families and small businesses. But we do not have the luxury of spending recklessly to accomplish these goals.

I agree with the President that reforming the health care system is the most pressing fiscal challenge our Nation faces right now. That is right, fiscal challenge.

Fail to reduce costs and health reform will not work. Fail to pass meaningful reform and we will face a worsening fiscal mess. Americans spend over $2 trillion on health care each year. Yet premiums continue to skyrocket, and our coverage is not keeping up with what we are paying for it.

Coloradans know this is a bad deal, and it is getting worse every day we do not act.

We do not have to look very hard for enormous cost savings. The potential savings in Medicare and Medicaid are right in front of us. We must look at inefficiencies and perverse incentives in the system and address those first. Medicare's payment incentives spur doctors and nurses to recommend procedures instead of spending more quality time with patients.

We can empower medical professionals to do the best job possible by fixing this incentive structure. It starts with Medicare. If we want a culture change in health care, we must start with our largest health care spending program, Medicare.

If nothing changes in the next 8 years, the cost of health insurance for families covered by their employer will rise by 124 percent. The average annual cost to cover a family will increase from $11,000 to $25,000.

As you can see, increases in the growth of health care costs have rapidly outpaced increases in family income. Median income has risen by $11,300 in the last decade, and it is projected to increase by $10,600 in the next decade. Income growth will stay relatively stable.

Let's look at the growth of health care costs in this same time. In the last decade, health care insurance to cover a family rose by $5,400, and now the cost of health insurance for a family will increase by $14,000 in this next decade. This rapid increase in growth is clearly unsustainable.

What you can see from this chart is that median income, in real dollars—the increase—remains essentially flat over these decades. From 1996 to 2006, the growth was $11,300. From 2006 to 2016, we see $10,600. But look at the growth in median health care premium costs at the same time: $5,400 over the first period; $14,000 over the second period. It is clearly unsustainable.

We have just come out of a decade when median family income in the United States, in real dollars, actually declined by $300, and over the course of this same time, health care costs went up by 80 percent and the cost of higher education went up by 60 percent. These are not ''nice to haves.'' These are essential things if our middle class is to remain intact and we are to preserve the American dream for the next generation of Americans.

Our revenues as consumers have been far outstripped by the costs of that which is essential to all of us, and it is one of the reasons we find ourselves in the fiscal mess we are in. Because in order to finance that gap, we piled on credit card debt, we had home mortgage loans we could not afford—all to try to finance this gap. It is unsustainable. It has been a house of cards, and we are dealing with the consequences now.

Already, some Coloradans are seeing cutbacks on the benefits in their coverage, and some businesses are no longer able to afford coverage for their workers. Faced with these unchecked increases, health coverage becomes a luxury few families and small businesses can afford. Many people are cutting back on other essentials, visiting the doctor less frequently, even when they know they need care.

We must meet this economic challenge head on. The first goal is fixing health care. But we cannot forget the second goal. It is just as important: fiscal responsibility. A more efficient health care system can save taxpayers money in the long run.

A study from the White House Council of Economic Advisers shows that smart reform will slow the rapid rise in health care costs by a percent and a half or more. Slowing health care costs by just a percent and a half will have a significant impact on our Federal budget.

If we were to look at how much we will save by reforming our health care, economists have shown us our Federal deficit will decrease. By 2040, we would have saved enough money to reduce our Federal budget deficit by 6 percent from health care cost savings alone.

Just this point and a half would increase the income of the average family in this country by $2,600 in the next decade, growing our economy and improving our ability to get a handle on the deficit. Colorado families will use $2,600 to make purchases, put away for college tuition and retirement, and obtain new employment skills to improve their earning potential. Part of fiscal responsibility is empowering middle-class families. The current health care system is holding them back.

If nothing changes, employers will see about a 10-percent increase in their health care costs next year. Businesses are straining to pay salaries already and remain competitive because health care costs are so high. Every day, they are making tough decisions about what kind of benefits they can afford to offer and whether they can even offer health coverage at all.

Coloradan Jean Butler is the clerk and treasurer for the small town of Blanca in Costilla County. The town has about 400 people and employs 6 people in its government. Two of those town employees, the town police officer and the head of maintenance—who oversees roads, water, and sewer—get health benefits provided with their employment.

The town pays the full premium for the two employees, though they do have to pay some out-of-pocket costs. The cost of maintaining a plan that covers just these two employees has become an increased burden on the small town. The coverage has been in place for about 10 years and has increased in cost almost every single year.

Jeannie said the town budgets for a significant increase every year, with the hope it has budgeted enough. In 2008, the increase was 25 percent; the year before, it was 15 percent—40 percent in 2 years. No other town expense requires such a big year-to-year increase. Most others are budgeted to increase with the inflation rate.

The current plan with San Luis Valley HMO costs the town $804 a month and the employees $750 in out-of-pocket expenses. But that plan is no longer

available. Jean said that similar plans from other providers would increase the cost premium anywhere from 33 percent to 235 percent. Even with the smallest cost increase, the total annual cost to the town will be close to $12,000.

Jeannie said—Jeannie told me her official name is Jean but that I could call her Jeannie; and she said everybody else does—Jeannie said:

My [town] board now has to decide whether to accept the higher rates, reduce the coverage, require the employee to pay a much larger share of the premium, or try something else. It is not an easy decision.

Jeannie may have summed up the problem we face as well as anyone. She pointed out that:

They should call it sick care not health care because the insurance companies do not pay to keep anyone healthy.

Because Jeannie cannot find another plan, hard decisions are being made about employees. We cannot continue down this path when we know health care costs are overwhelming businesses and working families.

Ann Brown and her husband Gordon run New Vista Image, a large-format digital design and printing company in Golden. The business has nine employees and provides health care benefits, covering 60 percent of each employee's premium but not that of their dependents.

Ann said she is happy with the choices available in Colorado for different types of plans, and she believes in the employer-provided benefits model. She and her husband built in the cost of health care when they began their business because she knew it would help attract the best employees.

Ann said she understands how important a healthy workforce is and supports wellness programs, so employees can prevent major medical conditions. Whenever she brings someone in, she knows the first question asked will be: Do you have a health care plan?

Nevertheless, the business has been forced to offer less and less coverage in order to keep premiums within its budget. Health care is one of the biggest ticket items they worry about. Ann said that in recent years, the percent cost increase over the previous year has been in the double digits. As a result, they have had to offer less coverage, with higher deductibles and more out-of-pocket costs.

The plan's deductible has gone from $1,500 to $3,000, and Ann said it is likely the next step they will have to take is a $5,000 deductible. She knows how hard those out-of-pocket costs can be for employees to absorb. A few years ago, when an employee was facing a serious health condition, the business covered the deductible so the employee would not be saddled with the medical bills.

''I would do it again,'' Ann said, although she knows higher deductibles mean a less generous plan to offer to her employees and less of a competitive edge for the business overall.

Teresa Trujillo of Pueblo, CO, has employer-based coverage. For 7 years, Teresa saved up money to buy a home, and then learned she had breast cancer. After 14 months of treatment, the money ran out and Teresa had to take a loan out to finish paying for the rest of her treatment.

For Teresa, her health insurance coverage only took her so far. While she has been cancer-free for 4 years, she constantly worries that her cancer will come back, and with it, the huge financial strain it would bring. All she wants is health care she can count on.

These are people who have done everything right, played by the rules, looked out for their fellow employees and fellow citizens. Our health care system is failing them. People should not have to wait until they get sick to learn their health insurance will not cover the cost of their treatments. Families should not have to watch their loved ones go through sickness and also deal with the anxiety of paying for medical bills that are increasingly becoming completely unaffordable.

We know health care reform will not be easy. As the President has said, if it were easy, we would have done it a long time ago. But for these Coloradans—for their families and for their businesses—the system must change. For our Nation's long-term prosperity, the system must change. We cannot burden future generations with responsibility for the reform we need today. If we make the hard choices, we will create a better health care system, a better economy, and a better future for our children and our grandchildren.

I thank my colleagues for listening this morning.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Sotomayor to be an Associate Justice on the Supreme Court of the United States.

I have made it a practice to write to nominees in advance of the hearings in order to give advance notice to the nominee so that the nominee will be in a position to respond to questions raised without going back to read cases or consider the issues and facilitate the proceeding. I commented to Judge Sotomayor, when she had the so-called courtesy call with me, that I would be doing that.

In a letter dated June 15, I wrote her and commented about it in a floor statement, discussing in some detail the qualifications of Judge Sotomayor for the Supreme Court.

To briefly recapitulate, I noted in my earlier floor statement her excellent academic record and highest rankings in Princeton undergraduate and Yale Law School, her work as an assistant district attorney, her professional experience with a major law firm, her tenure on the Federal trial court, and her current tenure on the Court of Appeals for the Second Circuit.

Today, I am writing to Judge Sotomayor to give her advance notice that I will be inquiring into her views on televising the Supreme Court. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require that, subject to a decision by the Court on a particular case if they thought the Court ought not to be televised. I think the analogy is very apt to televising proceedings of the Senate or the House of Representatives so that the public may be informed as to what is going on with these public matters.

The arguments in the Supreme Court are open to the public. Only a very few people have an opportunity to see them. First, it is not easy to come to Washington and, second, there are so many people who do come to Washington, but they are only allowed to be in there but a few minutes. With the marvel of television, this proceeding appears in the homes of many Americans on C–SPAN2, the House is televised on C–SPAN1, and many of our hearings are similarly televised. That is a great educational tool, and also it shows what is going on.

The Supreme Court of the United States, in a 1980 decision, Richmond Newspapers, Inc. v. Virginia, noted that a public trial belongs not just to the accused but to the public and the press as well. The Supreme Court noted that such openness has ''long been recognized as an indisputable attribute of an Anglo-American trial.''

Chief Justice William Howard Taft put the issue into perspective, stating:

Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism.

In the same vein, Justice Felix Frankfurter said:

If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since ''public confidence in the judiciary hinges on the public's perception of it.''

The term ''press'' used in Richmond Newspapers would comprehend television in modern days. And certainly

Justice Frankfurter's use of the term ''media'' would comprehend television as well.

It is worth noting that Justices have frequently appeared on television. Chief Justice Roberts and Justice Stevens appeared on ''Prime Time,'' ABC TV. Justice Ruth Bader Ginsburg's interview on CBS by Mike Wallace was televised. Justice Breyer participated in Fox News Sunday and a debate between Justice Scalia and Justice Breyer was filmed and available for viewing on the Web.

There is no doubt of the enormous public interest in what the Supreme Court does. When the case of Bush v. Gore was decided, the block surrounding the Supreme Court Chamber, just across the green from the Senate, was loaded with television trucks. Although the cameras could not get inside, there was tremendous public concern. The decisions of the Court are on all of the cutting edge issues of the day. The Court decides executive power, congressional power, defendants' rights, habeas corpus, Guantanamo, civil rights, voting rights, affirmative action, abortion, and the list could go on and on.

In both the 109th and 110th Congresses, I introduced legislation calling for the Court to be televised. Twice it was reported favorably out of committee, but neither time did it reach the floor of the Senate. I intend to reintroduce the legislation and I intend to pursue it.

A number of Justices have commented about television. Justice Stevens said he favors televising the Supreme Court. He thinks, as he put it, ''it is worth a try.'' Justice Ruth Bader Ginsburg said she would support television and cameras as long as it was gavel to gavel. Justice Alito, in his Senate confirmation hearing, noted that when he was on the Third Circuit, he voted in favor of televising the proceedings, but had a reservation, saying if confirmed, he would want to consult with his colleagues about it. Justice Kennedy has said that he thinks televising the Court is inevitable. Chief Justice Roberts left the question open.

There is an obvious sensitivity in the Court if a colleague strenuously objects, and such a vociferous objection has been lodged by Justice Souter, who was quoted as saying, ''I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body.'' That is quite a dramatic statement. Justice Souter has announced his retirement. Perhaps in the absence of that strenuous objection, it is a good time for the Court to reconsider the issue.

I intend to ask Judge Sotomayor in her confirmation hearing whether she agrees with Justice Stevens that televising the Supreme Court is worth a try, whether she agrees with Justice Breyer that televising judicial proceedings is a valuable teaching device, whether she agrees with Justice Kennedy that televising the Court is inevitable. She can shed some light on the issue, because her courtroom was part of a pilot program where it was televised. There was a program from 1991 through 1994, where the Judicial Conference evaluated a pilot program conducted in six Federal district courts and 2 Federal circuits, and they found:

> Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program.

The Judicial Center also stated:

> Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.

I think that is a very solid step forth from some of the Justices who have expressed concern that the dynamics of the Court would be changed. With the ability to put a camera in a concealed position and the findings of the Judicial Center that is a solid argument in favor of proceeding and, to repeat, I will continue to press the issue; and the confirmation proceedings of Judge Sotomayor will be a good opportunity to ask her about her experience when she presided over the trial under the pilot program, and to further develop the issue and perhaps stimulate some more public interest.

I commend to the attention of my colleagues the report of the Judiciary Committee on the legislation I had introduced in the 110th Congress. I cite Calendar No. 907, Senate Report 110–448 to Accompany S. 344, ''A Bill to Permit the Televising of Supreme Court Proceedings.'' It is lengthy, but I think it has a good summary to supplement the remarks that I have made to acquaint the public with the issue and the importance of it.

SYRIAN AMBASSADOR

Mr. SPECTER. Madam President, I compliment the President for his decision to send an Ambassador back to Syria. I am a firm believer in dialog. I believe that even though we may have some substantial questions about Syria's activities and Syria's conduct, we ought to continue the dialog. I believe in the famous maxim that you make peace with your enemies and not your friends. The derivative of that would be to talk to people who may be adversaries—not that I necessarily put Syria in an adversarial position, and I certainly wouldn't characterize them as an enemy. But the Ambassador was withdrawn 4 years ago as a protest to the assassination of former Lebanese Prime Minister Rafik Hariri.

The Security Council of the United Nations adopted a resolution on April 7, 2005, to establish an independent international investigating commission to inquire into all aspects of the terrorist attack killing Prime Minister Hariri. That tribunal has faced considerable obstacles, but it is still in operation, and I think its report would be very important in making a determination as to who was responsible for the assassination of Prime Minister Hariri and whether Syrian officials were implicated in any way.

I do believe and have believed for a long time that Syria could be the key to advancing the peace process in the Mideast.

In connection with my duties as chairman of the Intelligence Committee in the 104th Congress and my work on the Foreign Operations Subcommittee of the Appropriations Committee during my tenure in the Senate, I have traveled extensively abroad and have concentrated on the situation in the Mideast. In connection with those travels, I have visited Syria 18 times and have studied the Syrian Government. I have gotten to know former President Hafez al-Asad, current President Bashar al-Asad, Foreign Minister Walid Mualem, who for 10 years was Ambassador to the United States and now is Foreign Minister.

It has long been my view that a dialog with Syria is very important. In December of 1988, I had my first meeting with Syrian President Hafez al-Asad, a meeting which lasted 4 hours 35 minutes. During the course of that meeting—President Hafez al-Asad was noted for his long meetings—we discussed virtually every problem of the world and every problem of the Mideast. It seemed to me from that meeting that President Asad was open to conversation. I have had many similar meetings with him. I was the only Member of Congress to attend his funeral in the summer of 2000. At that time, I met his successor, President Bashar al-Asad, and have gotten to know him, with meetings virtually every year in the intervening time.

There have been back-channel negotiations conducted through Turkish intervention between Israel and Syria, and I think dialog between the United States and Syria could promote future discussions between Syria and Israel. It would be my hope that the day would be sooner rather than later when Syria would be willing to talk to Israel directly. The Israeli officials, the Prime Ministers, have repeatedly stated their interest in direct conversations. Syria has resisted but has undertaken conversations through back channels. President Clinton came very close to effectuating—or made a lot of progress toward an agreement is perhaps more accurate to say—in 1995 when Prime Minister Rabin was in charge of Israel. In the year 2000, again, there was substantial progress made by President Clinton on those efforts. The back-

channel communications brokered by Turkey suggest the time is right for promoting that kind of an effort.

Only Israel can make a determination as to whether Israel wants to give up the Golan Heights, which is key to having the peace talks proceed. But it is a very different world today in the era of rockets than it was in 1967 when Israel captured the Golan Heights. Syria, obviously, wants the Golan back as a matter of national pride.

Former Secretary of State Kissinger told me that he found President Hafez al-Asad to keep his word on the negotiations for the disengagement in 1974, so that, obviously, any arrangements would have to be very carefully negotiated under President Reagan's famous dictum of ''trust but verify.''

It seems to me now is a good time to promote that dialog. The advantages would be if Lebanon could be stabilized. It is an ongoing question to the extent Syria is destabilizing Lebanon. The Syrian officials deny it. There is no doubt that Syria supports Hezbollah and Hamas, so that Israel could gain considerably if the weapons to Hamas were cut off and attacks from the south and Hezbollah were not a threat from the north.

The sending of an Ambassador is a very positive sign, a positive sign that Envoy former-Senator George Mitchell was visiting. I think this bodes well. The article I wrote in the Washington Quarterly some time ago sets forth in some greater detail my views on the issue of dialog.

I note my colleague has come to the floor, so I will conclude my statement and yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER TO THE DEPARTMENT OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to the nomination of Mr. Harold Koh to be the Legal Adviser to the Department of State. My concerns with Mr. Koh arise primarily from his own statements, writings, and testimony before Congress. In my opinion, he seems more comfortable basing his legal conclusions on partisan political opinions and trendy arguments rather than the facts and the law. We do not need more legal theorists in government. We need more legal realists in government, someone who pays attention to the hard work we do in this body to pass laws. The Department of State and the country deserve better than that kind of advice.

Let me provide a few quick examples. On September 16, 2008, Mr. Koh testified before the Senate Judiciary Subcommittee on the Constitution. His written testimony included the following statement:

> A compliant Congress repeatedly blessed unsound executive policies by enacting nominal, loophole-ridden ''bans'' on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT Act to the Military Commissions Act to the most recent amendment of the Foreign Intelligence Surveillance Act.

In the same testimony, he argued that Congress should revisit the hastily enacted FISA Amendments Act with less emphasis on the issue of immunity for telephone and Internet service providers. He obviously was not paying attention.

Besides his condescending and inappropriate tone, I think his statements reflect a poor understanding of some of the most important pieces of national security legislation that have been passed since the September 11 terrorist attacks and passed on a bipartisan basis in both Houses.

As my colleagues may know, I was heavily involved in the legislative process surrounding the passage of the FISA Amendments Act. I can assure you that certainly was not the result of a congressional rubberstamp that was enacted hastily. We began working on the first one, the Protect America Act, debated it, and passed it in the summer of 2007. When we came back in the fall, the Senate Intelligence Committee went to work on a bipartisan basis, and we worked for months to get a truly bipartisan bill that came out of the committee. In that bill, we added many additional protections to American citizens to assure their rights would be protected from warrantless surveillance, even if they were overseas. We added that. And we added further protections. That bill passed the Senate. It went to the House, and it was stalled for months.

In the spring of 2007, I sat down with the Republican whip and the Democratic whip in the House of Representatives—STENY HOYER of Maryland and Mr. ROY BLUNT of Missouri. We went through and took account of all of the concerns they had on both sides in the House of Representatives. We worked with lawyers from the Department of Justice, from the intelligence community, and lawyers for the majority staff in the House of Representatives. It took us several months. What we finally came up with was a piece of legislation that overwhelmingly passed the House on a bipartisan basis and came back and passed the Senate on a bipartisan basis.

Another key aspect of the FISA Amendments Act was to ensure the intelligence community could continue to collect timely intelligence that could be used to prevent future terrorist attacks. Another key aspect of the legislation was the carrier liability provisions that were designed to end frivolous litigation against companies alleged to have responded to requests for assistance from the highest levels of government. I don't know what planet Mr. Koh is living on, but if he thinks we can accept electronic communications without being able to give legitimate orders to the carriers of those communications, he doesn't understand the real world. That is where we find out what the terrorists' plans are, who the terrorists are, and where they are likely to strike. If we cannot say we are not going to have frivolous lawsuits against those who respond to lawful orders from the Federal Government, then we are not going to be able to have access to that information.

I am happy to report that earlier this month, the U.S. District Court for the Northern District of California, which had raised questions and entertained legislation, rejected the constitutional challenges to the carrier liability provisions and dismissed all but a few of the lawsuits involved in the multidistrict litigation. They found that, contrary to Mr. Koh, they were constitutional, and a well-reasoned opinion said they were right. A bipartisan majority in both Houses of Congress said they were right.

Let me be clear, the FISA Amendments Act was a necessary and important piece of national security legislation that is keeping us all safe. But despite the overwhelming bipartisan approval, apparently Mr. Koh does not see it that way. I urge my colleagues, even those who voted for cloture, to go back and think again, to see if legislation worked on for a year in this body on a bipartisan basis and passed by this and the other body should be dismissed as hastily approved.

In his book, he condemns the Democratic leaders in the Senate who played a leading role in making the improvements to the FISA Act. And to the Republicans, he condemned everybody who worked on it. Apparently, decisions need to be made in the Department of Justice, not through the elected will of those of us who represent the people of America. I think his charges and his disregard of Congress warrant a hard look at him.

Another example of Mr. Koh's partisan legal scholarship can be found in his May 2006 article in the Indiana Law Journal, where he wrote:

We should resist the claim that a War on Terror permits the commander in chief's power to be expanded into a wanton power to act as torturer in chief.

While that might appear to be a nice media sound bite in winning partisan plaudits, I think it is a bit premature to conclude that the United States illegally tortured detainees. We know the Department of Justice's Office of Legal Counsel reviewed the proposed interrogation procedures on several occasions and found them to be lawful. We in the Senate Intelligence Committee are conducting a review of those practices to make sure what was done complied with the law. Where American soldiers violated all standards—not only of law but of decency—and performed unspeakable acts on detainees at Abu Ghraib prison, they were rightfully punished and sent to prison, as they should have been. That is what we do even with our brave soldiers who step out of bounds.

Here is another clever sound bite from Mr. Koh. In an article for the Berkeley Journal of International Law back in 2004, he wrote:

What role can transnational legal process play in affecting the behavior of several nations whose disobedience with international law has attracted global attention after September 11—most prominently, North Korea, Iraq, and our own country, the United States of America? For shorthand purposes, I will call these countries the ''axis of disobedience.''

To my fellow colleagues, I ask: Do you accept the fact that the United States is part of an ''axis of disobedience''? Do you really think fighting back against the terrorists who struck us on 9/11 was disobedience? Do you think we should have a Legal Adviser in the State Department who believes international law—ill-defined, not applicable—should be applied to affect his political judgments on America?

The Legal Adviser for the State Department should be an advocate for the Nation not a detractor. If I remember correctly, after September 11, by a vote of 77 Members in the Senate, plus a majority in the House, we made the determination to go to war in Iraq to make sure we didn't suffer further attacks. It was in compliance with a U.N. resolution. Oh, I say, by the way, that was a legal international resolution.

A lot of people will say Mr. Koh had a distinguished career in government service and legal academia. I am concerned he spent a little too much time in the ivory tower, and I wish he would return to that jurisdiction.

Given my previously stated concerns, I cannot and will not in good conscience vote in favor of his nomination. I recognize that Mr. Koh may be headed for confirmation, but I would ask those who may have previously voted for cloture to go to this nomination and think about what he said about Congress, about the work we have done, and about what he has said about America. Are you comfortable having him as a Legal Adviser to the State Department after what he said about America being part of the ''axis of disobedience''? Are you comfortable with what he said about those of us who voted for the war resolution, about those of us who voted for the FISA Amendments Act? I certainly am not.

If he is confirmed, I would hope for his and our country's sake, if he returns to the State Department, his legal advice will be based on facts rather than political rhetoric.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING DENISE JOHNSON

Mr. KAUFMAN. Madam President, once again I rise to honor a Federal employee whose service to our Nation is exemplary. Before I do, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, for his June 11 statement about Federal employees. It is my great pleasure to join with him and other Senators to recognize the enormous contributions to the security and prosperity of our country by those who work in the Federal Government.

Madam President, last week, I shared the story of a Federal employee who spent his career working at the Redstone Arsenal in Alabama. He helped design and test the advanced missile systems used by our military to defend our ideals overseas. This week, I wish to share the story of a Federal employee who also works to advance our interests overseas—that of humanitarian good works. Both are vital to our global leadership.

I have spoken before about the groundbreaking medical research performed by Federal employees at the National Institutes of Health. The advances in medicine and biotechnology pioneered by those working at NIH keep America's health care the most innovative in the world. Yet making breakthroughs and developing treatments are only a part of how the Federal Government is helping to promote global health. One of our foreign policy and humanitarian priorities is to expand access to new medications and health technologies among those who live in the developing world.

The hard-working men and women of the Centers for Disease Control and Prevention are at the forefront of initiatives to bring lifesaving medicines to those in greatest need. Foremost, the CDC monitors, prevents, and, if necessary, contains the outbreak of deadly diseases in the United States, such as West Nile and Swine Flu. Part of this effort is a push to eradicate some of the most dangerous viruses throughout the world.

With the lens of Congress now focused on our health care system, so much has been said about its shortcomings. Yet for all the problems we face on this front, Americans are blessed with freedom from fear of diseases that afflicted previous generations.

When I was young, tens of thousands of children each year were stricken with polio. In the early part of the 20th century, polio outbreaks occurred in the United States with deadly frequency. Parents used to keep their children home and away from their peers. Many became paralyzed or had to make use of the iron lung. We have all seen those famous images of President Franklin Roosevelt seated behind his desk in the Oval Office signing New Deal programs into law and overseeing a World War against the enemies of liberty. But at the same time, few Americans knew that behind that desk our President sat in a wheelchair, his legs paralyzed from his own battle with polio.

Today, in parts of Africa and South Asia, hundreds of children each year still develop polio. While children in developing nations routinely receive the Salk or Sabin vaccines, this is a luxury for rural villagers in places such as India, Nigeria, Afghanistan, and Somalia. The CDC has set a goal of vaccinating every child on Earth. Leading this charge over the past decade, Denise Johnson serves as the Acting Chief of the CDC's Polio Eradication Branch.

Before she was recruited to direct this project, Denise served for 6 years as the manager of the CDC's Family and Intimate Partner Violence Prevention Program. In this role, she oversaw the promotion of nonviolent, respectful relationships through community and social change initiatives. This was around the time that Congress passed the Violence Against Women Act, which was one of the proudest achievements of my friend and predecessor, Vice President JOSEPH BIDEN, during his career in the Senate.

When asked why Denise was highly sought after to work on the polio project, one of her supervisors at the CDC said:

If you do a good job keeping women and children from being beaten, you can eradicate polio.

With Denise at the helm, the Polio Eradication Branch has been working in close concert with the World Health Organization and UNICEF to promote

immunization. In her first few years alone, Denise and her team helped immunize over a half billion—let me repeat that, a half billion—children in 93 countries.

From her office in Atlanta, Denise oversees a staff of over 40 professionals working overseas. Her effective leadership has proven to be a key factor in the program's success. Denise administers the purchase and distribution of over 200 million doses of the oral polio vaccine—bought for a mere 63 cents per dose—and routinely serves as a field consultant in polio hotspots around the world. In fact, Denise is in Kenya right now, taking the fight against polio straight to the front lines.

Twenty years ago, there were over 350,000 cases of polio in 125 countries, but today there are fewer than 2,000 cases. That is 350,000 cases down to 2,000 cases because of the diligent work performed by Denise and the rest of her team at the CDC's Polio Eradication Branch. It is only a matter of time before this disease no longer threatens our world's children.

Madam President, Denise is just one of so many Federal employees who have dedicated their lives to serving the greater good. She and her team are truly engaged in what President Obama has called ''repairing the world.'' Their work saves lives and helps demonstrate our Nation's commitment to humanitarian leadership in the global community.

I hope my colleagues will join me in honoring Denise Johnson and her team for their outstanding work, as well as the important contributions made by all of our excellent public servants.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

GROVES NOMINATION

Mr. CARPER. Madam President, in the Constitution, we see laid out before us a framework of how our government is supposed to work, with three branches—legislative, executive, judicial. We also find in the Constitution what our relative responsibilities are, not with great detail but with some definitiveness.

Ironically, one of the requirements the Constitution provides for us in this country is that every 10 years we try to count everybody. We have a census. Most nations do that. We have been doing that really for over 200 years. It does not get any easier. In fact, every 10 years it gets harder, and it also gets to be more expensive.

The Director of the Census does not serve a finite period of time. The Director of the Census really serves at the pleasure of the President, and we have had Census Directors who have served as little as 1 year and some Directors who have served maybe 4 or even 5 years.

This is particularly appropriate to speak about today because we do not have a Director of the Census. We had a Dr. Murdock, from down in Texas, who served for about the last year of the Bush administration as our Census Director. He did a very nice job. But at the beginning of this year, Dr. Murdock resigned. We do not have a Census Director. What we do have coming down the railroad tracks is the requirement to do the census.

Next April 1—I call it a little bit like D-day. At Normandy, we sent all of our troops ashore, and they scrambled off of those landing vessels. They stormed the beaches. That took place after literally months of planning, months of preparation, and finally the day of execution came.

In a way, the census is like preparing for the Normandy invasion. The efforts are underway now. They have been underway for months and will continue up to April 1 and beyond that day, as we try to count everybody. Yet, at this critical time, as we approach the need to conduct our census, to do it in an accurate, cost-effective way, we do not have a leader there. We have some good people, but they lack a Director.

Last month, I held a hearing of our Homeland Security and Governmental Affairs Subcommittee, and we invited people who had been high-level officials in, I think, every census since 1970—the 1970 census, the 1980 census, the 1990 census, and the 2000 census. We asked them to come in and talk to us about how they thought we were doing in terms of the preparation for the 2010 census. At the end of their testimony, I asked each of them to give to us on our committee two names of people who they thought would be excellent Census Directors, and they were good enough to do that. I think every one of them included in their recommendations the name of a fellow from Michigan—I am an Ohio State guy, but they recommended a fellow from Ann Arbor whose name is Dr. Robert Groves.

Dr. Groves is an expert in survey methodology. He has spent decades working to strengthen the Federal statistical system, to improve its staffing through training programs, and to keep the system committed to the highest scientific principles of accuracy and efficiency. Having once served as Associate Director of the Census Bureau a number of years ago, Dr. Groves knows how the agency operates and what its employees need to successfully implement the decennial census and other programs. He knows because he has been there. He is not just an academician—one of the most respected people in his field in the country—he actually helped run the Census Bureau at an earlier time. The combination of those experiences has prepared him well to lead the Bureau at a time when rapid developments and changes are occurring.

As a manager, he elevated the University of Michigan's Institute for Social Research to a premier survey research organization, respected throughout the country—actually, respected around the globe. Numerous Federal and State agencies and policymakers have sought his expertise in survey design and response. His work has received professional recognition through awards from various professional associations, including the 2001 American Association for Public Opinion Research Innovator Award and more recently the 2008 American Statistical Association Julius Shiskin Award for original and important contributions in the development of economic statistics. Ultimately, his deep expertise in survey response will help the Census Bureau focus on the most important goal of the 2010 census, which is to encourage all people to respond to the census.

Dr. Groves will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. However, I remain confident he is well equipped—remarkably well equipped—to understand the agency's inner workings, to lead his staff—he has led a large organization already; he served at a senior level at the Census Bureau before—and to also be a national spokesperson for the 2010 census and the agency's other equally important ongoing survey programs. It is for these reasons that I hope the full Senate will support his nomination and move it quickly.

Let me just reiterate, we are now about 8 months away from when the first forms go out as part of the start of the 2010 census. The Bureau has already completed something we call address canvassing—an operation in which 140,000 people on the ground nationwide were making sure the address lists we have to do the census are accurate.

Since the 2000 count, the population in this country is estimated to have increased by over 40 million people, with increased numbers of minorities and an increase in the number of languages spoken. Further complicating the 2010 decennial operations is the mismanagement and lack of preparation that occurred in past years, most notably in the failure of the field data collection automation contract, resulting in a last-minute decision to return to paper-based questionnaires, ultimately adding billions of dollars to the census budget. And it is only going to get harder the longer the Senate delays the confirmation process.

The reason we do not have a Census Bureau Director is not because we do

not have a qualified candidate. It is not because our Subcommittee on Homeland Security and Governmental Affairs has not endorsed his candidacy. We have done so unanimously, and actually we have endorsed him with acclaim. We are just lucky, very fortunate in this country to have—at a time when we are about to try to meet our constitutional responsibility to count everybody accurately and in a cost-effective way—to actually have somebody with his gifts and his talents to bring to the job. What we do not have is the permission to bring his name up for a vote in the Senate. If we leave here today without having had the opportunity to vote up or down on the nomination of Dr. Groves, we will have made a very grave mistake.

I understand our Republican friends are uncomfortable, unhappy with the pace for the confirmation process for Judge Sotomayor, who has been nominated, as we know, to be an Associate Justice on the U.S. Supreme Court. I voted for Chief Justice John Roberts a couple of years ago. The timetable for approving his confirmation was almost the very same from the day he was nominated by former President Bush to the day we voted for him here, it was almost the same number of days we are talking about with respect to the Sotomayor nomination. The timetable on Justice Alito: almost the same from the day he was nominated by President Bush until the day we voted here in the Senate—at least a majority of our colleagues did—to confirm him. It was almost the same number of days. I realize some of our colleagues are unhappy that we are providing the same kind of timetable for Judge Sotomayor that we provided for Justice Alito and Chief Justice Roberts. I, for the life of me, do not see what the beef is.

Just as I believe we are fortunate to have someone with Dr. Groves' credentials to serve as our Census Director, I think we are lucky to have somebody with Judge Sotomayor's credentials to serve on the Supreme Court. I have had the opportunity to meet with her. I know a number of my colleagues have too. I must say, among the things I most like and respect about her: She is up from nothing. She was a kid born in the Bronx, raised in the Bronx, and very humble, from a humble setting, a humble beginning. She worked hard, won herself a scholarship to Princeton, went there, excelled, and later went off to law school at Yale—two of the finest institutions we have in our country.

After that, she was a prosecutor for a number of years; beyond that, a corporate litigator; and finally nominated by a Republican President—George Herbert Walker Bush—to serve as a district court judge. By all observers, she did a superb job. She was not just so-so. She was an exceptional judge—so good, in fact, that a few years later, when there was a vacancy on the circuit court of appeals in her district, a Democratic President, Bill Clinton, said: I think she ought to get the nod. He nominated her for that position, and she was confirmed by a wide margin. So she has actually been through this process not once but twice. I think she has gone on to serve longer as a Federal judge—when you add together the district court time and the circuit court of appeals time, I think she has served longer as a Federal judge than anybody in the last 100 years who has been nominated to serve on the U.S. Supreme Court.

I have read the comments some of her colleagues have to say about her, including colleagues who were also nominated by Republican Presidents. They have been uniformly complimentary, very gracious in their remarks, very laudatory as well.

So I would say to my Republican colleagues, while you struggle to get over the fact that we are going to set the same timeline or try to set the same timeline for the confirmation of Judge Sotomayor that we set for the nominations of Judges Alito and John Roberts—I just don't understand the angst you feel.

I do know this: Apparently, the nomination of Dr. Groves is being held up along with 25 to 30 other names, all of whom have cleared committees, I think, by wide margins. We can't move forward on those nominations. Some of them maybe are not of grave consequence. The nomination of Dr. Groves is of grave consequence. If we have the opportunity later today in the course of business to actually consider a number of nominations that are before the Senate, that are awaiting our consideration, I would urge my colleagues on the other side of the aisle to allow the nomination of Dr. Groves to come here for a vote and to give us the opportunity to vote him up or down. I am sure we will vote him up, and I am equally sure he will make us proud with the service he will provide as the Director of the Census Bureau for our country in the years ahead.

With that having been said, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, just before walking into this Chamber, I attended a historic rally on health care reform across the street. Today, thousands of Americans—some from every State in this country—traveled to Washington for one of the largest health care lobby days in the history of the Nation. I joined these citizens—volunteers, almost all—representing more than a thousand organizations and more than 30 million people who are fighting to ensure that every American has access to affordable health care coverage.

I am inspired by their activism and energy and by the message I hear from these Americans. I am hearing from hundreds of thousands of middle-class Ohioans, and their message is: Don't let the special interests hijack this health insurance reform.

The message I hear is to make sure health care reform includes a strong public option. I will tell you about individuals, Americans like Joseph from Powell, OH, who are demanding they change. Joseph, an ordained pastor and doctor of psychology, wrote to me that as a child he suffered a stroke and became paralyzed and blind. His father's insurance expired and his family had no coverage. They struggled to provide the care he needed. As an adult, he is concerned that too many Americans are not receiving the medical care they need. Joseph wishes to see a public insurance option that will bring down costs and help all Americans lead a productive life.

The spirit and energy of the people I met today—thousands from around this Nation demanding change—reaffirms why health care reform is so important.

Health care reform is about keeping what works and fixing what's broken. Middle-class families from all over the country are demanding a health care system that reduces costs, enhances quality of care, and provides choice—choice either of a private insurance plan or of a public option. It is their choice. The existence of both will make the other behave better and make the other work better and will improve the quality of care for all Americans. Good old American competition.

People are reminding elected officials in the Senate and House about Americans like Ken from Findlay, OH. He lost his manufacturing job a few years ago, after working in the industry for nearly 30 years. Shortly before losing his job, Ken began having serious health issues—unexplained seizures and memory loss. In and out of the hospital, and out of a job, Ken was forced to find expensive private insurance after being denied Social Security disability and not yet old enough to be eligible for Medicare. Unfortunately for Ken, the price of the private insurance was simply too high.

After a near-death seizure a few years ago, Ken was hospitalized again and diagnosed with lupus. After a

month-long hospitalization, Ken entered a nursing home for rehabilitation.

All this treatment was done without insurance. With tens of thousands of dollars in medical expenses, Ken had to withdraw from his 401(k) savings early—facing tax penalties, I might add—ultimately draining his lifetime, hard-earned savings, and putting his retirement security in jeopardy.

It is unacceptable that Ohioans such as Ken, who worked hard all their lives, have to fight for health insurance simply to take care of their disability. That is why the time for health care reform is now.

The HELP Committee has accomplished a lot on quality, on prevention and wellness, in part thanks to the contribution and efforts of the Presiding Officer from North Carolina. We have done well with the workforce shortages issue. We have good language on fraud and abuse. Clearly, most important, the most difficult work is in front of us. We have more work to do to make sure health care reform is about providing people with affordable, quality health insurance that protects them, to protect what works and to fix what is wrong.

I need some of my colleagues to explain to me something that is pretty confusing. As we talk about this public option, I hear the insurance industry tell us over and over they can do things better, that with their marketing, their skills, their bureaucracy, their well-paid executives and all the things they do they can do things better. As they argue against the public option, they say the government cannot do anything right. What puzzles me is why the insurance industry is so afraid that the public option will put them out of business. They tell us the insurance business does things better, the government cannot do anything right, but yet they are afraid the public option will put them out of business. I don't understand.

I encourage all of the grassroots volunteers whom I met today to keep moving forward to remind your elected officials this legislation is not about helping out the insurance companies. Health care reform is about helping people such as Cheryl from Cleveland.

Cheryl is 59 years old and was recently diagnosed with diabetes. Her husband died just 4 months ago, and with no income, her insurance costs more than $400 a month. With no income, Cheryl cares for a disabled adult son and an autistic granddaughter. She writes that she has no choices and that our system is broken and unaffordable for her, for some of her neighbors, and for too many Americans. She writes that she needs health care reform now before all her savings are lost. That is why it is so important we do this now.

President Obama is right we not wait for next year or the year after. Some people say the economy is bad; we cannot do it now. The same people said when the economy was good: We cannot do it now. As Chairman DODD repeatedly said in the committee that Senator HAGAN and I sit on, 14,000 Americans every day are losing their health insurance.

It is people such as Cheryl I talked about and Ken and Kathleen and Joseph—Kathleen, I will speak about in a minute—people who are losing their health insurance every day, 14,000 Americans every single day. For us to wait an additional 6 months or a year, or some people say let's wait until the next election until the voters, again, say we need health care reform, 14,000 people every day are losing their insurance.

Health care reform is about helping small business owners such as Kathleen from Rocky River, OH, west of Cleveland. One of Kathleen's finest employees suffers from rheumatoid arthritis. Kathleen's premiums have increased to $1,800 a month, and after trying to purchase another plan, she was turned down because of her employee's arthritic condition.

Keep in mind, if you have a small business of 10, 20, 50 employees, and you have a decent insurance plan, if one of them gets very sick to the tune of hundreds of thousands of dollars, everybody's premium goes up because it is such a small insurance plan. Then so often the small business person has to give up and cannot insure their employees. Kathleen is being victimized, as are her employees, by that phenomenon. She does not want to fire her finest employee, nor should she have to.

I stand ready to work with my colleagues to design a public insurance option that will help provide middle-class families with economic stability, with stable coverage, with stable costs, with stable quality. I stand with the thousands of volunteers who were here today across the street demanding real change in our health care system. They are showing the world how change in America happens. Their activism is important—the stories of the people they are fighting for, people I just mentioned—Joseph, Ken, Cheryl, and Kathleen. That is why we cannot wait any longer. We need health care reform now, and we need a strong public option now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID TO PAKISTAN

Mr. GRAHAM. Mr. President, I want to speak on the record in support of the Kerry-Lugar legislation that was passed by this body basically without objection—by voice vote. It went through so quickly, to me it demonstrates the power of the bill, and so I want to congratulate Senator KERRY and Senator LUGAR for this piece of legislation.

To the public, what I am talking about is an aid package to Pakistan of I think it is over $1.5 billion a year for the next 5 years. I know we need money here at home. Trust me, in South Carolina we have the third highest unemployment in the Nation. Times are tough. But all I can tell the taxpayers and the American people is that what happens overseas does matter.

September 11 was planned in Afghanistan. It was an area of the world, quite frankly, that we ignored. Pakistan has been an ally in the war on terror generally. It is a regime with nuclear weapons. It is a country that has been hit incredibly hard by the downturn of the world economy. There are millions of people in Pakistan who are looking to find a better way. The government is fighting forces that are aligned with the al-Qaida movement—the type of people who would impose a period of darkness in the Middle East that would affect the quality of our lives. So $1.5 billion is a lot of money, but it will do a lot of good in Pakistan and it will help this government and the Pakistan military combat the growing threat of terrorism in Pakistan. The aid package is going to help the government provide a better quality of life for its people. Where the government fails to provide a decent quality of life in Afghanistan and Pakistan, you will have a vacuum that will be filled by the Taliban. The Taliban is not in favor with the Afghan people, but when the government of Afghanistan cannot deliver justice, provide the basic necessities of life, that allows the drug dealers and the Taliban to come along and fill in the vacuum.

Pakistan is a large country with nuclear weapons. It is in our national security interest to make sure that the government is stable, that the military will be supportive of civilian control of the government and will be able to defeat the forces of extremism we have seen. We know what they can do when left unchecked. So this bill is an aid package which focuses on civil capacity.

The bill also makes sure that we know where the money is going to go. It is not a $1.5 billion check to Pakistan that could be stolen through corruption. It is a very accountable system that follows the money. It makes an effort to upgrade the Pakistan military to deal with counterinsurgency,

because they do not have the capacity now that they need. Again, it provides assistance to the Pakistani people and the government to improve the quality of their lives.

I think we are getting something for our money. I think we are going to get a good return if we can stabilize Pakistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

So to Senators KERRY and LUGAR, congratulations on being able to get this bill through the Senate so swiftly. To Senators MCCONNELL and REID, I applaud them both, the minority and majority leaders, for working for the common good here. The administration has also been very supportive. I have had my differences with this administration, and I will continue to have them, but I want to acknowledge that Ambassador Holbrooke, who is now in charge of monitoring Pakistan and Afghanistan as a unit, has done a good job of focusing on what we need to do in both countries, because one does affect the other.

The Kerry-Lugar bill, according to the Ambassador and General Petraeus, would be the most important thing the Congress could do to aid the Pakistan Government and the Pakistan military at this crucial time. So I am glad to see that in a bipartisan fashion we responded to that call from our general and from our Ambassador, and hopefully this will become law soon.

To the American taxpayer, I know times are tough. I know money is in short supply. But quite frankly, this is an investment we have to make. We have soldiers serving in Afghanistan. If we can make Pakistan more secure and less of a safe haven for terrorists who are attacking our troops, that makes their lives better. If we can stabilize Pakistan and put it in the column of moderation and not extremism, not only will our Nation prosper now, but future generations will be able to prosper. It is impossible for us as a nation to have a strong, vibrant economy and to enjoy the freedom we enjoy today and pass it on to our kids and grandkids without confronting these problems head on. Anytime you ignore problems such as Pakistan and Afghanistan, they always come back to bite you.

This is a wise investment at a time that it matters. The tide is turning in Pakistan, it is turning our way, and I hope this aid package will allow it to accelerate and get a result in Pakistan that helps us in Afghanistan.

Every American should be proud of the history and tradition of our country. We have been blessed in many ways. The challenges we face are enormous, but we have to remember we are the most blessed nation on Earth and this is a chance for us not only to help ourselves but help the world at large.

I am proud of the Senate. I look forward to working in the future with Ambassador Holbrooke and the administration on Afghanistan, Iraq, and Pakistan, to find ways to make sure we are successful. This is not a Republican or Democratic problem, this is a problem for anyone who loves freedom. This is a problem that needs to be addressed and the Kerry-Lugar bill does address the problem of Pakistan in a reasoned way.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRUGGLE FOR EQUALITY

Mr. BURRIS. Mr. President, this June we celebrate our diversity as Americans as we mark Pride Month. In many ways, the struggle for equality is a singular thread that is woven through the fabric of American history.

From the Declaration of Independence, to the Emancipation Proclamation, to women's suffrage, from school integration, to Stonewall, the story of this Nation is a story of a long, slow march toward equal rights for every citizen. It is a story of ever greater inclusiveness—a tribute to the enduring promise of the American dream.

Together, we can reduce discrimination based on race, ethnicity, religion, sex, sexual orientation, and gender identity.

I believe we can achieve equal rights for all. I believe our next step in this ongoing struggle must be to secure the rights of the gay, lesbian, bisexual, and transgender community. We must start by stepping up our efforts to prevent hate crimes.

It is hard to believe that it has been over a decade since Matthew Shepard was brutally beaten and left to die on a bitterly cold Wyoming road. His story rightly sparked intense national debate about the nature of hate. It reminded us that if Matthew was vulnerable, anyone could be vulnerable to such a vicious attack.

The thing that is particularly heinous about hate crimes is that they are not just an assault on an individual, they are intended as an indiscriminate assault on an entire community.

Our government has a moral obligation to say this is wrong, and we need to make sure our law enforcement officers and our courts have all of the resources they need to deliver justice.

That is why I am proud to be a cosponsor of the bill inspired by Matthew's tragic story. I do not want to see another year go by without the Matthew Shepard Local Law Enforcement Act as the law of the land.

But we must not stop there. Far too many gay and lesbian Americans face not just violence but other forms of discrimination in their daily lives.

We are fortunate in Illinois to have laws on the books to protect our citizens from discrimination based on sexual orientation or gender identity. I believe those equal protections should be Federal law. I am also a proud cosponsor of the Employment Non-Discrimination Act. It is the fair thing to do, and it is the right thing to do, and it is far overdue.

Passing ENDA will not end all forms of discrimination. One of the worst forms of discrimination is not only destroying people's careers and lives, it is undermining our national security.

I am talking about the military's ''Don't Ask, Don't Tell'' policy.

To all of those who have served, and to those currently serving in our Armed Forces, let us say: Thank you—thank you to those who have served. We honor your service. We honor your sacrifices. And we honor your courage.

This Nation is a better, safer place because of them. They fight for this Nation every day. We should end this offensive and discriminatory policy so they can be the best soldiers, sailors, airmen, and marines they can be, while living their lives openly and honestly.

Especially in this time of war, when we face terrorist threats, we must welcome the service of every patriotic man and woman who signs up to defend our freedom. When we dismiss the sacrifices made by those with a different sexual orientation, we determine the strength—we undermine the strength—of our fighting forces.

When we fail to recognize the brave contributions that gay and lesbian servicemembers continue to make every single day, we diminish ourselves as much as we diminish their service.

Senator TED KENNEDY has long been a leader on this issue, and I know he wants to see legislation passed to end the ban. I support his important work and I will do all I can to support those efforts.

We will see justice, and not just in the military, but also for gay and lesbian families.

Last week, President Obama took a first step toward ending the inequality of gay and lesbian families when he extended certain benefits to domestic partners of Federal employees. For the first time, same-sex partners can be included in the Federal Long Term Care Insurance Program. Now any employee will be able to use sick leave to care for a same-sex partner, just as an employee can take time off to care for an opposite-sex spouse.

I applaud the President for beginning to tear down these inequities, but

while this Executive order represents an important initial step, there is so much more to be done. The U.S. Government is far behind the private sector on this front. A large number of Fortune 500 companies already offer comprehensive benefits to same-sex couples. They have done so for many years, sometimes for over a decade. This allows them to compete for the best and brightest, attracting talented professionals regardless of sexual orientation or gender identity. We need to make sure the Federal Government is able to compete for the same talented people.

I am proud to support a bill that would extend additional benefits to the domestic partners of Federal workers. This legislation, introduced by my friend Chairman LIEBERMAN and Ranking Member COLLINS, will extend the full range of benefits to these couples. This includes access to the same Federal health and retirement plan currently available to the recognized spouses of government workers. As the free market has shown, extending these benefits to same-sex partners is not only the right thing to do, it also makes good business sense.

I know that this week, the many Pride events around the country mean a lot of different things for people in the gay, lesbian, bisexual, and transgender community. For some, it is a chance to reflect on the progress and accomplishments made by this community and to organize for the future. For others, it is an opportunity to reflect and to honor those who have been lost to AIDS. And still for others, it is a chance to feel safer, to feel empowered to celebrate a part of something bigger than themselves, and to be reminded that everyone should be proud of who they are. However each of us celebrates Gay and Lesbian Pride Month, we must remember that gender equality is far from over. But just as the Emancipation Proclamation set this country on the path to racial equality, just as women's suffrage paved the way for gender equality, so that singular refrain throughout our history will be taken up again. The struggle for equality will not be easy, and it never has been, but if we keep at it, we will get there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, might I inquire what the status is?

The PRESIDING OFFICER. We are on the executive nomination of Harold Koh.

Mr. ENZI. Are there time restrictions?

The PRESIDING OFFICER. We are in postcloture, which requires debate on the pending matter.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ENZI. Mr. President, I rise today to speak about the need to reform our Nation's health care system. If we are to be successful, we must undertake this effort with the greatest care and deliberation.

When it comes to health care reform, we have started down this road before. Last Congress, I proposed legislation called Ten Steps to Transform Health Care in America in an effort to provide a blueprint from which we could begin to address the challenge of improving our health care system.

I might mention the way that came about is that Senator KENNEDY as the chairman of the Health, Education, Labor, and Pensions Committee, and I as the ranking member, worked together on a number of bills. In fact, I have quite a record for being able to work in a bipartisan way to get bills completed. We were very busy on the Higher Education Act and other education issues, so I took some leadership in the health area, and we talked about principles we wanted to achieve. Then I collected ideas from both sides of the aisle and put together this package of 10 steps that will transform health care in America as a blueprint to improve and address this challenge of improving our health care system. So it isn't something on which he or I just started working.

After I introduced the bill, I took my message of health care reform directly to the people in my State. I traveled 1,200 miles and held a series of events in March of last year to provide the people of Wyoming with the chance to see what I was working on and to voice their concerns with our current system. Everywhere I went, I heard the same message repeated over and over, and that was that people want change. They want a system that will provide them with a health care system that is affordable, more available, and easier for them to access. Simply put, the people of Wyoming, as do people all across the country, want more choices and more control over their health care. That was the goal of my Ten Steps bill. It was drafted with the aim of leveling the playing field in tax treatment of health insurance. It was also intended to provide a helping hand to low-income Americans in the form of subsidies that would ensure access to quality, affordable health insurance.

As I traveled through the State, I also heard from members of the small business community. They made it clear that they wanted greater equity and access to a plan that would allow cross-State pooling so they could band together with small business owners in other States and get better rates on the health insurance they provide to their employees.

In the end, no matter whom I spoke with, they all had one message they wanted me to bring to the Senate: Keep costs down and under control. There have to be limits. That is why, as the only accountant in the Senate and as a member of the Budget Committee, I was and remain very concerned with the effect any health care reform proposal will have on our Federal budget, both in the short and the long term.

I can't be the only one who heard those things when I was back home. I think my experience on the road was very similar to that of almost every one of my colleagues. Last year, whether they were campaigning for themselves or for other members of our party, we logged on a lot of travel miles. We met with and spoke to people from all walks of life who came from every imaginable background. Some were from large cities and towns with large populations and others came from the smaller cities and some very small towns with fewer people and resources. Whomever we spoke to and wherever we were, we all heard the same concerns: We need a better health care system, and we need it now.

In response, I was pleased to join with several of my colleagues as we continued to work on health care reform this year. As the ranking member on the Senate Committee on Health, Education, Labor, and Pensions and in my service on the Senate Finance Committee, I have been working to foster and facilitate a constructive dialog with my colleagues on both committees. I have also met with the President and administration officials on numerous occasions so we could share ideas on how to best craft a strong, bipartisan bill. As the debate on health care reform proceeds, I continue to stand ready to work on this critical issue.

This is likely to be the most important legislation we will ever work on as Members of the Senate, no matter how many terms we serve. How well we handle this crucial issue will have an impact not just today but for many tomorrows and countless years to come. If we fail to provide the change that is needed, it may be a long time before the Senate will ever try to do this again.

I am convinced we have a perfect storm before us as we face this issue. The time is right, the political winds are with us, and we have the support and encouragement of the current administration and the people of this Nation to get something done. That is why a good bill and a bipartisan effort are well within our grasp.

If we are to do the work that is before us and do it well, however, we can't have one side or the other try to grab the reins and lead the effort exclusively in their direction. The American people are looking for us to solve the problem, and they want to know we wrote this bill together, amended it together, and, most importantly, finished

it together. They know no one side has all the answers, so they do expect us to put partisanship aside. This is too important an issue not to follow a path that will produce a bill that will have the support of 75 or 80 Members of the Senate. I have every belief we can do that, and that is why I am so strongly committed to bringing massive change to the policies laid out in the recently filed Kennedy bill. I will continue to try to bring that change to the work being done by the Health, Education, Labor, and Pensions Committee and in the Finance Committee.

Let me be very clear about what I believe we can do if we put partisanship aside and work together. We can draft a good bipartisan bill, one that will draw a large majority to its side, and we can get it done this year.

Last week, the HELP Committee began to mark up a very flawed piece of legislation. I understand the difficult circumstances that brought Senator DODD to chair this extraordinarily complex bill, and I appreciate Senator DODD's willingness to take on the task, as he also chairs the Banking Committee. However, the legislation we are considering in the HELP Committee is broken, almost to the point of being beyond repair. It is too costly and it is incomplete. Of course, we are promised we will get the other pieces of the bill. Arguments made about the unfairness of estimating the cost of an incomplete bill show that in the race to revamp our health care system, this bill was a false start. In order to get this right, we should slow down, and in some areas we need to start over.

This shouldn't be a matter of speed. To stay with the analogy of health care, no one goes to a doctor or a surgeon based on how fast they can operate or conduct an examination. It never matters how long it takes. All that matters is that they get it right. We should do the same.

I am not suggesting that we come up with a new process to develop this legislation. All I am saying is that we need to make better use of the one we already have in place, the way we have always done things in the Senate when we want to make sure we get it done right.

For instance, it wasn't all that long ago that we had to do something about our Nation's pension system. We worked together. We talked about what we had to do together. Then we came up with a way to get there, together. The result was a bill that when it came to the floor was over 1,000 pages long and it had the immense involvement of two committees—the same two committees we are talking about with health care, the HELP Committee and the Finance Committee. Those two committees came together on a bill of over 1,000 pages. When it came to the floor, we already had an agreement between the two committee members which was taken to the leaders, which meant we had an agreement with everybody in the Chamber that there would be 1 hour of debate, two amendments, and a final vote. I asked the Parliamentarian when the last time was that there was a bill of that complexity that had that kind of an agreement before we even debated it, and that person said: Not in my lifetime. That is what is possible around here if we work together. That is what we did with the Nation's pension system.

I think we were talking about the Pension Benefit Guaranty Corporation being short a drastic $24 billion. Boy, that doesn't look like much money anymore, does it? No. We are talking about some errors on this one that are over $58 billion. That pensions bill wasn't so long ago. We worked together, we talked about what we had to do together, and then we came up with it together. The result was a bill that only had the two amendments offered to it because the agreement on both the illness and the remedy was so strong.

As we prepared to begin the markup of this bill last week, we received a troubling preliminary analysis from the Congressional Budget Office and the Joint Committee on Taxation regarding the costs and coverage figures associated with the legislation. In its review of the proposal, the CBO found that enacting the proposal would result in an increase in spending of about $1.3 trillion, with a net increase to the Federal budget deficit of about $1 trillion over the 2010-to-2019 period. This cost estimate did not include the promised ''significant expansion of Medicaid or other options for subsidizing coverage for those with an income below 150 percent of the poverty level.'' As the markup continues, we will be asking the CBO for an official analysis of the impact of the addition of such a policy on the Federal budget deficit.

We are having more and more seniors moving into the category of long-term care—and we have a proposal before us, which we will debate when we get back. The Senator from New Hampshire, Mr. GREGG, ranking member on the Budget Committee, pointed out that the only part of that proposal that gets scored are the premiums people would pay in over that first 10 years for their long-term care, which comes to about $59 billion, which shows a surplus of $59 billion. But what it doesn't take into consideration is the obligation to those people who are paying in those premiums that they will get long-term care.

The expected cost of that long-term care to those people paying in that $59 billion is $2 trillion. The proposed payment doesn't match the proposed costs, and it would not be sustainable beyond the 10 years. Whether or not people actually start taking long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time we received notice of the preliminary analysis of the Kennedy bill, we got word the Finance Committee was postponing the markup on health care legislation, after reports surfaced that the CBO was preparing an estimate of its legislation that projected an increase to the Federal deficit of $1.6 trillion over the next 10 years. All of this was on the heels of President Obama's speech last week at the American Medical Association, in which he said:

> Health care reform must be and will be deficit neutral in the next decade.

The bill we have before us misses the target of this commitment by more than $1 trillion. Again, the bill is still missing language in three key areas.

I will take a few moments to speak about our Nation's deficit and overall fiscal and economic condition. My concern about the runaway spending in the Kennedy bill—I should call it the Kennedy staff bill; I know the Senator, had he been able to work with me, would have come up with some different conclusions on the bill. My concern with the runaway spending in the Kennedy staff bill is not simply a concern that it breaks faith with the President's health care reform commitments. Rather, I am deeply troubled by the direction this bill would take us during a truly perilous fiscal age.

I was elected to this body in 1996. In my first years in Congress, we moved from a budget deficit to a budget surplus. I am deeply disappointed that nearly 13 years later, our projected deficit for this fiscal year exceeds $1.84 trillion, and our national debt exceeds $11.4 trillion. That is bad. People are starting to take notice, and that, unfortunately, includes our creditors. Add to this the losses to our gross domestic product and an unemployment rate heading toward 10 percent and the news is worse. Again, there have to be limits. People have them in their families, municipalities have them, and most States have them. The Federal Government doesn't.

According to the Federal Reserve, the level of debt-to-GDP ratio is estimated to reach the highest levels it has since immediately after World War II. The increasing spread between short-term and long-term treasuries is evidence that global investors are increasingly concerned about our Nation's level of debt and the real potential for future inflation.

In recent weeks, Treasury Secretary Geithner traveled to China to attempt to ease growing concerns about our ability to pay off our growing debts. When Geithner told an audience of Chinese students at Peking University that ''Chinese assets are very safe,'' reports are that this statement drew loud laughter.

It is really not a laughing matter for us. It is serious. Tough action, not ''I

will tell you what you want to hear'' speeches, is what we need.

On the State and local front, our economic indicators are equally troubling. On Thursday, the Rockefeller Institute of Government issued a report on State personal income tax revenues for 2009. They are falling fast; 34 of the 37 States in the report saw declines in tax revenue, indicating that it will be increasingly more difficult than expected for States to close their widening budget gaps. I can hear calls for more bailouts, but my question is, who is going to bail out the Federal Government?

These numbers provide the critical backdrop as we consider the new deficit spending included in the Kennedy staff bill. Recently, Fed Chairman Bernanke stated that ''achieving fiscal sustainability requires that spending and deficits be well controlled.'' He went on to note that ''unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor economic growth.'' For these reasons, the Kennedy proposal requires an entire rewrite with respect to its impact on our Federal budget deficit.

Just as troubling as this bill's impact on the deficit is its failure to help tens of millions of Americans get the health insurance they need. The Congressional Budget Office estimates that, if enacted, this bill would only provide health insurance for one-third of the Nation's uninsured. Let's see, $1 trillion for 16 million people. This number falls far short of the President's stated goal of ''quality, affordable health insurance for all Americans'' in his recent letter to Chairmen KENNEDY and BAUCUS.

Of even greater concern, the CBO projects that about 10 million individuals who would be covered through an employer's plan under current law would not have access to that coverage under the Kennedy legislation. This figure breaks President Obama's oftenrepeated promise during both the 2008 campaign and since taking office that under his health care plan:

> If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

Under the Kennedy plan, that promise rings hollow for millions of Americans, and that is simply unacceptable. I know the President has already scheduled an event on one of the networks to push his health care ideas. When it airs, I am sure we will hear him repeat the line over and over: If you like the health care plan you already have, you can keep it.

If he makes that promise again, every time we hear him say that, we should remind ourselves that the White House has already admitted that such statements aren't to be taken literally. I think that means they are not true.

I cannot recall ever hearing something like that from the White House, but those are their words. Maybe they should be applied to the whole presentation—that none of it should be taken literally.

I know one thing that can be taken literally, and we ought to give it straight to the American people, and that is this: Under the Kennedy proposal being rolled out, you would not be able to keep the care you have right now. Washington bureaucrats will be able to deny you and your family the care you need and that you fully deserve.

Unfortunately, that is not the only thing that we are in denial about. We are also in denial when it comes to the cost of the Democrats' health care plan and our ability to work our way out of a hole of debt that only promises to grow deeper and deeper for a long time and for many years to come.

A lot of times we talk about how we are spending our kids' and grandkids' money. I really feel compelled to point out that we are already spending our seniors' money. Why is that? Well, normally, what happens in this country is that a little bit is taken—well, a bunch is taken—out of your check for Social Security, which is matched by the employer. That amount of money each month has always gone to pay the seniors who are retired, their pensions, and to have a little bit of surplus. But do you know what? It is not doing that anymore. We are having to take money out of the trust funds now to supplement that to be able to pay the people who are retired now—and we are not even to the baby boomers yet. So we have a problem.

Unfortunately, that is not the only thing we are in denial about. Having shown the devastating impact of the Kennedy bill on the Federal deficit, and the failure of it to provide access to adequate health coverage for millions of Americans, I want to turn to one of the three foundational principles of my 10-step plan; namely, improving the quality of care.

On this front, I think the Kennedy plan again fails to live up to the promise laid out by President Obama to ''improve patient safety and quality of care.'' That is very important—to improve patient safety and quality of care.

I am deeply troubled by the real possibility that comparative effectiveness research, which is mentioned in the bill and has been debated in the committee, and which has been held intact in there, will be used as a cost-containment measure to ration care under this legislation. The result would be, for millions of Americans, a Federal bureaucrat would dictate the type of care they receive and interfere with the doctor-patient relationship.

As the Kennedy bill proceeds through Congress, I will fight to strip those provisions that will delay and deny needed health coverage to Americans. I spoke at length in committee about the truly horrible stories of rationing care that we hear about from the United Kingdom. I will continue to speak out to make sure this type of so-called care is not imported to the United States.

Finally, I am deeply troubled with a number of other policies advanced in the Kennedy bill. I believe the community rating provisions will result in skyrocketing premium costs for younger Americans. I am troubled that the bill doesn't provide incentives to encourage individuals to make healthier choices. There are a lot of choices we can make to improve our health ourselves.

As we complete the second week of the HELP Committee markup, we are still missing the guts of the Kennedy proposal. We expect that the final proposal will include a government-run plan, a mandate on employers to provide insurance, and a provision dealing with biosimilars. It is difficult to comment on these provisions until they are released.

Proponents of the government-run option—including the President—consistently argue that a public plan is necessary to keep the insurance companies honest and to foster competition. With respect to provisions dealing with preexisting conditions, rate bands, and other reforms, we are all committed to taking action to keep insurers honest and make sure people with preexisting and chronic diseases can get insurance. The creation of a new government program at a time when the experts and Medicare trustees tell us that Medicare stands on the brink of insolvency, does nothing to foster honesty; it fosters fiscal irresponsibility. We are borrowing to pay for the government-run programs we have now. If you already have trouble making your mortgage payments, why would you go out and buy a boat and an RV?

With respect to the notion that we will be fostering competition with the creation of a government-run health plan, I think the public is growing tired of government intervention in our day-to-day lives. First, there was our involvement in the mortgage system and then the banking system and then we got more involved in our Nation's automotive industry. It is certainly more than a possibility that the government has taken on more than it can handle. We are operating at more than the maximum capacity already. Having government take over our Nation's health care system may be the last straw.

Think about that—about all the things that just this year the government has decided to take over. The comment I get at home, and in other places I have traveled across the United States, is, doesn't the government have a little bit of trouble just running government?

There is certainly a role for government as a strong regulator of free market enterprise, but the inclusion of the government as a principal player in our competitive markets is entirely inconsistent with our Nation's capitalist economic system. I will forcefully oppose the creation of a government-run health plan.

Before I conclude, I would like to say a few words about the current process of health care reform in the Senate Finance Committee. I said at the outset that I am committed to working toward bipartisan health care reform. As a member of the Finance Committee, I have witnessed and have been a part of at least the foundations of such reform. There are many hurdles to remain, but I thank Chairman BAUCUS and Ranking Member GRASSLEY for their very hard work on this extremely complex, difficult issue. We have never had an issue that involved as many people in this country—100 percent of the people. It is important we get it right, that we take the time to get it right. Ranking member GRASSLEY has been cooperative and Chairman BAUCUS has been open and that has been extremely helpful. We have spent hours upon hours in that committee receiving inputs and options from both sides on how to reform our Nation's health care system.

This stands in great contrast to the partisan process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee we have been tediously working through. There have been comments about how many amendments we turned in. We had 388 amendments. I had to remind them that if you don't get any piece of the drafting, you have to get your opinions in somehow and you do it through multiple amendments. Probably half those amendments were to fix grammatical errors, punctuation, typos—about half of them. Those were accepted.

It is my hope that the difference in process will result in a difference in substance between the Health, Education, Labor, and Pensions Committee legislation and the Finance Committee legislation. I will continue to work in the Finance Committee to shape legislation that improves the quality of our health care, reduces costs, is responsible in its budgetary impact, and increases access to care for all the American people.

As I have said, there is a long way to go on that committee and many differences to resolve, but I continue to work in good faith and hope for bipartisan, responsible health care reform. I am holding out hope a better, more inclusive process will emerge as we continue our work in the HELP Committee. I hope that a change will come about soon, but the bill we currently have before us is a clear sign that just as we have been excluded early on in the health care reform effort, it looks like we will continue to be excluded as the process continues. There is time to get us included. There is an important reason to get us included. But we will see.

In the end, for me and many people across this country, our discussions about health care can be summed up in a short story with a simple moral. I was reading a book about a Wyoming doctor who came home and decided to settle in a town called Big Piney. He found some ranch land he liked, and he decided to make it his home. When he was attending a local rodeo, one of the cowboys competing in the contest looked at him and said: You aren't from here, are you?

He said: Well, I am going to be, I am a doctor.

Unable to control his enthusiasm, the cowboy walked away shouting to all within earshot: Hey, we finally got ourselves a doctor.

That is what health care is all about in Wyoming, the West, and countless towns and cities all across our country.

I have to tell you, this doctor spent most of his life in the Congo. He studied Ebola and established a lot of health clinics over there. When he retired, he did move to Wyoming. He did health care the old-fashioned way. He made house calls. He sat with people while they were dying. He had a lot of friends over there. Incidentally, he did not take Medicare or Medicaid. He said there were too many strings attached to it. He set up a foundation, and people he worked with could make a donation to his foundation instead. That way he wouldn't violate any Federal rules about treating some people and taking money. He was a tremendous doctor. Unfortunately, we lost him this year. So that area is once again without a doctor. If you can send me one who likes rodeos, we would be happy to have him there. That is what health care in Wyoming is about.

In the big cities and towns of Chicago, New York, Boston, and Los Angeles, it seems to me there is a hospital or doctor's office on almost every corner. In States such as Wyoming, however, they are few and far between, which makes health care a very precious commodity. I always tell people the statistics are we are short every kind of provider in Wyoming, including veterinarians, which always brings the comment: Surely, veterinarians don't work on people. We say: Yes, if you are far enough from a regular doctor, you are happy to have a veterinarian. You just hope he doesn't use the same medicines!

If we are not careful with this legislation, it will not make health care more plentiful and abundant, it will make it even more rare and difficult to obtain, and when health care gets more expensive and less available in places such as the big cities in this Nation, imagine what it will be like in the small towns of Wyoming and the West. People back home know what it will be like—another one-size-fits-all policy that did not fit so well into the rural areas of this country to begin with. That is why people are worried right now. The only way we can assure them they do not have to worry is if we take the time to make sure we get it right the first time. Then, and only then, will the American people feel like they will be getting what they said they wanted during our campaigns last year—not just change but change for the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for the time I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say of my friend, the senior Senator from Wyoming, he does articulate this issue well. He has spent countless hours working on it. When you listen to him, his depth of knowledge and trying to work out something that would give improvements and avoid a total socialization of medicine, he knows what he is talking about.

When I go back to my State of Oklahoma, it is not all that different than from when he goes back to his State of Wyoming and people ask the question: If government isn't working well now, why do we want to put all the rest of these things in government, whether it is health care or the banking industry, the insurance industry, oil and gas and the other takeovers we are witnessing right now?

I do think you can summarize what he said very simply by merely saying, if there is a government option, of course, this is a moving target. For those of us who are not on a committee that is dealing with health care reform, we are not sure what is going on there, and I am not sure anyone else does either because it is a moving target. From one time to another, we hear different things that are going to be in the bill, and then they change their mind.

One thing we know, though, they keep saying there is going to be a government option. If there is a government option, we are going to see a huge impact on insurers, private companies that offer insurance, and you will see that market dwindling. You can't blame them for that.

The other thing that is a certainty in this whole issue of the Kennedy bill and what they are trying to do, what the administration is trying to do with the health delivery system in America is they would be putting Washington between the patient and the doctor. That gets a response when I am back in Oklahoma of we don't want that to happen.

So we have right now a lot of invasions on the systems that have worked well in America.

NATIONAL ENERGY TAX

I wish to talk about one other issue since tomorrow the House is scheduled to vote on what is known as the Waxman-Markey bill, which is the Democrat's answer to the worst recession in decades, a national energy tax, a tax designed to impose economic pain through higher energy prices and lost jobs or as a recent Washington Post editorial put it:

> The bill contains regulations on everything from light bulb standards to the specs on hot tubs and it will reshape America's economy in dozens of ways that many don't realize.

In other words, this would be, if it were to pass, the largest tax increase in the history of America. I know a little bit about this issue because I started working on this issue back in the late nineties when they were trying to get the United States to ratify the Kyoto treaty. The Kyoto treaty is very similar to the proposals we have had since that time. We know what that would have cost at that time. Somewhere between $300 billion and $330 billion a year as a permanent tax increase.

There have been proposals on the floor of the Senate in 2003, 2005, 2007, 2008, and now this time. We in the Senate have more experience in dealing with this issue than the House does because this is the first time they have ever had it up for consideration.

Over the past several weeks, Speaker PELOSI has been facing an insurrection within her own ranks. We have been reading about the Democrats who are pulling out saying: We don't want to be part of the largest tax increase in the history of America. More and more people are jumping in and saying we cannot have it. As of yesterday, the American Farm Bureau came in opposing, the strongest opposition to this legislation.

Let me say, if the Democrats are having trouble passing this bill in the House, where the majority can pass just about any bill it wants, then there is no hope for a cap-and-trade bill to come out of the Senate. I think we know that. We watched it.

Right now, by my count, the most votes that could ever come for this largest tax increase in the history of America would be 34 votes—34 votes. They are not even close.

I say that because there are a lot of people wringing their hands: She wouldn't bring this bill up in the House on Friday unless she had the votes. Maybe she will have the votes. There has been a lot of trading, a lot of people getting mad. Nonetheless, she may have bought off enough votes to make it a reality.

The fact is the Waxman-Markey bill is just the latest incarnation of very costly cap-and-trade legislation that will have a very devastating impact on the economy, cost American jobs by pushing them overseas, and drastically increasing the size and scope of the Federal Government.

In the Senate, we have successfully defeated cap-and-trade legislation in the years I mentioned. Four different times it has been on the floor. I remember in 2005, I was the lead opposition to it. Republicans were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at that time. It was defeated then and by larger margins ever since then.

Just a year later, with the economy in a deep recession, it is hard to believe that many more Senators would dare vote in favor of legislation that would not only increase the price of gas at the pump but cost millions of American jobs, create a huge new bureaucracy, and raise taxes by record numbers. It is not going to happen.

I appreciate that my Democratic colleagues desperately want to pass this bill. They argue that cap and trade is necessary to rid the world of global warming and to demonstrate America's leadership in this noble cause. But their strategy is all economic pain and no climate gain. This is a global issue that demands a global solution. Yet cap-and-trade advocates argue that aggressive unilateral—unilateral, that is just America; in other words, we pass the tax just on Americans—aggressive unilateral action is necessary to persuade developing countries—now we are talking about China, India, Mexico, and some other countries—to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions by the Obama administration and by China and other developing countries continue to prove just the opposite. They continue to confirm what I have been saying and arguing for the past decade, that even if we do act, the rest of the world will not.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO_2, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believes that, stop and think: Why would we want to do something unilaterally in America? It doesn't make sense. The logic is not difficult to understand.

Carbon caps, according to reams of independent analyses, will severely damage America's global competitiveness, principally by raising the cost of doing business here relative to other countries such as China, where they have no mandatory carbon caps. So the jobs and businesses would move overseas, most likely to China.

This so-called leakage effect would tip the global economic balance in favor of China. A lot of them are saying China is going to follow our lead, they are going to do it. Look at this chart. This person is the negotiator for the administration. His statement is: We don't expect China to take a national cap-and-trade system. This is the guy who is supposed to be in charge of seeing to it that they do. This is Todd Stern. He is admitting it.

I wish those people who come to the floor and say: Oh, no, we know that if America leads the way, China is going to follow us—they are sitting back there just rejoicing, hoping we will go ahead and have a huge cap-and-trade tax to drive our manufacturing jobs to places such as China where they don't have any real controls on emissions, and the result would be an increase in CO_2. In other words, if we pass this huge tax in this country, it is going to have the resulting effect of increasing the amount of CO_2 that is in the atmosphere.

By itself, China has a vested interest in swearing off of carbon restrictions in order to keep its economy growing and lifting its people from poverty. Add unilateral Federal U.S. action into the mix, and we give China an even stronger reason to oppose mandatory reductions for its economy. And China understands this all too well. I believe they will actively and unfailingly pursue their economic self-interest, which entails America acting alone to address global warming.

Consider that in other realms, whether on intellectual property rights or human rights. The Chinese have conspicuously failed to follow America's example. We have tried to get them to do it, and they haven't done it. All the human rights efforts we have gone through to try to get political prisoners released and all these other things we have said to them to do it—we have threatened, we have asked, we have begged—and they do not do it. So why would they do this? So for China, climate change will be no exception.

My colleagues in the Senate are rightly focused on the economic effects this bill will have on their States and their constituents. But with China and other developing countries staunchly opposed to accepting any binding emissions requirements, we should be asking a more fundamental question: What exactly are we doing this for? If the goal of cap and trade is to reduce global temperatures by reducing global greenhouse gas concentrations, and if China and other leading carbon emitters continue to emit at will, then how can this supposed problem be solved?

Well, if I accept the alarmist science that anthropogenic gases are causing a catastrophe, then reducing global greenhouse gas concentrations is a solution. But the unilateral Federal solution, again, that America must first act to persuade China and others to follow—please follow us, please pass a tax

in your own country, and then they are going to be following our example—there is no evidence that has ever happened before or that it would happen again. The only thing America gets by acting alone is a raw deal and a planet that is no better off.

Now, my Democratic colleagues want to sweep this reality under the rug. They argue that cap and trade—and I hope everyone understands what cap and trade is. I have often said, and other people have said—including some of the advocates of this—that they would prefer to have a carbon tax over cap and trade. Well, if you are going to have one or the other, I would too. But the only reason they use cap and trade is to hide the fact that this is a tax—a very large tax increase. So they argue that cap and trade will not only be at least to pull China along, but also it will solve our economic woes, create millions of new green jobs, and promote energy security.

Of course, these are laudable goals, and Republicans have a simple answer to this: Let's provide the incentives rather than the taxes and mandates to produce clean, affordable, and reliable sources of energy.

I am for all of the above. I want to have renewables, I want nuclear, I want wind, I want solar, I want clean coal, and natural gas. We need it all. Cut the redtape and encourage private investment. Let all technologies compete in the marketplace. However, that is not what the Democrats are proposing in the Waxman-Markey bill.

I am talking on the Senate floor about a House bill, and I am doing that because it is scheduled to pass tomorrow and then there will be an effort over here. We have had experience with this legislation. As I have said before, it is not going to pass here, but it is a very significant thing. Anytime one House is proposing to pass the largest tax increase in history, we have to be concerned.

This bill does the exact opposite. It closes access to affordable sources of energy by trying to price certain kinds of energy out of the market. It picks winners and losers that leave places such as the Midwest and the South paying higher energy prices to subsidize areas in the rest of the country. We have a chart that shows how much this would raise in the way of taxes in Middle America as opposed to the east coast and the west coast, and it creates more bureaucracy that will only increase the costs that consumers bear and add more layers of regulation to small business.

We have to ask: Why, then, do my colleagues believe creating a national energy tax is necessary? It is all rooted in fabricated global warming science. In fact, just last week, the administration produced yet another alarmist report on global warming—which, of course, is nothing new—that takes the worst possible predictions of the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report—is what it is called.

By the way, these assessment reports are not reports by scientists. They are reports by political people, policy people. I have to also say—and I have said this on the floor of the Senate many times before—a lot of the things that come out and that are not in the best interests of the United States come from the United Nations. That is where this whole thing started, back in the middle 1990s.

It was the IPCC of the United Nations where it all started. So it is no surprise that such a report was released just in time for the House vote on Waxman-Markey. However, what is becoming clear is that despite millions of dollars spent on advertising, the American public has clearly rejected the so-called ''consensus'' on global warming. There was a time when this wasn't true. I can remember back between the years of 1998 and 2005, when I would be standing on the Senate floor and talking about the science that rejects this notion. Since that time, hundreds and hundreds of scientists who were on the other side of the issue have come over to the skeptic side, saying: Wait a minute, this isn't really true.

I can name names: Claude Allegre was perhaps considered by some people to be the top scientist in all of France. He used to be on Al Gore's side of this issue back in the late 1990s. Clearly, he is now saying: Wait a minute, we have reevaluated, and the science just isn't there. David Bellamy, one of the top scientists in the U.K., the same thing is true there. He was on the other side and came over. Nieve Sharif from Israel, same thing. So there is no consensus on the fact that they think anthropogenic gases are causing global warming.

Of course, the other thing is, we don't have global warming right now. We are in our fourth year of a cooling spell. But that is beside the point. I am not here to address the science today but on the argument advanced by my colleagues, which is that U.S. unilateral action on global warming will compel other nations to follow our lead, as I have documented in speeches before since 1998.

By the way, if anyone wants—any of my colleagues—to look up those speeches, they can be found at inhofe.senate.gov. If you have insomnia some night, it might be a good idea to read them. They are all about 2 hours long. But I think many would find it very troubling indeed, that even if they believe the flawed IPCC or United Nations science, that science dictates that any unilateral action by the United States will be completely ineffective. The EPA even confirmed it last year during the debate on the Lieberman-Warner bill, and the same would hold true for this year's bill.

Put simply, any isolated U.S. attempt to avert global warming is a futile effort without meaningful, robust international cooperation. No one disputes this fact. The American people need to know what they will be getting with their money: all cost and no benefit. This chart shows that U.S. action without international action will have no effect on world CO_2. This is assuming there is no change in the manufacturing base, which we know there would be.

This brings us to a key question as to whether a new robust international agreement can ever be achieved. In addition to the domestic process ongoing in Congress, the United States is currently involved in negotiations for a new international climate change agreement to replace the flawed Kyoto treaty. This process is scheduled to culminate in Copenhagen this December. This will be the big bash put on by the United Nations to encourage countries to buy into their program.

The prospects of such an endeavor are bleak at best. Following the conclusion of the climate meeting in Bonn recently, the U.N.'s top climate official—Yvo de Boer—said it would be physically impossible—now this is the chief advocate of all this—to have a detailed agreement by December in Copenhagen. This is ironic to say the least, considering that President Obama was supposed to bring all the parties together to transcend their differences and to produce a treaty that would save the world from global warming. But the reality of the cost of carbon reductions has intervened, and now a deal appears—as it always has to me and others—far from achievable.

We must not forget where the Senate stands on global warming. As Senators may recall, in 1997, the Senate voted favorably, 95 to 0—95 to 0 doesn't happen often in this Chamber—on the Byrd-Hagel resolution. That stated simply that if you go to Kyoto and you bring back a treaty, we will not ratify that treaty if it, No. 1, would mandate greenhouse gas reductions from the United States without also requiring new specific commitments from developing countries—China—over the same compliance period; or, No. 2, result in serious economic harm to the United States.

Well, obviously, we have talked about the serious harm to the United States and the fact there is no intention at all of having China have to be a part of this new treaty now, what, 15 years later they are going to be talking about. So I think the Byrd-Hagel resolution will still stand strong support in the Senate; therefore, any treaty the Obama administration submits must meet the resolution's criteria or it will be easily defeated.

Remember that criteria: If they submit something in which the United States is going to have to do something

that the rest of the world—or the developing world—doesn't have to do, then it is not going to pass; and, secondly, if it inflicts economic harm on this country.

Proponents of securing an international treaty are slowly acknowledging that the gulf is widening between what the United States and other industrialized nations are willing to do and what developing countries such as China want them to do. I suggest the gulf has always been wide but will continue to widen. Recent actions by the United States and China continue to confirm my belief.

Take China's initial reaction to the Waxman-Markey bill. The bill, hailed on Capitol Hill as a historic breakthrough, went over with a thud last week during the international negotiations. Get this: Waxman-Markey, which will be economically ruinous for the United States, was criticized by China for being too weak.

Another troubling aspect coming out of those meetings was the U.S. Government's official submission. Many in the Senate may be surprised to learn that this administration's position is to let China off the hook. You might wonder, why would China look at this thing that would destroy us economically and say they do not think it is strong enough; that they want it stronger? Because the stronger it is, the more manufacturing jobs will leave the United States to go to China. They have to go someplace where they are producing energy. Nowhere in the submission to the conference do we require China to submit to any binding emission reduction requirements before 2020. In fact, before 2020, the submission only asks for ''nationally appropriate'' mitigation actions, followed by a ''low carbon strategy for long-term net emissions reductions by 2050.''

I would submit this proposal is typical of the United States to say: Well, we have to do some face-saving, so at least let's put them in an awkward position of having to ''try'' to do something. It doesn't say they ''have'' to do anything; they have to try. So China can sit back and say: We are trying. Meanwhile, they enjoy all the jobs that are coming from the United States to China.

So what, then, is the Chinese Government's idea of a fair and balanced global treaty? Well, the Chinese believe the United States and other Western nations should, at a minimum, reduce their greenhouse gas emissions by 40 percent below the 1990 levels by 2020. For comparison's sake, Waxman-Markey, which could become the official U.S. negotiating position, calls for a 17-percent reduction—not 40 percent—below the 2005 levels by 2020.

Despite the positive spin the administration is putting on actions by the Chinese Government to reduce energy intensely or pass a renewable energy standard, while laudable, the official position of the Chinese in their submission to the United States remains as such, which I will read.

> The right to development is a basic human right that is undeprivable. Economic and social development and poverty eradication are the first and overriding priorities of the developing nations.

So China is talking about themselves and India and other developing nations.

> The right to development of developing countries shall be adequately and effectively respected and ensured in the process of global common efforts in fighting against climate change.

That is their written statement, and that speaks for itself.

Finally, and the most telling of all, the Chinese and other developing countries collectively argue that the price for reducing their emissions is a massive 1 percent of GDP from the United States and other developed countries. What does that tell us? That tells us they are not willing to pay anything.

So let me get this straight. China opposes any binding emission reduction targets on itself; China wants the United States to accept draconian emission reduction targets that will continue to cripple the U.S. economy; and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China's new self-imposed emissions intensity reductions, which do not pose any type of binding reductions requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justifications for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—MIT had figures far above the $350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a $700 billion bailout. I can't believe some of our Republicans, along with virtually most of the Democrats, voted for this. I talked about how much $700 billion is. If you do your math and take all the families who file tax returns, it comes out $5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around $350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today's Chicago Tribune. I read this because the Chicago Tribune has editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

> Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There's a huge amount of money at stake: $845 billion for the federal government in the first 10 years. Untold thousands of jobs created—or lost. This requires careful study, not a Springfield-style here's-the-bill-let's-vote rush job.

Then:

> The bill's sponsors are still trying to resolve questions over whether and how to impose sanctions on countries that do not limit emissions. That's crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

> That's crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab for controlling emissions. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can't imagine that Speaker PELOSI would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted 95 to 0 against ratifying any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1358) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1358) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1358

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

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUND.

(a) AUTHORITY.—The Director of the United States Patent and Trademark Office may use funds made available under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code, if—

(1) the Director certifies to Congress that the use of such funds is reasonably necessary to avoid furloughs or a reduction-in-force in the Patent and Trademark Office, or both; and

(2) funds so used are repaid to trademark operations not later than September 30, 2011.

(b) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall terminate on June 30, 2010.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms ''Director of the United States Patent and Trademark Office'' and ''Director'' mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE's speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of ''horribles'' about what will happen. My friend Senator INHOFE and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are going to regret the fact that we did it because it is going to hurt our people, we are going to lose jobs, it is going to increase energy costs, when, in fact, we know the opposite is true. It is not just me saying it. I come from a State—California—where we have taken the lead in addressing the environment. We always have since the very early days. And what we have proven is that when you do it, you have a much healthier base for economic growth.

If you look at the per capita use of energy in my home State over the last 20 years, it has stayed absolutely flat, if you were to look at a graph. The rest of the country has gone up like this. So the difference between remaining on a flat line—in other words, keeping your per capita energy use stable—even with the creation in that time of computers and bigger TVs and all the rest, and a lot of other comforts, I might add—bigger homes—we have been able to do it. The rest of the country has gone this way with their per capita use. The difference between energy efficiency and the rest of the country, we have a lot of room for improvement, and it has been tried and it is proven and it makes a lot of sense, whether it is better energy-efficiency standards, which have been absolutely key to us, or better fuel economy, which has been key to us. We are the State that happens to buy the most, for example, hybrid cars. We have shown that we can keep per capita energy use down. A lot of us in our State have changed to the lightbulbs that make sense, the compact fluorescent bulbs. We know we have laws that will move that even faster. And we have not given up one ounce of our quality of life. We have a very good quality of life.

So by addressing the issue of global warming and getting the carbon out of the air, the first way to do it is through energy efficiency. That is what I call the low-hanging fruit. Renewable standards for our utilities—very important. We have done it in California, and I know my friend who is in the chair is on the Energy Committee, and I am very grateful they did renewable portfolio standards, although I would like to see it a little tougher. Be that as it may, we are on the road.

These are the things we can do that actually will tackle the problem of global warming, but there is so much more we can do through a system where we expect our industries that are emitting the most carbon to gradually bring it down so that we make sure we don't suffer the ravages of increased temperatures.

The science is so clear, and my friend Senator INHOFE and I have disputed this for a long time. He insists that the science is not clear. Well, he is not a scientist and I am not a scientist. So I think the best way to do this is to look to the most qualified scientists in the world. And we are very fortunate that we have had those scientists working at the United Nations, the Intergovernmental Panel on Climate Change, and they have come out with a series of reports, all of which tell us that temperatures are going up even more rapidly than we thought, the icemelt in the Arctic is occurring faster than we thought would happen. We all see the pictures of the polar bears. That picture is worth so much to us because we can see what is happening to the habitat there.

I will be leading a trip to Alaska for a couple of days at the invitation of Senator MARK BEGICH. He wants to show me and a group of Senators—and also Senator MURKOWSKI has been gracious enough to say she will join us in this. We are going to see ground zero for global warming in Alaska. I know in Greenland, where I went, you can just see the ice melt. You can sit and actually see the ice break off from these giant icebergs and watch them go out to sea.

So the scientists have proven it, and we know it is absolutely true. So when Senator INHOFE comes down here and he flies in the face of science, those of us who have been working on this—and

I see one of our great leaders, not only, I say this, in the Senate but, frankly, in the country and even in the world community, JOHN KERRY, who has joined us. Just for his information, I will be speaking for about another 10 minutes, and then I am going to be so happy to sit and hear him because he has such an important vision on this.

But here is the good news. The good news is that this is an enormous opportunity to move our country forward. Again, I could quote Thomas Friedman, who did an extraordinary job of writing books and articles, and he testified before the Committee on Environment and Public Works very clearly on this, that the country that does this now and does it right and sets up a price on carbon—and I am sure he now knows that a cap-and-trade system is a very good way to do that—is going to be the leader in the world, not just an environmental leader, which is very important for our kids and our grandkids—we don't want to turn over a planet to them where temperatures are so high that we see people dying in the summer from the high temperatures or see our kids swimming in rivers that have turned so warm that organisms now live in those rivers. We have seen some of that already happen, where toxins exist that couldn't exist before, where we can be harmed because of the kind of life that lives in these warmer waters that can, in fact, harm our children. So we do not want to know those stories. We do not want to see hordes of refugees coming to our shores because countries are inundated due to rising seas.

Look, our own national security teams—the Department of Defense, the CIA—all of those that worry so much about national security—have told us—and Senator KERRY has the quotes chapter and verse—that this is a national security issue.

So when my friend from Oklahoma comes down here and says: Don't worry about it, you know, don't worry about it at all, the science is divided, it is just not so, just not so.

I guess there were always people who said smoking doesn't cause cancer. I guess there still are. I guess there are some people who say HIV doesn't cause AIDS. You know, I know there were people when I was a kid who said: Forget about polio, there is nothing you can do about it. But Dr. Jonas Salk figured out we could do something about it.

The science is clear. The world is getting warmer. Yes, to a certain degree, we can handle it, but above that it gets very dangerous. None other than the Bush administration's CDC, the Centers for Disease Control, told us that it is unequivocal that the dangers are lurking. They started the work to say that there would be an endangerment finding, that our people are in danger if we don't act. And now President Obama sees it clearly, and his EPA has picked up the ball and they have issued a draft finding that we are in danger. So Senator INHOFE and other Senators can stand up and say that we are not, but this work started in the Bush administration, and Bush administration officials participated in a lot of these U.N. meetings. So it is clear.

We have a great recession we are dealing with, and we have this great challenge of global warming. The great news is that when we act to solve global warming, we act to solve the problem of this great recession. Why do I say that? Because we know from the venture capitalists, many of whom live in the Silicon Valley, that the amount of funding from the private sector, not the public sector, that is going to flow into clean energy is going to dwarf that that went into the computer industry, that went into high-tech and biotech. This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, the average family is going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you a credit for that funding.

I think the House of Representatives has worked very hard to make sure they have the bill that will keep people whole, that will transform this economy to a clean energy economy, will get us off foreign oil, which is only to the good.

You know, Iran has been in the news, and our hearts go out to those who are trying to take their country back, if I could say that. We all stand with those demonstrators. We will not forget what they have gone through in their struggle.

I ask unanimous consent that when I am done, Senator KERRY finish this time on global warming, followed by Senator COBURN if he would like to be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Good.

So what Thomas Friedman—again, writing his great column, as he does—says is that Iran would not be such a formidable power in the world if oil was not so sought after in the world.

We do not buy any Iranian oil for obvious reasons, but the rest of the world does. The fact is, if we can create these clean alternatives, it is going to make every difference—every difference—in the world.

So in closing—and I am so pleased Senator KERRY is here—let me say this: My ranking member, JIM INHOFE, made a comment. I just want to say we are good friends, and anything I say here I say to him, and vice versa. My ranking member said in the press—and I do not know if Senator KERRY saw this—my ranking member, Senator INHOFE, said to me in the press I should get a life—get a life—and stop trying to pass global warming legislation because it is not going to happen.

I want to say to him very clearly today, I have a life, and I am spending it getting the votes I need to make sure we take advantage of this momentous opportunity. I want to thank those over in the House who seem to understand this golden moment of opportunity for our economy, for our foreign policy, for the creation of millions of new jobs, for energy independence—that is what they are fighting for over there—and for great opportunities for our agricultural sector, our manufacturing sector.

This is an opportunity we should not lose. I am very pleased at the progress we are making over here, and I want to send that signal: We are making great progress.

Mr. President, I thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under cloture on the nomination of Harold Koh.

Mr. KERRY. Mr. President, has the time for a vote been set at this point?

The PRESIDING OFFICER. It has not.

Mr. KERRY. It is not set. I thank the Chair.

With that in mind, I think the leadership is hopeful of trying to get that vote somewhere in the near term.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask the distinguished Senator from Massachusetts if he would yield for a unanimous consent request or two?

Mr. KERRY. Of course, I will yield, Mr. President.

Mr. REID. As usual, I appreciate the courtesy of my friend from Massachusetts.

Mr. President, I ask unanimous consent that all postcloture time be yielded back except for 30 minutes and that time be divided as follows: 10 minutes for Senator KERRY—and we can count the time he has already used. Does the Senator need more time? OK—10 minutes for Senator KERRY, 10 minutes for Senator CORNYN, 10 minutes for Senator COBURN, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon

confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. REID. Mr. President, I would ask to modify the consent request that instead of 10, 10, and 10, Senator KERRY be given 15 minutes and Senator CORNYN be given 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Koh nomination, and the Senate resuming legislative session, the Senate then move to proceed to the consideration of Calendar No. 84, H.R. 2918, the Legislative Branch Appropriations Act; that the motion be agreed to, and once the bill is reported, a Nelson of Nebraska substitute amendment, which is at the desk, be called up for consideration; further that the following be the only first-degree amendments and motion in order: McCain, Nebraska photo exhibit; Coburn, online disclosure of Senate spending; DeMint, Visitor Center inscription: ''In God We Trust''; Vitter, motion to commit, 2009 levels; DeMint, audit reform Federal Reserve; that upon disposition of the amendments and motion, the substitute amendment, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to; and that no further amendments be in order; and that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, could I have a 5-minute notice from the Parliamentarian?

The PRESIDING OFFICER. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, I want to make some closing comments with respect to the nomination of Dean Koh. But before I do that, I want to have a chance to share a few thoughts with the distinguished chairman of the Environment and Public Works Committee, who has been an extraordinary leader on this subject of global climate change.

Let me be the first to affirm that I rather think the Senator has a terrific life, and I am proud of what she is doing with respect to this issue. It is really interesting. I think it is important for us to talk about a few of the issues.

The Senator from Oklahoma, Mr. INHOFE, has made some comments on the floor of the Senate that are either wrong on the facts or wrong in terms of the judgment politically.

I want to say upfront, as my colleague has said, I enjoy my conversations and my relationship with the Senator enormously. We are both pilots. He flies often, much more frequently than I do these days, but we both share a passion for flight and for aerobatics, and for different kinds of airplanes, and I love talking to him about them.

I wish he were up to state of the art with respect to the science on global climate change. He made a number of comments on the floor of the Senate which Senator BOXER and I just have to set the record straight on: No. 1, suggesting that the science is somehow divided. That is myth. It is wishful thinking, perhaps, on the part of some people. I suppose if your definition of divided is that you have 5,000 people over here and 2 people over here—who want to put together a point of view that is usually encouraged and, in fact, paid for by a particular industry or something—you can claim it is divided.

But by any peer review standard, by any judgment of the broadest array of scientists in the world—not just the United States, across the planet—the science is not divided. The fact is, Presidents of countries are committing their countries to major initiatives on global climate change.

The science is clearly not divided with respect to global climate change. In fact, every major scientist in the United States whose life has been devoted to this effort, such as Jim Hansen at NASA, or John Holdren, the President's Science Adviser—formerly at Harvard—these people will tell you in private warnings that are even far more urgent than the warnings they give in public. The reason is, the science is coming back at a faster rate and to a greater degree in terms of the damage that was predicted than any of these people had predicted.

The fact is, there is a recent study about the melting of the permafrost lid of the planet. It shows in the Arctic—this is the Siberian Shelf Study, which I would ask my colleague from Oklahoma to read—columns of methane rising up out of the sea level, and if you light a match where those columns break out into the open air, it will ignite. Those columns of methane represent a gas that is 20 times more damaging and dangerous than carbon dioxide, and it is now—as the permafrost melts—uncontrollably being released into the atmosphere.

In addition to that, there is an ice shelf, the Wilkins Ice Shelf, down in Antarctica. A 25-mile ice bridge connected the Wilkins Ice Shelf to the mainland of Antarctica. That shattered. It just broke apart months ago. Now we have an ice shelf that for centuries—thousands of years—was connected to the continent that is no longer connected.

We have sea ice which is melting at a rate where the Arctic Ocean is increasingly exposed. In 5 years, scientists predict we will have the first ice-free Arctic summer. That exposes more ocean to sunlight. The ocean is dark. It consumes more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the ice sheet and the snow that used to reflect it back into the atmosphere.

There are countless examples of evidence of what global climate change is already doing across the planet. In Newtok, AK, they just voted to move their village 9 miles inland because of what is happening with the sea ice melt and the melting of the permafrost. We will spend millions of dollars mitigating and adapting to these changes as they come at us.

The Audubon Society has reported a 100-mile wide swath of land in the United States where their gardeners—who do not record themselves as Democrats or Republicans, ideologues, conservatives, or liberals; they are people who like to go out and garden; they are part of the Audubon Society as a result of that—are reporting plants they can no longer plant that used to be able to be planted.

We have millions of acres of forests in Alaska and in Canada that have been lost: spruce and pine to the spruce beetle that used to die, but because it is warmer, now it no longer dies. You can run down a long list.

Mr. President, I am not going to go through all of it here now, but suffice it to say, he is wrong about China. I just came back from a week in China where I met with their leaders. I went out to see what they are doing in wind power. I went to see their energy conservation efforts. They are ahead of us in some respects with respect to those efforts. They have a higher standard of automobile emissions reduction that they are putting in place sooner than we are. They are tripling their level of wind power that they are trying to target. They have a 20-percent energy intensity reduction level that they are now exceeding in several sectors of

their economy, which they did not think they would be able to do. In 2 or 3 years, we are going to be chasing China if we do not recognize what has happened and do this.

So the Senator from California, the chairperson of the Environment and Public Works Committee, completely understands, as do many others, this can be done without great cost to our electric production facilities, without our companies losing business and losing jobs. On the contrary, the jobs of the future are going to be in alternative and renewable energy and in the energy future of this country.

There is barely a person I know who does not think we would not be better off in America not sending $700 billion a year to the Middle East to pay for oil so we can blow it up in the sky and pollute and turn around and try to figure out how we are going to spend billions to undo it. Why not spend those $700 billion in the United States creating that energy in the first place, with jobs that do not get sent abroad, and which pay people good value for the job they are doing? It liberates America for our energy security. It provides a better environment. We are a healthier nation, and we increase our economy. So you get all those pluses. What are they offering? What is the alternative that Senator INHOFE and others are offering? If they are wrong in their predictions, we have catastrophe for the planet.

So I think we are on the right track. China is going to reduce emissions. China will be on a different schedule because that is what the international agreements set up years ago. But as a developing country with 800 million people living on less than $2 a day, it is understandable that they would fight to say: We can't quite meet the same schedule now, but we will get to the same schedule. What is important is that, globally, all countries come together to reduce emissions. That will happen in Copenhagen. It is much more likely to happen in Copenhagen if the United States of America leads here at home. If we undertake these efforts and pass legislation here, I guarantee my colleagues that Copenhagen will be a success and China and other countries will all agree to reductions that are measurable, that are verifiable, and that are reportable.

So we need to get our facts straight as we come at this debate. The Senator from California and I are thirsty and waiting for this debate because we will show how we can reduce emissions, how we can transition our economy with minimal—minimal—costs. In fact, for the first few years, it pays for itself to undertake many of these transformations.

I wish to reemphasize some thoughts in the time I have left about Dean Koh. Dean Koh has been chosen to be legal counsel for the State Department. I have already spoken about his remarkable academic career, his leadership in the legal profession, the respect and glowing praise he has received from colleagues within the legal profession. We have heard a lot about him. I wish to address some of the points that have been raised in opposition to his nomination, some of which I believe are just plain disrespectful and indecent. It is hard to find the rationale for where they come from, frankly—maybe a mean-spiritedness or something—but it is hard, and I am grateful, as I think we all ought to be, that nominees are willing to subject themselves to some of these kinds of arguments. Also, there are some misunderstandings and mischaracterizations.

It is no surprise that not everybody is going to agree with him and every decision or opinion he has made, but the fact is that a lot of the arguments that have been made aren't grounded in reality. First, there have been allegations that his views on foreign law would somehow undermine the Constitution of the United States. Well, please, that is baseless beyond any kind of evidence I have ever seen or any statement he has ever made. Let me repeat what Dean Koh, himself, has said about the primacy of our Constitution. I quote:

> My family settled here in part to escape from oppressive foreign law, and it was America's law and commitment to human rights that drew us here and have given me every privilege in life that I enjoy. My life's work represents the lessons learned from that experience. Throughout my career, both in and out of government, I have argued that the U.S. Constitution is the ultimate controlling law in the United States and that the Constitution directs whether and to what extent international law should guide courts and policymakers.

That is definitive. No one should insert any other interpretation into it other than the Constitution is primary.

Some have also argued that Dean Koh's views on international law, particularly on something called ''the transnational legal process,'' would somehow undermine our sovereignty and our security. Again, this represents a fundamental misunderstanding of his views. Dean Koh understands that international law and institutions are simply part of life in a globalized world. Engagement with the international community is inevitable. He believes it is best to engage constructively. Here is what he said at his confirmation hearing:

> Transnational legal process . . . says what we all know—that we live in an interdependent world that is growing increasingly more interdependent. It is not new, and . . . [i]t is not an ideology. It is a description of a world in which we live . . . It is from the beginning of the republic. It is the basic views of Thomas Jefferson and Ben Franklin, who called for us to give decent respect to the opinions of mankind. And most importantly, it is necessary and unavoidable that we be able to understand and manage the relationship between our law and other law.

Those aren't the words of an ideologue. They aren't the words of a radical. It is the broad perspective of a deeply knowledgeable and pragmatic and committed advocate for our Nation's interests. It reflects how we represent our interests. It reflects our real challenge, which is how we best use international law and institutions to advance national security interests and promote our core values. That is exactly what Dean Koh has spent his career working on. As one of the world's leading experts on international law, there is nobody better qualified to meet this challenge.

Yesterday, my colleague from Texas suggested that Dean Koh somehow created a moral equivalence between the United States and Iran's brutal and deadly crackdown after the recent election. This is what our colleague said:

> Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses that we've been watching play out on television and America's counterterrorism policies on the other hand. In 2007, he wrote: The United States cannot stand on strong footing attacking Iran for illegal detentions when similar charges can and have been lodged against our own government.

Well, common sense—in one sentence, the Senator accuses Dean Koh of equating our treatment of detainees with Iran's actions and violently suppressing protests this week—right now—and in the next sentence he cites as evidence for that comments that Dean Koh made a couple years ago on an unrelated issue of Iran's treatment of detainees. I have heard of people trying to make ''six degrees of separation'' connections and somehow make it mean something, but this is to the extreme.

The broader point is, Dean Koh was not suggesting there is a moral equivalence between Iran and the United States. He was arguing that we are safer if we can convince countries such as Iran and North Korea to respect global norms and standards. It is harder for the United States to run around the world enlisting allies and marshaling pressure when we are simultaneously forced to fend off accusations of lawless activity by ourselves. So Guantanamos and other things work to deplete our ability to be able to maintain the highest moral ground. That is not moral equivalence. That is a practical reality about how the world works and how you protect the interests of the United States.

We have heard the argument that Dean Koh's position in supporting the regulation of global arms trade is somehow going to infringe on the rights of Americans under the second amendment. Please. I mean, please. Nothing could be further from the truth. The fact is that Dean Koh supports efforts to regulate the transfer of

guns across borders, which does nothing to interfere with the domestic possession of firearms. As he said at his confirmation hearing:

The goal is to prevent child soldiers in places like Somalia and Uganda from having AK–47s transferred from the former Soviet Union. It is not to in some way interfere with the legitimate hunter's right to use a hunting rifle in a national or State park.

Dean Koh went on to unequivocally state that he respects the Supreme Court's decision in Heller, which affirmed the right to bear arms under the second amendment as the law of the land.

There are other criticisms that have been made. I don't have time to go into all of them now, but the bottom line is whether it is the CEDAW—the Convention on the Elimination of Discrimination Against Women—or questions about his beliefs about the war in Iraq, the fact is that Dean Koh has also been questioned for allegedly supporting suits against the Bush administration's involvement in abusive interrogation techniques. Well, first of all, Dean Koh had no personal involvement in the lawsuit against John Yoo that has been mentioned, none whatsoever. Let's be clear. The State Department Legal Adviser is not charged with defending U.S. officials from legal suit or investigation of allegations of war crimes. That is the job of the Justice Department and the Defense Department.

Finally, we have heard questions about Dean Koh's respect for the role that Congress has played in crafting legislation relating to our national security. Dean Koh said at his confirmation hearing, and his words should stand:

[T]he Constitution's framework while defining the powers of Congress in Article 1 and the President in Article 2, creates a framework in which the foreign affairs power is a power shared. Checks and balances don't stop at the water's edge. It is both constitutionally required, and it is also smart in the sense that the President makes better decisions when Congress is involved. If they are in at the takeoff, they tend to be more supportive all the way through the exercise.

That is just the type of approach that we here in Congress should welcome.

While disagreements on legal and policy issues are entirely legitimate, I regret that there have been some accusations and insinuations against Dean Koh in the media that would be laughable if they weren't impugning the reputation of such a devoted public servant. Some have alleged that Dean Koh supports the imposition of Islamic Shariah law here in America. Others have actually claimed that he is against Mother's Day. Does anyone really think this President and this Secretary of State would seek legal advice from a man trying to impose Islamic law on America? Or abolish Mother's Day? That type of allegation has no place in this debate.

Fortunately, there is a chorus of voices across party lines and across American life that know the truth about Dean's Koh's record. That's why he has the support of such a long and impressive list of law professors, deans, clergy, former State Department Legal Advisers, and legal organizations.

I was heartened to see that eight Republicans voted for cloture. This sends an important message that his nomination has real bipartisan support. The words of Senator LUGAR on Dean Koh bear repeating: ''Given Dean Koh's record of service and accomplishment, his personal character, his understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate.''

Senator LIEBERMAN, one of this body's strongest supporters of the war in Iraq and of Professor Koh's nomination, also put it well: ''[T]here is absolutely no doubt in my mind that Harold Hongju Koh is profoundly qualified for this position and immensely deserving of confirmation. He is not only a great scholar, he is a great American patriot, who is absolutely devoted to our nation's security and safety.''

In closing, I believe Dean Koh's own words best sum up the case for his confirmation: As he has written, ''I love this country with all my heart, not just because of what it has given me and my family, but because of what it stands for in the world: democracy, human rights, fair play, the rule of law.''

There is no stronger bipartisan voice for foreign policy or for the Constitution in the Senate than Senator DICK LUGAR of Indiana, and I hope my colleagues will follow his example.

I thank our Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to speak, once again, on the nomination of Harold Koh, whom the President has nominated to be Legal Adviser for the State Department. To put this in context, as the Senator from Massachusetts has addressed, the Legal Adviser is a very important job at the State Department. He is responsible for providing guidance on important legal questions, including treaty interpretation and other international obligations of the United States. He gives the Secretary of State legal advice during negotiations with other nations. So the Legal Adviser can be a very influential voice in diplomatic circles, especially if he or she has particularly strong views on America's obligations to other nations and multilateral organizations.

Based on my review of Dean Koh's record, I don't believe he is the right man for this job. His views are in tension with what I believe are core Democratic values, in that he would subjugate America's sovereignty to the opinions of the so-called international common law, including treaty obligations that the Senate has never ratified. Indeed, they are not obligations, but he nevertheless would impose them on the United States. When the Senator from Massachusetts says he believes the U.S. Constitution is primary, I would have felt much better if he had said it was the exclusive source of American law, together with the laws that we ourselves pass as representatives of the people; not just a consideration but the consideration when it comes to determining the obligations and rights of America's citizens, rather than subjecting those to international opinion and vague international norms which I heard the Senator refer to.

It is true Professor Koh is an advocate of what he calls transnational jurisprudence. He believes Federal judges—these are U.S. judges—should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law. As I mentioned, this means judges using treaties and ''customary international law'' to override a wide variety of American laws, whether they be State or Federal. Of course, we understand treaties that have been ratified by the Senate are the law of the land, but Professor Koh believes that even treaties that the United States has not ratified can be evidence of customary international law and given legal effect as such.

The Legal Adviser to the State Department has an important role, as I mentioned, in drafting, negotiating, and enforcing treaties. That is why it is so crucial he understands that no treaty has the force of law in the United States until it has been ratified, pursuant to the Constitution, by the Senate. Do we want a top legal advisor at the State Department who believes that norms that he and other international scholars make should become the law, even if they are rejected or not otherwise embraced by the Congress? That can't be within the mainstream. That is outside the mainstream; indeed, I believe a radical view of our obligations in the international community.

In 2002, Professor Koh delivered a lecture on the matter of gun control. He argued for a ''global gun control regime.''

I don't know exactly what he means by that, but if he means that the second amendment rights under the U.S. Constitution of an individual American citizen to keep and bear arms are somehow affected by global gun control regimes, then I disagree with him very strongly. Our rights as Americans depend on the American Constitution and American law, not on some global gun control regime or unratified treaties because of some legal theory of customary international law.

On the matter of habeas corpus rights for terrorists, in 2007, Professor

Koh argued that foreign detainees held by the U.S. Armed Forces anywhere in the world—not just enemy combatants at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts. Those are the rights reserved to American citizens under our Constitution and laws, not to foreign terrorists detained by our military in farflung battlefields around the world.

If Professor Koh were correct—and he is not—this would mean that even foreign enemy combatants captured on the battlefield fighting against our troops in Afghanistan and held at Bagram Air Force Base would be able to sue in the U.S. courts seeking their release.

On this issue, fortunately, Dean Koh's radical views are not shared by the Obama administration, which filed a brief recently arguing that habeas corpus relief doesn't extend to detainees held at Bagram Air Force base in Afghanistan.

Do we want a top legal adviser in the State Department working to grant terrorists and enemy combatants even more rights than they have now?

There is the issue of military commissions, something Congress has spoken on at some length after lengthy debate. Professor Koh's views of military commissions also deserve our attention.

Military commissions, it turns out, have been authorized since the beginning of this country—by George Washington during the Revolutionary War, by Abraham Lincoln during the Civil War, and by Franklin Roosevelt during World War II. Yes, military commissions have been authorized both by our 43rd and 44th President of the United States in the context of the war on terror.

President Obama has said that ''military commissions . . . are an appropriate venue for trying detainees for violations of the laws of war.'' I agree with him.

Of course, military commissions, as I alluded to a moment ago, have had bipartisan support and have been authorized by the Congress. But somehow Professor Koh takes a more radical view. He believes military commissions would ''create the impression of kangaroo courts.'' He said they ''provide ad hoc justice.'' He said they do not and cannot provide ''credible justice.''

Do we want the top legal adviser at the State Department undermining both the will of Congress and the President regarding the time-tested practice of military commissions during wartime?

Again, here is another example of Professor Koh's views that are radical views—certainly outside of the legal mainstream. Senators should also take a look at Professor Koh's views on suing or prosecuting lawyers for providing professional legal advice in the service of their country.

My position is clear: Government lawyers—and I don't care whether they are working in a Democratic administration or a Republican one—should not be prosecuted or sued for doing their jobs in good faith. They should not be punished for giving their best legal advice under difficult and novel situations, even if it turns out that some lawyer somewhere later disagrees with that advice.

As dean of the Yale Law School, Professor Koh has enabled and empowered the leftwing attempt to sue one of its own alumni, John Yoo, who worked at the Office of Legal Counsel in the Bush administration.

The Yale Law School's Lowenstein International Human Rights Law Clinic has filed suit against John Yoo for the legal advice he provided to policymakers during his service on behalf of the American people.

I wonder if Professor Koh is willing to hold himself to the same standard and agree that individuals can sue him for his official acts if he is confirmed as Legal Adviser to the State Department—if later on lawyers, and perhaps prosecutors, disagree with that legal advice and say it was wrong.

Suppose Professor Koh gives legal advice that certain GTMO detainees should be released. If they return to the battlefield, as many have, and end up killing Americans, or our allies, should the victims' families be allowed to hold Professor Koh legally responsible in a court of law? Or suppose Professor Koh gives legal advice that authorizes military actions in Afghanistan or Pakistan. If those operations result in collateral damage, or civilian casualties, would the victims have standing in Federal Court to sue Professor Koh?

Do we want a top Legal Adviser at the State Department who is so compromised by the fear of being sued or prosecuted that he could not be trusted to give honest, good-faith legal advice to the Secretary of State or the President of the United States?

Perhaps most timely, given the civil unrest in Iran—and the Senator from Massachusetts was critical of the fact that I quoted a 2007 writing of Professor Koh, but it is true from this writing, and I will read it in a moment—Professor Koh appears to draw a moral equivalence between Iran's regime's political suppression and human rights abuses, on one hand, and America's counterterrorism policies on the other.

In 2007 he wrote:

> The United States cannot stand on strong footing attacking Iran for ''illegal detention'' when similar charges can be and have been lodged against our own government.

He goes on to say that U.S. Government criticism of Iranian ''security forces who monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization,'' was ''hard to square'' with our own National Security Agency's surveillance programs.

Do we want to confirm a top Legal Adviser at the State Department who can't see the difference between counterterrorism policies approved by the Federal courts and the Congress and the brutal repression practiced by a theocratic regime?

We have heard enough moral equivalence about Iran over the last week, and we have heard enough apologies for the actions of the United States, and enough soft-peddling of the actions of the Iranian theocracy, which is a brutal police state. We don't need another voice in the administration whose first instinct is to blame America and whose long-term objective is to transform this country into something it is not.

For these reasons, I urge my colleagues to oppose the nomination of Harold Koh as the top Legal Adviser to the State Department.

I yield the floor and reserve the remainder of my time.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Dean Harold Hongju Koh to serve as Legal Adviser to the Department of State. Dean Koh is a close friend of mine, whom I have known and respected for many years. His distinguished career reflects a long history of public service and bipartisanship. For example, Dean Koh served in both Republican and Democratic administrations, beginning his career in government in the Office of Legal Counsel during the Reagan administration and at the Department of Justice and as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration.

Dean Koh also has strong academic and professional credentials. He was the editor of the Harvard Law Review, a Marshall scholar and a law clerk for the Honorable Harry A. Blackmun of the U.S. Supreme Court. He has been awarded with several honorary degrees and more than 30 human rights awards.

Dean Koh's established expertise in international law makes him a strong candidate for the position. I am certain that he will protect the U.S. Constitution and execute the job with extraordinary professionalism. I strongly support his nomination.

Mr. DODD. Mr. President, I rise in support of the nomination of Harold Koh to serve as Legal Adviser to the Department of State.

My one and only regret in offering my enthusiastic support for this nomination is that it will take from my State of Connecticut a pillar of our academic community and a mentor to countless young legal minds at the Yale Law School, where Harold Koh has served as a member of the faculty since 1985 and dean since 2004.

Dean Koh is a man of extraordinary intellect, unquestioned patriotism, and

great accomplishment. He is a former Marshall Scholar, a graduate of Harvard Law School, the recipient of 11 honorary degrees, and the author of 8 books.

He has appeared before appellate courts and the Congress on countless occasions, won many awards and accolades as a human rights advocate, and served his country under Presidents of both parties. In his most recent service, he was unanimously approved by this body to serve as Assistant Secretary of State for Democracy, Human Rights, and Labor, where he served with tremendous distinction for 3 years.

In short, Dean Koh is exactly the sort of public servant we need at the State Department at a time when our Nation is seeking to restore its standing in the world by renewing our commitment to traditional American values like respect for all people and adherence to the rule of law.

After all, we confront global challenges as complex as they are numerous. Nuclear proliferation and international terrorism threaten our national security, and issues like genocide and human trafficking test our leadership on the world stage. Our foreign policy must be rooted in an understanding of American and international law, as well as a firm commitment to not only our Constitution, but also the underlying moral values from which it was created.

No one understands these issues better than Harold Koh. He is the child of parents born in South Korea who grew up under Japanese colonial rule. They lived through dictatorship and unrest before coming to America. Their son Harold chose to study law because he understood that, as he once stated in an essay, ''freedom is contagious.''

Dean Koh wrote movingly of his time with the State Department:

Everywhere I went—Haiti, Indonesia, China, Sierra Leone, Kosovo—I saw in the eyes of thousands the same fire for freedom I had first seen in my father's eyes. Once, an Asian dictator told us to stop imposing our Western values on his people. He said, ''We Asians don't feel the same way as Americans do about human rights'' I pointed to my own face and told him he was wrong.

Our Nation will be safer and stronger, and the world will be freer, with Harold Koh at the State Department once again.

I suspect that many of my colleagues who have raised concerns about this nomination understand fully just how qualified Dean Koh is for this position. Unfortunately, some are too willing to play politics with our foreign policy.

Let's be clear. To suggest that Dean Koh does not understand or appreciate American sovereignty or the supremacy of our Constitution is an insult. Dean Koh has done important and valuable work exploring the tenets of international law and comparisons between the legal systems of different countries, work I hope he will continue when his nomination is approved. He does not wish to subjugate our legal system to that of any other nation, or to international law, and claims to the contrary are simply inaccurate and unfair.

Indeed, while some have been tempted by the prospect of opposing a talented legal scholar nominated by a President of the opposing party, Dean Koh's nomination has been endorsed by serious legal minds on both sides of the ideological spectrum.

John Bellinger, who served in this position under President George W. Bush, wrote: ''I do think Harold Koh is well qualified and should be confirmed.''

Kenneth Starr, the well-known Republican attorney who has opposed Dean Koh in court on many occasions, calls him ''not only a great lawyer, but a truly great man of irreproachable integrity.''

Conservative legal legend Ted Olson agrees, calling Dean Koh a ''brilliant scholar and a man of great integrity.'' He also makes the very salient point that ''the President and the Secretary of State are entitled to have who they want as their legal adviser.''

Serious people, people who understand the importance of this position to our foreign policy and the nature of the man President Obama has nominated to fill it, have been able to look past political considerations and judge Dean Koh fairly.

They support him. I support him. I urge my colleagues to support him. And I look forward to his confirmation, his service, and his continued friendship.

Mr. CORNYN. We yield back the remainder of our time.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there a sufficient second?

There is a sufficient second.

The question is, shall the Senate advise and consent to the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the Department of State.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—62

Akaka	Brown	Conrad
Baucus	Burris	Dodd
Bayh	Cantwell	Dorgan
Begich	Cardin	Durbin
Bennet	Carper	Feingold
Bingaman	Casey	Feinstein
Boxer	Collins	Gillibrand
Hagan	Lugar	Schumer
Harkin	Martinez	Shaheen
Inouye	McCaskill	Snowe
Johnson	Menendez	Specter
Kaufman	Merkley	Stabenow
Kerry	Mikulski	Tester
Klobuchar	Murray	Udall (CO)
Kohl	Nelson (NE)	Udall (NM)
Landrieu	Nelson (FL)	Voinovich
Lautenberg	Pryor	Warner
Leahy	Reed	Webb
Levin	Reid	Whitehouse
Lieberman	Rockefeller	Wyden
Lincoln	Sanders	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—2

Byrd	Kennedy

The nomination was confirmed.

Mr. KERRY. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. Madam President, today the Senate confirmed Harold Koh to the position of Legal Adviser to the State Department by a vote of 62 to 35. I voted against his confirmation for reasons I explained on the floor yesterday. Chiefly, I am concerned about his support for a transnational legal process. The National Review recently published an article that explores the inherent conflict between transnational legal structures built on ''global norms'' and the constitutionally defined role of the American judiciary. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KOH FAILS THE DEMOCRACY TEST

(By John Fonte)

Advocates of global governance advance their agenda through the ''transnational legal process.'' Harold Koh, former dean of the Yale Law School, who has been nominated by President Obama to be the legal adviser to the State Department, is a leading advocate of this ''transnational legal process.'' His confirmation hearing is today, Tuesday, April 28.

Dean Koh has written extensively—sometimes clearly, sometimes obtusely—on transnational law and the ''transnational legal process.'' In a rather clear paragraph in The American Prospect (September 20, 2004), Koh explains how the system works: Transnational legal process encompasses the interactions of public and private actors—nation states, corporations, international organizations, and non-governmental organizations—in a variety of forums, to make, interpret, enforce, and ultimately internalize rules of international law. In my view, it is the key to understanding why nations obey international law. Under this view, those seeking to create and embed certain human

rights principles into international and domestic law should trigger transnational interactions, which generate legal interpretations, which can in turn be internalized into the domestic law of even resistant nation-states.

Koh says much the same thing in the Penn State International Law Journal (2006)—more abstractly, to be sure, but it is worth listening to his voice to begin to appreciate the tone of the global-governance debate in legal circles: To understand how transnational law works, one must understand ''Transnational Legal Process,'' the transubstantive process in each of these issues areas [business, crime, immigration, refugees, human rights, environment, trade, terrorism] whereby [nation] states and other transnational private actors use the blend of domestic and international legal process to internalize international legal norms into domestic law. As I have argued elsewhere, key agents in promoting this process of internalization include transnational norm entrepreneurs, governmental norm sponsors, transnational issue networks, and interpretive communities. In this story, one of these agents triggers an interaction at the international level, works together with other agents of internalization to force an interpretation of the international legal norm in an interpretive forum, and then continues to work with those agents to persuade a resisting nation-state to internalize that interpretation into domestic law.

Koh notes that the crucial mechanism for incorporating these global norms that are ''created'' and ''interpreted'' in transnational forums into American constitutional law is the American judiciary. As Koh declares, ''domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law.''

The global norms that are to be ''internalized'' into American law cover a wide range of policy areas, including matters of foreign policy, terrorism, internal security, commerce, environment, human rights, free speech, and social issues such as feminism, abortion, gay rights, and the status of children.

To ask the crucial questions of democratic theory: Who governs? Who decides?

For the advocates of global governance, the policy issues listed above are typically global problems that require global solutions. In this view, international judges, NGO activists, international lawyers, and the like operating in transnational forums such as the International Court of Justice, the International Criminal Court, and various U.N. agencies are the appropriate decision-makers.

For the advocates of liberal democracy, these issues should be decided through the democratic political process. In the United States, this would mean the elected representatives of the people: the Congress and president at the national level, state legislatures and governors at the state level, and city councils and mayors at the local level.

To be sure, the American judiciary should perform its constitutional role of interpreting the laws made by the political branches of American democracy. However, it is not appropriate for American courts to impose or ''internalize'' global norms, rules, or laws ''created'' at transnational forums by transnational actors who have no direct accountability to ''We the People of the United States''; actors who not only are not elected by the American people, but who are, for the most part, not even citizens of the United States. It is not appropriate, that is, if one believes in liberal democracy.

But, of course, the ''transnational legal process'' articulated by Harold Koh and the politics of transnationalism generally are not democratic. They represent a new form of governance that I call ''post-democratic.'' To ''make, interpret, [and] enforce'' international law, ''which can in turn be internalized into the domestic law of even resistant nation-states'' (as Koh describes it), is to exercise governance. But do these transnational governors have the consent of the governed?

The transnational legal process fails the ''government by the consent of the governed'' test in two ways. First, the democratic branches of government, the elected representatives of the people, have no direct input either in writing the global laws in the first place, or even in consenting to their domestic internalization, as, for example, happens when the Senate ratifies a treaty or the Congress passes enabling legislation for a non-self-executing treaty.

Second, there is no democratic mechanism to repeal or change these international rules that are incorporated into U.S. law by this process. What if the American people decide that they object to these global norms and transnational laws that were imposed upon them without their consent (on, for example, the death penalty, internal security, immigration, family law, etc.)? What if the American people at first approved, but later changed their minds on, some of these rules: How can these global norms, now part of international law and U.S. constitutional law, be repealed? Legislation to repeal the global norms could be deemed ''unconstitutional.'' In short, there are no democratic answers to these questions consistent with the transnational legal process, because it is not a democratic process.

At the end of the day, the argument over the transnational legal process is one part of a larger argument that will come to dominate the 21st century: Who governs?

Will Americans continue to decide for themselves public policies related to national security, human rights, immigration, free speech, terrorism, the environment, trade, commercial regulation, abortion, gay rights, and family issues—or will questions be decided by ''transnational issue networks'' working with ''transnational norm entrepreneurs,'' ''governmental norm sponsors,'' and ''interpretive communities,'' with the complicity of American judges?

The PRESIDING OFFICER. Under the previous order, the President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2918.

The legislative clerk read as follows:

A bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be at least one more vote today.

Senator NELSON should be here momentarily to start managing the Legislative Branch appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1365

(Purpose: In the nature of a substitute.)

Mr. NELSON of Nebraska. Madam President, it is my understanding that there is an amendment already at the desk.

The PRESIDING OFFICER. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1365.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. NELSON of Nebraska. Madam President, I rise today to present the fiscal year 2010 legislative branch bill. I want to start by thanking Senator MURKOWSKI and her staff for their help in putting this bill together. I am very grateful for her support on this subcommittee. This was truly a bipartisan effort from start to finish. I thank her and I note that her health is improving because her leg is improving and she is getting to places on her own now.

This bill funds the salaries of the very dedicated public servants who support the legislative branch of government. The legislative branch is home to not only all of us here in the Senate and the House, but the Capitol Police, the Library of Congress, the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Congressional Budget Office, the Office of Compliance, and the Open World Leadership Center.

In crafting this bill, it was our firm belief that the legislative branch should lead by example, funding only the most critical needs of our agencies and being good stewards of the taxpayers' dollars. This proved to be quite a challenge when we were presented with a budget request that reflected a 15-percent increase over the fiscal year 2009 enacted level. However, after several hearings, many meetings, and countless hours of staff negotiations, I am proud to say that we did exactly what we set out to do in writing this bill.

The bill before us today totals $4.6 billion, which is a 4.7-percent increase over the current year. The bill includes House-related items solely considered by that body which totaled $1.475 billion. It is important to note that the

Senate Legislative Branch appropriations bill, which did not include House-related items, over which we had no control, represented only a 3.3-percent increase over fiscal year 2009 and was significantly below the budget request. If you include the $25 million that GAO received in the stimulus bill, then this is only a 2.4-percent increase over current year funding levels.

The fiscal year 2010 bill provides $934 million for the Senate, which is an increase of 4.3 percent over the current year. This funding will provide for annual salary and operating increases for Senate offices, the Senate Sergeant at Arms, the Secretary of the Senate, and other agencies that support the operation of the Senate.

The bill includes $331 million for the Capitol Police, which is an 8-percent increase over current year. This includes $15.4 million to fully implement the merger of the Library of Congress Police with the Capitol Police, providing seamless security throughout the entire Capitol complex.

The bill also provides for 10 additional civilian positions to help resolve management issues, including the constant increase in the demand for overtime. The committee did not provide the 76 new officers requested in fiscal year 2010, but does direct GAO to work with the Capitol Police to ensure that they are getting the most efficient use of their nearly 1,800 officers currently on board, by far the biggest this force has ever been.

The Architect of the Capitol is funded at $445 million, which is a decrease of $18 million, or 4 percent below current year. The amount includes $48 million in deferred maintenance projects, including $16.8 million for continued work on asbestos abatement and structural repairs in the utility tunnels. I am happy to say that the utility tunnel work is on schedule and significantly below original cost estimates. The bill also includes over $14 million in energy and sustainability projects across the Capitol campus.

The Library of Congress funding totals $638.5 million, which is a 4-percent increase over the current year. This amount includes $8.5 million for technology upgrades to allow for increased digitization of the Library's collections and full funding for the Digital Talking Book for the Blind project.

The Government Accountability Office is funded at $553.6 million, which is a 4-percent increase over current year, and provides all salary and inflationary increases for GAO's current staff level.

The Government Printing Office is funded at $147 million, which is a 4-percent raise over current year, allowing for the continued implementation of GPO's Federal Digital System and other technology upgrades.

The Congressional Budget Office is funded at $45 million, a 2-percent increase over the current year. Combined with the $2 million included in the supplemental, CBO will have adequate funding and FTEs needed to perform the critical work associated with health care spending, the current financial crisis, and global climate change.

The Office of Compliance is funded at $4.4 million, an increase of 8 percent above current year to cover inflationary changes and to allow the Office to hire an Occupational Safety and Health Program supervisor.

Last, but not least, the Open World Leadership Office is funded at $14.4 million, which is a 4-percent increase over the current year.

I believe the bill before the Senate is sound, prudent, and fiscally responsible. Taking into account the calculations I have given, it is a 2.4-percent increase over the current with those calculations. I encourage my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I rise this afternoon in support of the Legislative Branch appropriations bill for fiscal year 2010. The chairman of the subcommittee, Senator NELSON, and I have worked collaboratively in this process of putting the bill together. I thank him for that. I think we had some real substance in our hearings and spent the time, the energy, and the focus we needed on these matters regarding this particular appropriation.

When combined with the House items, the bill before us totals $4.7 billion, and while this is an increase of 5 percent over the current year, the bill we reported out of the committee represented less than a 3-percent increase over fiscal year 2009, as the chairman has said—in fact, 2.4 percent. I would argue for those who say we need to keep our appropriations bills within the range of inflation, we are probably there at a 2.4-percent increase.

We cannot, within this body, control the amounts the other body may provide for its own operations, but the amounts for the Senate and the other legislative branch agencies that are controlled in this bill are controlled very closely, especially when we compare this with the average 15 percent increase that was requested by the legislative branch agencies. I think we worked very hard to take the requests that came before the committee and really pared them down to what was appropriate, what was needed, what was necessary.

Both Senator NELSON and I are new to the Appropriations Committee. I am very pleased we were able to have these very good and substantive hearings with all of the legislative branch agencies. We discussed the wide range of issues and challenges before the legislative branch. We worked well together and have been consistent in our efforts to eliminate unnecessary spending, tighten our belts, and help ensure that the legislative branch is a model for the rest of the government. We believed we needed to set a good standard. If we stay on schedule, we will be able to get this bill enacted prior to the beginning of the fiscal year. It is a good start to the appropriations process.

I would like to highlight just a few areas, adding on to what the chairman has mentioned.

First, with respect to the Architect of the Capitol, the bill funds those projects that address the most serious risks to safety and health, such as repairs within the utility tunnels that underlie the Capitol Complex and projects that remedy deferred maintenance in our buildings. If we don't address the maintenance backlogs, the price tags, we know, will just increase down the road.

The bill continues the Architect of the Capitol's efforts to improve energy efficiency, with over $14 million in funding designated for this purpose.

Within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure. For about a decade now, there have been no increases to IT within the Library of Congress. Yet most of the users of the Library are virtual users. This was the highest priority of our Librarian of Congress, Mr. Billington. This investment will ensure that millions of people who access the Library through its Web site will be able to find what it is they are looking for.

Similarly, within GPO, we funded the final increment for updating GPO's—this is the Government Printing Office—Web site to ensure government publications can be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This project was initiated by Senator BENNETT when he was chairman of the subcommittee and has been promoted by each of the successive chairs and ranking members to improve security of the Capitol Complex.

Finally, there is a directive in the bill for a report by the Government Accountability Office of a study of Capitol Police staffing and overtime. Senator NELSON and I both share the concern that we right-size the Capitol Police and we control overtime spending. We recognize security is absolutely paramount, but effective management of the agency is equally as important.

I thank Senator NELSON for his efforts and those of his staff and my staff in putting this bill together. I also thank the full committee chairman, Senator INOUYE, and the ranking member, Senator COCHRAN, for getting us to the floor today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, today the Senate begins its consideration of our annual spending bills. We start with the legislative branch appropriations bill. I am pleased to announce to my colleagues that as of this moment, the Appropriations Committee has reported out four appropriations bills. It may please you to know, Madam President, that all of these bills—Legislative, Homeland Security, Commerce, and Interior—passed the committee unanimously and all of the bills represent a bipartisan approach.

We start with the legislative branch appropriations bill not because we want to take care of ourselves, but because it is the only bill so far which has been passed by the House and marked up by the Senate Appropriations Committee.

Without unanimous agreement, the Senate can only act on those appropriations bills which have already been approved by the House. While we begin today with the legislative bill, we are confident that several bills will soon follow. We are optimistic that the Homeland Security bill will pass the House this week and be available for consideration before we adjourn for the recess. Later this week the Committee on Appropriations will meet to consider two additional appropriations bills and we expect to meet in early July to prepare another five bills. Over the next several weeks we expect to have many bills debated and hopefully passed by the Senate so that we can begin final conference deliberations on these critically important measures.

The bill before the Senate, as prepared by our Legislative Subcommittee Chairman, Senator NELSON of Nebraska and his ranking member Senator MURKOWSKI of Alaska provides $3.1 billion for the operations of the Congressional Branch, excluding amounts specifically requested for the House of Representatives. It represents a 3-percent increase over the amounts provided in FY 2009, but it is nearly 10 percent below the amount requested.

Our colleagues should thank Senators NELSON and MURKOWSKI for completing their hard work on this bill. Because of the change in administration, the committee has had the details of the President's request for less than 2 months. Yet our colleagues, who have only assumed their subcommittee leadership positions this year, have already completed their review and prepared this measure.

The bill was marked up by the committee last week and approved on a unanimous vote. It is a tribute to our two managers that this bill was passed by the committee without a single amendment.

For those of our colleagues who focus on the small part of the Appropriations bills which are earmarks, I would note there is only one earmark in this bill.

Many critics and pundits constantly overstate the controversy over earmarks, but here in the bill which provides the essential support for our legislative branch, we include only one earmark.

As we begin our process to provide for our Nation's spending it is important to remember why we are engaged in this annual exercise.

As the Framers of our Constitution recognized it is critically important to our democracy to ensure that the people's representatives in the Congress are the ones who determine how taxpayer money should be expended.

While the Congress relies on the expertise of the executive branch to develop programs and to construct spending plans, it is our responsibility to determine which of these programs and plans is right for the American people. We were elected to represent our States. One way in which we carry out our responsibilities is by determining our Nation's budget.

Included in this process is the relatively small amount of funding that are included in direct response to our constituents' petitions. In the fiscal year 2010 bills that the Appropriations Committee will recommend to this body we will reduce our spending on non-project based earmarks by 50 percent compared to amounts for these program in fiscal year 2006.

To understand the importance of our willingness to curtail this type of spending, I would note that this means a reduction of more than $8 billion in earmarks.

Chairman OBEY and I have agreed that, as long as he and I are Chairmen, the total of non-project based earmarks in appropriations bills will not exceed 1 percent of the total discretionary funding appropriated by the committee in any fiscal year.

What this means is that this year and in future years we will allocate 99 percent of the funds in the budget for national programs and programs which are included in the president's request, and only 1 percent, really less than 1 percent, for programs that are included in direct response to the needs of our States, cities, towns and the constituents whom we represent.

It is essential that the Congress maintain its control over Federal spending. While it may not always be politically popular to challenge the authority of Presidents in determining the spending priorities for the country, it is how we safeguard the democratic traditions of this Nation.

The day that we cede this authority to the White House is the day when we create a monarchy. As chairman of the Appropriations Committee and a member of this body for more than 46 years, I have no intention to allow that to occur.

As the Senate reviews this and the other spending bills which will soon follow, I urge it to be mindful of the importance of this task.

The bill before this body deserves the support of every Member of this body. It provides for the essential services to fulfill the functions of our legislative branch.

It is a clean bill free of unnecessary legislative riders. It is $300 million below the amount requested and within the funding allocation provided to the subcommittee. I strongly recommend its approval.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. VITTER. Madam President, I have a motion to commit with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Mr. VITTER moves to commit the bill H.R. 2918 to the Committee on Appropriations with instructions to report the same back to the Senate making the following changes.

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate level of appropriations for fiscal year 2010 not more than the level enacted for fiscal year 2009, while not reducing appropriations necessary for the security of the United States Capitol complex.

Mr. VITTER. Madam President, I will outline my motion to commit shortly. First, by way of introduction, let me say how disappointed and frustrated I am that another amendment I had proposed for this bill was consistently blocked out all of this week, and no vote, no consideration was allowed by the distinguished majority leader. That amendment, which had been filed some time ago, which I worked hard to get before this body, would have passed again, a repeal of the automatic pay raise provision for Members of the Senate and Members of the U.S. House currently in the law.

We are in the midst of a very serious recession. American families all around the country are really hurting. Many have been laid off, lost their jobs through investment losses and the stock market. Many others are scared to death about their future. Yet all of us as Members of Congress live under this system where we get an automatic pay raise virtually every year, a pay raise on autopilot without any need for a proposal or a bill to be offered, to be filed, to be debated or voted on. That really is a very offensive system to millions of American families, particularly so during this serious recession.

I am very sorry the majority leader felt the need to work at every turn to block out any consideration of this amendment and certainly any vote on this amendment. We have a unanimous consent agreement on this bill before us. It contains amendments that are not germane to the bill. It contains amendments that have points of order

against them. There is no legitimate way the majority leader can distinguish my amendment from those, except that he didn't want to deal with the issue.

We already have dealt with it by passing a stand-alone bill through the Senate. But, of course, to require the House to deal with it, we need to effectively attach it to another must-pass bill. So that remains my goal, and my effort will continue. I wish to assure and reassure the majority leader that effort will continue and we will be talking about this more in the future.

With regard to my motion to commit with instructions, it has a very similar theme because this motion to commit would simply send this appropriations bill back to the committee and ask that they restyle it so that it does not spend any more money than we spent on legislative appropriations for the last fiscal year. That would constitute about a $76 million cut. That is not a huge amount of money in Washington terms, but I think it would be the beginning of a huge and an important and an appropriate statement by this body.

Again, as I said, American families are hurting all over the country. There have been layoffs, job losses; there have been tremendous investment losses; people's savings have been whittled away, down to nearly nothing in some cases. People who had retired, counting on a certain future have seen that future disappear in front of their eyes. They don't have the luxury, particularly now, this year, in this recession, of any percentage increase—many of them. Many of those American families are dealing with a huge income decrease. Wouldn't it be reasonable and appropriate for us collectively to say we are going to live by the same dollar amount as we did last year? Consider that amount last year was an 11-percent increase from the year before, so that amount Congress passed last year was an 11-percent increase—about triple the rate of inflation—done in the middle of this serious recession. That was a significant increase last year. Shouldn't we temper that? Shouldn't we make a statement that we are going to live with the same dollar amount as last year?

I also note that under the exact language of my amendment, No. 1, we would give maximum flexibility to the Appropriations Committee about how they would find those modest savings of $76 million, and No. 2, the one thing we would protect, the one thing we would tell them not to touch is spending which is essential for security of the Capitol Complex. There would be no chance—not that it would be the desire of the Appropriations Committee—there would be no possibility of sacrificing anything to do with security of the Capitol Complex.

This is a pretty simple and a pretty basic suggestion. I think it is a pretty commonsense one. American families are struggling with the worst recession since World War II. Millions of American families have one or more members who have lost their jobs. Those families have seen their incomes go down enormously. Tens of millions of other Americans have seen life savings cut in half. Folks in retirement or near retirement have seen that whole picture change before their eyes. So there are plenty of Americans who are not dealing with an increase from last year, they are dealing with a huge decrease. How about we say on a bipartisan basis: OK, our legislative budget got an 11-percent increase last year even as this recession was underway.

So this year, we are going to get a zero percent increase. This year we are simply going to live with the same dollars as we lived with for the legislative branch last year. This is simple, straightforward, but I think important. Again, we would do this by giving the committee maximum flexibility in terms of finding those savings, and we would do it by protecting the security of the Capitol complex.

I urge all of my colleagues to support this important symbol and this important statement as families hurt all around our country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in opposition to the Vitter amendment to fund the legislative branch agencies at current year levels, which would result in a reduction actually of $101 million below the level that Senator MURKOWSKI and I have proposed in the bill we are considering.

The fiscal year 2010 bill reflects, as I have mentioned and said, only a 2.4-percent increase over fiscal year 2009 spending when you take GAO's stimulus funding into account.

When we started drafting this bill, the budget request we received sought a 15-percent increase over fiscal year 2009. From the outset, my ranking member and I have been committed to holding this bill to the lowest possible funding level, and to lead by example in being good stewards of the taxpayers' money.

My intention was to hold this bill at the rate of inflation, if we could, and it frankly pained me to even have to go as far as 2.4 percent over current year. But the reality is there are expenses in the legislative branch that we are responsible for.

As a former Governor, I am used to hearing individuals assert the desire to make budget cuts without actually offering any specifics. So I am used to what we are seeing here tonight. I say to my colleague, if he has specific suggestions about what types of cuts would be prudent—he has told us what not to cut, but if he has some specific suggestions about the types of cuts, I would be happy to talk about them. Speaking in generalities will not get the job done. I can appreciate the desire to keep spending restrained. However, if the Senator wishes to make specific suggestions of the $100 million cuts that he is, in fact, proposing, I would welcome it, as I would have welcomed hearing any of the Senator's suggestions during the weeks and months it took to create this bill.

As a matter of fact, I have visited with my colleague Senator JOHANNS about the increases in this budget this year, and have suggested to him that if there are other areas we should cut, then we would take his thoughts into consideration and make any adjustments that would make sense.

But, to my knowledge, I have not received any note of concern from the Senator, the sponsor of this amendment, about any of the items included in this bill while it was being created. We are all concerned about fiscal responsibility.

Let's talk a little bit about this bill and what this amendment would mean. We now have a fully operating Visitor Center here in the Capitol that costs money to operate and to secure, recently completed. There are still costs associated with bringing it up and into the running process. The Visitor Center has provided increased amenities for our constituents when they make the trip to Washington to visit. But it does cost money.

I have already outlined the bill in my opening statements, so I will not go through all of that again.

This is the first time through this process as chairman of the Legislative Branch Subcommittee, and I must say I was honored when Chairman INOUYE tasked me with the enormous responsibility.

This committee funds the agencies Congress relies on to provide them with timely information pertaining to the oversight of the Federal Government. For example, last year the Government Accountability Office, the GAO, as it is referred to, received over 1,200 congressional requests and testified at over 300 congressional hearings. Their work produced hundreds of improvements in government operations and produced significant financial savings for the American taxpayer.

The Congressional Budget Office, the CBO, also funded in this bill, actually received emergency funding in the supplemental that passed last week to further strengthen their workforce, allowing for timelier production of analyses for congressional offices.

I do not know how a spending freeze can be proposed to an agency that desperately needed this kind of help to do their job here so we can do our jobs here in Congress.

It does not make sense. I know for a fact that my colleagues depend on the

CBO, that office, perhaps now more than ever before, for analysis related to health care costs, energy, and the current financial crisis.

The agencies funded in this legislative branch work for Congress. Quite simply, if you reduce their funding, you will reduce the service we receive here in Congress at an important time when we are facing important legislation. So we are a little spoiled here. But that is because of the great service we are used to receiving from the Government Printing Office to the Congressional Research Service to the Capitol Police who maintain our security, and the security of those who are in our buildings and on our grounds. These are agencies and staff that also support Congress. That is their mission. I think we owe it to them to at least to fund the cost-of-living increase for these dedicated public servants. The vote will determine whether you think your staff deserves a cost-of-living adjustment in 2010, and whether you think our Capitol Police deserve to be paid overtime with the long hours they work, risking life and limb to keep us and the thousands of Americans who visit here each year safe in the Capitol complex.

Every elevator operator, every construction worker, every plumber, every electrician, every maintenance person, every parking lot attendant, virtually every employee you encounter here in the Capitol complex, including staff present here today, is paid from this appropriations bill.

I could go on and I could go on. But I have to admit, I did not realize what a lot of those folks did until I started working on this bill. But now I do.

It is my responsibility, and the responsibility as well of the ranking member, to do what we think is right by these employees and these agencies.

I respectfully urge my colleagues to vote no on this motion.

How much time does the Senator need in response?

Mr. VITTER. I might need an additional 3 minutes to wrap up.

Mr. NELSON of Nebraska. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. In summary, let me try to clarify and rebut a few points. First, to say that this bill is a 2.4-percent increase over last year's is complete fiction, because that assumes the stimulus into last year's number. In fact, last year's number, because of the stimulus—and the stimulus was a one-time bill, not a normal fiscal year bill.

No. 2, last year's bill, as I mentioned, was an 11-percent increase over the previous year, three times the rate of inflation.

No. 3, I wanted to give the committee maximum flexibility in making this modest cut. But there are plenty of suggestions I would have. I would be happy to offer specifics. I will offer one right now. The Open World Leadership Center Trust Fund, $14.5 million. That would be almost a quarter of the savings I am asking for. That is a program to bring governmental officials from Russia and Eastern European republics to tour the United States. I am sure it is a nice idea, but I think there would be a lot of American families in the middle of this recession who would ask, is that essential? Is that core to what we are doing in government in very tough economic times? Do we actually need to do this?

We can find those savings. That program alone is a quarter of the savings my motion to commit would require. We can find those savings clearly without touching Capitol Police overtime, without touching cost-of-living increases for employees.

Finally, there are millions of American families who are not dealing with any increase this year in their incomes. They are dealing with a huge decrease. They are dealing with a huge decrease in savings. So can't we simply live with the same dollar amount as we did in the legislative branch last year? I think the huge majority of Americans would find that a very reasonable and a very modest goal.

I yield the reminder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—65

Akaka	Cochran	Landrieu
Alexander	Collins	Lautenberg
Baucus	Conrad	Leahy
Bayh	Dodd	Levin
Begich	Dorgan	Lieberman
Bennett	Durbin	Lincoln
Bingaman	Feinstein	Lugar
Bond	Gillibrand	Menendez
Boxer	Hagan	Merkley
Brown	Harkin	Mikulski
Burris	Inouye	Murkowski
Cantwell	Johnson	Murray
Cardin	Kaufman	Nelson (NE)
Carper	Kerry	Nelson (FL)
Casey	Kohl	Pryor
Reed	Shelby	Voinovich
Reid	Snowe	Warner
Roberts	Specter	Webb
Rockefeller	Stabenow	Whitehouse
Sanders	Tester	Wicker
Schumer	Udall (CO)	Wyden
Shaheen	Udall (NM)	

NAYS—31

Barrasso	Ensign	Kyl
Bennet	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Sessions
Corker	Hutchison	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	
DeMint	Klobuchar	

NOT VOTING—3

Byrd	Inhofe	Kennedy

The motion was agreed to.

Mr. NELSON of Nebraska. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SERVICE OF SUMMONS AGAINST AND RESIGNATION OF SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Pursuant to rule IX of the Rules and Procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY OF THE SENATE. Do you, Terrance W. Gainer, solemnly swear that the return made by you upon the process issued on the 24th of June, 2009, by the Senate of the United States, against Samuel B. Kent, is truly made, and that you have performed such service as therein described: So help you God?

The SERGEANT AT ARMS. I do.

Madam President, I send to the desk the return of service I executed upon service of the summons upon Judge Samuel B. Kent yesterday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, MA, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of the summons, and to be effective June 30, 2009.

The PRESIDING OFFICER. The return of service and accompanying statement of resignation will be spread upon the Journal and printed in the RECORD.

The documents are as follows:

The foregoing writ of summons, addressed to Samuel B. Kent, United States District Judge, and the foregoing precept, addressed to me, were duly served upon the said Samuel B. Kent, by my delivering true and attested copies of the same to Samuel B. Kent, at Devens Federal Medical Center on the 24th day of June, 2009, at 4:30 p.m.

TERRANCE W. GAINER,
Sergeant at Arms.

Dated: June 24, 2009.

Witness: Andrew B. Willison, Deputy Sergeant at Arms.

I, Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Dated 24 June 2009.
Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent on June 24, 2009, to the President of the United States and to send a certified copy of the statement of resignation to the House of Representatives.

I further ask unanimous consent that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more votes today. We will have no session tomorrow. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

As I have told everyone more than once, the next 5 weeks after we get back are going to be jam packed with stuff to do. Members should understand that we will have votes on Mondays and Fridays, with one exception which has already been announced: It is July 17. We hope we don't have to have weekend sessions. We have a lot to do. Everyone knows the workload we have. I would hope that we understand the amount of work we have to do. We are going to be in a week longer than the House of Representatives, as everyone knows. Because of our rules, we can't move as quickly as they do. We have an immense amount of work to do. We have the Sotomayor nomination. We have Defense authorization that was reported out of committee today by Senators LEVIN and MCCAIN. That is something that is very important for the military and to the American people. We have other appropriations bills we have to work on. We have health care. We are going to move as far as we can on that during that period of time. So we have a lot of work to do.

Also, on July 14, there will be no votes after 2 p.m. These are arrangements I made with one of the Senators, and this will be good for the entire body. So there will be no votes after 2 p.m. on July 14.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1366 TO AMENDMENT NO. 1365

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1366 to amendment No. 1365.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the earmark for the Durham Museum in Omaha, Nebraska)

On page 27, strike lines 5 through 10 and insert ''mission.''.

Mr. MCCAIN. Madam President, the amendment is very simple. It strikes from the bill an earmark of $200,000 for the Durham Museum in Omaha, NE. Let me be very clear. I hold no grudge against the museum or the sponsor of this earmark. On the contrary, I hold my colleagues from Nebraska in very high esteem, and I have no doubt that the museum does wonderful work. Thanks to modern technology and Wikipedia, it has a very nice description of the Durham Museum, formerly known as the Durham Western Heritage Museum in downtown Omaha, NE, dedicated to preserving and displaying the history of the U.S. western region and it is housed in Omaha's Union Station.

I am sure it is a very fine place. I am sure it gets lots of visitors from all over the great State of Nebraska. The only problem is, as I understand from reading the bill, which sometimes some of us don't do, this is a bill that is entitled ''Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2010, and for Other Purposes.'' Well, obviously, the distinguished manager of the bill found another purpose but certainly none that has the slightest connection to the city of Omaha or the State of Nebraska, except the Senator happens to be from that State. He maybe even resides in that city.

The reason I am taking the floor is because Americans are hurting right now. Americans all over this country are hurting right now. I go downtown in my city, my hometown of Phoenix, AR, and I see people closing store fronts. I see people not able to make their house payments or people not able to pay their medical bills, and $200,000 would mean a lot to them; $200,000 is not a small sum.

So the fact is, I don't question the merits of the program. I don't question that the Durham Museum is probably a nice place to visit. I do question when we are going to stop earmarking porkbarrel projects because of the influence or clout of Members of the Senate.

I want to repeat, I do not question that this museum is a fine museum. I do question—and any objective observer would question—how in the world that has a place on appropriations of the taxpayers' dollars for the legislative branch. I don't think the Durham Museum is in the legislative branch of government unless I am badly mistaken, and I am sure I am not.

Here we are with trillions of dollars of deficit—$1.2 trillion for TARP, $410 million for the Omnibus appropriations bill, which was loaded with 9,000 unnecessary and wasteful earmarks, tens of billions of dollars to the domestic auto manufacturers, and we passed a budget resolution totaling $3.5 trillion. Now we have a bill totaling $3.1 billion to run the legislative branch of government.

As has been widely trumpeted, this bill is less than that requested. What it is also, though, is 3 percent more than it was last year. How many Americans are able to get 3 percent more money than they had last year? It is over $76 million more than last year's bill. So is this a big deal, $200,000? Probably not, with the trillions of dollars that we seem to throw around here.

But I am serving notice on my colleagues that I and some of my other colleagues are going to come to the floor and challenge these earmarks. We have to stop doing business as usual while we are committing generational theft and mortgaging our children's future.

Since it is going to be about 10 days or so before we will have a vote on this amendment—as the majority leader mentioned, we are not going to have anymore votes—I ask unanimous consent that before the vote I have 5 minutes and the Senator from Nebraska have the time he needs before the vote that will take place at the pleasure of the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I respect greatly my colleague from Arizona and his concern about spending. As was noted, the increase in the spending requested in the appropriations bill is about 2.4 percent. While $200,000 is a lot of money—and it certainly is a lot to people today—I

think it is important to point out that this museum is associated with the legislative branch in the following manner.

The Durham Museum is seeking to provide a public service of Federal interest making it appropriate to promote a public-private partnership. And this truly is a public-private partnership; the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The $200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum's photo archive collection will create new jobs, preserve our history and improve access to these priceless treasures.

This project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project.

It is important to point out that the Library of Congress has been a leader in digitization efforts, having digitized more than 15 million unique primary source documents. The library enjoyed a remarkable long-term relationship with the Durham Museum long before I came to the Senate and will undoubtedly oversee a quality project as the Durham Museum seeks to follow in our national library's footsteps.

Mr. President, not all national treasures are located inside the beltway.

This project is more than just a ''photo exhibit.'' In addition to making these images available to the public, as noted in the Legislative Branch Report, Durham will work with the Library of Congress to establish conservation and preservation training programs, and on incorporating digitized primary source materials into school curricula.

Dr. Billington and I have worked together to ensure that the library's most impressive exhibits have traveled to the Durham Museum over the years, ensuring that my fellow Nebraskans, Iowans from the east, Kansans from the south, and South Dakotans from the north, have had access to some of our Nation's most treasured documents and artifacts.

Some of the notable library exhibits that have traveled to the Durham Museum have included: ''Bound for Glory,'' showcasing the photographs of the Farm Security Administration in the late 1930s and 1940s, and ''With An Even Hand, Brown v. Board at Fifty,'' commemorating the 50th anniversary of the landmark Supreme Court decision in the case of Brown v. the Board of Education.

In January of 2011, the library's most recent impressive exhibit on Abraham Lincoln, ''With Malice Toward None,'' will travel to the Durham Museum, showcasing some of our revered former President's most transformative speeches and eloquent letters.

I urge that this not be considered just a local project. It is associated with the Library of Congress and, as such, has a tie that is an ongoing and longstanding relationship that will benefit both the Library of Congress and the Durham Museum. There is a nexus here and it is not an isolated incident.

At this point, I ask my colleagues to support the inclusion of that funding within this budgetary request.

OSHA VIOLATIONS

Mr. GRASSLEY. Madam President, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, S. 1294, I would like to raise a concern I have with a provision related to the Congressional Accountability Act of 1995, CAA. As the author of the Congressional Accountability Act, I have long believed that Congress needs to practice what it preaches by applying certain laws Congress passes to the legislative branch. The CAA did this by incorporating a number of laws including the Occupational Safety and Health Act of 1970. Senator MURKOWSKI, the distinguished ranking member of the Appropriations Subcommittee on the Legislative Branch, is here and I would like to ask about the provision in the bill related to the CAA.

I am concerned that the provision striking a section of the CAA related to the compliance date for OSHA violations may go further than necessary. As the author of the CAA, this provision was included to ensure that OSHA violations that are found in legislative branch buildings are remedied in a timely fashion. I understand that some concerns have arisen regarding the requirement that compliance occur by the next fiscal year, which prompted this revision, is that correct?

Ms. MURKOWSKI. That is correct, and it was a topic of discussion during the subcommittee hearings. Citations from the Office of Compliance are requiring certain actions by the Architect of the Capitol that don't always make sense. We found that the legislative branch is held to a higher standard than the executive branch and the private sector, and certain standards and timelines are applied that would not be applied outside the legislative branch, particularly to historic buildings.

As I said in our hearing with the Architect of the Capitol and Office of Compliance, I am completely supportive of having strong fire and life safety standards, but applying a ''gold standard'' to the legislative branch doesn't seem to be appropriate. We need to be pragmatic, and operate within a risk-based framework. In some cases, we have been asked to fund expensive projects by the AOC that simply aren't a good use of taxpayer dollars and don't necessarily offer significant improvements in fire and life safety.

Senator NELSON and I asked GAO to work with us to suggest how we could get the legislative branch on par with the executive branch and private sector. This language is the result of those discussions.

Mr. GRASSLEY. I agree that this provision should not lead to unnecessary expenditures and that we should examine this provision. However, I'm concerned the current revision in S. 1294 goes a bit too far by completely striking the compliance date. In fact I am informed the Office of Compliance, the entity in charge of enforcing the CAA has expressed concerns with completely striking this provision and instead recommends a selective amendment.

Out of the interest of saving time on the Senate floor, I will withhold an amendment to strike or modify this provision if the distinguished ranking member is willing to commit to working with me on this provision to make sure the revision is as narrow as possible as recommended by the Office of Compliance.

Ms. MURKOWSKI. I would agree to work with the ranking member of the Finance Committee, to work with the chairman of this subcommittee, Senator NELSON, and attempt to address his concerns as this bill moves forward.

Mr. GRASSLEY. I thank the distinguished ranking member and look forward to working with her and the chairman to narrow this provision and address the concerns expressed by the Office of Compliance.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, the nomination of a new Justice to the Supreme Court has somewhat unexpectedly brought to our mind a core question both for the Senate and the American people, and that is: What, if any, is the appropriate role for foreign law to play in the interpretation of our Constitution—meaning, should judges look at what other countries say when they are determining what are our constitutional rights.

This is not an academic question; it is a question that has the potential to impact our fundamental rights guaranteed to us by the U.S. Constitution.

Until recent years, the answer has always been understood to be no, apart from a few rare circumstances, certainly, and certainly never in the interpretation of the meaning of our precious constitutional rights.

This traditional understanding has served to protect our constitutional

right by ensuring that judges remain true to the will of the American people, not the will of foreign judges or courts.

Our system has a critical component: moral authority. That moral authority comes from the basic concept that our law is a product of the will of the people through the people they chose to represent them. The Constitution begins ''We the People do ordain and establish this Constitution.'' Our laws are enacted by a Congress, a body subject to the will of the people, composed of people elected by the people. We are accountable to the American citizens.

The novel idea that foreign law has a place in the interpretation of American law creates numerous dangers. A number of academics, and even Federal judges, I would say, are seduced by this idea.

Judge Sotomayor clearly shares in that idea. I am somewhat surprised, but it is true, as I will discuss. Her vision seems to be that we should change our laws, or listen to other laws and judges, and sort of merge them with this foreign law. That is the overt opinion of Mr. Koh, who was just nominated and confirmed to the chief counsel of the U.S. State Department. Mr. Koh is quite open about it—shockingly so, really.

But I suggest that if we become transnational, we suffer two monumental blows to our legal system. First, the laws we are subject to would not be laws made by us. This should remind us of the Boston tea party. The colonies objected to paying taxes, but not just any taxes; they objected because the taxes were being imposed on them by the British Parliament, and they didn't have a voice in it. The complaint was ''taxation without representation.'' Thus, the moral power of the American law to compel obedience arises from the people's choice to enact it in the first place. That moral authority is undermined when we allow foreign law, which we had nothing to do with, to impact our law. That is a pernicious thing, I suggest.

Second, it is not ever going to work in a good way. Most countries don't have laws, truth be known. They have politics masquerading as laws. Trying to merge our system, based on truth, the law, and the evidence, with these political legal systems will only result in our being shortchanged. We can reach agreements affecting mutual interests with foreign nations and adhere to them as long as we agree to do so—treaties and other kinds of agreements—but to submit ourselves to their political policies while pretending we are merging our law with theirs is foolishness.

It also creates confusion on a matter of utmost importance. The question is, who does the judge serve, the people of the United States or the people of the world or some individual country with whom they agree or the amorphous ''world community,'' which has been referred to?

Furthermore, reliance on foreign law places our constitutional rights in jeopardy. There are great differences between American and foreign law on cherished rights protected by our Constitution. The Constitution's protection of free speech is probably unparalleled anywhere in the world. Other nations punish sometimes spirited debate on controversial matters. They call it sometimes ''hate speech'' and take action against speech and other things that we would allow without a single thought, but it is criminalized in other countries.

The Constitution clearly protects the right to keep and bear arms. Other nations ban private gun ownership entirely. The Constitution allows for the death penalty. Other nations reject the use of the death penalty, even for violent killers, while some other nations have the death penalty and they impose it without due process being carried out. Yet this troubling potential for infringements on constitutional rights, I suggest, is only the tip of the iceberg.

First and foremost, reliance on foreign law creates opportunities for judges to indulge their policy preferences. In a speech that was given to the Puerto Rico chapter of the American Civil Liberties Union on April 28 of this year, 2009, 1 day after having been contacted by the White House about the possibility of a Supreme Court vacancy, Judge Sotomayor placed herself firmly on what I believe is the wrong side of this debate, stating in this speech:

> To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding. What you would be asking American judges to do is close their minds to good ideas.

Well, the ideas our judges are supposed to reflect are the ideas that the Congress sought to be good, the ones we enacted into law—not what was enacted in France, Saudi Arabia, China, or any other place. This is a matter of real importance. This whole concept of foreign law has been a matter of real controversy for several years. It is a timely subject, for sure. I thought it was pretty roundly condemned, although one judge on the Supreme Court defends it. In her speech, Judge Sotomayor explains:

> The nature of the criticism comes from . . . a misunderstanding of the American use of that concept of using foreign law, and that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions.

So she criticized Justice Scalia and Justice Thomas, who have expressed opposition to this. Let me be blunt. I believe it is Judge Sotomayor, not Justices Scalia and Thomas, who is wrong.

Under her approach, a judge has free rein to survey the world to find what they might consider to be good ideas and then impose these views on the American people, calling it law. However, this is not the American system. Our system requires judges to adhere to this Constitution, to the statutes, and to the legal precedent, to the end that judges follow the will of the people of our country as expressed in our law.

The Constitution says ''We . . . do ordain and establish this Constitution for the United States of America,'' not some other. Judges are not free to amend it by citing some other foreign constitution. I think this is a big deal.

Judges are not free to indulge their own personal opinions about what good policy is. Judges do not set policy and search for support for that in foreign law. Despite Judge Sotomayor's claim at a Duke Law School panel discussion that ''courts of appeals is where policy is made,'' judges are not policymakers. They are servants of the law, if they are fulfilling their role properly—the law as it is, not the way they might wish it to be.

Second, reliance on foreign law causes confusion rather than clarification as to the state of American law. Judge Sotomayor claims that foreign law ''can add to the story [sic] of knowledge relevant to the solution of . . . [a] question [sic],'' paraphrasing Supreme Court Justice Ruth Bader Ginsburg, who pioneered this concept. She made those statements. Judge Ginsburg's citation of it in cases and her defense of it in speeches has really led to this controversy to which Justices Scalia and Thomas have responded.

On the contrary, reliance on foreign law creates confusion. Consider Judge Sotomayor's dissenting opinion in Croll v. Croll in the interpretation of a treaty—one of the few instances in which reliance on foreign law may be perfectly permissible. Judge Sotomayor repeatedly criticized the majority judges on the panel as ''parochial'' for consulting American dictionaries to understand the meaning of custody as determined by the Hague Convention on International Child Abduction, and then she relies on foreign interpretations of those words instead. Yet the majority rightly rebuked Judge Sotomayor for relying on the scattered and divergent foreign legal cases on this subject. The majority even cites a Supreme Court precedent that warns against relying on foreign law where it is in a state of confusion.

Third, the reliance on foreign law is also based on a misconception that judges, rather than elected officials in the political branches of government, play a role in advancing our Nation's foreign policy.

Judge Sotomayor states this:

> I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts

are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.

But judges are not diplomats. It is the job of diplomats to protect our standing in the world, and they have to explain to the world why we rule the way we rule on our cases. That is their responsibility.

Fourth, reliance on foreign law blurs the distinction between domestic and foreign law, undermining our ability to make democratic choices. The examples of the Supreme Court reliance on foreign law, cited approvingly by Judge Sotomayor, involved the interpretation of the Constitution dealing with purely domestic legal issues that do not and should not touch on any matter of international concern. For example, she approvingly cites the case of Roper v. Simmons in which five Justices of the Supreme Court recently rendered a decision based in part on their review of foreign law and concluded that our Constitution declares that we cannot execute a violent criminal if that criminal is 1 day under 18 years of age when he killed someone or a group of people. There is nothing in the Constitution that says that. They found some foreign law to make an argument about what the Constitution says about what age a State can set for the death penalty. I know we can disagree on what the age should be, but it is a legislative matter.

The Court in that case said it was looking to ''evolving standards of decency that mark the progress of a maturing society.'' What kind of standard is that for law? Where do you find what a maturing society now believes? Do you check with China? Do you check with Iran? Or maybe France? Where do we do this? How do they divine what this all is?

The Court concluded that the death penalty violated the eighth amendment which prohibits cruel and unusual punishment. There are at least six or more references in the Constitution itself to capital crimes, to taking a life without due process. It has always been contemplated in the Constitution that the death penalty is not cruel and unusual. That was for drawing-and-quartering and such matters as that.

If basic constitutional rights are subject to redefinition by considering foreign law, our Constitution ceases to be the bulwark for our liberty it has always been. The Constitution will be weakened. Its authority and power will be diminished. Yet this is precisely the view of foreign law advocated by Judge Sotomayor, who says that these courts that do this ''were just using foreign law to help us understand what the concept meant to other countries, and to help us understand whether our understanding of our own constitutional rights fell into the mainstream of human thinking.'' I am not sure, did the judge conduct worldwide polls of human thinking? How does a judge find out what the mainstream of human thinking is? In truth, many of the critics of this idea have hit the nail on the head. They say that all it does is allow a judge to look around the world to find somebody who agrees with them and use that as authority to do what they wanted to do all along.

Judge Sotomayor not only advocates for reliance on foreign law, but she also goes a step further than Justice Ginsburg, advocating for adoption of the techniques of foreign judges, even ones that serve to conceal the individual judge's reasoning process from public scrutiny.

In her forward to the book ''The International Judge,'' which she was chosen to do, Judge Sotomayor states:

> [T]he question of how much we have to learn from foreign law and the international community when interpreting our Constitution is not the only one worth posing. As ''The International Judge'' makes clear, we should also question how much we have to learn from international courts and from their male and female judges about the process of judging and the factors outside the law that influence our decisions.

In her speech in 1999, Judge Sotomayor expressed admiration for the French tradition of judicial panels of judges issuing single decisions, commenting:

> With a single decision, there is less pressure on individual judges and less fear of reprisal for unpopular decisions.

According to law professor William D. Popkin, French legal opinions are anonymous, unanimous, and laconic, the legal ''equivalent of flashing a policeman's badge,'' and ''[t]he irony about French judicial opinion writing is that minimal reason-giving allows French judges to conceal a bold judicial lawmaking role, perhaps even bolder than in the case of U.S. and English judges because of the lack of any formal notion of precedent.''

That is different from the American heritage of law. Judges sign opinions. But we have seen at least three very significant opinions in recent years and months from Judge Sotomayor that were per curiam. No one judge assumed responsibility for the decision, and they were very short—so in a way, maybe she is following that—really surprisingly short in the case involving firearms, in the case involving the firefighters in Connecticut. They were very short opinions and not a lot of discussion and per curiam.

The problems with this tradition are clear. The approach makes it easier for judges to conceal the grounds of their decisions, making it more difficult to assess whether their legal reasoning was justified. Only then can one see if proper principles are being followed. Indeed, Judge Sotomayor may already be following that, as I noted with some of the per curiam opinions we have seen.

I have to say the judge wants more international law, not less. Ominously, Judge Sotomayor states:

> International law and foreign law will be very important in the discussion of how we think about the unsettled issues in our legal system. It is my hope that judges everywhere will continue to do this because . . . within the American legal system, we're commanded to interpret our law in the best way we can, and that means looking to what other, anyone has said to see if it has persuasive value.

The judge makes an audacious claim that the American legal system commands judges to look at foreign law and highlights the role of making decisions on unsettled cases. There have been and will be many differences between domestic and foreign law on matters that are fundamental. This is normal and understandable because different nations have different cultures, values, and legal systems. The United States should be independent to pursue its own individual choices expressed through the American people through their elected officials to reach the fullest and richest expression of our exceptionalism as a nation.

The American ideal of law is objectivity in deciding the case before the court, that case being sufficient for the day. This is unusual. Most countries are not so restrained. To a much greater degree, foreign judges see themselves as policymakers. In Afghanistan and Pakistan recently, the chief judge was setting all kinds of policy in Afghanistan. I thought it was most unusual. Surely nothing like that would happen here because we have a different heritage.

I suggest that for an ambitious, strong-willed American judge, such freedom to search around the world to identify arguments that might be helpful in allowing them to reach a result they might like to reach would be a great temptation. It is a siren call that ought not to be followed, and great judges do not do so. They analyze the American statutes, the American Constitution in a fair and objective way. They apply it to the evidence fairly and honestly found and render a decision without any regard to the parties before them, to the rich and poor alike, as their oath says. That is why we give them independence as a judge to show they will be more willing to render those kinds of opinions.

I am troubled by this, I have to say. I did not expect to see a nominee who would be one of the leading advocates for the adoption of foreign law in the American legal system. I think it is wrong. I don't think that is a good idea. The American people need to be talking about that issue as they think about the confirmation that will be coming up.

Our nominee, Judge Sotomayor, is delightful to talk to. She has a record and a practice as a private practitioner, as a prosecutor, as a district

judge, and an appellate judge. All of those are good. She has many good qualities. But some of the issues I am raising today and have raised previously do cause me concern.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McCain amendment to H.R. 2918.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 1382 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING MARK S. MANDELL

Mr. REID. Mr. President, I rise to honor my good friend, a good American and a good person, Mark Mandell.

Mark will turn 60 years old on Saturday, June 27. I have known Mark and his family for many years, and have long been impressed by his many accomplishments and contributions to his community.

Mark's affiliations are far too long to list but that is an accurate indication of how much of himself he has given to others.

A founding partner at his successful firm—Mandell, Schwartz & Boisclair, Ltd. in Providence, RI, Mark has been listed among the ''Best Lawyers in America.'' He has served as the president of the Association of Trial Lawyers of America, the Roscoe Pound Institute of Civil Justice, the Rhode Island Bar Association and the Rhode Island Trial Lawyers Association.

In addition to his abundant bar memberships, professional associations, sociecty memberships, civic and community activities, and government appointments, Mark has authored and lectured extensively throughout the United States and around the world.

Mark has been recognized with numerous awards, but I know that he is most gratified not by those that honor his professional achievements, but rather those that acknowledge his good citizenship and leadership in community service.

Many of those awards honor Mark for his strong commitment to the Jewish community he so values. As the Torah implores, ''Justice, justice shall you pursue.''

I am proud to call Mark Mandell my friend, and thank him for his dedicated and principled pursuit of justice. Happy birthday, Mark.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 23, 2009, and include the effects of P.L. 111–22, the Helping Families Save Their Homes Act of 2009; P.L. 111–31, the Family Smoking Prevention and Tobacco Control Act; H.R. 1777, an act to make technical corrections to the Higher Education Act of 1965, and for other purposes, pending Presidential action; and H.R. 2346, the Supplemental Appropriations Act, 2009, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is $942 million below the level provided for in the budget resolution for budget authority and $3.9 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is $1,205.9 billion below the level provided for in the budget resolution for budget authority and $715.9 billion below it for outlays while current level revenues are $12.3 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated September 11, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, and revenues for fiscal year 2009. The budgetary effects of legislation enacted at the end of the second session of the 110th Congress are included in the effects of previously enacted legislation on Table 2.

Legislation enacted during the 111th Congress prior to the adoption of S. Con. Res. 13 is included in the budget aggregates of S. Con. Res. 13 (see footnote 1 of Table 2). In addition, since the adoption of S. Con. Res. 13, the Congress has cleared and the President has signed the following acts:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111–31).

The Congress has also cleared for the President's signature the following acts:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (H.R. 1777); and

Supplemental Appropriations Act, 2009 (H.R. 2346).

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	3,668.6	3,667.6	—0.9
Outlays	3,357.2	3,361.0	3.9
Revenues	1,532.6	1,532.6	0.0
OFF-BUDGET			
Social Security Outlays [3]	513.0	513.0	0.0
Social Security Revenues	653.1	653.1	0.0

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $7.2 billion in budget authority and $1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	−640,548	−640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) [2]	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	117	3,898	8
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR–1777)	−187	−202	0
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	89,682	26,992	0
Total, passed, pending signature	89,495	26,790	0
Total Current Level [2,3]	3,667,644	3,361,023	1,532,579
Total Budget Resolution [4]	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance [5]	−7,150	−1,788	n.a.
Adjusted Budget Resolution	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution	n.a.	3,859	n.a.
Current Level Under Budget Resolution	942	n.a.	0

[1] Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	−630	−630	n.a.
Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.
Total, amounts designated as emergency	15,539	2,900	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	−187	−202	0
Revised Budget Resolution Totals	3,675,736	3,358,952	1,532,579

[5] S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

This is CBO' s first current level report for fiscal year 2010.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/ under (−) resolution
ON-BUDGET			
Budget Authority	2,882.1	1,676.2	−1,205.9
Outlays	2,999.1	2,283.2	−715.9
Revenues	1,653.7	1,666.0	12.3
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/ under (−) resolution
Social Security Revenues	668.2	668.2	0.0

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $10.4 billion in budget authority and $5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,637,423	1,621,675	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	−690,251	−690,251	n.a.
Total, Previously enacted	947,172	1,531,924	1,665,986
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	10	13	46
Total, enacted this session	328	11,359	46
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR–1777)	32	36	0
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	11	33,530	0
Total, passed, pending signature	43	33,566	0
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	728,688	706,384	0
Total Current Level [2,3]	1,676,231	2,283,233	1,666,032
Total Budget Resolution [4]	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,304
Current Level Under Budget Resolution	1,205,918	715,852	n.a.

[1] Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	−2

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	−1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−11	−11	0
Revised Budget Resolution Totals	2,892,499	3,004,533	1,653,728

[5] S. Con. Res. 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Army SPC Chancellor Arsenio Keesling, from Indianapolis, IN. Chancellor was 25 years old when he lost his life on June 19, 2009, in Baghdad, Iraq. He was a member of the 961st Engineer Company of the U.S. Army Reserve, based in Sharonville, OH.

Today, I join Chancellor's family and friends in mourning his death. Chancellor, who was known to his friends and family as Chancy, will forever be remembered as a loving brother, son and friend to many. He is survived by his parents Gregg and Jannett Keesling; his brother O'Neil; his sister Tiana; his grandparents Gary and Gwen Keesling and Terrence and Barbara Fowle; and a host of other friends and family members.

Chancellor, a graduate of Lawrence North High School in Indianapolis, enlisted in the Army following his graduation in 2003. He served his first tour of duty in Iraq as a combat engineer assigned to a company based at Fort Sill in Lawton, OK. He was redeployed to Iraq in May 2009 with the 961st Engineer Company for a second tour of duty.

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular passion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

While we struggle to express our sorrow over this loss, we can take pride in the example Chancellor set as a soldier and patriot. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Chancellor's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor's family can find comfort in

the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Chancellor.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 43rd anniversary of the signing of the Freedom of Information Act, FOIA. The tragic events unfolding in Iran are a powerful reminder of the vital role of a free press and the free flow of information in an open society. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on bad policies and government abuses. The act has helped to guarantee the public's ''right to know'' for generations of Americans.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act, Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays than it has been in the past. A key component of the OPEN Government Act was the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. This office will mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman.

I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that ''[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.'' As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention a recent article published in The Burlington Free Press on Father's Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub's son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie's two other sons are scientists as well, Jim a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article ''Like Father, Like Son—Fellow botanists have a lot in common,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICHO.—This is a story about the family Vogelmann, father and son. They're next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and tried his hand at raising beef cattle—grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that's what made it possible for him to lose money on the cattle. Tom helped out but ''he always had a mind of his own—it was get out of my way,' '' Hub recalled the other day.

Tom smiled knowingly. They were sitting on Tom's porch in the late afternoon sun, reminiscing.

Hub's day job was professor of botany at the University of Vermont. He was there 36 years, retiring in 1991.

Tom turned out all right. He, too, is a professor of botany . . . at the University of Vermont, where else? He's also the new dean of the College of Agriculture and Life Sciences.

If ever there was a prime example of a son's following in his father's footsteps—not just figuratively, but literally—Tom is it. That's what he's doing every time he walks along the gravel road that runs past their houses.

BUTTERNUTS DECODED

Hubert W. ''Hub'' Vogelmann, son of a minister in Buffalo, N.Y., became a botanist by a kind of happenstance.

He liked science. During his last year at Heidelberg College, in Ohio, his favorite professor asked him what he was going to do after he graduated.

''I said, 'I dunno,' '' Hub recalled. ''And he said, 'You've got to go to graduate school. I know some people in the botany department at the University of Michigan.' ''

On the strength of the professor's recommendation, Hub went to Ann Arbor.

''They gave me an exam, and I flunked it,'' he said. ''The department chairman was very kind. He let me stay on.''

Hub stayed on long enough to get his Ph.D. His first job after that was at UVM, and he never left.

''Vermont,'' he said. ''As a botanist, you couldn't ask for a better place.''

At first, Hub and his wife, Marie, settled in Essex Junction. In 1958, when Tom was 5, Hub bought a 120-acre dairy farm in Jericho and has lived there ever since. He later acquired the adjoining property and rented that place out.

Tom was in the first entering class at the new Jericho Elementary School. He remembers being able, from the house, to spot the distant school bus approaching from far across the fields—far enough away that he could time his arrival just right at the stop down the road. His summers were pretty uneventful. He remembers sitting in a tree and watching draft horses at work—old farming technology that was in its last throws in the '50s. He appreciated what he saw.

''When they'd do haying,'' he said, ''there was not one straw left.''

At age 14, during a year the family spent in Mexico, Tom served as his father's assistant as they studied fog in the Cloud Forest. Later Tom went to UVM, where he sampled various disciplines. He liked science and remembers being intellectually swept away by

plant biochemistry and molecular biology, two courses in his senior year. He remembers one night at the family dinner table: Tom remarked how curious it seemed to him that butternuts grow next to stone walls—could it be something in their biochemistry or molecular biology?

His father looked at him.

''Tom,'' Hub said, ''you need to take more ecology. They grow there because that's where squirrels drop the nuts.''

Hub knew something about ecology, a field that began to flourish during his career. He did seminal research on the impact of acid rain on forests. He was the first to pin the decline of red spruce on industrial emissions from the Midwest, according to Walter Poleman, a senior lecturer at UVM, who delivered a testimonial May 1 when Hub received a Lifetime Achievement Award at the Center for Research on Vermont. ''His findings helped establish guidelines for the Clean Air Act and set the stage for acid rain research throughout the Northeast,'' Poleman said.

Tom went his own way. He applied to graduate school in plant biochemistry and in archaeology.

''The plant people took me,'' he said. ''The archaeology people didn't.'' So, he became a botanist, earning a Ph.D. from Syracuse University and specializing in whole-plant physiology. He and his wife, Mary (also a botanist), spent three years in southern Sweden, then they went to the University of Wyoming, where he rose to full professor. In 2001, someone from UVM asked if he'd be interested in chairing the botany department—the same department Hub had chaired for 20 years.

''I thought, 'Why not?' '' Tom said. ''So, I came back in January of 2002.'' He camped out in his old room in his father's place. Before long the tenant vacated the house next door. Tom and Mary moved in. ''The whole story is a bit surreal,'' Tom said, when asked how he came to be living next door to his father. ''It wasn't ever thought out or planned.

''One thing led to another,'' he said.

GROWING DEGREES

One thing led to another for Tom's younger brothers, too, both of whom also have doctorates. Jim has a Ph.D. in botany, and so does his wife. The youngest, Andy—the odd one out in this family, unless you count their late mother, Marie, who was an accomplished musician—has a Ph.D. in atmospheric physics.

Was it something in the water? How was it that all three Vogelmann offspring wound up with advanced degrees in science?

The question brought a blank look to Tom's face.

''A lot of conversations around dinner table . . .'' he said vaguely.

About what, besides butternuts?

''Could be about anything, '' he said, ''from fossils to. . . . We used to walk through plowed fields, we'd find artifacts, and we'd talk about them.''

Or, he mused, maybe it had to do with the ambiance in which they came of age. Some kids grow up in a corporate culture. They grew up in a university culture.

Hub still enjoys hearing Tom talk about the doings at UVM. Some things don't change, Hub said.

They don't just talk shop, though. Each one brags about the other's garden.

''He grows some of the world's best celeriac,'' Tom was saying before Hub showed up.

Celeriac, Tom explained, is a big root that you can grate into soups or salads. The leaves look like celery leaves.

After Hub arrived and sat down, the porch conversation soon got back to gardens.

''He has the biggest garlic patch in Vermont,'' Hub said.

''No, I don't,'' Tom said.

''How many plants do you have—a thousand?''

''Over a thousand,'' Tom said. ''That's a lot of holes to make with your thumb.''

''How many varieties?''

''Forty-two,'' Tom said.

Hub smiled. He seemed to know what was coming.

''It all tastes pretty much the same,'' Tom said.

GUN VIOLENCE

Mr. LEVIN. Mr. President, the past few months have been marked by several high-profile, tragic shootings that have left families to grieve and communities to ponder why. While many of the details of these recent shootings vary tremendously, one fact remains constant, our current gun laws have failed to keep firearms out of the hands of those who should not have been able to acquire them.

In 1983, James von Brunn, a white supremacist and Holocaust denier, was convicted of attempting to kidnap members of the Federal Reserve Board, after he was caught trying to enter a board meeting carrying multiple firearms. As a convicted felon, Mr. Von Brunn was legally barred from possessing firearms. Despite this fact, on June 10, Mr. Von Brunn walked into the United States Holocaust Memorial Museum and fatally shot security guard Stephen T. Johns, a 6-year veteran of the facility, before being shot himself by other officers. Holding a .22-caliber rifle, this man entered a museum that welcomes 30 million visitors and school children annually. Tragically, this type of violence is not uncommon.

On June 1, a 24-year-old man shot two soldiers, PVT William A. Long and PVT Quinton Ezeagwula, outside of a military recruiting station in Little Rock, AR. Private Long, who had just completed basic training and was volunteering at the recruiting office before starting an assignment in South Korea, was killed in the shooting. The man accused in this incident was later found with two rifles and a handgun, despite being under investigation by the FBI's Joint Terrorism Task Force. The day before, a 51-year-old man with a history of mental illness walked into the Reformation Lutheran Church in Wichita, KS, and shot Dr. George Tiller in the head while he served as an usher during Sunday morning services. The accused in this incident had been arrested by police in 1996, after being found with bomb-making material in his car.

These senseless acts of gun violence frequently also target police officers. On April 4, a 23-year-old man, dishonorably discharged from Marine basic training, armed with three guns, including an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciullo in Pittsburgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting occurred just 2 weeks after a 26-year-old man, with a prior conviction for assault with a deadly weapon, turned two guns, including an assault rifle, on police officers in Oakland, CA. SGTs Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege were fatally shot in what was the deadliest day for U.S. law enforcement since September 11, 2001.

In the span of a few months, a security officer, a doctor, two soldiers, and seven police officers lost their lives. All devoted their professional lives to the protection of others; all gunned down by someone who should not have had access to a firearm. These are not uncommon events, but rather simply the latest high-profile shootings to capture national headlines. In a nation which suffers 12,000 gun homicides, 17,000 gun suicides, 650 accidental gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at putting an end to these tragedies. I urge my colleagues to act immediately and pass urgently needed commonsense gun legislation.

CLOSE THE SILO/LILO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems lease-in/lease-out and sale-in/lease-out transactions cause our tax system for years. I have made clear before that gaming the system at the taxpayers' expense is simply unacceptable. In 2004, Senator GRASSLEY and I successfully shut down the loophole that allowed losses from these deductions, but the current economic crisis has created new problems. I applaud the work of Senator MENENDEZ to address these issues, and I support his efforts to resolve this problem.

COMMENDING JANIS LAZDA

Mr. BAUCUS. Mr. President, today I recognize one of the most dedicated members of my staff, Janis Lazda. Janis joined the Senate Finance Committee in 2005 to work on international trade matters, and today he leaves us to become senior policy adviser to the Deputy U.S. Trade Representative. USTR's gain truly is our loss.

For the past 5 years, Janis has demonstrated a quiet intelligence, unquestionable loyalty, and an unwavering commitment to the great State of Montana and this great country. He has worked hard to keep U.S. relations with Asia strong during these challenging economic times, and focused on improving America's competitiveness around the globe. He has spearheaded

policies to increase U.S. exports to the world, and brainstormed ways to make international institutions more meaningful.

He has performed all of these tasks diligently and with careful thought. And he has put the needs of Montanans and the American people first. Janis has witnessed the majestic mountains of Missoula, the bucolic beauty of the Big Hole Valley, and the memorable music of Molt. He met with hard-working people in all of these areas, and across Montana, to hear their thoughts and understand their needs. And he used these experiences to ensure that the policies crafted in Washington are meaningful for folks across America.

Janis has been a sound and knowledgeable adviser. His experience and analysis have been critical to many of the trade policies formulated by the Finance Committee. I thank Janis for his hard work, and wish him well as he takes the next step to what I am sure will be a brilliant future.

COMMENDING CHIEF WARRANT OFFICER KEVIN J. GALVIN

Mr. REED. Mr. President, today I pay tribute to the long and distinguished service of chief warrant officer and ancient keeper, Kevin J. Galvin of the U.S. Coast Guard.

For over 30 years, Chief Warrant Officer Galvin has served proudly in our Nation's Coast Guard, exhibiting the classic attributes of a ''Coastie'': a profound dedication to duty, unsurpassed technical expertise, and an uncompromising commitment to operational excellence.

Since June 2006, Chief Warrant Officer Galvin has served as the commanding officer of Castle Hill Station in Newport, RI. Through this period, during which the Coast Guard has taken on an increasing burden to help secure our homeland, Chief Warrant Officer Galvin exhibited sound and capable leadership. Under his watch, the Castle Hill Station exceeded every operational expectation, including the successful execution of over 350 search and rescue cases which resulted in 46 lives saved, 428 persons assisted, and $23 dollars in property secured. Chief Warrant Officer Galvin also oversaw more than 500 law enforcement boardings, directed multiple ports, waterways, and coastal security missions to protect critical infrastructure, provided security for visits by the President and foreign heads of state, and led his crew in providing security and SAR response for Tall Ships 2007, where 27 ships visited Rhode Island from around the world culminating in a Parade of Sail with over 6000 spectator vessels.

On June 21, 2008, Chief Warrant Officer Galvin relieved master chief boatswain's mate John E. Downey as the ancient keeper of the Coast Guard, becoming the second recipient of the Joshua James Ancient Keeper Award. The Ancient Keeper Award is presented to a Coast Guard member on Active Duty in recognition of their longevity and outstanding performance in boat operations. The award's namesake, CAPT Joshua James, is the most celebrated lifesaver in Coast Guard history with 626 lives saved. Only those who have exemplified the finest traits of maritime professionalism and leadership are appointed keepers. The ancient keeper is charged with overseeing Coast Guard boat operations to ensure the service's traditional professionalism remains intact. Chief Warrant Officer Galvin has carried out this responsibility with honor and distinction.

On July 1, 2009, Chief Officer Galvin will bring his long and impressive career in the Coast Guard to an end and will be relieved of his duty as the ancient keeper and commanding officer of the Castle Hill Station by another outstanding member of the Coast Guard, CWO Thomas Guthlein.

Again, I commend Chief Warrant Officer Galvin for his dedicated career in the U.S. Coast Guard and thank him for all he has done in service to our country.

PROJECT SPONSORSHIP CORRECTION

Ms. MIKULSKI. Mr. President, as Chairwoman of the Appropriations Subcommittee on Commerce, Justice, science, and Related Agencies, I rise today to clarify for the record the sponsorship of a congressionally-designated project included in the explanatory statement accompanying H.R. 1105, the Omnibus Appropriations Act, 2009, Public Law 111–8.

Specifically: Senator FEINSTEIN should not be listed as a cosponsor of the San Francisco district attorney ''Back on Track'' Byrne discretionary grant through the Department of Justice, since she did not request this funding. Senator FEINSTEIN's name was added as a cosponsor of this project through a clerical error.

MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Mr. CARDIN. Mr. President, I rise today to show my support for the Matthew Shepard Hate Crimes Prevention Act of 2009.

On June 15, 2009, Stephen Johns was killed in the U.S. Holocaust Museum. On February 12, 2008, Lawrence King, a 15-year-old student, was murdered in his high school because he was gay. On election night 2008, two men went on an assault spree to find African Americans, because then-Senator Obama won the Presidential election. In July 2008, four teenagers brutally beat and killed a Mexican immigrant while yelling racial epithets. Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in 2007. That's nearly one every hour of every day. Over 150 of those incidents occurred in my own home State of Maryland.

The number of hate crimes occurring across the country is likely underestimated. At least 21 agencies in cities with populations between 100,000 and 250,000 did not participate in the FBI data collection effort for the 2007 report. Additionally, victims may be fearful of authorities and may not report these crimes. Local authorities may define what constitutes a hate crime differently than other jurisdictions. But what we do know is that hate crimes are occurring and have increased toward certain groups of individuals.

According to the recent Leadership Conference on Civil Rights Education Fund Report, entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a five year high in victimization rates in 2007 toward lesbian, gay, bisexual and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacist groups has increased by 54 percent and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007.

The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities. Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based upon a victim's gender. States have a patchwork of hate crimes statutes which leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes. The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin and religion. We need to include gender, disability, gender identity, and sexual orientation. Current law also requires the victim to be participating in a federally protected activity, like attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions and neither should the people

who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The American public supports this goal. According to a Gallup poll from 2007, 68 percent of all Americans support extending hate crime protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans, and 62 percent of individuals who frequently attend church. This legislation also enjoys the support of 43 Senators from both sides of the aisle. The legislation has also already passed the House of Representatives.

This legislation will also provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local and tribal law enforcement entities for prosecution, programming and education related to hate crime prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activity within their State. The bill supplements state and local law enforcement efforts.

Additionally, and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes any American's freedom of religion, freedom of speech or press, or the freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear, the Matthew Shepard Hate Crimes Prevention Act targets violent acts, not speech.

Hate crimes affect not just the victims; they victimize entire communities and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. I encourage my fellow colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

100TH ANNIVERSARY OF MEDICINE BOW, WYOMING

Mr. BARRASSO. Mr. President, I rise today to recognize the 100th anniversary of the town of Medicine Bow, WY. The town eventually became the setting for the classic Western novel by Owen Wister, ''The Virginian.''

Medicine Bow's history began decades before its incorporation on June 26, 1909. The town's name originates from the mountains surrounding the area. American Indians would annually travel to the foot of the Medicine Bow Mountains to obtain wood that was excellent for arrows. According to the Native Americans, anything that is perfect for the purpose for which it is intended is called ''good medicine.''

The Union Pacific Railroad routed tracks through the valley because the Medicine Bow River was an ideal place for a pumping station. Steam engines would pause to take on a load of water before roaring across the prairie to the east or over the mountains to the west. The railroad not only produced what is now known as the town of Medicine Bow, but it also created economic opportunities. Wyoming's booming cattle industry necessitated stock yards in Medicine Bow. The town became an important shipping center for cattle headed to the eastern market and a great place for cowboys to congregate after gathering their herds.

The wood in the Medicine Bow forest was excellent not only for arrows but also for railroad ties. Every year, tie hacks cut hundreds of thousands of railroad ties and mining props from the mountains at the head of the river. The material was then floated down to a river boom, a mile from the Medicine Bow Station. These ties were pulled from the river and shipped to supply America's swiftly expanding railroad network.

The tie hacks and the cowboys played a vital role in the development of Medicine Bow's untamed reputation. It was this reputation as one of the West's wildest towns that brought famous novelist Owen Wister to Medicine Bow. Following his stay in Medicine Bow, Wister authored the classic Western novel, ''The Virginian.'' In his novel, he mirrored more than just the setting of the town. His plot was a fictionalized story about the Johnson County War in Wyoming, told from the cattle barons' point of view. Even Wister's famous line from the novel was not original. The phrase, ''When you look at me smile,'' came from a local man named William Hines. His novel brought fame and recognition to Wyoming's culture and history. In 1913 the Virginian Hotel was built by August Grimm and named after Wister's novel. To this day, visitors from all over the world enjoy a nice meal and a comfortable night's sleep at the Virginian.

The area surrounding Medicine Bow has long been host to several energy industries. Coal and uranium mines brought jobs to the area. Presently, wind turbines secure Medicine Bow's future and contribution to the America's energy market. Without a major interstate nearby, the Medicine Bow Valley has been able to secure and maintain its majestic western roots. Modernization may sweep through, but valleys like the Medicine Bow remind us of the Old West legacy.

In celebration of the 100th anniversary of the town of Medicine Bow, I invite my colleagues to visit this historic place. I congratulate the citizens of Medicine Bow who steward this important piece of Wyoming's history and present it to visitors from all over the world.

ADDITIONAL STATEMENTS

COMMENDING REVEREND GEORGE POULOS

● Mr. LIEBERMAN. Mr. President, today I would like to recognize the extraordinary service and remarkable character of Reverend George Poulos of the Church of the Archangels in Stamford, CT, who recently retired after over a half decade of service.

Reverend Poulos has come to hold a special place in our hearts and minds over his 53-year career. Over the years, he has been a spiritual father and friend to thousands of Connecticut families. As parish priest for Church of the Archangels, Reverend Poulos has officiated over 2,000 baptisms, 1,000 weddings, and 800 funerals. Although his formal tenure as parish priest ended earlier this week, Reverend Poulos remains intimately connected to the birth, life, and remembrance of the Stamford community. I have known Reverend Poulos for many years and treasure the example he has set in his career of devoted service; I am grateful for all the wisdom he has offered me personally.

The Church of the Archangels where Reverend Poulos served as parish priest is a magnificent structure built in the 11th century Byzantine style; in fact, it is the only true Byzantine-style church in the Western Hemisphere. As a 16-year-old, I watched the amazing structure emerge just down the street from the house where I grew up. When you enter the church, the left side wall reads: ''AGIASON TOUS AGAPONTAS THN EFPREPEIAN TOU OIKOU SOU,'' which means, ''Bless those who love the beauty of thy house.'' Reverend Poulos has offered us a rare kind of love that helps the Stamford community practice reverence, celebrate growth, and appreciate all the beauty of this life.

Our State and this Nation are blessed to have leaders like Reverend Poulos in our communities. As he retires from his church to spend time with his wife Christine, his five sons, and six grandchildren, I thank him for his service and assure him that his important contributions and generous spirit will never fade from our memory.●

REMEMBERING H.A. ''RED'' BOUCHER

● Ms. MURKOWSKI. Mr. President, as our colleagues know, this year marks the 50th anniversary of Alaska's admission to statehood. Earlier this year I had the privilege to speak at a number of events to kickoff the 50th anniversary celebration. I marveled at the fact that so many of Alaska's statesmen and stateswomen—the people who led Alaska from a frontier territory to a modern and vibrant state—are still with us today. The founding fathers

and mothers of so many of our States are just names in a history book. In contrast, the founding fathers and mothers of Alaska are not remote historical figures, but our friends and neighbors. Alaska's history is very much a living history. That is a source of great pride to me and to all Alaskans.

Yet every year, it seems, we lose another piece of Alaska's living history as those who played a significant role in the statehood fight and the early growth of our 49th State pass on. Today it is my sad duty to acknowledge the loss of Red Boucher, the first elected lieutenant governor of Alaska. Red died last Friday at the age of 88. This Friday the people of Alaska will celebrate Red's life at a memorial service in Anchorage

Everyone who knew Red knew of his persuasive gifts. Born in Nashua, NH, he grew up in St. Vincent's Orphanage in Fall River, MA, where he was placed at age 9 after his father's death in 1930. Seven years later Red, who was barely 16 years old, talked his way into the U.S. Navy. He served for 20 years, including all of World War II. After he left the service he ended up in Fairbanks, where in 1958 he established one of Interior Alaska's first sporting goods stores. But sports was only one of his passions. Politics was clearly another.

Following service on the Fairbanks city council and as mayor of the city of Fairbanks, Red served as lieutenant governor of Alaska under Governor Bill Egan from 1970 to 1974.

After his term as lieutenant governor, Red did not disappear from public service. During his nationwide travels from 1976 to 1980 at the behest of the Citizens for Management of Alaska's Lands, Red met with hundreds of newspaper editorial boards, winning acclaim for his strong reasoned arguments for why the Arctic Coastal Plain should be left open to oil and gas development if an environmental impact statement proved it could be developed without environmental harm. Many credited Red's efforts as the reason that ANWR's coastal plain was not locked up as wilderness when ANILCA was enacted in 1980. He returned to Juneau in 1985 representing an Anchorage district in the Alaska House of Representatives. And in 1991 Red was elected to the Anchorage Assembly.

In the minds of many Alaskans these significant contributions are relatively minor. They would regard Red's creation of the Alaska Goldpanners, Fairbanks' summer baseball team, as his most enduring accomplishment. He managed the team from 1960 to 1969. During the 1964 and 1965 seasons Red managed a young pitcher named Seaver, Tom Seaver.

The alumni list of the Alaska Goldpanners reads like a ''who's who'' of Major League Baseball. In fact, nearly 200 Goldpanner alumni have gone on to play in the majors. Then there was Dan Pastorini who pursued a career in football as quarterback for the Houston Oilers, Oakland Raiders, Los Angeles Rams, and Philadelphia Eagles.

The Alaska Goldpanners continue to delight Alaskans and visitors from around the world each summer at Growden Memorial Field. At the time of his death, Red was the director of external affairs for the team.

Two days after Red's passing, at 10:30 P.M. on the evening of Sunday, June 21, his beloved Goldpanners took the field against the Lake Erie Monarchs. It was Fairbanks' 104th annual Midnight Sun Game, game played each year to commemorate the Summer Solstice. That game ended in the wee morning hours of Monday, June 22, with a 6–3 victory for the ''Panners.'' Red's still watching out for them.

In his later years Red championed bringing modern telecommunications and computing technologies to the remotest parts of Alaska. He hosted a statewide cable television show called ''Alaska On Line.'' I was proud to be Red's guest on more than one occasion. We discussed ANWR and the need to construct a pipeline to transport Alaska's abundant natural gas supplies to market.

The formula for ''Alaska On Line'' was simple: Invite interesting guests and let them tell their stories. These shows are virtual oral histories of Alaska. In fact, many of the tapes have already been acquired by the University of Alaska Anchorage Consortium Library for use by historians and scholars.

Red Boucher lived every day to the fullest enriching the lives of his fellow Alaskans in innumerable ways. I join with Red's family and all Alaskans in mourning the loss of this exemplary Alaskan.●

WEST VIRGINIA SCHOOL OF EXCELLENCE AWARD RECIPIENTS

● Mr. ROCKEFELLER. Mr. President, today I honor the recipients of the West Virginia School of Excellence award for the 2008–2009 academic school year. This is a prestigious award given to schools for providing rigorous curricula, innovative programs, and exhibiting an overall high standard of learning. Those receiving the award this year were Ben Franklin Career and Technical Center in Kanawha County; Poca Middle School in Putnam County; Eagle School Intermediate in Berkeley County; Davis Creek, Village of Barboursville, and Martha Elementary Schools all of Cabell County; Cottageville Elementary in Jackson County; and Stratton Elementary in Raleigh County. They are all incredibly impressive schools that are challenging their students. I would like to take a little time to highlight how each school is preparing their pupils for future success.

Ben Franklin Career and Technical Center, located in Dunbar, centers its curriculum on the principle of preparing all students for the 21st century by training them to operate efficiently in a complex economy. It offers career preparation programs, short-term skill courses, and customized training for local businesses.

Poca Middle School is based on the principles of allowing students to ''master basic academic skills and to explore and identify their own interests and talents.'' It is a school that prides itself on offering students various opportunities to explore the arts and to actively pursue their interest by attending a wide range of classes and school events. It has allowed students to experience a more personal learning environment by implementing an online math program. The school's use of online learning is just the beginning of the many expanded learning programs that West Virginia schools will be implementing in the near future.

Eagle School Intermediate, located in Martinsburg, is dedicated to ''providing educational opportunities for all students to reach their highest academic potential.'' Eagle School Intermediate was one of the first schools in West Virginia to allow parents to track their student's progress via online grade checking. This is just another example of how West Virginia is expanding its boundaries towards providing the most in-depth academic technology to its students and their parents.

Davis Creek Elementary School, located in Barboursville, is an extraordinary representation of the Mountain State's flourishing primary education programs. For the 2006–2007 school year, the Cabell County public school was declared a National Blue Ribbon School. Davis Creek served 169 students in grades K–5 and has also been named a West Virginia Exemplary School.

Village of Barboursville Elementary School, located in Barboursville as well, is an institution that is focused on cohesive learning among students and faculty. It boasts a strikingly high parental approval rating. The school focuses its curriculum on providing students with the opportunity not only to learn inside the classroom, but also to develop proper social skills that can be taken and used to develop a stronger bond with the community.

Martha Elementary School, also located in Barboursville, is an institution founded on cooperation between parents and students to create an environment conducive to learning. This 300-student rural school focuses on endowing students with the opportunity to follow their dreams. The dedicated faculty uses innovative programs to assist students on an individual basis, allowing for a more personalized educational experience. The school strives

to create an atmosphere of support among family, the school, and the community.

Cottageville Elementary, located in Cottageville, is dedicated to providing ''equity and excellence in education.'' The school bases its curriculum on the belief that all students should be held to a high standard and endowed with the resources necessary to receive an excellent education. Teachers and faculty strive to provide their students with the skills necessary to excel academically by creating a support system that includes the school, family, and the community.

Stratton Elementary, located in Beckley, strives to afford all of its students the opportunity to learn at a pace that is the best match for each individual. Stratton offers many gifted programs and online learning portals that allow students to take more advanced courses and to have access to one-on-one help around the clock.

Once again, I congratulate these eight schools for receiving the West Virginia School of Excellence award, a distinction each school undoubtedly deserves. I commend them on their impressive achievements and applaud all of the administrators, teachers, and students for the wonderful example they set for all West Virginians.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. GILLIBRAND).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 2009, she had presented to the President of the United States the following enrolled bill:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2091. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triallate; Pesticide Tolerances'' (FRL No. 8421–2) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2092. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Butenedioic acid (2Z)-, monobutyl ester, Polymer with methoxyethene, sodium salt; Tolerance Exemption'' (FRL No. 8418–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2093. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption'' (FRL No. 8420–9) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2094. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption'' (FRL No. 8418–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2095. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamide; Tolerance Exemption'' (FRL No. 8418–4) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2096. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetochlorp Pesticide Tolerances'' (FRL No. 8417–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2097. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Data Requirements for Antimicrobial Pesticides; Technical Amendment'' (FRL No. 8418–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2098. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerances'' (FRL No. 8417–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2099. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements'' ((RIN2060–AO80)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009'' ((RIN2060–AO77)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion'' (FRL No. 8903–6) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2102. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II'' (FRL No. 8921–

5) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2103. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone'' (FRL No. 8921–2) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2104. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfections Byproducts Rule and Change in References to Analytical Methods'' ((RIN2040-AF00)(FRL No. 8920–8)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2105. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Aerosol Coatings'' (FRL No. 8920–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2106. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision of Source Category List for Standards Under Section 112 (k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries'' (FRL No. 8920–9) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2107. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8417–6) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2108. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more with Russia, Sweden, Hong Kong and Kazakhstan; to the Committee on Foreign Relations.

EC–2109. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0076 - 2009–0081); to the Committee on Foreign Relations.

EC–2110. A communication from the Acting Director of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mine Rescue Teams'' (RIN1219–AB66) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2111. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-104, ''WMATA Compact Consistency Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2112. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2113. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''False Statements Regarding Security Background Checks'' (RIN1652–AA65) received in the Office of the President of the Senate on June 23, 2009; to the Committee on the Judiciary.

EC–2114. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Fundamental Properties of Asphalts and Modified Asphalts-III''; to the Committee on Commerce, Science, and Transportation.

EC–2115. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; AVI July Fireworks Display; Laughlin, Nevada'' ((RIN1625–AA00)(Docket No. USG–2008–1261)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2116. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rockets Over the River; Bullhead City, Arizona'' ((RIN1625–AA00)(Docket No. USG–2009–0070)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River Mile 265.2 to 266.2 and from Kanawha River Mile 0.0 to 0.5, Point Pleasant, West Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2118. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Mile 460.0 to 475.5, Cincinnati, Ohio'' ((RIN1625–AA00) (Docket No. USG–2009–0310)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2119. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California'' ((RIN1625–AA00) (Docket No. USG–2009–0268)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marinette Marine Vessel Launch, Marinette, Wisconsin'' ((RIN1625–AA00) (Docket No. USG–2009–0462)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments'' ((RIN1625–ZA23)(Docket No. USG–2009–0416)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Basic Provisions; Enterprise Unit Revisions'' (RIN0563–AC23) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2123. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the one-year extension of authority to provide additional support for counter-drug activities of certain foreign governments, and one relative to the establishment of a defense coalition support fund to maintain inventory of critical items for coalition partners, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Armed Services.

EC–2124. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to including as part of the National Defense Authorization Bill for fiscal year 2010, relative to the authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency, received in the Office of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2125. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the Air Force Academy Athletic Association, and one relative to the responsibility for preparation of Biennial Global Positioning System Report, received in the Office of the President of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2126. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2127. A communication from the First Vice President and Controller, Federal Home

Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2008 Management Report and report on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–2128. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Required Fees for Mining Claims or Sites'' (RIN1004–AE09) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Energy and Natural Resources.

EC–2129. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tribal Economic Development Bonds'' (Notice 2009–51) received in the Office of the President of the Senate on June 25, 2009; to the Committee on Finance.

EC–2130. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Santa Susana Field Laboratory-Area IV, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2131. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Standard Oil Development Company, Linden, New Jersey, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2132. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the authority to transfer defense articles no longer needed in Iraq and to provide defense services to the Security Forces of Iraq, Afghanistan, and Pakistan; one relative to building the capacity of Coalition partners; and one relative to building the capacity of NATO and Partner Special Operations Forces, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Foreign Relations.

EC–2133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of Danger Pay for U.S. Government personnel serving in Banja Luka and Other, Bosnia-Herzegovina based on improved conditions; to the Committee on Foreign Relations.

EC–2134. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, its request for participation in a study on parliamentary oversight; to the Committee on Foreign Relations.

EC–2135. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Upper Mississippi River Valley Viticultural Area (2007R–055P)'' (RIN1513–AB40) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

EC–2136. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Statutory Amendments Requiring the Qualifications of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition on Roll-Your-Own Tobacco (T.D. TTB–78)'' (RIN1513–AB72) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2847. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–34).

By Mr. DURBIN, from the Committee on the Judiciary, without amendment:

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Raphael William Bostic, of California, to be an Assistant Secretary of Housing and Urban Development.

David H. Stevens, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. LEAHY for the Committee on the Judiciary.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO):

S. 1348. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. BROWNBACK, Mr. BUNNING, Mr. COBURN, Mr. CORNYN, Mr. GRASSLEY, Mr. INHOFE, and Mr. VITTER):

S. 1351. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1354. A bill to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SESSIONS):

S. 1358. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force; considered and passed.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1359. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1360. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. BOND):

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BAYH, Mr. NELSON of Florida, and Mr. CRAPO):

S. 1363. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 1364. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ENSIGN, Mr. BAYH, Mr. VITTER, Mr. SPECTER, Mr. ISAKSON, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 1365. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. REID, Mr. ENSIGN, and Mr. RISCH):

S. 1367. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 1368. A bill to amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1370. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself and Mr. CORNYN):

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. KERRY, Mr. DURBIN, Mr. HARKIN, and Mr. FEINGOLD):

S. 1374. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BENNET, Mr. BROWNBACK, Mr. KOHL, Mr. LEAHY, Mr. UDALL of Colorado, and Mr. SANDERS):

S. 1375. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. INHOFE, Mr. FEINGOLD, and Mr. DURBIN):

S. 1376. A bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1377. A bill to provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

By Mr. LEVIN:

S. 1378. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. MENENDEZ):

S. 1379. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1380. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps for the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1384. A bill to amend title XVIII of the Social Security Act to provide a senior housing facility plan option under the Medicare Advantage program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mr. THUNE):

S. 1385. A bill to amend title 46, United States Code, to improve port safety and security; to the Committee on Commerce, Science, and Transportation.

By Mr. BURRIS:

S. 1386. A bill to amend the Homeland Security Act of 2002 to establish the office of Disability Coordination, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1388. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. HARKIN, and Mr. BROWNBACK):

S. 1389. A bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND):

S. Res. 206. A resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 31. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

S. Con. Res. 32. A bill expressing the sense of Congress on health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 391

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 546

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 694

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor

of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 855

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 855, a bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1023, a bill to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1035

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1035, a bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 1048

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1048, a bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants.

S. 1064

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1064, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1233

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1280

At the request of Mr. CORKER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1309

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1309, a bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

S. 1318

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1319

At the request of Mr. COBURN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from California (Mrs.

BOXER) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 199, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to reintroduce legislation to offer a drastically simplified alternative for home-based businesses to benefit from the home office tax deduction. The U.S. Small Business Administration's, SBA's, Office of Advocacy designated reforming the home office tax deduction as one of its top 10 regulatory review and reform initiatives for 2008. By establishing an optional home office deduction, the Home Office Tax Deduction Simplification and Improvement Act of 2009 would take a strong step toward making our tax laws easier to understand. I would like to thank Senator CONRAD for joining me to introduce this critical bill here in the Senate and Representative GONZALEZ for introducing identical legislation in the House of Representatives.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I continually hear from small enterprises across Maine and this nation about the necessity of tax relief and reform. Despite the fact that small firms are our economy's real job creators, the current tax system places an entirely unreasonable burden on them as they struggle to satisfy their tax obligations.

Notably, according to the Office of Management and Budget's Office of Information and Regulatory Affairs, the American public spends approximately nine billion hours each year to complete government-mandated forms and paperwork. A staggering 80 percent of this time is consumed by completing tax forms. What is even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms.

Turning to the legislation we are reintroducing today, the Internal Revenue Code currently offers qualified individuals a home office tax deduction if they use a portion of their home as a principal place of business or as a space to meet with their patients or clients. That said, although recent research from the SBA indicates that roughly 53 percent of America's small businesses are home-based, few of these firms take advantage of the home office tax deduction. The reason is simple: reporting the deduction is complicated.

A 2006 survey conducted by the National Federation of Independent Business Research Foundation found that approximately 33 percent of small-employer taxpayers try to comprehend the tax rules governing the home office tax deduction, but only about half of those respondents believe that they actually have a good understanding of the rules. As Dewey Martin, a Certified Public Accountant from my home State of Maine, so aptly said in testimony last year before the Senate Finance Committee, ''Many small business owners avoid the deduction because of the complications and the fear of a potential audit.''

With a morass of paperwork attributable to the home office deduction, the time-consuming process of navigating the tangled web of rules and regulations makes it unsurprising that so many small business owners forego the home office deduction. So to encourage the use of the home office tax deduction, the bill we are introducing today would establish an optional, easy-to-use incentive.

Specifically, our bill would direct the Secretary of the Treasury to establish a method for determining a deduction that consists of multiplying an applicable standard rate by the square footage of the type of property being used as a home office. The proposal would also require the IRS to separately state the amounts allocated to several types of expenses in order to reduce the burden on the taxpayer. It is vital that the IRS clearly identify the amounts of the deduction devoted to real estate taxes, mortgage interest, and depreciation so that taxpayers do not duplicate them on Schedule A. Finally, the bill makes two changes designed to ease the administration of the deduction: First, to reflect an economy in which many business owners conduct business or consult with customers through the Internet or over the phone versus face-to-face, our legislation takes these entrepreneurs into account by allowing the home office deduction to be taken if the taxpayer uses the home to meet or deal with clients regardless of whether the clients are physically present. Second, our bill would allow for de minimis use of business space for personal activities so that taxpayers would not lose their ability to claim the deduction if they make a personal call or pay a bill online.

I would be remiss not to note that the bill we are introducing today is the result of the dedicated efforts of various groups and organizations, which have worked with Senator CONRAD and me on a consensus approach to improve the current home office tax deduction. In particular, it is significant to note that the IRS Taxpayer Advocate Service strongly backs this bill. In fact, the National Taxpayer Advocate, Nina E. Olson, sent my office the following statement regarding our legislation: ''In my 2007 Annual Report to Congress, I made a similar proposal to simplify the home office business deduction. I am pleased that Senator SNOWE and CONRAD's proposed bill reflects the gist of my legislative recommendation. Reducing the burdensome substantiation requirements for employees and self-employed taxpayers who incur modest home office costs would make the home office business deduction simpler and more accessible to them.''

Our bill also received an endorsement from the National Federation of Independent Business. Dan Danner, the organization's Executive Director, said the following: ''Currently only a small percentage of home-based businesses in the U.S. take advantage of the home-office deduction because calculating the deduction is unnecessarily complicated. NFIB small business owners have advocated for a simpler, standard home-office deduction for years. The Snowe-Conrad legislation gives home-based businesses the option to deduct a legitimate business expense with minimum hassle. This commonsense

change to the tax code will reduce tax complexity and help many home-based businesses take advantage of this deduction.'' Additionally, the SBA's Office of Advocacy added: ''The SBA Office of Advocacy reviewed the legislation and supports it.''

In closing, according to the SBA's Office of Advocacy, America's home-based sole proprietors generate $102 billion in revenue annually. With this in mind, it is absolutely critical to endow these small firms with as much relief from burdensome tax constraints as possible so that they can focus their efforts on developing the products and services of the future, as well as creating new jobs. The confusion over the home office business tax deduction, in my estimation, can be easily solved by passing this legislation. I urge all Senators to consider the benefits this bill will provide to thousands of small business owners, and I look forward to working with my colleagues to enact it in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1349

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Office Tax Deduction Simplification and Improvement Act of 2009''.

SEC. 2. OPTIONAL STANDARD HOME OFFICE DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by adding at the end the following new paragraph:

''(7) ELECTION OF STANDARD HOME OFFICE DEDUCTION.—

''(A) IN GENERAL.—In the case of an individual who is allowed a deduction for the use of a portion of a dwelling unit as a business by reason of paragraph (1), (2), or (4), notwithstanding the limitations of paragraph (5), if such individual elects the application of this paragraph for the taxable year with respect to such dwelling unit, such individual shall be allowed a deduction equal to the standard home office deduction for the taxable year in lieu of the deductions otherwise allowable under this chapter for such taxable year by reason of paragraph (1), (2), or (4).

''(B) STANDARD HOME OFFICE DEDUCTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the standard home office deduction is an amount equal to the product of—

''(I) the applicable home office standard rate, and

''(II) the square footage of the portion of the dwelling unit to which paragraph (1), (2), or (4) applies.

''(ii) APPLICABLE HOME OFFICE STANDARD RATE.—For purposes of this subparagraph, the term 'applicable home office standard rate' means the rate applicable to the taxpayer's category of business, as determined and published by the Secretary for the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(iii) MAXIMUM SQUARE FOOTAGE TAKEN INTO ACCOUNT.—The Secretary shall determine and publish annually the maximum square footage that may be taken into account under clause (i)(II) for each of the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(C) EFFECT OF ELECTION.—

''(i) GENERAL RULE.—Except as provided in clause (ii), any election under this paragraph, once made by the taxpayer with respect to any dwelling unit, shall continue to apply with respect to such dwelling unit for each succeeding taxable year.

''(ii) ONE-TIME ELECTION PER DWELLING UNIT.—A taxpayer who elects the application of this paragraph in a taxable year with respect to any dwelling unit may revoke such application in a subsequent taxable year. After so revoking, the taxpayer may not elect the application of this paragraph with respect to such dwelling unit in any subsequent taxable year.

''(D) DENIAL OF DOUBLE BENEFIT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a taxpayer who elects the application of this paragraph for the taxable year, no other deduction or credit shall be allowed under this subtitle for such taxable year for any amount attributable to the portion of a dwelling unit taken into account under this paragraph.

''(ii) EXCEPTION FOR DISASTER LOSSES.—A taxpayer who elects the application of this paragraph in any taxable year may take into account any disaster loss described in section 165(i) as a loss under section 165 for the applicable taxable year, in addition to the standard home office deduction under this paragraph for such taxable year.

''(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.''.

(b) MODIFICATION OF HOME OFFICE BUSINESS USE RULES.—

(1) PLACE OF MEETING.—Subparagraph (B) of section 280A(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) as a place of business which is used by the taxpayer in meeting or dealing with patients, clients, or customers in the normal course of the taxpayer's trade or business, or''.

(2) DE MINIMIS PERSONAL USE.—Paragraph (1) of section 280A(c) of such Code is amended by striking ''for the convenience of his employer'' and inserting ''for the convenience of such employee's employer. A portion of a dwelling unit shall not fail to be deemed as exclusively used for business for purposes of this paragraph solely because a de minimis amount of non-business activity may be carried out in such portion''.

(c) REPORTING OF EXPENSES RELATING TO HOME OFFICE DEDUCTION.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming state separately amounts attributable to real estate taxes, mortgage interest, and depreciation for purposes of the deductions allowable under paragraphs (1), (2), (4), and (7) of section 280A(c) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

Mr. PRYOR. Mr. President, I rise today along with Senator INHOFE to introduce the Fueling America Act of 2009 which will provide incentives for the production and use of natural gas and propane vehicles throughout the United States.

In response to high gasoline and diesel fuel prices, consumers have become more interested in alternative fuel vehicles that run on natural gas or propane. These vehicles and aftermarket conversion kits have been available for years, but they have been used mostly in government and private fleets. Very few have been purchased and used by consumers. Larger natural gas and propone vehicles are often used for clean-burning transit buses and delivery trucks.

Natural gas and propane are clean, cost-effective alternative fuel choices. Two important potential benefits of increasing the supply of natural gas and propane vehicles are energy security and reduced pollutant and greenhouse gas emissions than comparable gasoline or diesel vehicles. Compared with conventional vehicles, natural gas vehicles produce only 5 to 10 percent of allowable emissions, which means far less greenhouse gases.

Thanks to new drilling technologies that are unlocking substantial amounts of natural gas from shale rocks, the nation's estimated gas reserves have surged by 35 percent, according to a study released last week. The report by the Potential Gas Committee, the authority on gas supplies, shows the United States holds far larger reserves than previously thought. Estimated natural gas reserves rose to 2,074 trillion cubic feet in 2008, from 1,532 trillion cubic feet in 2006, when the last report was issued.

Increasing the production of natural gas and propane vehicles for both individual and public transportation will provide a huge boost for Arkansas' economy and job growth. Arkansas, with its abundant natural gas resources, has the capability to be a leader in the alternative energy sector and the fight to reduce our country's dependence on foreign oil. Developing the natural gas vehicle and propane industry will help Arkansas' natural gas producers grow and thrive, boosting the State's economy. In Arkansas, the Fayetteville Shale is proving to be a major new find of domestic natural gas. The Center for Business and Economic Research at the University of Arkansas estimates that this shale play will result in about $17.9 billion in economic stimulus and 11,000 jobs for the State.

Natural gas and propane vehicles are more fuel efficient and environmentally friendly than their gasoline counterparts, but right now their high cost and lack of infrastructure, such as refueling stations, make them an unrealistic option for the average American. Since the number of natural gas refueling stations is limited only about 400 to 500 publicly available nationwide, compared to roughly 120,000 retail gasoline stations the purchaser of a new natural gas vehicle would likely also install a home refueling system. According to NGVAmerica, a typical home system costs roughly $4,500 plus installation.

The Fueling America Act of 2009 will establish a research, development and demonstration program at the Department of Energy to improve cleaner, more efficient natural gas and propane vehicle engines, on-board storage systems, and fueling station infrastructure; require the GSA to report on whether the Federal fleet should increase the number of natural gas and propane vehicles; extend the Clean School Bus Program through 2014; extend tax credits for natural gas and propane refueling property; and extend and increase the consumer tax credit for the purchase of natural gas, propane and bi-fuel vehicles.

The Fueling America Act will make it easier and more practical for people to buy these clean, green vehicles. This bill will provide incentives for consumers and industry to purchase new natural gas and propane vehicles, as well as aftermarket conversion kits. At the same time, America can become less dependent on foreign oil, utilize our ample domestic natural gas resources, and create a cleaner environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1350

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fueling America Act of 2009''.

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

TITLE I—INCREASED PRODUCTION OF NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES

SEC. 101. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) NATURAL GAS.—The term ''natural gas'' means—

(A) compressed natural gas;

(B) liquefied natural gas;

(C) biomethane; and

(D) mixtures of—

(i) hydrogen; and

(ii) methane, biomethane, compressed natural gas, or liquefied natural gas.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 102. NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator, shall conduct a program of natural gas and liquefied petroleum gas vehicle research, development, and demonstration.

(b) PURPOSES.—The purposes of the program conducted under this section are to focus on—

(1) the continued improvement and development of new, cleaner, more efficient light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicle engines;

(2) the integration of those engines into light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles for onroad and offroad applications;

(3) expanding product availability by assisting manufacturers with the certification of the engines or vehicles described in paragraph (1) or (2) to comply with Federal or California certification requirements and in-use emission standards;

(4) the demonstration and proper operation and use of the vehicles described in paragraph (2) under all operating conditions;

(5) the development and improvement of nationally recognized codes and standards for the continued safe operation of vehicles described in paragraph (2) and the components of the vehicles;

(6) improvement in the reliability and efficiency of natural gas and liquefied petroleum gas fueling station infrastructure;

(7) the certification of natural gas and liquefied petroleum gas fueling station infrastructure to nationally recognized and industry safety standards;

(8) the improvement in the reliability and efficiency of onboard natural gas and liquefied petroleum gas fuel storage systems;

(9) the development of new natural gas and liquefied petroleum gas fuel storage materials;

(10) the certification of onboard natural gas and liquefied petroleum gas fuel storage systems to nationally recognized and industry safety standards; and

(11) the use of natural gas and liquefied petroleum gas engines in hybrid vehicles.

(c) CERTIFICATION OF AFTERMARKET CONVERSION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator on issues related to streamlining the certification of natural gas and liquefied petroleum gas aftermarket conversion systems to comply with appropriate Federal certification requirements and in-use emission standards.

(2) STREAMLINED CERTIFICATION.—For purposes of paragraph (1), streamlined certification shall include providing aftermarket conversion system manufacturers the option to continue to sell and install systems on engines and test groups for which the manufacturers have previously received a certificate of conformity without having to request a new certificate in future years.

(d) COOPERATION AND COORDINATION WITH INDUSTRY.—In developing and carrying out the program under this section, the Secretary shall coordinate with the natural gas and liquefied petroleum gas vehicle industry to ensure, to the maximum extent practicable, cooperation between the public and the private sector.

(e) ADMINISTRATION.—The program under this section shall be conducted in accordance with sections 3001 and 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13541, 13542).

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the implementation of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000 for each of fiscal years 2010 through 2014.

SEC. 103. STUDY OF INCREASING NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES IN FEDERAL FLEET.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services, in consultation with the Administrator, shall—

(1) conduct a study on whether or not the Federal fleet should increase the number of light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles in the fleet;

(2) assess the barriers to increasing the number of natural gas and liquefied petroleum gas vehicles in the fleet;

(3) assess the potential for maximizing the use of natural gas and liquefied petroleum gas vehicles in the fleet; and

(4) submit to the appropriate committees of Congress a report on the results of the study.

SEC. 104. CLEAN SCHOOL BUS PROGRAM.

(a) IN GENERAL.—Section 6015 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 16091a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''50'' and inserting ''65''; and

(ii) in the matter preceding clause (i), by striking ''one-half'' and inserting ''65 percent'';

(iii) in clause (i)(II), by striking ''or'' after the semicolon at the end;

(iv) in clause (ii), by striking the period at the end and inserting as semicolon; and

(v) by adding at the end the following:

''(iii) clean school buses with engines manufactured in model year 2010, 2011, 2012, 2013, or 2014 that satisfy regulatory requirements established by the Administrator for emissions of oxides of nitrogen and particulate matter to be applicable for school buses manufactured in that model year; or

''(iv) clean school buses with engines only fueled by compressed natural gas, liquefied natural gas, or liquefied petroleum gas, except that school buses described in this clause may be eligible for a grant that is equal to an additional 25 percent of the acquisition costs of the school buses (including fueling infrastructure).''; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''25''and inserting ''50''; and

(ii) in the matter preceding clause (i), by striking ''one-fourth'' and inserting ''50 percent''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking ''2008, 2009, and 2010.'' and inserting ''2008 and 2009; and''; and

(C) by adding at the end the following:

''(3) $75,000,000 for each of fiscal years 2010 through 2014.''.

(b) TECHNICAL CORRECTION.—Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is repealed.

TITLE II—TAX INCENTIVES

SEC. 201. CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.

(a) INCREASE IN CREDIT PERCENTAGE FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.—Subsection (e) of section 30C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY AND QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified natural gas vehicle refueling property and any qualified liquefied petroleum gas vehicle refueling property to which paragraph (6) does not apply—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000'.

''(B) QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified natural gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only natural gas, compressed natural gas, and liquefied natural gas were treated as clean-burning fuels for purposes of section 179A(d).

''(C) QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified liquefied petroleum gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only liquefied petroleum gas were treated as a clean-burning fuel for purposes of section 179A(d).''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended to read as follows:

''(g) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

SEC. 202. CREDIT FOR PURCHASE OF VEHICLES FUELED BY NATURAL GAS OR LIQUEFIED PETROLEUM GAS.

(a) IN GENERAL.—Subsection (e) of section 30B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) HIGHER INCREMENTAL COST LIMITS FOR NATURAL GAS VEHICLES AND LIQUEFIED PETROLEUM GAS VEHICLES.—

''(A) IN GENERAL.—In the case of any eligible natural gas motor vehicle and any eligible liquefied petroleum gas motor vehicle, paragraph (3) shall be applied by multiplying each of the dollar amounts contained in such paragraph by 2.

''(B) ELIGIBLE NATURAL GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible natural gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on compressed natural gas or liquefied natural gas, or

''(ii) is capable of operating for more than 175 miles on compressed natural gas or liquefied natural gas and is capable of operating on gasoline or diesel fuel.

''(C) ELIGIBLE LIQUEFIED PETROLEUM GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible liquefied petroleum gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on liquefied petroleum gas, or

''(ii) is capable of operating for more than 175 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

''(D) AFTERMARKET CONVERSION SYSTEM.—For purposes of this paragraph, the term 'aftermarket conversion system' means property that converts a vehicle that is not described in this paragraph into an eligible natural gas motor vehicle (for purposes of subparagraph (B)) or an eligible liquefied petroleum gas motor vehicle (for purposes of subparagraph (C)).''.

(b) EXTENSION OF CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES.—Paragraph (4) of section 30B(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'',

(3) by striking ''(as described in subsection (e))'' in paragraph (4) and inserting ''(as described in paragraph (4) or (5) of subsection (e))'', and

(4) by adding at the end the following new paragraph:

''(5) in the case of a new qualified alternative fuel vehicle described in subsection (e)(6), December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2008, in taxable years ending after such date.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join my fellow New Englander, Senator SUSAN COLLINS of Maine, in introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009.

As families in New England look forward to outdoor fun this summer—and as families around the country look forward to vacationing in New England—they might not be thinking about the risks and dangers associated with hiking, camping, and other outdoor activities.

But every year, tens of thousands of Americans working or playing outdoors are bitten by ticks.

For most, a tick bite is nothing more than a minor annoyance. But approximately 20,000 Americans contract Lyme disease each year, and the numbers are rising. And because Lyme disease is difficult to diagnose, many experts believe the true number of cases each year could be as much as 10 or 12 times the reported number. Worst of all, it is our children who are most at risk.

Lyme disease was first described in my home State of Connecticut, and we still have the unfortunate distinction of being ten times more likely to contract Lyme disease than the rest of the Nation. But the Centers for Disease Control and Prevention has received reports of new cases from 46 States and the District of Columbia. According to some estimates, Lyme disease costs our Nation more than $2 billion in medical costs each year.

Lyme disease can affect every part of the body. Tens of thousands of Americans suffer through pain, severe fatigue, sleep disturbance, and cognitive difficulties, among many other symptoms. Some of these victims are able to lead normal lives, finding ways to cope with the disease. But many more find the disease significantly disrupts their lives, preventing them from everyday experiences that we all take for granted.

The legislation we offer today directs the Secretary of Health and Human Services to establish a Tick-Borne Diseases Advisory Committee at HHS to coordinate efforts and improve communication between the federal government, medical experts, physicians, and the public.

It will improve diagnostic efforts, establish a national clearinghouse for research and reporting, and require that scientific viewpoints on this often-frustrating disease be disseminated in a balanced way.

It contains tools for researchers, physicians, and the public to improve awareness and treatment.

Finally, it requires the Secretary to prepare and submit to Congress an annual report tracking developments related to Lyme disease, its spread, its treatment, and its impact on families in Connecticut and around the country.

Lyme disease is a frustrating puzzle for physicians, a burden on our Nation's health care system, and most importantly, a threat to American families enjoying our beautiful outdoor spaces.

I want to specifically mention and thank the organization from my home State of Connecticut that worked closely with me to develop this legislation, Time for Lyme. The co-presidents and founders of Time for Lyme, Diane Blanchard and Debbie Siciliano, are tireless advocates for the patients struggling with chronic Lyme disease. This is not their job. They are parents whose children suffer from this disease. They work to find time in their busy schedules to make a difference. This is their mission and they give me hope that we can get this done.

I also want to thank my good friend, Senator COLLINS, for her leadership on this issue. I want to thank Senators REED, LIEBERMAN, CARDIN, and WHITEHOUSE for their support for this bill. Whether it is fishing on the Housatonic River or exploring Gillette Castle State Park near my home in East Haddam, Connecticut families enjoy a variety of outdoor activities.

But Lyme disease remains a persistent and dangerous risk for my constituents, for Senator COLLINS's constituents, and for those across the country. With leadership from this body and better coordination from federal agencies, we can more effectively combat this disease, better protect our children and families, and make our outdoor spaces safer places to work and play.

I urge my colleagues to join Senator COLLINS and myself in support of this legislation and thank them kindly for their consideration.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will correct an inequality in the Department of Justice's Public Safety Officers Benefits, PSOB, Program by extending benefits to non-profit EMS providers who die or are disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS.

Vermonters were deeply saddened earlier this week when we received word that veteran EMT specialist Dale Long died in a tragic, on-duty accident in Bennington. Dale Long had a superb 25-year career as a Vermont EMT, and I extend our deepest condolences to his family, to the Bennington Rescue Squad, and to the entire Vermont EMT community.

First responders nationwide literally put their lives at risk every day for the people of their communities. They represent the best of our nation's dedicated service to others, and Dale Long was a solid example of that tradition. He was Bennington Rescue Squad's 2008 EMT of the Year, and a 2009 recipient of the American Ambulance Association's Star of Life Award. I had the pleasure of meeting Dale just last month when he visited my office during the Star of Life festivities.

This tragedy highlights a major shortcoming in the current PSOB program, which Congress established over 30 years ago to provide assistance to police, fire and medics who lose their lives or are disabled in the line of duty. The benefit, though, only applies to public safety officers employed by a federal, state, and local government entity. With many communities around the United States choosing to have their emergency medical services provided by non-profit agencies, medics working for non-profit services unfortunately are not eligible for benefits under the PSOB program.

Non-profit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the important community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act would correct this inequality by extending the PSOB program to cover non-profit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a non-profit organization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1353

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dale Long Emergency Medical Service Providers Protection Act''.

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that is officially authorized or licensed—

''(i) to engage in rescue activity or to provide emergency medical services; and

''(ii) to respond to an emergency situation;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2(1) of this Act shall apply only to injuries sustained on or after January 1, 2009.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, along with my friend, Senator BARRASSO, I am introducing legislation to keep rural America from becoming a health care sacrifice zone. Our legislation, the Rural Health Clinic Patient Access and Improvement Act, will make it more financially attractive for doctors and other providers to treat patients in rural areas. Both Senator BARRASSO and I have heard from the folks back home about how hard it is to get doctors and mid-level practitioners in rural areas. My constituents have had to travel hours to get treatment when they need it. This bill takes major strides to ensure access to health care by building on the successes of the rural health clinic program. When it comes to health care, rural residents should not have to accept second-class status.

As the Senate takes up comprehensive healthcare reform, this Congress must not lose focus on the health needs of folks in rural areas. Too many Oregonians cannot get the kind of affordable and comprehensive coverage or access to care their Members of Congress receive. In addition, many patients in rural Oregon, even those with good health benefits, do not have access to providers or have to travel long distances to get medical care.

Meanwhile, providers lack incentives to go to—or stay in—rural areas. It is a lot more lucrative for them to work in big cities where they can work in state-of-the art facilities and earn top dollar. According to the Oregon State Office of Rural Health, a major obstacle facing Oregon's rural health clinics is the severe shortage of health care providers willing or able to work in a rural area. One out of three Oregon rural health clinics was recruiting in 2008.

That is why Senator BARRASSO and I come here to introduce the Rural Health Clinic Patient Access and Improvement Act. Simply put, our bill would help improve access for patients in rural areas, while increasing reimbursement rates and giving incentives to providers in rural areas.

The Rural Health Clinic Patient Access and Improvement Act increases the all-inclusive Medicare payment rate for rural health clinics by more than 20 percent per visit from an average of $76 to $92. This bill would provide an additional $2 bonus for rural health clinics that participate in a quality improvement program. Quality of care should be a focus for all providers.

The bill will allow for better collaboration between community health centers and rural health clinics. It also creates a 5-state demonstration project to recruit and retain providers in rural communities by subsidizing a portion of the provider's medical liability costs if they practice in a rural health clinic. These reforms will help ensure rural residents have access to the same level of quality care as those in other parts of the country.

This bill builds upon the success of Oregon's 54 rural health clinics that serve 26 out of 36 counties across the state. These rural health clinics help to ensure access to primary care for the underserved elderly and low-income populations. Ninety-eight percent of Oregon's rural health clinics are willing to see Medicare and Medicaid patients as well as patients with no insurance. Not only are they willing to see these patients, but 96 percent are currently accepting new patients. Many rural residents—whether they are uninsured, publically insured or have private insurance—would have nowhere to go to receive primary care without rural health clinics.

When it comes to health care, people want to go to a provider they know and trust. One of the reasons rural health clinics have been so successful is that they have become an integral part of their communities. A great example of this is Gilliam County Medical Center. Gilliam County hosted a succession of short-term physicians placed in the community through the National Health Service Corps. In the 1970s, the community, in conjunction with the State, sought a more permanent, stable health care provider situation. The Oregon legislature appropriated $20,000 as seed money to attract a team of health professionals to the community and the residents of Gilliam County created the South Gilliam Health District to support Gilliam County Medical Center, a certified rural health clinic.

Two physician assistants, David Jones and Dennis Bruneau who were on the faculty at the University of Washington PA program at the time they heard about the opportunity with the clinic were hired. Dave, Dennis, their spouses, who also work at the clinic, and supervising physician Dr. Bruce Carlson created a team that continues to sustain one of the most stable and long-term small rural primary care clinics in the state.

Dr. Carlson visits the clinic one day every 2 weeks to see those patients in need of his services and provide overall medical direction. Otherwise, the clinic is staffed full-time by physician assistants Jones and Bruneau. David's wife is a medical technician who works in the clinic and Dennis' wife serves as the clinic manager. When Dr. Carlson is not in Condon, he has his own medical practice 70 miles away in Hermiston, OR, which is also the location of the nearest hospital to Condon.

Not all rural areas are alike and the rural health clinic program gives these providers the flexibility they need to be the regular source of care of primary care in their communities. Regular access to primary care, as you know, is one of the key tests of whether or not you will receive the preventive health screenings that can mean the difference that could save your life. They allow for health problems to be caught early on so that they can be headed off for just a little money, instead of at later stages, which require costly specialty care that runs up the bill for the patient and the taxpayer.

Oregonians in rural areas have the same right to quality, affordable medical care as those living in urban areas, but they do not have it under our current system. This bill will expand access to health care for folks in rural areas and level the playing field for rural health clinics by giving them the tools they need to attract and retain quality medical providers.

I want to thank Senator BARRASSO and his staff for their hard work in bringing this important bipartisan legislation before the Senate.

I hope my colleagues will join Senator BARRASSO and me, and support this much needed and bipartisan bill.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise on behalf of myself and Senator FEINSTEIN to speak on the introduction of the Western States Trail Study Act of 2009. This legislation would provide for a study by the Department of the Interior on the possible designation of the Western States Trail as a National Historic Trail.

The National Trails System Act specifies that to qualify for listing as a National Historic Trail, a trail must be historically significant and must have significant potential for public recreational use or historical interpretation and appreciation. The Western States Trail absolutely meets these criteria.

From the beginning of California's recorded history, the Western States Trail has played an important role in the development of our state and nation. Originally a Native American trail used by the Paiute and Washoe Indians, it later became the most direct link between the gold camps of California and silver mines of Nevada. Professor William Brewer also followed part of this trail in his 1863 expedition as part of State Geologist Josiah Whitney's survey of California.

In 1955, the Western States Trail became the site of the world's first and leading 100-mile trail ride, and in 1974 became the world's first and leading ultramarathon run. These recreational events are of tremendous importance to the local community as well as equestrians and runners throughout the nation. Western States volunteers dedicate hundreds of hours each year to the U.S. Forest Service and California Department of Parks and Recreation to maintain the trail, exemplifying citizen action at its best.

Most of the trail remains in the same state as in the 19th century, passing through scenic wilderness ranging from the Sierra Crest, to magnificent forests and mountain streams, to the grasses and oaks of the Sierra foothills.

The citizen-government partnership that our bill represents continues the tradition of the Western States Run to protect and preserve the Western States Trail, and to ensure that the public has access to its rich history and scenery.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I believe that perhaps the most effective way to improve the education of our children is to invest in their teachers, and make certain that quality teachers have the incentive to stay in the classroom.

Unfortunately, without new investments, our disadvantaged and rural schools may not be able to attract the qualified teachers needed to prepare our children for the 21st Century workplace. Isolated and impoverished, too many West Virginia schools must compete against higher paying, well-funded schools for scarce classroom talent. As a result, they face a shortage of qualified teachers, particularly in math, science and foreign languages.

Today, I am introducing a bill designed to invest in bringing dedicated and qualified teaching professionals to West Virginia and America's disadvantaged and rural schools. This bill will help give students the opportunity to learn and flourish, an opportunity that every child deserves. The Incentives To Educate American Children Act—or I Teach Act—will provide teachers with a refundable tax credit every year they teach in the public schools with the most need. And it will give every public school teacher—regardless of the school they choose—a refundable tax credit for earning their certification by the National Board for Professional Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

There are over 16,000 rural school districts in the U.S., and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location. Disadvantaged urban schools must overcome similar difficulties. My I Teach Act will reward teachers willing to work in rural or disadvantaged schools with an annual $1,000 refundable tax credit. Additionally, teachers that obtain certification by the National Board for Professional Teaching Standards will receive an annual $1,000 refundable tax credit. Therefore, teachers who work in rural or disadvantaged schools and get certified will earn a $2000 credit. Schools that desperately need help attracting teachers will get a boost, and children educated in disadvantaged and rural schools will benefit most.

In my state of West Virginia, as in over 30 other states, there is already a state fiscal incentive for teachers who earn National Board certification. My legislation builds upon the West Virginia program. Together, they will create a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

Education is among our top national priorities. It is essential for all children and it is vital for our economic and national security. Teachers are a critical component of quality education, and they deserve the incentives to stay in the classroom.

By Mr. LEAHY (for himself and Mr. BOND):

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am pleased to join with Senator BOND in introducing the National Guard Empowerment and State-National Defense Integration Act of 2009. This is a clearly needed piece of legislation that will enable the Nation to tap more of the tremendous experience and expertise that exists within the National Guard.

This legislation—known as Empowerment II—ensures that the Department of Defense takes advantage of the Guard's unique strengths and focuses on the critical mission of domestic operations and military support to civilian authorities. This bill is about focusing attention on the military's response to emergencies at home and fleshing out the structure of that response. Doing that will ensure our National Guard, Reserves and active forces can bring their specialized capabilities to bear, all while safely under the control of democratically elected officials and civilian authorities.

The bill will specifically make the Chief of the National Guard a full member of the Joint Chiefs of Staff, while creating a new three-star deputy to the Bureau Chief to reflect the Bureau Chief's increased responsibilities. Additionally, the 2009 Empowerment Act provides the National Guard Bureau with limited budget authority to be able to acquire specially designed equipment for domestic operations, and it requires the Department of Defense to establish procedures to formalize arrangements to allow National Guard forces to have tactical control over active forces that operate in a domestic setting.

Today Senator BOND and I seek to build on some of the major improvements to the Guard that we, together, made in the Fiscal Year 2008 Defense Authorization Bill. That landmark bill enacted large portions of the first version of the Guard Empowerment Bill which elevated the Chief of the National Guard from three-star general to full General. The goal of all the changes enacted was to begin to ensure that the Guard has a seat at the table in major budget and policy decisions.

We need to pick up where we left off early last year and sharpen the focus on the National Guard's role as a homeland defense and defense support to civilian authorities force. In fact, we are trying, in the realm of domestic operations and military support to civilian authorities, to do exactly what Secretary of Defense Robert Gates is trying to do in the realm of irregular warfare. The Secretary is working to ensure that at least a good portion of the Department of Defense's equipment has utility in counterinsurgency situations. The Secretary has recently testified that he foresees about 10 percent of procured equipment to be dedicated solely for counterinsurgencies. I strongly support the Secretary's initiative.

There also is a need to carve out a small wedge of the defense budget to develop technologies and systems that will help the National Guard, serving in a Title 32 capacity under the control of the Governors. Much of all Guard equipment is considered and should be ''dual use,'' but a sliver should be specially designed and used solely for domestic situations.

The Guard Empowerment bill we are introducing today will also reduce the confusion that sometimes exists when there is a domestic emergency about how National Guard forces, serving under a Governor during an emergency, will interact with active duty forces that serve under the President's command. United States Northern Command in Colorado has unfortunately only exacerbated those concerns through attempts to override Governors and take command-and-control of National Guard assets in a State even though they are in their so-called Title 32 status.

There is nothing in this bill that the National Guard is not already undertaking. The President and the Secretary of Defense look to the Guard Bureau Chief on matters related to defense at home. The Guard works to purchase homeland defense-oriented equipment through the so-called Guard and Reserve Equipment Account, and the Governors already wield active duty personnel during so-called National Security Events. The chain of command arrangements made during last year's political conventions in Minnesota and Colorado are a good example.

The President recognizes that this legislation makes sense. In his ''Blueprint for Change,'' his new Administration's national security plan, President Obama endorsed the idea of making the Guard Bureau Chief a full member of the Joint Chiefs of Staff, a move that Vice President BIDEN also has endorsed. In developing the bill, we worked closely with The National Guard Association of the United States, the Adjutants General Association of the United States and the Enlisted National Guard Association of the United States—organizations that we expect to formally endorse the bill after its introduction.

Everyone recognizes that if there is an emergency like Katrina and our civilian resources at all levels get overwhelmed, the military is going to have to come in to assist. The American people expect no less than a swift, coordinated and effective response. And it is the National Guard that knows how to do this mission right. Providing support to civilian authorities at the State level is what the Guard has done since its inception more than two centuries ago, and it is a mission that the National Guard continues to take seriously.

This legislation solidifies and codifies sensible approaches to improving the Guard's ability to support civil authorities in an emergency. Enactment

of this legislation is the very least we owe our proud citizen soldiers and airmen for their efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1361

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2009''.

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Vice Chief of the National Guard Bureau.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT AND MILITARY CONSTRUCTION FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

''(1) Amounts for training and equipment, including critical dual-use equipment.

''(2) Amounts for military construction, including critical dual-use capital construction.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 4. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

''§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of colonel.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

''10505. Vice Chief of the National Guard Bureau.

''10505a. Director of the Joint Staff of the National Guard Bureau.''.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting '', the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau''.

SEC. 5. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

''CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

''Sec.

''341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

''§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

''(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

''(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

''16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341''.

SEC. 6. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $11,000,000.

(B) For National Guard Personnel, Air Force, $3,500,000.

(C) For Operation and Maintenance, Army National Guard, $11,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) DOMESTIC OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense, $300,000,000 for Operation and Maintenance, Defense-wide.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) TRANSFER.—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) JOINT OPERATIONS COORDINATION CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $28,000,000.

(B) For National Guard Personnel, Air Force, $7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 7. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 8. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command,

shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Success in the Middle Act, which will help provide new support for raising student achievement in the middle grades. I thank Senators KLOBUCHAR, STABENOW, WHITEHOUSE, and LAUTENBERG for joining me as original cosponsors.

We know that the middle grades are an important and unique transition period for young people, and a critical time in a student's educational and social development. The middle grades are the key to ensuring students remain on track to college and career-readiness. International comparisons indicate that students in the United States do not start out behind other nations in math and science, but they fall significantly behind in these subjects by the end of the middle grades. According to the 2007 National Assessment on Educational Progress, only one-third of eighth grade students in the United States can read at proficiency or above. For math proficiency, this number falls to 31 percent of all American eighth grade students.

There has been significant focus during K–12 reform discussions regarding high school reform, and while there is no doubt that this is an essential component of improving our education system, addressing dropout prevention must begin earlier. It must begin at the middle schools that feed into the thousands of ''dropout factories'' across the country. Dropout factories are high schools in which fewer than 60 percent of students graduate. As one of the leading experts in the area of middle and high school reform, Robert Balfanz, has stated, middle schools are the ''first line of defense'' in identifying at-risk students and then effectively intervening to prevent them from dropping out. Balfanz's research has shown that sixth-graders who failed math or English, attended school less than 80 percent of the time, or received an unsatisfactory behavior grade in a core course had only a 10 to 20 percent chance of graduating on time. Without successful intervention, these behaviors lead students to course failure, non-promotion, and eventually dropping out.

That is why I am reintroducing the Success in the Middle Act. This bill will help strengthen that first line of defense by authorizing grants to states and school districts to improve and turnaround low-performing middle schools. It would concentrate new resources on the middle grades by requiring districts to develop an early warning indicator system for indentifying students at risk of dropping out, and tailoring research-based interventions to get these students back on track to graduating college and career-ready. These interventions would include high-quality professional development for teachers; personal academic plans such as the Individual Learning Plans required in Rhode Island; mentoring and counseling; and extended learning time.

When he was in the Senate, President Obama was the lead sponsor of this legislation. I am pleased that the President has continued to recognize the need for increased investment in middle and high school reform, including earlier this year, his action to encourage states and school districts to spend a significant portion of their American Recovery and Reinvestment Act education funds on improving student achievement in the middle and high school grades.

I was pleased to work with the Rhode Island Middle Level Educators, Rhode Island Association of School Principals, ACT, Alliance for Excellent Education, The College Board, International Reading Association, National Association of Secondary School Principals, National Council of Teachers of English, National Forum to Accelerate Middle Grades Reform, and National Middle Schools Association, and a host of other education organizations on this bill. I urge my colleagues to cosponsor the Success in the Middle Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1362

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Success in the Middle Act of 2009''.

SEC. 2. FINDINGS.

In this Act:

(1) International comparisons indicate that students in the United States do not start out behind students of other nations in mathematics and science, but that they fall behind by the end of the middle grades.

(2) Only ⅓ of eighth grade students in the United States, and only 4 percent of such students who are English language learners, can read with proficiency, according to the 2007 National Assessment on Educational Progress (NAEP). The percentage of eighth grade students proficient at reading has not increased since 1998, and the NAEP average reading score for eighth grade students has remained static. In contrast, NAEP reading scores and achievement levels for fourth grade students have increased significantly.

(3) In mathematics, less than ⅓ of students in eighth grade show skills at the NAEP proficient level, and nearly 30 percent score below the basic level. The percentage of eighth grade students scoring above the basic level was 8 points higher in 2007 than in 2000, but for fourth grade students, the percentage increased 17 points, more than double the increase for middle grades students. In eighth grade, the gaps between the average mathematics scores of white and black students and between white and Hispanic students were as wide in 2007 as in 1990.

(4) Fewer than 2 in 10 of the students who graduated from high school in 2005 or 2006 met, as eighth graders, all 4 of ACT's EXPLORE College Readiness Benchmarks, the minimum level of achievement that ACT has shown is necessary if students are to be college- and career-ready upon their high school graduation.

(5) Lack of basic skills at the end of middle grades has serious implications for students. Students who enter high school 2 or more years behind grade level in mathematics and literacy have only a 50 percent chance of progressing on time to the tenth grade; those not progressing are at significant risk of dropping out of high school.

(6) Middle grades students are hopeful about their future, with 93 percent believing that they will complete high school and 92 percent anticipating that they will attend college.

(7) Sixth grade students who do not attend school regularly, who are subjected to frequent disciplinary actions, or who fail mathematics or English have less than a 15 percent chance of graduating high school on time and a 20 percent chance of graduating 1 year late. Without effective interventions and proper supports, these students are at risk of subsequent failure in high school, or of dropping out.

(8) Student transitions from elementary school to the middle grades and to high school are often complicated by poor curriculum alignment, inadequate counseling services, and unsatisfactory sharing of student performance and academic achievement data between grades.

(9) According to ACT, the level of academic achievement that students attain by eighth grade has a larger impact on the students' college and career readiness upon graduation from high school than anything that happens academically in high school.

(10) Middle schools are almost twice as likely as elementary schools to be identified for improvement, corrective action, or restructuring (22 percent as compared to 13 percent) under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 63116).

(11) Middle grades improvement strategies should be tailored based on a variety of performance indicators and data, so that educators can create and implement successful

school improvement strategies to address the needs of the middle grades, and so that teachers can provide effective instruction and adequate assistance to meet the needs of at-risk students.

(12) To stem a dropout rate nearly twice that of students without disabilities, students with disabilities in the critical middle grades must receive appropriate academic accommodations and access to assistive technology, high-risk behaviors such as absenteeism and course failure must be monitored, and problem-solving skills with broad application must be taught.

(13) Local educational agencies and State educational agencies often do not have the capacity to provide support for school improvement strategies. Successful models do exist for turning around low-performing middle grades, and Federal support should be provided to increase the capacity to apply promising practices based on evidence from successful schools.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a partnership that includes—

(A) not less than 1 eligible local educational agency; and

(B)(i) an institution of higher education;

(ii) an educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(iii) a nonprofit organization with demonstrated expertise in high quality middle grades intervention.

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that serves not less than 1 eligible school.

(4) ELIGIBLE SCHOOL.—The term ''eligible school'' means an elementary or secondary school that contains not less than 2 or more successive grades beginning with grade 5 and ending with grade 8 and for which—

(A) a high proportion of the middle grades students attending such school go on to attend a high school with a graduation rate of less than 65 percent;

(B) more than 25 percent of the students who finish grade 6 at such school, or the earliest middle grade level at the school, exhibit 1 or more of the key risk factors and early risk identification signs, including—

(i) student attendance below 90 percent;

(ii) a failing grade in a mathematics or reading or language arts course;

(iii) 2 failing grades in any courses; and

(iv) out-of-school suspension or other evidence of at-risk behavior; or

(C) more than 50 percent of the middle grades students attending such school do not perform at a proficient level on State student academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) in mathematics or reading or language arts.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MIDDLE GRADES.—The term ''middle grades'' means any of grades 5 through 8.

(7) SCIENTIFICALLY VALID.—The term ''scientifically valid'' means the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(9) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(10) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a student who is a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

TITLE I—MIDDLE GRADES IMPROVEMENT

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) improve middle grades student academic achievement and prepare students for rigorous high school course work, postsecondary education, independent living, and employment;

(2) ensure that curricula and student supports for middle grades education align with the curricula and student supports provided for elementary and high school grades;

(3) provide resources to State educational agencies and local educational agencies to collaboratively develop school improvement plans in order to deliver support and technical assistance to schools serving students in the middle grades; and

(4) increase the capacity of States and local educational agencies to develop effective, sustainable, and replicable school improvement programs and models and evidence-based or, when available, scientifically valid student interventions for implementation by schools serving students in the middle grades.

SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES FOR MIDDLE GRADES IMPROVEMENT.

(a) IN GENERAL.—From amounts appropriated under section 107, the Secretary shall make grants under this title for a fiscal year to each State educational agency for which the Secretary has approved an application under subsection (f) in an amount equal to the allotment determined for such agency under subsection (c) for such fiscal year.

(b) RESERVATIONS.—From the total amount made available to carry out this title for a fiscal year, the Secretary—

(1) shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section;

(2) shall reserve 1 percent to evaluate the effectiveness of this title in achieving the purposes of this title and ensuring that results are peer-reviewed and widely disseminated, which may include hiring an outside evaluator; and

(3) shall reserve 5 percent for technical assistance and dissemination of best practices in middle grades education to States and local educational agencies.

(c) AMOUNT OF STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), of the total amount made available to carry out this title for a fiscal year and not reserved under subsection (b), the Secretary shall allot such amount among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year, determined in accordance with section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965(20 U.S.C. 6333(c)(1)(A)).

(2) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this subsection for a fiscal year that is less than ½ of 1 percent of the amount made available to carry out this title for such fiscal year.

(d) SPECIAL RULE.—For any fiscal year for which the funds appropriated to carry out this title are less that $500,000,000, the Secretary is authorized to award grants to State educational agencies, on a competitive basis, rather than as allotments described in this section, to enable such agencies to award subgrants under section 104 on a competitive basis.

(e) REALLOTMENT.—

(1) FAILURE TO APPLY; APPLICATION NOT APPROVED.—If any State educational agency does not apply for an allotment under this title for a fiscal year, or if the application from the State educational agency is not approved, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

(2) UNUSED FUNDS.—The Secretary may reallot any amount of an allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (c).

(f) APPLICATION.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including a State middle grades improvement plan described in section 103(a)(4).

(g) PEER REVIEW AND SELECTION.—The Secretary—

(1) shall establish a peer-review process to assist in the review and approval of proposed State applications;

(2) shall appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices (including the areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students), which individuals may include recognized exemplary middle grades teachers and middle grades principals who have been recognized at the State or national level for exemplary work or contributions to the field;

(3) shall ensure that States are given the opportunity to receive timely feedback, and to interact with peer-review panels, in person or via electronic communication, on issues that need clarification during the peer-review process;

(4) shall approve a State application submitted under this title not later than 120 days after the date of submission of the application unless the Secretary determines that the application does not meet the requirements of this title;

(5) may not decline to approve a State's application before—

(A) offering the State an opportunity to revise the State's application;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) shall direct the Inspector General of the Department of Education to—

(A) review final determinations reached by the Secretary to approve or deny State applications;

(B) analyze the consistency of the process used by peer-review panels in reviewing and recommending to the Secretary approval or denial of such State applications; and

(C) report the findings of this review and analysis to Congress.

SEC. 103. STATE PLAN; AUTHORIZED ACTIVITIES.

(a) MANDATORY ACTIVITIES.—

(1) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds—

(A) to prepare and implement the needs analysis and middle grades improvement plan, as described in paragraphs (3) and (4), of such agency;

(B) to make subgrants to eligible local educational agencies or eligible entities under section 104; and

(C) to assist eligible local educational agencies and eligible entities, when determined necessary by the State educational agency or at the request of an eligible local educational agency or eligible entity, in designing a comprehensive schoolwide improvement plan and carrying out the activities under section 104.

(2) FUNDS FOR SUBGRANTS.—A State educational agency that receives a grant under this title shall use not less than 80 percent of the grant funds to make subgrants to eligible local educational agencies or eligible entities under section 104.

(3) MIDDLE GRADES NEEDS ANALYSIS.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall enter into a contract, or similar formal agreement, to work with entities such as national and regional comprehensive centers (as described in section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602)), institutions of higher education, or nonprofit organizations with demonstrated expertise in high-quality middle grades reform, to prepare a plan that analyzes how to strengthen the programs, practices, and policies of the State in supporting students in the middle grades, including the factors, such as local implementation, that influence variation in the effectiveness of such programs, practices, and policies.

(B) PREPARATION OF PLAN.—In preparing the plan under subparagraph (A), the State educational agency shall examine policies and practices of the State, and of local educational agencies within the State, affecting—

(i) middle grades curriculum instruction and assessment;

(ii) education accountability and data systems;

(iii) teacher quality and equitable distribution; and

(iv) interventions that support learning in school.

(4) MIDDLE GRADES IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall develop a middle grades improvement plan that—

(i) shall be a statewide plan to improve student academic achievement in the middle grades, based on the needs analysis described in paragraph (3); and

(ii) describes what students are required to know and do to successfully—

(I) complete the middle grades; and

(II) make the transition to succeed in academically rigorous high school coursework that prepares students for college, independent living, and employment.

(B) PLAN COMPONENTS.—A middle grades improvement plan described in subparagraph (A) shall also describe how the State educational agency will do each of the following:

(i)(I) Ensure that the curricula and assessments for middle grades education are aligned with high school curricula and assessments and prepare students to take challenging high school courses and successfully engage in postsecondary education; and

(II) ensure coordination, where applicable, with the activities carried out through grants for P–16 education alignment under section 6401(c)(1) of the America COMPETES Act (20 U.S.C. 9871(c)(1)).

(ii) Ensure that professional development is provided to school leaders, teachers, and other school personnel in—

(I) addressing the needs of diverse learners, including students with disabilities and English language learners;

(II) using challenging and relevant research-based best practices and curricula; and

(III) using data to inform instruction.

(iii) Identify and disseminate information on effective schools and instructional strategies for middle grades students based on high-quality research.

(iv) Include specific provisions for students most at risk of not graduating from secondary school, including English language learners and students with disabilities.

(v) Provide technical assistance to eligible entities to develop and implement their early warning indicator and intervention systems, as described in section 104(d)(2)(D).

(vi) Define a set of comprehensive school performance indicators that shall be used, in addition to the indicators used to determine adequate yearly progress, as defined in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)), to evaluate school performance, and guide the school improvement process, such as—

(I) student attendance and absenteeism;

(II) earned on-time promotion rates from grade to grade;

(III) percentage of students failing a mathematics, reading or language arts, or science course, or failing 2 or more of any courses;

(IV) teacher quality and attendance measures;

(V) in-school and out-of-school suspension or other measurable evidence of at-risk behavior; and

(VI) additional indicators proposed by the State educational agency, and approved by the Secretary pursuant to the peer-review process described in section 102(g).

(vii) Ensure that such plan is coordinated with State activities to turn around other schools in need of improvement, including State activities to improve high schools and elementary schools.

(b) PERMISSIBLE ACTIVITIES.—A State educational agency that receives a grant under this title may use the grant funds to—

(1) develop and encourage collaborations among researchers at institutions of higher education, State educational agencies, educational service agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), local educational agencies, and nonprofit organizations with demonstrated expertise in high quality middle grades interventions, to expand the use of effective practices in the middle grades and to improve middle grades education;

(2) support local educational agencies in implementing effective middle grades practices, models, and programs that—

(A) are evidence-based or, when available, scientifically valid; and

(B) lead to improved student academic achievement;

(3) support collaborative communities of middle grades teachers, administrators, and researchers in creating and sustaining informational databases to disseminate results from rigorous research on effective practices and programs for middle grades education; and

(4) increase middle grades student support services, such as school counseling on the transition to high school and planning for entry into postsecondary education and the workforce.

SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-PERFORMING MIDDLE GRADES.

(a) IN GENERAL.—A State educational agency that receives a grant under this title shall make competitive subgrants to eligible local educational agencies and eligible entities to enable the eligible local educational agencies and eligible entities to improve low-performing middle grades in schools served by the agencies or entities.

(b) PRIORITIES.—In making subgrants under subsection (a), a State educational agency shall give priority to eligible local educational agencies or eligible entities based on—

(1) the respective populations of children described in section 102(c)(1) served by the eligible local educational agencies participating in the subgrant application process; and

(2) the respective populations of children served by the participating eligible local educational agencies who attend eligible schools.

(c) APPLICATION.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including—

(1) a comprehensive schoolwide improvement plan described in subsection (d);

(2) a description of how activities described in such plan will be coordinated with activities specified in plans for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and school improvement plans required under section 1116(b)(3) of such Act (20 U.S.C. 6316(b)(3)); and

(3) a description of how activities described in such plan will be complementary to, and coordinated with, school improvement activities for elementary schools and high schools in need of improvement that serve the same students within the participating local educational agency.

(d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT PLAN.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall develop a comprehensive schoolwide improvement plan for the middle grades that shall—

(1) include the information described in subsection (c)(2);

(2) describe how the eligible local educational agency or eligible entity will—

(A) identify eligible schools;

(B) ensure that funds go to the highest priority eligible schools first, based on the eligible schools' populations of children described in section 102(c)(1);

(C) use funds to improve the academic achievement of all students, including English language learners and students with disabilities, in eligible schools;

(D) implement an early warning indicator and intervention system to alert schools when students begin to exhibit outcomes or behaviors that indicate the student is at increased risk for low academic achievement or is unlikely to progress to secondary school graduation, and to create a system of evidence-based interventions to be used by schools to effectively intervene, by—

(i) identifying and analyzing, such as through the use of longitudinal data of past cohorts of students, the academic and behavioral indicators in the middle grades that most reliably predict dropping out of high school, such as attendance, behavior measures (including suspensions, officer referrals, or conduct marks), academic performance in core courses, and earned on-time promotion from grade-to-grade;

(ii) analyzing student progress and performance on the indicators identified under clause (i) to guide decisionmaking;

(iii) analyzing academic indicators to determine whether students are on track to graduate on time, and developing appropriate evidence-based intervention; and

(iv) identifying or developing a mechanism for regularly collecting and reporting—

(I) student-level data on the indicators identified under clause (i);

(II) student-level progress and performance, as described in clause (ii);

(III) student-level data on the indicators described in clause (iii); and

(IV) information about the impact of interventions on student outcomes and progress;

(E) increase academic rigor and foster student engagement to ensure students are entering high school prepared for success in a rigorous college-ready curriculum, including a description of how such readiness will be measured;

(F) implement a systemic transition plan for all students and encourage collaboration among elementary grades, middle grades, and high school grades; and

(G) provide evidence that the strategies, programs, supports, and instructional practices proposed under the schoolwide improvement plan are new and have not been implemented before by the eligible local educational agency or eligible entity; and

(3) provide evidence of an ongoing commitment to sustain the plan for a period of not less than 4 years.

(e) REVIEW AND SELECTION OF SUBGRANTS.—In making subgrants under subsection (a), the State educational agency shall—

(1) establish a peer-review process to assist in the review and approval of applications under subsection (c); and

(2) appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices, including areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students, including recognized exemplary middle grades teachers and principals who have been recognized at the State or national level for exemplary work or contributions to the field.

(f) REVISION OF SUBGRANTS.—If a State educational agency, using the peer-review process described in subsection (e), determines that an application for a grant under subsection (a) does not meet the requirements of this title, the State educational agency shall notify the eligible local educational agency or eligible entity of such determination and the reasons for such determination, and offer—

(1) the eligible local educational agency or eligible entity an opportunity to revise and resubmit the application; and

(2) technical assistance to the eligible local educational agency or eligible entity, by the State educational agency or a nonprofit organization with demonstrated expertise in high quality middle grades interventions, to revise the application.

(g) MANDATORY USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) shall carry out the following:

(1) Align the curricula for grades kindergarten through 12 for schools within the local educational agency to improve transitions from elementary grades to middle grades to high school grades.

(2) In each eligible school served by the eligible local educational agency receiving or participating in the subgrant:

(A) Align the curricula for all grade levels within eligible schools to improve grade to grade transitions.

(B) Implement evidence-based or, when available, scientifically valid instructional strategies, programs, and learning environments that meet the needs of all students and ensure that school leaders and teachers receive professional development on the use of these strategies.

(C) Ensure that school leaders, teachers, pupil service personnel, and other school staff understand the developmental stages of adolescents in the middle grades and how to deal with those stages appropriately in an educational setting.

(D) Implement organizational practices and school schedules that allow for effective leadership, collaborative staff participation, effective teacher teaming, and parent and community involvement.

(E) Create a more personalized and engaging learning environment for middle grades students by developing a personal academic plan for each student and assigning not less than 1 adult to help monitor student progress.

(F) Provide all students with information and assistance about the requirements for high school graduation, college admission, and career success.

(G) Utilize data from an early warning indicator and intervention system described in subsection (d)(2)(D) to identify struggling students and assist the students as the students transition from elementary school to middle grades to high school.

(H) Implement academic supports and effective and coordinated additional assistance programs to ensure that students have a strong foundation in reading, writing, mathematics, and science skills.

(I) Implement evidence-based or, when available, scientifically valid schoolwide programs and targeted supports to promote positive academic outcomes, such as increased attendance rates and the promotion of physical, personal, and social development.

(J) Develop and use effective formative assessments to inform instruction.

(h) PERMISSIBLE USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) may use the subgrant funds to carry out the following:

(1) Implement extended learning opportunities in core academic areas including more instructional time in literacy, mathematics, science, history, and civics in addition to opportunities for language instruction and understanding other cultures and the arts.

(2) Provide evidence-based professional development activities with specific benchmarks to enable teachers and other school staff to appropriately monitor academic and behavioral progress of, and modify curricula and implement accommodations and assistive technology services for, students with disabilities, consistent with the students' individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(3) Employ and use instructional coaches, including literacy, mathematics, and English language learner coaches.

(4) Provide professional development for content-area teachers on working effectively with English language learners and students with disabilities, as well as professional development for English as a second language educators, bilingual educators, and special education personnel.

(5) Encourage and facilitate the sharing of data among elementary grades, middle grades, high school grades, and postsecondary educational institutions.

(6) Create collaborative study groups composed of principals or middle grades teachers, or both, among eligible schools within the eligible local educational agency receiving or participating in the subgrant, or between such eligible local educational agency and another local educational agency, with a focus on developing and sharing methods to increase student learning and academic achievement.

(i) PLANNING SUBGRANTS.—

(1) IN GENERAL.—In addition to the subgrants described in subsection (a), a State educational agency may (without regard to the preceding provisions of this section) make planning subgrants, and provide technical assistance, to eligible local educational agencies and eligible entities that have not received a subgrant under subsection (a) to assist the local educational agencies and eligible entities in meeting the requirements of subsections (c) and (d).

(2) AMOUNT AND DURATION.—Each subgrant under this subsection shall be in an amount of not more than $100,000 and shall be for a period of not more than 1 year in duration.

SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUPPLANT.

(a) DURATION OF GRANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grants under this title and subgrants under section 104(a) may not exceed 3 years in duration.

(2) RENEWALS.—

(A) IN GENERAL.—Grants and subgrants under this title may be renewed in 2-year increments.

(B) CONDITIONS.—In order to be eligible to have a grant or subgrant renewed under this paragraph, the grant or subgrant recipient shall demonstrate, to the satisfaction of the granting entity, that—

(i) the recipient has complied with the terms of the grant or subgrant, including by undertaking all required activities; and

(ii) during the period of the grant or subgrant, there has been significant progress in—

(I) student academic achievement, as measured by the annual measurable objectives established pursuant to section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)(C)(v)); and

(II) other key risk factors such as attendance and on-time promotion.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—A State educational agency, eligible local educational agency, or eligible entity shall use Federal funds received

under this title only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this title, and not to supplant such funds.

(2) SPECIAL RULE.—Nothing in this title shall be construed to authorize an officer, employee, or contractor of the Federal Government to mandate, direct, limit, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

SEC. 106. EVALUATION AND REPORTING.

(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the period of the grant, each State receiving a grant under this title shall—

(1) conduct an evaluation of the State's progress regarding the impact of the changes made to the policies and practices of the State in accordance with this title, including—

(A) a description of the specific changes made, or in the process of being made, to policies and practices as a result of the grant;

(B) a discussion of any barriers hindering the identified changes in policies and practices, and implementations strategies to overcome such barriers;

(C) evidence of the impact of changes to policies and practices on behavior and actions at the local educational agency and school level; and

(D) evidence of the impact of the changes to State and local policies and practices on improving measurable learning gains by middle grades students;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies and practices of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State's evaluation under subsection (a) available to other States and local educational agencies.

(c) LOCAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each eligible local educational agency and eligible entity receiving a subgrant under section 104(a) shall report to the State educational agency and to the public on—

(1) the performance on the school performance indicators (as described in section 103(a)(4)(B)(vi)) for each eligible school served by the eligible local educational agency or eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of funds by the eligible local educational agency or eligible entity and each such school.

(d) STATE EDUCATIONAL AGENCY REPORTING.—On an annual basis, each State educational agency receiving grant funds under this title shall report to the Secretary and to the public on—

(1) the performance of eligible schools in the State, based on the school performance indicators described in section 103(a)(4)(B)(vi), in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of the funds by each eligible local educational agency in the State and by each eligible school.

(e) REPORT TO CONGRESS.—Every 2 years, the Secretary shall report to the public and to Congress—

(1) a summary of the State reports under subsection (d); and

(2) the use of funds by each State under this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $1,000,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE II—RESEARCH RECOMMENDATIONS

SEC. 201. PURPOSE.

The purpose of this title is to facilitate the generation, dissemination, and application of research needed to identify and implement effective practices that lead to continual student learning and high academic achievement in the middle grades.

SEC. 202. RESEARCH RECOMMENDATIONS.

(a) STUDY ON PROMISING PRACTICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to study and identify promising practices for the improvement of middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall identify promising practices currently being implemented for the improvement of middle grades education. The study shall be conducted in an open and transparent way that provides interim information to the public about criteria being used to identify—

(A) promising practices;

(B) the practices that are being considered; and

(C) the kind of evidence needed to document effectiveness.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 1 year after the date of the commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(b) SYNTHESIS STUDY OF EFFECTIVE TEACHING AND LEARNING IN MIDDLE GRADES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to review existing research on middle grades education, and on factors that might lead to increased effectiveness and enhanced innovation in middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall review research on education programs, practices, and policies, as well as research on the cognitive, social, and emotional development of children in the middle grades age range, in order to provide an enriched understanding of the factors that might lead to the development of innovative and effective middle grades programs, practices, and policies. The study shall focus on—

(A) the areas of curriculum, instruction, and assessment (including additional supports for students who are below grade level in reading, writing, mathematics, and science, and the identification of students with disabilities) to better prepare all students for subsequent success in high school, college, and cognitively challenging employment;

(B) the quality of, and supports for, the teacher workforce;

(C) aspects of student behavioral and social development, and of social interactions within schools that affect the learning of academic content;

(D) the ways in which schools and local educational agencies are organized and operated that may be linked to student outcomes;

(E) how development and use of early warning indicator and intervention systems can reduce risk factors for dropping out of school and low academic achievement; and

(F) identification of areas where further research and evaluation may be needed on these topics to further the development of effective middle grades practices.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 2 years after the date of commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(c) OTHER ACTIVITIES.—The Secretary shall carry out each of the following:

(1) Create a national clearinghouse, in coordination with entities such as What Works and the Doing What Works Clearinghouses, for research in best practices in the middle grades and in the approaches that successfully take those best practices to scale in schools and local educational agencies.

(2) Create a national middle grades database accessible to educational researchers, practitioners, and policymakers that identifies school, classroom, and system-level factors that facilitate or impede student academic achievement in the middle grades.

(3) Require the Institute of Education Sciences to develop a strand of field-initiated and scientifically valid research designed to enhance performance of schools serving middle grades students, and of middle grades students who are most at risk of educational failure, which may be coordinated with the regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), institutions of higher education, agencies recognized for their research work that has been published in peer-reviewed journals, and organizations that have such regional educational laboratories. Such research shall target specific issues such as—

(A) effective practices for instruction and assessment in mathematics, science, technology, and literacy;

(B) academic interventions for adolescent English language learners;

(C) school improvement programs and strategies for closing the academic achievement gap;

(D) evidence-based or, when available, scientifically valid professional development planning targeted to improve pedagogy and student academic achievement;

(E) the effects of increased learning or extended school time in the middle grades; and

(F) the effects of decreased class size or increased instructional and support staff.

(4) Strengthen the work of the existing national research and development centers under section 133(c) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)), as of the date of enactment of this Act, by adding an educational research and development center dedicated to addressing—

(A) curricular, instructional, and assessment issues pertinent to the middle grades (such as mathematics, science, technological fluency, the needs of English language learners, and students with disabilities);

(B) comprehensive reforms for low-performing middle grades; and

(C) other topics pertinent to improving the academic achievement of middle grades students.

(5) Provide grants to nonprofit organizations, for-profit organizations, institutions of higher education, and others to partner with State educational agencies and local educational agencies to develop, adapt, or replicate effective models for turning around low-performing middle grades.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this title $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) RESERVATIONS.—From the total amount made available to carry out this title, the Secretary shall reserve—

(1) 2.5 percent for the studies described in subsections (a) and (b) of section 202;

(2) 5 percent for the clearinghouse described in section 202(c)(1);

(3) 5 percent for the database described in section 202(c)(2);

(4) 42.5 percent for the activities described in section 202(c)(3);

(5) 15 percent for the activities described in section 202(c)(4); and

(6) 30 percent for the activities described in section 202(c)(5).

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River as Wild and Scenic. I am pleased to be introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation has already been introduced by Representative SCHRADER in the House, who is a champion for protecting the river. The Molalla River Wild and Scenic Rivers Act of 2009 will designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act protects a popular Oregon destination that provides abundant recreational activities all of which take place among the abundant wildlife that call this area home. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout, along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I want to express my thanks to the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1369

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Molalla River Wild and Scenic Rivers Act''.

SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(208) MOLALLA RIVER, OREGON.—

''(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

''(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

''(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

''(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

''(i) entry, appropriation, or disposal under the public land laws;

''(ii) location, entry, and patent under the mining laws; and

''(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

''(C) EFFECT OF DESIGNATION.—

''(i) IN GENERAL.—The designation of the river segments under this paragraph shall not affect valid existing rights (including rights-of-way and easements) in, through, and to the land designated as part of the Wild and Scenic River System under this paragraph.

''(ii) PRIVATE LAND.— Nothing in this paragraph requires management of private land within the basins of the river segments designated under this paragraph in a manner different than that required under State law, including Chapter 527 of the Oregon Revised Statutes.''.

By Mr. NELSON, of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with my colleagues Senators ENSIGN and MARTINEZ, the Clean Renewable Water Supply Bond Act of 2009.

While many of us do not think twice when we turn on the faucet, State and local authorities anticipate widespread water shortages in the near future, and the consequences may be severe, if not catastrophic. Rising demand and dwindling sources of fresh water raise serious questions about our ability to ensure every community has access to a clean, safe, and affordable water supply. The U.S. population has grown more than 50 percent in the last 30 years. At the same time, the amount of water used by each of us has tripled. In many States, particularly fast-growing States, water consumption nears or exceeds the renewable water supply.

Several parts of the country have experienced drought or near-drought conditions requiring authorities to impose water user strictions. According to a comprehensive Government Accountability Office study, even under normal conditions, 36 States expect water shortages by 2013. Compounding the problem, the Environmental Protection Agency estimates a shortfall of $224 billion in funding for water projects over the next 20 years.

Water shortages also have implications for the environment. The Everglades is a prime example. Over the years, diminished flows into the Everglades have reduced the ecosystem to

half its original size. As a result of less water, the Everglades experienced a 90 percent reduction in the population of wading birds. The effects of climate change—including salt water intrusion and higher sea levels—mean our recent experiences will only intensify over the next couple decades.

There is a growing consensus on the need for new investments in water supply and treatment projects. Advanced technologies offer extraordinary promise and can provide new sources of clean water, but the cost of the initial capital investment is often prohibitive. States are primarily responsible for managing the development, allocation, and use of freshwater supplies. A single advanced water project can cost as much as $400 million, an amount difficult to finance with conventional tax-exempt bonds, which require principal and interest payments by the issuer.

The bipartisan legislation we are introducing today would authorize public water agencies at the State and local level to issue tax credit bonds as a financing vehicle for innovative new water supply technologies. The legislation would create a new category of Clean Renewable Water Supply Bonds, to finance innovative projects such as water recycling, desalination, and groundwater contamination clean-up. Tax credit bonds such as CREWS provide a deeper and more efficient subsidy than tax-exempt bonds. The Federal Government provides a tax credit to the bondholder in lieu of an interest payment. As a result, a public agency financing a $100 million project with CREWS would save an estimated $62 million in interest payments over the life of the bond. The issuer remains responsible for repayment of the principal. The bonds would be issued by public agencies in the same way that they issue conventional tax-exempt bonds.

A project would not be eligible for CREWS unless the issuer has received all Federal and State regulatory approvals necessary to construct the project. Qualifying projects must be designed to comply with regulations that minimize negative environmental impacts. In order to limit the revenue loss to $1 billion over ten years, the bill caps the amount of annual CREWS bonding authority.

Tax credit bonds are a proven and effective financing mechanism. Congress has authorized the issuance of tax credit bonds for the construction of inner city schools, renewable energy projects, energy conservation measures, forestry conservation programs, and post-Katrina and Rita reconstruction. According to an analysis prepared for the New Water Supply Coalition, an investment of $6.2 billion in construction for desalination, recycling and groundwater recovery would generate a national economic impact of $19.5 billion and approximately 143,000 jobs. Most importantly, if enacted and fully funded, the Coalition projects that over 1.8 billion gallons of water per day would be created by the new investment resulting from the Clean Renewable Water Supply Bond Act—enough new water to meet the needs of over four million families of four.

Addressing the challenges of our growing water needs will require a concerted effort that involves all levels of government—Federal, State, and local. The Clean Renewable Water Supply Bond Act would create an effective tool for the shared Federal-State financing of advanced, innovative clean water supply projects. I encourage my colleagues to support the legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1371

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Renewable Water Supply Bond Act of 2009''.

SEC. 2. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) IN GENERAL.—Subpart I of Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 54G. CLEAN RENEWABLE WATER SUPPLY BONDS.

''(a) CLEAN RENEWABLE WATER SUPPLY BONDS.—For purposes of this subpart, the term 'clean renewable water supply bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) in the case of a bond issued by a qualified issuer before 2019, the bond is issued—

''(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

''(B) not later than 6 months after the date that such qualified issuer receives an allocation under subsection (b).

''Any allocation under subsection (b) not used within the 6-month period described in paragraph (4)(B) shall be applied to increase the national clean renewable water supply bond limitation for the next succeeding application period under subsection (b)(2)(B).

''(b) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

''(A) $0 for 2009,

''(B) $100,000,000 for 2010,

''(C) $150,000,000 for 2011,

''(D) $200,000,000 for 2012,

''(E) $250,000,000 for 2013,

''(F) $500,000,000 for 2014,

''(G) $750,000,000 for 2015,

''(H) $1,000,000,000 for 2016,

''(I) $1,500,000,000 for 2017, and

''(J) $1,750,000,000 for 2018.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

''(B) METHOD OF ALLOCATION.—For each calendar year after 2009 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects on a first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

''(C) ALLOCATION REQUIREMENTS.—

''(i) CERTIFICATIONS REGARDING REGULATORY APPROVALS.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that as of the date of such application the qualified issuer or qualified borrower has received all Federal and State regulatory approvals necessary to construct the qualified project.

''(ii) RESTRICTION ON ALLOCATIONS TO LARGE PROJECTS OR TO INDIVIDUAL PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (III), for any calendar year the Secretary shall not allocate more than 60 percent of the national clean renewable water supply bond limitation to 1 or more large projects, more than 18 percent of such limitation to any single project that is a large project, or more than 12 percent of such limitation to any single project that is not a large project.

''(II) DEFINITION OF LARGE PROJECT.—For purposes of subclause (I), the term 'large project' means a qualified project that is designed to deliver more than 10,000,000 gallons of water per day.

''(III) EXCEPTION TO RESTRICTION.—Subclause (I) shall not apply to the extent its application would cause any portion of the national clean renewable water supply bond limitation for the calendar year to remain unallocated, based on applications for allocations of such limitation received by the Secretary during the application period referred to in subparagraph (B).

''(3) CARRYOVER OF UNUSED LIMITATION.—If the clean renewable water supply bond limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(c) MATURITY LIMITATION.—

''(1) IN GENERAL.—A bond shall not be treated as a clean renewable water supply bond if the maturity of such bond exceeds 20 years.

''(2) COORDINATION WITH SECTION 54A.—The maturity limitation in section 54A(d)(5) shall not apply to any clean renewable water supply bond.

''(d) REFINANCING RULES.—For purposes of paragraph (a)(1), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such

indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(e) DEFINITIONS.—For purposes of this section—

''(1) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(2) LOCAL WATER COMPANY.—The term 'local water company' means any entity responsible for providing water service to the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

''(3) QUALIFIED BORROWER.—The term 'qualified borrower' means a governmental body or a local water company.

''(4) QUALIFIED DESALINATION FACILITY.—The term 'qualified desalination facility' means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility's source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for primary or secondary drinking water under Federal or State law (as in effect on the date of issuance of the issue).

''(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term 'qualified groundwater remediation facility' means any facility that is used to reclaim contaminated or naturally impaired groundwater for direct delivery for potable use if the facility's source water includes constituents that exceed maximum contaminant levels regulated under the Safe Drinking Water Act (as in effect on the date of the enactment of this section).

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a governmental body, or

''(B) in the case of a State or political subdivision thereof (as defined for purposes of section 103), any entity qualified to issue tax-exempt bonds under section 103 on behalf of such State or political subdivision.

''(7) QUALIFIED PROJECT.—

''(A) IN GENERAL.—The term 'qualified project' means any facility owned by a qualified borrower which is a—

''(i) qualified desalination facility,

''(ii) qualified recycled water facility,

''(iii) qualified groundwater remediation facility, or

''(iv) facility that is functionally related or subordinate to a facility described in clause (i), (ii), or (iii).

''(B) ENVIRONMENTAL IMPACT.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to comply with regulations issued under subsection (f) relating to the minimization of the environmental impact of the project.

''(8) QUALIFIED RECYCLED WATER FACILITY.—

''(A) IN GENERAL.—The term 'qualified recycled water facility' means any wastewater treatment or distribution facility which—

''(i) exceeds the requirements for the treatment and disposal of wastewater under the Clean Water Act and any other Federal or State water pollution control standards for the discharge and disposal of wastewater to surface water, land, or groundwater (as such requirements and standards are in effect on the date of issuance of the issue), and

''(ii) except as provided in subparagraph (B), is used to reclaim wastewater produced by the general public (including electric utility, industrial, agricultural, commercial, or residential users) to the extent such reclaimed wastewater is used for a beneficial use that the issuer reasonably expects as of the date of issuance of the issue otherwise would have been satisfied with potable water supplies.

''(B) IMPERMISSIBLE USES.—Reclaimed wastewater is not used for a use described in subparagraph (A)(ii) to the extent such reclaimed wastewater is—

''(i) discharged into a waterway or used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

''(ii) used to restore habitat,

''(iii) used to provide once-through cooling for an electric generation facility, or

''(iv) intentionally introduced into the groundwater and not used to supplement potable water supplies.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations promulgated in consultation with the Administrator of the Environmental Protection Agency to ensure the environmental impact of qualified facilities is minimized.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (D), by inserting ''or'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) a clean renewable water supply bond,''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54G. Clean renewable water supply bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1372

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

SECTION 1. VEHICLE MAINTENANCE BUILDING.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at its Vehicle Maintenance Branch in Suitland, Maryland, to house, maintain, and repair Smithsonian vehicles and transportation equipment.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 2010 for the purposes described in section 1.

By Mr. LIEBERMAN (for himself and Mr. CORNYN):

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency; or from funds administered by that agency to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the Federal Research Public Access Act. I am very pleased to be joined again by my good friend and colleague, Senator JOE LIEBERMAN, who has remained dedicated to seeing this important legislation passed. This bipartisan bill is the same legislation we introduced in the 109th Congress. The purpose of this legislation is to ensure American taxpayers' dollars are spent wisely, which is even more important now in this time of fiscal tension.

To put things in perspective, the Federal Government spends upwards of $55 billion on investments for basic and applied research every year. There are approximately 11 departments/agencies that are the recipients of these investments, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, the Department of Defense, and the Department of Agriculture. These departments/agencies then distribute the taxpayers' money to fund research which is typically conducted by outside researchers working for universities, health care systems, and other groups.

While this research is undoubtedly necessary and is beneficial to America, it remains the case that not all Americans are capable of experiencing these benefits firsthand. Usually the results of the researchers are published in academic journals. Despite the fact that the research was paid for by Americans' tax dollars, most citizens are unable to attain timely access to the wealth of information that the research provides.

Some Federal agencies, most notably the NIH, have recognized this lack of availability and have proceeded to take positive steps in the right direction by requiring that those articles based on government-funded research be easily accessible to the public in a timely manner. I am proud to report that the NIH's public access policy has been a success over the past few years. By the NIH implementing a groundbreaking public access policy, there has been strong progress in making the NIH's federally funded research available to the public, and has helped to energize this debate.

Although this has surely been an encouraging and important step forward, Senator LIEBERMAN and I believe there is more that can and must be done, as

this is just a small part of the research funded by the Federal Government.

With that in mind, Senator LIEBERMAN and I find it necessary to reintroduce the Federal Research Public Access Act that will build on and refine the work done by the NIH and require that the Federal Government's leading underwriters of research adopt meaningful public access policies. Our legislation provides a simple and practical solution to giving the public access to the research it funds.

Our bill will ask all Federal departments and agencies that invest $100 million or more annually in research to develop a public access policy. Our goal is to have the results of all government-funded research to be disseminated and made available to the largest possible audience. By speeding access to this research, we can help promote the advancement of science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

Each policy that these departments and agencies develop will require that articles resulting from federal funding must be presented in some publicly accessible archive within six months of publication. In doing so, the American taxpayers will have guaranteed access to the latest research, ensuring that they do not have to pay for the same research twice—first to conduct it and then again to view the results.

This simple legislation will provide our government with an opportunity to better leverage our investment in research and in turn ensure a greater return on that investment. All Americans stand to benefit from this bill, including patients diagnosed with a disease who will have the ability to use the Internet to read the latest articles in their entirety concerning their prognosis, students who will be able to find full abundant research as they further their education, or researchers who will have their findings more broadly evaluated which will lead to further discovery and innovation.

While a comprehensive competitiveness agenda is still a work-in-progress, this legislation is good step forward. Providing public access to cutting-edge scientific information is one way we can encourage public interest in these fields and help accelerate the pace of discovery and innovation. In promoting this legislation, I hope to guarantee that students, researchers, and every American can access the published results of the research they funded.

By Mr. ROCKEFELLER:

S. 1377. A bill provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will guarantee that Medicaid remains available as a critical safety-net for working families in the event of another economic downturn. Medicaid is consistently the first program slated for cuts during a State budget crisis. My legislation would establish an automatic trigger for a temporary FMAP increase so that state Medicaid assistance becomes available in a timely and targeted manner during significant economic challenges.

State cutbacks during the 2001–2003 recession eliminated public health coverage for more than one million Americans. According to the Kaiser Commission on Medicaid and the Uninsured, between fiscal years 2002 and 2005, the loss of revenue led all 50 States to reduce Medicaid provider payment rates and implement prescription drug cost controls, 38 States to reduce Medicaid eligibility and 34 States to reduce benefits. Many more Americans would have lost coverage if Congress had not provided states with $20 billion in Federal aid in 2003.

Now, once again, the country is facing economic challenges unlike anything else we have faced since the Great Depression. Fortunately, the American Recovery and Reinvestment Act, ARRA, included $87 billion in Federal Medicaid relief for States. It is estimated that through this temporary FMAP increase, my State of West Virginia will receive nearly $450 million in Federal funding over the next 2 years to help meet the existing and growing enrollment needs in Medicaid. This temporary FMAP increase will protect the health care coverage of nearly 400,000 West Virginians, and approximately 58 million Americans, as this country works to pull itself out of the current economic recession.

After the last economic downturn, I joined a bipartisan group of my colleagues in requesting that the Government Accountability Office, GAO, study and report on options to protect Medicaid during future recessions. In response to this request, the GAO issued a report GAO–07–97, entitled Medicaid: Strategies to Help States Address Increased Expenditures during Economic Downturn and developed a State and local government model that can simulate the fiscal outcomes for this sector in the aggregate for several decades into the future.

The legislation I am introducing today is based on the findings of this GAO study. As we have seen in the past two recessions, waiting for Congress to act to provide necessary Federal Medicaid relief results in harmful delays in families getting the assistance they need. I believe that there should be an automatic economic trigger for State fiscal relief—independent of Congressional intervention—during future recessions. My legislation would create such a trigger for a temporary FMAP increase.

State fiscal relief would become available when the average unemployment rate has increased by at least 10 percent in at least 23 States. This type of automatic trigger would provide states with the timely, targeted, and temporary Federal Medicaid assistance that they need in the face of a significant economic downturn. More importantly, it would help Americans maintain access to health care in tough times.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1377

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

SECTION 1. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking ''and (4)'' and inserting ''(4)''; and

(ii) by inserting ''and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)'' before the period; and

(B) by adding at the end the following:

''(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

''(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

''(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the 'trigger quarter'); and

''(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

''(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year

quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

''(i) dividing—

''(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

''(II) the State's total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

''(ii) multiplying the quotient determined under clause (i) by 100.

''(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

''(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

''(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

''(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

''(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

''(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

''(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

''(I) a calendar quarter occurring in fiscal year 2012, $350; and

''(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

''(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

''(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

''(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

''(bb) the National expenditure per person in poverty amount determined under subclause (III).

''(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

''(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

''(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

''(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

''(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

''(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

''(C) STATE'S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

''(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

''(ii) 4.

''(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

''(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, (or, if the Secretary determines it appropriate, a multiyear average of such data);

''(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for nondisabled, nonelderly adults and children; and

''(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

''(5) DEFINITION OF 'ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS', 'ROLLING AVERAGE UNEMPLOYMENT RATE'.—In this subsection, the term—

''(A) 'rolling average number of unemployed individuals' means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

''(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

''(C) 'monthly unemployment rate' means, with respect to a State, the quotient of—

''(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

''(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State.

''(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

''(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).

''(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under section 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during a national economic downturn assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger quarter for the period.''.

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(y)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(y) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, President Obama, in his press briefing this past Tuesday, June 23, 2009, made the following statement regarding his assessment of the first four months of the American Recovery and Reinvestment Act: ''I am not satisfied with the progress that we've made.'' I could not agree more with President Obama's assessment. Thus far, the $787 billion American Recovery and Reinvestment Act has fallen short on virtually every one of its advertised effects.

In the abbreviated debate leading up to the consideration of this bill, we constantly heard the mantra from my friends on the other side: JOBS, JOBS, JOBS! This stimulus bill was supposed to create jobs, jobs, jobs, but in the four months since the bill's passage, there are still no jobs in sight.

The architects of this bill made several bold claims in projecting the job effects of the $787 billion stimulus bill. First, they said that its passage would keep the unemployment rate from exceeding 8 percent. Second, they said it was going to create or save 3 to 4 million jobs. And third, they said that 90 percent of the new jobs created would be in the private sector.

So far, in all three of these areas, the actual effects of the stimulus bill have not lived up to the hype. Let us examine each of these areas one by one.

First, the stimulus bill was supposed to keep unemployment at or below 8 percent. In fact, the administration projected that in the absence of stimulus, the unemployment rate would peak at around 8.8 percent. However, four months into this program, the unemployment rate stands at 9.4 percent and rising—higher than the administration projected it would be in the absence of stimulus.

Just listen to President Obama's comments from his June 23rd press briefing to see which direction the unemployment rate is headed: ''I think it's pretty clear now that unemployment will end up going over 10 percent, if you just look at the pattern, because of the fact that even after employers and businesses start investing again and start hiring again, typically it takes a while for that employment number to catch up with economic recovery. And we're still not at actual recovery yet. So I anticipate that this is going to be a difficult, difficult year, a difficult period.''

When asked how high he thought the unemployment rate would go, President Obama responded, ''I am not suggesting that I have a crystal ball. Since you just threw back at us our last prognosis, let's not engage in another one.'' Once again, I have to agree with President Obama's assessment.

As the unemployment rate continues to go up, that means job numbers continue to go down, which brings me to my next point: The administration projected that the stimulus bill would create—or save—between 3 and 4 million jobs by the end of 2010. While we've got a long way to go before the end of 2010, the prospects of the stimulus bill living up to this job creation estimate seem very unlikely. Before we look at the actual job numbers for the past few months from the Department of Labor, let me discuss the source of the administration's projections.

In January, Christina Romer, who is now Chair of the Council of Economic Advisers, and Jared Bernstein, who is now the Chief Economist for the Vice President, released a 14-page paper titled ''The Job Impact of the American Recovery and Reinvestment Act.''

In this document, Romer and Bernstein repeatedly asserted that a package of the size discussed by the President-Elect would be expected to create between three and four million jobs by the end of 2010, which would more than meet the President-Elect's goal of creating or saving 3 million jobs by the end of 2010. In a follow-up report in May, the Council of Economic Advisers attempted to explain how the administration planned on measuring the number of jobs created or saved by the stimulus. This document articulated that all recipients of stimulus funds for government investment will be required to provide ''recipient reports'' estimating the number of jobs retained or created directly by the funds.

Then, to arrive at the total estimate of jobs created or saved by the stimulus, the job numbers from the recipient reports will be added to the administration's estimate of jobs created or saved through tax cuts, State fiscal relief and transfer payments. These estimates will be derived from administration-produced multipliers and macroeconomic modeling.

Sounds pretty simple, don't you think? Unfortunately, there are some problems.

The first problem is that the most accurate part of these job estimates will be from the recipient reports, and since the stimulus bill included approximately $271 billion in government investment spending, these reporting requirements cover just over a third of the $787 billion of stimulus funding.

While the job estimates from these recipient reports should be an accurate representation of actual jobs created by the stimulus, the administration even admits that ''there will likely be inconsistencies and measurement error across the individual reports.''

This leads us to the second problem: for the other ⅔ of the bill, in the administration's own words, ''There is no mechanism available for collecting data on actual job creation from these parts of the Act.'' So, for ⅔ of the bill, the job estimates are basically going to be guesswork from the administration based on mathematical formulas.

Since President Obama's ''First 100 Days'' address on April 29, 2009, we have heard plenty about the 150,000 jobs that have been created or saved so far by the stimulus.

As I have pointed out, it is impossible to verify these numbers with any degree of certainty, and the administration can not even give an estimate of how many of the 150,000 jobs were created and how many were saved.

What we can verify are the actual job numbers produced on a monthly basis by the Department of Labor. According to the Department of Labor, in the 3 full months March, April, and May, following the enactment of the stimulus bill, the U.S. economy has lost over 1.5 million jobs. In the first 5 months of 2009, the U.S. economy has lost 2.9 million jobs. These are the painful numbers that really matter.

As Jared Bernstein, Chief Economist for the Vice President, said on June 8, 2009, ''Most importantly from the perspective of American families, the nation's employers are still shedding jobs on net.''

So, the advertised effect of the stimulus on unemployment was clearly wrong, and the job claims resulting from the stimulus are unverifiable. Now, how about the claim suggesting that 90 percent of the jobs created by the stimulus will be in the private sector?

To be clear, this claim was first made in Romer and Bernstein's January report, and the President himself has repeated this assertion. Unfortunately, this projection—like the first two—is missing the mark by a long shot.

Let's look at the actual data from the Department of Labor once again. In the first three months since the stimulus bill has been the law of the land, the private sector has lost nearly 1.6 million jobs. In those same 3 months, government payrolls have actually expanded by 81,000 jobs. Similarly, in the first 5 months of 2009, while the private sector has lost over 3 million jobs, the government has gained 96,000 jobs.

While I am encouraged to see at least one sector of the economy experiencing job gains, I don't expect that the administration's projection of 90 percent of stimulus jobs being in the private sector will be realized. The administration has promised that 600,000 additional public sector jobs will be created or saved this summer. While an increase of 600,000 government jobs would certainly be a positive development if it comes to pass, it does raise concerns as to whether the government will be the only winner from the stimulus bill.

My point today, Mr. President, is not to berate the administration or those who voted for this bill.

My point is, first, to note the conspicuous absence of job gains in our

economy following the stimulus, and second, to bring our focus back to the source of 70 percent of net new jobs over the past decade—the engine that drives the U.S. economy. Of course, I am talking about America's small businesses.

America's small businesses have been suffering during this recession. If you go back to your States frequently, like I do, you'll hear about it directly. A few months ago, Senators LANDRIEU and SNOWE held a hearing on the credit crunch hitting small business. They found that big banks have been cracking down on lending to small businesses.

Another very good source of answers about the environment of small business is found in the monthly survey of small business. This survey is published by the National Federation of Independent Business ''NFIB''.

NFIB is the largest small business organization. NFIB has been conducting these surveys for 35 years.

NFIB's membership includes hundreds of thousands of small businesses all across America. You can find the survey on NFIB's website at http://www.nfib.com/Portals/0/PDF/sbet/sbet200906.pdf. I would encourage every member to check out the June 2009 survey.

The survey shows some extremely disturbing trends. On credit availability, small businesses are getting squeezed very hard. The availability of loans has fallen off a cliff since late 2007 and is at its lowest point since the recession period of 1980 to 1982.

This credit crunch and other factors have contributed to NFIB's index of small business optimism falling well below average. According to the survey, small business owners have become extremely pessimistic in the last couple of years. What you see here is the attitude of the decision makers in small business America.

Those are the decision makers for businesses that President Obama and Congress agree are the businesses most likely to grow or contract jobs. This data should concern every policy maker in this town.

While those two sets of data are bad, it doesn't get any better when you look at small business hiring plans. Another question on the survey asks the small business owner whether he or she plans to expand or contract employment over the next three months. The survey results show small business activity contracting tremendously, and the overall small business employment numbers tell the same story.

I must say that the President's recent efforts to increase lending to the small business sector are commendable. The center piece of his small business plan will allow the federal government to spend up to $25 billion to purchase the small-business loans that are now hindering community banks and lenders. Unfortunately, that is a drop in a very empty bucket.

Remember, colleagues, that small business accounts for about half of the private sector.

Moreover, the positives that will come to small businesses from this relatively small package of loans—which will ultimately have to be paid back—will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

I now want to turn to those aforementioned tax hikes on small businesses that President Obama and my colleagues on the other side of the aisle have proposed. I certainly understand that small business is vital to the health of our economy. The President and I agree that 70 percent of new private sector jobs are created by small businesses.

However, where we differ is that I believe small businesses' taxes should be lowered, not raised, to get our economy back on track. In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and create jobs by reducing the tax burden on individuals and small businesses. This included an across-the-board income tax reduction, which reduced marginal tax rates for income earners of all levels, a reduction of the top dividends and capital gains tax rate to 15 percent, and a gradual phaseout of the estate tax.

Unfortunately, like many of the other provisions enacted in 2001 and 2003, these tax relief measures are scheduled to expire at the end of 2010.

Some have referred to this bipartisan tax relief as ''the Bush tax cuts for the wealthy'' and have suggested that the tax relief provided for higher-income earners should be allowed to expire. However, this tax relief was bipartisan and provides tax relief for all taxpayers. The President and my colleagues on the other side of the aisle have proposed increasing the top two marginal tax rates from 33 percent and 35 percent to 36 percent and 39.6 percent, respectively.

They have also proposed increasing the tax rates on capital gains and dividends to 20 percent, and providing for an estate tax rate as high as 45 percent and an exemption amount of $3.5 million.

Also, the President has called for fully reinstating the personal exemption phaseout, or PEP for short, and the limitation on itemized deductions, which is known as Pease. Under the 2001 tax law, PEP and Pease are scheduled to be completely phased out in 2010. However, like other provisions in the law, PEP and Pease are scheduled to come back in full force in 2011 should Congress fail to take further action.

With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rate increased by 20 percent or more. For example, a family of four that is in the 33 percent tax bracket in 2010 could pay a marginal effective tax-rate of 41 percent after 2010—or even more if they had more children—because of PEP and Pease.

Some of my colleagues on the other side of the aisle have defended this proposal by claiming they will only raise taxes on ''wealthy'' taxpayers who make over $200,000 a year. For the vast majority of people who earn less than $200,000, raising taxes on higher earners might not sound so bad.

However, this means that many small businesses will be hit with a higher tax bill. These small businesses happen to at least 70 percent of all new private sector jobs in the U.S.

These small businesses that are taxed as sole proprietorships, S corporations, and partnerships—including LLCs—whose owners make over $200,000, or $250,000 if married, would get hit with the President's proposal to raise the top two marginal tax rates.

In addition, there are just under 2 million C corporations that are not publicly traded, and all C corporations are subject to double taxation. To the extent these C corporations' owners that make over $200,000, or $250,000 if married, pay themselves a salary, they would get hit with the tax increase on the top two marginal tax rates proposed by the President.

Also, any owners of C corporations that receive dividends or realize capital gains and make over $200,000, or $250,000 if married, would pay a 20 percent rate on these dividends and capital gains after 2010 under the President's tax hike proposals, instead of paying the current law rate of 15 percent.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. According to the Small Business Administration, about ⅔ of the Nation's small business workers are employed by small businesses with 20–500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ ⅔ of all small business workers?

With these small businesses already suffering from the credit crunch, do we really think it's wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates?

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the Budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases, or present data that show a different result.

I will also fight for a lower estate tax rate and a higher estate tax exemption amount to protect successful small businesses and farmers. In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising their taxes.

Odds are, they will cut spending. They will cancel orders for new equipment, cut health insurance for their employees, stop hiring, and lay people off. Instead of seeking to raise taxes on those who create jobs in our economy, policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs.

As the current ranking member of the tax writing Finance Committee, you can be sure that I will continue to fight to prevent a dramatic tax increase on our nation's job engine—the small businesses of America. This includes working to protect small businesses from higher marginal tax rates, an increase in the capital gains and dividends tax rate, and an increase in the unfair estate tax rate that will penalize the success of small businesses and farmers who would like to pass on their gains to the next generation.

In fact, today I have introduced a bill to lower taxes on these job-creating small businesses.

My bill contains a number of provisions that will leave more money in the hands of these small businesses so that these businesses can hire more workers, continue to pay the salaries of their current employees, and make additional investments in these businesses.

For instance, my bill would increase the amount of capital expenditures that small businesses can expense from $250,000 to $500,000. Also, my bill would allow more small C corporations to benefit from the lower graduated tax rates for smaller C corporations.

Another provision takes the general business credits, which are listed in section 38, out of the Alternative Minimum Tax, AMT, for those sole proprietorships, flow-throughs and non-publicly traded C-corps with 50 million or less in annual gross receipts. This provision amends section 39 to extend the 1-year carryback for general business credits to a 5-year carryback. This applies to general business credits for those sole proprietorships, flow-through entities and non-publicly traded C-corps with 50 million or less in annual gross receipts.

Another provision in my bill amends section 199 of the Internal Revenue Code, which contains the deduction for manufacturing, to provide a 20 percent deduction for flow-through business income for all small businesses, which are defined as flow-through entities with 50 million or less in annual gross receipts. Another provision in my bill deals with the situation where a C corporation becomes an S corporation. Under current law, there is no tax on built-in gains of assets within a C corporation that converts to an S corporation if those assets with built-in gain are held for 10 years by the S corporation. The stimulus bill reduced this 10-year period down to 7 years for sales of assets with built-in gain that occur within 2009 and 2010.

My provision reduces this time period down to 5 years for all S corporations that have converted from a C corporation.

Another provision in my bill expands the net operating loss provision contained in the stimulus bill. Current law provides that net operating losses from any size business may be carried back 2 taxable years before the year that the loss arises and carried forward 20 years. The stimulus bill amended the carryback provision by expanding the carryback from 2 years to 5 years if a small business had gross receipts of $15 million or less.

This provision expands that $15 million gross receipt requirement to $50 million in gross receipts so that more small businesses can qualify for this benefit.

Another provision in my bill amends section 1202 of the Internal Revenue Code to eliminate the tax on capital gains for certain start-up C corporations. The stimulus bill reduced the capital gains tax to approximately 7 percent on stock qualifying under 1202. However, President Obama has called for eliminating, not simply reducing, the tax on capital gains for these start-up businesses, and that is exactly what my provision would do.

The final provision in my bill permits a deduction for payments made under the Self-Employment Contribution Act, or SECA, at one-hundred percent of health insurance premiums that are paid by those who are self-employed.

We all want to see the job numbers from the Department of Labor moving in a positive direction. We all want to see the unemployment rate plummet. I firmly believe that the best way for us to do that is to prime the job-creating engine of our economy, which is small businesses. Furthermore, increasing taxes on small businesses as President Obama has proposed will destroy even more jobs.

My small business bill, if enacted, will lead to many new jobs. As opposed to the jobs President Obama argues that the stimulus bill has saved while our economy has been hemorrhaging jobs, my bill will create countable, verifiable, private sector jobs that will put people to work and get the economy moving in the right direction again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1381

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Tax Relief Act of 2009''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

SEC. 2. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 (relating to limitations) is amended—

(1) by striking ''$25,000'' and all that follows in paragraph (1) and inserting ''$500,000.'',

(2) by striking''$200,000'' and all that follows in paragraph (2) and inserting ''$2,000,000'',

(3) by striking ''after 2007 and before 2011, the $120,000 and $500,000'' in paragraph (5)(A) and inserting ''after 2009, the $500,000 and the $2,000,000'',

(4) by striking ''2006'' in paragraph (5)(A)(ii) and inserting ''2008'', and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 (defining section 179 property) is amended by striking ''and before 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. MODIFICATION OF CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended to read as follows:

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 15 percent of so much of the taxable income as does not exceed $1,000,000,

''(B) 25 percent of so much of the taxable income as exceeds $1,000,000 but does not exceed $1,500,000,

''(C) 34 percent of so much of the taxable income as exceeds $1,500,000 but does not exceed $10,000,000, and

''(D) 35 percent of so much of the taxable income as exceeds $10,000,000.

In the case of a corporation which has taxable income in excess of $2,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 5 percent of such excess, or (ii) $235,000. In the case of a corporation which has taxable income in excess of $15,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased

by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $100,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—In the case of eligible small business credits—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year__

''(i) a corporation the stock of which is not publicly traded, or

''(ii) a partnership,

which meets the gross receipts test of section 448(c) (by substituting '$50,000,000' for '$5,000,000' each place it appears) for the taxable year (or, in the case of a sole proprietorship, which would meet the test if such proprietorship were a corporation).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 5. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits—

''(i) this section shall be applied separately from the business credit (other than the eligible small business credits) or the marginal oil and gas well production credit,

''(ii) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(iii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) is amended by inserting ''or the eligible small business credits'' after ''credit)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits arising in taxable years beginning after December 31, 2009.

SEC. 6. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

''(i) the eligible small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

''(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).

''(2) ELIGIBLE SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'eligible small business income' means the excess of—

''(i) the income of the eligible small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 7. REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), subparagraph (A) shall be applied without regard to the phrase '10-year'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 8. CARRYBACK OF NET OPERATING LOSSES OF CERTAIN SMALL BUSINESSES ALLOWED FOR 5 YEARS.

Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) 5-YEAR CARRYBACK OF LOSSES OF CERTAIN SMALL BUSINESSES.—

''(i) IN GENERAL.—In the case of a net operating loss with respect to any eligible small business for any taxable year ending after 2008, or, if applicable, following the taxable year with respect to which an election was made by such eligible small business under this subparagraph (as in effect before the date of the enactment of the Small Business Tax Relief Act of 2009)—

''(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) ELIGIBLE SMALL BUSINESS.—For purposes of clause (i), the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).''.

SEC. 9. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) TEMPORARY INCREASE IN EXCLUSION.—Paragraph (3) of section 1202(a) (relating to exclusion) is amended to read as follows:

''(3) SPECIAL RULES FOR STOCK ACQUIRED BEFORE 2011.—In the case of qualified small business stock—

''(A) acquired after the date of the American Recovery and Reinvestment Tax Act of 2009 and on or before the date of the enactment of the Small Business Tax Relief Act of 2009—

''(i) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(ii) paragraph (2) shall not apply, and

''(B) acquired after the date of the enactment of the Small Business Tax Relief Act of 2009 and before January 1, 2011—

''(i) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(ii) paragraph (2) shall not apply, and

''(iii) section 57(a)(7) shall not apply.''.

(b) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) (relating to per-issuer limitation on taxpayer's eligible gain) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) (relating to treatment of married individuals) is amended by

striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000'.'' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(c) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) (defining qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(d) INFLATION ADJUSTMENTS.—Section 1202 (relating to partial exclusion for gain from certain small business stock) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2009, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(e) EFFECTIVE DATES.—

(1) EXCLUSION; QUALIFIED SMALL BUSINESS.—The amendments made by subsections (a) and (c) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (b) and (d) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 10. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps. for the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce a piece of legislation—and not just any old piece of legislation, I might add, because this organization I am about to talk about had as much to do with the formation of who I am as my family did: the Peace Corps Improvement and Expansion Act of 2009.

I would point out that some 35 years ago a young man from Massachusetts and an equally young man from Connecticut were elected to the House of Representatives. A fellow by the name of Paul Tsongas and myself were the first two former Peace Corps volunteers to be elected to the Congress. Paul Tsongas went on to be elected to the Senate, I think, in 1978. He is no longer with us. He died tragically a number of years ago. His wife Niki is now a Member of the House of Representatives from Massachusetts.

Paul Tsongas and I were great friends and enjoyed sharing stories with each other for many years about our respective Peace Corps experiences.

Paul Tsongas served in Ethiopia—one of the earliest programs, if not the earliest program, in that country. I served in the Dominican Republic from 1966 through 1968 as a Peace Corps volunteer up in the mountains of that country, not far from the Haitian border. The Peace Corps experience for me was as formative, as I said at the outset of these remarks, as anything else in my life, with the exception of my own family; growing up with wonderful five brothers and sisters in Connecticut and a family who was deeply involved in public service.

The Peace Corps experience was formative, and so over the years, I have expressed a great deal of interest in the organization and the various administrations that have served in Washington since the late 1970s through the 1980s and 1990s and this decade. So my interest in the organization is strong.

The contribution of the Peace Corps has been remarkable over the years. It is one of the few Federal agencies that enjoys almost universal support from the American public. It has had greater moments of celebration and public awareness than at others, but it has been consistent in the minds of most Americans. This organization sends mostly younger Americans, but not always younger Americans, to serve in underprivileged nations, nations that are struggling, including Third World nations, to make a difference in the lives of others. It has been a unique contribution to the world.

There are many other volunteer organizations—some in our own country, some in other nations—but I think the Peace Corps holds a special place in the minds not only of our own fellow citizenry but also millions of people around the world who have come to know those Peace Corps volunteers—as I said, mostly younger people but not always younger people—who serve and spend 2 years working with them in their villages or urban areas, not only making a difference in their daily lives but also getting to know them, getting to know us. People who would never have the chance to come to America got to know America because they got to know that young American who was learning their language and spending time with them and making a contribution to improve their lives.

Well, for 48 years, the Peace Corps has stood as a uniquely American institution. I know other nations make contributions. This is not a unique idea for ourselves. But what other great nation would send its people abroad not to extend its power or intimidate its adversaries, not to kill or be killed, but to dig, to teach, to empower, and ask for nothing in return. For 48 years, those men and women—180,000 of us—have returned, as stronger, wiser, and more inspired people prepared to live our American lives of service.

For a half century, the Peace Corps has shaped our lives and the identity of all Americans; who we are as a people and what we hope to achieve, not only for our own Nation but also for others who share this planet with us.

Today I rise to offer a piece of legislation for one simple reason, Mr. President: I want the Peace Corps to continue playing that role that it has for the last half century for another half century to come. But before we consider how the Peace Corps can grow going forward, I think it might be worth remembering just how it came into being. Where did it all start? How was it created?

Like an awful lot of groundbreaking ideas, Mr. President, the Peace Corps might not have survived a board meeting or a subcommittee hearing where the idea was first proposed. It was a wild notion in many ways, so breathtakingly outrageous that it could only have been born out of idealism, youthful energy, and—perhaps a key element—too much caffeine. For you see, the Peace Corps was born at 2 in the morning.

It was October 4, 1960, and a then young Senator from Massachusetts by the name of John F. Kennedy was running for the Presidency. He was running hours late, as candidates often do, for a campaign stop at the University of Michigan in Ann Arbor. John Kennedy assumed that most of the crowd would have gone home by that late hour. But when he arrived at the student union, at the campus in Ann Arbor, he found 10,000 students waiting outside in the frigid dark to greet him. As public officials and holders of elective office, I think we can sympathize with then-Senator Kennedy at that hour, having endured months of late nights on a campaign trail, uncomfortable beds, and a bad diet along the way. I suspect he might have been sorely tempted at that late hour—as all of us have been from time to time—to offer a perfunctory thank-you to the Michigan students for hanging around all that long, recite a memorized stump speech—having given it on countless occasions, he would know it from memory—and send them home and retire himself.

But something besides a chill was in the air that night in Ann Arbor. Floodlit and shivering, the crowd began to chant his name as he climbed the steps to the student union, and Senator John Kennedy realized this was something special. He realized he owed these students more than just that perfunctory set of remarks. So at 1:30 or 2:00 in the morning, on a frigid night in Michigan, he challenged them

as a candidate, as a United States Senator, and he asked:

How many of you, who are going to be doctors, are willing to spend your days in Ghana? Technicians or engineers, how many of you are willing to work in the Foreign Service and spend your lives traveling around the world?

I believe, Mr. President, that challenge is the Peace Corps' founding document. It didn't begin with a white paper or a TV ad. It began with a simple question.

In the days that followed the Kennedy rally at the student union in Michigan, students drafted a petition, circulating it to colleges all across the State, and within a couple of weeks across the country, presenting several scrolls ultimately to John Fitzgerald Kennedy containing thousands upon thousands upon thousands of names. Some 30,000 letters flooded his office asking him to continue with this idea.

So I think it is fair to say, Mr. President, the answer to that question—are you willing to serve your country by serving the world?—was an overwhelming yes by a generation almost 50 years ago. Of course, several other pressing questions also followed: How do you build an organization around that raw energy? How do you pay for that? What do you even call that idea or organization?

John Kennedy's top advisers were already working on those issues. After all, they had decided, if we don't start doing our part for the developing world, they were concerned—and rightfully so—the Communists around the world would. At a time much like today, when our Nation faced conflicts with people who knew as little of America as we knew of them, this case for a Peace Corps could be made not only in the lofty rhetoric of idealism but in the cold hard language of realpolitik.

The notion that service could be a part of our foreign policy—indeed that it could be a powerful weapon in the Cold War—was truly a radical idea. It suggested that there could be more measures of strength than caliber or tonnage. It argued that the world needed to see our ideals not just in ink but incarnate in the person of Americans with dirty hands working under a hot foreign sun. It said: You cannot hate America if you know Americans.

The skeptics quickly descended upon John Kennedy's idea. Richard Nixon called the Peace Corps ''a haven for draft-dodgers.'' Former President Dwight Eisenhower called it ''a juvenile experiment.'' Even those old foreign policy hands who supported Kennedy's idea thought it was a fine idea, as long as it was kept small. Academics and State Department officials agreed: Proceed with caution, they urged. Start with just a few hundred volunteers. Don't create a fiasco, they said. Don't let this experiment get out of hand.

If they had gotten their way, I suspect the Peace Corps might not even exist today. But just as a late-night burst of exuberance gave birth to the Peace Corps in Ann Arbor, a similar bolt of sleepless inspiration kept it alive. In a hotel room in downtown Washington—not far from where I am on the floor of the Senate—with only a few typewriters and a stack of blank papers, two aides—only two of them; one named Sergeant Shriver and the other named Harris Wofford, who turned out many years later to be a colleague of ours in the Senate—comprised the entirety of the Peace Corps staff that had been tasked with figuring out how to put this outrageous idea into practice.

The one thing the two of these men knew, Sergeant Shriver later told us, was that the conventional approach then in vogue wouldn't work. America would only have one chance to get it right. So it was that Sergeant Shriver happened to be in the office at 3 o'clock in the morning—not unlike the hour at Ann Arbor—reading a paper prepared by a State Department employee who had sent along some ideas. His name was Warren Wiggins.

Warren Wiggins called his paper ''The Towering Task,'' a reference to JFK's first State of the Union Address, where the young President said:

The problems are towering and unprecedented and the response must be towering and unprecedented as well.

Warren Wiggins called for a towering and unprecedented Peace Corps. He wrote:

One hundred youths engaged in agricultural work of some sort in Brazil might pass by unnoticed, but 5,000 American youths helping to build Brasilia might warrant the full attention and support of the President of Brazil himself.

Where a handful of young people might present a nuisance to a foreign ambassador, an army of motivated young Americans could make a real difference. Besides, wasn't it a moment for great ambition?

At 3 o'clock in the morning, Sergeant Shriver read Warren Wiggins's conclusion: The Peace Corps needed to begin with a ''quantum jump,'' and it needed to begin immediately, by Executive order, with as many as 5,000 to 10,000 volunteers right away. By 9 o'clock that same morning, Warren Wiggins himself was sitting alongside Sergeant Shriver in that very hotel room drafting a report for the President of the United States.

Within a month of that date, President John Kennedy had created the Peace Corps by Executive order. Within 2 years, more than 7,000 young Americans were serving across the globe, and that number had more than doubled by 1966, the year that I joined the Peace Corps.

One of those young Americans—as I mentioned, the person speaking to you this afternoon—was a 22-year-old English major at Providence College who arrived in the small village of Moncion in the Dominican Republic. As a young person, I spoke barely any Spanish. I had little idea I was doing, and I certainly didn't have a clue that more than 40 years later I would be standing on the floor of the United States Senate explaining that the Peace Corps gave me the richest 2 years of my life.

I owe those 2 years, and the impact they had on all of my years since, to John Kennedy's 2 a.m. question and Warren Wiggins paper that Sergeant Shriver read at 3 in the morning.

From the story of the Peace Corps, and my own story, we can learn three things: First, the Peace Corps works, Mr. President. Besides simple labor and goodwill, every American we send abroad brings with him or her another chance to make America known to a world that often fears and suspects us and our motives. Every American who returns to our country from that service comes home as a citizen strengthened with the knowledge of the world in which he or she has just lived.

As Sargent Shriver said, ''Peace Corps Volunteers come home to the USA realizing that there are billions—yes, billions—of human beings not enraptured by our pretensions, or our practices, or even our standards of conduct.''

Second: size matters. The perils of a small, timid Peace Corps are just as clear today as they were in 1961. Just as then, advocates of a stripped-down mission make the same arguments: sending untrained, untested students only aggravates our host countries and raises the chance of a mishap—so let's send a few experts instead. And just as in 1961, our response is fundamentally the same, and still fundamentally correct: of course we need volunteers of the highest quality. But we need the highest quantities, too.

Third: size comes at a cost. The bigger any organism grows, the slower it gets. The Peace Corps that charted its course in a hotel room with a staff of two now enjoys a staff of over a thousand and a fine office building close to the White House. But even the most groundbreaking ideas must all make, in good time, what the philosopher Gramsci called ''the long march through the institutions.'' And where President Kennedy once predicted that, within a few decades, our Nation would have more than one million returned volunteers, today fewer than 200,000 have had the opportunity to serve.

The legislation I offer today is designed to help the Peace Corps not only grow—and I have joined the many voices calling for it to grow dramatically—but also reform.

To those who know and love the Peace Corps, reform is an uncomfortable subject. After all, we don't want

to destroy what has made this institution so remarkable and unique. There wouldn't be a Peace Corps if JFK had stuck to the script in Ann Arbor. There wouldn't be a Peace Corps if thousands of students, acting on their own initiative, hadn't caught his attention with their movement. There might not be a Peace Corps if Sargent Shriver had listened to the respectable voices of caution in the early days of 1961.

The Peace Corps is unlike any other organ of our government because of its uniquely grassroots origin. And we can't treat it like any other organ of our government for those reasons.

So the Peace Corps Improvement and Expansion Act of 2009 does not include a list of mandates. It does not micromanage.

Instead, it asks those who have written this remarkable success story—from the Director to managers and country directors to current and returned volunteers—to serve once more by undertaking a thorough assessment of the Peace Corps and developing a comprehensive strategic plan for reforming and revitalizing the organization.

Just as JFK's question to those Michigan students sparked the Peace Corps, asking questions today, some 50 years later, I believe will strengthen it. How can volunteers be better managed? How can they be better trained? Can we improve recruiting? Are we sending our volunteers to the right countries? Why do we have volunteers in Samoa and Tonga, but not in Indonesia, Egypt, or Brazil? Are we still achieving the broader goals of the Peace Corps and helping our country meet 21st century challenges?

Most of all: How can we strengthen and grow this remarkable organization without losing the spark—the ambitious sense of the possible that led JFK to stay up late dreaming with those students in Ann Arbor and Sargent Shriver to stay up even later reading Warren Wiggins's paper?

Warren Wiggins died 2 years ago at the age of 84. His obituary quoted Harris Wofford: ''I think he embodied the watchwords that were once given to me: We must be more inventive if we're going to do our duty.''

Inventiveness and duty: two qualities that don't often go together. But the Peace Corps is the result of just such a combination. It has strengthened our Nation, improved the world, and stands today as one of the signal accomplishments of the 20th century. It has been supported by Republican and Democratic administrations over the last 50 years.

As I said at the outset of these remarks, except for my own family, nothing has meant more in my life—or in the lives of so many others—than the experience I enjoyed so many years ago.

Today we honor the accomplishment of this organization. But let us commit to strengthening and expanding the Peace Corps by passing this legislation which I will send to the desk momentarily. Let us strive to inspire future generations to walk the path of service and exploration, the one that led me and thousands of our Nation's citizens to nations such as the Dominican Republic or Ethiopia, where Paul Tsongas served, and then years later to arrive at this institution, which I cherish and love as well. And let us never lose that spirit, that idealism, that ambition that led a young President of a young nation to ask a generation to serve.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. I rise to introduce the Dextromethorphan Abuse Reduction Act of 2009. This legislation will help prevent the dangerous abuse by minors of cough medicines containing the ingredient dextromethorphan, and will also help education and prevention efforts regarding teen abuse of prescription and nonprescription drugs. I am pleased to be joined by my colleague Senator GRASSLEY of Iowa in sponsoring this legislation, and I look forward to working with him to see it enacted into law.

Dextromethorphan, or DXM, is a cough suppressant commonly found in over-the-counter cold medicines. These medicines are safe and effective when taken in their recommended dosage, but when consumed in large amounts, medicines containing DXM can produce a hallucinogenic high. Teens who abuse cough medicines often refer to the practice as ''Robotripping,'' a term derived from the cough medicine Robitussin which contains DXM. When abused, cold medicines containing DXM can cause a variety of harmful physical effects, including disorientation, impaired physical coordination, abdominal pain, nausea, rapid heartbeat, and seizures. However, medicines containing DXM are legal, inexpensive, and sold at retail stores and over the Internet.

Studies show that teenagers are abusing cough medicines at an alarming rate. A recent study by the Partnership for a Drug-Free America revealed that about 7 percent of teens—or 1.7 million—reported abusing cough medicine in the year 2008. This study also found high rates of teen abuse of other prescription drugs, with 2.5 million teens reporting having abused a prescription pain reliever in 2008. Experts say that cough syrup and prescription drug abuse is significantly underreported.

The Dextromethorphan Abuse Reduction Act would take significant steps to reduce and prevent teen abuse of DXM and other over-the-counter drugs. First, the bill prohibits the sale of products containing DXM to a buyer who is under 18 years old. Several major retailers, including Walgreens, Rite-Aid, and Giant, have already voluntarily agreed not to sell products that contain DXM to purchasers who are under 18, and their retail clerks check IDs to verify the purchaser's age. The legislation would codify these voluntary steps, and would also direct the Justice Department to promulgate regulations ensuring that Internet sales of DXM-containing products comply with these age restrictions. Notably, the legislation prohibits the sale to minors of any product containing DXM, including not just over-the-counter cough medicines but also products containing DXM in its raw, unfinished form. This is important since the abuse of unfinished DXM products has been responsible for several deaths in my home State of Illinois and elsewhere.

Second, this legislation would fund prevention and educational programs to combat over-the-counter and prescription drug abuse. The bill authorizes the Director of National Drug Control Policy to provide money for the creation of a nationwide education campaign directed at teens and their parents regarding the prevention of abuse of prescription and nonprescription drugs. It also authorizes grants to communities for over-the-counter drug abuse awareness and prevention efforts, and provides increased funding to the National Community Anti-drug Coalition Institute to provide training and technical assistance to boost those community-level efforts.

I am pleased that drug manufacturers and drug prevention groups have joined together in support of this legislation. The bill is supported by the Consumer Healthcare Products Association, the Partnership for a Drug-Free America, and the Community Anti-Drug Coalitions of America.

Restricting access by minors to DXM-containing products and increasing awareness for teens and their parents of the potential harms of cough syrup and other over-the-counter drugs will help combat the high rates of teen abuse of these products. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1383

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dextromethorphan Abuse Reduction Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When used properly, cough medicines that contain dextromethorphan have a long history of being safe and effective. But abuse of dextromethorphan at doses that exceed the recommended levels can produce hallucinations, rapid heart beat, high blood pressure, loss of consciousness, and seizures. The dangers multiply when dextromethorphan is abused with alcohol, prescription drugs, or narcotics.

(2) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of the drug, particularly among teenagers.

(3) Increasing numbers of teens and others are abusing dextromethorphan by ingesting it in excessive quantities. Prolonged use at high doses can lead to psychological dependence on the drug. Abuse of dextromethorphan can also cause impaired judgment, which can lead to injury or death.

(4) An estimated 1,700,000 teenagers (7 percent of teens) abused over-the-counter cough medicines in 2008.

(5) The Food and Drug Administration has called the abuse of dextromethorphan a ''serious issue'' and has said that while dextromethorphan, ''when formulated properly and used in small amounts, can be safely used in cough suppressant medicines, abuse of the drug can cause death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heart beat.''

(6) In recognition of the problem, several retailers have voluntarily implemented age restrictions on purchases of cough and cold medicines containing dextromethorphan, and several manufacturers have placed language on packaging of cough and cold medicines alerting parents to the dangers of medicine abuse.

(7) Prevention is a key component of the effort to address the rise in the abuse of dextromethorphan and other legal medications. Education campaigns teaching teens and parents about the dangers of these drugs are an important part of this effort.

SEC. 3. SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

(a) SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.—

(1) IN GENERAL.—Part D of title II of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''SEC. 424. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

''(a) IN GENERAL.—

''(1) SALE.—

''(A) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly or intentionally sell, cause another to sell, or conspire to sell a product containing dextromethorphan to an individual under 18 years of age, including any such sale using the Internet.

''(B) FAILURE TO CHECK IDENTIFICATION.—If a person fails to request identification from an individual under 18 years of age and sells a product containing dextromethorphan to that individual, that person shall be deemed to have known that the individual was under 18 years of age.

''(C) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an alleged violation of subparagraph (A) that the person selling a product containing dextromethorphan examined the purchaser's identification card and, based on that examination, that person reasonably concluded that the identification was valid and indicated that the purchaser was not less than 18 years of age.

''(2) EXCEPTION.—This section shall not apply to any sale made pursuant to a validly issued prescription.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General shall promulgate regulations for Internet sales of products containing dextromethorphan to ensure compliance with this subsection. The Attorney General may issue interim rules as necessary to ensure that such rules take effect not later than 180 days after the date of enactment of this section.

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—The Attorney General may file a civil action in an appropriate United States district court to enforce subsection (a).

''(2) MAXIMUM AMOUNT.—Any person who violates subsection (a)(1)(A) shall be subject to a civil penalty in an amount—

''(A) not more than $1,000 for the first violation of subsection (a)(1)(A) by a person;

''(B) not more than $2,000 for the second violation of subsection (a)(1)(A) by a person; and

''(C) not more than $5,000 for the third violation, or a subsequent violation, of subsection (a)(1)(A) by a person.

''(3) EMPLOYEE OR AGENT.—A violation of subsection (a)(1)(A) by an employee or agent of a person shall be deemed a violation by the person as well as a violation by the employee or agent.

''(4) FACTORS.—In determining the amount of a civil penalty under this subsection for a person who is a retailer, a court may consider whether the retailer has taken appropriate steps to prevent subsequent violations, such as—

''(A) the establishment and administration of a documented employee training program to ensure all employees are familiar with and abiding by the provisions of this section; or

''(B) other actions taken by a retailer to ensure compliance with this section.

''(c) DEFINITIONS.—In this section—

''(1) the term 'identification card' means an identification card that—

''(A) includes a photograph and the date of birth of the individual; and

''(B) is—

''(i) issued by a State or the Federal Government; or

''(ii) considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B)(1) of title 8, Code of Federal Regulations (as in effect on or after the date of the enactment of the Dextromethorphan Abuse Reduction Act of 2009); and

''(2) the term 'retailer' means a grocery store, general merchandise store, drug store, pharmacy, convenience store, or other entity or person whose activities as a distributor relating to products containing dextromethorphan are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.''.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) manufacturers of products containing dextromethorphan should continue the practice of including language on packages cautioning consumers about the dangers of dextromethorphan abuse; and

(B) retailers selling products containing dextromethorphan should implement appropriate safeguards to protect against the theft of such products.

(b) PREVENTION FUNDING.—

(1) PRESCRIPTION AND NONPRESCRIPTION DRUG ABUSE PREVENTION GRANTS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall provide grants to one or more eligible entities for the creation and operation of a nationwide education campaign directed at individuals under the age of 18 years and their parents regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) ELIGIBLE ENTITY.—For purposes of subparagraph (A), the term ''eligible entity'' means an organization that—

(i) is a not-for-profit organization;

(ii) has broad national experience and a nationwide presence and capabilities;

(iii) has specific expertise and experience in conducting nationwide education campaigns;

(iv) has experience working directly with parents, teens, people in recovery, addiction scientists, and drug specialists to design drug education programs;

(v) has conducted research upon which to base the campaign specified in subparagraph (A);

(vi) has experience generating news media coverage related to drug prevention;

(vii) is able to secure pro bono media time and space to support the campaign specified in subparagraph (A); and

(viii) has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(D) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(2) GRANTS FOR EDUCATION, TRAINING AND TECHNICAL ASSISTANCE TO COMMUNITY COALITIONS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall award a grant to the entity created by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note), for the development and provision of specially tailored education, training, and technical assistance to community coalitions throughout the nation regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(C) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(c) SUPPLEMENTAL GRANTS FOR COMMUNITIES WITH MAJOR PRESCRIPTION AND NONPRESCRIPTION DRUG ISSUES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Substance Abuse and Mental Health Services Administration;

(B) the term ''drug'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(C) the term ''eligible entity'' means an organization that—

(i) before the date on which the organization submits an application for a grant under this subsection, has received a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.); and

(ii) has documented, using local data, rates of prescription or nonprescription drug abuse above national averages for comparable time periods, as determined by the Administrator (including appropriate consideration of the Monitoring the Future Survey by the University of Michigan);

(D) the term ''nonprescription drug'' has the meaning given that term in section 760 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa); and

(E) the term ''prescription drug'' means a drug described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(2) AUTHORIZATION OF PROGRAM.—From amounts made available to carry out this subsection, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall make enhancement grants to eligible entities to implement comprehensive community-wide strategies regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an enhancement grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(B) CRITERIA.—As part of an application for a grant under this subsection, the Administrator shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing abuse of prescription and nonprescription drugs (including dextromethorphan).

(4) USES OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds for implementing a comprehensive, community-wide strategy that addresses abuse of prescription and nonprescription drugs (including dextromethorphan) in that community, in accordance with the plan submitted under paragraph (3)(B).

(5) GRANT TERMS.—A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) shall not be in an amount of more than $100,000 per year.

(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(7) EVALUATION.—A grant under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures required of the recipient of a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of fiscal years 2010 through 2012 to carry out this subsection.

(d) DATA COLLECTION.—It is the sense of the Senate that Federal agencies and grantees that collect data on drug use trends should ensure that the survey instruments used by such agencies and grantees include questions to ascertain changes in the trend of abuse of prescription and nonprescription drugs (including dextromethorphan).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) TABLE OF CONTENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423 the following:

''Sec. 424. Civil penalties for certain dextromethorphan sales.''

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today I am introducing legislation that I hope will enable our national intelligence agencies to increase their employees' proficiency in critical foreign languages. I have been a member of the Senate Intelligence Committee for over eight years, and during that time I have sat in a number of briefings and hearings that addressed foreign language capabilities. While specific details regarding the intelligence community's capabilities are generally classified, it is no secret that there is still a great need for more analysts and agents trained in key foreign languages. Over the past few years there have been a number of new initiatives designed to address this problem from different angles, and even newer initiatives are being introduced this year. The legislation that I am introducing today, which I have drafted along with Senator CHAMBLISS of Georgia, is not designed to replace any of those initiatives—rather, we think it will complement those other initiatives by filling a key gap.

Let me explain this gap a little, so it will be clear what problem we are trying to fix. Most efforts to improve the language capabilities of various intelligence agencies focus on recruiting Americans who have a background in critical foreign languages—either from their education, or from their family. But this only attacks the problem from one angle. If you want the national security workforce to have the strongest language skills possible, you also need to improve language training for people who already work for the intelligence agencies. This means both teaching the basics of key languages to more people, and helping people who are already proficient improve their skills further. Unfortunately, language training is time-intensive, and this can mean that personnel are diverted from short-term priorities.

Here is an example of how this problem might crop up in practice. Imagine that you are the supervisor of a group of 10 people somewhere in the intelligence community, working on counterterrorism issues, and that one of those employees decides he wants to go spend several months in intensive language training to improve his Arabic. This would be a good career move for that individual, and a good long-term investment for your agency. But for you, the supervisor, it means that you might be short-handed for several months while one of your employees is off getting language training. Since you have a fixed number of positions available for your office, it is difficult for you to replace someone while they are gone. This means that as the supervisor you actually have an incentive to resist letting that employee head off for language training, since it will leave your team less well-equipped to meet short-term priorities.

I am not saying that all supervisors within the intelligence community are focused solely on short-term priorities, to the detriment of our long-term security interests. But I am saying that if we want our intelligence agencies to effectively balance short- and long-term priorities, we need to give them incentives that encourage them to do so, and not penalize people who try to balance short-term needs and long-term goals.

Here is how the bipartisan legislation that Senator CHAMBLISS and I are introducing today would attempt to address this problem. Our bill would give the Director of National Intelligence the authority to transfer additional positions to offices whose personnel are temporarily unavailable due to language training. The Director of National Intelligence is uniquely situated to evaluate which offices are most in need of these extra positions, and could transfer them to the places where they would do the most good.

So, to return to my previous example, if you were the supervisor of a young counterterrorism analyst who wants to take 6 months to go learn Arabic, you could go ask the Director of National Intelligence to transfer an extra position to your office for that 6 month period. That way, you could bring someone else in on a temporary basis to do that analyst's work while they are gone for training. The analyst and the agency would get the long-term benefits of additional language training, and you, the supervisor, would not have to sacrifice in the short-term.

Senator CHAMBLISS and I do not claim that this legislation will revolutionize the intelligence community's language capabilities overnight. But it is our hope that it will make it easier than it is today for managers to balance short- and long-term priorities. If we can achieve that it will be good for

our national intelligence workforce, and for our national security interests.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 206

Whereas, since his election in 2002, the President of Colombia, Alvaro Uribe, has been overwhelmingly successful in strengthening the institutions of Colombia, fighting terrorism, improving the economy of Colombia, and extending the authority of the central government, the social support network, and security to most of Colombia;

Whereas, during President Uribe's term, the economy of Colombia grew at an average rate of more than 5 percent per year between 2002 and 2007;

Whereas, according to the World Bank, the total gross domestic product of Colombia increased from $93,000,000,000 in 2002 to $207,800,000,000 in 2007;

Whereas, according to the Office of the United States Trade Representative, approximately 10,000,000 people in Colombia have been lifted out of poverty during the past 5 years;

Whereas, according to the Ministry of Defense of Colombia, between 2002 and 2007, kidnappings in Colombia decreased by 83 percent, murders decreased by 40 percent, and terrorist attacks decreased by 76 percent;

Whereas police are now present in all 1,099 municipalities in Colombia, including areas previously held by various criminal and terrorist groups;

Whereas, according to the Department of State, more than 30,000 paramilitaries have been demobilized and disarmed since 2002;

Whereas, in July 2008, the security forces of Colombia successfully rescued 15 prisoners held hostage by the Revolutionary Armed Forces of Colombia (FARC), including French-Colombian Ingrid Betancourt and 3 citizens of the United States, Marc Gonsalves, Keith Stansell, and Thomas Howes;

Whereas, according to the Office of the United States Trade Representative, unemployment in Colombia fell from 16 percent in 2002 to 9.9 percent in 2007;

Whereas, partially in recognition of the impressive economic, political, and diplomatic advances Colombia has made during the past decade, the United States negotiated and signed the United States–Colombia Trade Promotion Agreement on November 22, 2006, and a protocol of amendment to the Agreement on June 28, 2007;

Whereas, according to the Office of the United States Trade Representative, Colombia is currently the 27th largest trading partner of the United States with respect to goods;

Whereas, according to the United States International Trade Commission, goods valued at $11,400,000,000 were exported from the United States to Colombia in 2008, an increase from $3,600,000,000 in 2002;

Whereas, according to the United States International Trade Commission, implementing the United States–Colombia Trade Promotion Agreement would boost exports from the United States by an estimated $1,100,000,000;

Whereas, more than 90 percent of exports from Colombia to the United States already enter the United States duty-free under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) and the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.);

Whereas, according to the Office of the United States Trade Representative, more than 80 percent of consumer and industrial products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be eliminated within 10 years after the Agreement enters into force;

Whereas, according to the Office of the United States Trade Representative, the primary exports from the United States to Colombia in 2008 were $2,600,000,000 in machinery, $997,000,000 in mineral fuel, $974,000,000 in organic chemicals, $969,000,000 in corn and wheat cereals, and $950,000,000 in electrical machinery;

Whereas, according to the Office of the United States Trade Representative, Colombia is the 15th largest market for farm products exported from the United States, with the United States exporting almost $1,700,000,000 worth of farm products to Colombia in 2008;

Whereas, since 2006, the quantity of agricultural products exported from the United States to Colombia has increased by approximately 40 percent per year;

Whereas, according to the Department of Agriculture, 99.9 percent of agricultural products imported into the United States from Colombia enter the United States duty-free, but no agricultural products exported from the United States to Colombia currently enter Colombia duty-free;

Whereas, according to the American Farm Bureau Federation, the United States–Colombia Trade Promotion Agreement would increase sales of agricultural products produced in the United States by $910,000,000,000 each year;

Whereas, according to the Department of Agriculture, more than half of agricultural products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be phased out over time;

Whereas the United States–Colombia Trade Promotion Agreement will level the playing field for workers, businesses, and farmers in the United States by making duty-free treatment a 2-way street between the United States and Colombia for the first time;

Whereas, in the United States–Colombia Trade Promotion Agreement, Colombia agreed to exceed commitments made by Colombia as a member of the World Trade Organization and to dismantle significant barriers to services and investment from the United States; and

Whereas, in the United States–Colombia Trade Promotion Agreement, the United States and Colombia reaffirm their obligations as members of the International Labour Organization: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historic successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia;

(B) congratulates President Uribe, the Government of Colombia, and the security forces of Colombia for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(C) recognizes the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime; and

(D) recognizes that the United States–Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free for the first time; and

(2) it is the sense of that Senate that—

(A) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(B) the United States should implement the United States–Colombia Trade Promotion Agreement immediately.

Mr. JOHANNS. Mr. President, I rise today to speak about the United States-Colombia Free Trade Agreement which was signed way back in November of 2006. On July 29, President Uribe will be visiting the United States to meet with our President, President Obama. The two have previously met at the Summit of Americas in April, but this will be President Uribe's first time here under the new administration.

Today, as one Senator, I rise to express my hope for a continuing bond in our relationship with Colombia's President Uribe. I also rise to express some concerns that I will talk about. I am happy that President Obama recognizes the importance of our closest ally in South America. I am also pleased President Uribe continues to seek a close relation with the United States, for he is truly a courageous and a visionary leader.

Coming to power in some of the darkest and most vicious days of a Marxist insurgency everywhere in that country, he has pulled Colombia back from the brink. President Uribe has driven the terrorists from much of their territory in Colombia's cities, boosted the economy, and he has improved Colombia's human rights record.

If an American President had achieved this much, some would be clamoring for him or her to seek a third term. The same is true in Colombia, where despite term limits, Uribe is actually being petitioned to run again.

His achievements are very impressive. During President Uribe's time in office, the economy grew at an average rate of over 5 percent over the past 5 years.

According to the World Bank, Colombia's GDP growth then grew 7.5 percent in 2007, far surpassing the average in

Latin America. Ten million Colombians have been lifted out of poverty, unemployment has fallen from double digits—16 percent in 2002—to 9.9 percent in 2007.

Crime has been a historic problem in Colombia. Yet, under President Uribe's stewardship, kidnapings have declined 83 percent, murders are down by 40 percent, terrorist attacks are down by 76 percent. Every single one of Colombia's 1,099 municipalities now have a police presence. Finally, at long last, Colombia appears to be winning the war against the terrorists who have made life miserable for far too many years.

Last summer, the world was treated to the images of smiling U.S., French, and Colombian hostages when a daring Colombian Army raid freed them from the terrorists. These included three U.S. defense contractors and one hostage who had been held since February of 2002.

The U.S. State Department estimates that over 30,000 paramilitaries and terrorists have been disarmed and demobilized—an impressive number.

I look to the future in this relationship, but I will be very candid. I am concerned about the present. I speak of the Colombia trade agreement that is languishing in the executive branch. We should, in my judgment, be embarrassed by this inaction. I recognize the populism of opposing trade, but I cannot understand the opposition to the Colombian Free Trade Agreement. It levels the playing field for U.S. workers and farmers and small businesses. Over 90 percent of Colombia's exports to the United States already enter this country duty free. They have for years, under the Andean Trade Preferences Act and other previous agreements.

Meanwhile, U.S. exports to Colombia face high tariffs. They can be as high as 35 percent, a tax on our goods going into Colombia. In spite of these restrictions, Colombia is America's 27th largest trading partner.

An International Trade Commission study estimated that the United States-Colombia Free Trade Agreement would boost U.S. exports by $1.1 billion. Do my colleagues and others who oppose this deal think the U.S. economy is so robust it does not need another billion-dollar-plus market? Are things that rosy? I suggest not.

I come from a farm State where we are especially eager to open new markets. Virtually 100 percent of Colombia's agricultural products enter the United States duty free. Zero percent of U.S. agricultural exports enter Colombia duty free.

This FTA wipes out those differences. It levels the playing field. Tariffs would immediately disappear for 80 percent of U.S. exports into Colombia and the rest phase out over time. The potential for dramatic increases in our exports, in my judgment, is very clear.

Consider this: Even with the tariff imbalance our agricultural exports to Colombia totaled almost $1.7 billion in 2008. In spite of all of the current tariffs, corn and wheat cereals are one of the major U.S. exports to Colombia. Last year we sold $969 million worth, as well as $2.6 billion in machinery.

By anybody's definition these are very big numbers, and on a level playing field—which is what the FTA will do—they will be even bigger, with a potential to create thousands of jobs in an economy that needs every job.

These statistics clearly show the FTA we have negotiated with Colombia is not a blind leap into the unknown. Colombia already essentially has free trade with us, an open border. This FTA levels the playing field for America's farmers and ranchers and U.S. businesses.

Did you know more than 8,000 small- and medium-size businesses in our country export to Colombia? For them, the elimination of these tariffs would blow open the door of opportunity.

Congress should not be in the business of creating hurdles for the United States overseas, nor should the executive branch. Yet here we have a clear pathway to eliminate a huge hurdle with a simple nod of approval. Yet we have failed to act.

The economic justification speaks for itself, but it is just one of the several compelling reasons to ratify this agreement immediately. Perhaps as persuasive is the political situation in Latin America. Since his rise to power in Venezuela in 1998, Hugo Chavez has reinvigorated the radical Latin-American left. He has formed a block of anti-American countries in South and Central America composed of Cuba, Nicaragua, Bolivia, and, increasingly, Ecuador.

During an audacious raid on the Ecuador border, Colombian military units captured evidence detailing the Venezuelan Government's extensive support for the terrorists. Venezuela has used its petroleum money to buy friends and influence people throughout the hemisphere, and too often they have succeeded. Our friend in Colombia has stoutly resisted this siren song. When too many other nations have drifted into cheap anti-U.S. populism, Colombia has stood strong, and has traveled precisely the opposite way.

So while President Uribe is here in our Nation and is meeting with our President, I hope the President of the United States will do the right thing and stand firmly in support of completing the FTA that has been negotiated. It is time for the administration to show great leadership on this issue, which is at every level, in my judgment, just good common sense.

However, Congress cannot shirk its responsibility for the lack of action on the Colombia FTA. While the administration needs to step to the mound, Congress must step up to the plate and swing for the fences. This agreement was signed and it was sealed and it was delivered two and a half years ago. It is an unbelievable opportunity for our farmers, our ranchers, and our small businesses. It is waiting right here at our doorstep. All it needs is our nod of approval.

That is why today I introduce a resolution recognizing the benefits of the Colombian Free Trade Agreement. I encourage my colleagues to cosponsor this resolution and to implore the leadership to allow it to come to a vote.

Rarely has an initiative with benefits this crystal clear faced such a rocky and uncertain road. The time to level the playing field for farmers and ranchers and small businesses is here. It is upon us.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Nebraska on his resolution to recognize the importance of the United States continuing to trade in the world, especially with our friends in Latin America, especially when they are already taking advantage of low tariffs with us and we are not taking advantage of low tariffs with them. Our principal concern on the Republican side, and I am sure for many Democrats, too, is the cost of living for middle-class families in America. There are many issues that come before us that deal with that—the level of taxes, the level of tuition, that we get Medicaid spending under control so States will be able to fund the Universities of Nebraska and Tennessee better—but another way to do that is to trade with the world.

People walk into stores in America, and they are looking, today, in bad economic times, for low costs. Are we going to erect barriers and raise costs? Are we going to say to families who do not have many extra dollars that it is in our national interest to raise our costs? Are we going to keep out of our country people with products and ideas causing them to keep our products and ideas out of their country? Are we that afraid of competing in the world?

We Tennesseans have been much better off since Federal Express started flying in China and Nissan started building cars in Tennessee. Federal Express employs 30,000 people in the Memphis, TN, area, and Nissan just announced this week it is going to build electric cars, not in Japan but in Smyrna, TN. That is because we trade with the world. So this creeping protectionism that we see is a threat to the middle-class budget of every American.

Senator JOHANNS has made an important step toward change.

SENATE CONCURRENT RESOLUTION 31—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

SENATE CONCURRENT RESOLUTION 32—A BILL EXPRESSING THE SENSE OF CONGRESS ON HEALTH CARE REFORM LEGISLATION

Mr. MENENDEZ submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 32

Whereas consumers may continue to confront a variety of problems with a reformed health care system;

Whereas those problems may range from difficulties in choosing an appropriate health plan, problems with calculation of premiums and cost-sharing, the possibility of a denial of benefits, and issues with enrollment and access to providers;

Whereas the Institute of Medicine estimates that as many as 30 percent of people in the United States suffer from health treatment illiteracy;

Whereas the Office of Disease Prevention and Health Promotion of the Department of Health and Human Services reports that only 12 percent of the population can use a table to calculate the share of health insurance costs for an individual;

Whereas a study by RAND Corporation found that increasing the ease of access to information regarding insurance products and simplifying the application process would increase purchase rates of insurance products as much as modest subsidies would;

Whereas the reports from the Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corporation prove there is a need for a fundamental improvement in the manner in which consumers learn about insurance choices;

Whereas many consumers lack avenues or mechanisms to present grievances both to the managers of health plans and to external reviewers and fail to receive timely decisions with respect to those grievances;

Whereas consumers often need expert guidance to pursue claims for denied health care benefits and other coverage disputes;

Whereas some States have documented a number of cases of improperly rescinded health insurance policies, inappropriate billing for out-of-network services, and fraudulent and deceptive marketing of health plans;

Whereas the Federal Government lacks oversight mechanisms to prevent health care coverage problems from recurring in other States;

Whereas the appropriate resolution of a health coverage complaint may involve multiple Federal and State agencies;

Whereas health plans sometimes make mid-year changes to provider networks, benefit offerings, or other elements of the plan important to enrollees;

Whereas people need assistance enforcing consumer rights in the health care system; and

Whereas Federal laws have created successful models of consumer assistance with health dispute resolution, such as the Long Term Care Ombudsman program that assists nursing home residents in every State and the Senior Health Insurance Assistance Program that assists those eligible for Medicare: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that any health care reform legislation should include, with respect to health plans—

(1) support for consumer education and assistance with enrollment, particularly for vulnerable populations, at both the Federal and State levels;

(2) assistance for people asserting consumer rights;

(3) a strengthened system of consumer protections, including—

(A) an appeal mechanism within a health plan, and an appeal mechanism with an external entity independent of the health plan, which could address a variety of coverage problems;

(B) coverage for emergency care without prior authorization;

AMENDMENTS SUBMITTED AND PROPOSED

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, supra.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee,

$1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $145,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $425,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISION

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SECTION 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,375,200,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $32,089,000 of which $4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $317,840,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $278,278,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR

TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lumpsum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

TRANSFER AUTHORITY

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,418,000, of which $883,990 shall remain available until September 30, 2011: *Provided,* That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

''SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,587,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,305,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office

buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $118,597,000, of which $25,074,000 shall remain available until September 30, 2014: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,754,000, of which $14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,160,000, of which $7,050,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,898,000, of which $1,280,000 shall remain available until September 30, 2014: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,756,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

DISABLED VETERANS; NONCOMPETITIVE APPOINTMENT

SEC. 1303. Section 3112 of title 5, United States Code, is amended—

(1) by inserting ''(a)'' before ''Under''; and

(2) by adding at the end the following:

''(b) For purposes of this section, the term 'agency' shall include the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking ''an account entitled 'Botanic Garden, Gifts and Donations'.'' and inserting ''an account entitled 'Botanic Garden, Operations and Maintenance'.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CONTRACTS WITH VENDORS.—

''(1) IN GENERAL.—The Architect of the Capitol may enter into a commission-based service contract with a vendor who, notwithstanding section 5104(c) of title 40, United States Code, may sell refreshments at the Botanic Garden and National Garden.

''(2) DEPOSIT AND USE OF COMMISSIONS.—Any amounts paid to the Architect of the Capitol as a commission under paragraph (1) shall be—

''(A) deposited in the account described under subsection (b); and

''(B) available for operation and maintenance in the same manner as provided under subsection (b).''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $441,033,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That, $200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library

of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,836,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: *Provided,* That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 under standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

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

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,296,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: *Provided,* That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official

representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $553,658,000: *Provided*, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section 1138 of title 49, United States Code, is repealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(e) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''*Provided further*, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,456,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1341(c)) is amended by striking paragraph (6).

This Act may be cited as the ''Legislative Branch Appropriations Act, 2010''.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislation Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 27, strike lines 5 through 10 and insert ''mission.''.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by

him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''shall audit an agency'' and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.''.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENGRAVINGS IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 9, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Wilma A. Lewis, to be an Assistant Secretary of the Interior, Richard G. Newell, to be Administrator of the Energy Information Administration, and Robert V. Abbey, to be Director of the Bureau of Land Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Matthew Shepard Hate Crimes Prevention Act of 2009.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 12 p.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 3:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, on behalf of Senator BINGAMAN, I ask unanimous consent that Caroline McNeill, Sierra Spence, Nathan Keffer, and Stephanie Louis be granted the privilege of the floor for the remainder of the debate on the nomination of Dean Koh to be Legal Adviser to the State Department.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that three individuals from my staff, Caitlin Baalke, Hanna Kim, and Kimberly Stone, be granted the privilege of the floor during debate on this appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, July 6, the Senate proceed to vote in relation to the McCain amendment No. 1366; that prior to the vote, there be 10 minutes of debate equally divided and controlled between Senators NELSON of Nebraska and MCCAIN or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of the Senate, following the disposition of the McCain amendment, the Senate is expected to then vote on final passage of the Legislative Branch appropriations bill, so it is the McCain amendment and then final passage of the Legislative Branch appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 7, following a period of morning business, the Senate proceed to the consideration of H.R. 2892, the Homeland Security appropriations bill, and that once the bill is reported, Senator MURRAY or her designee be recognized to offer a substitute amendment; provided further that this order is only applicable if the bill is available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say, even though he is not here, I wish to extend my appreciation to the distinguished Republican leader for working for several days to help us get to what we have just announced. I was patient, he was patient, and as a result of that we were able to get this done, and I acknowledge his good work on behalf of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 170, 203, 206, 207, 214, 215, 251, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF STATE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone's daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the products they offer are a showcase of the freedom and innovation that has made America the most dynamic economy and society in the world's history.

We have seen these innovations in dramatic ways in recent days with Twitter reporting, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms ''old'' and ''new'' media. It is more accurate to say ''centralized'' and ''personalized'' media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC; not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today's communications landscape, I am afraid he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through ''processes that are open, transparent, fair, and driven by facts about the industry and the marketplace.'' I hope this is true and promise to hold him to his commitments.

NOMINATION OF ROBERT S. LITT AND STEPHEN W. PRESTON

Mrs. FEINSTEIN. Mr. President, I rise today to support the confirmation of Robert S. Litt to be the second general counsel of the Office of the Director of National Intelligence. I also rise

in support of the confirmation of Stephen W. Preston as general counsel of the Central Intelligence Agency, to fill the vacancy in that office that has existed since 2004. President Obama's decision to place these distinguished lawyers at the helms of these vitally important legal offices is an essential step in ensuring that the intelligence community operates within the rule of law.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14–1 vote. The committee's support of the nominees is based on an extensive public record. We questioned them at an open hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 5, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and confidential communications to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, covert action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of Defense and the Department of Justice. At the Department of Defense, he was a deputy general counsel and then the principal deputy general counsel, which included a period as acting general counsel and later, general counsel for the Department of the Navy. At the Department of Justice, he was a deputy assistant attorney general in the civil division. While at DOD, the chief counsels at the defense intelligence agencies reported to him, and while at the Navy Department he had legal and oversight responsibilities for the Naval Criminal Investigative Service. He has informed the committee that in his DOD and Navy positions, he dealt with other national security agencies, including the CIA.

Mr. Preston has been a partner at the law firm of WilmerHale since 2001, dealing in both his practice and public and private activities with national security matters.

The Director of National Intelligence has the statutory responsibility of ensuring compliance with the Constitution and laws of the United States by the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive departments. As the chief legal officer of the Office of Director of National Intelligence, the general counsel has the critically important responsibility of aiding the DNI in fulfilling this mandate.

In providing legal advice to the DNI, the general counsel must have insight into activities throughout the intelligence community including those of the general counsel offices in the various intelligence community elements. As we made clear during this nomination process, the committee expects that the ODNI general counsel will be aware of and have an opportunity to evaluate all of the significant legal decisions made throughout the intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence authorization bill, which is coming up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our committee is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The Central Intelligence Agency operates around the world outside of the law of other nations but is required to operate in strict compliance with United States law, including the Constitution, acts of Congress, and treaties made under the authority of the United States. The CIA general counsel serves to ensure that compliance. Because of the independent legal judgment the role requires, the position of CIA general counsel is an extremely challenging one that requires a strong and principled leader. It has been the longstanding position of the Senate, as manifested in the recommendations of the Iran-Contra Committees upon examining the significant failures they exposed, that it is essential that the CIA general counsel be confirmed by the Senate.

The CIA Office of General Counsel played a key role in the creation of the CIA detention and interrogation program. It provided significant information to the Office of Legal Counsel at the Department of Justice. It participated in briefings to the National Security Council and to Congress. And it was in charge of interpreting and implementing the Office of Legal Counsel's guidance to CIA interrogators in the field.

An examination of the role of the general counsel's office in the detention and interrogation program—something that the Intelligence Committee's review of the program will explore—demonstrates how important it is that the office has a strong leader who applies both sound legal analysis and good judgment to the task of providing counsel to the Director.

As I mentioned earlier in these remarks, the nominees answered the committee's many questions both in writing and in testimony before us. Individual members of the committee may have disagreements with individual answers, and some of these were discussed in the committee's consideration of both. To some extent, the nominees are at the disadvantage of not yet knowing the often still classified context of various questions. I am confident that they will quickly learn.

Moreover, a nomination process is a two-way communication. We use it to learn about the nominees, but it is also a process in which they learn about our concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law's requirements for keeping the committee fully and currently informed. Of course, they will also have the responsibility of implementing the clear commitments that Directors Blair and Panetta have made to that cornerstone of accountability and oversight.

For both the ODNI and the CIA, the Nation needs a strong general counsel of unimpeachable integrity and an unwavering commitment to the Constitution and laws of the United States. I cannot say that too strongly. I am pleased that our committee has determined that the two nominees are both highly qualified and well suited to serve the Nation by providing counsel to the Director of National Intelligence and the CIA. I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador to Ireland; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider

be laid on the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating thereto be printed at the appropriate place in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The Financial Report of Contributions of Daniel M. Rooney was printed on page 18436 in the July 21, 2009 Congressional Record.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from PN578, Foreign Service list beginning with Susan Marie Carl and ending with Dale N. Tasharski, nominations received by the Senate and that appeared in the CONGRESSIONAL RECORD on June 10, 2008; that the Senate proceed, en bloc, to their consideration; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Susan Marie Carl, of Alaska

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Landon A. Loomis, of Louisiana
Keenton C. Luong, of California
Megan A. Schildgen, of Maryland

DEPARTMENT OF STATE

Karl Miller Adam, of Texas
Anjum F. Akhtar, of California
Elizabeth Ann Albin, of Texas
Mark K. Antoine, of Virginia
Julia Elizabeth Apgar, of the District of Columbia
Daniel Patrick Aragón, of Vermont
Karla Ascarrunz, of Virginia
Nathan D. Austin, of Washington
Dina A. Badawy, of California
Francoise I. Baramdyka, of California
Ashley Chantél Barriner-Byrd, of Pennsylvania
Matthew Baumgardt, of the District of Columbia
Brian Paul Beckmann, of Minnesota
Fritz Berggren, of Washington
Kathryn W. Bondy, of Georgia
Roxana Botea, of Virginia
A. Stephanie Brancaforte, of Virginia
Jennifer Leigh Bridgers, of Georgia
Theodore Brosius, of the District of Columbia
Annmarie E. Bruen, of Virginia
Michael William Campbell, of Maryland
Jessica Chesbro, of Oregon
Henry K. Clark, of Maryland
Bianca M. Collins, of Virginia
Patricia A. Connelley, of Virginia
Justin John Cook, of Virginia
Anton M. Cooper, of Washington
Edward Kenneth Corrigan IV, of Virginia
Ann Marie Cote, of Michigan
Andrew J. Curiel, of California
Douglas M. Disabello, of Virginia
Jenny R. Donadio, of Virginia
Nick Donadio, of Virginia
Colin C. Dreizin, of California
Jennifer G. Duckworth, of the District of Columbia
Thomas A. Duval, of Massachusetts
Amy E. Eagleburger, of North Carolina
Jeremy Edwards, of Texas
Jeffrey E. Ellis, of Washington
Shannon M. Epps, of Virginia
John C. Etcheverry, of Virginia
Karen J. Fackler, of Virginia
Sarah L Fallon, of Wisconsin
Craig J. Ferguson, of the District of Columbia
Dylan Thomas Fisher, of the District of Columbia
Theodore J. Fisher, of California
Charles Fouts, of California
Calvin C. Francis, of Virginia
Ryan Eastman Gabriel, of Virginia
Robert A. Gautney, of Virginia
Joseph Martin Geraghty, of the District of Columbia
John Drew Giblin, of Georgia
Stephanie Snow Gilbert, of Oklahoma
Mark T. Goldrup, of California
Amit Raghavji Gosar, of Virginia
John Jake Goshert, of New York
Forrest Graham, of Mississippi
Andrea M. Grimste, of Virginia
Andrew Harrop, of Virginia
Jessica A. Hartman, of Virginia
Nickolaus Hauser, of Texas
Stephanie Made Hauser, of Florida
Mark E. Hernandez, of Virginia
Benjamin G. Hess, of North Carolina
Edward T. Hickey, of the District of Columbia
Jean Hiller, of Virginia
Alan Paul Holmes, of Virginia
Marcia Elizabeth House, of Georgia
Brent W. Israelsen, of Utah
William Jamieson, of Virginia
James Taylor Johnson, of Virginia
Linda M. Johnson, of the District of Columbia
Luke Steven Johnson, of Virginia
Emmit A. Jones, of Virginia
Penelope R. Justice, of Virginia
Rachel Y. Kallas, of Wisconsin
Stephanie Kang, of Missouri
Arthur Keating, of Virginia
Wesley C. Kelly, of Virginia
Matthew DeFerreire Kemp, of Virginia
William B. Kincaid, of the District of Columbia
Jerrah M. Kucharski, of Pennsylvania
Athena Kwey, of California
James Lamson, of Virginia
Dawson Edward Law, of Montana
Katherine Maureen Leahy, of New Jersey
Adam J. Leff, of the District of Columbia
Rong Li, of Maine
Michael Lis, of the District of Columbia
Elizabeth Angela Litchfield, of Illinois
Qin P. Lloyd, of Virginia
Paul A. Longo, of the District of Columbia
Louis T. Manarin, of Virginia
Christa Leora Matthews, of Virginia
Jennifer L. McAndrew, of Texas
Daniel Craig McCandless, of Pennsylvania
Vicki H. McDanal, of Virginia
LaYanna K. McLeod, of Virginia
Daniel E. Mehring, of California
Kristen Ann Merritt, of California
Sterling Michols, of Nevada
Rachel I. Mihm, of Virginia
Kenneth W. Miller, of Virginia
Zachary J. Millimet, of Virginia
Scott J. Mills, of North Carolina
Eric Charles Moore, of Minnesota
Kristy M. Mordhorst, of Texas
Michael K. Morton, of Virginia
Timothy P. Murphy, of West Virginia
Timothy M. Newell, of Virginia
Scott A. Norris, of Florida
Sarah Oh, of New York
Mark J. Oliver, of Virginia
James Paul O'Mealia, of New Jersey
Irene Ijeoma Onyeagbako, of Nevada
Erik Graham Page, of South Carolina
Timothy J. Pendarvis, of Kansas
Valerie Petitprez-Horton, of Virginia
Marlene H. Phillips, of Virginia
Michael P. Picariello, of Virginia
Heidi M. Pithier, of Virginia
Archana Poddar, of Massachusetts
Stacey D. Price, of Maryland
A. Larissa Proctor, of Pennsylvania
Erin Ramsey, of North Carolina
Jerarnee C. Rice, of Tennessee
James Thomas Rider, of Michigan
Syed-Khalid Rizvi, of Maryland
Jennifer W. Robertson, of Vrginia
Mark Robertson, of Virginia
Christopher M. Rogers, of Virginia
Delbert A. Roll, of Virginia
Travis D. Rutherford, of Virginia
Lisa A. Salamone, of Arizona
Dustin F. Salveson, of Utah
Lee Eric Schenk, of the District of Columbia
Janelle L. Schwehr, of Virginia
Jonathan C. Scott, of California
Vikrum Sequeira, of Texas
Mihail David Seroha, of Florida
Muhammad Rashid Shahbaz, of New York
George Brandon Sherwood, of North Carolina
Natalya C. Simi, of Virginia
Gwendolynne M. Simmons, of Florida
Nathan R. Simmons, of Idaho
Christopher James Sinay, of Virginia
Nisha DiNp Singh, of the District of Columbia
Matthew Siren, of Virginia
Kimberly L. Skoglund, of Virginia
Jeremy Daniel Siezak, of New Jersey
Eric Anthony Smith, of the District of Columbia
Veronique E. Smith, of California
Abigail Anne Davis Spanberger, of Virginia
Wesley R. St. Onge, of Virginia
Kristen Marie Stott, of Illinois
Anna Amalie Taylor, of Virginia
John Manning Thomas, of the District of Columbia
Elisabeth Spiekemann Thornton, of Virginia
Sarah M. Trustier, of Virginia
Andrea Tully, of Virginia
Marc E. Turner, of Virginia
Timothy J. Uselmann, of Virginia
Annette Vandenbroek, of Wisconsin
Chad R. Wagner, of Virginia
Marisa Corrado Walsh, of Virginia
Michael James Wautlet, of Colorado
Matthew Harris Welch, of Virginia
Geoffrey David Wessel, of North Carolina
Amos A. Wetherbee, of Massachusetts
Garrett E. Wilkerson, of Oregon
Steve J. Wingler, Jr., of Georgia
John Anthony Gerhard Yoder, of Virginia
Margaret Anne Young, of Missouri
Melissa B. Zeliner, of Illinois

Secretary in the Diplomatic Service of the United States of America:
John J. Kim, of the District of Columbia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective June 22, 2008:

Dale N. Tasharski, of Tennessee

Mr. REID. Mr. President, I rushed through these nominations once we were able to get permission to move them forward. Each one of these that we have just read will change people's lives. Some of these people have been waiting a long time to enter public service. Some have been in public service and are moving to a different spot. It is too bad we can't give more recognition to these outstanding individuals. Their recognition will be based on the job they do while working in this administration. All these people who are approved are not Democrats. They come from both sides. I am thankful and grateful we have been able to get this many done. People have had individual questions about all these nominations, and we worked through them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 190, and that the Senate proceed to that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 190) Supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

(11) significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

(12) more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

(13) educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

(14) appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

(15) women are twice as likely as men to visit the doctor for annual examinations and preventive services; and

(16) men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas, June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further action on S. Res. 199.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 199) recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KOHL. Mr. President, I rise today to applaud the Senate's passage of a resolution I submitted earlier this week with the cochair of the Senate Boating Caucus, Senator BURR. Our resolution recognizes July 1 as National Boating Day, and more importantly, recognizes the importance of boating and fishing to our economy and our constituents.

I believe this resolution comes at a critical time. Like so many other industries, the boating industry has suffered during these tough economic times. Last summer's high gas prices and this past year's credit crisis has put many manufacturers and their dealers at risk. And that endangers the hundreds of thousands of well-paying jobs that the boating industry provides.

Wisconsin is a microcosm of boating and fishing in America. With access to the Great Lakes and thousands of acres of internal lakes and rivers, Wisconsin is home to more than 1.4 million anglers and a destination for both boating and fishing related tourists. Beyond the tourism jobs generated by recreational boating, the boating industry has a strong foothold in my State. Whether it's Mercury Marine in Fond du Lac to SkipperLiner in La Crosse, boating manufacturers, suppliers, dealers and marinas account for thousands of jobs. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories.

The importance of boating, however, extends well beyond its economic impact. More than 59 million people spend time each year on our rivers, lakes,

and coastlines. These are families spending time together and they are people learning more about the natural resources our country has to offer. The true impact of boating is immeasurable.

And that is why I am so pleased to join my colleagues in supporting the resolution passed earlier today. I hope that on July 1—National Boating Day—both Members of Congress and the American people will reflect on the true importance of boating to our country.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that if there are any statements relating to this resolution, they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas the recreational boating community in the United States includes over 59,000,000 individuals;

Whereas the boating industry contributes more than $33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

Whereas recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That the Senate—

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefitting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 31.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, Senate committees may file reported legislative and executive calendar business on Thursday, July 2, 2009, from 2 p.m. to 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 29, 2009, AND/OR MONDAY, JULY 6, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 6, unless the House fails to adopt S. Con. Res. 31, the adjournment resolution; that if the House fails to act, the Senate convene at 2 p.m. on Monday, June 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business on July 6, the Senate resume consideration of H.R. 2918, the Legislative Branch appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I announced earlier, Senators should expect a series of rollcall votes in relation to the Legislative Branch appropriations bill at about 5:30 on Monday, July 6.

ADJOURNMENT UNTIL MONDAY, JUNE 29, 2009, AT 2 P.M. OR MONDAY, JULY 6, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Monday, June 29, 2009, at 2 p.m., or Monday, July 6, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011, VICE KEVIN J. MARTIN, RESIGNED.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007, VICE DEBORAH TAYLOR TATE, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012, VICE STEVEN R. CHEALANDER, RESIGNED.

DEPARTMENT OF STATE

JUDITH GAIL GARBER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

KERRI-ANN JONES, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE CLAUDIA A. MCMURRAY, RESIGNED.

SAMUEL LOUIS KAPLAN, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

JAMES KNIGHT, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

KAREN KORNBLUH, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

BRUCE J. ORECK, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

CHARLES AARON RAY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

THE JUDICIARY

CHARLENE EDWARDS HONEYWELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE SUSAN C. BUCKLEW, RETIRED.

JEFFREY L. VIKEN, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE LAWRENCE L. PIERSOL, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CHRISTOPHER L. ANDINO, OF THE DISTRICT OF COLUMBIA
KAREN QUINN ANDRUS, OF TEXAS
KARA ELIZABETH AYLWARD, OF NEW JERSEY
MEGAN SCHILL BARTHOLOMEW, OF NORTH CAROLINA
CHRIS YI BEENHOUWER, OF WASHINGTON
CARLTON L. BENSON, OF WASHINGTON
ALEX MICHAEL BERENBERG, OF HAWAII
DIANE N. BRANDT, OF WASHINGTON
LEE A. CALKINS, OF WASHINGTON
PAMELA CAPLIS, OF NEW YORK
MARK P. CARR, OF THE DISTRICT OF COLUMBIA
ANTONIA ELIZABETH CASSARINO, OF VERMONT
NANCY NIM-CHEE CHEN, OF FLORIDA
DIANNA CHIANIS, OF TEXAS
AMY S. COX, OF TEXAS
RACHEL BOREK CRAWFORD, OF VIRGINIA
ELIZABETH F.M. CROSSON, OF VIRGINIA
EDWARD ANDREW DUNN, OF MINNESOTA
HEATHER GRACE EATON, OF CALIFORNIA
TIMOTHY JOHN ENRIGHT, OF VIRGINIA
MATTHEW ALEXANDER FERENCE, OF WASHINGTON
BRIAN FERINDEN, OF FLORIDA
STEVEN GUY MATTHEW GILLEN, OF VIRGINIA
JOSHUA WERNER GOLDBERG, OF VIRGINIA
ALDEN S. GREENE, OF VIRGINIA
SARAH KATHRYN GROW, OF WASHINGTON
JUSTIN HEUNG, OF THE DISTRICT OF COLUMBIA
VIVEK V. JOSHI, OF MASSACHUSETTS
PETER H. LEE, OF CALIFORNIA
KATHERINE MARIE WIEHAGEN LEONARD, OF THE DISTRICT OF COLUMBIA
JEFFREY T. LODERMEIER, OF MINNESOTA
JIMMY RAY MAULDIN, OF ALABAMA
LESLIE ANNE MOELLER, OF ILLINOIS
JOHN MOOR, OF TEXAS
STEPHANIE FORMAN MORIMURA, OF NEW YORK
KATRINA SARAH MOSSER, OF MINNESOTA
BRENDAN PATRICK MULLARKEY, OF WASHINGTON
CARLA THERESA NADEAU, OF NEW HAMPSHIRE
WENDY PARKER NASSMACHER, OF COLORADO
CHERYL L. NEELY, OF TENNESSEE
KEVIN HARRIS O'CONNOR, OF CALIFORNIA
ANTHONY R. PAGLIAI, OF FLORIDA
SANDEEP K. PAUL, OF MASSACHUSETTS
ROBERT W. PIEHEL, OF PENNSYLVANIA
MICHAEL D. QUINLAN, OF HAWAII
AROOSHA ZOQ RANA, OF NEW YORK
BRIAN AARON RANDALL, OF IOWA
NELL ELIZABETH ROBINSON, OF NORTH CAROLINA
GARY E. SCHAEFER, OF COLORADO
SARAH FAKHRI SHABBIR, OF GEORGIA
TYLER K. SPARKS, OF CALIFORNIA
BROOKE PATIENCE SPELMAN, OF VIRGINIA
WENDY R. STANCER, OF CALIFORNIA
VIKI D. THOMSON, OF ILLINOIS
JAMES A. WATERMAN, OF WISCONSIN
BROOKE L. WILLIAMS, OF CALIFORNIA
MATTHEW BRANDT YOUNGER, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
MIGUEL A. HERNANDEZ, OF VIRGINIA
MARSHA MCDANIEL, OF VIRGINIA

DEPARTMENT OF STATE

ANTONIO GABRIELE AGNONE, OF THE DISTRICT OF COLUMBIA
EMILY ARMITAGE, OF VIRGINIA
CHRISTOPHER MARK AUSDENMOORE, OF TENNESSEE
AARON S. BENESH, OF FLORIDA
BION N. BLISS, OF THE DISTRICT OF COLUMBIA
CYNTHIA T. BURLEIGH, OF FLORIDA
BLAKE EDWARD BUTLER, OF VIRGINIA
NOAH T. CLARK, OF WASHINGTON
EUGENIA W. DAVIS, OF OHIO
GABRIEL DEL BOSQUE, OF TEXAS
STUART R. DENYER, OF THE DISTRICT OF COLUMBIA
NATHAN TENNEY DOYEL, OF VIRGINIA
DAVID DREILINGER, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MICHAEL DUMM, OF THE DISTRICT OF COLUMBIA
THOMAS E. EDWARDSEN, OF WASHINGTON
RACHEL EHRENDREICH, OF NEW YORK
CHRISTOPHER MICHAEL FANCHER, OF TENNESSEE
PETER R. FASNACHT, OF MARYLAND
JOHN P. FER, OF THE DISTRICT OF COLUMBIA
JAMES PATRICK FINAN, OF THE DISTRICT OF COLUMBIA
DOUGLAS L. FLITTER, OF PENNSYLVANIA
MICHAEL K. FOGO, OF GEORGIA
JOSEPH P. GIBLIN, OF NEW YORK
EMILY ANNE GODFREY, OF CALIFORNIA
LYDIA S. HALL, OF THE DISTRICT OF COLUMBIA
JESSICA A. HARTZFELD, OF OHIO
HOLLY MICHELLE HECKMAN, OF ALABAMA
ANTHONY JAMES HENDON, OF MICHIGAN
MARK HERRUP, OF MARYLAND
AMY S. HIRSCH, OF VIRGINIA
DAVID NOYES JEPPESEN, OF WASHINGTON
NAHAL KAZEMI, OF CALIFORNIA
KELLI KETOVER, OF FLORIDA
PAEBO KURIAN, OF CALIFORNIA
JEFFREY L. LADENSON, OF NEW HAMPSHIRE
CHRISTINA T. LE, OF THE DISTRICT OF COLUMBIA
ERIK LIEDERBACH, OF THE DISTRICT OF COLUMBIA
PETER CHARLES LOHMAN, OF VIRGINIA
SARAH A. LOSS, OF VIRGINIA
PETER CHARLES LYON, OF THE DISTRICT OF COLUMBIA
STEPHEN C. MACLEOD, OF MARYLAND
AMIT MATHUR, OF VIRGINIA
CASH MCCRACKEN, OF TENNESSEE
PETER J. MCSHARRY, OF MASSACHUSETTS
RACHEL SUZANNAH MIKESKA, OF TEXAS
VERONICA MILLARES, OF FLORIDA
GEORGE M. MILLER, OF OKLAHOMA
FARID MOHAMED, OF MAINE
CATHERINE ELIZABETH MULLER, OF FLORIDA
STEPHEN J. MURPHY, OF MASSACHUSETTS
MAUREEN D. MURRAY, OF OREGON
COURTNEY C. MUSSER, OF NEW YORK
ANDREW H. NGUYEN, OF WASHINGTON
CHINWE OBIANWU, OF TEXAS
WILLIAM J. O'CONNOR, OF CALIFORNIA
LUKE D. ORTEGA, OF ARIZONA
KATHERINE IVES ORTIZ, OF CALIFORNIA
PAUL DAVID PALMER, OF TEXAS
DEAN R. PETERSON, OF NORTH CAROLINA
TIMOTHY M. PIERGALSKI, OF ILLINOIS
ELIZABETH POWERS, OF MINNESOTA
ROSELYN YVONNE RAMOS, OF MARYLAND
PENNY RECHKEMMER, OF VIRGINIA
KATRINA R. REICHWEIN, OF TEXAS
WENDY A. REJAN, OF NEW JERSEY
MICHAEL RICHARDS, OF FLORIDA
JEREMY RICHART, OF VIRGINIA
ERIN S. ROBERTSON, OF THE DISTRICT OF COLUMBIA
JESSICA ALEAH ROWLAND, OF MARYLAND
LURA ELIZABETH RUDISILL, OF NORTH CAROLINA
AMELIA R. RUNYON, OF VIRGINIA
PRESTON RAPHAEL SAVARESE, OF WYOMING
EMILY ANNE SCHUBERT, OF VIRGINIA
KRISTEN JEANE SCHULTE, OF MICHIGAN
MONICA SHIE, OF NEW YORK
TIMOTHY J. SMITH, OF WASHINGTON
DANIEL E. SPOKOJNY, OF MICHIGAN
KATHRYN M. STUHLDREHER, OF VIRGINIA
SONIA SMYTHE TARANTOLO, OF THE DISTRICT OF COLUMBIA
JUSTINE OVEN TREADWELL, OF NORTH CAROLINA
CARLY N. VAN ORMAN, OF THE DISTRICT OF COLUMBIA
DAVID M. WALTER, OF TEXAS
CHRISTOPHER WALTON, OF CALIFORNIA
JONATHAN M. WEADON, OF MARYLAND
MARGARET CATHERINE WHITE, OF VIRGINIA
SETH AARON WIKAS, OF THE DISTRICT OF COLUMBIA
MATTHEW JAMES WILSON, OF UTAH
KIMBERLY D. ZAPFEL, OF MINNESOTA
HOLLY HOPE ZARDUS, OF THE DISTRICT OF COLUMBIA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. SEAN R. FILIPOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD D. BERKEY
CAPT. DAVID H. LEWIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DENNIS J. MOYNIHAN
CAPT. HAROLD E. PITTMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL B. BECKER
CAPT. ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERBERT
CAPT. DIANE E. H. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RANDOLPH L. MAHR
CAPT. TIMOTHY S. MATTHEWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN RICHARD P. BRECKENRIDGE
CAPTAIN THOMAS L. BROWN II
CAPTAIN THOMAS F. CARNEY, JR.
CAPTAIN WALTER E. CARTER, JR.
CAPTAIN SCOTT T. CRAIG
CAPTAIN CRAIG S. FALLER
CAPTAIN JAMES G. FOGGO III
CAPTAIN ANTHONY E. GAIANI
CAPTAIN PETER A. GUMATAOTAO
CAPTAIN JOHN R. HALEY
CAPTAIN JEFFREY HARBESON
CAPTAIN RANDALL M. HENDRICKSON
CAPTAIN ROBERT HENNEGAN
CAPTAIN MICHAEL W. HEWITT
CAPTAIN GERARD P. HUEBER
CAPTAIN JEFFERY S. JONES
CAPTAIN MATTHEW L. KLUNDER
CAPTAIN WILLIAM K. LESCHER
CAPTAIN MICHAEL C. MANAZIR
CAPTAIN FRANK A. MORNEAU
CAPTAIN JAMES A. MURDOCH
CAPTAIN GREGORY M. NOSAL
CAPTAIN ANN C. PHILLIPS
CAPTAIN JOSEPH W. RIXEY
CAPTAIN JOHN E. ROBERTI
CAPTAIN KEVIN D. SCOTT
CAPTAIN THOMAS K. SHANNON
CAPTAIN HERMAN A. SHELANSKI
CAPTAIN WILLIAM G. SIZEMORE II
CAPTAIN THOMAS G. WEARS
CAPTAIN DAVID B. WOODS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 25, 2009:

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

DEPARTMENT OF COMMERCE

LAWRENCE E. STRICKLING, OF ILLINOIS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MERCEDES MARQUEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

ROBERT S. LITT, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

CENTRAL INTELLIGENCE AGENCY

STEPHEN WOOLMAN PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

DEPARTMENT OF STATE

ELLEN O. TAUSCHER, OF CALIFORNIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

KURT M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2008.

ROBERT MALCOLM MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2009.

DEPARTMENT OF DEFENSE

DENNIS M. MCCARTHY, OF OHIO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

DEPARTMENT OF LABOR

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHY J. GREENLEE, OF KANSAS, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

HOUSE OF REPRESENTATIVES—*Thursday, June 25, 2009*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 25, 2009.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Richard Fowler, Ninth Street Baptist Church, Covington, Kentucky, offered the following prayer:

Lord, God, Jehovah, I lift Your name in praise and thanksgiving for Your providing this Nation with resources, talent and opportunity. I seek Your forgiveness for our many sins of waste and frivolity. I seek Your guidance, direction and leadership in the areas of economics, social welfare for the masses and international peace.

I ask for Your wisdom in bountiful supply on our Nation's leadership as they address the serious issues, both national and international.

Bless them with the powers that bring a lasting peace to our cities, prosperity to our economy, hope to our youth, civility to our government, honor to our past and respect for our future. May they be constantly reminded that they are representatives of all the people of this Nation, both small and great.

May we be mindful of Your words, that it is more blessed to give than to receive.

In the Name of Jesus Christ, I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

WELCOMING REV. RICHARD FOWLER

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

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor Rev. Richard B. L. Fowler, a dedicated community servant and spiritual leader from the Fourth District.

Reverend Fowler was born and raised in Covington, Kentucky. He earned his bachelor's degree in engineering science from the University of Cincinnati and then attended the Cincinnati Bible Seminary, where he earned a master's in ministry degree.

He served our great country during the Vietnam War as a member of the Army stationed in Germany. Upon completing his military duty, Reverend Fowler began an impressive 28-year career with Procter and Gamble. During his tenure with the company, he acknowledged his call into the ministry and was ordained in 1979.

Reverend Fowler has served as pastor of the Ninth Street Baptist Church in Covington since 1983. And in addition to his duties at the Ninth Street Baptist Church, Reverend Fowler has contributed to his community as a member of numerous boards and committees, including the United Way, Northern Kentucky Children's Home, the Northern Kentucky Juvenile Delinquency Prevention Council, and our local community and technical college. He is also the founder and organizer of OASIS Incorporated, a nonprofit agency for education, community advocacy and substance abuse recovery.

On the 25th of June, Reverend Fowler marked the beginning of legislative business in the House of Representatives by offering the opening prayer on the House floor.

Mr. Speaker, please join me in commending Reverend Fowler in offering him our sincerest thanks for his years of service to Kentucky and to our Nation.

ELECTING CERTAIN MINORITY MEMBERS TO A STANDING COMMITTEE

Mr. PENCE. On behalf of the House Republican Conference I offer birthday wishes to our beloved floor director, Jay Pierson, and I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That the following Members be, and are hereby, elected to the following standing committee:

COMMITTEE ON EDUCATION AND LABOR—Mr. Kline of Minnesota, to rank before Mr. Petri, and Mr. McKeon, to rank before Mr. Hoekstra.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WELCOMING HOME PRIVATE FIRST CLASS ANDREW PARKER, AMERICAN HERO

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

Mr. WELCH. Mr. Speaker, it is my honor today to offer a warm welcome home to a soldier who sacrificed for his country and to thank all of those who are working to make his return home a successful one. Private First Class Andrew Parker enlisted in the United States Army after graduating from Lamoille Union High School in 2007. On November 20, 2008, his MRAP vehicle was struck by a roadside bomb near Kandahar, Afghanistan. Andrew suffered injuries that left him paralyzed from the chest down.

During the months that Andrew spent recovering in DOD and VA hospitals, his neighbors and friends in Vermont worked together to complete an incredible project to modify his home to make it accessible to him

upon his return. His kindergarten teacher, the Hyde Park VFW and countless other businesses, organizations and individuals donated time, money and labor to make it possible for Andrew to return home to a new addition to his home, a living room, a bedroom, a bath and a bay for his new van.

Now Andrew will have the resources he needs to focus on rebuilding his strength as he works to fulfill his new dream of becoming a teacher. He should know that all Vermonters and all Americans are with him in spirit as he continues on his courageous journey.

HEALTH CARE REFORM

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, yesterday, Secretary Sebelius spoke in the Energy and Commerce Committee and said that one of the concerns with health care was in Kansas there were not many choices. Indeed that is the concern across the Nation. But as we look at solutions for the health insurance crisis, establishing Uncle Sam's Health Insurance Company may not be the answer.

Under those circumstances, you get to buy insurance from any State, no matter where you live. You get to bypass State mandates, and you get to bargain for better prices and better quality as a group. But private plans you still have to buy only within your State. You have to stick within your State mandates, which add to the costs, and you don't get to join bigger groups and bargain for better price and quality.

As we work on health care, let's continue to work together and find solutions. We can do this. We can drive down price and improve quality. But let's make sure that all the choices are fair and that we have competition.

INVESTMENT IN AMERICAN STEEL ACT OF 2009

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

Mr. WILSON of Ohio. Mr. Speaker, last night I introduced the Investment in American Steel Act of 2009.

My bill will ensure that as our Nation moves toward an energy-efficient, green economy that we continue to invest both in American-made steel and our Nation's steel workers.

The production of wind turbines in the United States offers an exciting opportunity for thousands of American steelworkers and manufacturers nationwide.

The American Recovery and Reinvestment Act included an important provision, providing manufacturers with a tax credit for investing in clean, renewable energy, and one of them being wind energy. While I fully support the initiative, I believe if a company receives a tax credit for building windmills here in the United States, they should use American-made steel to build those windmills.

My bill will encourage the use of American steel in windmills by giving the full tax credit to companies using U.S. steel. The less U.S. steel they use, the lower the tax credit would go. During this difficult economic time, it is more important than ever that we make an investment in both our Nation's workers and in the U.S. steel market. My bill will accomplish just that.

NORTH KOREA

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as a fighter pilot who flew 62 combat missions in Korea against aggression in the fifties, Americans need to know that just as North Korea prepares to launch a missile aimed at American citizens in Hawaii, the Democrats slashed 19 missile interceptors from the Defense Department budget that we are voting on today.

The President's failure to sternly address North Korea's provocative threat is extremely troubling. Added to the fact that the Democrats are cutting missile interceptors, I'm very, very concerned for the future of this country, the safety of our Nation, and the security of our homeland.

The President comes across as lacking resolve. The Democrats in Congress look weak, and that is not a good place for America to be in. Wake up, America.

THE PROUD ACT

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

Mr. BACA. Mr. Speaker, I have introduced H.R. 2681, the PROUD Act, which will allow motivated students who are immigrants to apply for U.S. citizenship.

America is the land of opportunity. And it is wrong to unfairly punish innocent young people who came to America by no choice of their own. A high school graduate, upon turning 18, may apply by presenting their transcripts to prove that they have completed grades 6 through 12, show that they understand U.S. history, government, civics, and additionally can prove they are of good moral character.

The PROUD Act will be a positive impact in schools and communities throughout the Nation. This is one piece of the puzzle. There is more that needs to be done for comprehensive immigration reform.

Today the President will hold a long anticipated meeting about immigration. Now is the time to act. We need reform now more than ever.

I urge my colleagues to support H.R. 2681, the PROUD Act, and work towards comprehensive immigration reform.

HOT DOG DIPLOMACY

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

Mr. POE of Texas. Mr. Speaker, we have all seen the bold and brave students defy the imperial regime of President Ahmadinejad of Iran as they struggle for freedom.

The people of Iran are being shot, assaulted and arrested by their repressive government. This is the same government that supplies arms and money to insurgents that are at war with our military in Iraq and Afghanistan.

The Iranian Revolutionary Guard, a state sponsor of terror, or more appropriately called the ''Demons of Democracy'', are killing their own people, mostly students, whose only crime is speaking out in public against these tough tyrants.

As the Fourth of July nears, the most sacred of all days of liberty, how about we invite the sons of freedom and the daughters of democracy of Iran for a bit of ''Hot Dog Diplomacy?'' The youth of Iran have shown more tenacity and love of freedom than the world has seen in years.

There would be no better way to honor the Fourth of July, our Founders and our heritage, than to celebrate this glorious day by opening our embassies not to the Iranian Government, but to these students who desire freedom and liberty.

And that's just the way it is.

HONORING COACH ED THOMAS OF PARKERSBURG, IOWA

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

Mr. BRALEY of Iowa. Mr. Speaker, a year ago, I stood in this well with a heavy heart and asked for a moment of silence for the Town of Parkersburg that was destroyed by an F5 tornado. The high school was destroyed, and the most visible face of the recovery in Parkersburg was legendary football coach Ed Thomas, whose home was destroyed in that tornado. Coach Thomas emerged from the rubble with tears in his eyes, pledged to rebuild the school, rebuild the community and help heal the sorrow.

Ed and his wife, Jan, moved into an apartment above the True Value Hardware store in downtown Parkersburg. Ed went back to what he did best,

working with young people and inspiring them to become better people.

Yesterday morning, as Coach Thomas was at the school he loved working with young people, a lone gunman entered the school and shot and killed Ed Thomas in front of 20 to 30 high school students.

Ed Thomas coached for 37 years. He had a career record of 292–84, including two State championships, 19 State playoff appearances, and, get this, in a town of 280 students in high school, four of his students played in the National Football League.

Coach Thomas said, ''We don't talk about winning and losing. We talk about the little things. If we take care of the little things, the rest will take care of itself.''

Mr. Speaker, I will be asking for everyone to give their thoughts and prayers to Ed's wife, Jan, their extended family and the community of Parkersburg as they struggle with this senseless loss.

SMOKING IN THE MOVIES

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

Mr. PITTS. Mr. Speaker, at a time when policy makers are doing everything they can to reduce smoking in our society, one area of smoking prevention remains unchallenged: Smoking in the movies.

Studies have shown that viewing smoking in the movies normalizes smoking among youth. It glamorizes smoking through the attractiveness of the actors and characters who smoke. These attitude changes lead to smoking experimentation, which in turn leads to harmful and addictive habits.

Tobacco is still depicted in three-quarters of youth-rated movies and 90 percent of R-rated movies. Movies targeting impressionable youth should be the last place for gratuitous smoking images.

Dartmouth Medical School found that up to one-half of the youth smoking initiation is explained by exposure to smoking in the movies in their studies.

Parents should know they are exposing their kids to glamorized depictions of smoking when they allow them to see youth-related movies by the rating system.

□ 1015

HONORING TUN JUAN AGUON SANCHEZ

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

Mr. SABLAN. Mr. Speaker, I rise today to recognize a remarkable gentleman from the Northern Mariana Islands. Tun Juan Aguon Sanchez has made many exceptional contributions to the history, art and culture of the people of the Northern Mariana Islands.

But Tun Juan's greatest legacy is his poetry, written in vernacular Chamorro. Tun Juan's poems touch on life in the islands, the value of respecting other people, and the essential ingredients to making a life worth living. Tun Juan's poems are lyrical reminders of the love we feel for our island home.

Tun Juan also wrote about the world beyond our islands. At a time when our sole access to the outside world was a government radio station and a weekly newspaper, Tun Juan captured our admiration for leaders like President John F. Kennedy and his Holiness Pope John Paul, II.

Tun Juan's work has recently been collected so that for generations to come, his words will continue to convey the perspective, the faith and the love that he had for the people of the Northern Mariana Islands.

Tan Iku, Godspeed and Si Yu'us Ma'a'se for all that you have done for your people and islands.

ALL-OF-THE-ABOVE ENERGY STRATEGY

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

Mr. PENCE. Mr. Speaker, the Old Book contains an admonition to lawmakers with these words: Woe to you because you load people down with burdens they can hardly carry, and you yourselves will not lift a finger to help them.

In the midst of the worst economy in a generation, remarkably, House Democrats are poised this week to load the American people down with a national energy tax, and the American people deserve to know it.

Now there is lots of debate about what this bill will cost the average American, but there is no dispute the Democrat cap-and-trade bill will raise the cost of energy to every household in America, every small business, every family farm; and it will cost millions of American jobs. And the vote is tomorrow.

If you oppose a national energy tax, I say call your Congressman. If you think the Democrat cap-and-trade bill will cap growth and trade jobs, call your Congressman. And if you believe the American people deserve an all-of-the-above energy strategy that will create jobs, achieve energy independence and a cleaner environment, endorse the Republican alternative and call your Congressman.

A minority in Congress plus the American people equals a majority. We can reject cap-and-trade this week, and so we must.

INALIENABLE RIGHTS

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

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to say how thankful I am to live in such a great country, a country where we have inalienable rights guaranteed to us by our Nation's founding documents, and the knowledge that our government is set up to protect those rights.

We know that we are guaranteed the right to peaceful, public protest, and we see many great Americans utilizing that right here in Washington, D.C., on a daily basis. It is not until haunting and disturbing images of blatant violence and oppression run across the front pages of our newspapers and TV screens that we realize how important these rights are.

The people of Iran are expressing themselves peacefully in the streets, and are being viciously attacked by armed guards and police. The violence needs to end now, and the people of Iran should be heard.

I want to commend President Obama for his leadership and his judgment in such a difficult and intense foreign policy crisis, and I agree with his resistance to instigate a foreign nation through demagoguery, a distinct difference from the carelessness that sometimes was used by administrations in the past.

Let me be clear, I know the world understands that the United States will always vehemently oppose oppression and violence against a nation's people and we will do everything we can to ensure this type of behavior is not tolerated. I thank President Obama for his thoughtful leadership on this matter and offer my support in the future.

NATIONAL MEDIA GIVES FREE PASS

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

Mr. SMITH of Texas. Mr. Speaker, as this replica of a check demonstrates, the national media are giving the Obama administration a free pass worth who-knows-how-much on any number of major national issues such as the economy, energy, and health care.

The national media seldom mentions that the President's budget would double the national debt in 5 years and triple it in 10. The national media don't tell the American people that the President's cap-and-trade energy plan will cost every family $1,600. The national media don't report that the 46 million uninsured that is used to justify the President's health care plan is really only 10 million people after you deduct those who are eligible for Medicare and Medicaid, who can afford

health insurance, and who are without health insurance for just a couple of months between jobs.

Americans don't want the media to give the Obama administration a free pass. They want the facts.

HEALTH CARE FOR ALL

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

Mr. COHEN. Mr. Speaker, there was much media speculation as to where Mr. Steve Jobs had a liver transplant. It came out yesterday that he had his liver transplant in Memphis, Tennessee, my home town, at the Methodist Hospital, a hospital known for its liver transplant center which has the lowest morbidity rate of any transplant center in the United States.

Memphis has been a medical center for years, with St. Jude Children's Research Hospital, the finest research hospital for children's illnesses, catastrophic illnesses, and cancer; for Southern College of Optometry; for LeBonheur Children's Hospital; for Campbell's Clinic for orthopedics and other particular medical specialties. We are proud of our medical community.

We are sorry Mr. Jobs had to have a liver transplant, but we are happy he came to Memphis and chose the best. But it shouldn't be that only the wealthy can come to Memphis and have the best medical care available. We need to pass a health care plan that is affordable and quality with a public plan to let every American have the opportunity to get the best medical attention that is available, and come to Memphis and receive it.

COMPREHENSIVE ENERGY PLAN NEEDED

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

Ms. FOXX. Mr. Speaker, Democrats are the ones with no new ideas. They always turn to their worn-out idea of tax, tax, tax. The American people don't want a national energy tax; they want energy independence. The House Republican plan is the comprehensive energy solution this country desperately needs. House Republicans recognize that as gas prices and home utility bills rise, American families are dealt a greater economic hardship.

The Democrats' answer to the worst recession in decades is a national energy tax that will lead to higher energy prices and further job losses. Thousands of dollars in extra energy costs and millions of jobs lost is a high price to pay for an energy plan that will do little to clean up our environment. The American people deserve better. The American Energy Act introduced by Republicans is an all-of-the-above plan that will provide independence, more jobs here at home, and a cleaner environment.

The American people don't want a national energy tax. They want energy independence. The House Republican plan is the comprehensive energy solution this country desperately needs.

HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, the United States has the most expensive health care in the world, which is a tremendous burden on the American family and businesses and threatens our economic future. The status quo is unsustainable and unacceptable, and I applaud all of the committees for their hard work on the draft proposal released last week. It is an important step forward to ensure that every American has access to quality, affordable health care.

But I believe if we are to meet the stated goals of reform, it is also critical that a robust public plan option be linked with the strengths of Medicare. It is a system that we know and, in particular, has an existing health provider network so that a public plan can truly compete in the private market and lower costs for all Americans.

Mr. Speaker, health care must be accessible. And in order to be accessible to Americans living in both rural and urban areas, it has to be accepted by providers. It has to have doctors. I am concerned that the initial version does not provide the provider infrastructure already in place for Medicare. We know it and we can use it, and this is a serious oversight that needs to be revisited.

Mr. Speaker, I know we can meet the challenges for health care for all Americans, a uniquely American plan unparalleled in quality, low cost and real choice. Let's do it.

PRESERVING CAPITALISM IN AMERICA AMENDMENT

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

Mr. TURNER. Mr. Speaker, a growing number of Americans are concerned about the future of capitalism in this country. The current economic recession has opened the door to government intervention in private enterprise on a scale many have never seen. A majority of Americans oppose the government takeover of the auto manufacturers and want the government out as soon as possible.

Just as troubling as the government's rapid control over private industry is the failure to present an exit strategy. With no apparent limit on the government's ability to expand its ownership of business, the only solution is a constitutional amendment.

Yesterday I introduced H.J. Res. 57, the Preserving Capitalism in America Amendment. The constitutional amendment would prohibit the acquisition of any stock or equity interest in private corporations by the Federal Government. This amendment was introduced with 102 cosponsors, nearly a quarter of the membership of the House. Eight States currently have constitutional prohibitions against government investment in private corporations, and I believe similar action is necessary on the Federal level to limit government intrusion.

I urge my colleagues to join me in supporting H.J. Res. 57, the Preserving Capitalism in America amendment.

AMERICAN CLEAN ENERGY AND SECURITY ACT

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

Mr. INSLEE. Mr. Speaker, Americans are the most innovative and the most entrepreneurial people on the face of the Earth. That is the reason that the people want us to pass the American Clean Energy and Security bill this week. This bill will give Americans what they want: More energy independence; less pollution; and most importantly, millions of new jobs of Americans building the new businesses, putting up solar panels, putting up wind towers, and stringing new electrical wire that we need.

Now, what is this going to cost Americans? According to the Congressional Budget Office, approximately the cost of one postage stamp a day: 47 cents. Do Americans want to rid ourselves of the scourge of addiction to Saudi oil for a postage stamp a day? You bet.

Do Americans want us to limit pollution and make polluters pay so Americans can have cleaner air for the cost of a postage stamp a day? You bet.

Do Americans want 3 million new jobs in this country for the cost of a postage stamp a day? You bet.

We are going to pass this bill. Americans want it.

COMPETITION IS NEEDED FOR HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, as we continue to learn more about the single-payer, government takeover of the health care system proposed by my colleagues on the other side of the aisle, I would like to point out why this isn't a good idea.

First, we can't afford it. Cost estimates are now up to $3.5 trillion of money we don't have. Medicare, even with heavy subsidies from private insurance, is on the course of bankruptcy. How will we afford a Medicare-for-all program?

Let me be clear, the government cannot be both competitor and make up the rules of the game. It would be like Microsoft being put in control of the Internet. How would other companies compete with Microsoft?

A single-payer system option will erode the private insurance market that is propping up the public health plan we have today. It is becoming very clear that the public option group has the ultimate goal of destroying competition and choice and substituting it with a government takeover of our health care system.

So what is the end game here? The end game is that once the Federal Government gains full control of our health care system and steps between you and your doctor, we will have exploding budgets which will lead to rationing.

□ 1030

DEMOCRATIC HEALTH CARE PLAN

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

Ms. SHEA-PORTER. The Democratic Party has a new and better idea about health care. The Democratic Party, under the leadership of Barack Obama, is going to give Americans and American businesses what they've been asking for—begging for—relief from the problems in our health care system.

For the first time, people who are considered uninsurable will not have to worry about how they're going to get the money to go to the doctor to take care of their child. They will be insured. Everybody in this country will be insured. There will be the insurance companies, but there will also be a public option so people who can't find health insurance who do not have jobs will be able to be insured.

I find it interesting that the opposing party talks about no competition and no choice. I have seen too many constituents who have no choice; they can't go to the doctor, they can't get surgery because they don't have health insurance. And I have also seen the so-called ''competition'' refuse to insure some of my constituents because of preexisting health conditions. So what we have now is the ability to keep your insurance. If Americans want to keep their insurance, they should, but if they don't, or they can't, then they finally have a public option.

I urge my colleagues to vote for this health insurance plan.

REJECT THE CAP-AND-TRADE TAX

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

Mr. DENT. Mr. Speaker, we just heard a speech a few moments ago about how jobs will be created through this national energy tax. Apparently those jobs will not be created in the Commonwealth of Pennsylvania in any significant way. In fact, I would like to share with my friends and the American people a letter from the Pennsylvania Public Utility Commission, three of the five commissioners who wrote me and told me about the impacts of this legislation. They said, ''Pennsylvania is the fourth largest coal producer in the Nation, distributing over 75 million tons of coal each year. Roughly 7 percent of the Nation's supply is in Pennsylvania and 58 percent of all electricity used here comes from coal. However, if the Waxman-Markey bill were to pass, Pennsylvania is looking at a bleak scenario by 2020; a net loss of as many as 66,000 jobs, a sizeable hike in electric bills of residential customers, an increase in national gas prices, and significant downward pressure on the State gross product. The cost estimates are staggering.'' Pennsylvania Public Utility Commission.

I urge my colleagues to reject this national energy tax. The industrial and agricultural heartland States of America will pay and will pay big. It's time that we reject this tax.

PERMISSION TO EXTEND TIME FOR DEBATE AND MODIFY AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2647

Mr. SKELTON. Mr. Speaker, at this time, I ask unanimous consent that during further consideration of H.R. 2647, pursuant to House Resolution 572, debate on amendment Nos. 3 and 9 each be extended to 20 minutes, and that amendment No. 2 be modified in the form that is now placed at the desk.

The SPEAKER pro tempore (Mr. COHEN). The Clerk will report the modification.

The Clerk read as follows:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America's military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

Mr. SKELTON (during the reading). I ask unanimous consent that the amendment be considered read.

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

There was no objection.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R.

2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 24, 2009, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2647

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

(1) For aircraft, $4,828,632,000.

(2) For missiles, $1,320,109,000.

(3) For weapons and tracked combat vehicles, $2,500,952,000.

(4) For ammunition, $2,070,095,000.

(5) For other procurement, $9,762,539,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,102,112,000.

(2) For weapons, including missiles and torpedoes, $3,453,455,000.

(3) For shipbuilding and conversion, $13,786,867,000.

(4) For other procurement, $5,689,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,712,138,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $840,675,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

(1) For aircraft, $11,991,991,000.

(2) For ammunition, $822,462,000.

(3) For missiles, $6,211,628,000.

(4) For other procurement, $17,299,841,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,150,562,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $600,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Rapid Acquisition Fund in the amount of $55,000,000.

Subtitle B—Army Programs

SEC. 111. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO SYSTEMS.

(a) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for procurement, Army, may be obligated or expended for tactical radio systems.

(b) EXCEPTIONS.—The limitation on obligation of funds in subsection (a) does not apply to the following:

(1) A tactical radio system that is approved by the joint program executive officer of the joint

tactical radio system if the Secretary of Defense notifies the congressional defense committees in writing of such approval.

(2) A tactical radio system procured specifically to meet—

(A) an operational need (as described in Army Regulation 71–9 or a successor regulation); or

(B) a joint urgent operational need (as described in Chairman of the Joint Chiefs of Staff Instruction 3470.01 or a successor instruction).

(3) A tactical radio system for an unmanned ground vehicle system.

(4) Commercially available tactical radios with joint tactical radio system capabilities.

SEC. 112. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, with respect to covered Future Combat Systems equipment, the Secretary of Defense may procure for low-rate initial production only such equipment that is necessary for one brigade.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal years 2010 or 2011 for the procurement of covered Future Combat Systems equipment, the Secretary of Defense may obligate or expend funds only for the procurement of such equipment that is necessary for one brigade.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) and the limitation on obligation of funds in subsection (b) do not apply if the procurement of covered Future Combat Systems equipment is specifically intended to address an operational need statement requirement.

(d) COVERED FUTURE COMBAT SYSTEMS EQUIPMENT DEFINED.—For the purposes of this section, the term ''covered Future Combat Systems equipment'' means the following:

(1) Future Combat Systems non-line of sight launcher systems.

(2) Future Combat Systems unattended ground sensors.

(3) Future Combat Systems class I unmanned aerial systems.

(4) Future Combat Systems small unmanned ground vehicles.

(5) Future Combat Systems integrated control system computers.

(6) Any vehicular kits needed to integrate and operate a system listed in paragraph (1), (2), (3), (4), or (5).

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b) or (c), of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for the procurement of Littoral Combat Ship vessels, not more than $460,000,000 may be obligated or expended for each vessel procured (not including amounts obligated or expended for elements designated by the Secretary of the Navy as a mission package).

(b) SPECIFIC REQUIREMENT FOR FISCAL YEAR 2010.—Of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for shipbuilding conversion, Navy, the Secretary of the Navy may obligate not more than $80,000,000 to produce a technical data package for each type of Littoral Combat Ship vessel, if the Secretary—

(1) is unable to—

(A) submit to the congressional defense committees a certification under subsection (g) during fiscal year 2010; and

(B) enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended; or

(2) is unable to enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in subsection (a) after submitting to the congressional defense committees a certification under subsection (g).

(c) ADJUSTMENT OF LIMITATION AMOUNT.—With respect to the procurement of a Littoral Combat Ship vessel referred to in subsection (a), the Secretary may adjust the amount set forth in such subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

(3) The amounts of outfitting costs and post-delivery costs incurred for the vessel.

(4) The amounts of increases or decreases in costs attributable to the insertion of new technology into the vessel, as compared to the technology used in the first and second Littoral Combat Ship vessels procured by the Secretary, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

(A) would lower the life-cycle cost of the vessel; or

(B) is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Such report shall include the following:

(1) Written notice of any change in the amount set forth in subsection (a) that is made under subsection (c).

(2) Information, current as of the date of the report, regarding—

(A) the content of any element of the vessels that is designated as a mission package;

(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(3) Actual and estimated costs associated with—

(A) the material and equipment for basic construction of each vessel; and

(B) the material and equipment for propulsion, weapons, and communications systems of each vessel.

(4) Actual and estimated man-hours of labor and labor rates associated with each vessel being procured (listed separately from any other man-hours and labor rates data).

(5) Actual and estimated fees paid to contractors for meeting contractually obligated cost and schedule performance milestones.

(e) DEFINITIONS.—In this section:

(1) The term ''mission package'' means the interchangeable combat systems that deploy with a Littoral Combat Ship vessel.

(2) The term ''technical data package'' means a compilation of detailed engineering plans for construction of a Littoral Combat Ship vessel.

(f) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

(g) EFFECTIVE DATE.—

(1) LIMITATION ON COSTS.—Subsections (a) and (c) shall take effect on the date that is 15 days after the date on which the Secretary of the Navy certifies in writing to the congressional defense committees the following:

(A) The Secretary has accepted delivery of the USS Freedom (LCS 1) and the USS Independence (LCS 2) following successful completion of acceptance trials.

(B) The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) is necessary for the Secretary to—

(i) award a contract for a Littoral Combat Ship vessel in fiscal year 2010; and

(ii) maintain sufficient government oversight of the Littoral Combat Ship vessel program.

(C) The Secretary has conducted a thorough analysis of the requirements for the performance, system, and design of both Littoral Combat Ship variants and determined that further changes to such requirements will not reduce—

(i) the cost of either such variant; and

(ii) the warfighting utility of such vessel.

(D) A construction contract for a Littoral Combat Ship vessel in fiscal year 2010 will be awarded only to a contractor that—

(i) with respect to a contract for the Littoral Combat Ship vessel awarded in fiscal year 2009—

(I) is maintaining excellent cost and schedule performance; and

(II) the Secretary determines that the affordability and efficiency of the construction of such a vessel are improving at a satisfactory rate; and

(ii) based on the data available from the developmental and operational assessment testing of such contractor's vessel and associated mission packages, the Secretary, in consultation with the Chief of Naval Operations, has determined that it is in the best interest of the Navy to procure such additional Littoral Combat Ship vessels prior to the completion of operational test and evaluation.

(E) With respect to funds that are available for shipbuilding and conversion, Navy, for fiscal year 2010 for the procurement of Littoral Combat Ship vessels—

(i) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels; or

(ii) if such funds are insufficient to award contracts for three additional Littoral Combat Ship vessels, the Secretary has the ability to promote competition for the Littoral Combat Ship vessels that are procured in order to ensure the best value to the Government.

(2) REPEAL.—The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) shall take effect on the date that is 15 days after the date on which the certification under paragraph (1) is received by the congressional defense committees.

SEC. 122. FORD-CLASS AIRCRAFT CARRIER REPORT AND LIMITATION ON USE OF FUNDS.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

(2) Training of individuals in trades related to ship construction.

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

(b) LIMITATION ON USE OF FUNDS.—With respect to the aircraft carrier designated CVN–79, none of the amounts authorized to be appropriated for fiscal year 2010 for research, development, test, and evaluation or advance procurement for such aircraft carrier may be obligated or expended for activities that would limit the ability of the Secretary of the Navy to award a construction contract for—

(1) such aircraft carrier in fiscal year 2012; or

(2) the aircraft carrier designated CVN–80 in fiscal year 2016.

SEC. 123. ADVANCE PROCUREMENT FUNDING.

(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) AIRCRAFT CARRIER DESIGNATED CVN–79.—With respect to components of the aircraft carrier designated CVN–79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contracts.

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft and Government-furnished equipment associated with such aircraft.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 BURKE-CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of DDG–51 Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 131. REPEAL OF CERTIFICATION REQUIREMENT FOR F–22A FIGHTER AIRCRAFT.

Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

SEC. 132. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F–22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores such tooling in a manner that allows the production of such hardware and end items to be restarted after a period of idleness;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F–22 fighter aircraft may be obligated or expended for activities related to disposing of F–22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCUREMENT.

(a) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on 4.5 generation fighter aircraft procurement. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft for procurement for fiscal years 2011 through 2025 necessary to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through single year procurement contracts.

(3) The estimated procurement costs for those aircraft if procured through multiyear procurement contracts.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary determines the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of F–35s in fiscal years 2015 through fiscal year 2025 to proportionally and concurrently recapitalize the Air National Guard.

(7) The recommendations of the Secretary regarding whether Congress should authorize a multiyear procurement contract for 4.5 generation fighter aircraft.

(b) CERTIFICATIONS.—If the Secretary recommends under subsection (a)(7) that Congress authorize a multiyear procurement contract for 4.5 generation fighter aircraft, the Secretary shall submit to Congress the certifications required by section 2306b of title 10, United States Code, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011.

(c) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term ''4.5 generation fighter aircraft'' means current fighter aircraft, including the F–15, F–16, and F–18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 120 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in coordination with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

(1) A list of each aircraft in the inventory of strategic airlift aircraft, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(3) A list of each unit affected by a proposed retirement listed under paragraph (2) and how such unit is affected.

(4) For each military installation listed under paragraph (2)(C), any changes to the mission of the installation as a result of a proposed retirement.

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

(6) Any anticipated increases in manpower or military construction at a military installation as a result of an increase in force structure related to a proposed retirement listed under paragraph (2).

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

Subsection (g)(1) of section 8062 of title 10, United States Code, is amended—

(1) by striking ''2008'' and inserting ''2009''; and

(2) by striking ''299'' and inserting ''316''.

SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C–130E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 31) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking ''subsection (d)'' and inserting ''subsection (c)''.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

(a) PROCUREMENT.—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal

year, the Secretary shall ensure that within each procurement account, a separate, dedicated procurement line item is designated for body armor.

SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved a joint and common requirement for an unmanned cargo-carrying-capable aerial vehicle type.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Subtitle B—Program Requirements, Restrictions, and Limitations

Subtitle C—Missile Defense Programs

Subtitle D—Reports

Subtitle E—Other Matters

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,506,731,000.

(2) For the Navy, $19,622,528,000.

(3) For the Air Force, $28,508,561,000.

(4) For Defense-wide activities, $21,016,672,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON OBLIGATION OF FUNDS FOR THE NAVY NEXT GENERATION ENTERPRISE NETWORK.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a detailed architectural specification for the Next Generation Enterprise Network.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for—

(1) operation and maintenance for the Continuity of Service Contract for the Navy-Marine Corps Intranet; and

(2) research, development, test, and evaluation for the Next Generation Enterprise Network.

SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program until the Secretary of Defense, in consultation with the Director of National Intelligence—

(1) completes an assessment on the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), for the Joint Multi-Mission Submersible program;

(2) submits to the congressional defense committees and the intelligence committees the assessment referred to in paragraph (1); and

(3) certifies to the congressional defense committees and the intelligence committees that the agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the extent such accounts include funding for each such aircraft.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF SELECTED ACQUISITION REPORT.

(a) RESTRICTION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 for Research and Development, Army, for the defense acquisition programs specified in subsection (b), not more than 50 percent may be obligated prior to the date on which the Secretary of Defense submits to the congressional defense committees the comprehensive annual Selected Acquisition Report for each such program for fiscal year 2009, as required by section 2432 of title 10, United States Code.

(b) PROGRAMS SPECIFIED.—The defense acquisition programs specified in this subsection are the following:

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

(4) Joint Air-to-Ground Missile program.

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.

(7) Javelin program.

SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FUTURE COMBAT SYSTEMS PROGRAM PENDING RECEIPT OF REPORT.

Not more than 25 percent of the funds authorized to be appropriated by this Act or otherwise made available for Research and Development, Army, for fiscal year 2010 for the Future Combat Systems program may be obligated or expended until 15 days after the receipt of the report required by section 214(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

SEC. 217. LIMITATION OF THE OBLIGATION OF FUNDS FOR THE NET-ENABLED COMMAND AND CONTROL SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 25 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of Defense submits to the congressional defense committees a plan for reorganizing and consolidating the management of the Net-Enabled Command and Control system and the Global Command and Control System family of systems.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Net-Enabled Command and Control system in the following program elements:

(1) 33158k.
(2) 33158a.
(3) 33158n.
(4) 33158m.
(5) 33158f.

SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR F-35 LIGHTNING II PROGRAM.

Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F-35 Lightning II program, not more than 75 percent may be obligated until the date that is 15 days after the later of the following dates:

(1) The date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees certification in writing that all funds made available for fiscal year 2010 for the continued development and procurement of a competitive propulsion system for the F-35 Lightning II have been obligated.

(2) The date on which the Secretary of Defense submits to the congressional defense committees the report required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4376).

(3) The date on which the Secretary of Defense submits to the congressional defense committees the annual plan and certification for fiscal year 2010 required by section 231a of title 10, United States Code.

SEC. 219. PROGRAMS REQUIRED TO PROVIDE THE ARMY WITH GROUND COMBAT VEHICLE AND SELF-PROPELLED ARTILLERY CAPABILITIES.

(a) PROGRAM REQUIRED.—In accordance with the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111-43), the Secretary of Defense shall carry out programs to develop, test, and, when demonstrated operationally effective, suitable, survivable, and affordable, field new or upgraded Army ground combat vehicle and self-propelled artillery capabilities.

(b) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of Defense shall deliver a report to the congressional defense committees that—

(1) specifies what vehicles, or upgraded vehicles, will constitute the Army's ground combat vehicle fleet in 2015;

(2) includes the status, schedule, cost estimates, and requirements for the programs specified in paragraph (1);

(3) includes any Army force structure modifications planned that impact the requirements for new ground combat vehicles;

(4) specifies, for each program included, the alternatives considered during any analysis of alternatives, and why those alternatives were not selected as the preferred program option;

(5) quantifies and describes the loss of knowledge to the industrial base should a future self-propelled artillery cannon not be developed immediately following the cancellation of the Non-Line-of-Sight Cannon, a Manned Ground Vehicle of Future Combat Systems; and

(6) with respect to the Army's future self-propelled howitzer artillery fleet, explains the Army's plan to develop and field—

(A) automated ammunition handling;
(B) laser ignition;
(C) improved ballistic accuracy;
(D) automated crew compartments;
(E) hybrid-electric power; and
(F) band track.

(c) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army for the program elements specified in subsection (d), not more than 50 percent may be obligated or expended until 15 days after the Secretary of Defense submits the report required under subsection (b).

(d) PROGRAMS SPECIFIED.—The restriction on use of funds in subsection (c) covers the following Army program elements:

(1) Combat Vehicle Improvement Program, program element 0203735A.

(2) Advanced Tank Armament System, program element 0603653A.

(3) Artillery Systems, program element 0604854A.

Subtitle C—Missile Defense Programs

SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM PROJECT.

Of the amounts authorized to be appropriated for research and development of the Army Integrated Air and Missile Defense project (program element 63327A), not more than 25 percent may be obligated until the Secretary of Defense has certified to the congressional defense committees that the Secretary has—

(1) carried out a review of the project;

(2) determined that the project is an affordable, executable project;

(3) determined that the project meets a current required capability; and

(4) determined that no other project could be executed, at a lower cost, that would be capable of fulfilling the required capability to the same or approximate level of effectiveness as the Army Integrated Air and Missile Defense project.

SEC. 222. GROUND-BASED MIDCOURSE DEFENSE SUSTAINMENT AND MODERNIZATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a sustainment and modernization program to ensure the long-term reliability, availability, maintainability, and supportability of the ground-based midcourse defense system to protect the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall include each of the following elements:

(1) Sustainment and operations.

(2) Aging and surveillance.

(3) System and component level assessments, engineering analysis, and modeling and simulation.

(4) Ground and flight testing.

(5) Readiness exercises.

(6) Modernization and enhancement.

(7) Any other element the Secretary determines is appropriate.

(c) CONSULTATION.—In implementing the program required by subsection (a), the Secretary of Defense shall consult with the commanders of the appropriate combatant commands to ensure the sustainment and modernization requirements of such commands are reflected in such program.

(d) BUDGET SUBMISSION REQUIREMENT.—For each budget submitted by the President to Congress under section 1105 of title 31, the Secretary of Defense shall concurrently submit to the congressional defense committees a report that clearly identifies the amounts requested for each of the program elements referred to in subsection (b).

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining the long-term sustainment and modernization plan of the Department of Defense for the ground-based midcourse defense system.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED SUPPORT FOR PROTECTING THE UNITED STATES AGAINST LIMITED BALLISTIC MISSILE ATTACKS WHETHER ACCIDENTAL, UNAUTHORIZED, OR DELIBERATE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against potential long-range missiles from rogue states such as North Korea.

(3) Congress has fully funded the President's budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system the capability to engage long-range ballistic missiles like the North Korean Taepo Dong-2.

(4) Senior defense and intelligence officials have indicated that the threat to the United States from long-range missiles from rogue states is limited.

(5) Senior military officials have testified that the original threat assessments of the long-range missile threat made by the Missile Defense Agency in 2002 were ''off by a factor of 10 or 20''.

(6) It is imperative that missile defense force structure and inventory be linked to the most likely threats and validated military requirements.

(7) The Secretary of Defense, the Chairman of the Joint Chiefs, the Commander of the United States Strategic Command's Joint Functional Component Command for Integrated Missile Defense, and the Director of the Missile Defense Agency have either testified or stated that 30 operationally deployed GMD interceptors would be adequate to defend against any rogue missile threat to the United States in the near- to mid-term.

(8) The Director of the Missile Defense Agency testified that, for the first time since the establishment of the Missile Defense Agency in 2002, key elements of the Department of Defense, such as the combatant commanders and the military services, played a major role in shaping the missile defense budget for fiscal year 2010.

(9) There is currently no existing military requirement justifying the need to deploy 44 GMD interceptors, nor has that number been validated by the Department of Defense's requirements process.

(10) In testimony before Congress this year, the Director of the Missile Defense Agency indicated that a number of GMD interceptors were removed from their silos for unscheduled maintenance and refurbishment because of unanticipated problems with the interceptors were discovered.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) reaffirms the principles articulated in the National Missile Defense Act of 1999;

(2) should continue to fund robust research, development, test, and evaluation of the current GMD system deployed in Alaska in California to ensure that the system will work in an operationally effective, suitable, maintainable, and survivable manner to defend the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(3) should continue the development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2; and

(4) should set future missile defense force structure and inventory requirements based on a clear linkage to the threat and the military requirements process that takes into account the views of key Department of Defense stakeholders such as the combatant commanders and the military services.

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.

(a) DEPARTMENT OF DEFENSE STRATEGY FOR ASCENT PHASE MISSILE DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a strategy for ascent phase missile defense.

(b) MATTERS INCLUDED.—The strategy required by subsection (a) shall include each of the following:

(1) A description of the programs and activities contained, as of the date of the submission of the strategy, in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

(C) the criteria to be used to assess the technical progress, suitability, and effectiveness of such capabilities;

(D) a comprehensive plan for development and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of any other challenges or limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines is necessary.

(c) FORM.—The strategy shall be submitted in unclassified form, but may include a classified annex.

SEC. 226. AVAILABILITY OF FUNDS FOR A MISSILE DEFENSE SYSTEM FOR EUROPE AND THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Missile defense promotes the collective security of the United States and NATO and improves linkages among member nations of NATO by defending all members of NATO against the full range of missile threats.

(2) The Islamic Republic of Iran possesses the largest inventory of short-and medium-range ballistic missiles in the Middle East and these missiles represent a threat to Europe and United States interests and deployed forces in the region. Neither NATO nor the United States currently possesses sufficient theater missile defense capability to counter this threat from Iran.

(3) Iran does not currently possess a long-range ballistic missile capable of reaching the United States and, if it were to develop such a capability in the near future, the long-range Ground-based Midcourse Defense (GMD) interceptors currently deployed in Alaska have sufficient range to protect the United States against an emerging threat.

(4) It is in the interest of the United States to work cooperatively with NATO to counter these threats consistent with the direction provided in the statement by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl on April 4, 2009, that: ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk.''

(5) The Director of Operational Test and Evaluation for the Department of Defense has raised concerns about the operational effectiveness, suitability, and survivability of the current GMD system, and the Director of the Missile Defense Agency testified before the House Armed Services Committee on May 21, 2009, that health and status indicators forced the agency to remove several long-range interceptors for unscheduled maintenance and refurbishment.

(6) The Fiscal Year 2008 Annual Report to Congress by the Director of Operational Test and Evaluation (DOT&E) stated: ''The inherent BDMS defensive capability against theater threats increased during the last fiscal year and DOT&E expects this trend to continue'' largely due to the continued progress of the AEGIS and Terminal High Altitude Area Defense (THAAD) systems in operational testing.

(7) The proposed European locations of the long-range missile defense system allow for the defense of both Europe and the United States against long-range threats launched from the Middle East, but a limited deployment of GMD interceptors on the east coast of the United States would provide comparable defense of our homeland and the most pressing threat to Europe is from medium-range ballistic missiles.

(b) RESERVATION OF FUNDS.—Of the funds made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for a missile defense system for Europe and the United States as described in paragraph (1) or (2) of subsection (c).

(c) USE OF FUNDS.—Funds reserved under subsection (b) may be obligated and expended by the Secretary of Defense—

(1) on the research, development, test, and evaluation of—

(A) the proposed midcourse radar element of the ground-based midcourse defense system in the Czech Republic; and

(B) the proposed long-range missile defense interceptor site element of such defense system in Poland; or

(2) on the research, development, test, and evaluation, procurement, site activation, construction, preparation of, equipment for, or deployment of an alternative integrated missile defense system that would protect Europe and the United States from the threats posed by all types of ballistic missiles, if the Secretary submits to the congressional defense committees a report certifying that the alternative missile defense system is expected to be—

(A) consistent with the direction of the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk;

(B) at least as cost-effective, technically reliable, and operationally available in protecting Europe and the United States from missile threats as the ground-based midcourse defense system described in paragraph (1);

(C) deployable in a sufficient amount of time to counter current and emerging ballistic missile threats (as determined by the intelligence community) launched from the Middle East that could threaten Europe and the United States; and

(D) interoperable with other components of missile defense and compliments NATO's missile defense strategy.

Subtitle D—Reports

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS AND INVESTMENTS.

(a) ASSESSMENT REQUIRED.—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

(1) assess expenses incurred by the Department of Defense in the research, development, testing, and procurement of energy storage devices;

(2) compare quantities of types of devices in use or under development that rely on commercial energy storage technologies and that use military-unique, proprietary, or specialty devices;

(3) assess the process by which a determination is made by an acquisition official of the Department of Defense to pursue a commercially available or custom-made energy storage device;

(4) assess the coordination of Department of Defense-wide activities in energy storage device research, development, and use;

(5) assess whether there is a need for enhanced standardization of the form, fit, and function of energy storage devices, and if so, formulate a recommendation as to how, from an organizational standpoint, the Department should address that need; and,

(6) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, that could be better leveraged by the Department.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON THE F-35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F-35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) MATTERS TO BE INCLUDED.—Each report on the F-35 program under subsection (a) shall include each of the following:

(1) The extent to which the acquisition program is meeting development and procurement cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this Act for program element 35884L for intelligence planning and review activities, not more than 25 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108-136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 234. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

(1) an examination of current requirements for anti-armor missile systems;

(2) an analysis of battlefield uses other than anti-armor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;

(4) an analysis of the current family of Javelin and TOW warheads and specifically detail how they address threats other than armor;

(5) an examination of the need for changes to current or development of additional warheads or a family of warheads to address threats other than armor;

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation Javelin and TOW systems and additional warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

(b) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

Subtitle E—Other Matters

SEC. 241. ACCESS OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER TO DEPARTMENT OF DEFENSE INFORMATION.

Section 196 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(h) ACCESS TO INFORMATION.—The Director shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the duties of the Director under this section.''.

SEC. 242. INCLUSION IN ANNUAL BUDGET REQUEST AND FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F-35 LIGHTNING II.

(a) ANNUAL BUDGET.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 235. Budget for competitive propulsion system for F-35 Lightning II

''(a) ANNUAL BUDGET.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter, the Secretary of Defense shall include, in the materials submitted by the Secretary to the President, a request for such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II.

''(b) FUTURE-YEARS DEFENSE PROGRAM.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lighting II, for each fiscal year of the period covered by that program, include sufficient amounts for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II.

''(c) REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 or any year thereafter, for research, development, test, and evaluation and procurement for the F-35 Lightning II Program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II in order to ensure the development and competitive production for the propulsion system for the F-35 Lightning II.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by at the end the following new item:

''235. Budget for competitive propulsion system for F-35 Lightning II.''.

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 213.

SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

(a) PROGRAM ESTABLISHED.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

''§ 2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education

''(a) PROGRAM ESTABLISHED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation within the science, technology, engineering, and mathematics fields.

''(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance science, technology, mathematics, and engineering research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

''(1) enhance research and educational capabilities of the institutions in areas of science, technology, engineering, or mathematics that are important to national defense, as determined by the Secretary;

''(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

''(3) increase the capacity of such institutions to contribute to the national security functions of the Department of Defense through participation in research, development, testing, and evaluation programs and activities in which such institutions might not otherwise have the opportunity to participate;

''(4) increase the number of graduates engaged in scientific, technological, mathematic, and engineering disciplines important to the national security functions of the Department of Defense, as determined by the Secretary;

''(5) conduct collaborative research and educational opportunities between such institutions and defense research facilities;

''(6) encourage research and educational collaborations between such institutions and other institutions of higher education; or

''(7) encourage research and educational collaborations between such institutions and business enterprises that historically perform defense-related research, development, testing and evaluation.

''(c) ASSISTANCE PROVIDED.—Under the program established by subsection (a), the Secretary of Defense may provide covered educational institutions with funding or technical assistance, including any of the following:

''(1) The competitive awarding of grants, cooperative agreements or contracts to establish Centers of Excellence for Research and Education in scientific disciplines important to national defense, as determined by the Secretary.

''(2) The competitive awarding of undergraduate scholarships or graduate fellowships in support of research in scientific disciplines important to national defense, as determined by the Secretary.

''(3) The competitive awarding of grants, cooperative agreements, or contracts for research in areas of science, technology, engineering, and

mathematics that are important to national defense, as determined by the Secretary.

''(4) The competitive awarding of grants, cooperative agreements, or contracts for the acquisition of equipment or instrumentation necessary for the conduct of research, development, testing, evaluation or educational enhancements in scientific disciplines important to national defense, as determined by the Secretary.

''(5) Support to assist in attraction and retention of faculty in scientific disciplines critical to the national security functions of the Department of Defense.

''(6) Making Department of Defense personnel available to advise and assist faculty at such institutions in the performance of defense research in scientific disciplines critical to the national security functions of the Department of Defense.

''(7) Establishing partnerships between defense laboratories and such institutions to encourage involvement of faculty and students in scientific research important to the national security functions of the Department of Defense.

''(8) Encouraging the establishment of a program or programs creating partnerships between such institutions and corporations that have routinely been awarded research, development, testing, or evaluation contracts by the Secretary of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(9) Encouraging the establishment of a program or programs creating partnerships between such institutions and other institutions of higher education that have experience in conducting research, development, testing, or evaluation programs with the Department of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(10) Other such non-monetary assistance in support of defense research as the Secretary finds appropriate to enhance science, mathematics, or engineering programs at such institutions, which may be provided directly through the Department of Defense or through contracts or other agreements entered into by the Secretary with private-sector entities that have experience and expertise in the development and delivery of technical assistance services to such institutions.

''(d) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

''2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.''.

SEC. 244. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (f) of section 2374a of title 10, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2013''.

SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for advanced energetics.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Assessment of the current state of, and advances in, research, development, and manufacturing technology of energetic materials in both foreign countries and the United States.

(B) Development of strategies to address matters identified as a result of the assessment described in subparagraph (A).

(C) Development of recommended funding strategies to retain sufficient explosive domestic production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetics.

(D) Recommending changes to strengthen the energetic capabilities of the Department of Defense.

(E) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, dated September 3, 2002, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' had the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SEC. 246. STUDY ON THORIUM-LIQUID FUELED REACTORS FOR NAVAL FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly carry out a study on the use of thorium-liquid fueled nuclear reactors for naval power needs pursuant to section 1012, of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 303).

(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

(1) compare and contrast thorium-liquid fueled reactor concept to the 2005 Quick Look, 2006 Navy Alternative Propulsion Study, and the navy CG(X) Analysis of Alternatives study;

(2) identify the benefits to naval operations which thorium-liquid fueled nuclear reactors or uranium reactors would provide to major surface combatants compared to conventionally fueled ships, including such benefits with respect to—

(A) fuel cycle, from mining to waste disposal;

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

(D) safety of operation, waste handling and disposal, and proliferation issues compared to uranium reactors;

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;

(G) reduced manning;

(H) global range at flank speed, greater forward presence, and extended combat operations;

(I) power for advanced sensors and weapons, including electromagnetic guns and lasers;

(J) survivability due to increased performance and reduced signatures;

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

(3) conduct a ROM cost-effectiveness comparison of nuclear reactors in use by the Navy as of the date of the enactment of this Act, thorium-liquid fueled reactors, and conventional fueled major surface combatants, which shall include a comparison of—

(A) security, safety, and infrastructure costs of fuel supplies;

(B) nuclear proliferation issues;

(C) reactor safety;

(D) nuclear fuel safety, waste handling, and storage;

(E) power requirements and distribution for sensors, weapons, and propulsion; and

(F) capabilities to fully execute the Navy Maritime Strategic Concept.

(c) REPORT.—Not later than February 1, 2011, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on the results of the study required under subsection (a).

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) use the results of the studies described in paragraph (1) and (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(4) provide a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder.

(c) PERIOD OF FELLOWSHIP.—The period of any fellowship under the Program shall not last more than 2 years and shall not continue unless agreed upon by the parties concerned.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,398,432,000.
(2) For the Navy, $35,330,997,000.
(3) For the Marine Corps, $5,570,823,000.
(4) For the Air Force, $34,451,654,000.
(5) For Defense-wide activities, $29,016,532,000.
(6) For the Army Reserve, $2,572,196,000.
(7) For the Naval Reserve, $1,292,501,000.
(8) For the Marine Corps Reserve, $228,925,000.
(9) For the Air Force Reserve, $3,088,528,000.
(10) For the Army National Guard, $6,268,884,000.
(11) For the Air National Guard, $5,919,461,000.
(12) For the United States Court of Appeals for the Armed Forces, $13,932,000.
(13) For the Acquisition Development Workforce Fund, $100,000,000.
(14) For Environmental Restoration, Army, $415,864,000.
(15) For Environmental Restoration, Navy, $285,869,000.
(16) For Environmental Restoration, Air Force, $494,276,000.
(17) For Environmental Restoration, Defense-wide, $11,100,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $267,700,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $109,869,000.
(20) For Cooperative Threat Reduction programs, $434,093,000.
(21) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

Section 2694c of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''to carry out this section'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) SOURCE OF FUNDS.—(1) Amounts described in paragraph (2) shall be available for activities under this section.

''(2) Amounts described in this paragraph are amounts available for any of the following:

''(A) Operation and maintenance.

''(B) Military construction.

''(C) Research, development, test, and evaluation.

''(D) The Support for United States Relocation to Guam Account established under section 2824 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).''.

SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking ''fiscal years 2004 through 2008'' each place it appears and inserting ''fiscal years 2010 through 2015''.

(b) CLARIFICATION OF AUTHORIZATIONS.—Such section is further amended—

(1) in subsection (b), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of Defense, there are authorized''; and

(2) in subsection (c), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized''.

SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) AUTHORITY.—Section 103 of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (a)—

(A) by inserting after ''and individuals'' the following: '', and into interagency agreements with the heads of other Federal departments and agencies,''; and

(B) in paragraph (2), by inserting ''or interagency agreement'' after ''cooperative agreement'';

(2) in subsection (b), by inserting ''or interagency agreement'' after ''cooperative agreement''; and

(3) in subsection (c), by inserting ''and interagency agreements'' after ''cooperative agreements'' the first place it appears.

(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting ''***AND INTERAGENCY***'' after ''***COOPERATIVE***''and the table of contents for such Act is conformed accordingly.

SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2010 through 2015''.

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) of this Act for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the agency at the Former Nansemond Ordnance Depot Site.

Subtitle C—Workplace and Depot Issues

SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.

''(C) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323. INCLUSION OF INSTALLATION OF MAJOR MODIFICATIONS IN DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended in the second sentence—

(1) by striking ''and'' before ''(2)''; and

(2) by inserting before the period at the end the following: '', and (3) the installation of major modifications, including performance or safety modifications''.

SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

The second sentence of section 4544(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''in addition to the contracts and cooperative agreements in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181)''.

SEC. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL EVENTS AND CONCURRENT MODIFICATIONS PERFORMED ON THE AV-8B HARRIER WEAPONS SYSTEM.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative the Secretary is considering for the performance of planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Department of Defense Instruction 7043.1, entitled ''Economic Analysis for Decisionmaking'', and Office of Management and Budget Circular A-94, entitled ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs'' and dated October 29, 1992, and, for each such alternative, shall include an assessment of the following:

(1) The effect of the loss of workload on organic depot labor rates associated with each alternative.

(2) The effect on the depot net operating result for each such alternative.

(3) The effect on long-term sustainment of depot-level capabilities for future support of core workload throughout the life cycle of the AV8B Harrier weapons system.

(4) The risk to readiness, the aviation safety risk, and the enterprise-wide financial risk associated with each such alternative.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and rationale used to classify work as organization-level maintenance or depot-level maintenance.

(2) An explanation of the core logistics capabilities and associated workload requirements for the AV-8B weapons system, including an explanation of how such requirements were determined and rationale for classifying the planned maintenance interval events and concurrent or stand alone modifications on the AV-8B as above core workload.

(3) An assessment of the effects of proposed workload transfer on the Department of the Navy's division of depot maintenance funding between public and private sectors in accordance with section 2466(a) of title 10, United States Code.

(c) PROHIBITION ON CONTRACTING ACTIVITIES.—The Secretary of the Navy may not enter into a contract for the performance of planned maintenance interval events or associated depot-level maintenance activities, including concurrent or stand alone modifications, by non-Federal Government personnel until 90 days after the date on which the Secretary completes the assessment required under subsection (a) and submits the report required under subsection (b).

SEC. 326. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION OF PENDING STUDIES.—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A-76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) REVIEW AND APPROVAL PROCESS.—

(1) REVIEW REQUIRED.—Before recommencing any pending study for a public-private competition halted under subsection (a), the Secretary of Defense shall review all the studies halted by reason of that subsection and take the following actions with respect to each such study:

(A) Describe the methodology and data sources along with outside resources to gather and analyze information necessary to estimate cost savings.

(B) Certify that the estimated savings are still achievable.

(C) Document the rationale for rejecting an individual command's request to cancel, defer, or reduce the scope of a decision to conduct the study.

(D) Consider alternatives to the study that would provide savings and improve performance such as internal reorganizations.

(E) Include any other relevant information to justify recommencement of the study.

(2) TERMINATION OF CERTAIN STUDIES.—The Secretary of Defense shall terminate any study for a public-private competition that has been conducted for longer than 18 months (beginning with preliminary planning and ending with the exhaustion of General Accountability Office protests), or submit to Congress a written justification for continuing of the study.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until the Secretary submits to Congress a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).

SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2012, no study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76.

SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 329. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(E) Conversion of a function that is being performed by Federal employees to private sector performance.''.

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

''(i) any official who is responsible for submitting the agency tender in such competition; and''.

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 3557 of title 31, United States Code, is amended—

(A) by inserting ''(a) EXPEDITED ACTION.—'' before ''For any protest''; and

(B) by adding at the end the following new subsection:

''(b) INJURY TO FEDERAL EMPLOYEES.—In the case of a protest filed by an interested party described in subparagraph (B) of section 3551(2) of this title, a showing that a Federal employee has been displaced from performing a function or part thereof, and that function is being performed by the private sector, is sufficient evidence that a conversion has occurred resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) The heading of section 3557 of such title is amended to read as follows:

''§ 3557. Protests of public-private competitions''.

(B) The item relating to section 3557 in the table of sections at the beginning of chapter 35 of such title is amended to read as follows:

''3557. Protests of public-private competitions.''.

(d) DECISIONS ON PROTESTS.—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 or any successor circular;''; and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking '', and (E)'' an inserting '', (E), and (G)''.

(e) APPLICABILITY.—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A-76, or any successor circular; or

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76.

Subtitle D—Energy Security

SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 332. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

(2) The recommendation that the head of each military department develop guidance to implement such requirements.

(3) The recommendation that the Chairman of the Joint Chiefs of Staff require that fuel demand considerations be incorporated into the Joint Staff's initiative to develop joint standards of life support at forward-deployed locations.

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary of Defense shall consider renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, for testing, certification, and use in aviation, maritime, and ground transportation fleets.

(b) REPORT.—Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Secretary's consideration of renewable fuels that includes each of the following:

(1) An assessment of the use of renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

(2) An assessment of whether it would be beneficial to establish a renewable fuel commodity class that is distinct from petroleum-based products.

SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING PROCUREMENT OF RENEWABLE AVIATION FUELS.

(a) Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2922g. Goal regarding procurement of renewable aviation fuels

''It shall be the goal of the Department of Defense—

''(1) for fiscal year 2025, and each subsequent fiscal year, to procure from renewable aviation fuel sources not less than 25 percent of the total quantity of aviation fuel consumed by the Department of Defense in the contiguous United States; and

''(2) to procure fuels from renewable aviation fuel sources whenever the use of such renewable aviation fuels is consistent with the operational energy strategy required by section 139b(d) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2922f the following new item:

''2922g. Goal regarding procurement of renewable aviation fuels.''.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2582(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

''(1) The number of military working dogs procured from domestic breeders by each military department or Defense Agency.

''(2) The number of military working dogs procured from non-domestic breeders by each military department or Defense Agency.

''(3) The total cost of procuring military working dogs from domestic breeders and the total cost of procuring such dogs from non-domestic breeders.

''(4) The total cost of procuring military working dogs for each military department or Defense Agency.''.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.

(a) IN GENERAL.—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on national security objectives or the national security interests contained within the United States commercial air industry.''.

(b) ANNUAL REPORT.—Not later than March 1 of each year for which the paragraph (3) of section 2642(a) of title 10, United States Code, as added by subsection (a), is in effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing, in detail, the Secretary's use of the authority under that paragraph, including—

(1) how the authority was used;

(2) the frequency of use of the authority;

(3) the Secretary's rationale for the use of the authority; and

(4) for which agencies the authority was used.

SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

The Secretary of Defense, in consultation with the Director of the Defense Logistics Agency, shall standardize the design of future ground combat uniforms. The future ground combat uniforms designed pursuant to this section shall be designed to—

(1) increase the interoperability of ground combat forces;

(2) eliminate any uniqueness that could pose a tactical risk in a theater of operations;

(3) maximize conformance with personal protective gear and body armor;

(4) ensure standard coloration and pattern for the uniform;

(5) be appropriate to the terrain, climate, and conditions in which the forces may be operating;

(6) minimize production costs; and

(7) minimize costs to the services for issuing the new standard ground combat uniform.

SEC. 353. RESTRICTION ON USE OF FUNDS FOR COUNTERTHREAT FINANCE EFFORTS.

(a) RESTRICTION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2010, not more than 90 percent may be obligated or expended to support personnel and operations for Department of Defense counterthreat finance efforts, except for activities carried out by Department of Defense personnel and by personnel employed pursuant to a contract entered into by the Secretary of Defense, until the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the congressional defense committees a report on—

(1) the nature and extent of the mission of such counterthreat finance efforts;

(2) the nature and extent of future cost requirements associated with the mission;

(3) the nature and extent of Department of Defense resources required to support the mission;

(4) the nature and extent of support, including personnel and funding support, from other departments and agencies required to execute the mission, including Department of Defense force planning and funding initiatives; and

(5) the nature and extent of both existing and future contractor support necessary to meet the mission requirements of the mission.

(b) COUNTERTHREAT FINANCE EFFORTS DEFINED.—In this section, the term ''counterthreat finance efforts'' has the meaning given that term pursuant to the Department of Defense memorandum dated December 2, 2008, and entitled ''Directive-Type Memorandum 08-034 – DOD Counterthreat Finance Policy'' or any successor memorandum or related guidelines or regulations.

SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2010 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on tactical wheeled vehicles, specifically the high mobility multi-purpose wheeled vehicle, the heavy expanded mobility tactical truck and the family of medium tactical vehicles.

(b) GUIDED MISSILE DESTROYER PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on at least four systems or components of the guided missile destroyer class of surface combatant ships.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

(3) projected return on investment analysis for a 10-year period.

(d) OPEN ARCHITECTURE.—The demonstration programs' design, system integration, and operations shall be conducted with an open architecture designed to—

(1) interface with the extensible markup language industry standard to provide diagnostic and prognostic reasoning for systems, subsystems or components;

(2) facilitate common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(3) support the Department of Defense's Class V interactive electronic technical manual operations.

(e) REPORT.—The Secretary of the Army and the Secretary of the Navy shall submit a report to the congressional defense committees, not later than October 1, 2010, that assesses whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 328,800.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 331,700.''.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2011 AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army active duty end strengths under paragraphs (1) and (2) are—

(A) to support operational missions; and

(B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for those services in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection, the term ''active-duty end strength'' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense determines under subsection (a) that an increase in the Army active duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2010 active duty end strength authorized for the Army under section 401(1).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 69,500.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,417.

(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 2,191.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) ELEMENTS OF REPORT.—At a minimum, the report shall address—

(1) the timelines, cost, force structure changes, and end strength changes associated with each option;

(2) the force structure and end strength changes and growth of the Army National Guard needed to support such an account;

(3) how creation of such an account may affect plans under the Grow the Force initiative; and

(4) the impact of such an account on readiness and training ratings for Army National Guard forces.

(c) SENSE OF CONGRESS REGARDING ARMY NATIONAL GUARD END STRENGTH.—

(1) FINDINGS.—Congress finds the following:

(A) The President's budget for fiscal year 2010 included a 2.82 percent increase in end strength for the Army, but only a 1.59 percent end strength increase for the Army National Guard.

(B) The disproportionate growth in the end strengths of the reserve components is inconsistent with the emphasis placed by the Department of Defense on responding to asymmetric threats at home and abroad.

(2) SENSE OF CONGRESS.—In light of such findings, Congress is concerned about unit readiness and the effect of pre-deployment cross-leveling on the Army National Guard and it is the sense of Congress that an increase in Army National Guard end strength should be considered in the deliberations of the next quadrennial defense review conducted under section 118 of title 10, United States Code.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $135,723,781,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REPEAL.—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4581) is repealed.

(b) EFFECT ON EARLIER TRANSFER.—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

TITLE V—MILITARY PERSONNEL POLICY

amended by striking ''One cadet'' and inserting ''Two cadets''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''One'' and inserting ''Two''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''One cadet'' and inserting ''Two cadets''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to establish at least three Language Training Centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise, as defined by the Secretary of Defense, for members of the Armed Forces, including reserve component members and Reserve Officers' Training Corps candidates, and civilian employees of the Department of Defense.

(b) DURATION.—

(1) TERMINATION DATE.—The Language Training Centers under the pilot program shall be established not later than October 1, 2010, and the authority to support the Language Training Centers under the pilot program shall terminate on September 30, 2015.

(2) EFFECT ON PARTICIPANTS.—Students participating in the pilot program before the termination date specified in paragraph (1) may be allowed to complete their studies under the program after that date.

(c) PILOT PROGRAM REQUIREMENTS.—At a minimum, the Language Training Centers shall—

(1) develop a program to graduate members of the Armed Forces and civilian employees of the Department who are skilled in critical and strategic languages from beginning through advanced skill levels;

(2) develop language proficiency training programs in designated critical and strategic languages tailored to meet operational readiness requirements;

(3) develop alternative training delivery systems and modalities to meet language and regional area requirements, prior to deployment, during deployment, and post-deployment;

(4) develop critical and strategic language programs that can be incorporated into Reserve Officers' Training Corps units to develop language skills among future military officers;

(5) develop training and education programs that would expand the pool of qualified instructors and educators for the Armed Forces; and

(6) develop a program to encourage native and heritage speakers of critical and strategic languages for recruitment into the Department of Defense or support the Civilian Linguist Reserve Corps.

(d) PROGRAM EXPANSION.—The Language Training Centers may partner with elementary and secondary educational institutions to help develop critical and strategic language skills in students who may pursue a military career.

(e) PROGRAM COORDINATION.—The Secretary of Defense shall ensure that the Language Training Centers build upon and take advantage of the experience and leadership of the National Security Education Program and the Defense Language Institute.

(f) EVALUATION.—The Secretary of Defense shall evaluate each Language Training Center in order to assess the cost and the effectiveness of the pilot program, including the following:

(1) The success of the Language Training Center in providing critical and strategic language capabilities to members and Department of Defense employees.

(2) The ability of the Language Training Center to create foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap;

(g) REPORT TO CONGRESS.—Not later than December 31, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of each Language Training Center.

(2) An assessment of the effectiveness and the cost of the pilot program taken to create the foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap.

(3) The success of each Language Training Center to provide critical and strategic language capabilities to members and Department of Defense employees.

(4) Recommendations as to whether the pilot programs should be continued, and any modifications that may be necessary to continue the program.

SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''in the various health professions'' and inserting ''(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces''; and

(3) by adding at the end the following new paragraph:

''(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

''(A) Social work.

''(B) Clinical psychology.

''(C) Psychiatry.

''(D) Other disciplines that contribute to mental health care programs in that military department.''.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking ''The number'' and inserting ''(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number'';

(2) by striking ''6,000'' and inserting ''6,300''; and

(3) by adding at the end the following new subsection:

''(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.''.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.

SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade.

''(2) A unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section, except—

''(A) as provided in paragraph (1) with respect to the grades in which students are enrolled; and

''(B) that the Secretary of the military department concerned may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

Subtitle E—Defense Dependents' Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking '', and only through the 2010-2011 school year''.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.''.

Subtitle F—Missing or Deceased Persons

SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

''§ 1509. Program to resolve preenactment missing person cases

''(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

''(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 624; 10 U.S.C. 1501 note).

''(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

''(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

''(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

''(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

''(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

''(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

''(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means—

''(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

''(B) The Joint POW/MIA Accounting Command (JPAC).

''(C) The Armed Forces DNA Identification Laboratory (AFDIL).

''(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

''(E) The casualty and mortuary affairs offices of the military departments.

''(F) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for, such as the Stony Beach Program.

''(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

''(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

''(A) possesses any information relevant to the status of the person; or

''(B) receives any new information regarding the missing person as provided in subsection (d).

''(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

''(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

''(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

''(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

''(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

''(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

''(3) For purposes of this subsection, new information is information that is credible and that—

''(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

''(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

''(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the combatant commanders.

''(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new section:

''1509. Program to resolve preenactment missing person cases.''.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking ''section 1509(b) of this title who is required by section 1509(a)(1) of this title'' and inserting ''subsection (a) of section 1509 of this title who is required by subsection (b) of such section''.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commanders to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort to ensure that, at a minimum—

(A) 200 missing persons are accounted for under the program annually beginning with fiscal year 2015; and

(B) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.

SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) PROMPT RETURN.—The remains of a deceased member of the Armed Forces shall be recovered from the theater of combat operations and returned to the United States via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the person designated pursuant to section 1482(c) of title 10, United States Code, to direct disposition of the remains of the decedent (in this section referred to as the ''primary next of kin'') dictate otherwise and can reasonably be accommodated by the Department.

(b) MEDIA ACCESS.—

(1) DECISION OF PRIMARY NEXT OF KIN.—The primary next of kin of a deceased member of the Armed Forces shall make the family decision regarding media access at ceremonies for the dignified transfer of the remains of the decedent at Dover Air Force Base. The option to allow media access shall be briefed to the primary next of kin at the time of initial notification or as soon as practicable thereafter. Media access to dignified transfers shall only be permitted with the approval of the primary next of kin. Media contact, filming or recording of family members shall be permitted only if specifically requested by the primary next of kin.

(2) RELATION TO CURRENT DOD CASUALTY INFORMATION POLICY.—Media access approved by the primary next of kin shall waive the Department of Defense policy on 24-hour delay in release of casualty information to the media and general public for that specific case.

(3) MEMBER PREFERENCE.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall provide the primary next of kin and two additional family members of a deceased member of the Armed Forces with travel to, and from,

Dover Air Force Base via Invitational Travel Authorizations to attend the dignified transfer ceremony. The Secretary may include additional family members on a case-by-case basis. At the discretion of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer or family liaison officer may escort and accompany the primary next of kin to the dignified transfer ceremony.

(d) EFFECTIVE DATE.—This section shall take effect one year after the date of the enactment of this Act.

Subtitle G—Decorations and Awards

SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Koho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the distinguished-service cross.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former to former Sergeant First William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle H—Military Families

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''authorized costs'' includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term ''internship'' means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled ''Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed'' (GAO-06-540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION.

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

''SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

''(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember's option, the contract at any time after the date of the servicemember's military orders, as described in subsection (c).

''(b) SPECIAL RULES.—

''(1) A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(2) A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension. The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

''(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—

''(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

''(2) for a change of permanent station to a location that does not support the contract.

''(d) MANNER OF TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

''(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

''(A) by hand delivery;

''(B) by private business carrier;

''(C) by facsimile; or

''(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

''(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

''(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

''(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party's grantee or agent) within 60 days of the effective date of the termination of the contract.

''(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

''(i) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(j) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

''(k) DEFINITIONS.—In this section:

''(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

''(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

''(3) CELLULAR TELEPHONE SERVICE.—The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(4) TELEPHONE EXCHANGE SERVICE.—The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination or suspension of service contracts.''.

(c) VIOLATION OF INTEREST RATE LIMITATION.—Section 207 of such Act is amended—

(1) by amending subsection (e) to read as follows:

''(e) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

''(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

''(B) the creditor fails to act in accordance with subsection (a).'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) RIGHTS OF SERVICEMEMBERS.—

''(1) PRIVATE RIGHT OF ACTION .—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting ''and (f)'' after ''subsection (e)''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE ACT OF 1993 RELATED TO ACTIVE DUTY, SERVICEMEMBERS, AND RELATED MATTERS.

(a) DEFINITION OF COVERED ACTIVE DUTY.—

(1) DEFINITION.—Paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking all that precedes ''under a call'' and inserting the following:

''(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

''(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

''(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country''; and

(B) by striking ''101(a)(13)(B)'' and inserting ''101(a)(13)''.

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)(1)(E), by striking ''active duty'' each place it appears and inserting ''covered active duty''; and

(B) in subsection (e)(3)—

(i) in the paragraph heading, by striking ''ACTIVE DUTY'' and inserting ''COVERED ACTIVE DUTY''; and

(ii) by striking ''active duty'' each place it appears and inserting ''covered active duty''.

(3) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking ''ACTIVE DUTY'' both places it appears and inserting ''COVERED ACTIVE DUTY''.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (16) and inserting the following new paragraph:

''(16) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

''(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.''.

(c) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (16)(B), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces, that manifested itself after the member became a veteran, and that may have rendered the member medically unfit to perform the duties of the member's office, grade, rank, or rating on the date the injury or illness was incurred if the injury or illness had manifested itself on that date.

''(20) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(d) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking ''or parent'' and inserting ''parent, or next of kin (for leave taken under subsection (a)(3))''.

(e) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on the date of the enactment of this Act. Not later than 120 days after such date, the Secretary of Labor shall issue direct final conforming regulations solely to implement such amendments.

Subtitle I—Other Matters

SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

''§ 7541b. Authority to make grants to Naval Sea Cadet Corps

''Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7541a the following new item:

''7541b. Authority to make grants to Naval Sea Cadet Corps.''.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the capacity of each service of the Armed Forces to investigate and adjudicate allegations of sexual assault to determine whether there are any barriers that negatively affect the ability of that service to facilitate the investigation and adjudication of such allegations to the full extent of the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include a review of the following:

(A) The command processes of each of the Armed Forces for handling allegations of sexual assault (including command guidance, standing orders, and related matters), the staff judge advocate structure of each Armed Force for cases of sexual assault, and the personnel and budget resources allocated to handle allegations of sexual assault.

(B) The extent to which command decisions regarding the disposition of cases properly direct cases to the most-appropriate venue for adjudication.

(C) The effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(D) The capacity to investigate and adjudicate sexual assault cases in combat zones.

(E) The recommendations of the Defense Task Force on Sexual Assault in the Military regarding investigation and adjudication of sexual assault.

(b) PREVENTION.—Not later than 180 days after the dates of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a sexual assault prevention program, which shall include, at minimum, the following components:

(1) Action plans for reducing the number of sexual assaults, with timelines for implementation of the plans, development tools, and a comprehensive evaluation process.

(2) A mechanism to measure the effectiveness of the program, to include outcome measurement and metrics.

(3) Training programs for commanders and senior enlisted leaders, including pre-command courses.

(4) The budget necessary to permit full implementation of the program.

(c) SEXUAL ASSAULT FORENSIC EXAMS.—

(1) AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault forensic examinations in combat zones.

(B) The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.

(C) Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-324; 120 Stat. 2279).

(d) MILITARY PROTECTIVE ORDERS.—

(1) COLLECTION OF STATISTICAL INFORMATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall require that sexual assault statistics collected by the Department of Defense include information on whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault. The Secretary shall include such information in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—The Secretary of Defense shall ensure that, when a military protective order is issued to protect a member of the Armed Forces, the member is informed of the right of the member to request a base transfer from the command.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''60 percent of the costs'' and inserting ''75 percent of the costs''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle B—Bonuses and Special and Incentive Pays

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE FOR MEMBERS WITH COMBAT-RELATED CATASTROPHIC INJURIES OR ILLNESSES PENDING THEIR RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability

''(a) COMPENSATION AUTHORIZED.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (2) a special monthly compensation in an amount determined under subsection (b).

''(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member—

''(A) who has a combat-related catastrophic injury or illness; and

''(B) who has been certified by a licensed physician as being in need of assistance from another person to perform the personal functions required in everyday living; and

''(3) The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) may establish additional eligibility criteria in the regulations required by subsection (e).

''(b) AUTHORIZED AMOUNT OF COMPENSATION.—(1) The amount of the special monthly compensation authorized by subsection (a) shall be determined under criteria prescribed in the regulations required by subsection (e), except that the amount may not exceed the amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance.

''(2) In determining the amount of the special monthly compensation to be provided to a member, the Secretary concerned shall consider the extent to which—

''(A) home health care and related services are being provided to the member by the Government; and

''(B) aid and attendance services are being provided by family and friends of the member who may be compensated with funds provided through the special monthly compensation authorized by this section.

''(c) TERMINATION.—The eligibility of a member to receive special monthly compensation under subsection (a) terminates on the earlier of the following:

''(1) The first month following the end of the 90-day period beginning on the date of the separation or retirement of the member.

''(2) The first month beginning after the death of the member.

''(3) The first month beginning after the date on which the member is determined to be no longer afflicted with a catastrophic injury or illness.

''(d) DEFINITIONS.—In this section:

''(1) The term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

''(A) personal or mechanical assistance to leave home or bed; or

''(B) constant supervision to avoid physical harm to self or others.

''(2) The term 'combat-related', with respect to a catastrophic injury or illness, means a wound, injury, or illness for which the member involved was awarded the Purple Heart or that was incurred as described in section 1413a(e)(2) of title 10.

''(e) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.''.

SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

SEC. 604. REPORT ON HOUSING STANDARDS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code; and

(2) such recommended changes to the standards, including an estimate of the cost of each

recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the housing standards are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''AND SPECIAL PAY AMOUNT'' in the subsection heading; and

(B) by striking ''at the rate of $225 for any month'' in the matter preceding paragraph (1) and inserting ''under subsection (b) for any month or portion of a month'';

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

''(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) METHOD OF PAYMENT; PRORATION.—

''(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

''(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

''(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.''.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to months beginning 90 or more days after the date of the enactment of this Act.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' after ''(a)''; and

(4) by adding at the end the following new paragraph:

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting ''that the presence of the designated individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

(2) by adding at the end the following new paragraph:

''(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) In this section, the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence would aid and support the health and welfare of the member during the duration of the member's inpatient treatment.

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section is amended to read as follows:

''(3)(A) Not more than a total of three round trips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who are the designated individuals of a member during that period.

''(B) If the Secretary concerned has waived the limitation in paragraph (1) on the number of designated individuals for a member, then for any 60-day period during which the waiver is in effect, the limitation in subparagraph (A) shall be adjusted accordingly.

''(C) During any period during which there is in effect a non-medical attendant designation for a member, not more than a total of two round trips may be provided under paragraph (1) in any 60-day period at Government expense until a non-medical attendant is no longer designated or that designation transfers to another individual, in which case during the transfer period three round trips may be provided.''.

(e) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended——

(1) in subsection (a), by inserting ''TRAVEL AND TRANSPORTATION AUTHORIZED.—'' after ''(a)'' ;

(2) in subsection (b), by inserting ''DEFINITIONS.—'' after ''(b)'';

(3) in subsection (c)—

(A) by inserting ''ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—'' after ''(c)'' ; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by inserting ''METHOD OF TRANSPORTATION AUTHORIZED.—'' after ''(d)''.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411h and inserting the following new item:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

''(4) ELIGIBLE FAMILY MEMBER.—(A) The term 'eligible family member' means a family member who is on invitational travel orders or serving as a non-medical attendee while caring for a recovering service member for more than 45 days during a one-year period.

''(B) For purposes of subparagraph (A), the term 'family member', with respect to a recovering service member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member. Such term includes a person related to the member as described in clauses (i), (ii), (iii), or (iv) who is also a member of the uniformed services.''.

(h) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

''(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

''(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

''(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

''(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

''(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

''(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

''(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

''(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(4) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(5) An allowance payable under this subsection may be paid in advance.

''(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified

in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

''(2) Subsection (a) does not apply to the purchase, operation, or maintenance of equipment intended to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).''.

SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

''§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

''(a) LIMITATION.—Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

''(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of Defense determines that—

''(1) a private sector vendor is not available to provide the personal information services at specific locations; or

''(2) the interests of the user population would be best served by allowing the Government to provide such services.

''(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

''2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.''.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 653. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifically evaluate the following:

(1) The rationale for and validity of the concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation funds, accruing from the purchase of alcoholic beverages from local distributors on Guam.

(5) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.

(6) The consistency in application of the alcohol resale requirement for nonappropriated fund activities on military installations with regards to Department of Defense Instruction 1330.09 (or any successor to that instruction) and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) CONSULTATION REGARDING DEDUCTION OR REPAYMENT TERMS.—Such paragraph is further amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) In all cases described in subparagraph (A), the Secretary concerned shall consult with the member regarding the repayment rate to be imposed under such subparagraph to recover the indebtedness, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''.

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

''(4)(A) If a member of the uniformed services, while in the line of duty, is injured or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or otherwise incurs a wound, injury, or illness in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

''(i) the member is notified of the overpayment; and

''(ii) the later of the following occurs:

''(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

''(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

''(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.''.

(d) FIVE-YEAR DEADLINE ON SEEKING REPAYMENT.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not deduct from the pay of a member of the uniformed services or otherwise recover, seek to recover, or assist in the recovery from a member or former member any overpayment of pay or allowances made to the member through no fault of the member unless the Secretary notifies the member of the indebtedness before the end of the five-year period beginning on the date on which the overpayment was made. If the notice is not provided before the end of such period, the Secretary concerned shall cancel the indebtedness of the member to the United States.''.

(e) EXPANDED DISCRETION REGARDING REMISSION OR CANCELLATION OF INDEBTEDNESS.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking '', but only

if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(2) NAVAL SERVICE.—Section 6161(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting ''at the same time'' after ''provided''.

SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcoming within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Subtitle B—Reports

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that may be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.''.

SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing such agreements, the Secretary shall—

(1) consult with—

(A) the Secretaries of the military departments;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued or covered by a delayed-effective-date active-duty order or an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

''(A) The earlier of the date that is—

''(i) the date of the issuance of such order; or

''(ii) the date of the issuance of such official notification.

''(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

''(2) In this subsection:

''(A) The term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order

''(B) The term 'official notification' means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member shall receive a delayed-effective-date active-duty order.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to a delayed-effective-date active-duty order or official notification issued on or after the date of the enactment of this Act.

SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2010, the Secretary of Defense shall designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as combat casualty care of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care program, the Center shall—

(1) provide a public-private partnership for funding clinical trials and clinical research in combat injury;

(2) integrate basic and clinical research from both military and civilian populations to accelerate improvements to trauma care;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research strategies and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) point of injury and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of military and civilian institutions conducting trauma research.

(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:

(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term ''success'' and a discussion of the process used to quantify such rates);

(B) the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(D) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the Secretary of Defense considers appropriate.

(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretaries consider relevant.

(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:

(1) American Samoa.

(2) Guam.

(3) The Commonwealth of the Northern Mariana Islands.

(4) The Commonwealth of Puerto Rico.

(5) The Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.

(c) TRICARE PRIME DEFINED.—In this section, the term ''TRICARE Prime'' has the meaning given that term in section 1097a(f)(1) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(b) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental heath care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) FINAL REPORT.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILITARY MENTAL HEALTH PROVIDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(1) An evaluation of the recommendation titled ''Ensure an Adequate Supply of Uniformed Providers'' made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(2) The criteria and models used to determine the appropriate number of military mental health providers.

(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, police, or other security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) A source is from a country along a major route of supply to Afghanistan if it—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on and after the date occurring 18 months after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for an independent assessment of improvements in the procurement and oversight of services by the Department of Defense. The assessment shall be conducted by a federally funded research and development center selected by the Under Secretary.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) A determination of whether effective standards to measure performance have been developed.

(4) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(5) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(6) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(7) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(8) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(9) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 235. Procurement of contract services: specification of amounts requested in budget

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the President, as a part of the defense budget materials for a fiscal year, information described in subsection (b) with respect to the procurement of contract services.

''(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

''(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity;

''(2) the amount requested for each type of service to be provided; and

''(3) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contract services'—

''(A) means services from contractors; but

''(B) excludes services relating to research and development and services relating to military construction.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to the President by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''235. Procurement of contract services: specification of amounts requested in budget''.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ''plan'' the following: ''and a contracts services requirements approval process''.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designating the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process for measuring the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) during the preceding year. Each report shall include, at a minimum, the following:

(1) A description of each information technology program in the demonstration, including goals, funding, and military department or Defense Agency sponsors.

(2) A description of the methods for measuring the effectiveness of the alternative acquisition process for each information technology program in the demonstration.

(3) Identification of any significant systemic or process issues impeding the effectiveness of the alternative acquisition process.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Contractor sustainment support arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A product support integrator function for a covered major system may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

''(2) The term 'covered major system' means a major system for which a sustainment support arrangement is employed.

''(3) The term 'sustainment support arrangement' means a contract, task order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, supply, distribution, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reduced ownership costs and other tasks normally performed as part of the logistics support required for a major system. The term includes any of the following arrangements:

''(A) Contractor performance-based logistics.

''(B) Contractor sustainment support.

''(C) Contractor logistics support.

''(D) Contractor life cycle product support.

''(E) Contractor weapons system product support.

''(3) The term 'major system' means that combination of elements that will function together to produce the capabilities required to fulfill a mission need as defined in section 2302(d) this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 2010.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply—

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term ''contractual action'' includes a task order or delivery order.

SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or a task order or delivery order at any tier issued under such a contract'' and inserting ''a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement'';

(2) by striking in the parenthetical ''or task order or delivery order'' and inserting ''task order, delivery order, grant, or cooperative agreement'';

(3) by striking ''or task or delivery order'' after the parenthetical and inserting ''task order, delivery order, grant, or cooperative agreement''; and

(4) by striking ''14 days'' and inserting ''30 days''.

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

''(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

''(E) a cooperative agreement for the performance of services in such an area of combat operations.''.

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

''(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

''(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

''(B) in the case of a covered contract that is a grant, the grantee; and

''(C) in the case of a covered contract that is a cooperative agreement, the recipient.''.

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking ''$25,000'' and inserting ''$100,000''.

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

''(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).''.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate if the source of funds for the task or delivery order contract concerned is the National Intelligence Program or the Military Intelligence Program.

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by inserting ''at any level, including subcontracts at any tier,'' in the second sentence after ''any procurement or nonprocurement activity''.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking ''2010'' and inserting ''2012''.

SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM.

(a) MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) In the case of a Department of Defense acquisition program that, by reason of paragraph (2) of section 2445a(a) of this title, is a major automated information system program under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major defense acquisition program under this chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program.''.

(b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445a(a) of such title is amended by inserting ''that is not a highly sensitive classified program (as determined by the Secretary of Defense)'' after ''(either as a product or service)''.

SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (c) to read as follows:

''(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term 'small arms production industrial base' means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(6) Pistols.''.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish the justification required by paragraph (f) of subpart 7.107 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) 30 days prior to the release of a solicitation for such acquisition.

(b) COVERED ACQUISITION DEFINED.—In this section, the term ''covered acquisition'' means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—(1) Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the justification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or executive order.

(3) Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract option for—

(1) the provision of advanced component development and prototype of technology developed in the initial underlying contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the initial competed research contract.

(b) DELIVERY.—A contract option as described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items. Such contract option may have a value only up to three times the value of the base contract ceiling and any subsequent development or procurement must be subject to the terms of section 2304 of title 10, United States Code.

(c) TERM.—A contract option as described in subsection (a)(1) shall be for a term of not more than 12 months.

(d) USE OF AUTHORITY.—Each military department may use the authority provided in subsection (a) to exercise a contract option described in that subsection up to four times a year, and the Secretary of Defense may approve up to an additional four total options a year for projects supported by agencies of the Department of Defense, until September 30, 2014.

(e) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2014. The report shall, at a minimum, describe—

(1) the number of times the contract options were exercised under such authority and the scope of each such option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority increased competition and improved technology transition; and

(4) any recommendations regarding the modification or extension of such authority.

Subtitle C—Other Matters

SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Section 1705(h)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category positions'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly''.

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND AMENDMENTS.

(a) REVISIONS TO CREDITS TO FUND.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—

(A) in the first sentence, by striking ''the third fiscal year quarter'' and all that follows through ''thereafter'' and inserting ''each fiscal year''; and

(B) by striking ''quarter'' before ''for services''.

(2) AUTHORITY TO SUSPEND REMITTANCE REQUIREMENT.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

''(E) The Secretary of Defense may suspend the requirement to remit amounts under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).''.

(b) REVISION TO EMPLOYEES COVERED BY PROHIBITION OF PAYMENT OF BASE SALARY.—Paragraph (5) of section 1705(e) of such title is amended by striking ''who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''who, as of January 28, 2008, was an employee of the Department serving in a position in the acquisition workforce''.

(c) TECHNICAL AMENDMENTS.—Section 1705 of such title is further amended—

(1) in subsection (a), by inserting ''Development'' after ''Workforce''; and

(2) in subsection (f), by striking ''beginning with fiscal year 2008'' in the matter preceding paragraph (1).

SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking '', initial operational capability, and full operational capability'' and inserting ''and full deployment decision''.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking ''initial operational capability'' and inserting ''a full deployment decision''.

SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO DENY AWARD AND INCENTIVE FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) REQUIREMENT TO DENY AWARD AND INCENTIVE FEES.—

(1) PRIME CONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any defense contractor—

(A) that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(B) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of the subcontract to have caused serious injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(2) SUBCONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any subcontractor under a covered contract that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel.

(b) DETERMINATION OF DEBARMENT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor should be debarred from contracting with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) WAIVER.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) DEFINITIONS.—In this section:

(1) The term ''defense contractor'' means a company awarded a covered contract.

(2) The term ''covered contract'' means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term ''serious bodily injury'' means a grievous physical harm that results in a permanent disability.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract in the year in which the serious bodily injury or death resulting in a disposition listed in subsection (c) occurred; and

(3) mechanisms for recovery by or repayment to the Government of award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(g) EFFECTIVE DATE.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$85,000,000'' for ''$50,000,000''.

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement integrity, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

''(b) HERALDIC QUALITY CONTROL.—No certificate of authority (contained in part 507 of title 32, Code of Federal Regulations) for the manufacture and sale of any item reference in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are from domestic material manufactured in the United States.

''(c) EXCEPTION.—Subsections (a) and (b) do not apply to the extent that the Secretary of Defense determines that a satisfactory quality and sufficient quantity of an item covered by subsection (a) and produced in the United States cannot be procured at a reasonable cost.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is

amended by adding at the end the following new item:

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

(c) CONFORMING AMENDMENT.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.''.

SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) FINDINGS.—Regarding the availability of rare earth materials and components containing rare earth materials in the defense supply chain Congress finds—

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533b of title 10, United States Code, to support the defense supply-chain, particularly when many of those materials are supplied by primary producers in unreliable foreign nations;

(2) many less common metals, including rare earths and thorium, are critical to modern technologies, including numerous defense critical technologies and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should recommend a strategy to the President to ensure the domestic availability of these materials; and

(3) there is a need to identify the strategic value placed on rare earth materials by foreign nations (including China), and the Department of Defense's supply-chain vulnerability related to rare earths and end items containing rare earths.

(b) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (b) shall be to determine the availability of rare earth materials, including ores, semi-finished rare earth products, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems. The following items shall be considered:

(1) An analysis of past procurements and attempted procurements by foreign governments or government- controlled entities, including mines and mineral rights, of rare-earth resources outside such nation's territorial boundaries.

(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, including current and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the export market.

(3) A determination as to which defense systems are currently dependent on rare earths supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term ''rare earth'' means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

SEC. 829. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

''(5)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management policy and plans as such policy and plans relate to the following:

''(i) Accessions, assignments, and command selection for special operations forces.

''(ii) Compensation, promotions, retention, professional development, and training of members of special operations forces.

''(iii) Readiness as it relates to manning guidance and priority of fill for units of the special operations forces.

''(B) The coordination required by subparagraph (A) shall be conducted in such a manner so as not to interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.''.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(j) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

''(1) Special reconnaissance.

''(2) Unconventional warfare.

''(3) Foreign internal defense.

''(4) Civil affairs operations.

''(5) Counterterrorism.

''(6) Psychological operations.

''(7) Information operations.

''(8) Counter proliferation of weapons of mass destruction.

''(9) Security force assistance.

''(10) Counterinsurgency operations.

''(11) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

''§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

''(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

''(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

''(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

''(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

''(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

''2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.''.

SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term ''senior position'' means a position fill by a member of the senior executive service or a position on the Executive Schedule established pursuant to title 5, United States Code.

(2) SENIOR PERSONNEL.—The term ''senior personnel'' means personnel who are members of the senior executive service or who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (2) of section 139b(c) of title 10, United States Code, is amended to read as follows:

''(2) The Director shall report directly to the Secretary of Defense.''.

SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$15,000'' and inserting ''the investment unit cost threshold in effect under section 2245a of this title''.

(b) COORDINATION WITH SECRETARY OF STATE.—Paragraph (6) of section 166a(b) of such title is amended by inserting after ''assistance,'' the following: ''in coordination with the Secretary of State,''.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term ''covered action'' means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JOINT CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''After first''; and

(2) by adding at the end the following new paragraph:

''(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to Congress on a particular matter when Congress requests such advice.''.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) REQUIREMENTS.—Paragraph (2) of section 2272(a) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.''.

(2) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

''(5) The Secretary of Defense shall annually submit the strategy developed under paragraph (1) to the congressional defense committees on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.''.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the heading, by striking ''PILOT''; and

(B) by striking ''a pilot program to determine the feasibility and desirability of providing'' and inserting ''a program to provide'';

(3) in subsection (b) in the matter preceding paragraph (1), by striking ''such a pilot program'' and inserting ''the program'';

(4) in subsection (c) in the matter preceding paragraph (1), by striking ''pilot'';

(5) in subsection (d) in the matter preceding paragraph (1), by striking ''pilot'';

(6) in subsection (h), by striking ''pilot''; and

(7) by striking subsection (i).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and technologies, for the military departments, the Defense Agencies, and the combatant commands.

(b) DIRECTOR.—The Joint Program Office for Cyber Operations Capabilities (in this section referred to as the ''JPO–COC'') shall be headed by a Director, who shall be appointed by the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Under Secretary of Defense for Intelligence, and the commander of United States Strategic Command. The Director shall be selected from among individuals with significant technical and management expertise in information technology system development, and shall serve for three years.

(c) SUPERVISION.—The Director shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Assistant Secretary of Defense for Networks and Information Integration may provide policy guidance to the Director on issues within the Director's areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO-COC shall be responsible for the following:

(1) Coordinating cyber operations capabilities, both offensive and defensive, between the military departments, Defense Agencies, and combatant commands in order to identify and prioritize joint capability gaps.

(2) Developing advanced, leap-ahead capabilities to address joint capability gaps.

(3) Establishing a nation level, joint, interagency cyber exercise, similar to the exercise known as Eligible Receiver, that would occur at least biennially, and, to the extent possible, that would include participants from industry, critical infrastructure sector providers, international militaries, and non-governmental organizations.

(4) Such other responsibilities as the Under Secretary determines are appropriate.

(e) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on all of the activities of the JPO-COC during the preceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System Transition Council (in this section referred to as the ''Council'') to provide advice to the Secretary of Defense and the Secretaries of the military departments on implementing the defense integrated military human resources system (in this section referred to as the ''DIMHRS'') throughout the Department of Defense, including within each military department.

(b) COMPOSITION.—The Council shall include the following members:

(1) The Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral.

(4) One civilian employee of the National Guard Bureau who occupies a position of responsibility and receives compensation comparable to a lieutenant general or vice admiral.

(5) Such other individuals as may be designated by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet not less than once a quarter, or more often as specified by the Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure interoperability between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2014, the Council shall submit to the congressional defense committees an annual report on the progress of DIMHRS transition.

(2) The report shall include descriptions of the following:

(A) The status of implementation of DIMHRS among the military departments.

(B) A description of the testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities developed by the military departments to extend DIMHRS to the departments.

(C) Plans for the decommissioning of human resources systems within the Department of Defense and military department that are being replaced by DIMHRS, including—

(i) systems to be phased out; and

(ii) plans for the remaining legacy systems to be phased out.

(D) Funding and resources from the military departments devoted to the development of department-specific plans to augment and extend the DIMHRS within each department.

SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—

(1) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2169. School of Nursing

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a School of Nursing, not later than July 1, 2011. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2013, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2169. School of Nursing.''.

(b) CONFORMING AMENDMENTS.—Section 2117 of title 10, United States Code, and the item relating to such section in the table of chapters at the beginning of chapter 104 of such title, are repealed.

SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—The commander of the special operations command shall prepare a

report, in accordance with this section, on the organization, manning, and management of the command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that special operations command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army special operations command.

(6) A plan to sustain the cultural engagement group of special operations command central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for special operations command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.

(c) REPORT.—The report required by subsection (a) shall be submitted not later than March 15, 2010, to the congressional defense committees.

SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term ''cyber operations personnel'' refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Subtitle C—Miscellaneous Authorities and Limitations

Subtitle D—Studies and Reports

Subtitle E—Other Matters

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATIONS.—Except as provided in paragraphs (3) and (4), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(4) EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.—A transfer of funds from the Office of the Secretary of Defense for the support of the Department of Defense Health Information Management and Information Technology systems shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE AUTHORIZED BY LAW.—Wherever a funding table in the report of the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 2647 of the 111th Congress specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of this Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the report referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the report referred to in subsection (a) shall supersede the requirements of this section.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE COUNTER-DRUG AUTHORITIES AND REQUIREMENTS.

(a) REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.—Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''April 15, 2006'' and all that follows through ''February 15, 2009'' and inserting ''February 15, 2010''.

(b) UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c), by striking ''2009'' and inserting ''2010''.

(c) SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term ''border coordination center'' means multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) IN GENERAL.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, that have been substantially modified for testing with the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating innovation in research and development to improve equipment or system capability, the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, shall develop and prescribe guidance to enable an expedited process for the documentation and approval of deviations from standardized operating instructions and procedures for systems and equipment that have been substantially modified for the purpose of research, development, or testing. The guidance shall—

(1) provide for appropriate consideration of the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of liability to the United States;

(3) provide full and fair opportunity for all contractors, including non-traditional defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating envelope, environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any modifications made to the system or equipment; and

(4) ensure that documentation and approval of such deviations—

(A) can be accomplished in a transparent, cost-effective, and expeditious manner, generally within the period of performance of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype by a contractor, and the conduct of test and evaluation of such system by the contractor; and

(C) identify the scope of test and evaluation to be conducted under such deviation, the responsibilities of the parties conducting the test and evaluation, including the assumption of liability, and the responsibility for disposal of the experimental military prototype or, as appropriate, the return of a major system to its original condition.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of each military department shall submit to the congressional defense committees a report documenting the guidance developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) ONE TIME AUTHORITY TO CONVEY.—

(1) IN GENERAL.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift

(2) CONDITIONS.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current, ''as is'' condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(C) The conveyance shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(D) The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, except that such terms and conditions shall include, at a minimum—

(i) a provision stipulating that the conveyance of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (VTDP) technology and that all items referenced in paragraph (1) will transfer back to the United States Navy, at no cost to the United States, in the event that the X-49A aircraft is utilized for any other purpose; and

(ii) a provision providing the Government the right to procure the vectored thrust ducted propeller (VTDP) technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (hereinafter in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The provision of NRO participation in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

Subtitle D—Studies and Reports

SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of subsection (d) of section 118 of title 10, United States Code.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELATING TO QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a strategy process that necessarily produces budget plans; however, budget pressures should not determine or limit its outcomes.

(b) RELATIONSHIP OF QDR TO BUDGET.—Section 118(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The existence of the quadrennial defense review does not exempt the President or the Department of Defense from fulfilling its annual legal obligations to submit to Congress a budget and all legally required supporting documentation.''.

SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR UNITED STATES EUROPEAN COMMAND.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater, containing a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to United States European Command would have on the matters described in paragraphs (1) through (4).

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) UNIT.—The term ''unit'' has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1035. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—

(1) The Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(2) If the Secretary of Defense has not made the Secretary's appointments to the Panel under subsection (b)(5) by the date of the first meeting pursuant to paragraph (1), the Panel shall convene with the remaining members.

(g) REPORTS.—

(1) Not later than April 15, 2010, the Panel shall submit an interim report on its findings to the congressional defense committees and to the Secretary of Defense.

(2) Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(3) Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the committees referred to in paragraph (2) the Secretary's comments on the Panel's final report under that paragraph.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for fiscal year 2011, and for each subsequent fiscal year, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the Department of Defense's electronic warfare strategy;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for each program or project and, if such requirements exist, the date on which the requirements were validated and by which organizational authority;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, to include the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program or project's current program baseline and the original program baseline if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) what capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) for each classified program or project on the list required by paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2010 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1)

and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle E—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

''§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

''Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.''.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2010''.

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

''§ 1567. Duration of military protective orders''.

(2) The heading of section 1567a is amended to read as follows:

''§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement''.

(3) Section 2306c(h) is amended by striking ''section 2801(c)(2)'' and inserting ''section 2801(c)(4)''.

(4) Section 2667(g)(1) is amended by striking ''Secretary concerned concerned'' and inserting ''Secretary concerned''.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking ''Secretary'' and inserting ''Secretary of Defense''.

(2) Section 523(1) (122 Stat. 4446) is amended by striking ''serving or'' and inserting ''serving in or''.

(3) Section 616 (122 Stat. 4486) is amended by striking ''of title'' in subsections (b) and (c) and inserting ''of such title''.

(4) Section 732(2) (122 Stat. 4511) is amended by striking ''year.'' and inserting ''year''.

(5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524) is amended by striking ''after of 'the program'' and inserting ''after 'of the program' ''.

(6) Section 813(d)(3) (122 Stat. 4527) is amended by striking ''each of subsections (c)(2)(A) and (d)(2)'' and inserting ''subsection (c)(2)(A)''.

(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after ''thereof''.

(8) Section 834(a)(2) (122 Stat. 4537) is amended by inserting ''subchapter II of'' before ''chapter 87''.

(9) Section 845(a) (122 Stat. 4541) is amended—

(A) in paragraph (1), by striking ''Subchapter I'' and inserting ''Subchapter II''; and

(B) in paragraph (2), by striking ''subchapter I'' and inserting ''subchapter II''.

(10) Section 855 (122 Stat. 4545) is repealed.

(11) Section 921(1) (122 Stat. 4573) is amended by striking ''subsections (f) and (g) as subsections (g) and (h)'' and inserting ''subsections (f), (g), and (h) as subsections (g), (h), and (i)''.

(12) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking ''Section 201(e)(2)'' and inserting ''Section 201(f)(2)(E)''; and

(B) by striking ''(6 U.S.C. 121(e)(2))'' and inserting ''(6 U.S.C. 121(f)(2)(E))''.

(13) Section 932 (122 Stat. 4576) is repealed.

(14) Section 1033(b) (122 Stat. 4593) is amended by striking ''chapter 941'' and inserting ''chapter 931''.

(15) Section 1059 (122 Stat. 4611) is amended by striking ''Act of'' and inserting ''Act for''.

(16) Section 1061(b)(3) (122 Stat. 4613) is amended by striking ''103'' and inserting ''188''.

(17) Section 1109 (122 Stat. 4618) is amended in subsection (e)(1) of the matter proposed to be added by striking ''the date of the enactment of this Act'' and inserting ''October 14, 2008,''.

(18) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking ''section 2401'' and inserting ''section 2101''.

(19) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

''(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.''.

(20) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: '', and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)''.

SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 1081.

SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking ''June 1, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

''(1) A review of—

''(A) the nuclear posture review required by section 1070 of this Act; and

''(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

''(2) A review of legislative actions taken by the 111th Congress.''.

SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat.

2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(3) REQUIREMENTS TO CONTINUE FUNDING.—

(A) Of the funds authorized to be appropriated in title III of this Act for operations and maintenance for the Air Force, at least $344,600,000 shall be expended for continued operation and maintenance of the 249 fighter aircraft scheduled for retirement in fiscal year 2010 pursuant to such restructuring plan.

(B) Of the funds authorized to be appropriated in title I of this Act for procurement for the Air Force, at least $10,500,000 shall be available for obligation to provide for any modifications necessary to sustain the 249 fighter aircraft.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California's 10th Congressional district, which is located in the East Bay Area of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.

(2) Representative Tauscher also represents two of the Nation's defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Parks Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1989 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(8) During her tenure, she has introduced legislation to increase and expand the Nation's nonproliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation's troops with the support and equipment they deserve.

(9) In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services subcommittee.

(10) Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(11) Representative Tauscher is currently serving her second term as the Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Capabilities Subcommittee of the Defense and Security Committee of NATO's Parliamentary Assembly.

(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Ellen O. Tauscher, Representative from California, has served the House of Representatives and the American people selflessly and with distinction, and that she deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1049. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR-1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as ''NR-1'') was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR-1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut throughout her entire service life.

(3) NR-1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR-1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR-1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR-1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) NR-1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Museum and Library in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Museum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON THE DISPOSITION OF DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

The Secretary of Defense shall comply with the requirements of section 1023(b) of this Act, regarding the transfer or release of the individuals detained at Naval Station, Guantanamo Bay, Cuba.

SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) The requirement of section 5062(b) of title 10, United States Code, for the Navy to maintain not less than 11 operational aircraft carriers, means that the naval combat forces of the Navy also include not less than 10 carrier air wings.

(2) The Department of the Navy currently requires a carrier air wing to include not less than 44 strike fighter aircraft.

(3) In spite of the potential warfighting benefits that may result in the deployment of fifth-generation strike fighter aircraft, for the foreseeable future the majority of the strike fighter aircraft assigned to a carrier air wing will not be fifth-generation assets.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the naval combat forces of the Navy should include not less than 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of, in addition to any other aircraft, not less than 44 strike fighter aircraft; and

(2) the Secretary of the Navy should take all appropriate actions necessary to make resources available in order to include such number of strike fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE FINANCIAL IMPROVEMENT AND AUDIT READINESS; PLAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the Government's assets, estimated at $4.6 trillion.

(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management government-wide and to achieve an opinion on the Federal Government's consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101–576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104–208; 31 U.S.C. 3512 note) have required published financial statement audits, reporting by auditors regarding whether the Department's financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only ''. . . the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Department has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the reliability of reported financial statement information.''

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 80 percent of liabilities would be ''clean'' by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107–204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is no longer excusable to allow poor business systems, a deficiency of resource allocation, or a lack of commitment from senior Department of Defense leadership to foster waste or non-accountability to the United States taxpayer. It is the further sense of Congress that the Secretary of Defense has not made compliance with financial management and audit readiness standards a top priority and should require, through the Chief Management Officer of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(c) PLAN.—In the next update of the Financial Improvement and Audit Readiness Plan, following the date of the enactment of this Act, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also identify a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) At the request of President George W. Bush, Congress permitted the President to waive applicable provisions of the National Defense Authorization Act for Fiscal Year 2008 with respect to judicially cognizable claims of American victims of torture and hostage taking by the Government of Iraq.

(2) In return, however, Congress requested the executive branch to resolve these claims through negotiations with Iraq.

(3) After considerable delay, officials of the Department of State have informed Members of Congress that these negotiations are underway.

(4) Congress appreciates the start of the negotiations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of these claims.

(6) In the interest of assisting the new democratic government of Iraq, H.R. 5167 offers a considerable compromise to all parties involved by waiving all punitive damages awarded by the courts in these cases, as well as approximately two-thirds of compensatory damages awarded by the courts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that as the negotiations to resolve the claims of American victims of torture and hostage taking by the Government of Iraq that are referred to in subsection (a)(1) proceed, Congress continues to view the provisions of H.R.5167 of the 110th Congress as representing a fair compromise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is repealed.

(b) BIENNIAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department, such element, or such Federal agency or office; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) TECHNICAL AMENDMENT.—Section 808 of such Act (50 U.S.C. 1908) is amended by adding at the end the following new paragraph:

''(6) The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ''Except as provided in subsection (d), the'' in the second sentence and inserting ''The''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking ''the authorities provided in such chapter'' and inserting ''the other authorities provided in this chapter''.

(d) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (g).

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

''(1) PERSONNEL.—

''(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(B) ADDITIONAL AUTHORITIES.—

''(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).''.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417;122 Stat. 4616), is amended by inserting ''Pakistan or'' after ''is on official duty in''.

SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting '', excluding paragraph (3).''.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Annual strategic workforce plan

''(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

''(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

''(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

''(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

''(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

''(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified in paragraph (1);

''(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

''(E) any changes in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

''(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

''(4) Any additional matters the Secretary of Defense considers necessary to address.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense, including the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2).

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall specifically address—

''(A) the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(B) a plan for funding needed improvements in the military and civilian workforce of the Department, including—

''(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

''(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Annual strategic workforce plan.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 201, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in paragraph (1) of subsection (b), by striking ''requirements of—'' and all that follows through the end of subparagraph (C) and inserting ''the requirements of section 115b of this title; or'';

(2) in paragraph (2) of subsection (b), by striking ''purposes described in paragraphs (1) through (4) of subsection (c).'' and inserting the following:

''any of the following purposes:

''(A) Performance of inherently governmental functions.

''(B) Performance of work pursuant to section 2463 of title 10, United States Code.

''(C) Ability to maintain sufficient organic expertise and technical capability.

''(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.''; and

(3) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

''(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.''

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting ''defense'' before ''manpower requirements report.''

(B)(i) The heading of such section is amended to read as follows:

''§ 115. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) ADDITIONAL SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

(1) DESIGNATION.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721):

(A) The Tank and Automotive Research Development and Engineering Center.

(B) The Armament Research Development and Engineering Center.

(C) The Naval Air Warfare Center, Weapons Division.

(D) The Naval Air Warfare Center, Aircraft Division.

(E) The Space and Naval Warfare Systems Center, Pacific.

(F) The Space and Naval Warfare Systems Center, Atlantic.

(2) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each facility identified in paragraph (1) from their current personnel system to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this paragraph—

(A) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(B) shall be consistent with the terms of any collective bargaining agreement which might apply; and

(C) shall be completed within 18 months after the date of the enactment of this Act.

(b) EXCLUSION FROM NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) IN GENERAL.—Section 9902(c)(2) of title 5, United States Code, is amended—

(A) in subparagraph (I), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the Tank and Automotive Research Development and Engineering Center;

''(L) the Armament Research Development and Engineering Center;

''(M) the Naval Air Warfare Center, Weapons Division;

''(N) the Naval Air Warfare Center, Aircraft Division;

''(O) the Space and Naval Warfare Systems Center, Pacific; and

''(P) the Space and Naval Warfare Systems Center, Atlantic.''.

(2) EXTENSION OF PERIOD OF EXCLUSION.—Section 9902(c)(1) of title 5, United States Code, is amended by striking ''2011'' each place it appears and inserting ''2014''.

SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for

the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section as of any given time.

(g) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned; and

(3) a description of the tasks they performed while they were so assigned.

(h) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (f); and

(B) the reporting requirement under subsection (g).

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''National Security Personnel System'' or ''NSPS'' refers to a human resources management system established under authority of chapter 99 of title 5, United States Code; and

(2) the term ''statutory pay sytem'' means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates);

(B) subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems); or

(C) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(c) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the System should be continued with or without changes; and

(B) if, in the opinion of the Secretary, the System should be continued with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

(d) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Section 9902(e)(7) of title 5, United States Code, is amended by striking ''no less than 60 percent'' and all that follows and inserting ''the full amount of such adjustment.''.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the

DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FEDERAL EMPLOYEES SERVICE AT JOINT BASE MCGUIRE/DIX/LAKEHURST.

It is the sense of Congress that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) MODIFICATION.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1207(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking ''(b) LIMITATION.—'' and all that follows through ''the aggregate value'' and inserting ''(b) LIMITATION.—The aggregate value'';

(2) by striking ''$100,000,000'' and inserting ''$25,000,000''; and

(3) by striking paragraph (2).

(b) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''$35,000,000'' and inserting ''$50,000,000''.

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking ''180 days after the date of the enactment of this Act'' and inserting ''February 1 of each year''; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking ''and'' at the end; and

(B) by adding at the end the following new subparagraph:

''(I) subsection (b)(6) of section 166a of title 10, United States Code; and''.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military

forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4360), is further amended—

(1) in the heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010''; and

(2) in the matter preceding paragraph (1)—

(A) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''; and

(B) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,300,000,000 in fiscal year 2010''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking ''fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''.

SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the appropriate congressional committees not less than 15 days before making any reimbursement under the authority in subsection (a). In the case of any reimbursement to Pakistan under the authority in subsection (a), such notification shall be made in accordance with the notification requirements under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392).

(e) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

(f) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(a) AMOUNTS IN FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the ''Fund'') shall consist of the following:

(1) Amounts appropriated to the Fund for fiscal year 2009.

(2) Amounts transferred to the Fund pursuant to subsection (d).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the security forces of Pakistan (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to improve the counterinsurgency capability of Pakistan's security forces (including Pakistan's military, Frontier Corps, and other security forces), and of which not more than $2,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistan's security forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1215 of this Act (relating to the program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Amounts in the Fund may not be obligated or transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed obligation or transfer.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1),

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article''—

(A) includes—

(i) any weapon, including a small arm (as defined in paragraph (3)), weapons system, munition, aircraft, vessel, boat or other implement of war;

(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(iii) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

(iv) any component or part of any article listed in this paragraph; but

(B) does not include merchant vessels or, as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(2) DEFENSE SERVICE.—The term ''defense service'' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961.

(3) SMALL ARM.—The term ''small arm'' means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term ''specified congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 90 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5-0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist allies and preventing the establishment of safe havens in Afghanistan for al Qa'ida and its affiliated networks and extremist allies.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess progress in the following areas:

(1) Ending the ability of the Taliban, al Qa'ida, and other anti-government elements—

(A) to establish control over the population of Afghanistan or regions of Afghanistan;

(B) to establish safe havens in Afghanistan; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional governance.

(3) Spreading the rule of law.

(4) Improving the legal economy of Afghanistan.

(5) Other areas the President determines to be important.

(c) REQUIREMENT TO DEVELOP GOALS AND TIMELINES.—For each area required to be assessed under subsection (b), the President, in consultation with the Government of Afghanistan and the governments of other countries the President determines to be necessary, shall establish goals for each area and timelines for meeting such goals.

(d) METRICS.—The President shall develop metrics that allows for the accurate and thorough assessment of progress toward each goal and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment of—

(i) the progress of the government and people of Afghanistan, with the assistance of the international community, in each area required to be assessed under subsection (b); and

(ii) the effectiveness of United States efforts to assist the government and people of Afghanistan to make progress in each area required to be assessed under subsection (b).

(B) A description of the goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program (in this section referred to as the ''program'').

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

(A) An evaluation of the changes in security conditions in the initial pilot districts from the program's inception to the date of the report.

(B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

(C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

(D) An assessment of the views of the local communities, to include both Afghan national, provincial, and district governmental officials and leaders of the local communities, of the successes and failures of the program.

(E) Any formal reviews of the program that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(G) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(H) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under the program.

(I) Any other criteria used to evaluate the program in the initial pilot districts by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to train forces under the program.

(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) The Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is

amended by adding at the end the following new sentence: ''Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).''.

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN AS COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a noncombatant Afghan resident;

(B) compensation for the injury of a noncombatant Afghan resident;

(C) compensation for property damage caused during combat operations or noncombat operations; and

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(c) SCOPE OF REPORT.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward long-term security and stability in Pakistan.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) REQUIREMENT TO DEVELOP GOALS AND OBJECTIVES AND TIMELINES.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other countries the President determines to be necessary, shall establish goals and objectives and timelines for meeting such goals and objectives.

(d) REQUIREMENT TO DEVELOP METRICS.—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: ''Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.''.

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECIFIED DEFENSE ITEMS IN IRAQ.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan to govern the disposition of specified defense items in Iraq.

(b) ELEMENTS OF PLAN.—The plan required under subsection (a) shall, at a minimum, address the following elements:

(1) The identification of an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq.

(2) A mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors.

(3) A mechanism for soliciting input regarding potential requirements for specified defense items in Iraq. Such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to reset the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant commands;

(D) use to refill prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan; and

(F) use by other Federal departments and agencies or political subdivisions of the United States.

(4) A mechanism for identifying specified defense items in Iraq that are not economically viable to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition of those items.

(5) A mechanism for ensuring that the views and inputs, as may be required by law, of other Federal departments and agencies are taken into account.

(c) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report outlining the plan required under subsection (a) and including the elements required under subsection (b). The report shall further include an assessment of current authorities for the disposition of equipment and recommendations about changes to such authorities that the Secretary determines to be necessary. The report required under this subsection shall be submitted not later than the date of submission to Congress of the President's budget for fiscal year 2011 pursuant to section 1105(a) of title 31, United States Code.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than 60 days after the date of submission of the report required under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan required under subsection (a) and the recommendations of the Secretary of Defense contained in the report required under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term ''specified defense items in Iraq'' includes major end items and tactical equipment items owned by the Department of Defense that are present in Iraq as of the date of enactment of this Act and are no longer required to support United States military operations in Iraq.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.

(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to provide advice and training under subsection (a).

(c) LIMITATION.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates at the close of September 30, 2010.

SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Armed Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institution capacity building programs.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR AFGHANISTAN.

It is the sense of Congress that—

(1) Afghanistan is a central front in the global struggle against al Qa'ida and its affiliated networks;

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for transnational terrorists;

(3) the President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is rightly focused on disrupting, dismantling, and defeating al Qa'ida and its affiliated networks and their safe havens;

(4) the implementation of the President's strategy requires a long-term, integrated civilian-military counterinsurgency strategy and a sustained, substantial commitment of military resources to Afghanistan;

(5) as part of such an effort, the President should continue to provide United States military commanders with the forces requested to conduct combat operations and to train and mentor Afghan security forces; and

(6) in support of the President's strategy, Congress should ensure that United States military commanders in Afghanistan have the necessary funding and resources to succeed.

SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—At the request of the Commander of United States Forces for Afghanistan (USFOR-A), the Secretary of Defense shall enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide analysis and support to the commander to assist with analyzing the required force levels and types of forces needed to secure the southern and eastern regions of Afghanistan in an effort to provide a space for the government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—Of the amount authorized to be appropriated for Defense-wide operation and maintenance in section 301(5), $3,000,000 may be used to carry out subsection (a).

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as ''NATO'') operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the ''NSCC'') to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1232. ANNUAL REPORT ON MILITARY POWER OF THE ISLAMIC REPUBLIC OF IRAN.

(a) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on Iran's Army, Air Force, Navy and the Iranian Revolutionary Guard Corps, and the tenets and probable development of Iran's grand strategy, security strategy, and military strategy, and of military organizations and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include at least the following elements:

(1) As assessment of Iranian grand strategy, security strategy, and military strategy, including the following:

(A) The goals of Iran's grand strategy, security strategy, and military strategy.

(B) Trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of Iran's conventional forces, including the following:

(A) The size, location, and capabilities of Iran's conventional forces.

(B) A detailed analysis of Iran's forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of Iran's unconventional forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran's strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran's strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funding expended by Iran on programs to develop a capability to build nuclear weapons or to enhance Iran's strategic missile capability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(3) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(4) IRAN'S STRATEGIC MISSILE FORCES.—The term ''Iran's strategic missile forces'' means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking ''on the current and future military strategy of the People's Republic of China'' and inserting ''on military and security developments involving the People's Republic of China'';

(2) in the second sentence—

(A) by striking ''on the People's Liberation Army'' and inserting ''of the People's Liberation Army''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy''; and

(3) by adding at the end the following new sentence: ''The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.''.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking ''goals of'' inserting ''goals and factors shaping''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy'';

(2) by amending paragraph (2) to read as follows:

''(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).'';

(3) in paragraph (6)—

(A) by inserting ''and training'' after ''military doctrine''; and

(B) by striking '', focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes''; and

(4) by adding at the end the following new paragraphs:

''(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

''(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

''(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

''(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.''.

(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**MILITARY POWER OF**'' and inserting ''**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**''.

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) A copy of any statement of impact on readiness or statement of impact on operations and maintenance that any military service furnished as part of the process of developing a drawdown package in the preceding year.

(7) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term ''drawdown'' means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term ''drawdown authority'' means an authority under—

(A) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(B) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(C) any other substantially similar provision of law.

SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for

removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT TO JAPAN.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the F-22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) should detail—

(1) the cost of developing an exportable version of the F-22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and the timeline for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F-22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F-22A fighter aircraft to Japan.

SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) EXPANSION AUTHORIZED.—In conjunction with the Government of the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–329), to include the exchange of data on missile defense-related activities.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint data exchange center.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated pursuant to section 201(1) for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, non-governmental organization, or individual) that the Secretary of Defense considers appropriate, under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Defense may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN FIVE YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every

90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the period covered by the report. Each report shall set forth—

(A) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report required by subsection (b), the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out such activities; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) an identification of each provision of law the Secretary determines would unnecessarily impede the Secretary's ability to carry out the activities described under paragraph (1)(A);

(C) the activities of the Cooperative Threat Reduction Program to be undertaken pursuant to the determination;

(D) the expected time frame for such activities; and

(E) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(C) is directly administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the strategy and activities of the Defense and Military Contacts Program, in accordance with this section, are included in the Cooperative Threat Reduction Annual Report to Congress for each fiscal year, as required by section 1308 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,702,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $26,963,187,000, of which—

(1) $26,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation; and

(3) $177,532,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations in the April 2009 report entitled ''Reconfiguration of the National Defense Stockpile Report to Congress'' submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109-89, House Report 109-452, and Senate Report 110-115.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required under subsection (a) until 45 days after the Secretary submits to the congressional defense committees such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,976,474,000.

(2) For ammunition procurement, $370,635,000.

(3) For weapons and tracked combat vehicles procurement, $874,466,000.

(4) For missile procurement, $531,570,000.

(5) For other procurement, $6,021,786,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,435,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION PENDING REPORT TO CONGRESS.

(a) LIMITATION.—Of the amounts remaining unobligated as of the date of the enactment of this Act from amounts described in subsection (b) for the Joint Improvised Explosive Device Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of such remaining amounts may be obligated until JIEDDO submits to the congressional defense committees a report containing the following information regarding projects funded for fiscal years 2008, 2009, and 2010:

(1) A description of the purpose, funding, and schedule of the project.

(2) A description of related projects.

(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies with respect to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and

(2) in section 1503(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations. The Secretary shall notify the congressional defense committees of any waiver granted under this subsection and the reasons for the waiver.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Navy in the amount of $2,019,051,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $36,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $5,456,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $51,970,661,000.

(2) For the Navy, $6,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,068,000.

(5) For Defense-wide activities, $7,578,300,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $13,586,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of $7,462,769,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) or in any other Act and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1514. IRAQ FREEDOM FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Iraq Freedom Fund in the amount of $115,300,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$51,150,000
	Fort Wainwright	$198,000,000
Alabama	Anniston Army Depot.	$3,000,000
	Redstone Arsenal.	$3,550,000
Arizona	Fort Huachuca	$27,700,000
Arkansas ...	Pine Bluff Arsenal.	$25,000,000
California ..	Fort Irwin	$9,500,000
Colorado	Fort Carson	$342,950,000
Florida	Elgin Air Force Base.	$131,600,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$145,400,000
Hawaii	Schofield Barracks.	$184,000,000
	Wheeler Army Air Field.	$7,500,000
Kansas	Fort Riley	$162,400,000
Kentucky ...	Fort Campbell ...	$14,400,000
	Fort Knox	$70,000,000
Louisiana ..	Fort Polk	$55,400,000
Maryland ..	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood.	$170,800,000
New Jersey	Picatinny Arsenal.	$10,200,000
New York ..	Fort Drum	$92,700,000
North Carolina.	Fort Bragg	$111,150,000

Army: Inside the United States—*Continued*

State	Installation or Location	Amount
.....	*Sunny Point Military Ocean Terminal.*	$28,900,000
Oklahoma ..	*Fort Sill*	$90,500,000
	McAlester Army Ammunition Plant.	$12,500,000
South Carolina.	*Charleston Naval Weapons Station,.*	$21,800,000
Texas	*Fort Jackson*	$103,500,000
	Fort Bliss	$219,400,000
	Fort Hood	$40,600,000
	Fort Sam Houston.	$19,800,000
Utah	*Dugway Proving Ground.*	$25,000,000
Virginia	*Fort A.P. Hill*	$23,000,000
	Fort Belvoir	$37,900,000
	Fort Lee	$5,000,000
Washington	*Fort Lewis*	$18,700,000

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Bagram Air Base*	$87,100,000
Belgium	*Brussels*	$20,000,000
Germany	*Ansbach*	$31,700,000
	Kleber Kaserne	$20,000,000
	Landstuhl	$25,000,000
Japan	*Okinawa*	$6,000,000
	Sagamihara	$6,000,000
Korea	*Camp Humphreys*	$50,200,000
Kuwait	*Camp Arifjan*	$82,000,000

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	*Baumholder*	*38*	$18,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,738,150,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $328,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $33,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $187,872,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $273,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $80,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act of Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth

in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$56,042,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$35,182,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$54,333,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren	$3,660,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Camp Lemonier	$41,845,000
Guam	Naval Base, Guam	$505,161,000
	Andersen Air Force Base	$110,297,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse	$4,376,000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,792,210,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $483,845,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $17,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$17,400,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
Georgia	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Maryland	Andrews Air Force Base	$9,300,000
Missouri	Whiteman Air Force Base	$12,900,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,900,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Seymour Johnson Air Force Base	$6,900,000
North Dakota	Minot Air Force Base	$11,500,000
Ohio	Wright Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$18,137,000
South Carolina	Shaw Air Force Base	$21,183,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$32,400,000
	Lackland Air Force Base	$113,879,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$4,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
Oman	Al Musannah Air Base	$116,000,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,928,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $838,362,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $404,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,407,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$45,003,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$32,335,000
New Mexico	Cannon Air Force Base	$52,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune	$11,791,000
Virginia	Naval Amphibious Base, Little Creek	$18,669,000
	Naval Surface Warfare Center, Dam Neck	$6,100,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$52,773,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Field	$26,386,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$101,928,000
	Fort Bliss	$996,295,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K–16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$12,500,000
Guam	Naval Air Station, Agana	$4,900,000
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $77,898,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $28,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2405 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2406 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009, $500,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the

total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat.524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

''(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $146,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $54,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Los Alamitos Joint Forces Training Base	$31,000,000
Georgia	Fort Benning	$15,500,000
	Hunter Army Air Field	$8,967,000
Idaho	Gowen Field	$16,100,000
Indiana	Muscatatuck Urban Training Center	$10,100,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Michigan	Fort Custer	$7,732,000
Minnesota	Arden Hills	$6,700,000
	Camp Ripley	$1,710,000
Mississippi	Camp Shelby	$16,100,000
Missouri	Boonville	$1,800,000
Nebraska	Lincoln Municipal Airport	$23,000,000
New Mexico	Santa Fe	$39,000,000
Nevada	North Las Vegas	$26,000,000
North Carolina	East Flat Rock	$2,516,000
	Fort Bragg	$6,038,000
Oregon	Polk County	$12,100,000

***Army National Guard: Inside the United States**—Continued*

State	Location	Amount
South Carolina	McEntire Joint National Guard Base	$26,000,000
	Donaldson Air Force Base	$40,000,000
Texas	Austin	$22,200,000
Virginia	Fort Pickett	$32,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Camp Pendleton	$19,500,000
	Los Angeles	$29,000,000
Colorado	Colorado Springs	$13,000,000
Connecticut	Bridgeport	$18,500,000
Florida	Panama City	$7,300,000
	West Palm Beach	$26,000,000
Georgia	Atlanta	$14,000,000
Illinois	Chicago	$23,000,000
Minnesota	Fort Snelling	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000
	Bryan	$12,200,000
	Fort Bliss	$9,500,000
	Houston	$24,000,000
	Robstown	$10,200,000
	San Antonio	$20,000,000
Wisconsin	Fort McCoy	$25,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Caguas	$12,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Luke Air Force Base	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Goose Creek	$4,240,000
Texas	San Antonio	$2,210,000
	Forth Worth Naval Air Station Joint Reserve Base	$6,170,000
Virginia	Oceana Naval Air Station	$30,400,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	$5,600,000
California	South California Logistics Airport	$8,400,000
Connecticut	Bradley International Airport	$9,000,000
Hawaii	Hickam Air Force	$33,000,000
Illinois	Lincoln Capital Airport	$3,000,000
Kansas	McConnell Air Force Base	$8,700,000
Maine	Bangor International Airport	$28,000,000
Maryland	Andrews Air Force Base	$14,000,000
Massachusetts	Barnes Air National Guard Base	$8,100,000
Mississippi	Gulfport-Biloxi Regional Airport	$6,500,000
	Wheeler Sack AAF	$2,700,000
Nebraska	Lincoln Municipal Airport	$1,500,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000
Texas	Kelly Field Annex	$7,900,000
Wisconsin	General Mitchell International Airport	$5,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	$9,800,000
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagara Falls Air Reserve Station	$5,700,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States—

(A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and

(B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

(2) For the Department of the Army, for the Army Reserve—

(A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and

(B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $172,177,000.

(4) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $226,126,000; and

(B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $536,768,000, as follows:

(1) For the Department of the Army, $133,723,000.

(2) For the Department of the Navy, $228,000,000.

(3) For the Department of the Air Force, $172,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,129,498,000, as follows:

(1) For the Department of the Army, $4,081,037,000.

(2) For the Department of the Navy, $591,572,000,

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,038,629,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking ''job generation'' and inserting ''economic redevelopment'';

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

''(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

''(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.''; and

(3) in subparagraph (C), by adding at the end the following new clause:

''(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).''.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking ''The Secretary'' and inserting ''At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary''; and

(2) by striking ''for the period specified in subparagraph (B)'' and inserting ''before the conclusion of such period''.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Except as provided in paragraph (2), within'' and inserting ''Within'';

(B) by striking paragraph (2); and

(C) by striking ''An unspecified'' and inserting the following:

''(2) An unspecified''; and

(2) in subsection (c)—

(A) by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraph (2)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) LABORATORY REVITALIZATION.—

(1) REVITALIZATION AUTHORIZED.—Subsection (d) of such section is amended—

(A) in paragraph (1)(B), by inserting ''or from funds authorized to be available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)'' after ''authorized by law'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219(a)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

''(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.''.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

''(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.''.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except'' and inserting ''LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except''; and

(B) by adding at the end the following new paragraph:

''(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased beyond the amount approved for that project, construction, improvement, or acquisition by Congress.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''scope reduction in subsection (b) does not apply if the variation in cost or reduction'' and inserting ''scope of work variations in subsection (b) does not apply if the variation in cost or the variation''; and

(B) in paragraph (1), by striking ''reduction'' both places it appears and inserting ''variation''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''LIMITATION ON COST VARIATIONS.—'' before ''Except'';

(2) in subsection (c), by inserting ''EXCEPTION; NOTICE-AND-WAIT REQUIREMENTS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—'' after ''(d)''.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking ''as he determines to be necessary'' and inserting ''as are authorized by law''.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms ''State'' and ''facility'' have the meanings given those terms in section 18232 of such title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking ''During fiscal year 2004'' and all that follows through ''obligate'' and inserting ''The Secretary of Defense may obligate''; and

(2) by adding at the end the following new subsection:

''(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on September 30, 2010.''.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by

striking ''and United States Africa Command areas of responsibility'' and inserting ''area of responsibility''.

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.''.

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking ''Subcommittees on Defense and Military Construction'' both places it appears and inserting ''Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies''.

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing; and

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term ''housing privatization transaction'' means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF REAL PROPERTY TO THE UNITED STATES WITH ANNUAL RENTAL COSTS OF MORE THAN $750,000 BE AUTHORIZED BY LAW.

(a) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) AUTHORIZATION OF CERTAIN LEASES TO THE UNITED STATES REQUIRED BY LAW.—If the estimated annual rental in connection with a proposed lease of real property to the United States is more than $750,000, the Secretary of a military department or, with respect to a Defense Agency, the Secretary of Defense may enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary's behalf only if the lease is specifically authorized by law.''.

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking ''or (B)'';

(ii) by striking ''or leases to be made''; and

(iii) by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,''; and

(ii) in paragraph (3), by striking ''or (e), as the case may be''.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.

(a) NOTICE-AND-WAIT REQUIREMENTS.—Section 2662 of title 10, United States Code, as amended by section 2821(b), is further amended by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(B) of subsection (a), the Secretary of a military department or the Secretary of Defense may not issue a contract solicitation or other lease offering with regard to the transaction unless the Secretary complies with the notice-and wait requirements of paragraph (3) of such subsection. The monthly report under such paragraph shall include the following with regard to the proposed transaction:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction and the intended participation of the United States in the lease or license, including a justification of the intended method of participation.

''(C) A statement of the scored cost of the transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (1) was submitted in a monthly report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

''(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

(b) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(B) of such section, as redesignated by section 2821(b), is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(c) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6); and

(3) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DEPARTMENTS TO ACQUIRE LOW-COST INTERESTS IN LAND AND INTERESTS IN LAND WHEN NEED IS URGENT.

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No military''; and

(2) by striking ''The foregoing limitation shall not apply to the acceptance'' and inserting the following:

''(2) Paragraph (1) shall not apply to the following:

''(A) The acquisition of low-cost interests in land, as authorized by section 2663(c) of this title.

''(B) The acquisition of interests in land when the need is urgent, as authorized by section 2663(d) of this title.

''(C) The acceptance''.

SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking ''system; and'' and inserting the following: ''system—

''(I) by 10 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(1); or

''(II) 20 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(2); and''.

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conveyance under this subsection or for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination. In addition, if the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under such section or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.''.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED FORCES RETIREMENT HOME.

Section 1511(e)(3) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.).''; and

(2) by striking the last sentence.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Air Force may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration and other efforts to further the ultimate end use of the property for conservation and recreation purposes.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUTLYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location to be used by naval aircraft if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State containing the proposed location is formally opposed to the establishment of the outlying landing field.

(b) EXCEPTION.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.

SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of, an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, which previously included Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart, Georgia, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR POLICY IN MANAGEMENT AND COORDINATION OF DEPARTMENT OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

Section 134 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Until September 30, 2019, the Under Secretary shall have responsibility for coordinating the activities of the Department of Defense in connection with the realignment of military installations and the relocation of military personnel on Guam (in this subsection referred to as the 'Guam realignment').

''(2) The Joint Guam Program Office shall report directly to the Under Secretary in carrying out its activities in connection with the Guam realignment.

''(3) In carrying out the responsibilities assigned by paragraph (1), the Under Secretary shall coordinate with the National Security Advisor and serve as the official representative of the Secretary of Defense at meetings of the Interagency Group on Insular Areas, which was established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group or working group of that interagency group.

''(4) The Under Secretary shall remain the primary lead within the Department of Defense for coordination with the Secretary of State on all matters concerning the implementation of the agreement entitled 'Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam'.

''(5) The assignment of responsibilities by paragraph (1) does not confer upon the Under Secretary the authority to control funds made available to the military departments for the Guam realignment. The Joint Guam Program Office shall remain as the primary coordinator of the resources provided by each military department involved in the Guam realignment.''.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''special purpose entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

(b) REPORT ON IMPLEMENTATION GUIDANCE FOR SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. The report shall specifically consider increasing the overseas housing allowance for members of the Armed Forces serving on Guam and providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking ''should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system'' and inserting ''should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system,

rather than simply supporting one or more military installations''.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

''(A) APPLICATION; RELATION TO WAGE RATES IN HAWAII.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be less than the lowest wage rates determined for the applicable class of laborer or mechanic on projects or transactions of a similar character under such subchapter for Hawaii.

''(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

''(C) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(D) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.''.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) MILITARY CONSTRUCTION INFORMATION.—Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.''.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

''(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

''(A) PERCENTAGE LIMITATION.—With respect to each construction project for which groundbreaking occurs before October 1, 2011, and that is carried out using amounts described in subparagraph (B), not more than 30 percent of the total hours worked per month on the construction project may be performed by persons holding visas issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

''(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

''(ii) funds associated with activities under section 2821 of this Act; and

''(iii) funds for authorized military construction projects.

''(C) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including territories in the Pacific region, in accordance with a recruitment plan created by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State and local job banks, with State workforce agencies, and with unemployment agencies and other referral and recruitment sources pertinent to the employment opportunity.''.

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERALS FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspector Generals for Guam Realignment (in this section referred to as the ''Interagency Coordination Group'')—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed to—

(A) promote economic efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations; and

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the

Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ''amounts appropriated or otherwise made available for military construction on Guam'' includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term ''Guam'' includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa, unless the Secretary certifies to the congressional defense committees that the replacement facility satisfies at least minimum Naval Aviation Safety requirements. The Secretary may not waive any of these requirements.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS TRAINING REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the training requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces according to the agreement entitled ''Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam''.

(3) A description of the potential effects of undertaking a separate environmental impact study for expanded training ranges in the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, Australia, and Japan.

(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional training requirements necessary to support the additional realignment of Marine Corps units on Guam.

(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, reviews the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement referred to in subsection (b)(2).

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

''§2867. Energy monitoring and management system specification for military construction and military family housing activities

''(a) ADOPTION OF DEPARTMENT-WIDE, OPEN SOURCE, ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity:

''(1) Utilities and energy usage, including electricity, gas, steam, and water usage.

''(2) Indoor environments, including temperature and humidity levels.

''(3) Heating, ventilation, and cooling components.

''(4) Central plant equipment.

''(5) Renewable energy generation systems.

''(6) Lighting systems.

''(7) Power distribution networks.

''(b) EXCLUSION.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective.

''(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended inserting after the item relating to section 2866 the following new item:

''2867. Energy monitoring and management system specification for military construction and military family housing activities.''.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) An expected timeline for integration of existing components with the energy monitoring and management system.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulations Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and management systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922g, as added by title III of this Act, the following new section:

''§2922h. Preference for motor vehicles using electric or hybrid propulsion systems

''(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

''(1) will meet the requirements or needs of the Department of Defense; and

''(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

''(c) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2922h. Preference for motor vehicles using electric or hybrid propulsion systems.''.

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking ''electric energy'' and inserting ''facility energy'';

(B) by striking ''and in its activities''; and

(C) by striking ''(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))''; and

(3) in subparagraph (B) (as so redesignated), by striking ''electric energy'' and inserting ''facility energy''.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking ''It shall be'' and inserting ''(1) It shall be''; and

(2) by adding at the end the following new paragraph:

''(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking ''ELECTRICITY NEEDS'' and inserting ''FACILITY ENERGY NEEDS''.

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense or a military department down to the base commander level. The Comptroller General shall specifically address the following in the report:

(1) The costs associated with each renewable energy initiative.

(2) Whether the renewable energy initiative has a clearly delineated set of goals or targets.

(3) Whether those goals or targets are being met or are likely to be met by the conclusion of the renewable energy initiative.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED; ELEMENTS.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall—

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(5) consider impact on quality of life of members stationed at an installation containing a nuclear power plant;

(6) consider regulatory, State, and local concerns to production of nuclear power on military installations;

(7) assess to what degree nuclear power plants would adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department of Defense;

(9) consider factors impacting safe co-location of nuclear power plants on military installations; and

(10) consider any other factors that bear on the feasibility of developing nuclear power plants on military installations.

(b) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

Subtitle E—Land Conveyances

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future,

the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the ''Authority''), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances, at the installation:

(1) An approximately 10.569-acre parcel of land identified as ''Parcel No. 13126 B'' and further identified by Oahu Tax Map Key No. 9-1-031:047.

(2) An approximately 145.785-acre parcel of land identified as ''Parcel No. 13058 D'' and further identified by Oahu Tax Map Key No. 9-1-013:039.

(3) An approximately 9.303-acre parcel of land identified as ''Parcel No. 13058 F'' and further identified by Oahu Tax Map Key No. 9-1-013:041.

(4) An approximately 57.937-acre parcel of land identified as ''Parcel No. 13058 G'' and further identified by Oahu Tax Map Key No. 9-1-013:042.

(5) An approximately 11.501-acre parcel of land identified as ''Parcel No. 13073 D'' and further identified by Oahu Tax Map Key No. 9-1-013:069.

(6) An approximately 65.356-acre parcel of land identified as ''Parcel No. 13073 B'' and further identified by Oahu Tax Map Key No. 9-1-013:067.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended—

(1) by striking ''two parcels'' and inserting ''three parcels'';

(2) by striking ''and 1.742 acres and containing the four buildings'' and inserting '', 1.742 acres, and 4.5 acres, respectively, and containing all or a portion of the five buildings''; and

(3) by inserting ''and the Modification and Fabrication Facility'' after ''Reconnaissance Laboratory''.

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

''(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).''.

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: ''and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance''.

(d) CONSIDERATION.—Subsection (c) of such section is amended by striking ''in-kind contribution'' and inserting ''in-kind consideration (including land and new facilities)''.

SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational, educational support, and community activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that

was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance of the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking ''The Secretary of the Army may transfer'' and inserting ''Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer''; and

(2) in the second sentence—

(A) by striking ''may make the transfer'' and inserting ''shall make the transfer''; and

(B) by striking ''may accept'' and inserting ''shall accept''.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking ''National War Dogs Monument, Inc.,'' both places it appears and inserting ''John Burnam Monument Foundation, Inc.,''.

SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT FORT LEONARD WOOD, MISSOURI, IN HONOR OF MR. S. LEE KLING.

A child development center at Fort Leonard Wood, Missouri, shall be known and designated as the ''S. Lee Kling Child Development Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such child development center shall be deemed to be a reference to the S. Lee Kling Child Development Center.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of the Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the Armed Forces of Colombia.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1056; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

''(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside United States

Country	Installation or Location	Amount
Afghanistan.	Airborne	$7,800,000
	Altimur	$7,750,000
	Asadabad	$5,500,000
	Bagram Air Base	$132,850,000
	Camp Joyce	$7,700,000
	Camp Kabul	$137,000,000
	Camp Kandahar	$132,500,000
	Camp Salerno	$50,200,000
	Forward Operating Base Blessing.	$5,600,000
	Forward Operating Base Bostick.	$5,500,000
	Forward Operating Base Dwyer.	$14,900,000
	Forward Operating Base Ghazni.	$5,500,000
	Forward Operating Base Shank.	$19,700,000
	Forward Operating Base Sharana.	$60,800,000
	Frontenac	$2,200,000
	Jalalabad Airfield	$41,400,000
	Maywand	$12,200,000
	Methar-Lam	$4,150,000
	Provincial Reconstruction Team Gardez.	$36,200,000
	Provincial Reconstruction Team Tarin Kowt.	$57,950,000
	Tombstone/Bastion	$71,800,000
	Wolverine	$14,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base ..	$29,100,000
	Camp Kandahar ...	$234,600,000
	Forward Operating Base Dwyer.	$4,900,000
	Forward Operating Base Shank.	$4,900,000
	Provincial Reconstruction Team Tarin Kowt.	$4,900,000
	Tombstone/Bastion	$156,200,000
	Wolverine	$4,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) IN GENERAL.—Notwithstanding the definition of military construction in section 2801 of title 10, United States Code, of the amounts authorized to be appropriated by this division for military construction, the Secretary of Defense may use not more than $25,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the ''ODRP'').

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) FORM.—The report under paragraph (1) may be submitted in a classified form.

(4) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Armed Services and Foreign Affairs of the House of Representatives.

(B) The Committees on Armed Services and Foreign Relations of the Senate.

(5) TERMINATION.—The requirement to submit a report under this subsection terminates on the date occurring two years after the date on which the first report is submitted.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle C—Reports

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,479,627,000, to be allocated as follows:

(1) For weapons activities, $6,516,431,000.

(2) For defense nuclear nonproliferation activities, $2,539,309,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10-D-501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10-D-701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10-D-903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10-D-904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,024,491,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $872,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

''(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

''(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''and performance over time'' after ''detonation''; and

(2) by adding at the end the following new paragraphs:

''(4) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

''(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

''(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and

''(C) the Z Machine at Sandia National Laboratories.

''(5) Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

''(A) the Pantex Plant;

''(B) the Y–12 National Security Complex;

''(C) the Kansas City Plant; and

''(D) the Savannah River Site.''.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

''SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for

Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:

''(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

''(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

''(3) To achieve reductions in the future size of the nuclear weapons stockpile.

''(4) To reduce the risk of an accidental detonation of an element of the stockpile.

''(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

''(b) PROGRAM BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

''(c) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary shall ensure that—

''(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

''(2) any such changes made to the stockpile shall—

''(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

''(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314; 50 U.S.C. 2501 note) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

''Sec. 4204. Stockpile management program.''.

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

''(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:

''(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

''(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

''(3) The process by which the Secretary of Energy is assessing the lifetime and requirements for maintenance of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

''(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile without the use of nuclear testing.

''(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

''(c) ASSESSMENT.—In addition to the elements described under subsection (b), the plan and each update of the plan shall include a joint assessment of the stockpile stewardship program by the heads of the national security laboratories. Each assessment shall set forth the following:

''(1) An identification and description of—

''(A) any key technical challenges to the program; and

''(B) the strategies to address such challenges without the use of nuclear testing.

''(2) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(3) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the plan compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

''(4) Clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

''(5) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons and weapons-related activities of the Department of Energy, including—

''(A) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(B) a description of any shortage of such individuals that exists at the time of the plan compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a report describing the plan required by subsection (a).

''(e) DEFINITIONS.—In this section:

''(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear non-proliferation;

''(B) nuclear forensics;

''(C) nuclear intelligence;

''(D) nuclear safety; and

''(E) nuclear incident response.''.

(b) CLERICAL AMENDMENT.—The item relating to section 4203 in the table of contents for such Act is amended to read as follows:

''Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.''.

(c) CONFORMING REPEAL.—Section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is repealed.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

(1) IN GENERAL.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as 'dual validation teams', to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—

''(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

''(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

''(3) use all relevant available data to conduct independent calculations; and

''(4) pursue independent experiments to support the independent evaluations.''.

(2) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of such Act, as added by paragraph (1) of this subsection.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by inserting ''both'' after ''review''; and

(2) by inserting after ''that laboratory'' the following: ''and the independent evaluations conducted by a dual validation team under subsection (c)''.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

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

(3) by adding at the end the following new subparagraph:

''(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (c)'' and inserting ''subsection (d)'';

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (g), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(4) in subsection (i), as redesignated by subsection (a)(1)(A) of this section—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States that sustainment, modernization, and refurbishment of the nuclear security complex is mandatory for maintaining the future viability of the United States nuclear deterrent and a prerequisite for any reductions to the nuclear weapons stockpile of the United States.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX: ANNUAL PLAN AND CERTIFICATION.

''(a) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND CERTIFICATION.—The Administrator for Nuclear Security shall include with the nuclear security budget materials for each fiscal year—

''(1) a plan for the modernization and refurbishment of the nuclear security complex developed in accordance with this section; and

''(2) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN.—(1) The annual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the nuclear security complex provided for under that plan is capable of supporting—

''(A) the National Security Strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the nuclear security complex modernization and refurbishment provided for under that plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

''(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

''(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.

''(B) A description of the necessary modernization and refurbishment measures to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1), and the Nuclear Posture Review.

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the implementation strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the modernization and refurbishment of the nuclear security complex at a level that is not sufficient to sustain the requirements specified in the plan for that fiscal year under subsection (a), the Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

''(d) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada test site.

''(2) The term 'budget' with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

''(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''3255. Budgeting for modernization and refurbishment of the nuclear security complex: annual plan and certification.''.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the effects of the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor, including—

(A) a description of any continuing differences in the cost structure of the management and operations when performed by the University of California and the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effect of such cost differences on the resources available to support scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contractor'' means—

(A) with respect to Los Alamos National Laboratory, Los Alamos National Security, LLC; and

(B) with respect to Lawrence Livermore National Laboratory, Lawrence Livermore National Security, LLC.

(2) The term ''covered national laboratories'' means—

(A) the Los Alamos National Laboratory; and

(B) the Lawrence Livermore National Laboratory.

SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the appropriate committees of Congress are the following:

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $53,208,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lumpsum payment for the accumulated balance of unused leave to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated from such employment in 2009 or whose position as such an employee was converted to the Civil Service in 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. ADJUNCT PROFESSORS.

Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4356) is amended—

(1) in subsection (a), by striking ''temporary'';

(2) in subsection (b), by inserting ''and'' after the semicolon at the end of paragraph (1), by striking ''; and'' at the end of paragraph (2) and inserting a period, and by striking paragraph (3); and

(3) by striking subsection (d) and inserting the following:

''(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy, the Administrator shall notify the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment of the adjunct professor.''.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and more numerous fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in hazardous carriage shall be equipped with appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

''(B) In this paragraph the term 'hazardous carriage' means the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard or the International Maritime Bureau of the International Chamber Of Commerce as an area of high risk of piracy.''.

SEC. 3506. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,'' and inserting ''and be paid in such installments as the Secretary shall determine'';

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

(a) LIMITATION.—If the United States acquires any financial interest in a covered vessel as a consequence of a default on a loan guaranteed for the vessel under chapter 537 of title 46, United States Code, no action to dispose of the financial interest may be taken by the Maritime Administrator until 180 days after the date the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(b) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel HUAKAI (United States official number 1215902); and

(2) the vessel ALAKAI (United States official number 1182234).

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 111–182 and amendments en bloc described in section 3 of House Resolution 572.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report except for amendments 3 and 9, which shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the Chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the Chair of the Committee on Armed Services or a designee announces from the floor a request to that effect. Such an announcement with regard to amendments 2, 3, 4, 9, 15, 20, 24, 34, and 39 was given on June 24, 2009.

Pursuant to the order of the House of today, amendment 2 has been modified.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–182.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 72, line 18, strike ''(h)'' and insert ''(d)''.

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,541''.

Page 260, lines 9 and 10, strike ''by adding at the end the following new section'' and insert ''by inserting after section 235, as added by section 242(a) of this Act, the following new section''.

Page 260, line 11, strike ''235.'' and insert ''236.''.

Page 262, before line 1, strike ''235.'' and insert ''236.''.

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to

be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Missouri.

Mr. SKELTON. At this time, Mr. Chairman, the gentleman from New Jersey (Mr. ADLER) seeks recognition for a colloquy.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman, for participating in a colloquy with me about the importance of the joint military base located in New Jersey. It incorporates McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Station.

I am proud to represent this innovative installation located in New Jersey's Third and Fourth Congressional Districts. I am working with Generals, Colonels, Captains, and our civilian specialists to make the transition to the country's first tri-service joint facility as smooth as possible.

One of the issues people always talk with me about is the discrepancy in locality pay. All three individual installations are logistically close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdictions. Currently, civilian employees doing exactly the same job are being paid different wages.

I am working closely with the Office of Personnel Management and the Department of Defense to have the entire joint base considered within Ocean County's pay area because people doing identical jobs on different areas of the tri-service base should be paid the same.

Mr. Chairman, I look forward to working with you on this important issue to assist in the smooth transition to the joint base, McGuire/Dix/Lakehurst, starting on October 1, 2009.

Mr. SKELTON. I thank the gentleman for his comments. And in response, I will tell the gentleman I will work with him, the committee of jurisdiction, and the relevant government agencies to resolve the issue and help the joint base transition.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman.

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

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I will reserve the balance of my time.

Mr. SKELTON. Mr. MILLER has a request for a colloquy at this time.

Mr. MILLER of North Carolina. Mr. Chairman, the Servicemembers Civil Relief Act, SCRA, protects servicemembers when their military service hinders their ability to meet financial obligations or defend their rights in a lawsuit. Recent court rulings have questioned whether servicemembers have a private remedy for violations of their rights under the SCRA. The committee included a provision to increase further the rights of servicemembers. That is a step in the right direction, but I am concerned that the provision does not go far enough nor as far as the chairman and the committee would like to go.

I submitted an amendment with Representative JONES based on H.R. 2696, the Servicemembers Rights Protection Act, to clarify that servicemembers and covered dependents under the SCRA do have a private cause of action. The clarifying amendment has the support of the Department of Defense, the Department of Justice, the American Bar Association, Military Officers Association, and is currently in the other body's version of the National Defense Authorization.

Will the chairman work to include the most effective private right of action for all SCRA violations in the conference report?

Mr. SKELTON. In response, I might tell you that, as the gentleman knows, our committee and I work tirelessly to protect the rights of servicemembers and their families; at the same time, I know it can be improved. I would be happy to work with this gentleman to address the issues that you have raised this morning.

Mr. MILLER of North Carolina. Thank you, Mr. Chairman. I know you are committed to stronger language and to doing everything possible to help our servicemembers.

Mr. SKELTON. Thank you.

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

Mr. MCKEON. Mr. Chairman, I continue to reserve.

Mr. SKELTON. Mr. Chairman, the gentlelady from California (Mrs. CAPPS) seeks recognition for a colloquy.

Mrs. CAPPS. Mr. Chairman, I rise today to ask for your help in providing fair and adequate disability benefits to our Nation's Federal firefighters.

Together with the gentleman from Pennsylvania (Mr. PLATTS), I introduced the Federal Firefighters Fairness Act to create the presumption that Federal firefighters who become disabled by heart disease, lung disease, certain cancers, and other infectious diseases contracted the illness on the job. This effort is strongly supported by all five major fire organizations and has 130 bipartisan cosponsors.

I offered this bill with an amendment to the National Defense Authorization Act; however, it was not made in order due to PAYGO issues.

Mr. SKELTON. I certainly thank the gentlelady for raising this important issue, and I assure her that I certainly share her concern for our Federal firefighters.

While protecting our national interests in military installations, nuclear facilities, VA hospitals, and other Federal facilities, Federal firefighters are routinely exposed to toxic substances, biohazards, temperature extremes, and stress. I would be pleased to continue working with the gentlelady on this important issue.

Mrs. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters.

Forty-two States have already recognized this link by providing some sort of presumptive disability benefits for their State, county, and city firefighters. This creates a serious difference in benefits between Federal and municipal firefighters, which is basically unfair. More States enact presumptive disability legislation each year, so this is a problem that continues to grow and the disparity continues to be more apparent. Clearly, there is a pressing need for this legislation.

Mr. SKELTON. The gentlelady knows that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mrs. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

□ 1045

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCGOVERN:

At the end of subtitle B of title XII, add the following new section:

SEC. 12___. REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan. This bipartisan amendment, offered by Representatives WALTER JONES, CHELLIE PINGREE, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We are now asking them to do more. And we are giving them more resources and more boots on the ground to accomplish their mission. What we have not told them is how to tell when their contribution to the political solution is done and they can begin to transition out of Afghanistan.

Mr. Chairman, I want President Obama to succeed in Afghanistan. I stand by our commitment to provide the necessary resources to help the Afghan people take charge of their own future. But as Congress authorizes and appropriates billions and billions of dollars for a new strategy in Afghanistan, is it too much to ask how we will know when our troops can finally come home to their families?

Certainly, we need to hold the governments of Afghanistan and Pakistan accountable for governing their own nations. But it is incumbent upon us in Congress to hold ourselves accountable—and before we can even do that, the administration must clearly articulate and outline how it envisions completing its military operations in Afghanistan.

Eleven months into its term is not too soon for that outline to be provided. We are asking the Congress be a proper check and balance. We are asking for Congress to do its job. The people of this country want clarity. They are tired of endless wars.

Please support the McGovern-Jones-Pingree-Lee amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCKEON. Mr. Chairman, Chairman SKELTON and I agree that this amendment does more harm than good. This amendment sends the wrong signal at the wrong time for the government and people of Afghanistan, our military men and women deployed and deploying to Afghanistan, our NATO and non-NATO allies, and the enemy.

Focusing on an exit versus a strategy is irresponsible and fails to recognize that our efforts in Afghanistan are vital to preventing future terrorist attacks on the American people and our allies.

In March of 2009, the President rightly outlined a strategy for Afghanistan and Pakistan focused on disrupting, dismantling, and defeating al Qaeda and its affiliated networks and their safe havens.

While we debate this amendment, our military men and women are deploying to the Afghan theater as part of an additional 21,000 forces being sent to fight the insurgency in the south and train the Afghan National Security Forces.

Instead of focusing on an exit, as the amendment calls for, Congress needs to provide the funding and resources required to support the President's strategy and allow our military commanders to succeed.

As the commander of U.S. Central Command, General Petraeus has consistently stated it will take sustained, substantial resources to implement our counterinsurgency strategy in Afghanistan and give our troops and the government of Afghanistan the opportunity to succeed.

Lastly, the Department of Defense opposes the amendment, and I also oppose the amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, a military strategy that has no exit is no strategy at all.

I'd like to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I rise in strong support of the McGovern amendment. When the previous administration was in office, many times Members on both sides of the aisle kept saying, Why isn't there an end point to the war in Iraq? Now, after 8 years in Afghanistan, the current administration must clearly articulate the benchmarks for success and the endpoint to its war strategy.

In my years in Congress, I have many opportunities to speak to military leaders. Time after time, time after time, I heard this: To have a successful war strategy, you must have an end point. An end point is an understanding of what has to be achieved.

General Petraeus recently said, Afghanistan has been known over the years as the graveyard of empires. We cannot take that history lightly.

Another voice who brings credibility to this position is Andrew Bacevich, a retired army colonel, Gulf War and Vietnam veteran, military historian, and the father of a son who died in Iraq in 2007. Bacevich has written that, Embarking on a protracted war with no foreseeable end to the U.S. commitment—lacking clearly defined and achievable objectives—risks forfeiting public support, thereby courting disaster.

This amendment does not set a date for leaving Afghanistan. It simply asks the Secretary of Defense to present a plan for success to Congress by the end of the year.

I would hope that the Members of Congress will look at this, and let's not repeat Vietnam. Our men and women in uniform have given and given and given. And it's time now to say that we have a definition of victory. And that's all Mr. MCGOVERN's amendment is asking.

Mr. MCKEON. Mr. Chairman, I yield 1 minute at this time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank my friend for yielding. I have tremendous respect for my friend and colleague from Massachusetts. I know he always has the best interests of the Nation and our armed services at heart. But I must oppose the amendment.

As much as all of us would like to have our brave men and women home again reunited with their loved ones, we don't have a choice but to keep the troops on the ground in Afghanistan for some period of time. The only way we can succeed in Afghanistan is to create an environment conducive to development and good governance. Our U.S. military is an essential component of that.

Requiring President Obama to develop an ''exit strategy''—only a few months after he increased the number of U.S. troops in Afghanistan and launched a new strategy—would raise questions about our commitment to the Afghan people and complicate our efforts to help them create a stable and secure nation in a way that would supersede whatever benefits we could get from the passage of this amendment.

I would ask my colleagues to give the President's plan a chance to work.

Mr. MCGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, President Obama on a recent ''60 Minutes'' interview said he favors an exit strategy. This shouldn't be controversial. We are told that there's a political solution ultimately to be had in Afghanistan. All we are asking is: When does our military contribution to that political solution come to an end so that we know when we can think about bringing our troops back home?

That's all this amendment does. This should not be controversial at all. What we are asking is simply a clearly defined mission, and nothing more.

At this point, Mr. Chairman, I'd like to yield 2 minutes to a cosponsor of this amendment, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I rise in strong support of this amendment. Let me commend my colleague from Massachusetts for his consistent and his bold leadership.

This amendment does not call for the redeployment of U.S. Armed Forces out of Afghanistan. It does not call for an end of the funding requested by the administration for military operations. It does not tie the hands of the President, commanders in the field, or our troops on the ground. And it does not provide aid or comfort to those who would harm us or wish us ill.

Instead, this will provide a vital contingency plan for withdrawing United States military forces from Afghanistan.

Mr. Chairman, most recognize that there is no military solution to the quagmire in Afghanistan. I remain convinced that the United States must develop an exit strategy in Afghanistan before further committing the United States' limited resources and military personnel deeper into Afghanistan in pursuit of an objective that may be unattainable, unrealistic, or too costly. Unfortunately, we're digging ourselves deeper in a hole.

In 2001, I voted against the authorization to use force because I feared that given a blank check to wage war, I really worried that this would be for an unspecified period of time, really for an unspecified mission. This blank check continues today. My worst fears have been realized.

And so what Mr. MCGOVERN is doing makes a lot of sense. We need an exit strategy for Afghanistan now. I urge my colleagues to vote for this amendment. Otherwise, this blank check is going to continue.

This does not enhance the national security of the United States of America. The longer we're there, the worse things get for our troops. Our troops deserve to be able to know at least what our plans are, what they're going to entail, and when in fact they will come out of Afghanistan. The people of Afghanistan deserve to know this.

I commend our President for trying to develop a new direction in our policy, but I have to tell you, putting more troops in harm's way is not going to help us begin to develop an exit strategy out.

So, thank you, Mr. MCGOVERN, and thank all of the cosponsors for making sure that we have at least an opportunity to say: No more blank checks.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Thank you so much, the gentleman from California. I rise in strong opposition to the amendment on Afghanistan offered by the gentleman from Massachusetts, my friend, Mr. MCGOVERN.

In late March of this year, the President announced his comprehensive outline for Afghanistan and Pakistan, highlighting the threat to critical U.S. security interests that would arise should al Qaeda and the Taliban reclaim or establish safe havens in those countries. The President clearly outlined our goals to disrupt, to dismantle, and to defeat al Qaeda. I agree with him on those goals. But success requires a sustained commitment and sustained support for both the mission and the brave Americans and Afghanis carrying it out.

Our strategy is meeting with success, yet the McGovern amendment is already looking for an exit strategy. This amendment sends a terrible message about U.S. resolve to both friends and foes alike.

And we're not alone in this concern. It's precisely why the Obama administration also opposes the McGovern amendment, stating that the McGovern amendment, ''would demonstrate a lack of commitment to the new strategy, it will signal to our Afghan partners that the U.S. presence and efforts in country are fleeting, and it demonstrates to al Qaeda that we are not intending to see this new strategy through.''

It could hamper U.S. strategic goals in the entire region. Rather than focusing on an exit strategy, we should instead be focused on working with the Obama administration to provide the necessary flexibility to craft policies that offer the best chance of success, while ensuring congressional consultation and congressional notification.

The underlying bill provides this balance. And that's why Chairman SKELTON, Ranking Member MCKEON, Chairman BERMAN and I ask our colleagues to support U.S. efforts in Afghanistan and oppose the McGovern amendment.

□ 1100

Mr. MCGOVERN. Mr. Chairman, I yield myself 15 seconds.

All we are trying to do is fill in the holes of the strategy that President Obama has already articulated. I think the American people would welcome that. I think the Afghan people would welcome that. The notion that we are sending our men and women into harm's way without a clearly defined mission, which includes a beginning, middle and end, to me, is a mistake.

Mr. Chairman, I would yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I thank the gentleman from Massachusetts.

I respect everyone's position and everyone's right, but I would like to say that To Die For a Mystique is an article written by Andrew Bacevich, who I quoted just a few minutes ago, subtitled The Lessons Our Leaders Didn't Learn From the Vietnam War. Here we are, extending an 8-year commitment of our troops in Afghanistan. What's going to happen 3 or 4 years from now if we're in the same situation? And then we're talking about a 12-, 14-, 16-year commitment.

Look at what the Russians did. They went there and spent 10 years and billions of dollars, and thousands of Russians were killed. Look at Alexander the Great. He tried to conquer Afghanistan. He failed. Look at what the British did, and they couldn't make it. We're not talking about a pull-out. We're just saying, have an end point to your war strategy that the American people will understand and really, more important than the American people, our military. They're tired. They're worn out. They will keep going. They go back five, six, seven, eight times. But ask a military family down at Camp LeJeune, You want to send your husband or wife back for the sixth time to Afghanistan? We're 8 years behind the fight because we never should have gone into Iraq. Let's not make the same mistake they made during the Vietnam era.

Thank you, Mr. MCGOVERN, for introducing this amendment. On behalf of our country and our troops, thank you very much.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri, Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I respectfully disagree with this amendment, and I respectfully oppose it. This amendment sends exactly the wrong message, focusing on an exit strategy which may well reinforce the perception among the Afghans that we're not committed to protecting them from the Taliban and al Qaeda.

Mr. Chairman, we have a new commander on the ground. We've added tens of thousands of troops. We're adding hundreds of civilian experts. We should not undermine those efforts. Commanders make a difference. As you know, we have General McChrystal who has replaced General McKiernan in Afghanistan. History shows that new commanders make a big difference. Let's give General McChrystal the opportunity to show what American troops, American civilians, the State Department and others can do. History shows that. President Lincoln replaced General McClellan, General Burnside, General Hooker, General Meade and finally ended up with a man by the name of Grant. General Auchinleck was replaced by Bernard Montgomery, and the great Battle of El Alamein came to pass.

Let's give General McChrystal the opportunity. Further let me add, Mr. Chairman, this amendment is intended to get the administration to lay out its strategy; but section 1217 of our bill already requires the administration to lay out goals, to lay out timelines and conduct regular assessments. That's the way General McChrystal should be judged. Let's do that.

I do oppose this amendment very respectfully.

The Acting CHAIR. The Chair will note that the gentleman from Massachusetts has 1¾ minutes remaining, and the gentleman from California has 3¼ minutes remaining.

Mr. MCGOVERN. Mr. Chairman, I am the final speaker on my side so I will let the gentleman proceed.

Mr. MCKEON. Mr. Chairman, at this time I am happy to yield 1 minute to a young man who joined the Marine Corps the day after 9/11, served two tours in Iraq and one in Afghanistan and is a member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the ranking member, and I would like to associate myself with the chairman's remarks on this issue.

I think I'm the only one on the floor here who's actually served in Afghanistan. I served twice in Iraq as a United States Marine. I would have to respectfully oppose this amendment, and the reason is this: The best exit strategy is to actually win. That's the best exit strategy. To go in there, win the fight, kill al Qaeda, kill Taliban, have the State Department work with the local Afghan people, then we can leave after we have success over there. That's how we won in Iraq. We won in Iraq. Once we stopped worrying about losing, we had the surge, and now we're successful in Iraq. That's what we need in Afghanistan. The way that we're going to lose Afghanistan is if we start focusing on how we're going to pull out successfully. What we need to do is win, win hard, and win strong, and then we can all come home.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. HUNTER. I thank the ranking member from California.

I respectfully oppose this amendment. As a United States Marine, as a U.S. Congressman and representing all of our men and women in uniform fighting for us right now, let's win, get the job done, and then we can come home.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCKEON. I think Mr. HUNTER just stated it very clearly. The exit strategy should be to win, and then bring our forces home. It was stated earlier that General Petraeus made a statement that Afghanistan has been known over the years as a graveyard of empires, and we cannot take that history lightly. That was part of a speech that he gave.

I would like to say some other things that he mentioned in that speech:

''We have a hugely important interest in ensuring that Afghanistan does not once again become a sanctuary for transnational terrorists. And to complement and capitalize on the increased military resources, more civilian assets, adequate financial resources, close civil-military cooperation and a comprehensive approach that encompasses regional states will be necessary. Our objectives are of enormous importance. We all need to summon the will and the resources necessary to make the most of it.''

It was just a couple of years ago when we were having a similar debate when we were being told by some that we needed to get out of Iraq, that there was no way we could win, and General Petraeus was called to lead the surge. And now he is telling us how we can win in Afghanistan. Mr. Chairman, I think now is not time to be retreating. Now is not the time when we're sending 20,000 troops and are ready to embark on this surge to win, to help the people of Afghanistan and preserve our national interests there. Now is the time to let the forces know that we support them. We support their mission. We want them to be successful and return home safely.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, everyone acknowledges that there is no military solution in Afghanistan, only a political solution; but we are putting billions of dollars into building up our military presence without a clear vision of how to bring our troops home, an exit strategy, for lack of a better term. Every military mission has a beginning, a middle, a time of transition and an end. But I have yet to see that vision articulated in any document, speech or briefing.

We're not asking for an immediate withdrawal. We're surely not talking about cutting or running or retreating. Just a plan. If there's no military solution for Afghanistan, then please, just tell us how we will know when our military contribution to the political solution has ended. Requiring an outline for how our military operations are to proceed in Afghanistan so that Congress can effectively weigh the level of investment, both human and financial, is called doing our job, something this body neglected to do throughout the past 8 years.

I welcome the reports, the time frames, the matrixes included in H.R. 2647. But once again, we're trying to define what the administration has failed to articulate for itself. When I first ran for Congress, I promised my constituents that I would never, ever send our servicemen and -women into a war without a clearly defined mission and a clear vision of how we would bring them home safely to their families and to their loved ones. I am sticking to that promise. Please support the McGovern-Jones-Lee-Pingree amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCGOVERN:

At the end of subtitle E of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

This amendment is identical to the amendment approved by the House last year. Its purpose is quite simple: for over 40 years, the names of students and instructors at the former U.S. Army School of the Americas and now the Western Hemisphere Institute for Security Cooperation were available to the public. All you had to do was make a phone call, write a letter, file a FOIA request, and the names were provided.

Suddenly in August 2006, the names became classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information, but nothing about the request had changed. No one had asked for new information and certainly none of a personal nature. So for the past 3 years, the names of graduates and instructors at WHINSEC have remained secret. Well—almost secret. Names constantly pop up in WHINSEC PR materials, sometimes with a photo; but the public is still denied access.

In over four decades of public access, not once has there ever been a whisper that the military officers attending WHINSEC were targets. And those were some pretty turbulent years with coups in the southern cone, civil wars in Central America, drug lords, drug cartels and armed groups in the Andes, especially Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society and human rights. What signal does the school send to its Latin American counterparts about our democratic values when it denies access to information that has been available for decades? Vote to restore public access to this amendment. Vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

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

I rise in strong opposition to this amendment. While my colleagues on the opposite side of the aisle will argue that disclosing the personal information of the students and instructors of WHINSEC is in the name of transparency and good oversight, what they're actually suggesting is that the United States does not respect the privacy of foreign citizens and, more specifically, our allies in the western hemisphere who are invited to attend the U.S. military schools.

What concerns me is that this amendment exposes WHINSEC's students and instructors, which includes U.S. citizens, to hostile personal hazards, such as identity theft and surveillance, intimidation or attack from foreign intelligence security and terrorist organizations.

In terms of oversight, Congress already receives the information. We just received a copy of the attendees for 2008, and we were able to keep our partners and their families safe. I think it's important to recognize that WHINSEC is an important tool for strengthening security cooperation with our key allies in the western hemisphere. This includes Mexico, our neighbor to the south. WHINSEC provides training to Mexican land forces in the Spanish language and builds their capacity to prevail in the fight against drug trafficking, organized crime and other transnational threats. Such training and cooperation is critical to our homeland security.

It baffles me that given the narcofight on our border, some of my colleagues think that now is the right time to expose our past, current and future partners and deprive them of their safety and security. I will oppose this amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. The Western Hemisphere Institute has much to be proud of, including an enviable curriculum and dedicated support staff. Returning to a policy of public disclosure of student names and instructors will remove one of the lingering doubts about this school. It's come a long way, and I am very proud of what it does. I am a strong supporter of that school. Publicly revealing the names does not discourage attendance.

According to statistics provided by the Department of Defense to the Center For International Policy for fiscal years 2001 through 2006, Latin American and Caribbean countries provided, on the average, more students to this institution, to this school during the time that WHINSEC made the names of students and instructors publicly available than when the institute refused to provide such information.

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There is no real reason to withhold those names. We should be proud of what we do there. We want them to return to their country to be proud of their studies there.

Mr. MCKEON. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, even though my former Rules Committee colleague and I couldn't disagree more when it comes to WHINSEC, he is my good friend and I always look forward to our spirited debates on this matter. Predictably, I rise today to take issue with his amendment.

The gentleman has stated today and in the past that the information on the WHINSEC students and instructors is always made available but that since 2005 disclosure and transparency have been lacking. To be clear, Mr. Chairman, the Department of Defense has provided to Congress the names, country of origin, and rank, courses, and dates of attendance of all students and instructors at WHINSEC since the year 2005.

Since we already know exactly who is attending WHINSEC, I am led to wonder, Mr. Chairman, what is the McGovern amendment trying to accomplish? Unfortunately, I believe that the release of personal information has less to do with transparency and more to do with the efforts to shut WHINSEC down, something that this Congress has repeatedly rejected. If transparency is the issue, Mr. Chairman, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, talk with the faculty, and review instructional material. This is perhaps the most open, transparent, and welcoming organization in the Department of Defense.

Mr. MCGOVERN has also stated in the past that from time to time WHINSEC PR materials include pictures of students and instructors, so why the need to protect the identities of attendees? While this may be true, these are not the materials that end up in the mailboxes of narcotraffickers and drug lords in Central and South America; however, these criminals do search the Internet for the names of law enforcement personnel who stand in their way.

I would also note there's a big difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counterdrug officer would be more reticent to have his or her name posted on a Web site than would someone who has since become a high-ranking public official.

Mr. Chairman, every Member of this body should know that WHINSEC is an invaluable tool for military-to-military cooperation between us, the United States, and Latin America and is a vital means for strengthening security cooperation in the region. Publicizing the names of WHINSEC students in their home countries could very well lead to hostile attention from nations, organizations, and individuals that may wish to do harm to the U.S., its friends and its allies. Such publications could serve as a disincentive to Central and South American, and Mexican, yes, Mexican students who otherwise want to attend WHINSEC and could discourage nations from sending their students to the school.

It would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and respect for human rights we espouse. If our ability to influence the democratic trajectory of the region were diminished, it would be countries like Venezuela and China that would fill the void.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. GINGREY of Georgia. I therefore believe this amendment could potentially do much more harm than good, and I ask all my colleagues to oppose it.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia, who represents WHINSEC in his district (Mr. BISHOP).

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

I just want the Members of this House to know that I represent the area where WHINSEC is located, Fort Benning, Georgia. I represented formerly the School of the Americas. I've been involved in this debate year in and year out. This is my 17th year.

The all-encompassing question is whether or not WHINSEC or its predecessor trained terrorists and murderers who did harm. That's an issue. But to create transparency, we want to make sure that this amendment passes so that people on both sides of the issue can get the facts and transparency and know who goes to the school, who teaches at the school, what the curriculum is. Having that be transparent is all we want to do, and the facts will speak for themselves.

I support WHINSEC. It's one of the greatest tools that our country has for democracy in our hemisphere. It's a good opportunity for us to make friends, keep friends, and to cooperate. But we want to make sure that there is no misunderstanding, and I join with the chairman in supporting this amendment and ask my colleagues to do the same.

Mr. Chair, I am pleased to co-sponsor this amendment to the FY 2010 National Defense Authorization Act to restore public access and transparency to the names of students and instructors at the Western Hemisphere Institute for Security Cooperation, or WHINSEC.

WHINSEC is located in Georgia's 2nd Congressional District at Ft. Benning. I have on many occasions visited the school and have supported the school's efforts to share its civil and military training with our friends and partners in Latin America. WHINSEC is a military and academic institution, the primary effort of which is to promote peace, democratic values, and respect for human rights through inter-American cooperation.

I agree with my esteemed colleague, Mr. MCGOVERN, that the school should provide the names of Latin American and U.S. military personnel who attend or teach at the school, as well as the curriculum taught at the school.

This amendment brings back the former policy of disclosing attendees, faculty members and course offerings. Allowing this information to become public will protect the school from attempts to discredit its efforts to develop partnerships and the principles of democracy.

It will also demonstrate to the nations of Latin America that the lessons learned at WHINSEC are ethnical, promote human rights, and provide a civil/military framework of building democratic governments.

Please join me in supporting this effort to ensure that the institutions we entrust to promote democratic principles are open for review and discussion. I urge you to support the amendment to H.R. 2647, the FY 2010 National Defense Authorization Act.

Mr. MCGOVERN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my friend from Georgia (Mr. GINGREY) talked about the fact that the names were being released by WHINSEC. The fact he didn't mention is they're being released to us in a classified form so that no one in the public can see them. And it is not unique for this information to be made public. Other Army, Air Force and Navy military schools and training schools still provide the public with the names of Latin American students. I have a pile of them right here. Each one asserts the needs of the public interest outweigh any consideration for privacy. And I believe that standing up for transparency, accountability, and our own democratic values strengthens our national security and U.S.-Latin American relations. The danger comes when democratic values and transparency are viewed as detrimental.

Mr. Chairman, the House approved this amendment last year; it should approve it again. The cosponsors of this amendment do not agree on the fate of WHINSEC, but we all agree that we need to restore public access to these names.

Look at these lists, Mr. Chairman, all blacked out. Does this look like transparency? Is this democracy at work? Is this the model we want Latin American militaries to copy? The names were public for decades until August 2006. Openness was the norm, not secrecy.

Mr. Chairman, I urge my colleagues to support this amendment and restore public access, restore transparency, restore accountability. It is the right thing to do.

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

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it's very simple: if you release the names of these foreign special operators that are at WHINSEC, you are literally encouraging their murder. The men and women fighting for justice in Central and South America, if you release those names, you will have their attempted murder on your hands if this amendment passes.

Mr. LEWIS of Georgia. Mr. Chair, I rise today as a cosponsor of this important amendment and urge of all of my colleagues to support it. I thank the Gentleman from Massachusetts (Mr. MCGOVERN) for his tireless advocacy on addressing human rights issues, and I would like to recognize Cindy Buhl on his staff and Jamila Thompson in my office for their hard work on this issue.

The McGovern-Sestak-Bishop-Lewis amendment would allow public access to the

names of graduates and instructors at the Western Hemisphere Institute for Security Cooperation formerly known as the School of the Americas. This military institution, based at Ft. Benning in Georgia, is known throughout the region for its questionable teachings and record of its graduates.

This amendment is simply about transparency. By revealing the names of the Western Hemisphere Institute for Security Cooperation attendees, we can shine the light of accountability and truth on an institution that is unnecessarily shrouded in secrecy. We can show our regional neighbors that we seek to be their partners in peace, and not coconspirators of aggression.

I urge all of my colleagues to support the McGovern-Sestak-Bishop-Lewis amendment. Mr. Chair, with this amendment we can show that the intentions of the United States reflect a more cooperative foreign policy and a renewed commitment to international human rights standards.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 5, 6, 8, 12, 13, 16, 17, 18, 19, 21, 22, 26, 29, 45, 61, 63, and 64 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

''(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

''(2) DEFINITION OF HATE GROUP.—In this subsection, the terms 'group associated with hate-related violence' or 'hate group' mean the following:

''(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies, racism, anti-Semitism, xenophobia, or other bigotry ideologies.

''(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

''(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

''(D) Groups or organizations that espouse an intention or expectation of armed activity in a 'race war'.

''(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

''(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

''(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

''(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

''(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

''(B) Individuals known to have attended meetings, rallies, conferences, or other activities sponsored by a hate group.

''(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blog or other postings that support, encourage, or affirm the group's extremist or violent views and goals.

''(D) Individuals who are known to have in their possession photographs, written testimonials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic nature, possession of objects that venerate or glorify hate-inspired violence, and related materials, as determined by the Attorney General..

''(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

''(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

''(5) SEPARATION.—

''(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member's previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

''(6) REPORTING REQUIREMENT.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

''(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

''(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.''.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the ''ICRC'') of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

AMENDMENT NO. 8 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9359 the following new section:

''§ 9359a. Air Force Academy Athletic Association: authorization, purpose, and governance

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Air Force may establish a nonprofit corporation, to be known as the 'Air Force Academy Athletic Association', to support the athletic program of the Air Force Academy.

''(b) ORGANIZATION AND DUTIES.—(1) The Air Force Academy Athletic Association (in this section referred to as the 'Association') shall be organized and operated as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986 and under the powers and authorities set forth in this section and the provisions of the laws of the State of incorporation. The Association shall operate on a nonpartisan basis exclusively for charitable, educational, and civic purposes consistent with the authorities referred to in this subsection to support the athletic program of the Academy.

''(2) Subject to the approval of the Secretary of the Air Force, the Association may—

''(A) operate and manage athletic and revenue generating facilities on Academy property;

''(B) use Government facilities, utilities, and services on the Academy, without charge, in support of its mission;

''(C) sell products to the general public on or off Government property;

''(D) charge market-based fees for admission to Association events and other athletic or athletic-related events at the Academy and for use of Academy athletic facilities and property; and

''(E) engage in other activities, consistent with the Academy athletic mission as determined by the Board of Directors.

''(c) BOARD OF DIRECTORS.—(1) The Association shall be governed by a Board of Directors made up of at least nine members. The members, other than the member referred to in paragraph (2), shall serve without compensation, except for reasonable travel and other related expenses for attendance at required meetings.

''(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director's duties as the Director of Athletics.

''(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

''(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

''(d) BYLAWS.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

''(e) TRANSITION FROM NONAPPROPRIATED FUND OPERATION.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.

''(2) The Secretary may transfer title and ownership to all the assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

''(f) CONTRACTING AUTHORITIES.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy. The Association shall be exempt from the requirements of section 2533a of this title and the Buy American Act (41 U.S.C. 10a et seq.).

''(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel during participation in, or in support of, Academy or Association contests, events, and programs.

''(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

''(1) the management, operation, and oversight of the Association;

''(2) events and athletic contests sponsored by the Association; and

''(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

''(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

''9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.''.

AMENDMENT NO. 12 OFFERED BY MR. TURNER

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed ''to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.''.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that ''will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.''.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.''.

(4) President Obama also said: ''As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.''.

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term ''advanced conventional weapons'' means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

AMENDMENT NO. 13 OFFERED BY MR. BRIGHT

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command, acting under authority

provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or

(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than one year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(c) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.

(d) TERMINATION OF AUTHORITY.—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

AMENDMENT NO. 16 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

At the end subtitle B of title XXVIII, add the following new section:

SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

''(3) The terms 'community adjustment' and 'economic diversification' may include—

''(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community; and

''(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).''.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, and annually thereafter, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

AMENDMENT NO. 18 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 19 OFFERED BY MR. COHEN

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

AMENDMENT NO. 21 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

Page 163, line 11, strike ''service,'' and insert the following: ''service (including a contract to which the servicemember is included with family members),''.

At the end of subtitle I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

AMENDMENT NO. 22 OFFERED BY MR. COSTA

The text of the amendment is as follows:

Page 115, after line 25, insert the following:

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC AGENTS.

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, to ensure each military service is complying with that service's policies with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Force deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

AMENDMENT NO. 26 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) MANAGEMENT BURDEN.—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a review of the Department of Defense report submitted under subsection (c).

AMENDMENT NO. 29 OFFERED BY MR. FLAKE

The text of the amendment is as follows:

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) REPORT REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) CONGRESSIONAL EARMARKS DESCRIBED.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):

(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

AMENDMENT NO. 45 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 565, after line 10), add the following new section:

SEC. 2821. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

AMENDMENT NO. 61 OFFERED BY MR. KIRK

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR THE DURATION OF THE UNITED STATES MISSION.

(a) AUTHORITY TO DEVELOP DEMONSTRATION PROGRAM.—Notwithstanding the limitations specified in subsection (b) of section 352 of title 37, United States Code, on the maximum amount of assignment or special duty pay that may be paid to a member of the Armed Forces under such section, the Secretary of Defense may develop a program to provide additional special pays and bonuses to members (particularly members who score a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari) who agree to serve on active duty in Afghanistan for six years or the duration of the United States mission in Afghanistan, whichever occurs first. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—

(A) a description of the program, including the purpose and the expected benefit to the Government;

(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of implementing the program; and

(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program developed under subsection (a) may be provided for not longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—

(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

AMENDMENT NO. 63 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), add the following new section:

SEC. 316. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term ''covered waste'' includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.

AMENDMENT NO. 64 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting '', county,'' after ''identification of the State''.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—

(1) as part of the Secretary's annual budget submission to Congress, include the funding

levels requested for Military Munitions Response Program and Installation Restoration Program; and

(2) evaluate and report on the progress of such programs in the Defense Environmental Program's Annual Report to Congress.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership in an area that has been of concern for me for a long time, the disappointing and widespread environmental legacy of the Department of Defense. In every State, communities must deal with former training grounds contaminated with live bombs, leftover shells, leaking chemicals.

I have a map here. Every single State, every territory of the United States—and it is an ongoing problem. In June, in Florida, fishermen hauled aboard a live guided missile. On May 22 a farmer plowing his field overturned a live rocket.

We need to be more serious about it, and I appreciate the committee's help, first of all, in focusing with the Department of Defense, requiring the Secretary to report clearly the funding levels requested for the program. We have a new administration. We hope there will be a new commitment to work on this. With additional transparency, we are much more likely to know at least where we are. It's also time for military to be proactive and reduce the amount of munitions generated in the first place.

I'm pleased that they have agreed to another amendment offered by my friend Ms. BROWN-WAITE from Florida to require the Department of Defense to think strategically about ways to lessen the long-term health and environmental consequences, specifically, development of lifecycle accounting for munitions, review of live-fire practicing, and recommending ways to reduce the costs and incidents of unexploded ordnance. Smarter procurement and testing will reduce the long-term impacts of munition, saving money, resources, having safer American lands and more successful operations abroad.

Just a few volleys of a standard rocket system with a 5 percent failure rate generates thousands of unexploded ordnance for training lands here at home, and it complicates our missions abroad. Consider the plight of civilian populations in Iraq and Afghanistan, the millions who will rebuild their lives amidst the munitions wreckage left over the last 6 years of combat.

This is a problem at home in the United States. This is a problem abroad. It is time for us to face up to it. I appreciate the committee's leadership in helping zero in on it. I hope we can do a better job because it will save money while it saves lives at home and abroad.

I enter into the RECORD a list of Munitions and Unexploded Ordnance, UXO, incidents and news for May and June 2009.

June 11, 2009 in Pachtua, MS, 20 Small Unexploded WWII White Phosphorous Bombs Found During Pipeline Work

June 10, 2009. Long Hill, NJ, World War II vet finds ''souvenir'' and alerts bomb squad

June 9, 2009, Norwood, OH, Deactivated Explosives Found At Park

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 8, 2009. Madiera Beach, FL, Fishing Boat Hauls Up Guided Missile

June 8, 2009. Camp LeJeune, NC, U.S. Supreme Court Refuses to Hear Case About Toxic Water at Camp Lejeune

June 8, 2009. California, MD, Ordnance Uncovered at Landfill

June 4, 2009. Columbus, OH, Road Closed after Artillery Shell Discovered

June 1, 2009. Turtlecreek Township, OH, Discarded Hand Grenade Found

June 1, 2009. Nantahala National Forest, NC, Ordnance Found Near Trail

May 22, 2009. Woolmarket, MS, Explosion Rocks Woolmarket Neighborhood

Mr. MCKEON. Mr. Chairman, I yield at this time 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of my amendment to the National Defense Authorization funding, which is included in en bloc 1. I thank Chairman SKELTON and also Ranking Member MCKEON for allowing this amendment to be included.

In 2005 the Department of Army authorized the creation of the Combat Action Badge to provide special recognition to soldiers who personally engage the enemy during combat operations. This is a very honorable distinction. However, the award limits eligibility for this badge to those soldiers that served after September 18, 2001, overlooking the thousands of veterans who have made similar sacrifices in previous wars.

My amendment corrects this error by expanding eligibility to include those soldiers who have served since December 7, 1941. In accordance with the wishes of those veterans who may be eligible for this badge, the costs of it would be borne by the individuals, not the military. Therefore, not only does this award recognize veterans who engage the enemy in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MCKEON. I yield the gentlewoman an additional 15 seconds.

Ms. GINNY BROWN-WAITE of Florida. I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, at this time I yield 1 minute to my friend, a member of the Armed Services Committee, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal method should only be used temporarily while a permanent and safe alternative is developed. The amendment specifically prohibits the burning of medical and hazardous waste or solid waste containing plastic in open-air pits. The burning of such wastes produces chemicals that have proven toxic to humans and represents an unacceptable health risk.

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The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. All who live and work on these bases are routinely exposed to the smoke from these pits, which includes waste from medical facilities, dining facilities, maintenance facilities, as well as trash. To imagine the scale of these burn pits, the one at Balad Air Base in Iraq has increased from 2 tons per day early on to several hundred tons per day.

We simply must protect our troops who have had repeated exposure to this. We do not wish to see an Agent Orange situation develop here. And so I ask that we set some limits on the burning of these pits.

These pits pose a very serious health risk to our troops. Of the nearly 2 million servicemembers who have deployed, a significant portion has been exposed to the fumes and smoke from such burn pits. Up to now, we have continued to dispose of solid wastes this way. But 6 years in Iraq and 8 years in Afghanistan is far longer than anyone can possibly justify as an emergency measure. I understand that sometimes they may have to do this for 3 or 6 or even 12 months, but it has been 8 years!

In the past, we've been to slow to acknowledge the health effects of Agent Orange and Gulf War Illness. We cannot let that happen to our servicemembers again. For decades, it was impossible for them to access the VA medical services they needed and deserved because there was no recognition of the damage Agent Orange had done. We saw this again, after the Gulf war. In 2008, a study by the National Academy of Sciences validated what veterans of the Gulf War already knew—that Persian Gulf War illness is very real.

There is a good reason why it is illegal to have open-air burn pits for disposal of medical and hazardous wastes in our country: they pollute and degrade the environment, and harm people's health. If we wanted to burn those chemicals here in America and expose people here, the EPA would swoop down, and we'd be penalized because you can't do that. And why can't you do it—because it's dangerous to our health.

If we support the troops, don't we also support their health? Don't we have the same concerns about their health when they're supporting our country and fighting overseas as we do when they live here in our communities? When they deploy, our servicemembers put their lives at risk to fight for us, and do not deserve to suffer this added, unjustifiable risk. Preventable environmental hazards must not result in ruined health or lost lives.

This amendment takes a critically important step toward addressing the health risks that burn pits pose to our troops. It has been endorsed by the American Legion, DAV, IAVA, MOAA, the National Guard Association, Veterans and Military Families for Progress, and the VFW. And I thank my friend, Mr. BISHOP, for being a leader on this issue and standing up for our troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to Mr. TURNER, the gentleman from Ohio, subcommittee ranking member, 2 minutes.

Mr. TURNER. Thank you, Ranking Member MCKEON. I want to thank our chairman for his support for an amendment that's in the en bloc.

Two weeks ago, JIM MARSHALL and I introduced the NATO First bill. With the chairman's support, six out of eight of the provisions of that bill are included in some form of the National Defense Authorization Act that recognized support for our allies in Europe. As the U.S. and Russia begin our START negotiations of the previous START Treaty expiring at the end of 2009, it's important for us to set some framework.

This amendment would limit the use of FY 2010 defense funds to implement reductions for U.S. strategic nuclear forces pursuant to a treaty with Russia, for example, START, unless the President certifies that the treaty: one, provides sufficient verification mechanisms; two, does not limit U.S. ballistic missile defense systems capabilities or advanced conventional weapons capabilities; and that the National Nuclear Security Administration is sufficiently funded. The amendment also requires a report on U.S. and Russian nonstrategic nuclear weapons.

I want to thank Roger Zakheim from our staff, who worked diligently for the drafting of the NATO First bill and also for the accomplishment of these amendments.

I want to thank the chairman who has continued to work in a bipartisan way to accomplish a number of provisions in this bill that are important to our national security, and I believe this is certainly one of them.

Mr. SKELTON. Mr. Chairman, the gentleman from Georgia desires to have a colloquy at this point, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

I rise today in strong support for the community of Hinesville, Georgia, and Liberty County. I commend the area for their ardent support of our troops and the Army at Fort Stewart, which has continuously engaged in the challenging missions in the defense of our Nation around the globe.

November 2007, the Army announced that Fort Stewart would receive another brigade combat team using the findings of the 2005 Base Realignment and Closure Committee, along with Fort Bliss and Fort Carson. Since that time, the community installation and Congress have geared up and invested for that growth. Working with post leadership and the Pentagon, Congress appropriated funds for military construction projects such as barracks, buildings, and operation facilities at $154 million for FY 2008 and $352 million for FY09. Clearly the Army has invested greatly to maintain Fort Stewart's tradition as an award-winning installation of excellence.

At the urging of the Army staff and the military leadership on post, the Hinesville community stepped forward to be sure that the new troops would have adequate housing and public infrastructure. The Department of Defense also sent the Office of Economic Adjustment to assist the community to properly prepare for the arrival of the new brigade combat team. Investments were made for new schools, roads, infrastructure.

Banks made many loans to property developers who, in turn, purchased land and accelerated their efforts to provide homes and commercial properties to support the arrival of over 10,000 soldiers and family. However, the decision announced by the Army this June has brought all this economic activity to a halt. While some of this infrastructure will be used or absorbed in time, it is clear that without the arrival of the brigade combat team, the city has overbuilt and overinvested.

The economic hardship would not have occurred without the BRAC-based decision to bring additional troops and the Army's insistence that Hinesville get aggressively involved. The community support in Fort Stewart still has much to offer for the Army.

I stand here in support of the provisions within this bill that will help address the hardship incurred by the small rural communities that support Fort Stewart.

Mr. SKELTON. Mr. Chairman, I am pleased to respond to the gentleman from Georgia. He has a long record of support and advocacy for Fort Stewart and our Nation's Armed Forces, and I am pleased to inform that gentleman that language has been included in this bill to direct the Secretary of Defense to carefully consider the economic impact of this policy change on local communities and to provide to the Congress information about the Department's efforts to mitigate the negative effects. This includes a report on any new enduring missions planned for the bases affected, including a summary of the Department's plans to lessen the economic hardship or investment loss.

I would be happy to work with the gentleman and the Secretary of Defense, of course, to consider how to address the negative impact of recent basing decisions on the local communities that so strongly support our troops.

Mr. KINGSTON. I thank the gentleman for his kind words of support for the patriotic and hardworking people in the communities surrounding Fort Stewart, and I appreciate the chairman's support to work with me through this year's National Defense Authorization Act to ensure that the Army and the local communities can continue to have strong partnerships in the support of the troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7¾ minutes remaining, and the gentleman from Missouri has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank our ranking member, Mr. MCKEON, and especially our chairman, IKE SKELTON, for approving one of the amendments in the en bloc.

In December, I became the first Member of this House to serve in an imminent danger area in Afghanistan in uniform. During my time, I learned that most NATO soldiers with our command only deployed for 6 months and Americans deployed for 12. Only State and USAID personnel served for years in Afghanistan.

Major General Flynn, our former J–2 of the Joint Chiefs of Staff, now head of all intelligence for the African command under General McChrystal, convinced me that we need a core of experts in uniform who can deliver on years of commitment to the Afghan deployment, who can build especially an expertise in the Afghan languages of Dari and Pashtu. This amendment, the Larsen-Kirk amendment, allows a for-the-duration incentive for members of the military wishing to make a deployment to Afghanistan.

It's for-the-duration deployments that helped us win World War II. DOD and senior commanders feel that this language that will build a dedicated long-term Afghan core of enlisted officers will quickly become the leaders of our Afghan NATO effort.

Based on our bipartisan bill that Congressman LARSEN and I introduced, our bill would lay out a $250,000 payment for a soldier willing to make a for-the-duration commitment and another $250,000 for a 4.0 or better score in Pashtu or Dari. In my discussions with the troops currently in the field in Kandahar, they are pumped up about the opportunity that this commitment would be.

I feel that only a small number of soldiers would sign up, but each one of them, if strategically placed in key Afghan provinces, would become vital assets to our effort and the success of President Obama's campaign in Afghanistan. And I really applaud the chairman and the ranking minority member for putting this in the bill.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend and colleague, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

I rise to join my colleague, Representative CAROL SHEA-PORTER, in urging my colleagues to support our amendment which would ban the use of open burn pits in war zones.

Disturbing reports are coming to light every day about the reckless disposal of hazardous waste in open burn pits in Iraq and Afghanistan and the devastating toll they are taking on the health of hundreds of our service men and women. It is encouraging that Secretary Shinseki and Secretary Gates have responded to our questions and stated they have taken seriously our concerns about the danger of burn pits, but this legislation is necessary to see to it that this action takes place.

The legislation is endorsed by the American Legion, by the DAV, by the IAVA, by the National Guard Association, and by the VFW. I urge its passage.

Mr. MCKEON. Mr. Chairman, I reserve the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, a member of the Armed Services Committee, the gentleman from Virginia (Mr. NYE) for 1 minute.

Mr. NYE. I would like to thank the chairman for yielding.

Mr. Speaker, a lot of the legislation that comes through this House deals with obscure technical points in Federal programs that most Americans have never and will never hear of.

However, the amendment that I have introduced, along with my good friends and colleagues from Virginia, Mr. GERRY CONNOLLY and Mr. TOM PERRIELLO, is a commonsense solution to a common problem faced by our military personnel.

In my district of Hampton Roads, many men and women are regularly deployed overseas to Iraq and Afghanistan. When a soldier, sailor, airman, or marine is preparing to leave their home and family to serve their country in harm's way, the last thing he or she should have to worry about is paying a cell phone contract termination fee.

In the last Congress, legislation was passed to allow deployed servicemembers to exit an individual cell phone contract without paying a penalty, and this amendment will extend that same protection to military personnel whose phones are registered through family plans.

The amendment is supported by the Iraq and Afghanistan Veterans of America, and I urge all my colleagues to join me in easing the burden on our men and women in uniform.

Mr. MCKEON. I yield, at this time, 1 minute to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Chairman, I want to say that I support the Hastings amendment because it tries to make sure that groups determined by the Attorney General to be of violent or extremist nature are not recruited into military service. But I take some offense that one of the Cabinet-level officials of our government categorized people who are, quote, dedicated to a single issue such as opposition to abortion or immigration as right-wing extremists, and I am concerned that the amendment might be misunderstood.

And I would like to hear from the other side that this is not the intent of the amendment and that we would make sure that someone that was dedicated to the patriotism and protecting their country, which it takes a certain amount of extreme dedication to go out and pour one's blood on a foreign battlefield for the cause of human freedom, and I want to make sure that those individuals are not considered extremists under Mr. HASTINGS' part of the en bloc amendment.

Would anyone speak to that on the other side?

The Acting CHAIR. Is the gentleman asking someone to yield?

Mr. FRANKS of Arizona. Yes, I would yield to the chairman.

The Acting CHAIR. The gentleman's time has expired, however.

Mr. SKELTON. I yield to the gentleman.

Mr. FRANKS of Arizona. I guess I am asking the chairman of the committee that the Hastings amendment would not include—the definition of right-wing extremists would not be included in the amendment that's being offered by the Hastings amendment under the en bloc.

Mr. SKELTON. We will have to check, just a moment.

Mr. FRANKS of Arizona. Mr. Chairman, maybe I could just ask for your assurances that people dedicated to single issues in this country such as opposition to abortion or immigration would not be considered extremists and not be disallowed into the military; at least, that would not be your intent under this amendment.

Mr. SKELTON. That is correct.

The Acting CHAIR. The gentleman from Missouri. The gentleman from Missouri has three-quarters of a minute remaining.

Mr. SKELTON. I yield the balance of my time to the to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to introduce this amendment with my fellow Virginians Mr. NYE and Mr. PERRIELLO. During the 110th Congress, the Servicemembers Civil Relief Act did address cell phone and property lease contracts for active-duty deployed. However, they did not address—they addressed individual cell phone contracts and individual leases. They did not provide that protection to family cell phone plans.

As a result, we have servicemembers who are finding themselves having to continue to pay obligations to cell phone companies. Under the motor vehicle section of our amendment, the leasing agent may not charge an early termination penalty, something also not addressed in SCRA last year.

This is a practical amendment that will help our active-duty deployed and their families make sure that they are safe and secure from this kind of hounding when they are serving their country overseas.

The Acting CHAIR. The time of the gentleman has expired.

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Mr. MCKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

The Acting CHAIR. The majority has no time remaining.

Mr. MCKEON. I yield such time as he may consume to the gentleman from Missouri.

Mr. SKELTON. I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my freshmen colleagues from Virginia, GERRY CONNOLLY and GLENN NYE, for this commonsense solution.

When our men and women in uniform are deployed, they should not be punished; they should be celebrated. This is a commonsense fix to ensure that there are no termination fees when cutting off a cell phone contract or an auto leasing deal for our troops when they deploy.

This is the sort of thing that I think the new class came here to do; see a problem, find a solution, and bring it to this floor. We are proud today to do this for all of those who serve, and we request support for the amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to the Turner amendment to H.R. 2647.

While I appreciate the fact that the gentleman incorporated a number of changes suggested by the Chairman of the Armed Services Committee—which clearly improved the text—and that this debate is about what kind of a strategic force reduction agreement to have, rather than whether to have one at all, I remain concerned about the timing of this amendment.

It is offered as President Obama is preparing to embark on an important visit to Moscow, where he and Russian President

Medvedev will hold a summit to discuss a range of critical issues, including the negotiation of a new agreement on U.S. and Russian strategic nuclear forces.

Limiting the scope of a future treaty on the eve of these sensitive discussions would make it much more difficult for the President to negotiate an agreement that adequately protects U.S. national security interests.

Indeed, imposing these limits would only give Russian negotiators additional leverage over the United States as these negotiations begin.

Aside from the fact that this amendment undermines the U.S. negotiating posture, the Executive Branch would almost surely declare that this provision infringes on the President's constitutional authority. So we are providing the Russians with leverage on a provision that the President is likely to treat as advisory. I simply don't think this is the right approach.

In a more general sense, the amendment would also undermine the President's efforts to improve relations with Russia, and particularly to increase cooperation with Moscow on preventing Iran from developing a nuclear weapons capability.

Mr. Chair, for all of these reasons, I urge my colleagues to oppose the Turner amendment.

Mr. COHEN. Mr. Chair, I would like to thank Chairman SKELTON, Ranking Member MCKEON, and former Ranking Member MCHUGH for their tireless work to put together this year's National Defense Authorization Act.

My amendment to the NDAA directs the Department of Defense to report on the potential effects of expanding the current statute regarding directing disposition of remains of a servicemember who dies in combat. The DOD is to report back to Congress within 180 days with their findings.

I filed this amendment because the current policy under 10 U.S.C. 1482 is too restrictive, limiting the individuals who can be designated to a spouse, blood relative, or adoptive parent.

In today's society, many families are not as simple as that.

Specialist Christopher Fox of Memphis, only 21 years old, was on his second tour in Iraq and was due to be discharged from the Army in July of this year.

However, he died in Iraq on September 29, 2008 of wounds sustained when he encountered small-arms fire while on patrol.

Specialist Fox wanted his mother-figure—the woman who was awarded temporary custody when he was seventeen—to oversee his burial arrangements.

Her name was listed on the DD93 form filled out by Specialist Fox to direct disposition of his remains, as required by the DOD.

However, due to Federal law, DOD could not allow his written intent to be carried out.

I know that Specialist Fox is not alone in wanting someone other than a spouse or blood relative to oversee their burial arrangements.

Expansion of the 10 U.S.C. 1482 is supported by the Air Force Association, AMVETS, the National Guard Association of the United States, the National Association of Uniformed Services, the United States Army Warrant Officers Association, and the Vietnam Veterans of America.

We need to remember the sacrifices of our servicemembers and do what we can to honor their memory and their wishes.

It is with this purpose that I filed this amendment to require the DOD to study the current statute. I urge my colleagues to support and pass this amendment.

Mr. COSTA. Mr. Chair, I rise today asking my colleagues support an amendment to H.R. 2647, the National Defense Authorization Act for FY10. This amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

Since the American Civil War, the percentage of our men and women that are killed in action has remained unchanged at approximately twenty percent, despite the numerous advances in battlefield equipment and treatment. The American Red Cross also estimates that half of all military deaths on the battlefield are a result of excessive blood loss. All branches of our Armed Services are using hemostatic agents, which are either surgical gauze with blood clotting agents or a granular powder, which have been proven to save the lives of soldiers and Marines.

In February 2003, the Committee on Tactical Combat Casualty Care, an organization made up of over 30 military and civilian doctors, recommended that all combatants carry hemostatic dressings. Military Medicine published a report in January 2005 which stated that ''the use of effective hemostatic dressings will benefit most combat injuries (whether they are life threatening or not) because better hemorrhage control is always advantageous.''

It is clear that the men and women who are risking their lives in combat zones should have access to any and all life saving items, including hemostatic agents. Also, these combat zones can be extremely hostile and the terrain can be extreme, resulting in delays in evacuating injured soldiers or Marines. We need to ensure that not only field medical staff is supplied with these life saving items, but ensure that each solider and Marine has one in their individual first aid kit as well.

This amendment also includes a Sense of Congress that every member of the Armed Services deployed in a combat zone should carry a hemostatic agent and asks the Department of Defense to submit a report back to Congress on how these agents are distributued and where distribution problems may occur.

I want to thank Chairman SKELTON and Ranking Member MCKEON for accepting this amendment. Also, I want to thank both of them and their staff for their hard work on this authorization.

Mr. SMITH of New Jersey. Mr. Chair, today I am offering an amendment to the fiscal year 2010 National Defense Authorization Act that will ensure that the Department of Defense has done their due diligence and that my constituents have access to information needed regarding a DOD proposal that will significantly impact our local community.

By way of background, over 20 years ago, the Navy entered into a Section 801 Housing agreement to build 300 units on Naval Weapons Station Earle. Because of changed home porting plans initiated in the 1990's, there are simply no sailors or dependents to live there. When Colts Neck was put into my district in 2003, the units were already 75 percent unoccupied.

Naval Weapons Station Earle's mostly vacant 300 units of housing at Laurelwood has long been—and is today—unnecessary, obsolete and a financial burden to the Navy. Regrettably, the Navy is still in a bind and has made one bad decision after another in an attempt to recoups losses they failed to properly anticipate in 1988.

Despite the fact that there are next to no tenants at Laurelwood, the contract stipulates mandatory federal payment to the developer—estimated to be $3.5 million a year—regardless of occupancy.

At issue today are the deeply troubling consequences imposed by an egregiously flawed contract. The so-called out-lease period which becomes effective in 2010 and ends in 2040 makes all 300 housing units available to virtually anyone with rent money, with a guarantee of unimpeded access inside one of the most sensitive munitions depots in the country.

The Navy's EIS and the ROD should have been comprehensive reviews of all relevant challenges, dangers, and costs associated with the proposed matriculation of Laurelwood to civilian use. They were not.

Both documents fell short in addressing the myriad of valid concerns raised by the community including security, education and transportation, to name just a few. The Navy initiated its review process of Laurelwood as far back as 2002 so the questions left unanswered by their ''analysis'' are numerous and troubling.

On education, for example, their study offers us no assurances whatsoever of anything close to fairness and equity. Under the Navy plan, local communities are left to educate hundreds of non-military children for whom the towns can not adequately plan without proper numbers. The Navy's assumption that a third of these children would be educated in public schools is unsupported and masks the real problems that these schools will face when the influx of between 300 and 600 new students happens. My amendment is necessary to ensure that the school boards have all relevant information and can plan and budget accordingly.

The Navy has been extraordinarily myopic on the paramount issue of security and both the EIS and the ROD are devoid of any meaningful analysis of the true costs to the Navy and surrounding jurisdictions if Laurelwood rents to civilians who are then able to drive onto and through the base.

We cannot hermetically seal our military bases but, in my view, the Navy's proposal unwittingly does the reverse: it creates vulnerabilities where they do not exist today. It compromises national security and unnecessarily puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed that a group of young men were planning to infiltrate Fort Dix, which is also located in my Congressional District, and kill as many servicemembers as possible, Congress recognized the vulnerability of our military bases and took steps to ensure that those who are seeking access to our bases are thoroughly checked and accounted for.

However, the Navy now plans to remove these restrictions and allow any member of the public to drive onto and through the largest munitions depot on the East Coast.

Incredibly, the Navy believes that ''impacts to security from the proposed action are not anticipated.'' In my opinion—which is supported by a Department of Defense Inspector General (IG) report I requested earlier this year—the Navy is not providing adequate security at the base now. I requested this report after a security guard at the base raised concerns regarding the performance of the security contractors at Earle (D–2009–045). The IG produced troubling findings. They stated that the Navy did not know whether all contractor security guards had completed a background check or that they had completed all training required by the contract.

The Navy's security plan places undue faith in a fence as a means to deterring or mitigating access and appears to rely simply on adjusting already inadequate patrols currently performed by private security guards at no perceived increase in cost.

The Navy believes that ''additional security personnel will likely be required to patrol the additional perimeter fencing,'' but gives no clue whatsoever as to how many and at what cost. Again, this information—which GAO will provide in accordance to my amendment—is needed if a prudent decision is to be reached.

It is worth noting that two of the other installations that are approaching the outlease deadline share similar security concerns. Port Hueneme's security officials believe that ''allowing the general public to live in the units would, at a minimum, indirectly affect the mission of the base'' and require ''additional police officers and patrols, and an increased security budget.'' Ft. Hood recently required that the renters of their Section 801 Housing units must undergo a background check as a condition of residency—although given the demand for this housing by military personnel, no background checks have been conducted or are expected.

In my view, the 1988 contract itself—written long before the bitter lessons of the USS *Cole*, the Khobar Tower bombings, the destruction of our embassies in Nairobi and Dar es Salaam, and 9/11—fails to anticipate and its authors could not have adequately understood as we do today the dangers inherent in proximity, enhanced 24/7 surveillance of potential targets, and the proliferation of sleeper terror cells.

The 9/11 Commission Report is replete with instances of dangers unrecognized, unacknowledged, and unanticipated that led to the worst terrorist attack on US soil ever.

I strongly believe that the Navy is in the process of compounding its initial 1988 contracting mistake with a far more serious one that is fraught with significant danger for Navy personnel and the people residing in adjacent communities.

Until now, the security of my constituents and the costs that they will bear when this proposal is implemented has been deferred to the interest that has a conflict of interest: the Navy.

My amendment would change that. It will ensure a thorough and comprehensive study of all relevant factors. It will allow our local community to adequately plan and budget for the impacts of the decision—which they overwhelmingly oppose—and I urge its adoption.

Mr. MCKEON. Mr. Chairman, if the gentleman from Missouri requires no further time, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, since we have no additional requests, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. MC KEON

The Acting CHAIR. It is now in order to consider Amendment No. 2, as modified, printed in House Report 111–182.

Mr. MCKEON. Mr. Chairman, it is my pleasure to introduce this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2, as modified, offered by Mr. MCKEON:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America's military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, it is my pleasure to introduce this amendment that honors a good friend of mine, a good friend of the House of Representatives, a good friend of our Armed Forces and the American people, Congressman JOHN MCHUGH.

Mr. Chairman, Representative MCHUGH has represented New York's 23rd Congressional District in the House of Representatives since 1993—we came here together—and he has done so with honor and integrity. Representative MCHUGH's district includes Fort Drum, the home of the outstanding 10th Mountain Division, for which he has been a tireless advocate. He is honored and respected by all members of the 10th Mountain Division, past and present.

Prior to his service in the House of Representatives, he served for many years in local, State and Federal government. Since coming to the House of Representatives, he has been a champion for the members of the Armed Forces. He is known by his colleagues as a leader on national defense and security issues and a relentless advocate for America's military personnel and their families.

While in the House, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retiree pay, or concurrent receipt, and safeguard military retiree benefits for our troops.

Mr. Chairman, this work is always important, but it has never been more important than now, while our troops are in combat. Representative MCHUGH has done outstanding work to support our men and women in uniform and their families.

Representative MCHUGH has served on the House Armed Services Committee since the 103rd Congress. He was appointed as the chairman of the Morale, Welfare and Recreation panel and

then as the chairman of the Military Personnel Subcommittee. His leadership of these two subcommittees has advanced the support and recognition of the needs of the members of our armed services and their families to a greater level than ever before.

More recently, during the 111th Congress Representative MCHUGH was appointed ranking member of the House Armed Services Committee. During his time as ranking member, he continued his tireless work to ensure the success of our Armed Forces, our national defense and our security.

Mr. Chairman, earlier this month President Obama announced his intention to nominate Representative MCHUGH to serve as the Secretary of the Army. I can say with confidence that our loss will definitely be the Army's gain. I am absolutely certain that Representative MCHUGH will serve the Army with the same commitment and dedication that he has provided to our men and women in uniform while he has been on this side of the river.

I want to thank him for his leadership on this committee. His passion for and dedication to the members of our Armed Forces will be sorely missed by this body. He is a great friend that we will miss working with here on the Hill, but I am sure we will have future opportunities to work with him in his new capacity.

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

Mr. SKELTON. Mr. Chairman, I rise in strong support of this amendment, a sense of Congress honoring Congressman JOHN MCHUGH.

The Acting CHAIR. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. JOHN MCHUGH is an outstanding American, an outstanding Member of Congress, the former ranking member of the House Armed Services Committee. He has served the people of America in this capacity selflessly and with distinction, and it is our opportunity now to express gratitude as a Congress and as a nation for his efforts.

He has represented New York's 23rd Congressional District since 1993. His district includes northern New York, including Fort Drum. He has been a public servant now for some 40 years, having served in the local, the State and Federal levels of our government. He is a highly respected leader on national defense and has been a staunch advocate for America's military personnel and their families.

As chairman and subsequently ranking member of the Subcommittee on Military Personnel on our Armed Services Committee, JOHN MCHUGH has shared my desire to increase the end-strength for the Army and the Marines, enhance military pay, and began efforts to eliminate concurrent receipt to allow the payment of both veterans disability and military retired pay.

Given his background and his experience, the President nominated JOHN MCHUGH to serve as Secretary of the Army on June 2nd of this year. It is a tribute to his accomplishments in national defense on behalf of the servicemen and women and their families.

It is a pleasure to honor him in this manner. It is a pleasure to have served with him. We will, of course, miss him, his brightness, his humor and his quick wit, and his dedication to our Armed Forces. We wish him the very best as he serves as the Secretary of the Army.

I can only say this, Mr. Chairman, that the Army will be in good hands with JOHN MCHUGH. We thank him for his service here and look forward to working with him in his new capacity.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I would like to just embarrass our friend a little bit. Maybe we could ask him to stand where we could all see him.

This sounds like a funeral service. This is not a funeral service, it is not a memorial service. We just want to thank you, JOHN, for your work. He is a young man and will be doing a lot more in the service of his country and his State I am sure in the future.

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

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment offered by the gentleman from California (Mr. MCKEON), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider Amendment No. 9 printed in House Report 111–182.

Mr. FRANKS of Arizona. Mr. Chairman, I offer amendment No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANKS of Arizona:

Page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES HOMELAND, ALLIES, AND FORWARD DEPLOYED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) North Korea's nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1695 and 1718, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang's July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 Nodong missiles which can reach Japan, and 600 Scud missiles which threaten South Korea.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intercontinental ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(8) Following through on its provocative threat, North Korea conducted a nuclear test on May 25, 2009 in violation of United Nations Security Council Resolution 1718.

(9) North Korea test-fired six shorter-range missiles off the country's east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, ''North Korea's nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . The record is clear: North Korea has previously committed to abandoning its nuclear program. Instead of following through on that commitment it has chosen to ignore that commitment. These actions have also flown in the face of United Nations resolutions.''

(11) North Korea's nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to deter North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea's actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to start enriching uranium and weaponize all its plutonium.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.

(15) On February 3, 2009, the Government of Iran successfully launched its first satellite into orbit—an act in direct violation of United Nations Security Council Resolution 1737.

(16) General Maples, Director of the Defense Intelligence Agency, recently said, ''Iran's February 3, 2009, launch of the Safir space launch vehicle shows progress in mastering technology needed to produce ICBMs.''

(17) On April 5, 2009, President Barack Obama said, ''So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''[t]he threat posed by ballistic missile delivery systems is likely to continue increasing while growing more complex over the next decade. Current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges.''

(20) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''Prelaunch survivability is also likely to increase as potential adversaries strengthen their denial and deception measures and increasingly base their missiles on mobile sea- and land-based platforms. Adversary nations are increasingly adopting technical and operational countermeasures to defeat missiles defenses. For example, China, Iran and North Korea exercise near simultaneous salvo firings from multiple locations to defeat these defenses.''

(21) General Kevin Chilton, Commander of the United States Strategic Command testified on March 19, 2009, ''I think the approach for missile defense has been a layered defense, as you've described, that looks at opportunities to engage in the boost phase, in the mid-course, and then terminal.''

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, ''Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that north Korea has around eight hundred of these missiles in their operational territory. Today, they are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over north Korean territory would be a huge combat multiplier for me. Therefore, I enthusiastically support the pursuit of the unique combat capability provided by the ABL in attacking missiles in their boost phase.''

(b) POLICY.—It shall be the policy of the United States to continue development and fielding of a comprehensive, layered missile defense system to protect the homeland of the United States, our forward-deployed forces, and allies against the near-term and increasing short, medium, and long-range ballistic missile threats posed by rogue nations such as North Korea. These missile defenses shall consist of national and theater missile defenses, but neither should come at the expense of the other. It shall also be the policy of the United States to continue developing systems designed to intercept missiles in the boost phase of flight in order to defend against developing sophisticated threats.

(c) ELEMENTS IN DISCHARGE OF THE POLICY.—The discharge of the policy stated in subsection (b) shall include the following:

(1) Continued testing, fielding, sustainment, and modernization of the ground-based midcourse defense system, specifically—

(A) not less than 44 ground-based interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California;

(B) completion of missile field number two at Fort Greely, Alaska;

(C) aging and surveillance;

(D) capability enhancement;

(E) modernization and obsolescence;

(F) operationally realistic testing; and

(G) viable production capability.

(2) Continued development and testing of the Airborne Laser Program

(3) Continued technology maturation and demonstration of the technologies associated with the Kinetic Energy Interceptor

(4) Continue technology maturation and demonstration of the technologies associated with the Multiple Kill Vehicle

(5) Continued support for on-orbit experimentation of the Space Tracking and Surveillance System demonstration satellites, and concept development and technology maturation for a follow-on capability.

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.

(a) FUNDING.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000, for the Missile Defense Agency, of which—

(1) $600,000,000 is to be available for the ground-based midcourse defense system;

(2) $237,000,000 is to be available to the Airborne Laser Program;

(3) $177,100,000 is to be available to the Multiple Kill Vehicle;

(4) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(5) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111-5 and fiscal year 2010 funding as planned in fiscal year 2010.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, nuclear weapons, especially those connected to intercontinental ballistic missiles, represent the greatest danger, the greatest weapon ever devised, threatening the human family. The enemies of the United States are defiantly developing delivery systems for those devastating weapons.

Mr. Chairman, to be clear, ballistic missile threats are increasing in the world, and while that threat is increasing, our budget in Congress to effect missile defense is decreasing. My amendment would restore the $1.2 billion that was cut from last year's appropriated amount.

The administration and those who support these cuts have created a false choice between theater defense and homeland defense. If this Congress can find $787 billion for a so-called stimulus economic package, then we have no excuse but to also fund both theater defense and the national defense of the American people.

Mr. Chairman, North Korea has recently conducted a nuclear test and missile launches, and President Obama has called Iran's nuclear and ballistic missile activity ''a real threat.'' Despite the threat increase, this bill slashes by 35 percent the only system that we have that is tested and proven to protect the homeland against ICBMs, our Ground-based Midcourse Defense system. My amendment would restore these cuts.

Mr. Chairman, North Korea is right now planning a ballistic missile launch, and yesterday in fact declared it is ready to ''wipe out the United States.'' We have a chance this moment to restore the funds to make these systems viable to protect the American people from this exact threat.

I urge my colleagues to vote in favor of protecting the American people and to vote ''yes'' on this amendment.

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

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee's bill provides $9.3 billion for missile defense, fully funding the administration's request. The budget supports our efforts to build a robust defense against threats from rogue nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by $900 million over the budget level of last year.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, The security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent $120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don't seem

to want to deal with the fact that in this bill we authorize $1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance because enough of that money during the previous administration wasn't spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threats.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President's budget request.

Mr. Chairman, I am happy to reserve my time.

□ 1200

Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say $1.2 billion in missile defense spending would be wasteful, in the light of the fact that when three airplanes hit this country, it cost us $2 trillion in our economy and nearly $100 billion to clean it up, I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a ''fire shower of nuclear retaliation.'' These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration's $1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation's Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cusp of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. TURNER.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration's decision to cut $1.2 billion out of missile defense funding below the fiscal year 2009 funding. Make no mistake, this is a cut. We are going to spend $1.2 billion less than we spent in 2009.

We are going to do this while we have increasing threats, not decreasing threats, to the United States. And make no mistake, the Department of Defense has not provided one data point. They have not provided one study. They have not provided any information, no intelligence that indicates we have a reduced threat, all the while we know with this reduced threat, there is no justification for a reduction.

I am concerned with the top-line missile defense cut, I am deeply concerned about the specific cuts that include a 35 percent cut to the Ground-based Midcourse Defense system in Alaska and California, and the administration decision to decrease the planned number of field interceptors, which is our response to North Korea's ICBMs, terminate construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a long-standing member of the Strategic Forces Subcommittee.

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the amount of money that we spend on effective regional defense systems.

But let's talk about what we would do if the Pyongyang threat came true and a missile was fired from North Korea. Here is the first thing we would do: We would rely upon the ground-based systems in Alaska. We put nearly a billion dollars into improving those systems. The Secretary of Defense has testified that the 30 interceptors in place are plenty, that they are enough. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM–3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: ''The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sink holes for taxpayers' dollars.''

We would not invest in Civil War-era technology that doesn't work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LARSEN of Washington) assumed the chair.

MESSAGE FROM THE SENATE

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

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

The message also announced that pursuant to Senate Resolution 203, 111th Congress, the Acting President pro tempore, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. TOM UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Florida (Mr. MARTINEZ) (Vice-Chairman).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from (Mississippi) (Mr. WICKER).

The Senator from Nebraska (Mr. JOHANNS).

The Senator from Idaho (Mr. RISCH).

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee resumed its sitting.

The Acting CHAIR (Mr. HOLDEN). The gentleman from Arizona has 5½ minutes remaining and the gentlewoman from California has 6½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, haven't I yielded just 4 minutes thus far? I yielded myself 2 minutes in the beginning, Mr. MCKEON 1 minute and Mr. TURNER 1 minute?

The Acting CHAIR. The gentleman from Arizona went 30 seconds over his time.

Mr. FRANKS of Arizona. I yield the gentleman from Alabama (Mr. GRIFFITH) 1 minute.

Mr. GRIFFITH. Mr. Chairman, I appreciate this difficult situation. I believe that as the budget was formed and the decisions were made, North Korea was not as aggressive, nor was Iran. I stand in support of the Franks amendment. I share the gentlelady's concern that accountability needs to be increased; but in this time of increasing threat, I would prefer that we err on the side of the Franks amendment, even if we must attach certain conditions to it in conference. But I would urge Members to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a longstanding member of the Strategic Forces Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlelady for yielding.

Mr. Chairman, I urge my colleagues to oppose this amendment. Chairman SKELTON and Chairwoman TAUSCHER have crafted a bill that protects the United States and our allies from real ballistic missile defense. And I think it is the right balance. There is no doubt that this Nation needs a robust ballistic missile defense, and we have properly invested our resources into those areas of ballistic missile defense that are working and have the most promise.

The underlying bill provides $9.3 billion for missile defense, supporting critical programs that are testing and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The Franks amendment, in contrast, would direct precious resources to flawed programs that, to paraphrase Secretary Gates, will enhance neither the efficacy of our missile defense nor the security of our citizens.

In his opening statement the gentleman, the sponsor of the amendment, said that the greatest threat that we face is a ballistic missile from a rogue nation. That is not accurate. There is no doubt that is a threat, we have to be concerned about it, but realistically the greatest threat is from fissile material or a nuclear weapon being smuggled into the United States and being detonated. That is not just my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee in this Congress, both on the Intelligence Committee and on the Armed Services Committee. On the Armed Services Committee, I served as subcommittee chairman of the Subcommittee on Emerging Threats. That is the greatest threat that we face; and this mark, the chairman's mark, contains more support for counterproliferation programs to secure fissile material or nuclear weapons that could be smuggled into the country. That is the right approach.

Meanwhile, the proposed cut to DOE's environmental cleanup would eliminate as many as 33 jobs when America can least afford it. This bill balances our security needs with realistic budget considerations. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairman, might I inquire as to the remainder of the time.

The Acting CHAIR. The gentleman from Arizona has 5 minutes remaining, and the gentlewoman from California has 4½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, when the gentlelady from California says that we are fully funding the administration's request, that is true. I accept that at face value. But what if the administration is wrong? What if they have made the wrong request? Remember, this is an administration that has said Iran has legitimate nuclear ambitions. No, they don't. There is no legitimate pursuit of nuclear power in Iran; it is all for an evil and despicable purpose.

This is an administration that got it wrong on the Iranian dissidents and has sort of back-pedaled over the past several days and recast their support of the dissidents when they really missed the mark. So I take the gentlelady at face value that they are fully funding the request; but in my opinion, the request is wrong.

The gentleman from Arizona is right: this is an aggressive regime that ought not to be coddled. This is an effort to make sure that all of us are safe, and this is a sacred duty. I urge the adoption of the Franks amendment.

Mrs. TAUSCHER. Before I yield, I would just like to engage the new Member from Illinois. I know you are a new Member, sir, but the truth of the matter is over the last 8 years of the Bush administration where all we did was spend money without very much oversight, we would have had, after spending all that money, $120 billion, we should have a system that is operationally effective and actually achieved credible deterrence.

You have to ask yourself why that hasn't happened after $120 billion. The question is not how much money you spend; it is whether you spend it smartly. That is what this budget does.

I yield to the gentleman from Washington (Mr. LARSEN) for 2 minutes.

Mr. LARSEN of Washington. I thank the gentlelady from California for yielding, and I rise in opposition to the Franks amendment.

The committee's bill does provide $9.3 billion for missile defense which fully funds the capabilities that the United States needs to protect our country. The threat to our Nation from ballistic missiles is real. Our adversaries have a multitude of short- and medium-range missiles and are developing more advanced missiles as well.

This budget will help keep our Nation and our servicemembers safe from the threats that we face. For instance, the number of Aegis ships will grow from 21 to 27; the number of SM–3 interceptors from 131 to 329; and the number of THAAD interceptors from 96 to 287. These are urgently needed investments to protect our troops in the field. This budget also includes funding for the operation, testing and sustainment of Ground-based Midcourse Defense, and follows Secretary Gates and the Missile Defense Agency recommendations to have that number of interceptors at 30.

Secretary Gates has also said at the level of capability that North Korea has now and is likely to have for some years to come, 30 interceptors, in fact, provide a strong defense against North Korea.

But even more so, for the first time ever, combatant commanders were part of developing this budget, and the combatant commanders have said that this budget meets their needs as well.

I also have to oppose this amendment because of where the offset is coming from: $1.2 billion from the DOE's environmental cleanup. We had this debate in committee in some respects, not over this amount, $1.2 billion, but over some amount. I think we need to understand that cleaning up the nuclear legacy, the Cold War legacy in this country is an obligation. Some people have called this an obsession. Is it an obsession to clean up nuclear waste that is in the groundwater around communities in this country?

□ 1215

It is not an obsession; it is an absolute obligation. And if we cut these

dollars, we are cutting away that obligation.

Something more important as well. Even though the Recovery Act put up to $5 billion in this budget, it's because we've neglected this obligation in the past.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. TAUSCHER. I yield the gentleman an additional 30 seconds.

Mr. LARSEN of Washington. Cutting these dollars from environmental cleanup continues to neglect that obligation that we have to communities all over the country to clean up America's ultimate toxic asset, the cold war legacy of nuclear waste in our communities.

So I would ask my colleagues to oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I rise in strong support of the Franks amendment.

I am closer to Korea than anybody in this room, and they are launching a missile on July 4. We have a missile defense site in Alaska that has missiles there now that can shoot that down. We just want to finish it, and this money would finish it.

It sends a wrong message to our enemies if we retreat from the missile defense we have today, and some people say, including Mr. Gates, it doesn't work. Well, I bet your dollar it does work, and it will work. But I don't like sitting in Alaska looking at that missile that can reach us and reach Hawaii, and we don't have the defense to shoot it down. Maybe today we might shoot one down, but we need to finish this Fort Greely missile defense site, and this money would do it. It's shovel ready.

This is a good bill, this just makes it a little better. It's the right thing to do for America. It's the right thing to do for Alaska. It's the right thing to do for freedom of all of the world.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the chairman of the committee, Mr. SKELTON of Missouri.

Mr. SKELTON. I rise in opposition to this amendment.

Secretary Gates announced a series of changes in the missile defense program and so testified. I wish to compliment the gentlelady from California (Mrs. TAUSCHER), the chairman of the subcommittee that covered this subject, for the excellent work that she and the subcommittee did regarding missile defense. They got it right. They increased funding for theater missile defense programs by $900 million. They capped the deployment for long-range missile defense interceptors in Alaska at 30 as opposed to the 44 previously planned. Right now, there are 26 currently deployed. And they cancelled the Multiple Kill Vehicle program, the Kinetic Energy Interceptor program, and the second Airborne Laser prototype aircraft because they were not working.

Consequently, they did it right by allowing and authorizing $9.3 billion for missile defense programs overall. I oppose the amendment. We did it right.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak in favor of the amendment to restore $1.2 billion in funding for missile defense.

Just yesterday, North Korea threatened to wipe the United States off the map. It is unconscionable that we would decrease funding for our missile defense system during a period where North Korea and Iran's nuclear programs and ballistic missiles pose a real and increasing threat to the United States.

In May, Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile which could reach Europe, Israel, and United States forces deployed in the Persian Gulf. This $1.2 billion cut forces an unnecessary choice between protecting our homeland against longer-range missiles and protection of our forward-deployed troops and allies against shorter-range missiles. The threat will only continue to increase over the next decade as technology increases for them. We are decades behind in having a comprehensive multilayered system.

I urge my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Arizona has 2 minutes remaining, and the gentlewoman from California has 30 seconds remaining and the right to close.

Mrs. TAUSCHER. Mr. Chairman, I reserve my time.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, we've been talking about missile defense here and an amendment that relates to missile defense. I think one of the things that is important, and maybe a little confusing, is the fact that there are different kinds of missiles that an enemy might send against us, and so we have different kinds of missile defense depending on the nature of what is sent against us.

The debate here centers on the very long-range missiles that are known as intercontinental ballistic missiles. We have only one way to stop those missiles, and that is what's called ground-based defense. Now, we have started. We have dug the holes and built the silos for some additional ground-based missiles, and this budget is cutting the funding for something that we have already started. The amendment would restore those and finish something that we agreed to so we are not wasting money starting something and stopping it partway. So that is part of the amendment. And this is missile defense, which is important, along with the other kinds of missile defenses which are supported in this bill and have been done very well by the committee overall.

The second component of this amendment restores what is known as the Airborne Laser, a very promising technology which is based more on trying to stop a missile as it's being launched. It has the benefit of being as fast as a flashlight beam that you put on the missile and you kill it right over enemy territory when it's being launched. The bill, the way it is proposed, is going to cut the funding for the Airborne Laser. This amendment restores that important funding. Again, this is a program that we've started, invested a whole lot of money in, and it needs to go forward.

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

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining. The gentlewoman from California has 30 seconds remaining, and she has the right to close.

Mr. FRANKS of Arizona. Mr. Chairman, I will yield myself 30 seconds.

Mr. Chairman, an ICBM landing in the United States or over the United States could subject us to an EMP tragedy or destroy one of our cities and change our concept of freedom forever. The only system that we have to defend us in a tested and proven way from that threat is our Ground-based Midcourse Defense. The budget, as it stands now, cuts it 35 percent. This amendment would restore that money to protect our children and families from such a threat.

We need to protect this country from madmen like Mr. Ahmadinejad and madmen like Mr. Kim Jong-Il. It is our first duty under the Constitution to do so, and I adjure this body to pass this amendment.

Mrs. TAUSCHER. Mr. Chairman, I could not make a better argument for rejecting the Franks amendment.

Let's get it right. We are investing $9.3 billion for missile defense because we believe what the President has said is right, that we need to have defenses that are going to defeat long-range, short-range, and medium-range systems that are raid against the United States, our forward-deployed troops, and our allies. Don't take the money from cold war legacies. We are going to lose 10,000 jobs of people that are cleaning up sites around the country.

We need to defeat this amendment because we want to invest money smartly. We don't want to follow what

we've done for the last 8 years, which is just spend money and not have any oversight.

Let's get this right. Let's have strong missile defense. Defeat the Franks amendment.

Mr. SESSIONS. Mr. Chair, I rise today in support of this amendment which restores $1.2 billion to the Missile Defense Agency's budget. However, I would like to express my deep concern regarding the misguided and downright dangerous priorities of this Administration and the Democrat Majority with this Defense Authorization.

For the past three years, the defense of our nation has been ranked at the bottom of this Democrat Majority's agenda. Between FY 2007 and FY 2009, the Democrats have increased non-defense funding by 85 percent; an increase of $358 billion. However, funding for our national defense is found at the very bottom of the list with spending increases of only 9 percent.

With the increasing threats of nations like North Korea and Iran—especially considering North Korea's preparations to launch a ballistic missile in the direction of Hawaii on or around July 4th—it is essential that Congress provides the U.S. with the appropriate defense mechanisms to protect our country. Yet the Democrat Majority still has the audacity to cut $1.2 billion from our missile defense systems.

Mr. Chair, this Majority has a false set of priorities which is not only misguided but endangers the security of our nation.

Mr. SIMPSON. Mr. Chair, I rise in opposition to the Franks-Cantor-Sessions-Broun-Roskam Amendment and in support of the fundamental obligation this body has to fully fund our Nation's Environmental Management Program.

I support my colleagues' efforts to increase funding to the Missile Defense Agency. The decision to cut funding for this program is dangerous and short-sighted, especially at a time when countries like Iran and North Korea are seeking nuclear weapons programs that put our country and its citizens at risk. However, while I support the efforts to restore funding, I cannot support the offset and the repercussions that cutting funding for our Nation's Environmental Management Program would have.

There is nothing conservative about cuts that the Franks-Cantor Amendment would make or the impact they would have. These cuts ultimately will slow the pace of cleanup at our Nation's nuclear contaminated sites, thus costing taxpayers more money in the long-run.

In sites across the country, including in my home State of Idaho as well as in Washington State, South Carolina, Tennessee, and a number of other states, rest the nuclear remnants of the Cold War. These sites are contaminated with, and home to, some of the most dangerous materials in the world. The people who work at these sites, and the states that host them, have been through a great deal over the past fifty years to accommodate the defense of our Nation.

In return, they expect the Federal Government to make good on its promise, and legal obligation, to clean up these sites and protect the environment of future generations. Many of these states have legally-binding agreements with the Federal Government that dictate when and how these materials will be remediated and then disposed.

The Franks-Cantor Amendment will slow the pace of work at these sites and put the Federal Government at significant risk of missing legally-binding deadlines. Those missed deadlines mean penalties which will be paid for by the taxpayers. In addition, the cost of doing this work goes up substantially each year it is delayed, again putting taxpayers at risk.

I recognize the argument that the EM program was recently awarded a huge sum of money in the stimulus program and can easily withstand a $1.2 billion reduction this year. I don't agree with the argument, but I understand where my colleagues are coming from when they make it.

Mr. Chair, their argument is one that gives me great heartburn. When the Senate added $6 billion for the EM program to the stimulus bill, I knew I would hear this argument used time and again to undermine the base budget of the EM program that Members like DOC HASTINGS, ZACH WAMP, GRESHAM BARRETT, myself, and others have worked so hard to increase and stabilize over the past 10 years.

I was worried when we passed the stimulus bill that my colleagues would see the EM program as a slush fund, flush with stimulus cash, from which they could seek offsets for increases to priorities elsewhere. Sure enough, here we are, putting the base EM program at risk because of the desire to infuse the program with one-time money that may have short-term benefits, but will cause significant long-term damage down the road.

I have spent my career defending the EM program and seeking stable funding so that our Nation can make good on its promise to our States. I remain as committed as ever to protecting the base program and keeping cleanup of these sites on track.

Mr. Chair, as I said earlier, I strongly support my colleagues' efforts to restore funding for the Missile Defense Agency. However, I strongly oppose the funding reductions included in this amendment. In the strongest possible terms, I urge my colleagues to reject the Franks-Cantor amendment and keep the EM program on track in Idaho, Washington, South Carolina, Tennessee, New Mexico, Ohio and the other States in which its work is so crucial.

Mr. BARRETT of South Carolina. Mr. Chair, ensuring that our nation remains safe and strong is the top priority for this House. Because of the real and increasing nuclear threat from countries like North Korea and Iran, I agree with my colleagues who are offering this amendment that cutting funding for missile defense is the wrong choice for our country right now.

While I certainly support efforts to increase funding for missile defense, I am unable to support the amendment offered by my colleagues. The significant decrease in funding for the Environmental Management included as an offset in the amendment will have a serious impact on the ability of our nation to fulfill its obligation to clean up our defense nuclear waste at several sites across the country, including one in my district, the Savannah River Site (SRS).

For over fifty years, sites like SRS have played an indispensible role in keeping our nation secure. Now, the federal government has the responsibility to fulfill the commitment it made to the communities and the states that have hosted these sites by cleaning up the legacy nuclear materials that remain and providing a safe environment for future generations. The cuts made by this amendment will significantly delay the progress being made in cleanup efforts at these sites and will undoubtedly impact the highest risk activities—processing and disposing of tank waste, special nuclear materials, and spent nuclear fuel—across the complex.

Additionally, failure to fully fund the Environmental Management program will result in missed regulatory milestones in many states where the sites are located, resulting in substantial fines and penalties from state and federal regulators. These fines will ultimately be paid by the American taxpayer.

During my time in the House, I have proudly worked alongside my Nuclear Cleanup Caucus colleagues as well as the entire South Carolina delegation to ensure the safe and timely cleanup of Cold War-era nuclear waste. And I will continue to advocate for full and stable funding for the Environmental Management Program to keep nuclear waste cleanup on track.

Consequently, even though I support my colleagues' efforts to restore funding for our nation's important missile defense program, I cannot support this amendment because of the detrimental effect the funding reduction will have on the Environmental Management program. We must remain committed to cleaning up our defense nuclear waste now for the benefit of generations to come.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111–182.

Mr. AKIN. Mr. Chairman, I ask for adoption of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. AKIN:

At the end of title X (page 374, after line 6) add the following new section:

SEC. 1055. TRANSPARENCY REPORT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 14 days after the date on which an employee of the Department of Defense is required to sign a non-disclosure agreement in the carrying out of the official duties of such employee (other than as such non-disclosure agreement relates to the granting of a security clearance), the Secretary of Defense shall submit to the congressional defense committees a report on such non-disclosure agreement, including—

(1) the topics that are prohibited from being discussed under such non-disclosure agreement;

(2) the number of employees required to sign such non-disclosure agreement;

(3) the duration of such non-disclosure agreement and the date on which such non-disclosure agreement terminates;

(4) the types of persons to which the signatories to such non-disclosure agreement are prohibited from disclosing the information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited;

(5) the reasons employees are required to sign such non-disclosure agreement; and

(6) the criteria used to determine which matters were included as information not to be disclosed under such non-disclosure agreement.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall apply with respect to any non-disclosure agreement entered into by an employee of the Department of Defense on or after January 1, 2009.

(2) INITIAL REPORT.—The report required under subsection (a) (as applied in accordance with paragraph (1)) with respect to non-disclosure agreements entered into on or after January 1, 2009, and before the date of the enactment of this Act, shall be submitted not later than 120 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, the amendment that we're bringing to the floor here is dealing with a situation that has become increasingly difficult between the legislative branch and the executive branch, but specifically the Pentagon. That is that the leadership at the Pentagon is requiring generals or admirals to sign nondisclosure agreements; that is, they're not allowed to share their opinions with Members of Congress.

In the past, our relationship with the Pentagon has been one of openness and trying to work together as a team. The Armed Services Committee has always been a very bipartisan committee who worked well together. We've always tried to have a win-win kind of situation both between the parties, but also between the legislative branch and the Pentagon. Unfortunately, these non-disclosure statements have a tendency, we are concerned, with muzzling our admirals and generals and preventing them from giving us data that we need to be able to do our job.

This amendment is being brought also by the gentleman from Virginia (Mr. FORBES), and I would yield 2 minutes to him.

Mr. FORBES. Mr. Chairman, if we don't listen to anything else on this debate, we need to pause just a moment and listen to what's happening right now.

Just a couple of moments ago in missile defense, we heard over there, ''Unless you have oversight, you should not spend money on missile defense or other platforms,'' and yet the majority and this administration fights us at every juncture to deny the transparency we need for that very oversight.

This administration came in. The first Executive order that they had, said, democracy requires accountability and accountability requires transparency. And the first things they do, when it comes to national defense, they issue gag orders to hundreds of people in the Pentagon so that they could not talk about the severity of some of these changes and some of the cuts taking place. They classified the inspections on our vessels so we can't know the difficulty we have with maintenance requirements. They refused to certify that the budget would meet our shipbuilding plan as required by law. They refused to even send over a shipbuilding plan. They refused to certify an aviation plan that the budget would meet, that as required by law. They refused to even send over an aviation plan, and they refused to give us the outyear projections on what the budget dollars would actually be.

Mr. Chairman, we have a simple amendment that would try to rein in some of these gag orders, and the majority has already sent out a letter saying it's just too hard, it's going to impact all of these other programs, when they could have exempted every single one of those programs if they wanted to; they just refused to do it.

The bottom line is, Mr. Chairman, when it comes down to transparency with this administration, here's what it means: We're going to be transparent to our enemies. We are going to tell them what questions we can ask them, what we can try to gather, information from them, when they're about to attack our Nation, our innocent civilians, but when it comes to transparency to the American people and what's going in the budget, we're not going to do that. So, Mr. Chairman, I hope it will be the pleasure of this House to adopt this amendment and put some transparency back in this process.

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

Mr. SKELTON. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. SKELTON. I had a law school professor by the name of Fratcher, and every once in awhile during discussion in the class he would say, ''Read it. What does it say?''

We read this amendment—which I know the authors seek to ensure congressional insight into the budget process and the Quadrennial Defense Review, and those are very worthy goals, but unfortunately, reading this amendment in the way it is drafted will overwhelm the Pentagon and harm critical Department of Defense efforts. They won't have time to do much more than comply with this amendment. It is drafted in such a way that it just couldn't be done. And I am sad that a worthy goal is being thwarted by the improper drafting thereof.

The Department of Defense routinely enters into such agreements to protect the privacy of servicemembers and, of course, to protect sensitive information. As a result, the amendment would require several reports on thousands of nondisclosed agreements. For instance, casework for wounded warriors, health care quality assurance processes, criminal and administrative investigations, accident investigations, contract source selections, accepting proprietary data from private industry, other business transactions that require confidential treatment until concluded.

□ 1230

The amendment will result in the reporting of thousands of transactions to Congress, each requiring an individual report containing large volumes of information and justification. Due to the administrative burden and the chilling effect of this amendment, the Department of Defense may be forced to reduce efforts to assist wounded warriors and otherwise help servicemembers solve their problems.

I commend them for their worthy goal, but in the lesson taught me by my professor, Mr. Fratcher, reading it just makes it impossible for the Department of Defense to comply with it.

So, consequently, I seriously am strongly opposed to this amendment.

I reserve the balance of my time.

Mr. AKIN. I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding. This amendment would require the Secretary of Defense to report to the Congress on the use of nondisclosure agreements within the DOD. The use of nondisclosure agreements is a new and troubling way of gagging our military and DOD civilians. Congress should be aware of any effort by the Department to restrict information.

This amendment is about transparency. Congress cannot sit back and let the Department of Defense stiff-arm us. Congress has a constitutional duty to raise and support armies, provide and maintain a Navy, to make rules for the government, regulation of the land and naval forces. We can't allow the Department of Defense to prevent us from exercising our constitutional duty.

I understand the chairman has concerns about the language, but I would urge him to support the amendment and work with us in conference. We have lots of time left to work on this.

I think, together, we can strengthen this. I think we're in agreement on concept. We need to know what we need to know to do our duty.

With that, I ask support of the amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman. I rise in opposition. Here's the concern that we have about this amendment. Let's say that we have a servicemember who is suspected of sharing sensitive information with another country or someone they shouldn't share it with, and those investigating the alleged offense enter into a confidentiality agreement not to share any information about the investigation because it would impair the investigation.

As I read this amendment, within 2 weeks of entering that agreement it would have to be reported to the committees of the Congress substantial information about it. I don't see any protections in the amendment that would say that the disclosure of the agreement would have to be done in such a way so as not to impair the investigation.

Look, there's a difference between transparency and redundancy. There's a difference between transparency and paralysis. We need to have transparency so we can do our constitutional job. But if we have paralysis, we impair the executive branch from doing its job.

We share the goal of this amendment, but we reject the means, and we would urge a ''no'' vote on the amendment.

Mr. AKIN. May I ask the Chair how much time is remaining?

The Acting CHAIR. The gentleman from Missouri (Mr. AKIN) has 1 minute remaining. The other gentleman from Missouri (Mr. SKELTON) has 1½ minutes remaining.

Mr. AKIN. I very much appreciate the tremendous cooperation that so existed on the Armed Services Committee. I'm sensitive to your concerns about this being overly broad in its drafting. I hate redtape and paperwork and am very open-minded to work along these lines. I think our concerns are very much the same on this issue. And I look forward to working with you.

Unfortunately, in trying to get the thing drafted the way we wanted, we ran out of time today. So we're just going to go ahead and offer the amendment, but I look forward as we have time in the weeks ahead.

I yield back the balance of my time.

Mr. SKELTON. The bill that we sent to the Senate and subsequently sent to the President for his signature is supposed to mean exactly what it says. It's in English language, it's clear, and we expect the Department of Defense to follow it to the letter, and those we direct duties to, to fulfill those duties correctly. And to send them a message that cannot be fulfilled, sadly, that this amendment requires, is just wrong.

So, consequently, I oppose this and hope that it will not pass.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 10, 11, 23, 28, 30, 31, 32, 35, 36, 37, 38, 40, 41, 42, 47, 48, 49, 50, 53, 56, and 58 offered by Mr. SKELTON:

AMENDMENT NO. 10 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

''(i) Mutually agreed upon goals.

''(ii) Strategies to achieve such goals, including strategies identified in 'The Comprehensive Political Military Strategic Plan' agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

''(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed 'Combined Joint Statement of Requirements' (CJSOR).

''(iv) Commitments and pledges of support regarding troops and resource levels.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

''(A) Mutually agreed upon goals.

''(B) Strategies to achieve such goals.

''(C) Resource and force requirements.

''(D) Commitments and pledges of support regarding troops and resource levels.''.

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking ''individual NATO ISAF countries'' and inserting ''each individual NATO ISAF country''; and

(B) by inserting ''estimated in the most recent NATO ISAF Troops Placemat'' after '', including levels of troops and equipment'';

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.''; and

(4) in subparagraph (I) (as redesignated)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

''(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.''.

(c) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking ''subsection (c)(4)'' and inserting ''subsection (c)(5)''.

AMENDMENT NO. 11 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle D of title XXVIII (page 597, after line 7), add the following new section:

SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods

''(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

''(1) an electric utility;

''(2) independent system operator;

''(3) State agency; or

''(4) third-party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

''(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received

from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

''(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.''.

AMENDMENT NO. 23 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

''(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

''(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

''(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.''.

AMENDMENT NO. 28 OFFERED BY MR. DRIEHAUS

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

The Comptroller General shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

AMENDMENT NO. 30 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new secton:

SEC. 830. COMPTROLLER GENERAL REPORT ON DEFENSE CONTRACT COST OVERRUNS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cost overruns in the performance of defense contracts.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A list of each contractor with a cost overrun during any of fiscal years 2006, 2007, 2008, or 2009, including identification of the contractor and the covered contract involved, the cost estimate of the covered contract, and the cost overrun for the covered contract.

(2) Findings and recommendations of the Comptroller General.

(3) Such other matters as the Comptroller General considers appropriate.

(c) COVERED CONTRACT.—In this section, the term ''covered contract'' means a contract that is awarded by the Department of Defense through the use of a solicitation for competitive proposals, in an amount greater than the simplified acquisition threshold, and that is a cost-reimbursement contract or a time-and-materials contract.

AMENDMENT NO. 31 OFFERED BY MR. HARE

The text of the amendment is as follows:

At the end of subtitle F of title III (page 115, after line 25) insert the following new section:

SEC. 356. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (g)(1), by striking ''2010'' and inserting ''2011''.

AMENDMENT NO. 32 OFFERED BY MR. HODES

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.— The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The text of the amendment is as follows:

Page 249, after line 22, insert the following new paragraph:

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

AMENDMENT NO. 36 OFFERED BY MS. LEE OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle B of title XII (page 453, after line 21), insert the following new section:

SEC. ___. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this or any other Act shall be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 37 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 20, 1943, units of the United States Marine Corps, supported by units of the United States Army and warships and aircraft of the United States Navy, conducted an amphibious landing on the Island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an entrenched force of 5,000 Japanese soldiers.

(3) The Tarawa landing was the first American amphibious assault on a fortified beachhead in World War II.

(4) Just 76 hours later, the American flag was raised at Tarawa.

(5) More than 1,100 Marines and other members of the Armed Forces were killed during the battle.

(6) Most of the Marines, soldiers, and sailors who were killed during the battle were buried in hastily dug graves and cemeteries on Tarawa.

(7) Between 1943 and 1946, the remains of some of the Marines and other members of the Armed Forces were disinterred and reinterred in temporary graves by the Navy.

(8) After World War II, the remains of some of these Marines and other members of the Armed Forces were recovered and returned to the United States for burial.

(9) Due to mistakes in reinterment, poor records, as well as other causes, the remains of 564 Marines and other members of the Armed Forces killed in the battle of Tarawa are in unmarked, unknown graves.

(10) Since 1980, the Department of Defense has recovered remains from some unmarked graves that have been found through construction or other activity on Tarawa.

(11) The remains of members of the Armed Forces on Tarawa continue to be threatened by construction or other land disturbing activity.

(12) Recent research has shed new light on the locations of unmarked and lost graves of members of the Armed Forces on Tarawa.

(13) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed at Tarawa who lie in unmarked and lost graves.

(b) SENSE OF CONGRESS.—In light of these findings, Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa;

(3) acknowledges the dedicated research and efforts by persons to identify, locate, and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

AMENDMENT NO. 38 OFFERED BY MRS. MALONEY

The text of the amendment is as follows:

At the end of subtitle I of title V (page 180, after line 11), insert the following new section:

SEC. 594. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall submit to Congress a report detailing the progress of the Secretary with respect to the Defense Incident-Based Reporting System.

AMENDMENT NO. 40 OFFERED BY MR. MINNICK

The text of the amendment is as follows:

At the end of subtitle B of title VII (page 252, line 18), add the following new section:

SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.

The Secretary of Defense shall submit to the congressional defense committees a report on the health care of rural members of the Armed Forces and individuals who receive health care under chapter 55 of title 10, United States. The report shall include recommendations of resources or legislation the Secretary determines necessary to improve access to health care for such individuals.

AMENDMENT NO. 41 OFFERED BY MR. SARBANES

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. PROCUREMENT PROFESSIONALISM ADVISORY PANEL.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts, to be known as the Procurement Professionalism Advisory Panel, to study the ethics, competence, and effectiveness of acquisition personnel and the governmentwide procurement process, including the following:

(1) The role played by the Federal acquisition workforce at each stage of the procurement process, with a focus on the following:

(A) Personnel shortages.

(B) Expertise shortages.

(C) The relationship between career acquisition personnel and political appointees.

(D) The relationship between acquisition personnel and contractors.

(2) The legislation, regulation, official policy, and informal customs that govern procurement personnel.

(3) Training and retention tools used to hire, retain, and professionally develop acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(b) ADMINISTRATION OF PANEL.—The Comptroller General shall be the chairman of the panel.

(c) COMPOSITION OF PANEL.—

(1) MEMBERSHIP.—The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) FAIR REPRESENTATION.—For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the ethics, competence, and effectiveness of acquisition personnel to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of Federal labor organizations not represented on the panel.

(e) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a). Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Armed Services of the Senate.

(2) AVAILABILITY.—The Comptroller General shall publish the report in the Federal Register and on a publically accessible website (acquisition.gov).

(g) DEFINITION.—In this section, the term ''Federal labor organization'' has the meaning given the term ''labor organization'' in section 7103(a)(4) of title 5, United States Code.

AMENDMENT NO. 42 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ACCESS BY CONGRESS TO DATABASE OF INFORMATION REGARDING THE INTEGRITY AND PERFORMANCE OF CERTAIN PERSONS AWARDED FEDERAL CONTRACTS AND GRANTS.

Section 872(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) is amended by striking ''the Chairman and Ranking Member of the committees of Congress having jurisdiction'' and inserting ''any Member of Congress''.

AMENDMENT NO. 47 OFFERED BY MR. SOUDER

The text of the amendment is as follows:

Page 24, line 10, strike ''or otherwise made available''.

AMENDMENT NO. 48 OFFERED BY MR. SPACE

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

''(c) SECURE METHOD OF ELECTRONIC DELIVERY.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

''(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.''.

AMENDMENT NO. 49 OFFERED BY MR. THOMPSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII (page 611, after line 21), add the following new section:

SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 50 OFFERED BY MR. TAYLOR

The text of the amendment is as follows:

At the end of subtitle C of title I (page 37, after line 17), add the following new section:

SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING RATES.

(a) USE OF FUNDS FOR CONVERSION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2010 for weapons procurement, Navy, for Mk–46 torpedo modifications, the Secretary of the Navy may obligate not more than $35,000,000 for lease and conversion of any covered vessel that, as a result of default on a loan guaranteed for the vessels under chapter 537 of title 46, United States Code, has become the property of the United States, such that the Maritime Administrator has rights to dispose of the financial interest of the United States in the covered vessels.

(b) DETERMINATION OF LEASING RATES.—The Maritime Administrator shall coordinate with the Secretary of the Navy to determine leasing rates that meet the obligation of the United States with respect to any loan guarantee for the vessels.

(c) MODIFICATION TO A COVERED VESSEL.—The Secretary of the Navy may make necessary modifications to a covered vessel for military utility as the Secretary considers appropriate.

(d) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel Huakai (United States official number 1215902); and

(2) the vessel Alakai (United States official number 1182234).

AMENDMENT NO. 53 OFFERED BY MR. VAN HOLLEN

The text of the amendment is as follows:

At the end of title XXVII (page 544, after line 10), add the following new section:

SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND, IN RESPONSE TO INSTALLATION EXPANSION.

Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, Bethesda, Maryland, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

AMENDMENT NO. 56 OFFERED BY MR. WHITFIELD

The text of the amendment is as follows:

Page 245, after line 23, add the following new subparagraph (C) (and redesignate existing subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively):

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals

AMENDMENT NO. 58 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of title IX, add the following new section:

SEC. 9____. RECOGNITION OF AND SUPPORT FOR STATE DEFENSE FORCES.

(a) RECOGNITION AND SUPPORT.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the homeland security effort of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used for homeland security purposes exclusively at the local level and in accordance with State law.

''(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate homeland security efforts with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

''(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

''(A) impede the ability of the Department of Defense to execute missions of the Department;

''(B) take resources away from warfighting units;

''(C) incur nonreimbursed identifiable costs; or

''(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

''(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as

needed in the course of training activities and State active duty.

''(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

''(A) excess to the needs of the Department of Defense; and

''(B) suitable for use by a force established under subsection (c).

''(2) The Secretary of Defense may transfer personal property under this section only if—

''(A) the property is drawn from existing stocks of the Department of Defense;

''(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

''(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

''(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

''(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

''(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

''(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

''(3) Any such training program shall be conducted in accordance with an agreement between the Secretary of Defense and the State or the force established under subsection (c) if so authorized by State law.

''(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

''(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.

''(j) LIABILITY.—Any liability for injuries or damages incurred by a member of a force established under subsection (c) while engaged in training activities or State active duty shall be the sole responsibility of the State, regardless of whether the injury or damage was incurred on United States property or involved United States equipment or whether the member was under direct supervision of United States personnel at the time of the incident.''.

(b) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(n) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking ''a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting ''a State''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE WITHIN STATE BORDERS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''STATE DEFENSE FORCES AUTHORIZED.—'' after ''(c)'';

(4) in subsection (k), as redesignated by subsection (a)(1), by inserting ''EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after ''(k)''; and

(5) in subsection (l), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after ''(l)''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 109. Maintenance of other troops: State defense forces''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''109. Maintenance of other troops: State defense forces.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and minority.

I yield 2 minutes to my friend, who is on the Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2647. Two specific amendments that I offered are included in this package. I encourage my colleagues on both sides of the aisle to support these efforts.

The first modifies the congressionally mandated Report on Progress Toward Security and Stability in Afghanistan. The amendment requires a comprehensive assessment that improves our understanding of the role being played by our coalition partners in Afghanistan.

My amendment requires that the report include any specifics on existing agreements with NATO countries as well as non-NATO troop contributing nations regarding the following: mutually agreed upon goals, strategies to achieve those goals, resource and force requirements, and commitments of support regarding troop and resource levels.

It also requires a listing of the unfulfilled commitments of coalition partners, as well as the location and staffing requirements of each provincial reconstruction team led by a nation other than the United States.

The second amendment I offered allows defense facilities to receive financial incentives for implementing energy management policies. Current law permits installations to receive financial incentives for implementing energy management measures only from an electric utility, not from a third-party energy management provider.

Andrews Air Force Base, as an example, was poised to accept $300,000 in financial incentives for reducing their usage, but was advised that they had no authority to accept the incentive from an entity other than a utility.

My amendment would give defense facilities the authority to accept these financial incentives from third-party energy management providers.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume. While I will not oppose the amendment offered by the gentleman from Mississippi contained in this bloc, I claim the time in opposition to express a concern I have about the amendment as drafted.

Mr. TAYLOR's amendment would authorize the Navy to use $35 million from procurement of lightweight torpedoes, known as Mark-46, to convert two commercial ferries for military uses as intratheater lift platforms. These two commercial vessels were built through a Maritime Administration title 11 loan guarantee, which may soon be in default.

A separate amendment in the base bill directs the Maritime Administration to consult with the Navy before disposing of these vessels should the Maritime Administration receive title to them through default on the loan.

The Navy has stated that they may have an interest in the vessels, but would likely have to make significant improvements to them to render the vessels appropriate for military use. This will require some study and planning on the part of the Navy.

Should the Navy determine that these vessels have military utility, I would not object to the Navy leasing and converting these commercial ferries. But I do ask the chairman and the gentleman from Mississippi to work with me in conference with the other body to find an alternate offset for this effort.

Although the GAO has indicated that there may be nearly $50 million in excess funds for the lightweight torpedo program, the Navy is currently in negotiations with the supplier to procure at least 38 more torpedo upgrade kits with $23 million of this money.

In addition, the Navy is moving to a full and open competition for these upgrade kits starting in fiscal year 2010. A $35 million reduction is more than a third of the fiscal year 2010 request and would substantially limit the Navy's ability to complete this program and continue to buy more upgrade kits.

The Navy is using the pressure of this future competition to get the best price possible on these additional upgrade kits this year. These upgrade kits are necessary to improve the capability of these torpedoes against quiet, diesel electric submarines.

Therefore, I will support the amendment, but hope we can work together to find a more suitable offset in the conference.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I'm pleased to yield 1 minute to our friend and colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I'm grateful to Chairman SKELTON for including one of my amendments in en bloc amendment 2 and another in en bloc amendment 3. Both address oversight and transparency of defense contracting. The first will allow Members of Congress to access the contractor performance database created under the FY 2009 National Defense Authorization Act. The database collects information about civil, criminal, and administrative proceedings that result in a conviction or a finding of fault against companies holding U.S. government contracts.

Currently, access to the database is limited to the chairman and ranking members of certain committees, and limits the ability of Congress to determine the performance of contractors.

The second requires annual reporting on individuals responsible for overseeing contracts, including reports of how many dollars each contracting officer is responsible for and a report on how many contracting officers are themselves contract employees.

In 2008, the GAO found that 42 percent of Army contract specialists are themselves contractors. The amendment would ensure that we have access to information illustrating changes in the contract oversight workforce that will help us in improving defense contributing.

Mr. AKIN. I rise now to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise to support the en bloc amendments. All of us know all too well that many young men and women returning from Iraq and Afghanistan have suffered serious physical and emotional injuries, including post-traumatic stress syndrome.

Camp Lejeune, Camp Pendleton, Fort Campbell, Kentucky, and Walter Reed have rehabilitative programs that include the therapeutic use of animals to treat these wounded warriors, and preliminary results show that these programs are particularly effective.

In the en bloc amendment I have an amendment that simply directs the Department of Defense, working with HHS and the Veterans' Administration, to conduct a study to determine whether the therapeutic use of animals to treat these wounded warriors should be expanded to other facilities and military installations around the country.

I urge support of the en bloc amendment and this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague, the chairman of the Transportation and Infrastructure Subcommittee on the Coast Guard and Maritime Transportation, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding, and I rise in strong support of a great bill, the fiscal year 2010 National Defense Authorization Act. Additionally, Mr. Chairman, I'm proud that the language I offered to ensure that the National Guard and Reserve components are represented in the overall composition and scope of the Military Leadership Diversity Commission has been included in the en bloc.

By including the National Guard and Reserves, we ensure that the DOD does not present Congress with incomplete recommendations regarding the representation of gender- and ethnic-specific groups within the armed services.

My passion is to ensure that our armed services are representative of America and that the leadership pipeline reflects our Nation's diversity. And this amendment simply ensures that when the study and composition of this Commission is formulated, that the National Guard and Reserve components are included.

No component should be left behind in the DOD's shift to increase diversity in the Armed Forces. We can and we must do better for the sake of future gender- and ethnic-specific groups that will join the ranks to ensure minority representation, leadership and promote equality.

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Mr. MCKEON. I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, at this time I would yield 1 minute to our friend and colleague, the outstanding new Member from Florida (Mr. GRAYSON).

Mr. GRAYSON. I want to thank the chairman of the committee for allowing these amendments to go forward. This is a great bill; and in particular, I am happy to say that we have a good amendment in here that will finally get ahold of the subject of cost overruns.

I worked in defense procurement for 20 years. I worked fighting war profiteers in Iraq for 5 years before I came here; and one of the dirty dark secrets of defense contracting is the fact that contractors buy in. That's a term that is used by contractors to explain the situation where they compete for a time and materials contract or they compete for a cost reimbursement contract. They propose a certain cost or price, knowing full well they cannot meet that price. They get the contract, and they overcharge the government. It's a cost overrun. It happens every day of the week, and we need to get a fix on it so we can end it.

The first amendment that I have offered on this bill, which is the subject of my current statement, is to have the GAO identify cost overruns on a systematic basis and report to Congress in 90 days. I'm hopeful that that will give us a good fix on the scope of this problem and explain to us what we can possibly do to end this terrible tragedy which ends up cheating the taxpayer and cheating the troops.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I want to thank Chairman SKELTON for accepting my amendment.

My amendment encourages DOD to act to recover the remains of 564 brave men who died in the Battle of Tarawa but are still unaccounted for. In 1943, 1,100 servicemen were lost in 76 hours as this island was taken from the Japanese. The violence and speed of the battle resulted in makeshift graves that are now missing. Acting now to find and relocate the bodies is particularly important because development on the small island threatens the search. Most importantly, retired Marine William Niven has recently documented the likely locations of many of the unaccounted-for remains. History Flight has also used ground-penetrating radar to find remains. But unfortunately DOD has no plans to conduct new research. I would like to commend Chicago Alderman James Balcer, a decorated Vietnam Marine, for his leadership on this issue.

I would like to insert into the RECORD a resolution passed in the Chicago City Council, urging action on the recovery of our brave servicemen on Tarawa.

Whereas, On November 20, 1943, the 2nd Division of the United States Marine Corps and a part of the Army's 27th Infantry Division fought in one of the bloodiest battles of World War II on the Pacific atoll of Tarawa; and

Whereas, The American invasion force, consisting of 17 aircraft carriers, 12 battleships, 8 heavy and 4 light cruisers, 66 destroyers, and 36 transports, the largest American force that had ever been assembled for a single operation in the war, stormed the Japanese-held island fortress of Betio on the atoll; and

Whereas, During the 76 hours of fierce combat, 1,106 United States Marines were killed in action and over 2,200 were wounded in an operation that decimated over 4,500 Japanese defenders; and

Whereas, The 2nd Marine Division buried their dead in 43 temporary graveyards, recorded their location and departed Tarawa the following month; and

Whereas, Military records indicate that the surface of the island of Betio was subsequently graded by the United States Navy during the war, and temporary grave markers were replaced with proper ones; and

Whereas, However, when the United States Army went to Tarawa after the end of the war to reclaim the bodies, it recovered only 402 bodies, apparently because many of the replacement markers were incorrectly located; and

Whereas, In addition to the 402 reclaimed bodies, 118 of those Marines killed in action at Tarawa were buried at sea and 88 were listed as missing in action during the war, leaving the bodies of nearly 500 Marines killed in action unaccounted for; and

Whereas, Recently a not-for-profit organization called History Flight began an endeavor to determine the location of the missing remains of the Marines, spending thousands of hours researching military archives, and visiting Betio to conduct interviews and to employ a firm to conduct tests with ground-penetrating radar; and

Whereas, The research produced results that found the remains of some missing Marines on Betio and found strong evidence that, although some of the bodies have been accidently disinterred since World war II, more bodies of the Marines who died on Betio can be recovered if the United States Government dedicates resources to this recovery effort; now, therefore, be it

Resolved, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this twenty-second day of April, 2009, do hereby urge the United States Congress to pass legislation appropriating necessary funds to the United States Department of Defense so that it may recover the missing bodies of the Marines who were killed in the battle of Tarawa and who remain buried on the island of Betio, and to relocate the bodies in accordance with the wishes of the Marines' families; and we do hereby urge the President of the United States to approve such legislation when it is passed by the Congress; and be it

Further Resolved, That copies of this resolution be delivered to the President of the United States, the United States Secretary of Defense, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation.

JAMES A. BALCER,
Alderman, 11th Ward.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from New Jersey has 4½ minutes remaining.

Mr. MCKEON. I have no further speakers, so I will continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, it is my pleasure at this time to yield 1 minute to the gentlelady who is the Chair of the Water Resources Subcommittee, the gentlewoman from Texas (Ms. JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the leadership of the committee for this fine bill.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for servicemembers and their families that are stationed overseas. Many face depression and post-traumatic stress syndrome and are suicidal risks while trying to recover and readjust their lives. We've had more of this because we've had so many military members have to go back to the same war more than one time, and only a small percentage of them have been able to get any support.

I thank our chairman for accepting this amendment.

Mr. Chairman, I rise in favor of my amendment to H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010." Thanks to the chairman of the committee IKE SKELTON and ranking member MCKEON.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for service members and their families stationed outside of the United States.

Upon leaving the battlefield, soldiers' physical wounds are only half of their problems.

Mr. Chair, before being elected to public service, I was employed as the Chief Psychiatric Nurse at the VA Hospital in Dallas, Texas.

I have 15 years of hands-on experience with patient care, specialized in mental health.

My experience has taught me that mental health patients need to be treated with mercy, communication, information, and understanding.

My amendment today simply requests that the Defense Department report back to Congress on whether our health care workers abroad are adequately trained in detecting and treating mental illness and if we have the adequate resources and centers to treat these patients.

While fighting two wars, we have more veterans than ever before returning home.

Many face depression, PTSD, and suicidal risk while trying to recover and readjust to their lives at home.

So far, only a small percentage of servicemembers who may have been inflicted with PTSD or depression have been given the proper and necessary care.

Patients do not receive immediate evaluations or treatment.

They have to wait far too long to be given a sufficient amount of care.

It is, therefore, vital for the Department of Defense to assess the availability and quality of care of mental health centers abroad.

By gaining a proper understanding of the situation, we will be able to make the changes needed to aid our servicemembers through their recovery process.

This is why we must work towards fully understanding mental illnesses and continue to improve upon the care and treatment of mental health patients.

I urge my colleagues to support this amendment.

Mr. SKELTON. At this time I yield 1 minute to my friend, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to thank Chairman SKELTON for yielding. I want to salute him for his work on this bill and for including an amendment that we crafted that would promote efficiency and effectiveness within the Federal acquisition process. This amendment would create a procurement professionalism advisory panel.

My interest in this comes from two perspectives. One was serving on the Oversight and Government Reform Committee last session and seeing many instances of fraud and abuse that we can do something about, and also working with contractors in my district who want to make sure that their partner on the other side of the table, the Federal Government, is strong and has good procurement.

This advisory panel will focus on whether the government's procurement personnel have adequate resources, are adhering to high ethical standards, are receiving high-quality professional development and otherwise are being the best they can be, which will ensure efficiency and effectiveness in the procurement process.

Mr. SKELTON. I yield 1 minute to my colleague, the gentleman from New York (Mr. WEINER).

Mr. WEINER. First of all, let me express my great gratitude to the chairman and ranking member for including language that I had suggested and also into improving general transparency in the bill.

The language that I inserted, that hopefully will be a part of the manager's amendment when passed, will ask the GAO the fundamental question, not only how much do the wars in Afghanistan and Iraq cost to our Federal taxpayers, but how much do they cost localities like mine where literally hundreds of thousands of hours have been lost by patriotic New Yorkers, particularly in homeland security jobs like police, fire and EMS, going off to fight on the frontlines, and yet the city taxpayers still wind up paying for it. Hundreds of thousands of hours have been lost.

Now obviously the primary cost of the war is the lost lives and the injured men and women who serve for us, and we should always keep them in our thoughts and our prayers. But there also is a growing cost to localities, particularly ones with profound numbers of employees, like New York City has. How much is this costing? The GAO is going to have to come back to tell all of us in our localities how many of the Reservists have gone off but yet the local taxpayers still are winding up picking up those costs. These are important things to know. I want to thank the chairman for including it. I urge a ''yes'' vote on the manager's amendment so it can be included in the law.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from Missouri has 1½ minutes remaining.

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

Mr. SKELTON. Mr. Chairman, this is an excellent series of amendments that we have placed en bloc, and I want to express my appreciation not only to the staff but to the minority, to the ranking member on the work that they have done, agreeing to these amendments and making this effort today move forward very, very smoothly.

Mr. WILSON of South Carolina. Mr. Chair, there is a real and current threat to the United States and our allies around the world from countries, such as Iran and North Korea, who

are developing with the intention to employ missiles which have devastating potential. With the provocative rhetoric and increasing missile tests by North Korea on an almost daily basis, this is not the time to cut funding for missile defense. I would like to commend Congressman MIKE TURNER of Ohio and Congressman TRENT FRANKS of Arizona for their tireless work on the Armed Services Committee in advocating for the defense of our nation through a strong missile defense.

However, Mr. Chair, I have to stand in opposition to the Franks Amendment that would increase funding for the Missile Defense Agency by $1.2 billion with offsets found in the Environmental Management fund. I cannot stress enough that I encourage Congress and the Administration to increase funding for missile defense; however, the mechanism proposed by this amendment is ill-advised.

The Environmental Management program within the Department of Energy is responsible for cleaning up the waste of our nation's nuclear weapons production sites. Specifically, in the State of South Carolina, the Savannah River Site is a key Department of Energy industrial complex dedicated to the National Nuclear Security Administration program that supports the Department of Energy national security and non-proliferation programs. The Environmental Management program addresses the reduction of risks at the Savannah River Site through safe stabilization, treatment, and disposition of legacy nuclear materials, spent nuclear fuel, and waste. The Savannah River Site remains an important asset to this country as it was during the Cold War.

Every member of this body is aware that the Franks amendment has nothing to do with reducing nuclear waste cleanup funding and that it has everything to do with setting spending priorities within the federal government. Unfortunately, when it comes to the Democrat majority and the Administration, a policy of fiscal restraint has been imposed on the Department of Defense, while the rest of the federal government enjoys a policy of fiscal largesse.

Mr. TOWNS. Mr. Chair, I rise to note my concerns about the Grayson amendment to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. As Chair of the Committee on Oversight and Government Reform with jurisdiction over procurement issues, I share Mr. GRAYSON's desire to ensure that our procurement process uses taxpayer dollars most efficiently and obtains the lowest possible prices. However, I am concerned that the Grayson amendment could conflict with the Administration's acquisition reform policies, would remove the ability of acquisition professionals to determine the ''Best Value'' for the taxpayers' dollars, and would significantly overburden the heads of agencies.

President Obama made it clear in his Memorandum of March 4, 2009, Government Contracting, Memorandum for the Heads of Executive Departments and Agencies, that acquisition professionals should be entrusted to determine the ''best value'' for taxpayer dollars in each procurement: ''The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.'' The Administration has made it clear that acquisition professionals ''must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government.'' The Grayson amendment would unnecessarily restrict ''Best Value'' analysis.

The Federal Acquisition Regulation (''FAR'') defines ''Best Value'' as ''the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.'' Instead of pre-determining the most important factors for consideration in an acquisition, our current system places that judgment in the hands of the acquisition professionals. These professionals tailor the evaluation factors for each individual acquisition to the particular needs of that acquisition. This process results in the ''Best Value'' for each taxpayer dollar. The FAR requires that price must always be considered in every source selection. But importantly, its importance must be considered in comparison to other criteria, including past performance, compliance with solicitation requirements, technical excellence, management capability, personnel qualifications, and prior experience. Additionally, all the factors and significant subfactors that will affect contract award and their relative importance must be stated clearly in the solicitation.

I believe that the goal of Mr. GRAYSON's amendment is to prevent situations where price receives minimal consideration in the acquisition process. I share this concern, and the Committee has received information that price has been routinely ignored as a major evaluation factor. Reforms are needed to ensure that price is treated as a critical criterion that is not given short shrift in the best value analysis.

However, the Grayson amendment would set a rigid numerical formula for consideration of price, which may not be appropriate in all circumstances. By requiring price to be ''at least equal to all other factors combined,'' this amendment would return our procurement process to the lowest price technically acceptable or sealed bid methods of the past, which failed to achieve the maximum yield for each tax dollar spent. Furthermore, this amendment would require the head of every agency who finds other factors more important than price (such as time of delivery, etc.) to issue a waiver. This process would be an overwhelming and unnecessary distraction for agency heads.

Mr. Chair, my concern about this amendment is about getting the best value for each tax dollar spent. I would like to continue to work together with Mr. GRAYSON to address his very legitimate concerns about the importance of price as an evaluation factor in the procurement process. However for the reasons discussed above, I cannot support this amendment in its present form.

Mr. HARE. Mr. Chair, I rise in strong support of the en bloc amendment #2 which includes an amendment I offered with my colleagues Congressmen BRALEY, TONKO and SCOTT MURPHY.

Mr. Chair, my district is home to the Rock Island Arsenal, the largest government-owned weapons manufacturing arsenal in the western world.

The Arsenal Support Program Initiative, commonly known as ASPI, has made a critical impact on the economic development of the Rock Island Arsenal and surrounding communities by bringing in new business and creating over 500 jobs.

Mr. Chair, ASPI was designed to help maintain the viability of our nation's arsenals by encouraging businesses to utilize and invest in the industrial base. It is also important to note that the Army supports ASPI because the program yields substantial cost savings for the government and contributes to the increased use of the industrial base by promoting public-private partnerships.

Mr. Chair, the underlying bill authorizes funding to continue the success of ASPI, but does not reauthorize the program, which is set to expire this year. My amendment simply seeks to extend the program authority through FY2011.

I want to thank Chairman SKELTON and Ranking Member MCKEON for agreeing to include my amendment in the en bloc package and urge my colleagues to support it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 572, I request that following consideration of amendments en bloc No. 4 that amendment No. 20 be considered.

The Acting CHAIR. Notice has been given.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. SKELTON. What was the ruling on the previous recommendation?

The Acting CHAIR. Notice was given to take amendment No. 20 at a different place in the order.

Mr. SKELTON. I thank the Chair.

AMENDMENT NO. 24 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111–182.

Mr. CUMMINGS. I have an amendment at the desk that was made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CUMMINGS:

After section 3505 insert the following new section (and redesignate accordingly):

SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PIRACY.

(a) FINDINGS.—Congress finds the following:

(1) Protecting cargoes owned by the United States Government and transported on United States-flag vessels through an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy is in our national interest.

(2) Protecting United States-citizen mariners employed on United States-flag vessels transiting an area designated by the Coast Guard or the International Maritime Bureau of the international Chamber of Commerce

as an area of high risk of piracy is in our national interest.

(3) Weapons and supplies that may be used to support military operations should not fall into the hands of pirates.

(b) EMBARKATION OF MILITARY PERSONNEL.—The Secretary of Defense shall embark military personnel on board a United States-flag vessel carrying Government-impelled cargoes if the vessel is—

(1) operating in an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy; and

(2) determined by the Coast Guard to be at risk of being boarded by pirates.

(c) LIMITATION ON APPLICATION.—This section shall not apply with respect to an area referred to in subsection (b)(1) on the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary of Defense notifies the Congress that the Secretary believes that there is not a credible threat to United States-flag vessels carrying Government-impelled cargoes operating in such area.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Thank you, Mr. Chairman. I also extend my deep thanks to Chairman SKELTON for working so closely with me on this amendment, and I applaud his leadership of the House Armed Services Committee.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have convened two hearings to examine maritime piracy, including one in May after two U.S.-flagged vessels, the Maersk Alabama and the Liberty Sun, both of which were carrying U.S. food aid, were attacked by Somali pirates. The attack against the Maersk Alabama left American Captain Richard Phillips hostage to the pirates. He was freed only through the decisive intervention of U.S. military forces.

Incidents of piracy in the Horn of Africa region are increasing. According to the International Maritime Bureau, in 2008 there were 111 actual and attempted Somali pirate attacks, resulting in the hijackings of 42 vessels. By mid May of this year, there had already been 114 actual and attempted Somali pirate attacks, resulting in 29 successful hijackings. Nonetheless, despite the obvious threat to United States mariners, the Department of Defense has been inexplicably reluctant to directly secure U.S.-flagged vessels transiting the Horn of Africa region, even when they are carrying government-owned cargoes.

While I have no doubt that our military would respond immediately if another U.S.-flagged vessel was attacked, the timeliness of their response could be hindered if Navy assets are far from the scene. Further, it is truly preferable to prevent an incident from occurring rather than to respond to a hostage situation. However, the DOD has repeatedly argued, including in the testimony before my subcommittee, that the area in which Somali pirates operate is so vast the Navy simply cannot prevent every attack by conducting patrols and, therefore, essentially merchant vessels should protect themselves. This perspective assumes that the only way the military can protect merchant shipping from pirates is to stage vessels across the entire million-square-mile theater of operations. Frankly, there are other ways to protect our merchant fleet.

The United States Maritime Administration estimates that approximately 54 U.S.-flagged vessels transit the Horn of Africa region during the course of a year. Of these, about 40 will carry U.S. Government food aid cargoes, and 44 have the ability to carry U.S. military cargoes. Only a handful of these vessels, fewer than 10 in a 3-month period, are estimated to be at serious risk of attack by pirates due to their operating characteristics.

Given these figures, my amendment would require the Department of Defense to embark military security personnel on U.S.-flagged vessels carrying United States Government cargoes when they transit pirate-infested waters if they are deemed to be at risk of being boarded by pirates.

Mr. Chairman, U.S. maritime labor unions collectively testified before my subcommittee in support of the immediate provision to U.S.-flagged vessels by the government of ''the force protection necessary to prevent any further acts of piracy against them.'' In keeping with that position, the Transportation Trades Department of The AFL–CIO; the Masters, Mates and Pilots Union; the Marine Engineers' Beneficial Association and others support this legislation. The maritime unions also wrote in their testimony, ''When a vessel flies the United States flag, it becomes an extension of the United States itself, regardless of where in the world the vessel is operating.''

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, while I will not oppose the amendment offered by the gentleman from Maryland, I claim the time in opposition to express some reservations I have about the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

The gentleman from Maryland's amendment would require the Secretary of Defense to place military personnel on U.S.-flagged vessels operating in high-risk piracy areas of the world's oceans. The gentleman's intention is good. All Americans are outraged about the recent outbreak of piracy and desire a comprehensive solution. But we also must recognize that commercial shipping lines bear responsibility to secure their cargoes and should not be given free protection by U.S. military personnel everywhere in the world. The solution to piracy cannot simply be a military one. Additionally, the sad fact is that the bulk of U.S. cargo and U.S. citizens travel on ships that are not U.S.-flagged vessels and would not be protected by this amendment.

□ 1300

Further, the Navy and Marine Corps do not have a sufficient number of Embarked Security Teams, known as ESTs, which receive specialized training, to protect even the relatively small number of U.S. flagged vessels. Based on operational tempo and dwell times, set by the Chief of Naval Operations, it's clear that expanding the deployment of ESTs would negatively impact other existing operational commitments. For this reason and others, the Navy does not support placing ESTs on U.S. flagged vessels for protection from pirates nor does the commander of Fifth Fleet, Vice Admiral Gortney.

The Navy has also pointed out that embarking U.S. servicemembers on nonsovereign immune vessels presents legal issues, including possible criminal and civil liability for the servicemembers.

Therefore, while I will not oppose this amendment because the underlying purpose is good, I would ask the chairman and the gentleman from Maryland to work with me in conference with the other body to develop a lasting solution that protects United States' interests and does not place an undue burden on the Navy.

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

Mr. CUMMINGS. Mr. Chairman, just before I yield to our chairman, I want to just say to the gentleman we are talking about only providing security to U.S. flagged vessels carrying United States Government cargoes operated by United States citizens. Surely we can provide that.

With that, Mr. Chairman, I yield to the chairman of the Armed Services Committee (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. There may be a requirement to redraft part of it at a future date, but I think the purpose and the intent are correct.

Piracy is here. It's an age-old problem. From the Marines' hymn the phrase ''to the shores of Tripoli,'' that was a successful antipiracy effort on behalf of the United States Marines.

We have to do our very best to protect America, American vessels, Americans that are sailing the ships, and particularly the government cargo

that's on them. So I applaud Mr. CUMMINGS for making this substantial step in the right direction in combating piracy.

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

Mr. CUMMINGS. Mr. Chairman, I would urge the body to pass this amendment. I think it's a very important amendment. We have heard the testimony in our subcommittee and this is an appropriate way to address it. It's a reasonable way.

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

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 111–182.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. HOLT:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In January 2009, the Secretary of Defense tasked a special Department of Defense team to review the conditions of confinement at Naval Station, Guantanamo Bay, Cuba, to ensure all detainees there are being held ''in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions'', pursuant to the President's Executive Order on Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, dated January 22, 2009.

(2) That review, led by Admiral Patrick M. Walsh, included as one of its five key recommendations the following statement: ''Fourth, we endorse the use of video recording in all camps and for all interrogations. The use of video recordings to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and maintain accountability.''.

(3) Congress concurs and finds that the implementation of such a detainee videorecording requirement within the Department of Defense is in the national security interest of the United States.

(b) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(c) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (b), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (b). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(d) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (b) conducted at a theater-level detention facility.

(e) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (b); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(f) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (b), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. I particularly want to thank the distinguished chairman of the committee, our friend, Mr. SKELTON, for his support of this amendment. It is identical to the amendment passed by the House during consideration of the 2009 Defense Authorization last year with the exception of some changes in the findings which I think strengthen the case for this amendment. A similar intelligence-focused, CIA-focused detainee video recording provision was included in the fiscal year 2010 Intelligence Authorization Act that was voted out of the House Permanent Select Committee on Intelligence last week.

Mr. Chairman, the amendment's purpose is simple. It is to improve the intelligence operations of our Armed Forces by ensuring the video recording of each strategic interrogation of any person who is in the control or detention of the Department of Defense.

Let me be clear: this amendment does not impede combat operations. The bill explicitly states that troops in the field in contact with the enemy shall not be required to videotape or otherwise record tactical questioning.

It does require the Secretary of Defense to promulgate and provide to the Congress guidelines under which video recording of detainees shall be done. It does require that the recordings be properly classified and maintained securely just as any foreign intelligence information should be. It does require that the recordings be maintained for an appropriate length of time. What is the reason for this amendment? Because multiple studies have documented the benefits of video recording or electronically recording interrogations. Law enforcement organizations across the United States routinely use the practice both to protect the person being interrogated and the officer conducting the interrogations. It is the standard of best practice.

Some U.S. attorneys are on record as favoring this requirement for the FBI. And the Customs and Border Patrol does routinely videotape or electronically record key interactions and interrogations with those in their custody. Video recording is the standard within the United States for interrogations of all types in all agencies and for prosecutors.

Well, what about the Department of Defense? Is it appropriate there? Earlier this year a task force convened by Secretary of Defense Gates to review our detainee policies issued its report. This is known as the ''Walsh Report.'' The report was unequivocal. It said: ''We endorse the use of video recording in all camps and for all interrogations. The use of video recording to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings

provides the capability to monitor performance and to maintain accountability.''

But more than this, more than maintaining the standards for behavior in the interrogation room, it strengthens our ability to collect intelligence and understand what's going on. The amendment would strengthen previous laws passed by Congress regarding the treatment of detainees, and it would maximize our intelligence collections from such interrogations.

In fact, the origin of this amendment came from my questioning of interrogators. When I asked how they get maximum information of nuances of language, languages that the interrogators might not have real fluency with. Who reviews the tapes? I said. And they said, There are no tapes. By having tapes, we can get the maximum benefit of the interrogation.

This amendment is endorsed by major human rights organizations. It's been certified by CBO not to result in additional spending. I urge my colleagues to support this amendment.

Mr. Chairman, I yield, if he wishes, such time as he may consume to the distinguished Chairman.

Mr. SKELTON. Mr. Chairman, as a former prosecuting attorney, I speak in favor of this amendment.

It serves two purposes. First, it protects our men and women in uniform who are conducting interrogations of detainees from frivolous claims of alleged abuse or coercion. Second, the videotapes will act as a deterrent for private contractors or other agencies who are conducting interrogations of the Department of Defense detainees from straying from those requirements of the Army field manual in the treatment of detainees. It is a way to ensure that it is done right. And when you have a correctly conducted interrogation, in all probability the results will be positive. I certainly think this is a major step in the right direction. Videotaping is good.

The Acting CHAIR. The time of the gentleman from New Jersey has expired.

Mr. MCKEON. Mr. Chairman, I rise in very strong opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

We have been down this road before. Last year Mr. HOLT proposed a similar amendment to our bill. In response we received statements from the Army and the Under Secretary of Defense for Intelligence stating their opposition to mandatory videotaping and interrogations. Today the Office of the Secretary of Defense has informed us that the Department strongly opposes this amendment.

According to DOD, the provision would cause three main problems: it would severely restrict the collection of intelligence through interrogations. It would undercut the Department's ability to recruit sources. And it would impose an unreasonable administrative and logistical burden on the warfighter. A provision like this would create a public record that would go straight into terrorists' counter-resistance training programs.

I strongly, as I said, oppose this amendment.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also rise in great deference and respect for my chairman and Mr. HOLT in this difference of opinion.

I think there's a great significant difference between collection of data in interrogations conducted in a law enforcement arena in which the evidence is gathered to go into a court of law to be presented with a proper chain of evidence and that the sources and methods are not necessarily needed to be protected versus the interrogations that go on every day in the battle against Islamic jihadists. I don't believe that those interrogations routinely should be videotaped.

We are in an argument right now with respect to data, photographs and videos, taken between September 11, 2001, and January 2, 2009, as to whether or not that data should be made public. I, for one, believe it should not be made public. There are differences of opinion on that. I personally think we need to legislate a fix to prevent those photographs from being put in the public domain and further inflaming the Islamic jihadists whom we oppose.

So I would oppose this videotaping because I think, as my ranking member has said, it works against our efforts to try to get intelligence on the fly and it will work against us. So with that I encourage my colleagues to vote against the amendment.

Mr. MCKEON. Mr. Chairman, just to again reiterate what the Department of Defense has told us, this is a statement that we received yesterday afternoon from the Department of Defense. I would like to read just a couple of things from it:

''The Department of Defense strongly opposes the provision because it would severely restrict the collection of intelligence through interrogations, undercut the Department's ability to recruit sources, and impose an unreasonable administrative and logistical burden on the warfighter.

''A statutory video recording requirement will be a matter of public record. Detainees will, therefore, know through counter-resistance training that anything they say will be recorded and may be used against them publicly, in a courtroom, or to gain leverage with other detainees. This will inhibit detainees from cooperating with interrogators and undercut the interrogators' most effective technique, establishing rapport with the detainees. Moreover, if a video recording is, in fact, released to the public and it becomes known that a detainee has collaborated with U.S. intelligence, the safety of the detainee and his family would be jeopardized.

''Even if a detainee agrees to be recorded, there is a tendency for both the detainee and the interrogator to 'play to the camera,' creating an artificiality to the questioning, thereby degrading the quality of the intelligence information.''

□ 1315

Mr. HOLT. Will the gentleman yield?

Mr. MCKEON. I yield the gentleman 30 seconds.

Mr. HOLT. I thank the gentleman.

The communication which you speak of came from a mid-level official at the Pentagon. The Secretary of Defense has not spoken on this. This is not a statement of administration policy against this. The only formal statement comes from the Walsh report, which I quoted from earlier, which said, We endorse the use of video recordings in all camps for all interrogations.

Perhaps this mid-level official at the Pentagon has not received the word that currently there are being developed improved procedures for detention and interrogation in this new administration.

The Acting CHAIR. The gentleman's time has expired.

Mr. MCKEON. Mr. Chairman, the mid-level official is a lieutenant colonel. I think that is fairly high-ranking, field officer, and I think the record, as he stated, stands for itself. He is a legislative officer with the department.

The lieutenant colonel will not state on the record something that opposes his higher rank. I think we all know that.

With that, I urge all us to defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 39 OFFERED BY MRS. MALONEY

The ACTING CHAIR. It is now in order to consider amendment No. 39 printed in House Report 111–182.

Mrs. MALONEY. Mr. Chairman, I have a amendment at the desk, No. 39.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mrs. MALONEY:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. OVERSEAS VOTING ADVISORY BOARD.

(a) ESTABLISHMENT; DUTIES.—There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the ''Board'').

(b) DUTIES.—

(1) IN GENERAL.—The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

(B) Methods to promote voter registration and voting among such citizens.

(C) The effectiveness of the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act in assisting such citizens in registering to vote and casting votes in elections.

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

(2) REPORTS.—In addition to issuing such reports as it considers appropriate, the Board shall transmit to Congress a report not later than March 31 of each year describing its activities during the previous year, and shall include in that report such recommendations as the Board considers appropriate for legislative or administrative action, including the provision of funding, to address the issues described in paragraph (1).

(3) COMMITTEE HEARINGS ON ANNUAL REPORT.—During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate may each hold a hearing on the annual report submitted by the Board under paragraph (2).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President not later than 6 months after the date of the enactment of this Act, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the Majority Leader of the Senate; and

(D) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—An individual may serve as a member of the Board only if the individual has experience in election administration and resides or has resided for an extended period of time overseas (as a member of the uniformed services or as a civilian), except that the President shall ensure that at least one member of the Board is a citizen who resides overseas while serving on the Board.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member shall be appointed for a term of 4 years. A member may be reappointed for additional terms.

(B) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(4) PAY.—

(A) NO PAY FOR SERVICE.—A member shall serve without pay, except that a member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) REIMBURSEMENT OF TRAVEL EXPENSES BY DIRECTOR.—Upon request of the Chairperson of the Board, the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act shall, from amounts made available for the salaries and expenses of the Director, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

(5) QUORUM.—3 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(6) CHAIRPERSON.—The members of the Board shall designate one member to serve as Chairperson.

(d) STAFF.—

(1) AUTHORITY TO APPOINT.—Subject to rules prescribed the Board, the chairperson may appoint and fix the pay of such staff as the chairperson considers necessary.

(2) APPLICATION OF CIVIL SERVICE LAWS.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Board, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board.

(3) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Thank you, Mr. Chairman.

This amendment would establish an overseas voting advisory board to provide guidance and oversight to the Federal Voting Assistance Program's efforts to increase ballot access for military and overseas voters.

I would like to thank the distinguished Chairman SKELTON for his support of this amendment.

The Voting Assistance Program, which is part of the Department of Defense, is the government's primary entity for assisting overseas voters' access to the ballot, including men and women serving in the military and Americans living abroad, who are our unofficial ambassadors. With the global economy, more and more Americans will be living abroad, and we need to make sure that their voices and votes are counted.

While the State Department cannot give an exact number, there are estimated to be between 4 and 6 million Americans living abroad. There are also hundreds of thousands of brave men and women abroad from Afghanistan to Germany, serving our country in the Armed Forces.

In recent election cycles, the Voting Assistance Program has failed to bring about increased overseas voting participation, even with extreme and increased cost to the taxpayer.

For example, in 2004, the Integrated Voting Assistance System, created by the Voting Assistance Program, cost over $500,000 with only 17 overseas voters participating. In 2006, the Voting Assistance Program did even worse by spending over $1.1 million on the same voting system, but it accounted for an increase of only eight votes placed in the system.

In 2008, the Voting Assistance Program Web site to help active members in the military to vote wasn't even put up and operative until July, just 4 months prior to the November election. From July 23 through November 4, 2008, of the roughly 1.6 million servicemembers across the Army, Navy, Air Force and Marine Corps, only 780 servicemembers requested ballots through the program. This really is disgraceful and

disrespectful to the sacrifices made by our fighting men and women.

Mr. HONDA and I have offered this amendment to address the issues to overseas military and civilian voting now long before the next election. This panel will provide oversight for the Federal program that has struggled in a mission to ensure greater ballot access for Americans overseas and our military. The program's longtime director resigned her post in 2008, and at that time it appeared that the next director would be chosen in a closed process.

Along with many Members of this body on both sides of the aisle, we sent a letter to Defense Secretary Robert Gates urging him to conduct a fair and open hiring process for the program.

I am pleased that Secretary Gates did a national search and selected Mr. Robert Carey to be the next program director. I know and I respect his experience, and I believe he will bring fresh ideas and workable solutions to improve ballot access for all Americans living abroad.

And while he is very capable and will certainly bring long-awaited and muchneeded overhaul of the program, the advisory panel will add additional strength, expertise, and depth and support for his efforts.

By passing this amendment, which will establish an oversight board, we can guarantee that the best policies are being pursued to provide better access to the ballot by bringing greater attention and support for the Voting Assistance Program for Americans living abroad for our military.

I thank my colleagues for supporting this amendment, and I urge a ''yes'' vote on the amendment.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition, although I won't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, this amendment would establish an overseas advisory board.

Now, that will not be to tell people how to vote?

Mrs. MALONEY. Absolutely not. The purpose of the board is to increase voter participation. And in a global economy, believe me, there will be more and more Americans living abroad. We now have hundreds of thousands of military living abroad.

Mr. MCKEON. Reclaiming my time.

This will work to improve the process by which our men and women in uniform who are serving outside the United States register and vote in State and local and Federal elections.

I understand that Congress is already working to improve this process. I also understand that the Federal Voting Assistance Program, which is responsible for assisting our troops with the voting process, has a newly appointed director who will begin his duties next month.

With that, I support efforts to increase the opportunities for our servicemembers to vote. I congratulate the gentlelady from New York for bringing forth this amendment, and especially while they are serving in combat.

I know we have had questions during elections whether their votes were counted, whether they got back in time. So I really appreciate the effort she makes on their behalf and, therefore, I support and urge all of our Members to support this amendment.

I yield back the balance of our time.

Mrs. MALONEY. Reclaiming my time, I thank the gentleman for his support.

It certainly is a bipartisan effort to increase voter participation in our country, particularly for our brave men and women living abroad and serving in the military. In this new global economy, more and more Americans will be working abroad. This is a common goal for our Congress and for our democracy.

I thank the gentleman for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 43, 44, 7, 25, 27, 33, 46, 51, 52, and 54 offered by Mr. SKELTON.

AMENDMENT NO. 43 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ADDITIONAL REPORTING REQUIREMENTS FOR INVENTORY RELATING TO CONTRACTS FOR SERVICES.

(a) ADDITIONAL REPORTING REQUIREMENTS.—Section 2330a(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(H) With respect to such contracts for services—

''(i) the ratio between the number of individuals responsible for awarding and overseeing such contracts to the amount obligated or expended on such contracts; and

''(ii) the number of individuals responsible for awarding and overseeing such contracts who are themselves contractors.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2011 and fiscal years thereafter.

AMENDMENT NO. 44 OFFERED BY MR. SCHRADER

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIALS AND CONTAMINANTS.

(a) NOTIFICATION REQUIRED.—In the case of a member of the Armed Forces who is exposed to a potentially harmful material or contaminant, as determined by the Secretary of Defense, the Secretary shall, as soon as possible, notify the member, and in the case of a member of a reserve component, the State military department of the member, of the member's exposure to such material or contaminant and any health risks associated with exposure to such material or contaminant.

(b) IN-THEATER NOTIFICATION.—If the Secretary of Defense determines that a member of the Armed Forces has been exposed to a potentially harmful material or contaminant while that member is deployed, the Secretary shall notify the member of such exposure under subsection (a) while that member is so deployed.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

The text of the amendment is as follows:

At the end of title V (page 180, line 11), add the following new section:

SEC. 594. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking ''the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,'' and inserting ''the Secretary), for a period of time (prescribed by the Secretary)''.

AMENDMENT NO. 25 OFFERED BY MR. DAVIS OF KENTUCKY

The text of the amendment is as follows:

Page 352, after line 12, add the following:

SEC. 1039. STUDY ON NATIONAL SECURITY PROFESSIONAL CAREER DEVELOPMENT AND SUPPORT.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study by an appropriate independent, non-profit organization. The organization selected shall study the design and implementation of an interagency system for the career development and support of national security professionals. The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the Executive agency may determine.

(b) MATTERS CONSIDERED.—The study required by subsection (a) shall, at a minimum, include the following:

(1) The qualifications required to certify an employee as a national security professional.

(2) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills and aptitudes of a national security professional.

(3) The essential elements required for an accredited interagency national security professional education system.

(4) A system for training national security professionals to ensure they develop and

maintain the qualifications identified under paragraph (1).

(5) An institutional structure for managing a national security professional career development system.

(6) Potential mechanisms for funding a national security professional career development program.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress by December 1, 2010.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code;

(2) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code; and

(3) the term ''national security professional'' means, with respect to an employee of an Executive agency, an employee of such agency in a position relating to the planning of, coordination of, or participation in, interagency national security operations.

AMENDMENT NO. 27 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), add the following new section:

SEC. 708. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a member of the Armed Forces with a post-deployment mental health screening that is conducted in person by a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional not later than 120 to 180 days after the date on which the member returns from combat theater.

(2) Follow-ups by a case manager (who may or may not be stationed at the same military installation as the member) conducted by telephone at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(c) REQUIREMENTS OF COMBAT STRESS EVALUATION.—The combat stress evaluation required by subsection (b)(1) shall be designed to—

(1) provide members of the Armed Forces with an objective mental health and traumatic brain injury standard to screen for suicide risk factors;

(2) ease post-deployment transition by allowing members to be honest in their assessments;

(3) battle the stigma of depression and mental health problems among members and veterans; and

(4) ultimately reduce the prevalence of suicide among veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(d) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(e) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(f) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(g) TIMELINE.—

(1) The demonstration project required by this section shall be implemented not later than September 30, 2010.

(2) Authority for this demonstration project shall expire on September 30, 2012.

(h) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2010;

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2013.

AMENDMENT NO. 33 OFFERED BY MR. HOLDEN

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 46 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intra-familial abduction to foreign countries of children of members of the Armed Forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and not later than December 31 of calendar year 2010 and each December 31 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and House of Representatives a report on the programs, projects, and activities carried out by the Department of Defense to assist members of the Armed Forces whose children are abducted.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The total number of children abducted from military parents, with a breakdown of the number of children abducted to each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction (the ''Hague Convention'') and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents who were returned to their military parent, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and each country that is not a party to the Hague Convention, including the average length of time per country that the children spent separated from their military parent, whether the Department of Defense helped facilitate any of the returns, specific actions taken to facilitate the return, and other Departments involved.

(C) Whether these numbers are shared with the Department of State for inclusion in the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

(D) An assessment as to how international child abductions impact the force readiness of affected military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense responsible for implementing measures to prevent international child abductions and to provide assistance to military personnel, including—

(i) the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

(ii) the education of appropriate personnel;

(iii) the coordination with family support offices and other applicable agencies, both within the United States and in host countries, to implement mechanisms for assistance to left behind parents;

(iv) the coordination with the Department of State and National Center for Missing and Exploited Children to provide assistance to left behind parents in obtaining the return of their children; and

(v) the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and additional need for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the office identified in subparagraph (E), provided by the Department of Defense to left behind military parents for the purpose of obtaining the return of their abducted children and ensuring the force readiness of military personnel.

(G) The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents.

(H) The proportion of identified left behind military parents who utilize the services and activities referred to in subparagraph (F).

(I) Measures taken by the Department of Defense, including any written policy guidelines, to prevent the abduction of children.

(J) The means by which military personnel are educated on the risks of international child abduction, particularly when they first arrive on a base abroad or when the military receives notice that the personnel is considering marriage or divorce abroad.

(K) The training provided to those who supply legal assistance to military personnel, in particular the Armed Forces Legal Assistance Offices, on the legal aspects of international child abduction and legal options available to left behind military parents, including the risks of conferring jurisdiction on the host country court system by applying for child custody in the host country court system.

(L) Which of the Status of Forces Agreements negotiated with host countries, if any, are written to protect the ability of a member of the Armed Forces to have international child abduction cases adjudicated in the member's State of legal residence.

(M) The feasibility of including in present and future Status of Forces Agreements a framework for the expeditious and just resolution of intra-familial child abduction.

(N) Identification of potential strategies for engagement with host countries with high incidences of military international child abductions.

(O) Whether the Department of Defense has engaged in joint efforts with the State Department to provide a forum, such as a conference, for left behind military parents to share their experiences, network, and develop best practices for securing the return of abducted children, and the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, or intends to partner with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue upon Department of Defense personnel, and to help develop an effective awareness campaign and training.

AMENDMENT NO. 51 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

Page 57, line 13, insert ''and the proposed radars'' after ''proposed interceptor''.

AMENDMENT NO. 52 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the technical and scientific feasibility of the discrimination capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the study.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Armed Services, Appropriations, and Oversight and Government Reform of the House of Representatives.

(2) The Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate.

AMENDMENT NO. 54 OFFERED BY MR. WALZ

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. REPORT ON JOINT VIRTUAL LIFETIME ELECTRONIC RECORD.

Not later than December 31, 2009, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The report shall—

(1) explain what steps compose the Secretaries' plan to fully achieve the establishment of the seamless record system between the two departments;

(2) identify any unforeseen obstacles that have arisen that may require legislative action; and

(3) explain how the plan relates to the mandate in section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1071 note) that the Secretary of Defense and the Secretary of the Department of Veterans Affairs jointly develop and implement, by September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control for 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

Mr. Chairman, I understand that the gentleman from Colorado (Mr. POLIS) wishes to propose a colloquy, and I yield 3 minutes to the gentleman.

Mr. POLIS. I thank the gentleman.

Mr. Chairman, I rise today to gain a better understanding of the status of the policy and law on the service of gay men and lesbians in the military, commonly referred to as Don't Ask, Don't Tell. The law and policy, established in 1993, disrupts unit cohesion as gay and lesbian servicemen and women worry constantly—''who knows what''—about their private lives.

Given the objective of the President to repeal the law and the evidence that the law and policy harmed military readiness and morale, what will be the strategy of the Committee on Armed Services for assessing this law?

Mr. SKELTON. I thank the gentleman for raising this issue. It's fair to say that much has happened since the law was adopted back in 1993, and I propose that the committee will continue to engage in a deliberative process to hear perspectives from all sides

of the debate, but particularly to understand the perspectives of the civilian and military leadership of the Department of Defense and the perspectives of ordinary servicemembers.

If we conclude that repeal is the appropriate course, the success of the change will hinge on our full understanding of the implications of the change and the development of a law and policy that will preserve the readiness and morale of our military forces. Certainly hearings will be at the heart of the committee's effort to determine those necessary facts.

Mr. POLIS. Mr. Chairman, can we expect hearings to be conducted this summer?

Mr. SKELTON. Our Military Personnel Subcommittee has already held one hearing with outside experts. We will clearly need to hear the perspectives of the Department of Defense as well. Since the civilian leadership responsible for personnel matters within the Office of the Secretary of Defense has not yet been announced, I don't believe it would be appropriate to begin a formal reassessment process until the new Under Secretary for Personnel and Readiness has been allowed to settle into the position. But the committee will continue to hold hearings.

Mr. POLIS. Thank you, Mr. Chairman.

At this point, I would like to yield 30 seconds to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Mr. Chairman.

Mr. Chairman, I would like to add my voice to the growing chorus calling for the repeal of the Don't Ask, Don't Tell law.

As you have suggested, many years have passed since the law has been adopted, and I believe that many of the reasons that the Members of Congress found compelling in 1993 will be considered outdated by current servicemembers and the American public today.

Mr. Chairman, I know our schedule in Armed Services is challenging, but I would encourage you to consider conducting hearings at the earliest possible date in the hope of correcting this policy that I believe undermines national security and military readiness.

I thank the gentleman for yielding.

Mr. POLIS. I thank the gentleman for his comments and I thank the chairman for the opportunity to discuss the issue.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding and for his help and the chairman's help in making this amendment, my amendment, part of the en bloc amendment.

This amendment requires the Department of Defense, Mr. Chairman, to report to Congress on the plight of our service members who, along with their children, suffer from intrafamilial international child abduction. The international movement of our servicemembers make them especially vulnerable to the risks of international child abduction.

Attorneys familiar with this phenomenon estimate that there are approximately 25 to 30 new cases of international child abductions affecting our servicemembers every year. One man, Commander Paul Toland, recently came into my office largely because of the publicity about David Goldman and his son, Sean Goldman, the Brazilian case that I have been working on. He heard about it, and he came in and said, You have got to hear my story. And it is a heartbreaking story.

Commander Toland was deployed to Yokohama, Japan. He and his wife, regrettably, had a split.

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She is now tragically deceased. And yet for approximately 6 long years, he has been trying to get his daughter back and has been unable to. The custody of his child is with the maternal grandparents. Again, he has not been able to get his own child back. Commander Toland received poor advice from the Naval Legal Services Officer on how to adjudicate the case. Have others?

Be advised, The amendment will not entangle the Department of Defense in custody disputes. Rather it will instruct the Department of Defense to study and produce a comprehensive report to Congress about what they are doing to ensure that our servicemembers are receiving preventive education, legal protections and other assistance needed to avoid and, when necessary, resolve the international abduction of their children. This is the least we can do for those who serve our nation.

Our servicemen and women risk much in the service of our Nation. We must do all that we can to mitigate the risks to their families. I thank my colleagues for supporting this amendment, especially the ranking member and the distinguished Chair.

I rise in support of the amendment to require the Department of Defense (DOD) to report to Congress on the plight of our service members who, along with their children, suffer from intra-familial and international child abduction. The international movements of our service men and women make them especially vulnerable to the risks of international child abduction. This amendment will require a study to pinpoint the extent of the problem within our armed services and what the DOD is doing to prevent and remedy international child abduction within the armed services.

The particular issue of international child abduction came to my attention with the Sean Goldman case. As many of you know, Sean Goldman was abducted to Brazil by his mother for a family vacation when Sean was four years old. His mother divorced his father and refused to return the child to the United States, which was Sean's country of habitual residence and consequently should have been the legal jurisdiction in which custody was decided. Sean's father has been fighting for the return of his son for five years. Sean's mother is now deceased, and Sean's father still cannot get him back.

Since my involvement with this case, I have been receiving calls from parents left behind in an international child abduction—the particular plight of military parents caught my attention. Military parents are at heightened risk because they often marry when they are serving this country abroad, and may live in numerous countries, including the United States, while they build a family with their spouse. Upon divorce, one parent sometimes whisks the child away to a legal jurisdiction unfavorable to the left behind parent.

Such was the case of Commander Paul Toland, whose infant daughter was abducted by his estranged wife while he was stationed on our naval base in Yokohama, Japan. When he sought help from the Naval Legal Services Office on base, he was told to hire a local lawyer and deal with the issue himself in Japanese courts.

Whether through lack of training by the DOD or lack of attention by the personnel, this very wrong advice from the Naval Legal Services Office directed Commander Toland to give up the legal jurisdiction of his home state and engage with a foreign legal jurisdiction that has NEVER returned a child to the United States. Commander Toland's former wife is now deceased, his daughter lives with her ailing grandmother in Japan, and he still cannot get her back. The fight has been six long years, and it continues with little hope.

Attorneys familiar with this phenomena estimate that there are approximately 25–30 new cases of international child abductions affecting our service men and women every year. Our service men and women risk much in their service to our nation. The DOD must do what it can to minimize their risks.

This amendment would not entangle the Department of Defense in custody disputes. Rather, this amendment will instruct the DOD to share with Congress what they are doing to ensure that our service men and women are receiving the preventative education, legal protection, and other assistance needed to avoid and resolve the international abduction of their children. This amendment asks the Department of Defense to report to Congress on the following items:

The total number of children abducted from military parents;

The total number of children who were later returned to left behind military parents;

What the DOD did to facilitate any of the returns, and what sorts of assistance the DOD offers to military parents—such as psychological counseling, financial assistance, legal services, and leave for travel;

The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents;

The training provided to those who supply legal assistance to the left behind military parents;

Measures taken by the DOD to prevent abductions;

Which of the Status of Forces Agreements negotiated with host countries are written to protect the military parent's ability to adjudicate abduction cases in the parent's state of legal residence;

The feasibility of including in present and future Status of Forces Agreements a framework for the resolution of child abduction;

Identification of potential strategies for engagement with host countries with high incidence of international child abductions;

Whether the DOD coordinates on abductions with other departments, such as the U.S. Department of State;

Whether the DOD currently partners with, or intends to partner with, civilian experts on international child abduction;

Whether the DOD has engaged in joint efforts with the U.S. Department of State to provide a forum, such as a conference, for left behind military parents to share experiences, network and develop best practices for securing the return of abducted children;

An assessment as to how international child abductions impact the force readiness of our service members.

We all want to do right by our service men and women. The study called for by this amendment will give us a window into what we are already doing, and what we can do better to protect our service men and women from the frustration and anguish of international child abduction.

Mr. SKELTON. Mr. Chairman, let me flash back to a previous amendment, the Akin-Forbes amendment. I just received a letter from the Assistant Secretary of Defense, dated today, regarding that amendment, which reads in part, While the Department supports transparency in government, we find the amendment as written directing the Secretary of Defense to submit a report on every employee covered under a nondisclosure agreement as overly burdensome and counterproductive in meeting the security challenges of today.

I yield 1 minute to my friend, my colleague, also a member of the Armed Services Committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of Mr. SKELTON's outstanding work on the underlying bill and also to support that portion of the en bloc amendment which sets up a mental health screening demonstration project cosponsored by Congresswoman DELAURO, Congressman MCMAHON of New York and myself.

This is an issue which addresses probably the most concerning issue that Admiral Mullen, Chairman of the Joint Chiefs, spoke to the Armed Services Committee about, which is the stress levels of our troops who have been repeatedly deployed in military conflict. General Odierno had a number of us over in December. Again, his number one concern was the uncomfortable and outrageous amount of suicides which is occurring in theater. I was with General Bagby in Europe a couple of weeks ago, who again stated that that is the biggest challenge facing our Armed Forces in Europe, who, again, are made up of many troops who have served in Iraq and Afghanistan. And the present system of screening for returning troops is simply to fill out a questionnaire. That is not enough.

This amendment will set up a demonstration project with a face-to-face evaluation with a mental health professional. This is the type of process that we need to deal with this unprecedented challenge.

Again, I urge strong support for the en bloc amendment which includes this important component.

Mr. MCKEON. I yield, at this time, Mr. Chairman, to the gentleman from Kentucky (Mr. DAVIS) 4 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, today I offer an amendment that will enable our Nation to more effectively plan and execute national security and interagency operations.

To enhance our national security, we must be able to effectively integrate the military and nonmilitary elements of our national power. This requires the effective integration of all agencies of the Federal Government, not only those with traditional national security roles. However, achieving highly integrated national security interagency planning and execution requires personnel who have the knowledge, skills and attributes to plan and participate in these interagency operations. At present, there is no permanent, institutionalized system for developing the skills and experience required.

Examples abound of the need for this change, and I will cite two briefly. My first relates to our ongoing interagency operations in Afghanistan, and I commend President Obama for his determination to pursue an integrated interagency approach to resolving that conflict.

As our national security community knows, helping the Afghan Government create a secure and stable society requires, among other things, that we assist farmers in growing crops other than poppies, which are used to produce opium. Unfortunately, the U.S. Department of Agriculture has never been used before now to provide personnel in support of operations like those in Afghanistan. Instead, the military has been required to fill the gap with people without agricultural experience.

While our soldiers are very adaptable, we would be better off if USDA were routinely engaged in overseas national security operations with other agencies, military and civilian, of the Federal Government.

Next I cite our experience in Iraq. In the early days of the Iraq occupation, there was no modern banking system in Iraq, and Iraqi security forces could only be paid in cash, which required them to leave their units and to spend days away from their units taking money home to their families. During this period, the deputy Treasury Secretary told me that if he was given the go-ahead, he was prepared to help Iraq establish a modern, electronic banking system which would have, among other things, enabled Iraqi soldiers to get their pay at home without leaving their units and ongoing combat operations.

If Treasury, and in particular a Treasury cadre of national security professionals, had been properly involved early on, the problem and rise of criminal gangs and militias could have been mitigated sooner, thereby contributing to increased Iraqi combat power, lightening the load on our troops during a very difficult period.

My amendment, simply put, would require the President to commission a study by an executive agency to develop national security professionals across departments of the Federal Government to provide skilled personnel for planning and conducting national security interagency operations.

It is critical that we achieve a transformation in national security education, training and interagency experience to produce national security professionals who are able to work seamlessly together. By requiring the President to commission such a study on an interagency national security professionals program, my amendment lays the foundation for that transformation.

I commend Chairman SKELTON. He has spent a lifetime supporting defense reforms going back to Goldwater-Nichols and championing these reforms to further integrate our national security tools moving into the 21st century.

I thank Ranking Member MCKEON for his work on this issue during my 4 years on the Armed Services Committee and continuing now as our ranking member on the committee.

Mr. SKELTON. At this time, I yield 1 minute to my friend, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ. I want to thank the chairman and the ranking member for crafting a bill to keep this Nation safe and provide care for our warriors and their families.

I would also like to thank you for accepting this amendment as part of the en bloc amendment. It is a very simple amendment I'm offering that is asking that the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, submit a report to Congress by the end of the year telling us what progress they have made on the establishment of a joint virtual lifetime electronic medical record. This is to bring about seamless transition from when our warriors leave the service until they enter into the VA system, making sure they don't encounter

all of the bureaucratic troubles, the holdups and the delays in processing of their claims.

As a 24-year veteran of our Armed Forces, I can tell you this is a critically important issue. It was backed and announced on April 9 by the President. This amendment will allow Congress to do its most critical function of oversight of the executive branch to make sure we are making progress to ensure the quality care of our veterans.

I thank the chairman and the ranking member for including it in a very fine bipartisan bill.

My amendment is very simple and, I believe, very significant: it would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to submit to Congress a report on the progress that has been made on the establishment of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The President announced on April 9 of this year that his Secretary of Defense and Secretary of VA would be working toward establishing that Joint Virtual Lifetime Record. My amendment simply aims to make sure the administration is doing what it says it would do, and to make sure that any required legislative assistance is identified. My amendment performs the crucial congressional oversight function of holding the administration accountable on its commitments. And this is a truly significant commitment, because it is widely understood that such a shared record system between DoD and VA is one of the keys to successfully providing our returning servicemen and women what we call a seamless transition as they return to civilian life. As a 24-year veteran of the National Guard and a member of the House Veterans' Affairs Committee, I know both from experience and from careful study that this challenge of ensuring that DoD and VA, two enormous and complex organizations with different missions, are cooperating to make sure that our troops, when they return home and become veterans, do not fall through the cracks at that moment is both one of the most difficult things to achieve and one of the best for guaranteeing that our veterans receive the best care possible ever after. I appreciate all the efforts the House Armed Services Committee has made to this effort, and I respectfully request that my amendment be included among them.

Mr. MCKEON. Mr. Chairman, we have no further speakers, and I would be happy to yield 2 minutes to the chairman.

Mr. SKELTON. I certainly thank the gentleman for that. I yield 1 minute to my friend, a very special lady, the Chair of the Appropriations Subcommittee on Agriculture, Rural Development and FDA, the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. According to the Army, 143 soldiers committed suicide in 2008, the highest rate since the Army began keeping records nearly three decades ago.

Mr. Chairman, after asking our men and women in uniform to sacrifice so much, the very least that we must do is to ensure that they get the care they deserve.

This amendment, based on the Sergeant Jonathan Schulze Military Mental Health Services Improvement Act, is about making sure our troops receive adequate pre- and postdeployment mental health evaluations. It directs the Secretary of Defense to conduct a demonstration project at two military installations, one Active Duty and one Reserve, to assess the feasibility and efficacy of providing face-to-face post-deployment mental health screenings between a member of the Armed Forces and a mental health provider.

The 2-year project will include a combat stress evaluation conducted by a qualified mental health professional within 120 to 180 days of the date the soldier returns, and a case manager will follow up.

Let me say thank you to Chairman SKELTON for his collaboration and his commitment to this issue. We have no excuse for failing the soldiers who have given this Nation everything. Let's give them a long life, good health and quality care.

Mr. SKELTON. May I inquire, Mr. Chairman, the time remaining, please.

The Acting CHAIR. The gentleman from Missouri has 5½ minutes remaining.

The gentleman from California has 3 minutes remaining.

Mr. SKELTON. At this time, I yield 1 minute to my colleague, the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

Mr. Chair, I rise in support of this amendment which I offer along with my esteemed colleague from Connecticut, the great Congresswoman ROSA DELAURO, together with my great colleague from Connecticut, JOE COURTNEY, and my great colleague from the great State of New Mexico, HARRY TEAGUE.

Like my colleagues, I too am alarmed at the statistics coming out of the armed services. Nearly 150 soldiers took their lives last year, the highest figures since the wars in Iraq and Afghanistan began.

In 2009, it is already reporting 64 potential active-duty Army suicides. One-to-one mental health screenings with a certified mental health professional is the least that we can offer to our servicemen and women that sacrifice so much for this country.

This amendment creates a well thought-out pilot program that would assess the feasibility of such screenings and would hopefully lead to legislation in a broader sense.

For this reason, I urge my colleagues here today to support this amendment on behalf of the men and women who serve this country so proudly.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Massachusetts (Mr. TIERNEY)

Mr. TIERNEY. I want to thank the chairman for the time and for the bill that he has put on the floor today.

I rise in support of this en bloc amendment, particularly because it includes two amendments that were made in order under the rule. The bill as reported by the committee specifies that no funds may be obligated for the deployment of a long-range missile defense system in Europe until the Secretary of Defense submits a report to Congress certifying that the proposed interceptor that is going to be deployed has been realistically flight-tested and has demonstrated a high probability of working in an operational manner. That makes perfect sense.

In recent months, those studies have been conducted by various independent scientists, and they have shown that the radar proposed for the Czech Republic does not have enough range to perform effectively. As my colleagues know, the interceptors' capabilities are dependent on the ability and the accuracy of the radar. That is why I believe that it is imperative that the Secretary's report also certify about the proposed radars, and that first amendment requires just that.

The second amendment directs the JASON panel, which has been providing independent scientific advice and consultation to the government since 1960 on matters of defense, science and technology, to conduct a study on whether the discrimination capabilities being sought by the Missile Defense Agency are achievable.

The system has to be evaluated by its ability to successfully distinguish between an enemy's missile and any accompanying decoys countermeasures. And right now, there is little evidence to suggest that the system can make those kinds of distinctions.

Furthermore, this is a big challenge. As Dr. Phil Coyle, who was the former director of operational test and evaluation at the Pentagon noted during a hearing that we convened, ''shooting down an enemy missile going 17,000 miles per hour is like trying to hit a hole-in-one in golf when the hole is going 17,000 miles per hour. If an enemy uses decoys and countermeasures, missile defense is like trying to shoot a hole-in-one while the hole is going 17,000 miles per hour and the green is covered with black circles the same size as the hole. The defender doesn't know what target to aim for.''

So this report should inform Congress on whether or not the ballistic missile defense system will actually be able to employ discrimination technology.

So I hope to thank Chairman SKELTON for approving these amendments in the en bloc package. I believe they will provide important oversight over the missile defense system.

And finally, as one who has long believed Congress must reexamine how it funds this program, I'm delighted that it takes a small but important step in reducing by $1.2 billion the funding for these programs. I hope it is the beginning of a trend on the way we go.

Mr. LOBIONDO. Mr. Chair, I rise in strong support of this third en bloc amendment. I want to thank Chairman SKELTON and Ranking Member MCKEON for including the LoBiondo, Delahunt, Coble, Taylor amendment in this bloc.

A couple of weeks ago I met with Master Chief Petty Officer of the Coast Guard, Skip Bowen, to discuss benefits available to Coast Guard service members.

He brought to my attention the fact that current law provides active duty members of the Armed Forces and Coast Guard and their dependents with access to legal assistance in connection with their personal civil affairs. The law also grants eligibility to certain DoD reservists who are called to active duty for more than 30 days. Unfortunately, the law does not provide the same eligibility to similarly situated Coast Guard reservists.

I am offering this amendment with Representatives DELAHUNT and COBLE, two Coast Guard veterans, to ensure current Coast Guard reservists have access to the same legal assistance as other DoD reservists upon release from active duty.

This legal assistance is critical in helping reservists understand their rights under the Uniformed Services Reemployment Rights Act, the Service member's Civil Relief Act, as well as probate, housing, consumer and tax laws.

There are currently over 8,100 reservists in the USCG, including over a hundred serving on active duty in Iraq providing port and waterways security.

I thank the Chairman and Ranking Member for working with me on this important issue and I encourage all members to support this en bloc amendment.

Mr. TEAGUE. Mr. Chair, I'm very happy to rise in support of this amendment and thank my colleagues for their work on this very important issue, especially the distinguished Gentlelady from Connecticut, Congresswoman DELAURO. I also thank Chairman SKELTON and Chairwoman SLAUGHTER for the opportunity to consider this amendment to the National Defense Authorization Act.

As you all may know, I recently I introduced H.R. 2931, the Kyle Barthel Veterans and Service Members Mental Health Screening Act. The bill calls for mandatory confidential mental health screenings for members of the Armed Forces. By requiring the in person screenings, we can reduce the stigma associated with the unseen injuries sustained by our men and women in uniform and ensure that these brave soldiers and veterans receive the treatment they need and deserve. Ultimately, by mandating in person mental health screenings, we will reduce the incidence of suicides and substance abuse among active duty personnel and veterans.

When I introduced this bill, I named it after a young man whose life was cut too short because we as a nation failed to give him the mental health treatment he needed and deserved. It is my belief that mandating screenings by a qualified mental health professional for every member of the military is the only way to begin indentifying and treating the invisible wounds of war.

While I would have liked an across the board mental health screening mandate to be a part of this bill, I also realize that we need to walk before we run. I believe that this amendment is the first step on the road to effective mental health illness prevention and treatment for service members and veterans.

Mr. Chair, I don't want to lose another Kyle. I don't want to lose another fine American service member or veteran to an invisible but very real illness. I don't want to ever have to go to another mother, father, wife, or husband or brother or sister and say ''I'm sorry we didn't do enough''.

Let's stand together and protect the health of our service members and veterans. Support this amendment, and work with me to mandate mental health screenings for service members in the future.

I urge my colleagues to support this important amendment.

Mr. SCHRADER. Mr. Chair, I want to take a moment and thank Chairman SKELTON and Ranking Member MCHUGH for their tireless work on behalf of the men and women of our Armed Services. I would also like to congratulate Congressman MCHUGH and wish him luck as he transitions to his new post as Secretary of the Army.

Mr. Chair, I rise today in support of the Skelton en bloc amendment which includes legislation I introduced requiring the Department of Defense to notify any member of the Armed Forces who is exposed to a potentially harmful material or contaminant and inform them of the health risks associated with that exposure. In the case the exposed soldier is a member of a reserve component, the Secretary of Defense will be required to notify the State military department.

Back in March I spoke with one of my constituents, Larry Roberta, a member of the Oregon National Guard who is suffering the health effects of being exposed to toxic chemicals on the battlefield. In 2003, while serving in Iraq, Oregon National Guard Members like Larry were unknowingly exposed to Hexavalent Chromium while assigned to protect contractors rebuilding a water treatment facility near Iraqi oil fields. The problem with chemicals like Hexavalent Chromium is they can cause severe illnesses that may not appear until months or years after the exposure.

Their exposure to this cancerous agent was withheld from them while they were in the theater, and many of our soldiers are still unaware the symptoms they are experiencing may be related to a toxic exposure. Fast forward six years and the Oregon Guard is still having a difficult time tracking down all the soldiers they feel may have been exposed.

The estimated number of exposed Oregon soldiers is in the hundreds—many of these soldiers are still unaware they may have been exposed to toxic substances that are impacting their health. Had there been a notification requirement and protocol in place it is very likely these soldiers would be identified, aware of their situation, and able to seek the appropriate care they need.

We're within days of sending 3,000 of Oregon's finest to the Middle East. This amendment provides them with added security and protection they need, and frankly deserve. I'd like to thank Chairman SKELTON and Ranking Member MCHUGH for their support to address this critical issue that has impacted so many of Oregon's citizen soldiers, and I urge my colleagues to support the adoption of this important amendment.

Mr. SKELTON. Mr. Chairman, we have no more speakers on this en bloc amendment. I yield back.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 4.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 55, 57, 59, 62, 66, 67, 68, 69, 65, and 60 offered by Mr. SKELTON:

AMENDMENT NO. 55 OFFERED BY MR. WEINER

The text of the amendment is as follows:

At the end of title VI (page 134, after line 24), add the following new section:

SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO CITIES AND OTHER MUNICIPALITIES THAT COVER THE DIFFERENCE BETWEEN AN EMPLOYEE'S MILITARY SALARY AND MUNICIPAL SALARY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between—

(1) an employee's military salary when that employee is a member of a reserve component and called or ordered to active duty; and

(2) the municipal salary of the employee.

AMENDMENT NO. 57 OFFERED BY MR. GRIFFITH

The text of the amendment is as follows:

Page 67, after line 5, insert the following:

SEC. ___. SENSE OF CONGRESS REAFFIRMING THE REQUIREMENT TO THOROUGHLY CONSIDER THE ROLE OF BALLISTIC MISSILE DEFENSES DURING THE QUADRENNIAL DEFENSE REVIEW AND THE NUCLEAR POSTURE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law: 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

(2) Section 118 of title 10, United States Code requires the Secretary of Defense ''every four years, during a year following a year evenly divisible by four, to conduct a comprehensive examination (to be known as a''Quadrennial Defense Review'') of the national defense strategy, force structure,

force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years.''

(3) Among the requirements established by section 118 of title 10, United States Code, for the elements that must be included in the Quadrennial Defense Review are the following:

(A) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(B) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.

(C) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(4) Section 1070 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-116) requires the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years ''in order to clarify United States nuclear deterrence policy and strategy for the near term.''

(5) Among the requirements established by section 1070 of the National Defense Authorization Act for Fiscal Year 2008 for the elements that must be included in the nuclear posture review is ''[t]he role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.''

(6) The Final Report of the Congressional Commission on the Strategic Posture of the United States, issued on May 7, 2009, concluded: ''Missile defenses can play a useful role in supporting the basic objectives of deterrence, broadly defined. Defenses that are effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats. These can also be beneficial for limiting damage if deterrence fails. The United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review.

AMENDMENT NO. 59 OFFERED BY MR. HOLT

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans who are members of the Individual Ready Reserve (in this section referred to as the ''IRR'') and are not assigned to units that muster regularly and have an established support structure are less likely to be helped by existing suicide prevention programs run by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Defense shall ensure that all covered members receive a counseling call from properly trained personnel not less than once every 90 days so long as the member remains a member of the IRR.

(c) PERSONNEL.—In carrying out this section, the Secretary shall ensure the following:

(1) Personnel conducting calls determine the emotional, psychological, medical, and career needs and concerns of the covered member.

(2) Any covered member identified as being at-risk of self-caused harm is referred to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

(3) If a covered member is identified under paragraph (2), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

(d) REPORT.—Not later than January 31 of each year, beginning in 2010, the Secretary shall submit to Congress a report on the number of IRR members not assigned to units who have been referred for counseling or mental health treatment, as well as the health and career status of such members.

(e) COVERED MEMBER DEFINED.—In this section, a ''covered member'' is a member of the Individual Ready Reserve who has completed at least one tour in either Iraq or Afghanistan.

AMENDMENT NO. 62 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(18) In accordance with subsection (g), treatment of autism spectrum disorders.''; and

(2) by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (a)(18), and to the extent that appropriated funds are available for the purposes of this subsection, treatment of autism spectrum disorders shall be provided if a health care professional determines that the treatment is medically necessary. Such treatment shall include the following:

''(A) Habilitative or rehabilitative care.

''(B) Pharmaceutical agents.

''(C) Psychiatric care.

''(D) Psychological care.

''(E) Speech therapy.

''(F) Occupational therapy.

''(G) Physical therapy.

''(H) Group therapy, if a health care professional determines it necessary to develop, maintain, or restore the skills of the beneficiary.

''(I) Any other care or treatment that a health care professional determines medically necessary.

''(2) Beneficiaries under the age of five who have developmental delays and are considered at-risk for autism may not be denied access to treatment described by paragraph (1) if a health care professional determines that the treatment is medically necessary.

''(3) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of section 1079(a)(9) of this title.

''(4) In carrying out this subsection, the Secretary shall ensure that—

''(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a state, the Behavior Analyst Certification Board, or other accredited national certification board; and

''(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services.

''(5)(A) This subsection shall not apply to a medicare-eligible beneficiary.

''(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

''(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(iii) any other law.

''(6) In this section:

''(A) The term 'autism spectrum disorders' includes autistic disorder, Asperger's syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

''(B) The term 'habilitative and rehabilitative care' includes—

''(i) professional counseling;

''(ii) guidance service;

''(iii) treatment programs, including not more than 40 hours per week of applied behavior analysis; and

''(iv) other structured behavior programs that a health care professional determines necessary to develop, improve, maintain, or restore the functions of the beneficiary.

''(C) The term 'health care professional' has the meaning given that term in section 1094(e)(2) of this title.

''(D) The term 'medicare-eligible' has the meaning given that term in section 1111(b) of this title.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(c) FUNDING.—

(1) FUNDING INCREASE.—The amount otherwise provided by section 1403 for TRICARE funding is hereby increased by $50,000,000 to provide funds to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(2) OFFSETTING REDUCTION.—

Reduce the amount of Operation and Maintenance, Army, by $25,000,000 to be derived from the Service-wide Communications.

Reduce the amount of Operations and Maintenance, Navy, by $15,000,000, to be derived from Service-wide Communications.

Reduce the amount of Research Development Test & Evaluation, by $10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E

AMENDMENT NO. 66 OFFERED BY MR. MC DERMOTT

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo; and

(2) to make such map available to the public.

The map required under this subsection shall be known as the ''Congo Conflict Minerals Map''. Mines located in areas under the control of armed groups in the Democratic Republic of the Congo, as depicted on the Congo Conflict Minerals Map, shall be known as ''conflict zone mines''.

(b) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required by subsection (a) not less frequently than once every 180 days until the Secretary of Defense certifies that no armed party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

AMENDMENT NO. 67 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

Page 86, after line 16, insert the following new section:

SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat 2695) is amended by adding at the end the following new subparagraph:

''(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program, for activities including, but not limited to, those conducted by the center under contract with or on behalf of the Department of Defense or through transfer of funds from the Department of Defense to the National Aeronautics and Space Administration.''.

AMENDMENT NO. 68 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

At the end of division A of the bill, insert the following new title:

TITLE XVI—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Guam World War II Loyalty Recognition Act''.

SEC. 1602. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1606(a), after receipt of certification pursuant to section 1604(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term ''compensable Guam decedent'' means an individual determined under section 1604(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term ''compensable Guam victim'' means an individual determined under section 1604(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1604. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1603 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1603 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim.

If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1603.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1603 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1603(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1603 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant thereto, or this title.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1606(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1603 and 1604, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1605, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

AMENDMENT NO. 69 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

''(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government's interest; and''.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.''.

AMENDMENT NO. 65 OFFERED BY MS. CASTOR OF FLORIDA

The text of the amendment is as follows:

At the end of title VI (page 230, after line 22), add the following new section:

SEC. 665. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN CERTAIN OVERSEAS OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided during fiscal year 2010 to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces described in subsection (a)(1) of section 3401 of title 39, United States Code, who is entitled to free mailing privileges under such section.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit (in this section referred to as a ''voucher'') to permit a person possessing the voucher to make a qualified mailing to any qualified individual without charge using the Postal Service. The vouchers may be in printed, electronic, or such other format as the Secretary of Defense, in consultation with the Postal Service, shall determine to be appropriate.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 15 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to any qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every month (or part of a month) during fiscal year 2010 in which the member is a qualified individual. Subject to subsection (f)(2), a voucher earned during fiscal year 2010 may be used after the end of such fiscal year.

(e) TRANSFER OF VOUCHERS.—A qualified individual may transfer a voucher to a member of the family of the qualified individual, a nonprofit organization, or any other person selected by the qualified individual for use to send qualified mailings to the qualified individual or other qualified individuals.

(f) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than one qualified mailing, whether that mailing is a first-class letter or a parcel; or

(2) after the expiration date of the voucher, as designated by the Secretary of Defense.

(g) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the expiration date of the final vouchers issued under the program.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(i) FUNDING.—

(1) FUNDING SOURCE AND LIMITATION.—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for Army for fiscal year 2010, $50,000,000 is authorized to be appropriated for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance are reduced as follows:

(A) For operation and maintenance for the Army, Army Claims is reduced by $10,000,000.

(B) For operation and maintenance for the Navy, System-Wide Navy Communications is reduced by $10,000,000.

(C) For operation and maintenance for the Air Force, System-Wide Air Force Communications is reduced by $30,000,000.

AMENDMENT NO. 60 OFFERED BY MR. GARRETT OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. SENSE OF CONGRESS RELATING TO THE STATE OF ISRAEL.

It is the sense of Congress that—

(1) the State of Israel is one of the strongest allies of the United States;

(2) Israel and the United States face many common enemies; and

(3) the United States should continue to work with Israeli Prime Minister Netanyahu, the Israeli Government, and the people of Israel to ensure that Israel continues to receive critical military assistance, including missile defense capabilities, needed to address existential threats.

The Acting CHAIR. Pursuant to House Resolution 572 the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time, I yield 2 minutes to my friend, the gentleman from Alabama (Mr. GRIFFITH).

Mr. GRIFFITH. Thank you, Mr. Chairman.

I rise today in support of my amendment in the en bloc amendments to the National Defense Authorization Act.

This amendment will require the Quadrennial Defense Review to be completed every 4 years to examine the national defense strategy, the force structure, the force modernization plans, infrastructure, budget plan and other elements of the defense program to determine our strategy for the next 20 years.

Additionally, my amendment reinforces the importance of the Nuclear Posture Review, which addresses the role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

These reviews are an essential element of our national security perspective as are the Ground-based Midcourse Defense missile program, the Kinetic Energy Interceptor, the Multiple Kill Vehicle and the Airborne Laser program.

□ 1345

The Department of Defense is aware that the Ground-based Midcourse Defense, the GMD, is the only fielded and operational capability that can defend the U.S. against long-range ballistic missiles. However, the current budget cuts of $524 million from the program, deploying only 30 of the 44 GMD interceptors that were scheduled, we believe this logic should be questioned given the events occurring in North Korea and Iran.

Furthermore, we should reconsider the stop work order for the kinetic energy interceptor. This project is an essential part of our boost-phase ballistic missile approach, and I urge my colleagues to continue to support its development.

Congress should also support the continued development of the multiple kill vehicle. As rogue nations continue to advance their missile defense capabilities, multiple kill vehicle technology will be required to destroy countermeasures, warheads and ultimately the missiles shot from our enemies.

I support all of these projects because they are a deterrent to our enemies and they are the programs our warfighters in the field require. As we look at the missile tests and balance of power occurring in the Middle East and East Asia, this is not the time to reduce our missile defense budget and cut back on these programs. North Korea plans to launch a long-range Taepodong-2 missile in July, and is only a few years away from deploying a missile capable of hitting the United States.

We must prepare for the development and the deployment of more advanced technologies by our adversaries. These missile systems should all be considered essential elements. I urge passage of this amendment.

Mr. MCKEON. Mr. Chairman, I yield now 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the ranking member and the Chair for the inclusion of our amendment with regard to Israel in the underlying bill.

I would like to speak for a minute with regard to one of our strongest allies in the Middle East, and that is the State of Israel. I am thankful for the strong relationship that we have, that our two countries share so much in common. We have both faced war and fought for peace and for freedom. We both continue to pursue liberty, despite ongoing opposition. We both face many common enemies.

Throughout my time in Congress, I have been a strong supporter of Israel's right to exist. When you think about it, it is even disturbing that we have to come here and talk about it in such terms. But the truth of the matter is, there are few countries, few peoples on Earth who are more in the cross hairs than Israel. Not even the U.N. can be called upon to defend Israel. In fact, the U.N. often stands with those who condemn Israel.

Israel has remained a shining beacon of democracy in a dark part of the world, standing with the United States against the threat of Islamic extremism, and we must be unwavering in our continuous support.

In conclusion, the United States should continue to work with Israel Prime Minister Netanyahu and the Israeli Government and with the people of Israel to ensure that Israel continues to receive critical military assistance, including the military defense needed to address this existential threat.

Mr. SKELTON. I yield one minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the distinguished Chair of the Armed Services Committee. I rise in support of this en bloc amendment which includes the Castor-Bilirakis amendment, an amendment I introduced jointly with my good friend and colleague, the gentleman from Florida (Mr. BILIRAKIS).

Under the Castor-Bilirakis amendment, each member of the armed services serving in combat operations would be provided with a monthly postal benefit that they can transfer to their families or to a charitable organization so they can afford to send care packages and other communications while they are serving bravely overseas. Just think of the benefit to our brave men and women serving in combat operations, a benefit to their morale, a boost in the morale when they receive that letter from home, when they receive that all-important care package.

This effort has been ongoing for many years. It has been included in past Defense authorization bills. It passed the House last year only to be taken out in conference. It is time to get this provision enacted as a standalone bill, H.R. 707, the Homefront to Heroes Act. We have more than half of the House of Representatives as cosponsors. It is time to get this done finally.

Mr. MCKEON. Mr. Chairman, I yield now to the gentleman from Florida (Mr. BILIRAKIS) 2 minutes.

Mr. BILIRAKIS. Mr. Chairman, I thank the ranking member for yielding. And thank you, Mr. SKELTON, for including this in the en bloc amendment.

I rise today in support of a provision included in this en bloc amendment which my colleague from Florida, Ms. CASTOR, and I have offered to provide postal benefits to our combat soldiers. This amendment recognizes the sacrifices made by servicemembers and their loved ones back home. Tough economic times have made it increasingly difficult for those who send care packages to troops to pay the resulting shipping costs. This amendment will help address that problem.

The legislation on which our amendment is based has strong bipartisan support garnering 237 cosponsors. In addition, it has gained a great deal of support from our constituents and people all across the country. It is with great humility that I rise today to honor our servicemembers and those who tirelessly support them.

I urge all of my colleagues to support this very important amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the distinguished chairman of the committee.

I have an amendment as part of this en bloc that would require the Secretary of Defense to ensure that members of the Individual Ready Reserve who have served at least one tour in either Iraq or Afghanistan receive a counseling call from properly trained personnel not less than once every 90 days to look at emotional, psychological, medical and career needs.

Mr. Chairman, the military personnel from the Secretary on down, and certainly the chairman of our committee, have devoted a great deal of attention to suicide prevention recognition and treatment. This is necessary because the IRR is one place where it is just too easy to fall through the cracks.

Coleman Bean of East Brunswick, New Jersey, enlisted in the Army in 2001, attended Fort Benning, served with the 173rd Airborne. He served in Iraq. Afterwards, he sought treatment for post-traumatic stress disorder. Maybe the VA diagnosis should have been accepted by the Army. In any case, after he was discharged, like other Army members, he still had 4 years of Ready Reserve commitment. He was called back to Iraq, served, returned to New Jersey in May of 2008 and committed suicide in September of 2008. He fell through the cracks. He had no advocate, no Army machinery to help him find his way through the system. He was literally on his own.

Mr. Chairman, this amendment is to address what I think is a gap in our suicide treatment efforts to deal with the Individual Ready Reserve. I urge passage of this amendment.

Mr. MCKEON. We have no further speakers, and I reserve the balance of my time.

Mr. SKELTON. I yield 1 minute to my friend and colleague, a member of the Armed Services Committee, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Thank you, Mr. Chairman.

My amendment helps to build support for the military bill buildup on Guam by addressing a longstanding issue. We will authorize a substantial amount of military construction in this bill, but to keep up the morale and the obligation to the people of Guam, it is only right to also resolve the issue of war claims as part of this bill.

The war claims program for Guam administered by the U.S. Navy after World War II had shortcomings, and this amendment would address the resulting disparity of treatment for war claims for the Chamorros who endured the occupation of Guam.

The House passed this amendment as H.R. 44 in February, but the other body has not considered it. Adopting this amendment will provide an opportunity to resolve this issue.

And, again, many thanks to Chairman SKELTON and Ranking Member MCKEON for accepting this amendment en bloc and to all of their staff for their outstanding support in advancing this bill. I urge adoption of this amendment.

Mr. SKELTON. Let me take this opportunity, Mr. Chairman, to recognize several of our staff who, after wonderful service, are going on to new challenges in their careers:

Loren Dealy, who will handle communications for the Office of Legislative Affairs at the Department of Defense; Frank Rose who is off to work on strategic weapons and missile defense issues at the State Department; Bill Natter, who recently left to be the Deputy Under Secretary of the Navy; Sasha Rogers, who is off to get a master's of public policy; Christine Lamb, who is off to get an MBA; and Ben Glerum, who will be working on a law degree.

In addition, I wish to recognize those unsung heroes who allow our staff to put together a bill of this enormous size and complexity. Those staff members who are called staff assistants: Andrew Tabler, Zach Steacy, Liz Drummond, Megan Putnam, Rose Ellen Kim, Caterina Dutto, Kathleen Kelly, Mary Kate Cunningham, Scott Bousom, Trey Howard, Cindi Howard, Derek Scott and Katy Bloomberg all deserve a special thanks.

And I also want to thank Joe Hichen for a long effort with us, as well as Alicia Haley. Without their hard work, coordination, and patience, we would not be as successful as we are today.

A final thanks to the team in the Office of Legislative Counsel led by Sherry Chriss, and the Parliamentarians who provide such excellent support. We thank them, and we are very grateful for their hard work.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, this is probably the last time where I have enough time to thank the staff. I would like to thank all of the members of the staff.

I said when I was on the Education Committee, we used to have everybody's names written out; and so I turned to Tom, and he said, We don't do that, sir. We give all of the credit to the Members. So rather than list all of their names on both sides, I would like to thank you en bloc, all of the staff, for doing such a tremendous job to get me ready in very short time to do this work. They have done a yeoman's job, and it has been a real pleasure working with the chairman and working with the staff on this bill. I look forward to many more years to do it. Hopefully, we will change off chairman, but I won't get into that.

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

Mr. SKELTON. Mr. Chairman, let me say a special word of thanks to our ranking member, BUCK MCKEON. As we welcome you and you are off and running, you are doing an excellent job, and we thank you for your first-class efforts in making this come to pass. You've done wonderfully, and we should all be very grateful to you.

Mr. GARRETT of New Jersey. Madam Speaker, earlier today, the House unanimously passed my amendment to the National Defense Authorization Act for Fiscal Year 2010, H.R. 2647. This amendment expresses the sense of Congress that the United States and Israel have a shared national interest, that the latter is one of our strongest and most important allies, and that our government should pledge our continued support of Israel's defense and well-being.

In light of this, I would like to take a moment to draw attention to the ongoing captivity of Israeli Corporal Gilad Shalit. Cpl. Shalit is an Israeli soldier and a member of the Israel Defense Forces' (IDF) Armor Corps. Three years ago today, Cpl. Shalit and his fellow soldiers were attacked by Hamas terrorists on the Israel side of the Gaza Strip. Two soldiers were killed, and Cpl. Shalit was kidnapped.

Since that day in 2006, Hamas, with the continued protection and support of the Palestinian leadership, has held Cpl. Shalit in captivity, in clear defiance of the Geneva Convention and basic human decency. Hamas has not allowed the Red Cross or others to visit Cpl. Shalit. Instead, Hamas released videos highlighting the poor treatment of Cpl. Shalit and mocking Israel and the IDF. Military and diplomatic efforts to secure the release of Cpl. Shalit have been unsuccessful, and the Palestinian government continues to exploit his condition and his family's suffering.

In 2007 and 2008, I called for the release of Cpl. Salit, as well as Sergeant Major Ehud

"Udi" Goldwasser and Sergeant First Class Eldad Regev. On July 16, 2008, Hezbollah returned the bodies of SGM Goldwasser and SFC Regev in exchange for over 200 convicted terrorists and other Palestinian prisoners. Hamas claims that Cpl. Shalit is still alive, and we know that his return is a matter of urgency. The captivity and poor treatment of Cpl. Shalit, in addition to the murder of the other soldiers, is unacceptable and only further demonstrates Hamas's unwillingness to be a responsible member of the global community.

As a nation that has experienced terrorist attacks, we know that this issue is not solely a regional issue, nor is it the problem of Israel alone. I am proud that this Congress today chose to stand with our friends in Israel, and call for the support of our key ally. Moreover, I call on President Obama, Secretary Clinton, and Ambassador Rice to use all available measures to secure the safe and timely return of Cpl. Gilad Shalit.

Ms. ROS-LEHTINEN. Mr. Chair, I rise in strong support of the amendment offered by my distinguished friend and colleague from New Jersey, Mr. GARRETT.

Since its creation in 1948, the State of Israel, surrounded by hostile neighbors, has been forced to develop technologically advanced defense capabilities to protect its existence as a democratic, Jewish state.

While this amendment addresses the totality of the U.S.-Israel military and security relationship, I would like to focus on the provision of critical missile defense assistance to Israel.

Israel is about to become the first country in the world to have a true national missile defense, and perhaps no other country has such a pressing need for one.

Almost twenty years ago, Iraq launched 93 Scuds at other Middle Eastern nations, including 39 at Israel.

Most recently, in 2006, Hezbollah launched scores of Katyusha rockets at civilian targets in northern Israel, imposing a state of siege on the population.

And we cannot forget the ongoing, relentless, decade-long rocket and mortar attacks from Palestinian militant groups in Gaza against innocents in southern Israel.

In addition to killing and injuring a number of Israelis, these militants have inflicted great psychological damage on the population, including Israeli children.

But the missile danger to Israel and the United States is even greater than what has challenged us before.

Today, Israel faces threats from both Iran and Syria—which have made clear their desires to develop nuclear weapons—and from the ballistic missile delivery systems that could reach Tel Aviv, other critical U.S. allies, and U.S. forces stationed throughout the region.

Iran remains committed to developing rockets capable of delivering warheads to Tel Aviv.

Syria, which has one of the largest missile stockpiles in the region, has, with Iran's help, reportedly developed a surface-to-surface missile that would enable Syria to launch attacks on key Israeli military and civil installations with precision.

Providing missile defense for Israel is obvious: It is a vital U.S. ally, a small democracy surrounded by foes armed with short, medium, and long-range projectiles and missiles.

I urge strong support for this amendment.

Mr. KING of New York. Mr. Chair, today I rise and am proud to join my colleagues in supporting the Castor/Bilirakis amendment to the National Defense Authorization Act for FY2010. This amendment would provide free mailing vouchers to members of the Armed Forces serving on active duty in Iraq and Afghanistan, that can then be transferred to loved ones who will be able to send letters and packages to soldiers at no cost. While our soldiers do not have to pay for the letters they send home, their families often spend hundreds of dollars to send care packages and letters of their own.

I introduced similar legislation (H.R. 704) this Congress and a similar provision was also included in the FY2009 National Defense Authorization Act that passed the House, only to be stripped out during conference negotiations. As someone who has long been dedicated to providing for the needs of soldiers and their families, I welcome this long-awaited addition to the benefits of those who serve our country.

Mr. KUCINICH. Mr. Chair, the amendment offered by Representative SCHIFF of California would allow a federally funded research and development center (FFRDC) under the National Aeronautics and Space Administration's (NASA) to apply for grants made available by the Department of Defense. Of NASA's ten field centers, there is only one FFRDC—the Jet Propulsion Laboratory (JPL)—in Pasadena, California. The amendment would allow this NASA center to do the "research, development, demonstration, or transfer of technology . . . for activities including, but not limited to, those conducted by the center under contact with or on behalf of the Department of Defense."

NASA is a civilian agency, doing civilian work that affects every American in various ways. It must not become too closely associated with the Department of Defense. NASA's mission is to pioneer scientific discovery, aeronautics research and space exploration, not to conduct research for the benefit of the Department of Defense.

At a time when these programs may be facing extensive funding cuts, allowing NASA's field centers to focus solely on carrying out NASA's mission could not be of more importance. Allowing JPL to apply for these grants would set a precedent that could pave the way for other NASA centers to follow suit. NASA is prohibited by law from accepting these grants from the Department of Defense for a reason. NASA should not be doing the work of the Department of Defense and should remain a distinct entity doing strictly civilian work for civilian benefits. It should be fully funded in order to allow it to do so.

Mr. WEINER. Mr. Chair, I rise today in support of language in the manager's amendment to the Defense Authorization Bill (H.R. 2647) requiring the Government Accountability Office to study the costs to states and localities that choose to cover the difference between a first responder's military salary and their city salary.

After the tragic events of September 11th, many New Yorkers heard the call to service and joined the Army, Marines, Navy, and Air Force in defense of their country. More than 11,000 New Yorkers went to Iraq and Afghanistan and 59 tragically lost their lives in defense of our country. Among these New Yorkers were the brave first responders who had already performed so admirably on that day, the police officers, fire fighters, and paramedics who put their lives at risk to help their fellow New Yorkers. In recognition of this further sacrifice, New York City revised its personnel code to maintain first responders' municipal salaries even during active duty military service.

Five hundred ten New York City municipal employees, including 76 firefighters and 293 police officers, are currently serving overseas, putting the total number of City first responders who have served in Iraq and Afghanistan since 9/11 at over 2,000, with New York Police Department Officers comprising close to half of these. The combined salaries of these employees is over $ 148 million dollars, and it is estimated that the city has recouped only $59 million, costing the City over $89 million. These financial costs are further compounded by lost man hours, over 800,000 in all. This lost manpower has disproportionately affected the New York City Police Department to the tune of over 472,000 days.

To explain this program better, let's take the hypothetical case of NYPD and Army Reserve Sergeant Smith. Sergeant Smith makes $55,000 annually as an NYPD officer and his active duty salary is $35,000. Being called to Iraq for a year-long tour of duty costs Sergeant Smith $20,000. New York City's program continues Sergeant Smith's $55,000 annual salary and Sergeant Smith would pay his military salary back to the City. Through New York City's policy, Sergeant Smith is made whole while still patriotically serving his country.

New York City is not alone in honoring its first responders who choose to serve overseas in this way. Boston, Chicago, Indianapolis, Phoenix, and San Jose have similar programs, and many states, including Ohio, Texas, North Carolina, Wisconsin, and Washington have laws that provide full pay for all state and municipal employees serving on active duty. At this time, it is not known how many millions of dollars these programs are costing cities and states around the country. Through my amendment the GAO will study the costs incurred by local governments for picking up the costs for their employees serving on active duty. I would like to thank Chairman IKE SKELTON and Ranking Member BUCK MCKEON for accepting this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

□ 1400

AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111–182.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. CONNOLLY of Virginia:

At the end of subtitle D of title III, add the following new section:

SEC. 3___. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would clarify that section 526 of the Energy Independence and Security Act does not preclude Federal agencies from purchasing fuel that is not predominantly derived from tar sands or other high-carbon sources. At the same time, this amendment maintains the intent of section 526 by ensuring taxpayer money is not being used to subsidize highly polluting technologies.

Originally contained in the Carbon Neutral Government Act and incorporated in the Energy Independence and Security Act, section 526 precludes Federal agencies from entering into a contract that would result in construction of a refinery of fuel that produces more greenhouse gas pollution than conventional petroleum fuel. This exact amendment, introduced by Mr. BOREN of Oklahoma last year, passed the House on a voice vote; unfortunately, it was not adopted by the Senate. This language represents a compromise that preserves the intent of section 526 without tying the hands of Federal agencies that need to procure fuel.

Without using carbon capture and sequestration, turning coal into liquid fuel produces up to twice as much greenhouse gas pollution per unit of energy as conventional petroleum fuel, and fuel processed from tar sands generates 14 to 42 percent more greenhouse gas pollution per unit compared to production of conventional petroleum fuels. Section 526 has successfully protected taxpayers from costly and destructive subsidies of highly polluting fuel production.

The reality is that fuel derived from tar sands already comprises a small proportion—roughly 6 percent—of much of the gasoline and diesel fuel consumers purchase.

Mr. Chairman, this amendment simply clarifies that the hands of the Federal Government are not tied and that Federal agencies can, in fact, procure commercially available fuel that is available to them.

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

Mr. MCKEON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. PASTOR of Arizona). The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I rise to claim this time, but I am not in opposition to Mr. CONNOLLY's amendment. Although I do support the gentleman's amendment to clarify the purported intent of section 526 of the Energy Independence and Security Act of 2007, I believe it does not do enough.

The Department is aggressively seeking alternative fuel sources for their aircraft, vehicles, and naval vessels, and section 526 poses a serious barrier to these efforts. We need to encourage the Department to continue these efforts, not shackle them with greenhouse gas emission limits that are set from arbitrary and ambiguous standards.

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 1 minute to my friend from Florida (Mr. GRAYSON).

Mr. GRAYSON. I am pleased to have proposed, and have the support of the chairman, an amendment for a specific purpose, to improve Defense procurement. That purpose is to identify for the contracting agencies the correct tradeoff between costs and price and technical factors. As it stands right now, our statutory scheme for Defense procurement does not identify what the tradeoff should be.

For the sake of saving money and eliciting from contractors more cost-effective proposals, we are saying that the agencies must allow cost or price to be at least 50 percent of the evaluation scheme or explain why not. That is the purpose of this amendment. I anticipate it will save a great deal of money for the taxpayers and for the troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield to the gentleman from Georgia (Mr. GINGREY) such time as he may consume.

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

I do rise in support of Representative CONNOLLY's amendment, but this amendment, Mr. Chairman, doesn't go nearly far enough. Let me try to explain in the limited time that I have.

The Energy Independence and Security Act of 2007 has in it a section 526, which does not allow any agency of the Federal Government to use a fuel source that has one scintilla increased amount of carbon dioxide footprint other than just standard old bubble-up petroleum. The Department of Defense uses about 350,000 barrels of refined petroleum product every day, most of that by the Air Force in the use of jet fuel.

In this country, we have so much domestic source of nonconventional bubble-up petroleum, and I'm talking about things like shale, in particular, and the liquefication of coal, converting coal into petroleum. In this country, Mr. Chairman, we probably have a 150-year reserve of coal, and yet we cannot touch that even though the Department of Defense has done research on the clean liquefication of coal, the clean mining of shale. Shale is a rock that's just soaked, it's like a sponge, it's just soaked with petroleum, and there are literally hundreds of millions of barrels of petroleum within that shale. And yet, because of this section 526 in the Energy Independence and Security Act of 2007, we cannot use it. We cannot use that at all.

So what we have found, of course, is that most of the petroleum that we import from foreign countries is not coming from OPEC; it's coming from Canada. And what's the problem? That oil that we get from Canada comes from tar sand. It's got a little sand in it, and it causes a little increase of production of carbon dioxide, a footprint that's more than conventional petroleum. So that's all the amendment does from the gentleman from Virginia.

I support the amendment, but what we need to do is eliminate section 526. And I have an amendment that I signed on with the gentleman from Texas (Mr. HENSARLING) and the other gentleman from Texas (Mr. CONAWAY), and that's what we should have done. That amendment should have been made in order. We need to eliminate section 526 and take the handcuffs off the Department of Defense. We're talking about big bucks here, Mr. Chairman.

I do support the gentleman's amendment.

Mr. CONNOLLY of Virginia. Just a comment, Mr. Chairman.

I thank the support of my friend, but I want to clarify for the record that, as a matter of fact, we already have tar sand oil. About 6 percent of the gasoline supply in the United States already has it. And we already have the liquefication of coal used in the United States, and the bill I hope we will pass tomorrow or Saturday, in fact, will allow a lot more of it.

Mr. Chairman, I yield 1 minute to the distinguished Chair of the committee, Mr. SKELTON.

Mr. SKELTON. I thank the gentleman. And I stand in support of the Connolly amendment to section 526 of the Energy Independence and Security Act, which provides an exception for certain generally available fuels while retaining the greenhouse gas emission standard that 526 sets for new alternative fuels.

Let me, Mr. Chairman, say a word of thanks. We have thanked the staff, under the leadership of Erin Conaton. They have just done so very, very well. And we thank the members, BUCK MCKEON, who is doing so well, and the subcommittee chairmen and the ranking members all made their excellent statements. But there is one group we need to give a special thanks to, and that's the young men and young women in uniform as well as the civilian employees of the Department of Defense. They are very special, and we are appreciative and very grateful for their efforts.

Mr. MCKEON. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. MCKEON. I would just like to second what the chairman was saying and thank all of those men and women in uniform and the civilian employees. He was very sincerely wanting to thank all of them.

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 30 seconds to my good friend from California (Mr. SCHIFF).

Mr. SCHIFF. I am very grateful to the gentleman and want to speak very briefly on an amendment I've introduced to authorize NASA's federally funded research and development centers to participate in DOD research and development programs.

JPL's scientific leadership represents an invaluable source of key expertise to DOD. JPL has performed research for DOD for decades. This amendment simply clarifies JPL's authority to continue to work with the Defense Department and closely parallels an amendment to perform the same function for the Department of Energy. We have worked with NASA to ensure this does not interfere with JPL's primary mission to build spacecraft and perform scientific research for NASA. This way we can ensure that important collaborations between JPL and DOD will continue.

Mr. Chair, today I am introducing an amendment that explicitly authorizes NASA's federally funded research and development centers to participate in Department of Defense research and development programs.

Many of us are familiar with NASA's world-renowned research and development center, the Jet Propulsion Laboratory, in Pasadena, California. JPL, which is managed for NASA by the California Institute of Technology, has designed, built and controlled many of America's most successful unmanned spacecraft. Unmanned space probes, from the *Ranger* and *Surveyor* missions that paved the way for *Apollo,* to the *Voyager* spacecraft that explored the outer planets and continue to send back data even as they leave the solar system, have increased our comprehension of our celestial neighborhood beyond anything contemplated half a century ago. Since we first sent robotic emissaries to our neighboring planets, every American space probe that has visited another planet was managed by JPL.

The journal Science named JPL's discovery of evidence of past water on Mars as 2004's ''Breakthrough of the Year''. JPL's spectacular missions have brought us incalculable scientific data and have sustained Americans' passion for spaceflight at a time of greatly diminished human presence in space. These spacecraft have reinforced America's scientific and technological preeminence.

JPL's scientific leadership represents an invaluable source of key expertise for the Department of Defense. The Jet Propulsion Lab has performed research for the Department of Defense for decades by responding to DoD Broad Agency Announcements. This amendment simply clarifies JPL's authority to continue to work with the defense department, and closely parallels an amendment which performed the same function for Department of Energy National Labs in 1998. I have worked with NASA to ensure that the amendment does not interfere with JPL's primary mission, to build spacecraft and perform scientific research for NASA. By including this amendment, we ensure that important collaborations between the Jet Propulsion Laboratory and the Department of Defense will continue into the future. I urge my colleagues to approve this amendment.

Mr. POLIS. Mr. Chair, I rise in support of the amendment offered by Mr. CONNOLLY of Virginia.

Mr. Chair, this amendment is an important clarification of section 526 of the Energy Independence and Security Act. This amendment clarifies that Federal agencies are not precluded from purchasing fuel that is not predominantly derived from higher carbon sources. While at the same time, this amendment maintains the original provision's intent by ensuring that our tax dollars are not spent on inefficient and highly polluting energy sources.

To my constituents in Colorado this particularly means that energy sources like oil shale won't be able to take our state's most precious resource . . . water.

Energy sources like oil shale take excessive amounts of energy to produce, making the net amount of energy we receive unjustifiable. Furthermore our western states understand that the most valuable resource we have isn't fossil fuels but water.

The process of developing oil shale is incredibly water intensive and our communities, rivers, and taxpayers simply can't afford it.

I thank Mr. CONNOLLY for his work on this amendment and to Mr. WAXMAN in creating the original provision.

This amendment is a responsible step for taxpayers, for western communities, and our energy policy alike.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCGOVERN of Massachusetts.

Amendment No. 4 by Mr. MCGOVERN of Massachusetts.

Amendment No. 9 by Mr. FRANKS of Arizona.

Amendment No. 15 by Mr. AKIN of Missouri.

Amendment No. 34 by Mr. HOLT of New Jersey.

Amendment No. 20 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 278, not voting 23, as follows:

[Roll No. 453]

AYES—138

Abercrombie	Coble	Eshoo
Baca	Cohen	Faleomavaega
Baldwin	Costello	Farr
Berkley	Courtney	Fattah
Bishop (NY)	Dahlkemper	Filner
Blumenauer	Davis (IL)	Frank (MA)
Boswell	DeFazio	Fudge
Brady (PA)	DeGette	Gonzalez
Braley (IA)	Delahunt	Gordon (TN)
Brown, Corrine	DeLauro	Grayson
Capps	Doggett	Grijalva
Carson (IN)	Doyle	Hall (NY)
Castor (FL)	Driehaus	Hare
Christensen	Duncan	Harman
Clarke	Edwards (MD)	Heinrich
Clay	Ellison	Hill

Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kilpatrick (MI)
Kilroy
Kucinich
Larson (CT)
Lee (CA)
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Richardson
Rohrabacher
Rothman (NJ)
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Scott (VA)
Serrano
Sestak
Shea-Porter
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Yarmuth

NOES—278

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hoekstra
Holden
Hoyer
Hunter
Inglis
Issa
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Paulsen
Pence
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sablan
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1447

Messrs. GARRETT of New Jersey, SPACE, BUTTERFIELD, Ms. GIFFORDS, Messrs. CLEAVER and POE of Texas changed their vote from ''aye'' to ''no.''

Messrs. QUIGLEY, LARSON of Connecticut, COHEN, BOSWELL, ABERCROMBIE, OBEY, and ISRAEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 25, as follows:

[Roll No. 454]

AYES—224

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Speier
Spratt
Stark
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Snyder
Souder
Space
Stearns
Stupak
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Kingston
Larson (CT)
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1452

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 244, not voting 24, as follows:

[Roll No. 455]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Souder
Space
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (TN)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1456

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 226, not voting 27, as follows:

[Roll No. 456]

AYES—186

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

NOES—226

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

NOT VOTING—27

Becerra
Berman
Boyd
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (IL)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Meek (FL)
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Stark
Sullivan
Velázquez
Weiner
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1459

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. WOOLSEY. Mr. Chair, on June 25, 2009, I was unavoidably detained and was not able to record by vote for rollcall No. 456. Had I been present I would have voted: "No"—Akin of Missouri Amendment No. 15.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 193, not voting 22, as follows:

[Roll No. 457]

AYES—224

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baldwin
Bartlett
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Rohrabacher
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman

Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

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

NOT VOTING—22

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1505

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 23, as follows:

[Roll No. 458]

AYES—416

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

NOT VOTING—23

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Maffei
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1509

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chair, during House consideration of H.R. 2647, the National Defense Authorization Act I, along with several other Members of Congress, was unavoidably detained in a meeting on immigration policy at the White House with President Obama. Had I been present, I would have voted against the McGovern/Jones/Pingree Amendment, for the McGovern/Sestak/Bishop (GA)/Lewis (GA) Amendment, against the Franks/Cantor/Sessions/Broun/Roskam Amendment, against the Akin/Forbes Amendment, for the Holt Amendment, and for the Connolly Amendment.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. PASTOR of Arizona, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, pursuant to House Resolution 572, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. Yes, sir, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes of Virginia moves to recommit the bill H.R. 2647 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title X, insert the following new section:

SEC. 1055. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE AND CERTAIN VEHICLES AND AIRCRAFT.

(a) FUNDING.—

(1) PROCUREMENT OF AIRCRAFT, ARMY.—The amount otherwise provided by section 101(1) for procurement of aircraft, Army, is hereby increased by $92,000,000, of which—

(A) $32,000,000 is to be available for the procurement of UH–60 Blackhawk helicopters; and

(B) $60,000,000 is to be available for the procurement of CH–47 helicopters.

(2) PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount otherwise provided by section 101(3) for procurement of weapons and tracked combat vehicles, Army, is hereby increased by $797,800,000, of which—

(A) $138,400,000 is to be available for the procurement of Stryker vehicles;

(B) $162,400,000 is to be available for the procurement of High Mobility Multi-Purpose Wheeled Vehicles;

(C) $197,000,000 is to be available for the procurement of the family of Medium Tactical Vehicles; and

(D) $300,000,000 is to be available for the procurement of Mine Resistant Ambush Protected, All-Terrain Vehicles.

(3) PROCUREMENT OF AIRCRAFT, AIR FORCE.—The amount otherwise provided by section 103(1) for procurement of aircraft, Air Force, is hereby increased by $510,200,000, of which—

(A) $110,000,000 is to be available for the procurement of MQ–9 Unmanned Aerial Vehicles; and

(B) $400,200,000 is to be available for the procurement of C–130J aircraft.

(4) MISSILE DEFENSE.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000 to provide funds for the Missile Defense Agency, of which—

(A) $600,000,000 is to be available for the ground-based midcourse defense system;

(B) $237,000,000 is to be available for the Airborne Laser program;

(C) $177,100,000 is to be available for the Multiple Kill Vehicle;

(D) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(E) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $2,600,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111–5 and fiscal year 2010 funding as planned for fiscal year 2010.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

□ 1515

Mr. FORBES. Mr. Speaker, this motion to recommit improves this bill by fully providing for our troops on the battlefield, protecting the American people at home from ballistic missile threats, and doing so without borrowing from any significant program.

First, this motion provides $1.4 billion in equipment requested by our men and women in combat and which this House agreed they needed because we included it in the 2009 supplemental the first time. This funding is for MRAP vehicles, Blackhawk helicopters and UAVs, which have persistently been some of our troops' highest priorities for Iraq and Afghanistan.

Mr. Speaker, after the House included this funding in the supplemental, the Senate included a provision to provide a $100 billion global bailout to the IMF. In order to pay the bill, the equipment needed by our servicemen and women in action was stripped from the supplemental.

I do not think any Member of this distinguished body believes we should have provided any loan to the IMF, or any other international body, without first taking care of our men and women on the battlefield.

Mr. Speaker, this bill will have some critical components of this motion and would restore 1,600 additional Humvees and combat vehicles, 250 MRAP vehicles to protect our soldiers from roadside bombs, four additional helicopters and four additional aircraft so our soldiers don't have to drive those roads in the first place, and six unmanned aerial vehicles to address critical shortfalls in intelligence and reconnaissance.

In addition to fulfilling the wartime needs of our troops, this motion would add $1.2 billion to restore missile defense funding to the fiscal year 2009 levels.

Last year, this Congress provided $10.5 billion for missile defense. Since that time, North Korea and Iran's nuclear and missile capabilities have demonstrably grown as credible threats to the security of the United States.

North Korea has threatened to ''wipe out'' the United States and reportedly is preparing an intercontinental ballistic missile launch that could reach Hawaii or the continental United States.

In April, the President himself said ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

Despite these increasing threats, the bill cuts missile defense by $1.2 billion from last year. And this includes a 35 percent reduction to a vital missile defense system in Alaska and California designed to protect the United States homeland.

These cuts lack supporting analysis and challenge common sense. If North Korea does what it says, or if the President is right about Iran, this may be one of the most crucial votes we take.

The $2.6 billion to pay for the equipment our troops need and to maintain last year's missile defense funding level will come from a Department of Energy account that has already received more than $5 billion in stimulus funding on top of a baseline request of $5.5 billion.

We may hear concerns from the other side of the aisle that we are skimming off the top of important environmental cleanup projects. However, Energy Department officials have stated publicly that the stimulus funds go to the lowest priority projects. I also would like

to note that cleanup funds do not expire, and the billions of dollars of stimulus funds provided for this effort won't expire for 5 years. It is more than reasonable to expect that the Secretary of Energy can responsibly reallocate the resources he receives across the environmental management portfolio.

Therefore, the real question before the House is whether we should allocate $2.6 billion to the Department of Energy for their admittedly lowest priority cleanup projects, or, to allocate this $2.6 billion for much-needed equipment for our troops in combat and to defend our Nation against the rising threats of missile attacks.

Mr. Speaker, the choice is clear. The decision should be even clearer. And with that, Mr. Speaker, I urge all my colleagues to vote for this motion.

I yield back.

Mr. SKELTON. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, this is one of the most interesting motions to recommit I have ever seen. In truth, in fact, in looking it over, which is a multipage motion, it is an effort to rewrite the work of two subcommittees within the Armed Services Committee, the Strategic Forces Subcommittee and the Air and Land Subcommittee. And we have already, a few moments ago, discussed at length on this floor a good part of this, which is the missile defense area, which we gave $9.3 billion toward. But what I really find interesting in this is that the budget will cut the cleanup for radioactive waste and special materials in half.

At this time, I yield 2 minutes to the gentlelady from California (Mrs. TAUSCHER), the subcommittee chairman.

The SPEAKER pro tempore. The gentleman may not yield blocks of time, but the gentleman may yield.

Mrs. TAUSCHER. Thank you, Mr. Speaker.

California, Texas, Colorado, New Mexico, Washington, South Carolina, Tennessee, Idaho, Georgia. Anybody live there? Those are the States that are expecting this cleanup money. Your Governors are expecting this cleanup money. Mayors of communities are expecting this cleanup money.

This isn't just a little slush in tanks that we are trying to clean up, ladies and gentlemen. This is the 50-year residue of the Cold War; dangerous, dangerous proliferation risks, dangerous health and safety risks.

These States have agreements, usually because they have sued the Federal Government, to have this money be spent for this cleanup. So if you think this is a triviality, if your phone is ringing right now, it is probably your Governor saying do not take this money away from us because our communities are at risk.

That is why you need to oppose this motion to recommit.

We have had hearing after hearing. We have had subcommittee markups and full committee markups. None of this was brought up. This is a convenient way to change the subject. The subject is support this mark. Defeat this motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii, the chairman of the Air and Land Subcommittee, Mr. ABERCROMBIE.

The SPEAKER pro tempore. The gentleman may not yield blocks of time.

The gentleman from Hawaii is recognized.

Mr. ABERCROMBIE. Mr. Speaker and Members, I'm the chairman of the Air and Land Subcommittee. And I really feel very, very deeply that this recommit motion made right now really is not in order in the way we work. The phrase was used ''on the other side of the aisle.'' There are no ''sides of the aisle'' in the Air and Land Subcommittee. Every single member of that committee is recognized by this chairman as not only equal in terms of their input, but equal in terms of their commitment to the defense of this country.

You folks know me here. This kind of thing does not take place in our subcommittee. There is no ''side of the aisle'' when it comes to the defense of this Nation.

Let me just give a couple of quick examples. On the Stryker vehicle, we have $338 million in there on top of the $200 million plus that we put in the supplemental. We were never given any other number despite any opportunity anybody could have had to bring that number forward.

On the Mine Resistant Ambush Protected all-terrain vehicles, $5.45 billion for 1,000 vehicles, upgrades, retrofits and operation and maintenance. If there is one thing that this chairman, IKE SKELTON, has done in the committee, for both Republicans and Democrats who have the responsibility and obligation as members of the Armed Services Committee, is to see to it that readiness is first, foremost and fundamental in our deliberations.

I ask you, I ask you as a fellow member of the Armed Services Committee, not as a Democrat or as a Republican, to reject this on the basis that our committee did its work the way it should do its work. We set a standard for bipartisanship, in fact nonpartisanship, when it comes to determining what is the interests of the fighting men and women of the United States of America.

Mr. SKELTON. How much time is remaining, please?

The SPEAKER pro tempore. Five seconds remain.

Mr. SKELTON. I thank the gentlelady. I thank the gentleman. This is a bad motion to recommit.

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

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 19, as follows:

[Roll No. 459]

AYES—170

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca

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

NOT VOTING—19

Becerra
Cao
Capuano
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Olver
Putnam
Reyes
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains on this vote.

□ 1543

Mrs. BIGGERT changed her vote from ''aye'' to ''no.''

Mrs. KIRKPATRICK of Arizona changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 389, noes 22, answered ''present'' 1, not voting 21, as follows:

[Roll No. 460]

AYES—389

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

NOES—22

Baldwin
Duncan
Ellison
Filner
Frank (MA)
Griffith
Jackson (IL)
Kucinich
Lee (CA)
Michaud
Miller, George
Moore (WI)
Olver
Paul
Polis (CO)
Serrano
Stark
Tierney
Waters
Waxman
Welch
Woolsey

ANSWERED ''PRESENT''—1

Brown, Corrine

NOT VOTING—21

Aderholt
Becerra
Buyer
Cao
Capuano
Carnahan
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Herger
Kennedy
Larson (CT)
Lewis (GA)
Markey (MA)
Putnam
Reyes
Sarbanes
Sullivan
Velázquez

□ 1550

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. SARBANES. Mr. Speaker, on rollcall No. 460, had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, this afternoon, I was present at a two-hour meeting at the White House with the President of the United States. As such, I was unfortunately not able to be present for the following votes:

On the inclusion of the McGovern/Jones/Pingree Amendment. Had I been present, I would have voted ''Aye.''

On the inclusion of the McGovern/Sestak Amendment. Had I been present, I would have voted ''aye.''

On the inclusion of the Franks Amendment. Had I been present, I would have voted ''no.''

On the inclusion of the Akin/Forbes Amendment. Had I been present, I would have voted ''no.''

On the inclusion of the Holt Amendment. Had I been present, I would have voted ''aye.''

On the inclusion of the Connolly Amendment. Had I been present, I would have voted ''aye.''

On the motion to recommit H.R. 2647. Had I been present, I would have voted ''no.''

On final passage of H.R. 2647. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on June 25, 2009, I was absent for eight rollcall votes. If I had been here, I would have voted:

''Aye'' on rollcall vote 453; ''Aye'' on rollcall vote 454; ''No'' on rollcall vote 455; ''No'' on rollcall vote 456; ''Aye'' on rollcall vote 457; ''Aye'' on rollcall vote 458; ''No'' on rollcall vote 459; ''Aye'' on rollcall vote 460.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, earlier today, June 25, 2009, due to a medical situation involving a member of my family, I was not present for rollcall votes 453 through 460. Had I been present, I would have voted in the following manner:

''Aye'' on rollcall 453: The McGovern/Jones/Pingree Amendment; ''Aye'' on rollcall 454: The McGovern/Sestak/Bishop/Lewis Amendment; ''No'' on rollcall 455: The Franks/Cantor Amendment; ''No'' on rollcall 456: The Akin/Forbes Amendment; ''Aye'' on rollcall 457: The Holt Amendment; ''Aye'' on rollcall 458: The Connolly Amendment; ''No'' on rollcall 459: The Motion to Recommit on H.R. 2647; ''No'' on rollcall 460: Final Passage of H.R. 2647.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was meeting with President Obama at the White House on immigration reform earlier today and missed rollcall votes 453–460. If present, I would have voted ''aye'' on rollcall votes 453, 454, 457, 458 and 460 and ''nay'' on rollcall votes 455, 456, and 459.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on June 25, 2009 I missed rollcall votes 454 and 460. Had I been present, I would have voted ''yes'' on both.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2647, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, and that the Clerk be authorized to make the additional technical corrections, which are at the desk.

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

There was no objection.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and in which to insert extraneous materials in the RECORD on the bill that was just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, because I was attending a conference at the White House on immigration reform, I was unavoidably detained and would like to state for the RECORD that, had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, would have voted ''yes'' on the McGovern-Sestak amendment, would have voted ''no'' on the Franks amendment, would have voted ''no'' on the Akin amendment, would have voted ''yes'' on the Holt amendment, would have voted ''yes'' on the Connolly amendment, and would have voted ''no'' on the Republican motion to recommit.

PERSONAL EXPLANATION

Ms. ZOE LOFGREN of California. Mr. Speaker, I also was at a meeting for the last 2 hours, with the President at the White House, on immigration and unavoidably missed the votes. Had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, ''yes'' on the McGovern-Sestak amendment, ''no'' on the Franks amendment, ''no'' on the Akin amendment, ''yes'' on the Holt amendment, ''yes'' on the Connolly amendment, and ''no'' on the motion to recommit.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. I was unavoidably detained at a 2-hour meeting with the President on the issue of immigration.

I would have voted ''yes'' on the adoption of the McGovern-Jones. I would have voted ''yes'' on the adoption of the McGovern-Sestak. I would have voted ''no'' on the Franks-Cantor. I would have voted ''no'' on the Akin-Forbes amendment. I would have voted ''yes'' on the Holt amendment. I would have voted ''yes'' on the Connolly amendment and ''no'' on the Republican motion to recommit.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments

printed in part B of the report of the Committee on Rules; (3) not to exceed three of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, D, or E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2996, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Dr. FOXX. All time yielded during consideration of the rules is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 578.

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

There was no objection.

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

Madam Speaker, House Resolution 578 provides for consideration of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010.

I rise in support of the rule and the underlying bill, the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010. I thank Chairman OBEY and Chairman DICKS and the Appropriations staff for their hard work and dedication in bringing this bill to us.

Madam Speaker, I am a lucky man. I am truly blessed to represent communities in Colorado like Vail, Breckenridge, and Boulder, some of the most awe-inspiring forests, mountains, and wilderness that our country has to offer and I had the opportunity to witness as a kid growing up to this day.

□ 1600

Visitors from across the globe come to my district in Colorado and others like it across the Nation year-round to get a taste of what we experience every day. Amidst this beauty, Coloradans grow up understanding the great responsibility we all share to protect our precious natural resources for generations of Americans to enjoy.

This bill, I'm proud to say, reflects that great responsibility and priority by providing a total of $32.3 billion for the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service, and related agencies—an increase of $4.7 billion over the 2009 enacted levels.

These funds are absolutely critical in addressing the problems that have come with historic underfunding and have a tangible impact not only on communities in my district, but across the country. This bill also keeps its foundation in fiscal responsibility and contains over $320 million in program terminations for programs that simply don't work, reductions in other savings for the fiscal year 2009 level, and over $300 million from the budget request. Included in this amount is a $142 million recission from EPA prior year STAG account funds based on an inspector general report of unliquidated obligations and $18 million in reductions from a number of requested increases for EPA administrative functions.

This bill also terminates $28 million for a new initiative in Federal aid in wildlife restoration programs due to concerns about implementation of this program.

Our natural environment plays such a critical role in the quality of our lives not only in my district, but across the country, and this bill will help continue the proud tradition of Federal stewardship of our public lands.

I reserve the balance of my time.

Ms. FOXX. I yield myself 3½ minutes. I appreciate my colleague yielding time and, like my colleague from Colorado, I feel extremely fortunate to live where I live in my district—I think the most beautiful area of this country.

But, Madam Speaker, the underlying bill we have here today, the Interior Appropriations Act, that most of my colleagues on both sides of the aisle are being denied the ability to offer amendments to, is filled with wasteful spending. The bill itself is a 17 percent overall increase in funding from last year's bill, and most programs are increased not only above the 2009 levels, but also above the levels the President requested.

This does not reflect the hard economic times our country and our constituents are experiencing right now and is instead spending borrowed money that we do not have.

This bill contains an astounding 38 percent increase in funding for the Environmental Protection Agency. When combined with stimulus funding approved earlier this Congress, which I did not support, the EPA will receive more than $25 billion in a single calendar year, which is the equivalent of three-quarters of the entire Interior Appropriations Act we have before us.

This kind of excessive spending does not reflect but it mocks the economic challenges our constituents are experiencing.

The money that Speaker PELOSI and the Obama administration want to spend today is all borrowed money. We do not have this money. Our constituents do not have this money. And the Federal Government does not have this money.

The Democrat leaders have made the irresponsible decision to borrow in order to spend it at their whim. This bill will increase the deficit even more by borrowing and spending money we don't have.

We can no longer blame the deficit and economic difficulties today on the previous administration because the Democrat leaders are continuing to dig America into a bigger and bigger hole with more reckless spending.

This borrowed money is all being spent by Speaker PELOSI and the Obama administration and, as a result, the unemployment rate continues to rise and the deficit continues to rise also.

This bill contains also several hundred earmarks. The earmark system is flawed. And we know that even some of the earmarks in this bill have had questions raised about them.

This legislation contains several giveaways for and preferential treatment to green companies in order to promote the green climate. This bill applies Davis-Bacon, which will create wasteful spending that we do not need to have.

Madam Speaker, I urge my colleagues to vote against this rule in order to allow this body to appropriately and adequately offer their ideas and engage in the debate that our constituents deserve.

I reserve the balance of my time.

Mr. POLIS. This bill has several cuts that I went into in a number of different areas showing strong fiscal discipline in this difficult fiscal environment. And I would agree with the gentlelady that we need to ensure that we return to fiscal responsibility and indeed balance our budget and certainly preserve our national heritage as an important part of long-term fiscal responsibility.

I'd like to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank the gentleman from Colorado, my colleague on the Rules Committee, for yielding me the time.

Madam Speaker, I am proud to stand here in support of this rule and of the underlying legislation. This Interior Appropriations bill is a bill that respects our environment. I'd especially like to thank Chairman DICKS for his leadership, and I want to thank him also for accepting my amendment to increase funding for the Land and Water Conservation Fund Stateside Assistance program by $10 million and for including it in the manager's amendment.

The LWCF Stateside Assistance program is one of the most successful Federal-State-local partnerships in the history of the Department of the Interior. The LWCF Stateside Assistance program matches funds to assist communities in creating new public parks, creating open space, and developing public resources and creating jobs.

The States, cities, counties, and towns that apply for and accept Federal funding from the LWCF Stateside Assistance program agree to match the Federal investment on a dollar-for-dollar basis, and often match significantly more than the Federal share.

Since its inception, it has provided funding for over 41,000 State and local projects in 98 percent of all U.S. counties. There is not a congressional district that has not been impacted in a positive way by an LWCF stateside project.

Having said that, Madam Speaker, I also want to rise in strong opposition to an amendment that will be offered by my colleague from Utah, Mr. CHAFFETZ, later on today, which would eliminate, which would eliminate the LWCF Stateside Assistance program.

Madam Speaker, as I have already stated, the LWCF Stateside Assistance program has supported projects in 98 percent of all United States counties, including the counties that are included in the State of Utah that are in the district of my friend who's offering this amendment.

This program serves a vital, national need, which helps fulfill conservation efforts while promoting healthy living for all Americans. LWCF funding provides critical funding to protect and enhance our parks, protect our wildlife, and retain the quality of our conservation spaces.

Again, I want to thank Chairman DICKS for working with me on this issue, and I look forward to continuing efforts on behalf of the LWCF Stateside Assistance program.

I urge my colleagues to support the rule and to support the underlying bill.

Ms. FOXX. I will now yield 5 minutes to my colleague from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentlelady for yielding. I come to this side of the well because I fear the distance between us has grown so great that we can no longer hear each other from the chasm that divides us. It's time to stop talking at each other and start listening to one another.

When I first read this rule, I wasn't so much angry as I was deeply saddened. I was saddened by what we have allowed this institution to devolve into—little more than a Third World dictatorship. And we are all to blame because we have all allowed this to happen.

We can point fingers at one another ad nauseam, claiming, We did this to you; you did that to us; et cetera, et cetera. Unfortunately, pointing fingers has never solved a problem.

I was also saddened because the Rules Committee had it within their grasp, within their power to pull us back from this precipice that we find ourselves on. But they chose not to. They took a pass.

As I said at the Rules Committee hearing last night, History is replete with people who found an excuse to do the wrong thing. It takes a little courage to do the right thing.

It's time for us to stand up and show the courage to do the right thing—not as Democrats, not as Republicans, but as Members of Congress. It's time to restore this House to the time-honored traditions of open debate, which we inherited from those who came before us, when Members had the right and the ability to represent their constituents.

I find it ironic that around the world people hope for, pray for, even die for the simple right to have their voices heard. They look to us not because they want to be Americans, but because they want for themselves what we have, or at least what we had—the right to be heard. Yet here, in this penthouse of democracy, we are going exactly the opposite direction by trying to silence all opposition.

We all know this rule is wrong. We all know it damages this institution. I know in my heart that Mr. HOYER, the majority leader, knows this rule is wrong. I know in my heart Mr. OBEY, the chairman of the Appropriations Committee, knows this rule is wrong. I know that Ms. SLAUGHTER, the chairwoman of the Rules Committee, knows this rule is wrong.

Yet here we are, all in the name of expediency, silencing the voices of the Americans who elected us to Congress to speak on their behalf. We are sacrificing what is right to just get the job done.

There will come a time when Republicans will once again become the majority party. We don't know when that will be. It might be 2 years, it might be 10 years, it might be 20 years. But it will happen—and we all know that. I will tell you that members of my party will want to use the actions today, your rules, as a precedent—a precedent to shut you out of the process, a precedent to silence your voices, a precedent to deny your ability to represent your constituents, a precedent to take the easy road instead of doing the hard work of democracy.

I want you to know here today that I won't be a part of using this precedent against you. I will stand up for your rights as a minority when you find yourselves in the minority. It's the very heart of democracy. And I'll do it because I care more about the integrity of this institution than I do about sticking to an arbitrary schedule scratched out on some piece of paper.

I fear, I truly fear that you know not the damage that you do to this institution with these rules.

Mr. POLIS. This proposed rule makes in order 12 Republican amendments and indeed only one Democratic amendment, a manager's amendment, which includes two Democratic amendments. I think it is fair to both parties. Included in the allowed amendments are five earmark amendments.

I would like to yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished member of the Rules Committee, Mr. POLIS, for yielding me the time. Madam Speaker, as chairman of the Committee on Natural Resources, I do rise today to express my strong support for the fiscal year 2010 appropriation bill for the Interior, Environment, and Related Agencies.

For many years, many programs in the Department of the Interior were severely underfunded, leaving us with a legacy of tired visitor facilities and a backlog of needs for many natural resources programs. The legislation before us today funds the most important programs harmed by years of starvation budgets. I'm very supportive of the funding increases for our public lands.

Madam Speaker, I do wish to commend the Subcommittee on Interior Appropriations chairman, my classmate, Mr. NORM DICKS, and Ranking Member SIMPSON for the work that they have put in on this legislation. They have provided a needed increase to U.S. Forest Service for both wildlife prevention and wildlife suppression. The legislation also provides the necessary funding for the National Park Service to ensure that park visitors

can experience our national parks in their full glory. I'm also pleased to see an increase in funding for the Land and Water Conservation Fund.

Further, I applaud the spending items contained in the pending measure for Indian Country. Through treaties entered into many years ago, the United States has a trust responsibility and moral obligation to provide for our Native Americans.

The unmet needs of Indian Country can never be addressed by a 1-year spending bill. However, we are making good progress with the increased funding for law enforcement, health care, and education in this legislation. These funding levels show our commitment to meet both our legal and moral obligations to Native Americans.

From the standpoint of our natural resources, the preservation of our heritage and keeping faith with Indian Country, this is a very good bill, and I urge my colleagues to support it.

Ms. FOXX. I now yield 3 minutes to our distinguished colleague, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I need to stand and congratulate our Rules Committee for all the hard work they are doing in creating precedent around here. Until last year, in the history of this House the ability to limit speaking rights and amendments was always done by a unanimous consent agreement. So the Rules Committee must indeed be working overtime to establish which issues will never be discussed on this floor.

When the ranking member of the Resources Committee, the ranking member of two of the subcommittees can go 0–9 in proposed amendments, it must be truly an effort on the part of the Rules Committee to guard free speech on this floor—as long as the topic is something on which they agree should be discussed.

□ 1615

For, indeed, we are not simply debating about dollars here. We are debating about dollars to create national security, for dollars have consequences to them.

There was one proposed amendment, which I proposed in there obviously, that dealt with the border security and border guards. Our border guards right now are concentrating their efforts on urban areas. Their efforts are working. But what that is doing is funneling the traffic of illegal immigrants into this country through side lands that are all owned by the Department of Interior and the Forest Service, which constitutes 41 percent of our borders. Madam Speaker, 80 percent of all drugs smuggled are going through those lands. The foot traffic is destroying those wilderness areas. In 2002 alone, eight major wildfires were established by the foot traffic in that area. The Goldwater training range was shut down because of illegal immigrants trespassing upon that land. Some of those areas are controlled by drug cartels. Some are subject to violence. And one of the problems that we face is, the Border Patrol actually has to pay money to the Interior Department to have access to some of those lands.

One of the Border Patrol agents was threatened with lawsuits and even arrests by a Federal land manager for attempting simply to enter a wilderness area and land a helicopter to pick up a wounded victim. The Border Patrol has to notify land managers if they ever change procedure, even if they are in hot pursuit of an individual. All those issues should be addressed in this particular area.

This device, which I have right here, is one of the listening devices that the Border Patrol needs to communicate with each other. It is placed in jeopardy simply because the Department of Interior now wants it to have limitations. A threat of a lawsuit by an environment group indicated that a memorandum of understanding has to be used to put restrictions on this even though this technology is important and even though environmental assessments said this has no impact. It is temporary. It is mobile. It does not leave a footprint. And if any of these areas were to be created as wilderness, this would have to be, by the memo of understanding, moved.

This picture is of a cactus illegally cut down. It's a crime scene. The illegals who cut this cactus down used this to stop a passenger, then to rob and beat him and then leave him on the scene. The irony is, by the laws we have, if the Border Patrol were to try to move this, that violates the Endangered Species Act if this was one of the endangered species. If it is protected, to take it at all becomes a Federal crime.

Now those are the issues that are at hand. Those are the issues that should be discussed. Those are the issues that are important to America, and those are the issues the Rules Committee decided are not worthy of being discussed on this floor. Good job.

Mr. POLIS. Madam Speaker, I would like to yield 3 minutes to the Chair of the subcommittee whose hard work brings us this bill here today, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the gentleman yielding time.

I just want to say to my colleagues that I believe this is an extraordinarily good bill. Mr. SIMPSON and I worked together on a bipartisan basis to craft this legislation. Our staffs worked together very effectively; and we had an open process, an open subcommittee markup where any member could have offered any amendment that they wanted. We had a full committee markup where any member of the Appropriations Committee could have offered an amendment, either side of the aisle; and many were offered.

I just want you to know that I understand Mr. SIMPSON's statement here. He feels badly that we don't have an open rule. I would have preferred an open rule. But when we took control of the House, all of a sudden we had an extension of time on these bills. I can remember the last year I was the ranking member, Mr. TAYLOR was the chairman. I think we went about 8 hours. The next year when I became chairman, it was over 20 hours, and it was an exhaustive process.

I just think we have to remember that we've got to get these 12 bills passed. The greatest sin, in my judgment, is to not do our work; and there are some people in this House who don't want to see the work get done because then they can point the finger of failure at the majority. I have to support my leadership because they have offered their hand—they went over and they talked to Mr. BOEHNER. They talked to Mr. LEWIS, who is here on the floor. And they said, We would like to work out an agreement on these bills on how we can proceed. And they were rebuffed.

So we started out, and we found that there was going to be, on the first bill, a huge number of amendments. There was going to be a long-term delay in getting the work done. So we had no choice but to go to the Rules Committee and get a structured rule. I would have preferred an open rule, but I support what our leadership has done. I think until the leadership gets together and works out a different way, we're going to be doing it this way. It takes both sides here to cooperate and to realize that we have to limit the number of amendments, either by an agreement or by a structured rule.

Now this is a very good bill. I hope that this dispute about the procedure doesn't get in the way of the fact that this is one of the best—maybe the greatest—Interior appropriations bill that has ever been enacted.

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

Mr. POLIS. Madam Speaker, I would like to yield an additional minute to the gentleman from Washington.

Mr. DICKS. I want to say something. Over the last 8 years, between 2001 and 2008, during the previous administration, the budget for the Interior Department was cut by 16 percent. The budget for the EPA was cut by 29 percent; and the budget for the Forest Service, if you take fire out, was cut by 35 percent. These were huge cuts in these programs. The Park Service was in trouble. The Fish and Wildlife Service was in trouble. We had to step in, and we did this on a bipartisan basis. In fact, when I was in the minority, Mr. TAYLOR and I, Mr. Regula and I worked to try to increase the funding for the Park Service so we wouldn't see it deteriorate. Now we have a better budget, and it helps us correct some of

the problems. Still we have huge backlogs of work that have to be done in the Park Service, in the Fish and Wildlife Service, at the BLM. So even with a better budget, we still do not have enough money to take care of all the issues that we need to address.

But this is a good bill that deserves our support, and this rule deserves support.

Ms. FOXX. Madam Speaker, I think it's important to point out to the American people that there are only 60 members on the Appropriations Committee, which means that only 60 out of 435 Members in this body had the opportunity to amend the bill that's under consideration here. If we had an open rule, every Member would have had that opportunity.

I'd also like to mention that my colleague from Colorado said, Only one Democrat amendment was accepted and 12 Republican amendments. But that reinforces the point that even Members of his own party were turned away from offering amendments, and that isn't right.

Madam Speaker, I would like to yield now 2 minutes to our distinguished colleague from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, 636 days and counting. This is the number of days that have passed since I asked the Democrats in this body to take direct action and avoid destruction of the San Joaquin Valley. Instead, we've had 636 days of inaction, 636 days of a man-made drought, a California dust bowl.

Last week there was a close vote, apparently too close for the Democrat leadership. The bipartisan amendment I offered would have stopped the Obama administration from taking additional measures to starve the people of the San Joaquin Valley of water. The Democrat leadership will not risk the possibility of defeat again. No mistakes this time. No vote will be allowed on the House floor this week on my new amendment to the Interior bill.

The hypocrisy of this situation is that the Democrat majority champions working families but in reality is just backing the radical environmental element in this country. For the San Joaquin Valley, the Democrats in this House have chosen the 3-inch minnows over working families. What we are witnessing is the greatest elected assembly in the history of the world starving its citizens of water, acting like a despot who tortures the innocent just to stay in power. Make no mistake—raw power is what we're witnessing, power that injures and wounds, exercised at the highest levels of this government, straight from the Obama White House and the Democrat leadership in this Congress. They will say anything and do anything to keep power. Their victims are my constituents, the people of the San Joaquin Valley, who have done nothing to deserve this cruelty at the hands of this government. The clock is ticking. There's very little time left. This Congress must act and act now.

At this moment, Madam Speaker, Members of this body are at the White House having a luau; and in the meantime, there's 40,000 people without jobs in the San Joaquin Valley because of the inaction by the Democrats and this Congress. Come back. Stop the luau. Stop the partying, and come back, and vote ''no'' on this rule and allow an amendment on this bill to bring people of the San Joaquin Valley.

Come back. Stop the party. Come back now.

Mr. POLIS. Madam Speaker, to address the gentleman from California—in a previous discussion at the Rules Committee, we talked about the fact that the Secretary of the Interior, Secretary Salazar, has agreed to visit San Joaquin Valley and learn more about the situation firsthand to address the very legitimate concern that the gentleman from California has raised.

As a fellow Coloradan, I can attest to the savvy ability of our former Senator, former Attorney General, former water lawyer, one of the most knowledgeable minds and best minds that we have in the area of water law, water rights and water. I know that the gentleman from California shares our desire to address the legitimate issue raised by his constituents. I have every degree of confidence that the Secretary will play a constructive role in doing that.

The health of our communities is our most precious resource. This bill provides a historic and much needed investment in the Environmental Protection Agency, $10.5 billion, a large portion of which will improve our water and wastewater infrastructure. As a westerner, I understand the vast challenges we face with water. Establishing the water infrastructure that encourages and promotes conservation is of incredible importance for regions that will only see their water sources become fewer and farther between as demands grow.

In Colorado, we rely on clean water not just for municipal and agricultural use—many of our communities are supported by visiting kayakers, fly fishermen and outdoorsmen from across the country who flock to our pristine rivers and in doing so, are a key driver of the success of our economy. Our environment, communities, industries and businesses all stand to gain under the water provisions of this bill. Without significant infrastructure investment and improvement, our water quality could be further compromised, endangering the future health and economic viability of our communities nationwide and our environment. Building upon the job creation and stimulus of the American Recovery and Reinvestment Act, this bill will provide loans and assistance to more than 1,500 communities across this country and will also create as many as 40,000 new construction jobs to help get our economy going again. Moreover, Madam Speaker, wildfire season has grown exponentially over the last decade, and it is just beginning in Colorado and across the West. The cost of fighting fires has continued to increase. The House recently passed the FLAME Act, and I hope the Senate will move quickly to do the same. The communities in my district are growing increasingly worried about another fire season that has the potential to be very dangerous to both property and to people. We've been hit hard, as have many communities across our country, by the mountain pine beetle epidemic, an epidemic that has killed millions of acres of trees. Hard-hit counties in my district, like Grand County and Summit County, have had their mighty lodgepole pines felled across the district, turning the area into a potential powder keg for forest fires, bringing the threat of wildfire literally to our backyards. Over the past 10 years, this outbreak has spread, and it is devastating the Mountain West. There is a strong correlation between previous outbreaks of mountain beetles and forest fires 10 years after the event. We are now coming upon the 10-year time frame when the risk of forest fires is at its maximum.

This bill is of particular note to my home State of Colorado as it reinstates a vital program, the good neighbor authority, which is currently helping to protect communities from wildfire threats with collaboration at both the State and Federal levels. Collaboration is key to forest fire prevention. Climate modeling predicts a large change in the frequency of precipitation and intensity of drought in the area, which will only add to our increasing wildfire risk.

This bill provides a significant increase for programs that address wildland fire mitigation and suppression at both the Forest Service as well as within the Department of the Interior, and that will directly aid our communities that are most at risk. In past years, Federal wildfire accounts have fallen dangerously low. This bill provides $3.6 billion to address wildfires, including $1.49 billion for suppression and $611 million for hazardous fuels reduction. It also provides $357 million for wildland fire suppression contingency reserve funds, which are critical to protect the health of our communities and health of our public lands. This bill is an important part of our overall strategy to prevent forest fires across the West and on public lands across our country.

Madam Speaker, I would like to reserve the balance of my time.

□ 1630

Ms. FOXX. Madam Speaker, our colleague from California made an impassioned plea in the Rules Committee and again here on the floor today, and I have to ask the question: The Secretary of the Interior has been there to see the situation in the San Joaquin Valley. What more does he need to see? What is it going to take to take action to turn this water back on? How much more damage needs to occur before the Obama administration needs to take action or will take action on the needs there? As a person who grew up without water, I am very, very sensitive to this issue, and I know what a devastating thing it can be not to have water.

Madam Speaker, I would now like to yield 3 minutes to my colleague from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentlewoman for yielding.

Madam Speaker, I strongly urge opposition to this undemocratic rule. The majority is apparently unwilling at best or afraid at worst of debating whether the Environmental Protection Agency should have the authority to change the Clean Air Act without congressional opinion.

I went to the Rules Committee last night and asked them to make in order my amendment that would prohibit the EPA from using funding to implement or enforce its Notice of Proposed Rulemaking finding six greenhouse gases constitute a threat to the public's health and welfare. On April 24, 2009, the EPA issued a proposed rulemaking that it had found six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—pose a significant threat to the public's health and welfare. This endangerment finding is a precursor for the EPA to regulate these gases' emission, with or without explicit authority from Congress to do so.

My amendment would have simply returned this explicit authority to Congress to regulate greenhouse gases. Without this amendment, the EPA could threaten sweeping changes without giving any consideration whatsoever to its effects on the economy since the EPA's mandate is environmental and public health. Passing this amendment could have removed a threat so that we can consider climate change legislation in an open, deliberative process.

If the majority's national energy tax scheduled for debate later this week gets signed into law, eventually the EPA can move forward on enforcing this explicit action by Congress. But there has been no action taken yet. Rather, the courts have decided the EPA has the authority to make such a determination, which is hardly what Congress intended when it passed the Clean Air Act.

Unfortunately, the Rules Committee blocked this amendment. Furthermore, Congressman LEWIS and Congressman BLACKBURN had similar amendments, and the Rules Committee denied all three. If we had an open rule, we could not be debating all three of our amendments. We would be debating one. Unfortunately, because of the Democrats' unprecedented lockdown rule, we don't get a chance to debate at all. This is a travesty for democracy.

I urge all Members to reject the Democratic leadership's attempt to stifle debate and impose its will on the House by defeating this embarrassing rule.

Mr. POLIS. Madam Speaker, the economy of Colorado and many other States rely on the health of our public lands. Our public lands draw visitors every year to explore Rocky Mountain National Park, hike the Collegiate Peaks Wilderness, or enjoy skiing on our hundreds of world-class slopes.

To protect the historic and natural beauty of our State and our country, this bill includes much-needed increases for both the national parks as well as the wildlife refuges. The $2.7 billion provided for the National Park Service includes a $100 million increase to operate the parks and $25 million for the Park Partnership Program.

I was lucky enough to have grown up in Boulder, Colorado, hiking in Mount Sanitas, the Flat Irons, and Flagstaff Mountain, areas under public management. This bill will protect and defend some of America's truly great public lands so that children all across the country can grow up enjoying our environment and interacting with it every day just as I and many of my colleagues did.

We provide over $500 million to operate the National Wildlife Refuge System, $20 million above the request. These funds will provide critically needed staff for many areas, implement climate change strategies and improve conservation efforts. Currently more than 200 of the 550 National Wildlife Refuges have no on-site staff. This bill also provides $386 million for the Land and Water Conservation Fund, including an $11 million increase for the stateside land acquisition account in the National Park Service.

Colorado's landscape goes hand in hand with its character. All of us define where we come from by the character of our natural heritage. We're lucky to have as many beautiful places across our country set aside as public lands. Over half of the State of Colorado is held in public trust as a national forest. My district is home to the Indian Peaks Wilderness and the White River. The White River is the single most visited national forest in the Nation, and we have many other marvelous attractions as well in the public trust.

This bill invests in public land management, State assistance, and science programs at the U.S. Forest Service. The nonfire Forest Service budget is $2.77 billion, including $100 million for the Legacy Road and Trail Remediation Program at the Forest Service to protect streams and water systems from damaged forest roads. This effort is a key part of our effort to protect the national forests and grasslands.

American arts and artists, not to mention their invaluable impact on education and recreation, are another important American resource which we must protect. Under this bill, the National Endowment for the Arts and the National Endowment for the Humanities will each receive $170 million, a $15 million increase above 2009 for each endowment. This bill also supports the Smithsonian Institution here in Washington, D.C. and across the country, the world's largest museum complex, with an increase of $15 million above the President's request and $43 million above 2009 levels.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I love our national parks. My husband and I visit them whenever possible because we believe that they are crown jewels in our environment in this country. But by putting this and future generations further into debt, we are making it less likely that the population of this country is going to be able to visit these wonderful national parks.

I offered an amendment yesterday in the Rules Committee that was intended to save taxpayer money that was also not made in order; so we will not be debating it on the floor of the House today, much to my disappointment and all of our constituents' detriment. My amendment was a commonsense amendment to H.R. 2996, the fiscal year 2010 Interior Appropriations Act. It would save taxpayers $10 million by eliminating proposed funding for local climate change grants.

During a time when families across America are making sacrifices in order to keep food on their tables, Congress should be finding ways to reduce unnecessary spending. My amendment would have taken a small step in the right direction by removing $10 million in taxpayer funds for local groups to come up with ambiguous projects to counter climate change.

The Federal Government has increasingly entrenched the American people in trillions of dollars of debt. It is irresponsible and negligent to continue spending Federal taxpayer funds on frivolous projects that should be funded locally such as the one that I tried to take the money from. Unfortunately, in blocking debate on my amendment, the majority did not side with the taxpayers to eliminate this wasteful grant project. Instead, the majority has worked to frivolously and unnecessarily spend the public's money without listening to any of their input or ideas.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, with regard to fiscal responsibility, this is an issue that we all care about for this generation and future generations. Americans across the country are tightening their belts in response to our financial meltdown, and the government is doing the same.

Opponents of this bill may claim that the $4.7 billion increase over 2009 is extravagant or unwise. But the programs in this bill are expected to return more than $14.5 billion to the Treasury next year. The Department of the Interior alone has estimated to return more than $13 billion to the Treasury through oil, gas, and coal revenues, grazing and timber fees, recreation fees and the revenues from the sale of the duck stamps, not to mention the secondary impact of tourism on economies like the one in my district in Colorado. And the EPA's Leaking Underground Storage Tank program, which is financed by a 0.1 percent tax per gallon of gas, has a balance of more than $3 billion that offsets the deficit.

The provisions in this bill have been built with strong bipartisan support and were designed to pay for themselves. And by protecting the health of our Nation's drinking water, boosting support for our beautiful parks and wild lands, and, in turn, our national tourism industry, and reducing the threat of global climate change, I can't think of a wiser investment to make or a better time to make it than now.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, as my colleagues have spoken so eloquently before me about the process by which this rule has been brought to the floor by the majority, I want to talk again about what's wrong with this closed process.

Never before in the history of this Congress have we seen this kind of action by the majority party. As my colleagues have expressed during today's debate on this rule, as well as the past two appropriations debates, bringing appropriations bills to the floor under a closed rule is unprecedented. It's very important that the American people understand that. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own Democrat colleagues from having any input in the legislative process. By choosing to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job that they have been elected to do. That job is to offer ideas that represent and serve their constituents. The Democrats are denying Members the ability to offer improvements to legislation, and this is an injustice to our colleagues on both sides of the aisle.

Article I, section 9 of the Constitution places the responsibility to spend the people's money in our hands as Members of Congress. This is a great responsibility given only to this congressional body with the expectation that we will engage in rigorous debate over how to best appropriate taxpayer funds. However, the majority has chosen to refuse Members any participation in this decisionmaking and instead has anointed itself as the sole appropriators in this legislative body. The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be adequately represented in this House.

Our constituents in both Republican districts and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate of how their hard-earned taxpayer dollars are being spent by the Federal Government.

Why is the majority blocking debate on such an important legislation? Are they afraid of debate? Are they protecting their Members from tough votes? Are they afraid of the democratic process?

After promising to make this Congress the most open and honest in history, Speaker PELOSI has time and time again worked to shut out both Republicans and Democrats from participating in debate and taking part in the legislative process. And I would like to give one quote from the Speaker when she was trying desperately to take control of this House. This is her quote:

''Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

This is exactly the opposite of what the Speaker is doing. Why is she going back on her word? Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of democracy, the very principle upon which our country was founded?

□ 1645

Madam Speaker, it's very concerning to me that the Democrats in charge have chosen to silence the minority yet again. In doing so, they have chosen to keep the millions of constituents the minority represents from having a voice on the floor of the people's House.

Several of my colleagues, both Republicans and Democrats, offered amendments to the Rules Committee, amendments which were arbitrarily not made in order by the majority.

These amendments included asserting Second Amendment rights on Federal lands, protecting private property rights, preventing excessive regulation of greenhouse gases, eliminating excessive earmark spending across the Nation, increasing our ability to produce energy domestically, and cutting unnecessary funds in order to save our constituents money.

The list goes on and on, but these amendments will not be heard on this floor because, for some reason, the majority is afraid of allowing debate on these topics.

And we fear it's going to get even worse because they are working very hard to bring to the floor a bill on climate change. They stopped calling it global warming and now are calling it climate change.

This bill, H.R. 2454, is a $646 billion tax that will hit every American family, small business and family farm. Speaker PELOSI's answer to the country's worst recession in decades is a national energy tax that will lead to higher taxes and more job losses for rural America and small businesses.

It will shift jobs to China and India. The bill will result in an enormous loss of jobs that would ensue when U.S. industries are unable to absorb the cost of the national energy tax and other provisions, like sending jobs overseas. There is little debate that the tax would outsource millions of manufacturing jobs to countries such as China and India. According to the independent Charles River Associates International, H.R. 2454 would result in a net reduction in U.S. employment of 2.3 million to 2.7 million jobs each year of the policy through 2030.

Higher gas prices. The American Petroleum Institute reports that the cost impacts of H.R. 2454 could be as much as 77 cents per gallon for gasoline, 83 cents per gallon of jet fuel, and 88 cents for diesel fuel.

The Heritage Foundation has estimated that as a result of these increased prices, the average household will cut consumption of gasoline by 15 percent, but forcing a family of four to pay at least $600 more in 2012. It's going to be a huge impact.

It's also going to unfairly target rural America. Rural residents spend 58 percent more on fuel and travel 25 percent farther to get to work than Americans living in urban areas.

Farm income would drop as a result of H.R. 2454, according to a Heritage Foundation study, $8 billion in 2012, $25 billion in 2024, and over $50 billion in 2035; decreases of 28 percent, 60 percent, and 94 percent, respectively.

More importantly, 25 percent of U.S. farm cash receipts come from agricultural imports. U.S. farmers would be at a severe disadvantage compared to farmers and nations which do not have a cap-and-tax system and correspondingly high input costs. Over 100 State

and agricultural groups oppose the cap-and-tax bill.

Madam Speaker, what it appears is happening here in this House is nothing less than a tremendous power grab and an attempt to control every aspect of our lives.

With that, Madam Speaker, I would like to yield 3 minutes to our colleague from the State of Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Thank you, Madam Speaker, and I rise to enter into a brief colloquy with my friend from Washington (Mr. DICKS).

In this bill, in the underlying bill, there are monies for land acquisition, national forest land acquisition. I know that the gentleman and I have a little different view on that. I am not necessarily in favor of land acquisition for the Federal Government, and I know you have a different view on that.

But there is a provision in this bill that allows for land acquisition within my district, and I have specifically said in the past that I don't want to have any more land acquisition in my district.

My understanding, and the way the language is is that there would be some allowance for that land acquisition to happen in other Members' districts, principally in western Washington, until—at least we have an opportunity in my district. Counties are concerned about that because it takes land off the tax rolls.

So I would wonder if the ranking member would work with me on this land acquisition so that we can at least satisfy the counties' concerns should this land acquisition move forward.

With that, I would yield to my friend from Washington.

Mr. DICKS. Thank you for yielding. Is this the Cascade ecosystems in Mount Baker, Wenatchee?

Mr. HASTINGS of Washington. That is the land I am talking about, yes.

Mr. DICKS. And this is in the Forest Service?

Mr. HASTINGS of Washington. Yes, that's correct.

Mr. DICKS. This is the first I have known of this. My colleague from Washington State, I understand your very long and very principled position on this issue. I would be delighted to take a look at this and report back to the gentleman on what I have found out and see what the situation is with the Forest Service.

Mr. HASTINGS of Washington. Good. Reclaiming my time, I appreciate that. Again, the basis of that is I have heard from my local county commissioners, smaller rural counties than what is on the other side of the mountains, and they are concerned about the loss of revenue, rightfully so. And so I want to make sure that on anything like that they are at least made whole.

And I appreciate the gentleman taking a look at that, and I look forward to working with him. And I would yield if he has more to say on that.

Mr. DICKS. Yes. I appreciate the gentleman bringing this to our attention, and we look forward to working together, as we have on many projects throughout the years.

Mr. HASTINGS of Washington. Good. I thank the gentleman for taking that and for his work, and I look forward to working with him.

Mr. POLIS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Washington, the Chair of the subcommittee, Mr. DICKS.

Mr. DICKS. I want to point out that in this bill, at the request of the local cities and counties of our country, we have appropriated some money that will be used for climate change and to deal with the impacts of climate change.

And I would just point out, since this issue was raised on the other side of the aisle, that if we were going to do meaningful work on climate change, it's going to take our local communities to be involved, to work with their transportation systems and their energy systems and do all the other work that's necessary to deal with the consequences of climate change. So I think this was a very wise investment. The local communities, the League of Cities, the counties, are all very enthusiastic about this.

Administrator Lisa Jackson put out an announcement the other day about this program. I am sure there will be hundreds of applications from all over this country. Climate change is one of the most serious issues facing our country.

We held hearings and brought in representatives from all the Federal agencies, and they all tell us unequivocally that they can already see the impacts of climate change on the Federal lands across the country. I mean, people are talking about bug infestation and they are talking about the effect of this bug infestation, which has a devastating effect on our forestry and our trees.

And then we have the fire issues that relate to this. The fire season now is 1 month longer on each end. So we have drought, bug infestation. We have longer fire seasons. So we have all these things that are happening because of global warming and climate change, and we have to deal with that. And we have to have our communities involved. We have to have our rural communities involved.

So I think the investments that we are making here and the research that we are doing is very necessary. There are still some people, it's amazing to me, who still have some doubts about this from a scientific perspective. So that's why we are doing all these things in the Interior bill.

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

The gentlewoman from North Carolina has 1½ minutes remaining.

Ms. FOXX. Madam Speaker, my colleague from Colorado a moment ago said this bill is going to create jobs. I love that old saying, ''Fool me once, shame on you. Fool me twice, shame on me.''

I wonder if this bill is going to create jobs like the stimulus package has created jobs since our unemployment has gone up significantly since the stimulus package was passed. I would also like to point out that Spain, which counted on having so many jobs from green issues, has the highest unemployment rate in Europe right now.

Madam Speaker, I am going to urge my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow all Members of Congress the opportunity to offer his or her amendment to the Interior Appropriations bill under an open rule.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

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

There was no objection.

Ms. FOXX: Madam Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

I yield back the balance of my time.

Mr. POLIS. Madam Speaker, the jobs that this bill creates are very real: repairing our roads, doing trail work. Over 40,000 jobs are created, just as real as the jobs that are created under the American Recovery Program.

As I was driving through the mountain area of my district just last week, I saw signs alongside the road that these jobs are created by the American Recovery and Reinvestment Act. There were men and women at work making necessary improvements in our infrastructure and preparing it for the next generation. This bill provides crucial investment in America's resources, natural and human.

As representatives of the people and land of this great Nation, it's our responsibility to protect our resources and be good stewards of our forests, our parks, our wild lands, and our waters. This bill reinforces that imperative and makes sure that we keep our resources safe and take great steps to ensure that future generations will be able to enjoy them for years to come.

I urge a ''yes'' vote on the previous question and the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 578

OFFERED BY MS. FOXX OF NORTH CAROLINA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall,

pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at $10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, ''[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'';

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included $575 billion of new spending and $212 billion of revenue reductions for a total deficit impact of $787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional $300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee proposed an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit;

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principles of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" (The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" (The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1700

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Madam Speaker, questions of privileges of the House come to floor by virtue of rule IX of the House of Representatives which states, in part, questions of privileges shall be first those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. Integrity of its proceedings, Madam Speaker.

The Commerce, Science, Justice, Appropriations bill that was outlined in the resolution that has just been read—clearly, the actions taken by the Democrats in charge, clearly have disenfranchised every single Member of this House, limiting their ability to effectively represent their constituents.

Madam Speaker, these actions, these actions by the Democrats in charge have violated, I believe, and I believe that the Members of the House would concur, have violated the integrity of our proceedings, and therefore I believe that this resolution constitutes a privileged resolution.

I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair is mindful of the principle that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House. Prior rulings of the Chair in that regard are annotated in section 706 of the House Rules and Manual.

The resolution offered by the gentleman from Georgia proposes a special order of business by directing the Committee on Rules to report a certain kind of resolution, and for that reason does not present a question of the privileges of the House.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. DICKS. I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the appeal will be followed by 5-minute votes on ordering the previous question on House Resolution 578; and adopting House Resolution 578, if ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 174, not voting 14, as follows:

[Roll No. 461]

YEAS—245

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

NAYS—174

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

NOT VOTING—14

Blunt
Conyers
Deal (GA)
Ehlers
Engel
Flake
Hastings (FL)
Kennedy
Kirk
Lewis (GA)
Polis (CO)
Slaughter
Sullivan
Terry

□ 1736

Messrs. JOHNSON of Illinois and FRANKS of Arizona changed their vote from ''yea'' to ''nay.''

Ms. EDWARDS of Maryland, Mr. HOYER and Ms. LORETTA SANCHEZ of California changed their vote from ''nay to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore (Mr. LYNCH). The unfinished business is the vote on ordering the previous question on House Resolution 578, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 10, as follows:

[Roll No. 462]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)

Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

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

NOT VOTING—10

Bachmann
Butterfield
Conyers
Flake
Gerlach
Hastings (FL)
Kennedy
Lewis (GA)
Polis (CO)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1743

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 11, as follows:

[Roll No. 463]

YEAS—238

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

NAYS—184

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

NOT VOTING—11

Flake
Gerlach
Hastings (FL)
Kennedy
Kosmas
Lewis (GA)
Miller, George
Polis (CO)
Reichert
Sullivan
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1750

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. KOSMAS) at 9 p.m.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 23, 2009.

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

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Permanent Select Committee on Intelligence, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. KING, New York

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. OBERSTAR, Minnesota, Chairman
Mr. MEEKS, New York, Vice Chairman
Ms. SLAUGHTER, New York
Mr. STUPAK, Michigan
Ms. KILPATRICK, Michigan
Mr. HODES, New Hampshire
Mr. WELCH, Vermont
Mr. MANZULLO, Illinois
Mr. STEARNS, Florida
Mr. BROWN, South Carolina
Mrs. MILLER, Michigan

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. CHANDLER, Kentucky, Chairman
Mr. SIRES, New Jersey, Vice Chairman
Mr. CLYBURN, South Carolina
Mr. ETHERIDGE, North Carolina
Mrs. DAVIS, California
Mr. BISHOP, New York
Mr. MILLER, North Carolina
Mr. PETRI, Wisconsin
Mr. BOOZMAN, Arkansas
Mr. CRENSHAW, Florida
Mr. ADERHOLT, Alabama
Mr. LATTA, Ohio

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2996, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2996.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. CONNOLLY of Virginia in the chair.

The Clerk read the title of the bill.

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

The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

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

It is my privilege and pleasure to present the fiscal year 2010 Interior, Environment and Related Agencies Appropriations bill to you today. This very fine bill is the product of many hours of hearings and briefings, always with bipartisan input and excellent participation. I am particularly pleased to present the bill with my friend, MIKE SIMPSON.

The bill before us provides historic increases for the environment, natural resources, and Native American programs, especially Indian health. It also includes significant allocations to protect our public lands, invest in science, and support important cultural agencies.

At a total of $32.3 billion, this bill is an increase of 17 percent above last year. Chairman OBEY recognizes that the programs funded through this bill have been chronically underfunded and provided the allocation necessary to reverse that trend.

From 2001 through 2009, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the nonfire Forest Service accounts went down by 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see great returns.

Some will argue that we are spending too much in this bill, but let's look at the facts. The largest increase by far is for drinking water and wastewater infrastructure. The demand for assistance to repair, rehabilitate, or build new infrastructure is immense. This subcommittee received 1,200 requests for such assistance from both sides of the aisle.

Every one of us wants clean and safe drinking water for our constituents. This increase is long overdue. In fact, the first administrator, Christine Todd Whitman, under President Bush in 2002 did a study that showed that there was a $668 billion backlog for these kinds of programs. This kind of infrastructure is desperately needed. That's why we added money here and added money in the stimulus package.

Yes, this bill includes a $4.7 billion increase above the 2009 level, but let me remind my colleagues that the programs in this bill will return more than $14.5 billion to the Treasury next year. That's revenue. The Department of the Interior alone is estimated to return more than $13 billion to the Treasury through oil, gas and coal revenues, grazing, timber, recreation fees, and the revenues from the sale of the duck stamps.

I should also note that the EPA's Leaking Underground Storage Tank program, financed by a 0.1 percent tax per gallon of gas sold, has a balance of more than $3 billion that offsets the

deficit. Clearly, the programs in this bill go a long way towards paying for themselves.

But let me be clear. This bill is not all increases. We had to make difficult choices. Through hearings and briefings, we carefully reviewed the proposed budget and have recommended a number of reductions and terminations. Some of these were the result of recommendations made by the GAO and the Inspector General. In total, we recommend program reductions or terminations of over $320 million from the 2009 levels and $300 million from the budget request.

The bill before us today provides historic increases and focused funding to protect the environment. Clean water and drinking water infrastructure received $3.9 billion, enough to provide assistance to more than 1,500 communities.

We included authority for subsidized assistance to those cities and towns which cannot afford conventional loans. These funds would provide drinking water that meets public health standards and clean water to restore important ecosystems. The bill invests $667 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of $475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American water bodies such as Puget Sound, Long Island Sound, the Gulf of Mexico, and the Chesapeake Bay.

To address global climate change, this bill provides $420 million for climate change adaptation and scientific study. This includes $178 million for research, planning and conservation efforts within the Department of the Interior and $195 million for EPA science, technology development and regulatory programs, including grants to local communities to cut greenhouse gas emissions. I am especially proud that the bill includes $15 million for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey.

The bill also addresses our Nation's commitment to Native Americans with increases for health care, law enforcement, and education in Indian country. This bill provides a total of $6.8 billion for Indian programs, an increase of $654 million above the 2009 level.

We recommend an historic increase of $471 million above 2009 for the Indian Health Service to improve the quality and availability of critical health care services. It also includes $182 million above 2009 for the Bureau of Indian Affairs to support justice, law enforcement, education, and social services in Native American communities.

We recommend a major investment in Forest Service and Department of the Interior programs that fight and reduce wildfires. The bill has an unprecedented total of $3.66 billion for all of the fire accounts. We have increased overall wildfire suppression funding by 39 percent over 2009, including $357 million for the new wildfire suppression contingency reserve accounts.

In response to testimony received at a number of hearings, we also recommend a $611 million investment in hazardous fuels reduction. It is clear that focused fuels reduction is important if we hope to reduce the number and severity of wildfires in the future and protect communities and watersheds.

The bill provides a $198 million increase above 2009 for the National Park Service to invest in the iconic lands and infrastructure that comprise our national heritage. I am also particularly proud of our efforts to improve the National Wildlife Refuge System. We have provided $503 million, a $40 million increase over 2009, for the refuge system to reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

The bill also supports land management, State assistance, and science programs at the Forest Service by increasing nonfire programs by $160 million above 2009. The bill provides $100 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads. This is a key part of our effort to protect the national forests and grasslands.

And finally, we have provided an increase of $86 million above the 2009 level for the cultural agencies supported by this bill. We recommend $170 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage.

□ 2115

The bill also supports the Smithsonian Institution, the world's largest museum complex, with an increase of $43 million above 2009.

I'm especially proud of the way we produced this bill. Mr. SIMPSON has been an outstanding ranking member whose thoughtful contributions over the course of 20 hearings has helped us to make this a better bill. During those hearings, we heard from 37 government witnesses and 99 members of the public. We received written testimony from an additional 94 witnesses. I was most impressed with the minority's attendance at those hearings. This bill is the product of a bipartisan effort, and I truly believe it is a better bill because of that.

I want to take a moment to thank our staff who have worked long hours without weekend breaks to help prepare this bill. Delia Scott, our clerk; Chris Topik, Greg Knadle, Beth Houser, Juliette Falkner, Melissa Squire, and Greg Scott on the majority staff have worked in a bipartisan manner with David LesStrang and Darren Benjamin on the minority staff.

In addition, Pete Modaff and Ryan Shauers on my staff, and Malissah Small and Megan Milam from Mr. SIMPSON's staff have worked hard and have been a great help to the subcommittee staff.

In closing, I want to remind members that although the increases I have outlined are substantial, their impacts will be even greater. Our subcommittee funds programs that span a broad spectrum of issues, from our cultural and historic heritage to the water we drink and the land we walk on. Our agencies fight fires, protect great water bodies, and tend to the needs of the first Americans.

These programs are vital to every American. They will improve the environment for everyone. And they work to fulfill our Nation's trust responsibilities.

I'm proud of this bill and ask that you support it.

I reserve the balance of my time.

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

Madam Chairwoman, let me begin my remarks by expressing thanks to Chairman DICKS for the reasonable and evenhanded manner in which he's conducted the business of the Interior Subcommittee this year. While we may disagree about the needed 17 percent increase in our subcommittee allocation, our work together has been a bipartisan, collaborative effort. We are certainly not going to agree on every issue, but even when we disagree, Chairman DICKS and I continue to work well together, and I thank him for that.

I'd also like to commend the chairman for the extraordinary oversight activity of our subcommittee this year. As he mentioned, oversight is one of the committee's most important functions, and we have upheld that responsibility by holding 20 subcommittee hearings since the beginning of the year involving over 100 witnesses. I don't know many other subcommittees that can match that record.

I also want to applaud the chairman's decision to provide full pay and fixed costs for each of the agencies under this subcommittee's jurisdiction.

We're both concerned by the fact the President's budget submission for the U.S. Forest Service covered only 60 percent of the pay and fixed costs, while the budget request for the Department of Interior included 100 percent of pay and fixed costs. To date, the committee has received no explanation or justification from the administration for this discrepancy.

I'm also pleased by the needed attention this legislation provides our Native American brothers and sisters.

There are many unmet needs within Indian country—in education, health care, law enforcement, drug abuse prevention, and other areas—and this bill does a great deal to address these issues.

Chairman DICKS and I agree on many things, including our obligation to be good stewards of our environment and public lands for future generations. However, we part when it comes to the need for an allocation as generous as the one Chairman OBEY has provided in this bill.

The 302(b) allocation for this bill is $32.3 billion, a $4.7 billion, or 17 percent, increase over last year's enacted level. This increase comes on the heels of historic increases in this subcommittee's spending in recent years.

Interior and the Environment spending between 2007 and 2009—including base bills, emergency supplementals, and the American Recovery and Reinvestment Act—has increased by 41 percent—and that's before this year's 17 percent increase.

Chairman OBEY is fond of saying, Show me a smaller problem and I'll show you a smaller solution. While I may not be able to show him a smaller problem, I can show him a historically bigger problem where the ''solution'' of more and more deficit spending has not worked—including the Great Depression of the 1930s and Japan in the 1990s.

But it isn't just the spending that concerns me. This legislation is funding large increases in programs without having clearly defined goals or sufficient processes in place to measure the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas—all of them worthy endeavors—but with relatively little planning and coordination across multiple agencies and the rest of government.

Our country has some serious environmental challenges that need to be addressed. And this bill has an overly generous allocation to meet many of those needs. But, with all due respect to Chairman OBEY, too often we believe that our commitment to an issue is measured by the amount of money we spend rather than how we're spending that money. History has shown us that bigger budgets do not necessarily produce better results.

The climate change issue is an illustration of this point. ''Climate change'' is today what the term ''homeland security'' was in the days and months following the terrorist attacks of September 11th. Anyone who came into our offices, any of our offices, to discuss an issue, spoke of it in the context of ''homeland security.'' The argument was, We have to do X, Y, or Z, for our homeland security depends upon it.

Well, today many of our priorities are related to climate change. I agree with Chairman DICKS this is an issue we need to study carefully and know more about. It's affecting the intensity of our fires and even the duration of our fire season.

But what have we learned from the money this subcommittee and other committees have already provided? Are we spending $420 million on climate change next year to learn something new or relearn what we already know?

I'm also concerned that many climate change functions within this bill won't be coordinated with similar efforts undertaken by other Federal agencies, resulting in a duplicating of effort. We ought to require coordination across the entire Federal Government on an issue as important as this, and one on which we are spending as much money government-wide as we are.

It's for this reason that the minority offered an amendment—adopted during the full committee consideration—requiring the President to report to Congress 120 days after submission of the 2011 budget request on all obligations and expenditures across government on climate change programs and activities for FY 2008, 2009, and 2010. It's not because we're opposed to climate change programs, but because they need to be coordinated government-wide.

Given the uncertain economic times our country is facing, I'm also troubled by the unsustainable pattern of spending in this legislation. This subcommittee and Congress ought to be as concerned about the impact of too much spending as we are about the potential impact of climate change and other issues.

Chairman DICKS has spoken on many occasions about what he describes as ''the dark days'' and ''the misguided policies and priorities of the previous administration.'' Still, for any perceived or real inadequacies of past policies or budgets, it would be a mistake for any of us to believe we can spend our way to a solution to every challenge we face.

The Federal Reserve Chairman, Ben Bernanke, recently told Congress that it's time for the Obama administration to develop a strategy to address record deficits or risk long-term damage to our economy. He said, ''Unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor healthy economic growth.''

A good bill is a balanced bill. But providing a disproportionate level of funding to one agency creates an imbalance that undermines the legitimate needs of other deserving agencies. That is why I question a $10.6 billion budget for the EPA—a 38 percent increase from last year. This is on top of the $7.2 billion the agency received in the stimulus package and the $7.6 billion it received in the enacted 2009 Interior bill.

Taken together, the EPA will receive over $25 billion this calendar year alone. That's about the size of this subcommittee's entire budget just 2 years ago.

While the EPA will receive an extraordinary, historic funding increase, it's worth noting the U.S. Forest Service was recently rated as one of the worst places to work in the Federal Government by a study conducted by the Office of Personnel Management. It isn't clear why Forest Service employees feel as they do, but it may be linked to the incredible funding challenges the Service has faced in recent years due to the growing cost of fire suppressions.

From our hearings, we know that almost 50 percent of the Forest Service budget is now consumed by the cost fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression. Without any question, this creates uncertainty among Forest Service employees.

President Obama is to be commended for tackling the issue of budgeting for fire suppression by proposing a fully funded fire suppression budget as well as a contingency reserve fund. And I commend Chairman DICKS for providing the Forest Service with resources to address many fire-related needs.

Still, based upon recent fire patterns and the monumental increase in demand for fire suppression dollars, I feel strongly that the wildfire contingency reserve fund should be funded at the President's request level of $357 million. This reserve fund is similar to the emergency fund source contained in the FLAME Act, which passed the House in March on an overwhelming 412–3 vote.

That is why the minority offered an amendment—adopted during full committee consideration—which increased the fire contingency reserve fund from $250 million in the chairman's mark to the President's requested level of $357 million. If virtually every other item in this legislation is funded at or above the President's request level, there should be no justifiable reason to exclude fire suppression. And I want to thank the chairman for accepting that amendment in the full committee.

We paid for this increase by rescinding $107 million from the EPA's prior year balances. According to the May, 2009 report issued by the EPA's Inspector General's office, the EPA presently has $163 million on the books that have been sitting there unspent since 1999. The EPA does some good work, but if those dollars haven't been spent in 10 years, we ought to put them to good use fighting fires.

While Chairman DICKS has done a good job addressing many critical issues in this bill, I don't believe that a $4.7 billion, or 17 percent, increase over the FY 2009 enacted level is justified or warranted. This unprecedented

increase follows a $3.2 billion, or 13 percent, increase between FY 2008 and FY 2009 spending bills, as well as an $11 billion infusion from the American Recovery and Reinvestment Act. Frankly, we just can't afford this.

In closing, I would again like to thank Chairman DICKS for the evenhandedness that he has shown in working with us. We work well together, and I think this bill shows that.

In closing, I'd like to thank both majority and minority staff for their long hours and fine work in producing this legislation. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Ryan Shauers, and Pete Modaff.

On the minority side, let me thank my staff—Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as the committee staffers, Darren Benjamin and David LesStrang. If the Members of this House worked as well together as the majority and minority staffers do, we'd get a lot more done in this place.

I reserve the balance of my time.

Mr. DICKS. I'd like to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT) for the purpose of a colloquy.

Mr. TIAHRT. I thank the chairman of the committee, Chairman DICKS, for the opportunity to discuss this important issue. After serving with Chairman DICKS as ranking member of this subcommittee during the 110th Congress, I know how hard he has worked to make sure that communities have access to EPA grants to help with their State and tribal assistance grants and clean water needs.

It has come to my attention that the fiscal year 2009 Appropriations Act contained money for the city of Manhattan and Riley County for the Konza sewer line. However, with the delay in getting the money, the city had to go ahead with construction of the sewer line and now needs to use the money for a water line. EPA is supportive of the correction.

I will include in the RECORD a letter from the EPA Region 7 office expressing their support for the correction.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Kansas City, June 25, 2009.

Re Technical Correction to STAG Earmark Grant Authorization for Riley Co, Kansas.

Hon. TODD TIAHRT,
Rayburn House Office Building,
Washington DC.

DEAR REPRESENTATIVE TIAHRT: Representative Boyda requested funding for Riley Co. for the Konza sewer main extension in a letter to the Chairmen Obey dated March 14, 2008. By the time that grant was authorized, the sewer project was nearly completed.

EPA does not normally approve construction completed before a grant is awarded because the procurement action would not comply with EPA grant regulations. If the grantee has additional water or wastewater construction pending, we prefer to direct the grant funds to a pending project. We discussed this with the County and suggested that they contact Representative Jenkins office to request a technical correction so that the grant could be used to fund the construction of the Konza waterline extension project. Since the County and the City of Manhattan are sharing costs on the project, and since Manhattan has agreed to do the contracting for the water line, I also suggested that the grant name be changed from Riley Co. to the City of Manhattan so that EPA could award the grant funds directly to Manhattan.

Although these changes are a Congressional decision, EPA does support using the funds for the waterline project, so that an area adjacent to Manhattan which currently has an inadequate source of drinking water, can receive high quality drinking water from Manhattan to help protect the public health of those living in the Konza area.

Please do not hesitate to contact me at (913) 551–7417 or gibbins.don@epa.gov if you have any questions or need additional information.

Sincerely,

DONALD E. GIBBINS,
EPA Grant Project Officer, Wastewater & Infrastructure Management Branch, Water, Wetlands & Pesticides Division.

Mr. DICKS. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. DICKS. It is my understanding the community went forward with the necessary work in light of the Federal delay and now would like to use the money for a waterline. Is that correct?

Mr. TIAHRT. It is correct. My fellow Kansan, the distinguished Member of the 2nd District of Congress, Ms. LYNN JENKINS, has worked hard on this issue. It is a critical need of her constituents. The region is experiencing high growth due to the ongoing troop buildup at Fort Riley with the return of the Big Red One.

The City of Manhattan, Kansas, and Riley County are cooperating to provide municipal-level services along the K–177 corridor near Fort Riley. Strong interest has been expressed in the area by the development community, and there have been limitations on future growth on Manhattan's west side.

The 2003 update of the Manhattan Urban Area Comprehensive Plan, which was a joint planning initiative with the city and the county, specifically identifies the K–177 gateway area as a potential urban growth corridor if municipal level services are provided. That's why the city could not wait on the sewer line project. It is already underway and being managed by the county.

The city will be responsible for the design, bidding, and overseeing of the water project. The cost of both the water and sewer projects will be shared by the Federal Government, the city of Manhattan, and Riley County.

Clearly, it was congressional intent that Manhattan's needs be funded. I understand the committee is not making technical corrections on EPA projects in this bill and is working out a new policy to do so in the future.

□ 2130

I hope that the chairman will take into consideration Manhattan's need and as the process moves forward work with Ms. JENKINS and myself to correct the issue. The delegation has been working with the EPA regional office in Kansas City, but in order to proceed the project description in Public Law 111–8 should read, ''The city of Manhattan for water line extension project.''

I thank the chairman for his consideration on this important issue.

Mr. DICKS. I understand my colleague's problem. We're going to work with him and try to work this out with the other body. But I realize how serious this is, and we'll work with him until we get a satisfactory solution.

Mr. TIAHRT. I thank the chairman.

Mr. DICKS. Madam Chair, if I could be recognized again, I want to yield 2 minutes to Congressman GERALD E. CONNOLLY of Virginia for the purposes of a colloquy.

Mr. CONNOLLY of Virginia. I thank my distinguished friend, the chairman of the subcommittee.

Heritage programs have proven to be effective vehicles for increasing tourism and conservation. Many citizens have worked with their Members of Congress to designate new heritage areas. Thanks largely to the work of my colleague FRANK WOLF, one of these new areas is the Journey Through Hallowed Ground National Heritage Area. I appreciate the chairman including funding for this and other new heritage areas in this markup as well as that of the ranking member, Mr. SIMPSON, and I ask if he foresees an opportunity to revisit that financial support in appropriations cycles.

I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Virginia for acknowledging this important program. Would the gentleman agree that a critical component to freeing up additional dollars for the partnership program would be to have our existing heritage areas move towards self-sufficiency?

Mr. CONNOLLY of Virginia. Yes, I agree with the distinguished chairman. In order to maintain and expand upon the existing program, we must ensure that existing heritage areas establish independent funding resources as originally envisioned. My district is the prime example of the importance of Federal funding. The historic village of Buckland is home to a Native American step mound, the home of a Jefferson-era northern Virginia Congressman, homes of an antebellum freeman community, and a Civil War battleground. It is one of the best preserved examples of a village planned on the traditional British axial layout. Many of the local residents have worked together to acquire and protect the historic structures and landscapes in Buckland. However, they cannot do it

alone with development pressure in the National Capital Region threatening to degrade this fully intact historic site. This is a prime example of where additional funding could be used to augment substantial private funds to preserve an entire village in this case and surrounding landscape representing American history from the Native Americans to the Civil War and beyond. Madam Chairman, I thank the chairman for his interest and commitment to the heritage partner programs and look forward to working with him in the future.

Mr. DICKS. Madam Chairman, I look forward to working with the gentleman from Virginia on this very important issue.

Mr. SIMPSON. Madam Chairwoman, I would yield 2 minutes to my good friend from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I must begin by expressing two reservations about the legislation in front of us. The first is the manner in which it arrived at the floor. Like my colleagues on my side, we're used to and treasure the idea that appropriations bills should come to this floor under an open rule so every Member can come forward and offer good suggestions, and the product can be improved. We didn't do that in this case, and I think that's regrettable. The bill would have been better; and frankly, I think the process a little less rancorous.

Second, I want to express my sentiments in agreement with Mr. SIMPSON about the spending levels here. There's a lot of good projects in this bill. But whether or not we can sustain them over the long term I think is a very legitimate question that we're going to have to wrestle with again and again in bill after bill.

Having said that, Madam Chairwoman, I'd like to balance my comments with three very positive observations about this product. The first is the process under which we arrived at a bill. I have to echo Mr. SIMPSON's appreciation for Chairman DICKS' wonderful cooperation and open process. Certainly the chairman and the ranking member worked together well. They included all of this, and I'm very grateful for that.

Second, I agree with the chairman and the ranking member's emphasis on the importance of water projects. I too represent many small communities that struggle to have sufficient revenue to actually build the water systems they need. That's an appropriate focus, and I am grateful for that. And finally, Madam Chairwoman, all too often in this body the First Americans have been the last Americans. That's certainly not the case in this bill. The chairman, in particular, deserves extraordinary credit for the effort and resources he's put behind Native American concerns in health care, law enforcement and education. I am personally very grateful for it. It's one of the best efforts we've seen certainly in over a decade.

In conclusion, Madam Chairwoman, I hope we can do a little bit better going forward in working on the spending and the prioritization. But I appreciate the process, and I'm confident we can improve this bill as we work it through.

Mr. DICKS. I would like to yield myself 2 minutes for the purpose of having a colloquy with the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. Chairman.

I am here today to seek the chairman's assistance with an important matter involving the Choctaw Nation of Oklahoma, a matter with which he has been most helpful and understanding. I am also proud my friend Mr. COLE from Oklahoma, who is a Chickasaw, a great friend of the Choctaw people, is here and helping me as well.

The issue is the effect of the moratorium on school participation in the BIA academic funding system and its effect of preventing the Choctaw Nation of Oklahoma from carrying out its plan to operate a first through sixth grade school program. The original moratorium was to be temporary to afford the BIA a chance to control its construction policy; yet it, in fact, precluded the Choctaws from reconstituting their program, which was unilaterally cut by the termination policy of the 1950s, in spite of the fact that the tribe built a new school and, thus, saved the government considerable expense.

I appreciate your pledge to work with me and the Choctaw Nation of Oklahoma to address this problem. And I deeply appreciate the committee including language in your report accompanying H.R. 2996, now under consideration, directing the Bureau of Indian Affairs ''to study and report to the committee within 180 days after the enactment of this Act on the impacts of allowing reinstatement of termination-era academic programs or schools that were removed from the Bureau School System between 1951 and 1972.'' This includes the reestablishment of Jones Academy of Oklahoma as part of the Bureau School System.

Mr. Chairman, the Choctaw Nation has paid all construction and maintenance costs, and Jones Academy has received extensive positive recognition from multiple sources, yet the tribe is prohibited from operating Jones as a Federal grant school or for reestablishing their preexisting program. I would like to submit for the RECORD a prescription of the current Jones Academy program.

It is to meet this concern that I ask for a clarification, Mr. Chairman. Is it the chairman's understanding that the study and report should be done in consultation with the tribes involved, as required by Public Law 95–561, and that the costs to be provided are to be those associated with the current tribal programs and practices and the current state of the school programs involved as opposed to the rural farm-based boarding programs of the 1950s?

Mr. DICKS. Reclaiming my time, it is our understanding that the Member's statement of our intent is correct.

Mr. BOREN. If I may ask one more question, is it the committee's intention at this time, absent a timely report by BIA directly responsive to the committee report language, to work to include Jones Academy as part of the Bureau School System?

The Acting CHAIR (Ms. EDWARDS of Maryland). The time of the gentleman has expired.

Mr. DICKS. I yield myself 1 additional minute.

The gentleman from Oklahoma has contacted me, and I have assured him, Chief Pyle and the Choctaw Nation of Oklahoma that the ranking member and I share with the entire subcommittee his desire to support these efforts to provide quality educational opportunities for the students from many tribes nationwide who attend Jones Academy. I will work towards inclusion of the Jones Academy, should the BIA be untimely or unresponsive to the committee's directive. But I doubt that they will be.

Mr. BOREN. Thank you, Mr. Chairman.

JONES ACADEMY

INTRODUCTION

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The boarding school is located in southeast Oklahoma and houses co-ed students grades 1 through 12. Established in 1891, the facility is under the auspices of the Choctaw Nation of Oklahoma. The campus sits on 540 acres five miles east of Hartshorne, OK on Highway 270.

STUDENT POPULATION

150 to 190 students attend Jones Academy—50 to 60 elementary students (1st–6th)—100 to 130 junior high & high school students (7th–12th)

25 to 30 tribes are represented at Jones Academy

10 to 15 states are represented at Jones Academy

ACADEMICS

August 2005, grades lst–6th began being taught at Jones Academy—School years 2005–06 & 2006–07: Jones Academy achieved a perfect API (Academic Performance Index) on state achievement tests

August 2008, Choctaw Nation opened $10.2 million elementary school at Jones Academy

Jones Academy has an alternative school for students (7th–12th), that are behind in their credits (self-paced curriculum)

Approximately 120 students (7th–12th) attend the Hartshorne Public school System

Tutoring is offered five nights a week for all students

Several academic software programs are utilized to enhance student academic achievement

Rewards for academic achievement provided by Jones Academy and the Choctaw Nation STAR program plus the Jones Academy Scholarship for former students enrolled in postsecondary institutions of higher learning and/or training

Vocational Training through the Kiamichi Technology Center

Choctaw Language is offered

MEDICAL

Health Screenings—including physicals and dental services for all students—provided by the Choctaw Nation Health Services and follow-up appointments as needed

All students receive eye checks with follow-up and glasses purchased as needed

Nutritional Classes/Activities including a school health fair sponsored by the Choctaw Nation

Students are provided with a school nurse in the evenings—offered through CNHS, as well as access to the health clinic in McAlester and Talihina Hospital

COUNSELING

Counseling Services—two licensed professional counselors, four part-time mental health professionals with masters degrees, one certified drug and alcohol, an academic/guidance counselor and a school-based social worker

ACT prep courses for college bound students as well as visits to post-secondary institutions of higher learning and/or training

Oaks peer/group intervention provided at the alternative school

Prevention and dorm meetings are held weekly

RECREATION/ACTIVITIES

Students participate in athletics at Jones Academy and at the Hartshorne Public School (baseball, softball, football, volleyball, basketball, cheerleading, weightlifting, etc.)

Horseback riding, archery, ROPES course, paint ball, over-night camping, social and cultural dances, movies, swimming and fishing

Outings to museums, area lakes, parks and zoo, sporting and cultural events

Six Flags Over Texas and Frontier City trips

Raising & showing swine projects

Summer youth work program

ENRICHMENT PROGRAM

Journalism class which produces a newsletter for parent/guardians/supporters

Guitar & piano lessons

Horseback riding

Archery activities

Ceramics, arts & crafts, pottery and art lessons

Social skills training

Community service projects

OTHER SERVICES

Student senior high school graduation expenses paid for by Jones Academy (sr. pictures, announcements, sr. jacket, class ring)

Family day at Jones Academy

Purchase hygiene products as well as clothing for students as needed

Provide three meals and snacks each day

Provide safe secure environment for students and staff

Provide transportation home to and from Jones Academy

Provide adult supervision for students 24/7

Assist student in getting driver's license

Motivational speakers (including Miss OK/Miss America)

LOCATION AND HISTORY

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The facility is located in southeast Oklahoma and houses about 190 co-ed students grades 1 through 12. Established in 1891 by the Choctaw Nation of Oklahoma, the campus sits on 540 acres of rolling pasture 5 miles east of Hartshorne, OK on Highway 270. Named after Wilson N. Jones, Principal Chief of the Choctaws from 1890 to 1894, the school has served generations of Native American children while under the oversight of the Choctaw Nation or the Bureau of Indian Affairs.

STUDENT BODY

Initially, the facility was an all boys school. In 1955, Wheelock, a non-reservation school for Indian girls, was closed; approximately 55 female students then were transferred to Jones Academy. In April of 1985, the Choctaw Nation contracted the boarding school operation from the Bureau of Indian Affairs. In 1988, Jones Academy became a tribally controlled school.

Our students represent a cross-section much like most other areas of the country. Jones Academy's maximum enrollment is 190. In the past, the school has enrolled students from 29 different tribes. Students come from parts of Oklahoma, Texas, Mississippi, New Mexico, Nevada, South Dakota, and several other states. Each student is a member of a federally recognized Indian tribe.

FACILITIES/PHYSICAL RESOURCES

The physical layout of the campus includes two dormitory buildings, each divided into elementary and secondary wings. There is a cafeteria, an after-school tutorial building, and a counseling center. A gym houses two classrooms for 20 alternative school students, a basketball court, and a weight room. The campus grounds also include a museum, an administration building, and a library/learning center with an underground storm shelter. The boys' dorm and the cafeteria were completely renovated in 2000. The girls' dorm was built in 1994 and is a modern, bright, home away from home. All four dorms have communal living rooms with areas for entertainment.

ACADEMIC PROGRAM

The long-range goals of our academic program are to develop capable students who can read and write proficiently and perform math functions necessary in life. We believe that building a strong foundation for our children will lead to success.

Our students attend the Hartshorne Public Schools. They are fully supported in their academic endeavors as well as extra-curricular activities. Grades are monitored weekly to insure that the student is performing to the best of his/her ability and receiving proper instruction. Tutorial services are offered to students in all grades. Students receive incentives for academic achievements. High school students are provided career counseling for postsecondary education such as college or vocational training.

Jones Academy houses an alternative school for students whose needs have not been met in the traditional classroom or who are behind in grade level. The limited class size and self-paced curriculum allow the teachers to give the students individualized academic attention.

The Choctaw Nation has begun the process of operating its own school at Jones Academy. Grades first through sixth are presently held on our campus. Construction of the new elementary school began in 2006.

CULTURAL/RECREATIONAL ACTIVITIES

A goal of Jones Academy is to involve all students in cultural, educational and recreational activities. Our facility offers a wide variety of services to the student. Students are encouraged to participate in our cultural and traditional programs. These activities include the Indian Club, traditional dance, drum and singing groups, pow-wows, visits to ancient burial mounds and tribal festivals/museums.

Recreational activities include intramural sports, camping, swimming, fishing, social dances, bowling, skating, movies, picnics, horseback riding, and many other services. Jones Academy offers a strong well-rounded program of activities to meet the individual needs of our youth.

MEDICAL SERVICES

With the support of Choctaw Nation Health Services, Jones Academy is able to provide health care for our students. Our youth receive complete physical exams soon after school begins. Throughout the year, a registered nurse and physician's assistant are on site four days of the week. Other medical services are referred to the Choctaw Nation Indian Health Clinic at McAlester and the Choctaw Nation Indian Hospital at Talihina.

STUDENT ACTIVITIES

Indian Club

Drum, Dance, Singing Groups

Jones Academy Rangers

Girl Scouts

Choctaw Language Classes

Student Council

Ropes Course

Weight-Lifting

Livestock Shows

Dances and Prom

Overnight Camping

Paint Ball, Go-Cart Racing

Horseback Riding, Skating

Movies, Swimming, Fishing,

Arts & Crafts, Flute Making

Outings to Area Lakes/Parks, Zoos, Museums, Sporting and Cultural Events, Shopping Trips

Six Flags, Frontier City Trips

RESIDENTIAL PROGRAM

Jones Academy provides the following services to our students:

Tutorial Assistance for All Grades

Rewards for Academic Achievement

Work Program for Clothing

Summer JTPA Work Program

Drug and Alcohol Education

Library Learning Center with Computers and Internet/E-mail Access

Career Counseling

College and ACT Tests Preparation

Senior Graduation Expenses Paid

Jones Academy Scholarship Program

Vocational Training through the Kiamichi Technological Center

Alternative School Program

Agriculture Program

Driver's License

Jones Academy Yearbook

Family Day

Nutritional Education

Complete Physical Exams

Medical Services Provided

Mental Health Services

Health Fair

Walking Program & Aerobics Class

Project Fit America

Life Skills Curriculum

Social Services Staff

Campus Security

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to my good friend from Indiana, the former chairman and now ranking member of the

Veterans' Affairs Committee, Mr. BUYER.

Mr. BUYER. I thank both gentlemen for their leadership.

In the spring of 2007, it came to my attention that the condition in the 14 national cemeteries under the jurisdiction of the National Park Service are not maintained at the same high level as the national cemeteries administered by the Department of Veterans Affairs. Of these 14 cemeteries, only two of them, Andersonville in Georgia and Andrew Johnson in Tennessee, are still open and regularly inter veterans.

While on active duty as a colonel in the Army Reserves, I visited Andersonville with a cadre of JAG officers. I then discovered the conditions of the cemetery to be unacceptable and not up to the standards that these heroes have earned. The grave markers had not been washed in some time, as you can see on this photo. The markers are completely out of line. The weeds have grown up all around the markers. Shrubbery had not been cared for in the manner that it should, and it appears that the attention had not been given to these graves that I believe should have been.

I had an amendment that should have been ruled in order, but it was not under the rule. It would have required the Secretary of the Interior to contract with an independent organization to conduct a study of all National Park Service cemeteries and identify the improvements that are necessary for these cemeteries to meet the same high standard of the VA's National Shrine Program that's in the cemetery system. I modeled this amendment after the successful VA shrine commitment legislation in Public Law 106–117. It's because of this study the VA has raised the standards of all VA cemeteries to make them national cemeteries of which we can all be proud.

While I'm encouraged by the National Park Service's response in addressing this problem since I brought it to the Nation's attention in 2007, we still have a little ways to go. You can see what Andersonville looked like then. Here is Normandy. Normandy comes under the Battle Monuments Commission. This is like a putting green. It is extraordinary what the Battle Monuments Commission does. Then we have Arlington, under the jurisdiction of the United States Army, then oversight by the VA—a beautiful cemetery worthy of these heroes. Then we have a VA cemetery, a picture here in San Diego under the National Shrine Program—excellent. But what happened when I complained about, Let's get rid of the weeds around the stones? They took a weed whacker, and they removed all the weeds, and now we've got dirt around all the stones. That is not the shrine program that we're talking about.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. Please.

Mr. DICKS. Mr. BUYER, I would like to thank you for bringing this issue to light and I would like to work with you to improve the standards of these cemeteries. I do agree that we must improve these cemeteries to ensure that our appreciation for our veterans' sacrifices is appropriately expressed by maintaining their final resting place to the highest standards. I want to assure the gentleman that the National Park Service is taking steps towards better maintenance of the cemeteries. The national office of the Park Service is assembling a team with expertise and cultural resource preservation and maintenance. This team will conduct a review of these two active cemeteries and make recommendations to the national office regarding appropriate corrective actions where deficiencies are found. I would follow up this effort to ensure that the services provide a level of care befitting a national shrine. I look forward to working with you to address this issue.

Mr. SIMPSON. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Idaho.

Mr. SIMPSON. I would like to echo the words of Chairman DICKS and thank the gentleman from Indiana for bringing this to our attention, the importance of improving the standards of these cemeteries. Mr. BUYER's amendment—though not made in order, and it should have been made in order—has made us aware of this situation that must be addressed. I will continue to work with Chairman DICKS and Mr. BUYER to ensure that these veterans' cemeteries are brought up to the standard consistent with other veterans' cemeteries.

Mr. BUYER. I would ask the chairman—this team shouldn't just go to two cemeteries, NORM. It should go to all 14 cemeteries, not just the two that are presently interring. The Department of the Interior, they have made progress; but Chairman DICKS, we can take care of this right now. You and I sat there, along with the ranking member, in discussions in the Rules Committee as to why this should be an open rule; and the three of us should be able to work in the interest of the country right now. And I would appeal to you, Mr. Chairman. We can take care of this right now. You can move that the committee do rise, and I could offer this amendment. We can voice vote it. You can accept it. We can go back to the Committee of the Whole.

I would yield to the gentleman for consideration.

Mr. DICKS. I cannot do that.

The Acting CHAIR. All Members are reminded to address the Chair.

Mr. DICKS. I appreciate the gentleman yielding. Unfortunately I can't do that. But I will do everything I can, not only to address the two that you've mentioned, but all 14; and we'll work together on this. If it isn't to the gentleman's satisfaction, we will address it with legislation next year.

The Acting CHAIR. The time of the gentleman from Indiana has expired.

Mr. SIMPSON. I yield the gentleman 1 additional minute.

□ 2145

Mr. BUYER. What I had hoped to do, instead of saying let's fence off money and do this type of requirement, what I had hoped to do is make it clean and clear. Maybe there's an arrangement whereby the three of us can work with Secretary Salazar and we can ask him that he do the initiative, do the study, move to the National Shrine Program, bring it into next year's budget.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. I yield.

Mr. DICKS. I'm prepared to have a meeting with officials from the Interior Department, with Mr. SIMPSON, and yourself to address this issue. That's the best I can do today. But we will follow through and make sure it happens.

Mr. BUYER. Your word is solid with me.

Mr. SIMPSON. I thank the gentleman for bringing this to our attention, and I can guarantee that the National Park Service is now aware of it also.

Mr. BUYER. Thank you, gentlemen.

Mr. SIMPSON. Madam Chairwoman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I welcome a colloquy with my distinguished colleague, Mr. LATOURETTE, and yield him 2 minutes.

Mr. LATOURETTE. I thank the distinguished chairman.

First I would like to begin by expressing my appreciation to the chairman for his work on this bill, especially his commitment to investing in the new Great Lakes Restoration Initiative, which I believe will significantly accelerate the pace of Great Lakes cleanup and protection efforts.

I would like to clarify one important aspect of this effort, however, regarding the committee's intent for a portion of the funding included in this vital initiative.

Mr. DICKS. Will the gentleman yield?

Mr. LATOURETTE. Happily.

Mr. DICKS. I appreciate the gentleman's remarks. We were pleased to include funding for this important program in the bill, based on the administration's budget request and the broad bipartisan support of my colleagues including my colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Reclaiming my time, thank you, Mr. Chairman.

To accomplish the ambitious goals of the Great Lakes Restoration Initiative, a variety of approaches and strategies

will be required. Among these is the targeted conservation of key coastal natural resource lands. Along the shores of the Great Lakes and elsewhere across the Nation, a number of these coastal landscapes are being protected through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program, or CELCP. With the program's 50 percent matching requirement and the engagement of coastal communities and States, the program leverages Federal investment in remarkable ways. In my own State of Ohio, CELCP has been instrumental in securing key properties and conserving ecological resources at the Mentor Marsh and along East Sandusky Bay. I understand that the chairman's own involvement in the program has helped to conserve vital coastal resources along the Puget Sound.

Under the Great Lakes Restoration Initiative, $15 million would be available to NOAA for habitat restoration and protection. I understand that an underlying expectation for these funds is that at least half of them would be expended through CELCP on land conservation priorities that contribute to the goals of the initiative and these funds would supplement rather than replace CELCP funds provided in other legislation for priorities in the Great Lakes region. Is this correct?

I yield to the gentleman.

Mr. DICKS. The gentleman from Ohio is indeed correct. In my district I have seen the importance of the partnerships in the CELCP to our fragile coastal resources. The committee expects NOAA to invest in Great Lakes conservation through CELCP, as the gentleman has outlined; and I would be happy to work with him to ensure that the funds will be used for this purpose.

Mr. LATOURETTE. Reclaiming my time, I thank the Chair.

Mr. DICKS. Madam Chair, I reserve the balance of my time.

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Chairman, the House is now considering the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Appropriations bills have traditionally been brought to the floor under an open rule where all relevant amendments are allowed to be offered to the bill. Sadly, the majority has decided to reject precedent. We're once again operating under a structured rule on an appropriations bill.

And what is the reason given for silencing the representatives of millions of Americans? Time. In their push to get through massive spending bills, the leadership in this House have decided that doing so quickly is more important than having a quality debate on how the taxpayers' money is being spent. Not allowing votes on relevant amendments is a historic blow against the rights of all Members of this great institution. More importantly, this Democratic stunt muzzles the voices of the American people. Only 13 amendments out of 105 that were offered in the Rules Committee were made in order. I personally offered 12 without a single one made in order. And to think that we Republicans are the ones being called ''childish.'' Come on.

At a time when our Nation faces an economic crisis, record debt, rising unemployment, this year's Interior Appropriations bill spends a whopping 17 percent more than last year.

One of my amendments that was not allowed would have simply reduced the amount appropriated under this act by a mere half of a percent, 0.5 percent. That's half a penny for every dollar that the Federal Government spends. Another amendment of mine would have reduced the amount of appropriations in this bill by the amount of unobligated stimulus funds that was given earlier this year.

The Founding Fathers gave Congress the sole power of the purse. In article I, section 9, clause 7 of the Constitution it specifies that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law.'' Many of the Founding Fathers believed that the power of the purse is the most important power of Congress.

In Federalist No. 58, James Madison wrote: ''This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.''

Whether you believe that the Federal Government is spending too much money, as I do, or not enough, the American people deserve an open process that allows votes on how we spend their money, regardless of how much time it takes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. Madam Chairwoman, I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. The appropriations process is one of the primary ways that Congress exercises that power given to us by the Constitution.

I ask that the majority leadership reconsider this dangerous path we are headed down. All Members of Congress must be allowed to offer all relevant amendments on all appropriations bills and let the people's voices be heard. Please let their voices be heard on the floor of this House.

Mr. DICKS. Madam Chair, I yield 5 minutes to the distinguished gentleman from Kentucky, who is a distinguished member of our subcommittee (Mr. CHANDLER).

Mr. CHANDLER. I would first like to express my gratitude to our chairman, Mr. DICKS, who has provided tremendous leadership on this bill, tremendous leadership throughout the year on the Interior Appropriations bill, a bill that I believe is extremely important to the future of our country. I'd also like to thank our ranking member, Mr. SIMPSON, for the way that he has in a very bipartisan way conducted himself and the business of the committee. It's been a committee that has worked tremendously well together throughout the year.

Madam Chairman, I want to rise to express my strong support for this bill. This bill is an extremely important one, as I mentioned a moment ago; and I believe that we have had the opportunity this year, as a result of our chairman's efforts, to hear hundreds of witnesses in extensive hearings. I believe this is one of the most hard-working subcommittees of the Appropriations Committee. We have discovered some very real needs across this country. We discovered, of course, the fact that many of the needs in our country have languished over quite a number of years, and this subcommittee has made a great effort, I believe, in this bill to address some of those needs.

We're all struggling in this country today with a troubled economy. Therefore, the investments made in this bill are all the more important to the people and to the communities that we all serve. And I would like to mention a few of the things in this bill that I believe are particularly important.

Deteriorating water infrastructure across the country endangers the health of our citizens and of our environment. At the same time, our State and local governments are faced, as we all know, with enormous budget shortfalls, preventing them from adequately addressing the problem. Federal support for drinking water and wastewater infrastructure is necessary. This bill provides nearly $4 billion in grants and loans for this purpose, a small down payment on the need, estimated at some $300 billion over the next 20 years.

In the area of conservation, this bill does great things for public lands and wildlife conservation. Funding for the National Park Service, our wildlife refuges, and our national forests will help maintain these national treasures for the enjoyment of all Americans. Our public lands are key to preserving habitats and biodiversity, which have positive impacts on our quality of life and the health of our ecosystems.

And in the area of environmental protection, Madam Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites and readies them for new

economic development. The Energy Star program conserves energy and saves the consumer money. This bill provides increases to both the Superfund and Energy Star.

This bill also helps preserve our cultural heritage and educates our citizens about our history. State Historic Preservation Offices are funded at $46.5 million. The projects these organizations undertake in all 50 States not only protect our cultural identity, but they create jobs in so many of our small towns and communities.

This legislation is responsible, Madam Chairman, for investment in our future. It protects our environment, it protects our health, and it celebrates our heritage, among many other things. Chairman DICKS ought to be commended for the job that he has done in putting together a bill that is very difficult to put together in many ways. He's worked diligently on it.

And I also want to take this opportunity to thank our chairman for making a special effort this year to fly to my home State of Kentucky to look at some very significant issues in our mountains of Kentucky, the practice of mountain-top removal, a controversial practice which is of great concern to many of our citizens.

Mr. Chairman, I thank you for your efforts in that regard, and I thank you for the work you've done.

Mr. SIMPSON. Madam Chairwoman, I yield myself such time as I may consume for the purposes of entering into a colloquy with Chairman DICKS on behalf of Mr. CALVERT of California.

Mr. DICKS, I rise today in support of the Diesel Emissions Reduction Act grants programs, which provide needed funding to State and local pollution control agencies to retrofit and replace older, higher emission diesel with newer, lower emission, and more efficient technologies.

EPA studies indicate that black carbon, like that emitted from diesel engines, is the second most significant contributor to global warming. Retrofits and replacements of old diesel engines, like those supported by DERA, reduce these emissions by up to 90 percent.

Recently, a broad and diverse coalition of over 250 environmental, science, public health, industry, and State and local governments wrote members of the Interior and Environment Appropriations Subcommittee encouraging the committee to fully fund the DERA program at its $200 million authorized level for fiscal year 2010. Over 40 bipartisan Members of the House sent a similar letter of support to the subcommittee. Funds invested by the Federal Government in this program leverage two State and local dollars for every one Federal dollar appropriated and provide $13 of economic benefit for every dollar spent on the program.

□ 2200

The Diesel Emissions Reduction Act was authorized at 200 million per year from FY07 to FY11. However, even given this program's success in combating global warming, DERA has received less than $146 million in regular fiscal year appropriations so far, 25 percent of its authorized level. In this year's bill, the DERA program is slated to receive $60 million.

To date, this successful program has received over 650 applications for DERA grants totaling over $2 billion. Given this fact and the broad support this program has received, our colleague, Mr. CALVERT, introduced an amendment in the Appropriations Committee to increase funding for DERA by $15 million. Though this amendment was not adopted, Mr. Chairman, I ask you today, are you willing to work with Congressman CALVERT in the future to increase funding for DERA closer to its authorized level?

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I will yield.

Mr. DICKS. First, Mr. SIMPSON, I want to commend you for your leadership on the Interior and Environment Subcommittee and your support of the DERA program. There is no doubt that the DERA program is a worthwhile and beneficial program that plays a significant role in combating global warming and improving air quality. This is why this subcommittee has continued to fund and support this program. We provided $60 million in both fiscal years 2009 and 2010, and an additional $300 million through the Recovery Act.

To date, only 32 percent of funds appropriated for this program through the Recovery Act have been spent. I understand that EPA plans to obligate all the Recovery Act funds before they begin a solicitation for the 2009 funds. It could be well into 2010 before the 2009 funds are spent.

President Obama's budget requested $60 million for the DERA program in FY10 and this bill provides that. Over the next fiscal year, I will work with you, Mr. CALVERT—Congresswoman DORIS MATSUI has also talked to me about this—the EPA, and program stakeholders to review DERA in hopes of improving and streamlining its grant-making process and ensuring that we provide the proper level of funding in 2011.

Mr. SIMPSON. Reclaiming my time, Mr. Chairman, I am eager to work with you over the coming year to improve the DERA granting process to ensure that applications are processed and grants are awarded in a timely and efficient manner and work with you in the coming fiscal years to secure more robust funding for this program. It truly is a win-win-win situation, stimulating the American economy, improving air quality nationwide, and reducing emissions that are among the greatest contributors to global warming.

I want to thank Mr. CALVERT for his interest and bringing this to our attention.

I reserve the balance of my time.

Mr. DICKS. Can you tell us what the remaining time is on both sides?

The Acting CHAIR. The gentleman from Washington has 3¾ minutes, and the gentleman from Idaho has 4 minutes.

Mr. DICKS. I reserve the balance of my time.

Mr. SIMPSON. I would inform the chairman that we have no further speakers.

Let me just say in closing, Madam Chairwoman, that I have truly appreciated working with you, Chairman DICKS. You and the staff have been an honor to work with, and I think we have created a very good bipartisan bill. To tell you the truth, I can't complain about anything where you have spent the funds, although there might have been some differences that I would have made if I were king for a day and that type of thing, but I think we have come out with a good bill.

As I have said, since we started the markup, you know that my major concern is the overall spending level in this bill. But in terms of what we have spent it on, I have no problems with the way that you are approaching this, and I thank you for your bipartisanship and working with us.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I would be happy to yield to the gentleman.

Mr. DICKS. I want to commend the gentleman for his work and his staff's work. It's been a real pleasure. Everyone has worked together. I also want to commend again, the attendance on your side of the aisle. We have four Cardinals on our subcommittee, so they have subcommittees they are running. It's very difficult for everybody to be there, but your side has been there, and it's been terrific and the questions have been great, and it's just been a real pleasure.

And I also want to thank Mr. OBEY, the chairman of the full committee, for this allocation. We can only go as far as our allocation, and I think Mr. OBEY recognized that we had been hurt over the last 8 years, and that this was a catch-up budget.

But these are such important programs, our national parks, our national forests, our Fish and Wildlife Service, and the programs for the tribes. And I have really appreciated Mr. COLE and Mr. OLVER, who have both been so concerned and sensitive about these tribal issues.

And we have made substantial increases. But even with that, the work remains to be done. There still is more that needs to be done in order to really take care of the issues in Indian country. And I thought some of our hearings this year where we really got into

law enforcement and the need for more law enforcement, the need for a recognition that the laws are covering tribal areas today are not sufficient, and the Justice Department needs to take action on this.

So I commend the gentleman for his solid work and participation, and let's get on with the amendments.

Mr. SIMPSON. Reclaiming my time, I thank you, and as I said in my opening statement, I truly do want to thank you for the oversight hearings that you have. It's been the best committee that I have served on in my time in Congress in terms of the oversight hearings that we have done, and I think that's one of the most vital functions that we have performed here and you have done a masterful job on them.

Mr. EHLERS. Madam Chair, I rise to take a few moments to talk about a portion of this bill that I am very supportive of—the Great Lakes Restoration Initiative.

The Great Lakes are a national treasure. The lakes hold 95 percent of the U.S. surface fresh water and are the largest system of surface fresh water on the planet. In addition to offering recreation and transportation options, the Great Lakes also provide more than 30 million people with drinking water.

Unfortunately, the health of the Great Lakes is threatened by aquatic invasive species, contaminated sediment, nonpoint source pollution, and habitat loss. Failure to protect and restore the lakes now will result in more serious consequences in the future, in addition to increasing cleanup costs.

Since being elected to Congress, I have championed Great Lakes restoration efforts, and I am very pleased that the President's budget, the Congressional budget resolution, and this appropriations bill, all include $475 million for the Great Lakes Restoration Initiative. Although this amount is still far short of what is needed to promptly restore the Great Lakes, it is a significant down payment. I thank the Chairman and Ranking Member for recognizing the importance of restoring the Great Lakes and for including this historic funding level.

Mr. HOLT. Madam Chair, I rise today in support of H.R. 2996, the Fiscal Year 2010 Interior Appropriations Act.

This bill provides the much needed funding to protect and preserve our natural resources for future generations.

I applaud the Chairman for providing robust funding for the Land and Water Conservation Fund in this legislation. I have long been a supporter and a leader in Congress for increasing the funding for the Land and Water Conservation Fund (LWCF). Since its creation in 1965, LWCF has provided funding to four federal agencies including the National Park Service, Bureau of Land Management, Fish and Wildlife Service and the Forest Service to acquire public lands.

In July of 1999 during my first term in Congress, I secured passage of a key amendment to resurrect the state-side portion of LWCF, providing funding for that program for the first time in five years. To date, the stateside program has preserved over 73,000 acres of land in my home state of New Jersey. I strongly support the Manager's amendment which would increase the funding for the state-side matching grants to $40 million, which is over double the amount that it received in Fiscal Year 2009.

I strongly oppose the amendment of the gentleman from Utah, Mr. CHAFFETZ, that would strip funding from the state side portion of the LWCF. This amendment would be detrimental to the ability of states to preserve at risk open space and I urge my colleagues to oppose it.

Mr. GENE GREEN of Texas. Madam Chair, I rise today in support of H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act for FY2010.

This legislation provides a 17% increase over FY09 levels for critical programs that protect our public health and environment.

Among other provisions, the legislation provides $605 million for the Superfund program which will assist sites across the country clean up hazardous substances, including potentially the San Jacinto River Waste Pits site.

It also provides $3.3 million to help EPA monitor air toxics outside schools, which I hope will ultimately include schools in our district in East Houston, as well as $5 million to fund four new centers of excellence to study toxin and chemical impacts on children.

Madam Chair, I would also like to highlight two important projects I requested funding for in this bill, but did not receive funding.

The first is the Mickey Leland National Urban Air Toxics Research Center to continue air quality public health research on air toxics in urban areas as directed by the U.S. Congress. The Center is a 501(c)(3) institution authorized by Congress in the Clean Air Act Amendments of 1990.

Americans want to know whether they are at risk from pollutants in the air that they breathe. People who live near sources of air toxics such as major roadways, industrial facilities, or small businesses, are often especially concerned about their risk.

The purpose of air quality regulation and research is to protect public health. High quality air toxics research is the only way to assess peoples' risks and give policymakers the tools they need to protect public health. The Center develops and manages air toxics research with a focus on understanding the air toxics that people are exposed to in their daily activities, and how those compounds may impact their health.

The Houston Exposure to Air Toxics Study (HEATS) is an on-going project designed to study the relationship between personal exposures—the air people breathe as they go about their daily activities—and fixed site monitored concentrations of air toxics by measuring personal, residential indoor, and outdoor concentrations.

HEATS studies residents who live in the 29th district of Texas, in close proximity to an industrial neighborhood near the Houston Ship Channel and a comparison group with similar demographics in Aldine. Because it has been conducted according to rigorous statistical principles, study results will be applicable to the study participants, their neighborhoods, and other, similar neighborhoods in Houston and nationwide.

Federal support for this project is critical to ensure this research continues and I hope to work with the Chairman as this bill goes forward, and with EPA to get funding for this research in the budget as Congress intended when it created the Center.

We also sought funding funding for a a six-year Capital Improvement Project that will rehabilitate and upgrade the City of Baytown, Texas's wastewater and water infrastructure to comply with federal and state regulations, maintain its condition and reliability and save costs. The City has implemented an asset management program to assess equipment condition, optimize work practices and ensure funding remains in place to sustain infrastructure improvements over time.

The funding we requested under the State and Tribal Assistance Grant would help rehabilitate portions of the Central District Wastewater Treatment Plant to include elevation of redesign of critical components to reduce the storm surge impacts suffered during Hurricane Ike. These include the influent lift station, blower building, administration/laboratory building, and grit removal process. The internal piping needs to be replaced to improve energy and operating efficiency, along with the chlorine contact basin and plant pumping/transfer systems. Installation of post-storm emergency power systems are also a part of this effort.

This is an important project to help Baytown recover from damage caused by Hurricane Ike and overall to upgrade their wastewater system, and I look forward to working the Chair as we move forward to find assistance for this project.

I do have some concerns, however, with provisions of the bill and report language.

The bill defers $50 million in funding from the Ultra-Deepwater Research Fund that was a part of the 2005 Energy Policy Act of 2005. The ultra deepwater fund provides $50 million annually for research for recovering oil and gas from ultra-deepwaters in the Gulf of Mexico.

It also includes report language urging EPA to ''review the risks that hydraulic fracturing poses to drinking water using the best available science, as well as independent sources of information.''

I understand the concerns and desire to adequately protect the environment when developing our domestic resources, but hydraulic fracturing is a well-tested technology that has been used to develop energy for over 60 years.

First used in 1947, hydraulic fracturing has become a standard practice for improving the process of natural energy extraction. The practice involves the pumping of fluid into wells at high pressure to create fractures in rock formations that allow for complete production of oil. Hydraulic fracturing is responsible for about 30 percent of our domestic recoverable oil and natural gas. About 90 percent of currently operating wells use this technology. Hydraulic fracturing, as used to produce natural gas from shale formations, has created new opportunities for clean energy and employment without causing environmental damage.

Recent studies on fracturing conducted by the Environmental Protection Agency in 2004 found no confirmed evidence of contamination of drinking water. The study concluded that

the injection of hydraulic fracturing fluids poses ''little or no threat'' to humans or the environment (EPA).The EPA did not find a single incident of the contamination of drinking water wells by hydraulic fracturing fluid injection.

The subject of hydraulic fracturing is adequately regulated by the states and needs no federal intervention. Hydraulic fracturing is a vital and safe technology that helps drive the United States towards energy security and independence. Congress should not restrict a technology that plays such an integral part of our nation's energy strategy.

Mr. VAN HOLLEN. Madam Chair, I rise in support of this FY 10 Interior-Environment Appropriations bill for the investments it makes in our infrastructure, natural resources and cultural life—as well as its commitment to tackling the ongoing challenge of global climate change.

This legislation provides $10.46 billion for the Environmental Protection Agency to safeguard our nation's land, air and water. Of that amount, $2.3 billion will go to the Clean Water State Revolving Fund and $1.4 billion will go to the Drinking Water State revolving fund to help over 1500 communities improve their wastewater and drinking water systems. One and a half billion dollars will go to clean up hazardous and toxic waste, including $605 million for our nation's most toxic Superfund sites and $100 million for brownfields cleanup and redevelopment. And $601 million is provided at President Obama's request to enable the EPA to enforce our nation's environmental laws.

Our national parks receive $2.7 billion, which includes $100 million to support the park service's 10-year initiative to upgrade park facilities before the National Park System's Centennial Anniversary in 2016. Our national wildlife refuge system is provided $503 million for its conservation efforts. And the U.S. Forest service is allocated $2.77 billion to manage of (Air federal forests—including targeted support for the Legacy Road and Trail Remediation program protecting streams and water systems from damaged forest roads, as well as the Forest Legacy Land Conservation Program to help protect environmentally important, privately owned forest lands.

To support our nation's cultural heritage, this legislation invests $340 million, split evenly between the National Endowment for the Arts and the National Endowment for the Humanities. And the Smithsonian will receive $774 million for reducing its backlog of deferred maintenance and the planning and design of the new National Museum of African American History and Culture.

Finally, this bill provides a total of $420 million on climate change related initiatives—including $50 million for the EPA's Energy Star program, $17 million for the development of a Greenhouse Gas Registry necessary for monitoring greenhouse gases and $10 million for new grants to empower local communities to find innovative ways to cut their, greenhouse gas emissions.

Madam Chair, I commend Chairman DICKS, Ranking Member SIMPSON and the rest of the subcommittee for developing this thoughtful bill, and I urge my colleagues' support.

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

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

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111–184, not to exceed three of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; and not to exceed one of the amendments printed in part E of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $950,496,000, to remain available until expended; and of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

PART A AMENDMENT NO. 1 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. DICKS:

In the item relating to ''Office of Surface Mining Reclamation and Enforcement_Abandoned Mine Reclamation Fund'' (page 26, line 2), before the period at the end insert '': *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act''.

Page 18, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 18, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 46, line 2, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 16, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 3, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 18, after the dollar amount, insert ''(reduced by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Washington (Mr. DICKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. This is a good amendment. It's the so-called manager's amendment. It does three important things, but they are modest.

First, as Chairman RAHALL of the Natural Resources Committee pointed out, this amendment restores the Interior Department's authority to assist cooperative watershed projects that restore streams damaged by acid mine drainage. This authority was in law for several years but was inadvertently discontinued after the surface mining reclamation law amendments of 2006. This amendment aids citizens groups and States that are restoring streams damaged by previous coal mining.

Second, this amendment adds $10 million to the National Park Service State grant program. This program provides grants for acquisition of park and recreation lands by State and local communities and was proposed by Mr. MCGOVERN.

There is tremendous demand for more parkland and for recreational facility development. It is more and more vital to get people, and especially kids, out in nature and outdoors doing active recreation.

Lastly, this amendment increases the Save America's Treasures program by $1 million. This will provide funding for cost share historic preservation

projects, and I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Madam Chairman, I would claim time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairwoman, it saddens me that we are here with this manager's amendment. Traditionally, manager's amendments have been noncontroversial—when they have ever been offered on an appropriation bill, have been noncontroversial and have been offered by both sides. That's not the case on this amendment.

Surprisingly, my opposition to the amendment isn't because of the substance of the amendment and the provisions of the amendment, it's how it got here. There were a number of amendments that were proposed last night in the Rules Committee; almost all of them were turned down. There were amendments that had substantive purposes offered by Members on my side of the aisle that were turned down.

The ranking member of the full committee offered an important amendment that was not made in order. The ranking member of the subcommittee, myself, offered an amendment that was important and was not made in order. And yet we have taken three proposed amendments that were offered in the subcommittee and rolled them together in one manager's amendment and brought it to the floor, three Democratic proposed amendments and rolled it into a manager's amendment. This is not in the tradition of what a manager's amendment should be.

And so while I can't complain about the amendments, the amendments that were offered, per se, if they were offered individually and had been allowed by the Rules Committee to be allowed independently along with some of the other amendments that should have been allowed, I would have voted for all of these amendments, most likely. But it's the process that brought us to this state.

And, unfortunately, what's been happening with the rules that have been adopted for consideration of appropriation bills, it leads us to these types of incidents that should not happen, that are unnecessary, that we try to get around our own rules and our own traditions of having manager's amendments approved by both sides that are generally noncontroversial.

So, again, while I don't oppose the individual provisions of this, how this amendment got here and what it contains is not fair to the rest of the Members who put in thoughtful efforts to go to the Rules Committee and propose amendments.

I reserve the balance of my time.

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

I would just say to the gentleman from Idaho, we should have had more dialogue on this manager's amendment. And we are just getting a new team in place, and I am not blaming it on anybody, so I take responsibility myself. But in the future, on any manager's amendment, you and I will have a thorough discussion about it. And if the gentleman has some suggestions for the manager's amendment, they will be considered. So I take the gentleman's point as well made, and this is something we will follow through on.

Again, this is, I think, very noncontroversial, so I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Yielding myself the remainder of my time, and I take the gentleman from Washington at his word, I know that he is a gentleman of honor and he wants to work these out in a bipartisan fashion. In fact, I am not sure that the gentleman agrees fully with what has been going on with some of the rules and would like to get back, like many of us would, to regular order, and we would like to do that.

But if we had time to confer, and I understand what the gentleman is saying, a very noncontroversial amendment that could have been adopted was Mr. BUYER's amendment that we talked about on the veterans' cemeteries within the National Park Service would have been simple to put in a manager's amendment.

But I take the gentleman at his word and I look forward to working with him in the future on this.

I yield back the balance of my time.

Mr. KANJORSKI. Madam Chair, I rise today in support of the manager's amendment put forth by Chairman DICKS to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010. This manager's amendment incorporates an amendment I offered to allow funds appropriated to the Office of Surface Mining (OSM) to be used as the non-Federal share of the cost of certain environmental restoration projects that repair acid mine drainage from coal abandoned mines.

For many years, the Interior Appropriations bill authorized OSM to provide matching funds for federally-funded projects related to treatment or abatement of acid mine drainage from abandoned mines. The language was inadvertently removed from the appropriations bill several years ago and today I am pleased that Chairman DICKS agreed to collect this oversight by restoring this important provision in the fiscal year 2010 legislation.

Communities that are impacted by environmental damage related to abandoned mines tend to be in economically distressed areas of the country. These communities have small budgets and little, if any, money for environmental restoration projects. Furthermore, the economic downtown has caused budget shortfalls for many municipalities and providing basic services such as police and fire protection takes precedent over environmental restoration.

Permitting OSM to use these funds to serve as the local match will help meet the department's mission of ensuring that citizens and the environment are protected during mining and that the land is restored to beneficial use when mining is finished. This provision will not cost the federal government any additional dollars.

In closing, I would like to thank Chairman DICKS for including my amendment in this legislation and urge my colleagues to support this manager's amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

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Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 9, line 20 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $950,496,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $26,529,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other

Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,248,756,000, to remain available until September 30, 2011 except as otherwise provided herein: *Provided*, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $20,603,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $10,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $21,139,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $67,250,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601–9, not more than $2,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

PART B AMENDMENT NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. GARRETT of New Jersey:

Page 10, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 57, line 14, after the dollar amount, insert ''(reduced by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. More than 19 years ago, when I first ran for public office in the very densely populated State of New Jersey, I believed that we were not doing enough to preserve our precious farmlands and our vital open space. Upon being sworn in as a Member of the House of Representatives 6 years ago, I continued to advocate preserving open space, expanding our recreational lands, and protecting our natural resources. One of the highlights of my time here in Congress was the unanimous bipartisan support for

the Highlands Conservation Act which became law back in 2004.

I especially want to commend my colleague from Morris County, New Jersey, ROD FRELINGHUYSEN, for introducing that legislation back then and working diligently over the years to accomplish its passage.

Our commitment to preserving open space runs deep for us. However, more of our prized open space is being used up in our State and across the country every single day. So I'm pleased that this year, for the very first time, the Highlands Conservation Act was included in the fiscal year 2010 budget request. I applaud the President's request for recognizing the importance of the region as well.

However, while the Highlands Conservation Act has been authorized from the beginning at $10 million year, the region has so far received only $5.23 million in total over all those years. So I believe that my amendment, which provides simply an additional $2 million for land acquisition, would go a long way towards providing grants for willing sellers. It would help to preserve the remaining open space in the Northeast region and help protect cherished natural resources that are extraordinary environmental and recreational uses.

You see, this region is in the middle of one of the most congested areas of the country. Over one-twelfth of the U.S. population lives within just 1 hour of this area. Fourteen million people visit this area every year. Eleven million people rely on it for clean drinking water. And 150 species of special concern are in this area. As a matter of fact, the Forest Service stated recently that it is a ''landscape of national significance.''

So with that said, I also realize that there is an ever-increasing demand for all regions of the country, and that is why we have to make sure that the areas with the highest conservation values and greatest risk are being protected from being developed.

Preservation of the Highlands is neither a Republican or Democratic issue. It is a national issue. And that is why I'm proud to say that we joined with 22 of my colleagues from both sides of the aisle in a letter to the Appropriations Committee back in April when we requested the full $10 million for this area.

I will just add this one caveat note. I do say this: That while working to protect open space, we must also ensure that we have an adequate opportunity for further economic development, especially now in the recession. It is important that we find a balance between protecting our cherished natural resources and promoting a strong economy.

So in closing, I would like to thank the chairman and the ranking member for understanding the significance of the Highlands region. I also would like to thank the numerous conservation groups that have supported this, including the Appalachian Mountain Club, the Highlands Coalition, the Wilderness Society, the Land and Water Conservation Fund Coalition, the Trust for Public Lands, the Friends of the Wallkill River National Wildlife Refuge, and the Sierra Club of Northwest New Jersey.

Finally, throughout my entire life, I have had the opportunity to take advantage of all the natural resources the Highlands has to offer. I simply want to come here to Congress to ensure that other families as well will have that same opportunity in the future. The critical lands of the Highlands must be protected. And it is our job to do that today.

I reserve my time.

Mr. DICKS. Madam Chairwoman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I have to say that I have really appreciated the gentleman's leadership and the fact that he has come before our committee and taken the time to present witnesses. Also, I think this is a very good amendment. This is a good amendment that increases funding for a program that funds conservation easements that protect critical forest and watersheds in the Northeast. This amendment increases the funding for this program by $2 million, bringing the total to $4 million.

The Highlands conservation program is an example of how a cooperative approach to land protection can provide wood resources, wildlife habitat, watershed protection, recreational opportunities and other benefits to the environment and to the community. The goal of this program is to promote forest stewardship as a working, sustainable landscape, both ecologically and economically for future generations.

I urge adoption of the amendment.

I would be glad to yield to the gentleman from Idaho if he would like to say a word.

Mr. SIMPSON. I thank the gentleman for yielding.

This is an important program. I thank the gentleman for bringing this amendment. We support it. I hope that it passes and that we can preserve the Highlands region.

Mr. DICKS. I ask for a ''yes'' vote on this amendment, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

Mr. DICKS. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 12 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $100,000,000, to remain available until expended, of which $34,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $65,693,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,100,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $52,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,250,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $115,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for federally recognized Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That up to $20,000,000 is for incorporating wildlife adaptation strategies and actions to address the impacts of climate change into State Wildlife Action plans and implementing these adaptation actions: *Provided*

further, That the Secretary shall, after deducting $32,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 75 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,260,684,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104-333 relating to challenge cost-share agreements, $25,000,000, to remain available until expended for Park Partnership signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $59,386,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $90,675,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts; and of which $6,175,000 shall be for Preserve America grants to States, federally recognized Indian Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That of the funds provided for Save America's Treasures, $5,310,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $214,691,000, to remain available until expended: *Provided*, That the National Park Service shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $103,222,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,105,744,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost and of which $2,000,000 shall be available for the United States Geological Survey to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-

half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $174,317,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided*, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further*, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, $10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: *Provided*, That to the extent that such amounts are not realized from such fees, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $32,088,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,300,099,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $159,084,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that federally recognized tribes, and tribal organizations of federally recognized tribes, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; and of which not to exceed $59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2012: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $200,000,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $93,807,956.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program Account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any federally recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $83,995,000, of which: (1) $74,715,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be

available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $932,780,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for fire suppression operations of the Department of the Interior, $75,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression operations under the heading

''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression operations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: *Provided*, That Public Law 110–161 (121 Stat. 2116) under the heading ''Central Hazardous Materials Fund'' is amended by striking ''in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act'' and inserting in lieu thereof ''including any fines or penalties''.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $85,823,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary may assess reasonable charges to State, local, and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local, and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations and shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''Wildland Fire Suppression Contingency Reserve Fund'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the

State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 110. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking ''in fiscal years 2008 and 2009 only'' and inserting ''in fiscal years 2010 through 2013''.

SEC. 111. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 112. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 113. Notwithstanding any other provision of law, for fiscal year 2010 and each fiscal year thereafter, sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

SEC. 114. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this bill, with payment required within 30 days of billing.

SEC. 115. Section 4 of Public Law 89-565, as amended, (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking ''$5,575,000'' and inserting ''$13,575,000''.

SEC. 116. Section 1(c)(2) of Public Law 109–441 is amended by adding after subparagraph (D) the following new subparagraphs:

''(E) Minidoka, depicted in a map entitled 'Minidoka National Historic Site and Environs - Draft Document', dated May 27, 2009. The Secretary is authorized to accept a donation of land or interest in land acquired with funds provided under this section, as an addition to the Minidoka National Historic Site and administered in accordance with section 313(c)(5) of Public Law 110–229.

''(F) Heart Mountain, depicted in Figure 6.3 of the Site Document.''.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $849,649,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $3,022,054,000, to remain available until September 30, 2011: *Provided*, That of the funds included under this heading, not less than $628,941,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,101,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $5,215,446,000, to remain available until expended, of which $2,307,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,443,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico border, after consultation with the appropriate border commission; $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided further*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; and (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; $160,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent

of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,115,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under Title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

Title II of Public Law 109–54, as amended by title II of division E of Public Law 111-8 (123 Stat.729), is amended in the fourth paragraph under the heading ''Administrative Provisions'' by striking ''2011'' and inserting ''2015''.

From unobligated balances to carry out projects and activities funded through the ''State and Tribal Assistance Grants'' account, $142,000,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Administrator is authorized to transfer up to $475,000,000 from the ''Environmental Programs and Management'' account to the head of any other Federal department or agency (including but not limited to the Departments of Agriculture, Army, Commerce, Health and Human Services, Homeland Security, the Interior, State, and Transportation), with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

Not less than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000.

To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water efficiency, or energy efficiency improvements.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $308,612,000, to remain available until expended: *Provided*, That of the funds provided, $61,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $307,486,000, to remain available until expended, as authorized by law; and of which $76,215,000 is to be derived from the Land and Water Conservation Fund.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,564,801,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That, the Secretary may authorize the expenditure or transfer of up to $10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: *Provided further*, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

PART B AMENDMENT NO. 5 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. I have an amendment at the desk that was made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. SMITH of Texas:

Under the heading ''NATIONAL FOREST SYSTEM'' insert after the first dollar amount the following: ''(reduced by $25,000,000) (increased by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Chairwoman, before I yield to our colleague from California, I would first like to thank the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee; the gentleman from Washington, the subcommittee chairman, Mr. DICKS; and the ranking member of the subcommittee, the gentleman from Idaho (Mr. SIMPSON), for their courtesies tonight.

I will yield 1 minute to the gentleman from California (Mr. HERGER) both a colleague, a classmate, and a member of the Ways and Means Committee.

Mr. HERGER. Madam Chair, I thank the gentleman, my good friend from Texas, for yielding time.

I rise in strong support of this amendment. The district I represent in northern California contains nine National forests currently being overrun by illegal marijuana cultivation. This week two men opened fire on law enforcement officials during a raid on a marijuana garden near a popular fishing and recreation area. Additionally, in another instance, two Lassen County sheriff's officers were shot when they came across another marijuana garden. Thankfully, these officers survived their injuries. But it is simply a matter of time before innocent lives are claimed.

I urge my colleagues to support this amendment to ensure the Federal Government is doing its part to provide the resources we need to address this serious and growing problem.

Mr. DICKS. Madam Chair, although I support the gentleman's amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I want to say that I strongly support this amendment. It is very clear to me that in California, in Washington, in Oregon, and in many States, this has become a tremendous problem. Drugs are being grown, marijuana particularly, on Federal lands. I think we have to do more on enforcement. I commend the gentleman for his leadership in presenting the amendment. Our side supports it.

If the gentleman has nothing further to say, I think we ought to have a vote on his amendment.

Mr. SMITH of Texas. I would like to make a statement about the amendment if the gentleman doesn't object.

MR. DICKS. I will reserve my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Texas. Madam Chairman, first of all, I would like to consider this the Smith-Herger amendment because I appreciate so much the gentleman from California and his comments a few minutes ago.

Madam Chairwoman, Mexican drug cartels are converting America's national parks and forests into farms for their illegal crops, damaging these protected ecosystems and threatening the safety of visitors and employees.

The Drug Enforcement Administration calls marijuana the ''cash crop'' that finances the cartels' drug trafficking operations. And now our federal lands are being used to grow this crop.

The Justice Department's National Drug Intelligence Center reports that Mexican drug cartels grow their marijuana in remote areas of public lands where there is a limited law enforcement presence.

The two primary regions for these marijuana sites are the Western region, comprised of California, Hawaii, Oregon, and Washington, and the Appalachian Region, including Kentucky, Tennessee, and West Virginia.

The pristine lands of our National Forest System are particularly enticing to these drug-trafficking operations. The dense, expansive forests provide optimum marijuana growing conditions with little risk of detection.

America's national forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites. Only 175 law enforcement officials and detectives patrol this vast expanse of land, including 36 million acres of wilderness area.

The men and women of the Forest Service law enforcement and investigations, together with their Federal, State and local partners, seized 2 million marijuana plants from more than 300 sites during the 2008 growing season. This is a dramatic increase from 2004, when fewer than 750,000 plants were seized. The Forest Service reports that for each of the estimated 660 marijuana sites in the National Forest System, it costs $30,000 to remove the marijuana and restore the ecosystem of each site. That is under $20 million to rid our forests of marijuana.

Forest Service law enforcement officers are also battling against clandestine methamphetamine labs on Forest Service lands and increased drug trafficking across forests that share a common boundary with Canada and Mexico.

Yet, in fiscal year 2009, only $15 million was allocated for all of the Forest Service's drug enforcement activities. My amendment increases this amount to $25 million. We can and must do more to put an end to the dangerous trend of using federal lands for illegal drug cultivation and distribution.

Now, Madam Chairwoman, finally I want to say just in summary that this amendment would weaken the cartels' drug-trafficking operations. It will help the only 175 law enforcement officials to patrol the 36 million acres of wilderness area, and it will send a strong message that we want to increase funds for these efforts.

So I appreciate my amendment being supported tonight.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 119, line 15 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $560,637,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other

facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $100,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That public comment should be provided before system roads are decommissioned: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: *Provided further*, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,782,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,370,288,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $378,086,000 is for hazardous fuels reduction activities, $11,600,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $80,000,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $24,252,000 is for forest health activities on Federal lands and $12,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to $25,000,000 of the funds provided under this heading may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That of the funds provided herein, the Secretary of Agriculture may enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for emergency fire suppression on National Forest System lands or adjacent lands or other lands under fire protection agreement, $282,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression under the heading ''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''Wildland Fire Suppression Contingency Reserve Fund'' shall be fully obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, is amended by striking ''2009'' and inserting ''2014''.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $16,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than $43,139,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded

self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,757,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of a federally recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the

per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $10,547,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $150,000 shall be paid to the ''Office of Inspector General'' appropriation of the Environmental Protection Agency.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $634,161,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,553,000 is for fellowships and scholarly awards; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $140,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

Notwithstanding any provision of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110—161; 121 Stat. 2140), the funds provided for ''Smithsonian Institution, Legacy Fund'' under such Act may be transferred to and made a part of the appropriation for ''Smithsonian Institution, Facilities Capital'' in this Act and utilized by the Smithsonian Institution under the same terms and conditions that apply to other funds contained in such appropriation.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $56,259,000, to remain available until expended: *Provided*, That of this amount, $40,000,000 shall be available to repair the National Gallery's East Building facade: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $25,000,000: *Provided*, That of the funds included under this heading, $2,500,000 is available until expended to implement a program to train arts managers throughout the United States.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until September 30, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000, to remain available until expended, of which $155,700,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant

or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the national capital or the history and activities of the Commission of Fine Arts, and may be used only for artistic display, study, or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $10,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $48,551,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program, and $1,243,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,200,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000 to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $10,000,000, to remain available until expended.

TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, federally recognized tribes, and tribal organizations of federally recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to

the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide such protection under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations.

SEC. 414. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

SEC. 415. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

(a) in the first sentence of subsection (b)(1)(C), by striking ''14'' and inserting in lieu thereof ''18''; and

(b) in the second sentence of subsection (d)(1), by striking ''Eight'' and inserting in lieu thereof ''Ten''.

SEC. 416. The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking ''$7,500,000'' and inserting ''$10,000,000''; and

(2) in the second sentence of the fourth paragraph, by striking ''$500,000'' and inserting ''$650,000''.

SEC. 417. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2014''.

SEC. 418. The second sentence of section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1); relating to coal bonus bids) does not apply for fiscal year 2010.

SEC. 419. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

SEC. 420. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 421. None of the funds in this or any other Act shall be used to deposit funds from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

SEC. 422. Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (3), the following: ''(4) to reimburse all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.''.

SEC. 423. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Congressionally Directed Spending'' included in the explanatory statement accompanying this Act. The preceding sentence shall apply in addition to the allocation requirements specified in this Act under the heading ''National Park Service–Historic Preservation Fund'' for Save America's Treasures and under the heading ''Environmental Protection Agency–State and Tribal Assistance Grants'' for special project grants for the construction of drinking water, wastewater and storm infrastructure and for water quality protection.

SEC. 424. Not later than 120 days after the date on which the President's Fiscal Year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2008, fiscal year 2009, and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

SEC. 426. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual, until 2 months after the plan described in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to a freely associated State, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(e) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

□ 2230

PART B AMENDMENT NO. 3 OFFERED BY MR. HELLER

Mr. HELLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HELLER:

Page 119, after line 22, insert the following:

SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Madam Chairwoman, I thank the chairman and ranking member for the opportunity to present this amendment on the floor today.

My amendment prohibits the site-specific construction of a Bureau of Land Management facility in a residential neighborhood in Carson City, Nevada. It is also of note that this amendment solely impacts my district. In Nevada, approximately 85 percent of the land is controlled by the Federal Government; 67 percent of this land base is controlled by the Bureau of Land Management. In other words, they own about 48 million acres of property within the State of Nevada.

The Bureau of Land Management is currently in the comment phase for a proposed interagency fire center on approximately 15 acres of Federal land in Carson City, Nevada, near a large neighborhood.

While I, along with my constituents, support the construction of the interagency fire center and believe the facility will help with combating catastrophic wildfires, BLM's proposed location for this particular facility is problematic. The proposed location is in a community of nearly 300 homes. Local residents are opposed to the location, and the Carson City Board of Supervisors, our county commission, recently passed a resolution voicing its opposition to the proposed location of the fire center. The BLM has under consideration multiple sites for this particular facility, all of which are better suited than the chosen location.

Madam Chairwoman, my amendment prohibits the funds for the construction of this facility at this specific 15-acre location in Carson City and allows for the facility to be built at any of the alternative sites in the area.

I want to express my support again for an additional interagency fire center in Nevada; it just doesn't make sense to build this facility in a residential neighborhood.

I urge my colleagues to support the will of the people, the will of the local governments, and please support this amendment.

Again, the Bureau of Land Management, the Federal Government owns 84 million acres, and they choose to put this facility next to a neighborhood. There are a lot of other alternative sites that I support and would support moving forward, just not this particular area.

I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I understand that citizens and the Carson City Board of Supervisors are concerned about the Interior Department plan to build an urgently needed new wildfire facility, but it is clearly premature to cut off funding for this proposal. The environmental analysis is still out for public review. We should not halt this important project before the analysis and the public input can be analyzed and considered.

Carson City is a fire-prone area. It is really important for the Federal agencies to move ahead with an interagency center so they can be more efficient and effective firefighters. This new joint facility will support the Silver Hotshot Group, a key part of the firefighting force.

The Interior Department has already spent funds for the planning and design of this particular project, so we should not stop or unduly delay its implementation. Both the Interior Department and the Forest Service have budgeted some of their limited infrastructure funding for this badly needed project.

I understand the gentleman from Nevada has concerns. I pledge to work with him as this bill moves forward to be sure that his constituents' concerns are heard and fully considered. We all want to improve the firefighting capacity and protect neighborhoods and wildlands.

This amendment was not brought to our attention, the committee's attention, until very late in the process. Had we known, we could have taken an opportunity to talk to the Department, to hear the gentleman's views. He did not come to the committee and testify. There was an opportunity for Members to testify. He chose not to do that.

So I think that this is an amendment that comes late, is not favored by the administration, is actually going to weaken our firefighting capability and this is something that is serious because people's lives are at stake. So I urge a ''no'' vote on this misguided amendment.

I reserve the balance of my time.

Mr. HELLER. Madam Chairwoman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

First of all, this doesn't cut off funding for the fire center. What it does is cut off funding for the fire center in that location. It doesn't matter whether the environmental review is done or not if that location is not acceptable to the local residents.

One of the things in dealing with Federal agencies that own a majority of the land surrounding you is that sometimes they are good neighbors, and sometimes they aren't. But local people ought to have some say in these

Federal agencies' decisions of where they are going to locate facilities and so forth.

So just saying this area, this location that you are looking at is inappropriate, as the Board of County Commissioners apparently has said, seems to me to be entirely appropriate, and Congress ought to look at their wishes. And I guarantee you in Nevada there are a lot of places that they could build this fire center that apparently wouldn't cause the controversy that is being caused in this local community. And when the Representative from that area comes to me and says this is a problem, then I have to believe the people who sent him here. I support the amendment.

Mr. DICKS. I urge a ''no'' vote on this amendment, and I yield back the balance of my time.

Mr. HELLER. Madam Chairwoman, just to reiterate what was said, and I want to thank the gentleman from Idaho who has a real good understanding of what it means to have public lands and have the Federal Government own a tremendous amount of property within your State, within the boundaries. Again, I think it was very clear. I think at times we think here in Washington we know what is better for the local communities. Again, I think it is important to understand that you can have a small community somewhere in the State of Nevada and have all Federal land surrounding it.

I think there should be a voice in this process and the voice should come from the people; it should come from the local government and not be pushed down to them through Washington.

I think this is a great amendment. I would continue to urge my colleagues to please support this particular amendment. It is very ripe. It just happened recently. I don't believe this could have been brought before the committee because it just happened within the last couple of days with the vote by the board of supervisors.

I thank the chairman and the ranking member for the time and effort to be able to bring this particular amendment to the floor. I urge my colleagues' positive support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HELLER. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of $5,750,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Madam Chair, let me first thank the ranking member from Idaho for his work on this legislation and the chairman. In fact, the chairman and I spoke earlier this evening about this amendment. We joked around. I told him he might be for it, but I doubt he would be, actually.

Earlier this week, in fact, Tuesday, Wednesday and Thursday of this week, the Treasury auctioned off $104 billion of Treasury bills; $104 billion of debt we sold this week, the largest amount ever sold by this country. The reason we had to sell that much debt is because we are spending too much money. In fact, we are spending so much that over the next decade, think about this, over the next decade, we are going to take the national debt, which is now $11 trillion, we are going to take it to $23 trillion.

Think about what it takes to pay that off. Think about what our kids and grandkids are going to have to do to pay that off. First, you have to balance a budget; then you have to run a trillion-dollar surplus for 23 years in a row, and that doesn't even count the interest which is now approaching a billion dollars a day. Spending is certainly out of control.

So this amendment is real simple. This amendment says, you know what, let's do what all kinds of families are doing, what all kinds of taxpayers across this country are doing, what all kinds of small business owners across this country are doing: let's live on exactly what we were functioning on, what the Federal Government was functioning on just 1 year ago. In fact, it wasn't even 1 year ago. It was 9 months ago we were still going on a continuing resolution for 2008, living on the 2008 appropriated levels. Let's do that.

Instead of increasing spending in this bill by 21 percent over what we were functioning on just 9 months ago, let's do what all kinds of families and taxpayers, all kinds of small business owners across this country are doing. In fact, unemployment in my district runs anywhere from 10 to 16 percent in the 11 counties I have the privilege of representing. There are families, there are small business owners, there are taxpayers in the Fourth Congressional District of Ohio who are living on something less than what they were living on just 9 months ago. But somehow the Federal Government can never get by on less. It is only the families and taxpayers who have to do that.

Again, my amendment is pretty straightforward. It says, let's go back to where we were just 9 months ago. The government should be able to function on that amount of money, and it reduces the appropriation amount in this bill by $5.750 billion. Again, that amount is a 21 percent increase over what we were functioning on just 9 months ago.

I reserve the balance of my time.

Mr. DICKS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment would harm this bill dramatically and would shortchange America's vitally needed environmental conservation and Native American programs.

As our former colleague, Silvio Conte, would say: This is a mindless, meat ax approach. It makes no choices based on need or the merits of the programs. This reduction is the equivalent of a 17.8 percent cut. This is completely irresponsible. This is not just an accounting change on a spreadsheet. Cutting $5.75 billion from the bill would have serious consequences on health, jobs, energy programs, young people and wild places.

The Environmental Protection Agency would be reduced by $1.8 billion. This would seriously impair environmental protection, science programs, and hazardous area remediation. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure would be reduced by $700 million. This would mean that approximately 400 communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts $233 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the landmark effort to clean up the Great Lakes by $85 million, thus jeopardizing the cleanup of toxic sediments in the lakes and harming the aquatic plants and animals which humans depend upon.

Our national parks would be cut by $485 million. It includes a $403 million reduction below the President's request for the basic operational costs of the 395 units of the national park system. As an example, Yosemite would lose $3.6 million; Yellowstone, $4.6 million; the Independence Mall in Philadelphia, $2.8 million. This reduction is the equivalent of closing 75 national park

units. Many visitors would find closed national parks when they go on vacation or on educational trips, reducing the entire tourism industry and harming the economy of many cities and communities.

It rejects $1.2 billion for programs that have received bipartisan support by cutting $721 million out of Indian health care programs. This proposal would deny critically needed services to thousands of Native Americans. More than 2 million Native Americans would be denied inpatient and outpatient health care services and more than 4,000 cancer screenings would be eliminated.

It takes $90 million out of the already struggling Indian education programs, leaving even more Indian children without adequate education programs.

It reduces overall funding for firefighting by $652 million at a time when we are facing another dangerous wildfire season. Many small fires would escape initial attack, leading to many more large wildfires that harm watersheds and cost far more money in emergency firefighting and recovery costs.

It cuts 1,700 firefighters, shuts down more than 50 firefighter stations, and significantly reduces air tanker support. It decimates preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 600 more wildfires to escalate.

□ 2245

This would lead to larger, more damaging and much more expensive fires, the kind that costs in excess of $100 million to extinguish.

So I think this is a very bad amendment. It hurts the Fish and Wildlife Service. It hurts the Forest Service.

So I urge a ''no'' vote on this amendment and reserve the balance of my time.

Mr. JORDAN of Ohio. Madam Chair, there they go again. I think the chairman's words were ''irresponsible meat-ax approach.'' This is not a cut. This is not a cut. This is saying let's hold the line. This is taking the first step—what I would say is a pretty modest first step—towards trying to rein in spending so we don't saddle future generations of Americans with this enormous step.

If you don't take this first step and say, let's hold the line, let's freeze where we're at, you never have to prioritize, it's just the band plays on. We'll just keep increasing. We'll just keep spending. We're saying, well, we never have to decide which programs make sense, which ones should be eliminated, which ones are redundant. You never have to make the tough calls. You just keep spending, which is, frankly, the easiest thing in the world for politicians to do, spend and spend and spend, borrow and borrow and borrow, tax and tax and tax. Well, that's pretty easy for this place to do. The tough thing is usually the right thing.

I had a coach in high school. He talked about discipline every stinking day. I used to get sick and tired of hearing about it. And he said that discipline is doing what you don't want to do when you don't want to do it. Basically that meant doing it his way when you would rather do it your way. It meant doing it the right way, the tough way, the difficult way when you would rather do it the easy and convenient way. The easy and convenient way is to continue to spend and spend and spend. The tough thing to do is to say let's hold the line and then let's figure out which programs actually make sense, and I trust the gentlemen here on the committee to do that.

But if you never hold the line, you never get to the first step. This is a modest first step. We still know we've got trillions of dollars in debt we've got to deal with. We can't even take the first step. That's what is so frustrating—and, frankly, in my mind, so ridiculous—about this place is we can never even just say let's just stop. Let's do what Americans all over this country are having to do. We can never do that. And the Democrats just read off a bunch of lists, oh, this, this and this—that's baloney. We just want to hold the line, and everyone across this country understands that.

Let's hold the line. Let's pass this amendment and take that first step towards becoming fiscally responsible and exercising a little discipline in this Congress for a change.

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

Mr. DICKS. Again I want to say that our committee held countless oversight hearings. We made cuts, $300 million in cuts.

I would also say that this part of the budget, under the previous administration was reduced, Interior Department, by 16 percent, the EPA by 29 percent, the Forest Service by 35 percent. So this will help bring back these important programs. I mean, we are talking about health care in the Indian Health Service.

Mr. OBEY made a decision. President Obama made a decision. It went through OMB. Many of the people on the other side of the aisle have no trust in the Congress, but this budget came from the administration. The administration looked at all these programs, And every earmark we had in this bill was vetted by the administration. So this has been carefully put together.

I spent 33 years on this committee, and I'll tell you this, we know what we're doing. We support the Park Service, the Fish and Wildlife Service. These are great institutions that deserve our support, and to have somebody come in here and accuse us of not doing our work is an insult to me and to Mr. SIMPSON because we have done our work. We know what's in this bill, and it's a good bill.

I urge a ''no'' vote on this amendment and yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ___. Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I am not going to take all my time. I think my amendment is going to have a very difficult time passing.

I have heard the gentleman's arguments on many occasions. He and I have gone toe to toe on 1 percent cuts, 2 percent cuts, the National Endowment for the Arts. We have been through this.

I would just say simply that my amendment freezes the total amount of spending in the bill for the Environmental Protection Agency at the current level. Now, I know you are going to scream and holler on that, but with the economy contracting and unemployment rising, it would simply be irresponsible to increase the EPA by almost 40 percent, and that's what you're doing here. You are increasing the EPA by 40 percent during a fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 omnibus budget bill and the stimulus bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations budget. So that is my say for tonight.

Madam Chair, my amendment is very straightforward. It would freeze the total

amount of spending in this bill for the Environmental Protection Agency at the current level. With the economy contracting and unemployment rising, it would simply be irresponsible to increase spending for the EPA by 38 percent during this fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 Omnibus and the ''stimulus'' bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations bill.

Americans are seeing their family budgets get smaller and smaller, while Congress continues to spend and spend. I don't think it is too much to expect Congress to make the same scarifies that millions of Americans are making everyday.

Providing a 17 percent overall increase in total funding in this bill—and an astonishing 38 percent increase for the EPA—when our country is experiencing the worst economic crisis in decades is the height of irresponsibility. We must hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Families across my congressional district and all across the country are having to tighten their belts during this tough economic time. I don't think it is too much to expect Congress to do the same. We need to set the example.

This Congress and President Obama continue to ignore the fact that their reckless spending will bury our children and grandchildren under a mountain of debt. Since 1970, federal spending has increased 221 percent, nearly nine times faster than median income. In 2008, publicly held debt, as a percentage of the GDP was 40.8 percent, nearly five points below the historical average. Under President Obama's budget, this figure would more than double to 82.4 percent by 2019.

My colleague from Washington, Chairman DICKS, stated during the markup of the FY2010 Interior, Environment and Related Agencies Appropriations Bill that, ''this Bill demonstrates a clear break from the past.'' He is most certainly correct. This bill demonstrates a clear break from sound fiscal policy and instead ushers in a new era of reckless out of control spending that will saddle families with oppressive levels of debt for generations to come.

There is plenty of blame to go around for the out of control spending. At some point, we have to stand up and say stop. We still have much work to do but we can start with this amendment.

Passing this amendment will send a strong message to the American people that Congress is serious about reigning in this out of control government spending. As families across America continue to tighten their belt, Congress needs to do the same.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to seek the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I urge Members to oppose this amendment. The gentleman from Florida would not have believed it if I had accepted his amendment, and of course I can't accept it because this amendment is not a good amendment.

The gentleman says that this amendment would reduce the EPA to the fiscal year 2009 funding level, but let's talk about what it will really do.

A reduction of 38 percent to the funds provided in this bill for EPA would equal a $3.975 billion cut. That would eliminate all the funding for the Clean Water and Drinking Water State Revolving Funds, and 27,000 fewer construction jobs would be created through construction of water and wastewater infrastructure. That means almost 1,500 communities across this country would not receive assistance to repair and build drinking water and wastewater infrastructure.

It was the previous administration that reported a $662 billion gap between what our communities will need to spend and the funds they have to do it with. This reduction would mean that the great water bodies of this country will not receive the funding to help restore and protect these special natural resources.

The great water bodies are not just the Great Lakes, the Chesapeake Bay, and the Gulf of Mexico. If you represent a district that borders any of these water bodies, this amendment will cut the funding your community depends on to help protect them: Mobile Bay, Alabama; San Francisco Bay; Morro Bay, California; Santa Monica Bay; Long Island Sound; Delaware Estuary; Tampa Bay; Sarasota Bay; Charlotte Harbor, Florida; Indian River Lagoon, Florida; Barataria Terrebonne, Louisiana; Casco Bay, Maine; Maryland coastal bays; Massachusetts Bay; Narragansett Bay; New Hampshire estuaries; New York/New Jersey Harbor; Barnegat Bay, New Jersey; Peconic Estuary; Albemarle Pamlico Sound; Lower Columbia River; Tillamook Bay, Oregon; San Juan Bay, Puerto Rico; Coastal Bend Bays, Texas; and Galveston Bay, Texas.

I would warn Members that 151 Members of this body whose districts border one of these estuaries that I mentioned will see that their funding will be cut for these important programs.

A reduction of this size would mean the EPA would stop construction and demobilize 8 to 10 large, high-cost ongoing Superfund projects such as the Welsbach site in New Jersey, the Tar Creek site in Oklahoma, and the New Bedford site in Massachusetts. EPA would not be able to start any new Superfund sites in 2010 after years of reduction under the previous administration.

EPA estimates that a reduction of this size would prohibit them from completing construction at as many as nine Superfund sites in 2010 and 2011. This reduction would mean EPA would not properly certify new vehicles, fuels, and engines sold in the United States to make sure they conform to EPA's emission standards. And 217 tribes would lose funding for their environmental programs. A 38 percent reduction to the EPA would impact every program they administer. But most importantly, this reduction would affect every American who wants to drink clean water and breathe clean air.

Let me remind the Members, we all have an environment in our districts, so I urge a strong ''no'' vote on the Stearns amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I would say to the gentleman, did he know that they found a water bay on Saturn, the planet Saturn? And using your line of reasoning, we should also consider funding for this new water bay on Saturn.

This is not a reduction. This is not a cut. This is simply a freeze. And I would ask the gentleman: How many people in your congressional district are getting a 38 percent increase this year in their salary? And how can you justify a 38 percent increase on EPA?

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

Mr. DICKS. I will answer the gentleman's question. I want you to know, again, I have to say this again, and it pains me every time I say it, but over the last 8 years, the Interior Department was cut by 16 percent; EPA was cut by 29 percent. So this is a little bit of help to get back to an approach that can deal effectively with some of the most important and sensitive programs we have in this country: the Superfund sites, our wastewater treatment, our clean water.

When you ask the American people, do you want clean water, do you want safe drinking water, it's a 99 percent issue. So to stand up here and say we're going to have draconian cuts of the money for the revolving funds that are going to provide that clean water, it is unthinkable. And I know the gentleman wants me to stop. It must be painful. The truth is always painful.

Madam Chairman, I ask for a ''no'' vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STEARNS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from

Arizona (Mr. FLAKE) with amendment No. 22.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Construction'' shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chairman, this amendment would strike $2 million that is currently in the bill in funding to install a municipal water line to the Good Fellow Lodge at the Indiana Dunes National Lakeshore in Porter, Indiana. The Good Fellow Youth Camp was operated by U.S. Steel from 1941 to 1976, the only one of its kind ever operated by U.S. Steel, and the facility offered summer camp opportunities for children of U.S. Steel employees who worked in the nearby Gary Works Steel plant.

The National Park Service purchased this camp in 1976 for inclusion within the National Lakeshore, and given this historic background and involvement with the community, I can understand why the gentleman from Indiana has a desire to preserve the Good Fellow Lodge. In fact, Madam Chair, in the world of earmarks out there, this is not one that's being given to a private company without bidding. This is one that actually does have a Federal nexus because it's a national park. That is not what is at issue here.

According to the Government Accountability Office, in 2008, the Department of the Interior had a backlog of deferred maintenance projects totaling between $13.2 and $19.4 billion. In other words, somewhere from $13 to $19 billion is how much money the Government Accountability Office believes the Department of the Interior needs to bring all of the various park projects up to snuff.

And we hear about crumbling infrastructure, and Federal funds are not immune from that. To put that amount in perspective, the $13 to $19 billion, the entire budget of the Department of the Interior in this bill is $11 million, so it's more than an entire year's budget of the Department of Interior.

□ 2300

So, the question before us, Madam Chair, is: With all these needs, billions of dollars of need in parks all around the country, is this the right way to allocate $2 million, that we take $2 million from the Park Service's budget, which clearly they believe is inadequate to take care of the needs of parks and allocate it on the basis of a Member's request? Or would it be better to be allocating these funds on the basis of need or on the basis of use or on the basis of someone looking at all of the potential park projects and needs around the country and determining which ones meet a threshold requirement rather than do this by a Member request, because every Member could have parks they could request for their districts.

I will reserve the balance of my time.

Mr. VISCLOSKY. Madam Chair, I seek recognition in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Before I proceed, just for clarification, if I could ask the gentleman from California a question. Did you indicate that that was an amount of $1 million or $2 million?

Mr. CAMPBELL. Mine said $2 million. Is that in error?

Mr. VISCLOSKY. I would suggest to the gentleman that it is $1 million and that his statement was not correct.

Mr. CAMPBELL. I will accept the gentleman's correction. He would know better than I.

Mr. VISCLOSKY. Madam Chair, the gentleman talked about the preservation of the Good Fellow Lodge that, as he rightfully indicated, became possessed by the National Park Service in 1977, 32 years ago. He also indicated, correctly, the deferred maintenance budget under the General Accountability Office.

But I would point out that the $1 million designated in this bill—and I appreciate the consideration of the Chair and the ranking member for including it—goes much beyond the issue of preservation. The fact is that it has a lot to do with education.

The installation of the water line and the subsequent restoration of the lodge would allow the Dunes Learning Center at which this lodge is located to expand their current educational program. The learning center provides valuable hands-on experience and inspires environment and environmental stewardship among the citizens of northwest Indiana.

Since its inception in 1998, over 48,000 students have participated in the program, including a record 5,878 last year. For these thousands of learners, the Environmental Education Center, which the Good Fellow Lodge is intended to be part of, is increasing each visitor's enjoyment and understanding of the parks and to allow visitors to care about the parks on their own terms.

This is not just about preservation. It is also about reducing future costs for the National Park Service. The fact is that the project would reduce National Park Service maintenance and operation costs. Internal filtering and chlorination systems for the wells that are currently on site must be maintained at each site with daily and weekly sampling and expensive laboratory testing to satisfy State health standards.

Currently, the park operates and maintains all pumps and water lines. And this project would allow the park staff to focus on other high-priority assets in the park.

And I would also point out that it has something to do with the issue of safety. A municipal water supply line will increase supply in water pressure that will improve fire suppression for the student cabins that are at site and ensure quality of potable water consumed by the children.

So I do think this is very deserving and goes beyond the issue of preservation.

Mr. DICKS. Would the gentleman yield?

Mr. VISCLOSKY. I would be happy to yield.

Mr. DICKS. I want the gentleman to know that this amendment, you put it on your Web site. We looked at it very carefully. And we feel that this is a totally justified amendment. We strongly support it.

We checked with the Park Service, and the Park Service strongly supports it.

Mr. VISCLOSKY. I appreciate the gentleman's remarks.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentleman's points and I appreciate the gentleman's passion for the project. But as I mentioned before, that is not the point.

The point, I believe, is that there are 434 others of us who have parks that we may believe are greater in need than this or are just in as much need as this. Is this the way that we should allocate scarce resources around the various national parks that we have in the country? I think it's not.

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

Mr. VISCLOSKY. I would simply close by making the observation that the gentleman talks about other parks, but we are a society. Taxpayers in northwest Indiana pay for projects that potentially reduce flooding in a city like Dallas, Texas. The taxpayers in the State of Illinois may pay taxes to make an investment at Oak Ridge in the State of Tennessee that, at first blush, may have nothing to do with their interests but enure to the benefits of everyone in the United States. The fact is that this is a national park. It enures to the benefit of every citizen of the United States. And I ask for my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART D AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment strikes $150,000—I hope I have the amount correct this time—allocated to the Traditional Arts in upstate New York in Canton, and reduces the overall funding in the bill by that amount.

Madam Chair, I'm not sure if this earmark is going for the Village Park Historic Preservation, which is what is indicated on the list of earmarks released by the House Appropriations Committee and posted on their Web site, or to the Traditional Arts in upstate New York, Evergreen Folk Life Center, as listed, I believe, on the gentleman from New York, on his Web site, or maybe those are the same thing with a different name. I'm not quite sure.

But regardless, when I Googled Village Park Historic Preservation and New York, the only thing that came up was the House Appropriations Committee earmark list. And when I Google Evergreen Folk Life Center in New York, the only thing that comes up is the gentleman from New York's earmark request on his Web site.

I understand that the gentleman—and I'm sure he will say this with greater passion—sees that this benefits upstate New York and indicated this is a destination location and so forth and that there is a high unemployment rate in the district. But, of course, there is a high unemployment rate in many places around the country.

Again, somewhat like the previous amendment and the previous earmark, I don't doubt at all that this is an important project to the gentleman from New York. I don't doubt at all that this is an important project perhaps to the citizens of that area of New York. But I do question if this is such a vital economic driver for the community that I haven't been able to find how or where it does that.

I guess this earmark, whether it was this one or any other—could have picked many of them—the question basically is this, that we're going to have a $2 trillion deficit this year. Forty-six cents of every single dollar spent will be borrowed. Forty-six cents of this $150,000 this year will be borrowed.

Is this a national priority? Is this something that, in these times, with the deficits and debt that we have, is this the sort of thing that rises to the level of a national priority such that we should borrow forty-six cents on the dollar, increase the deficit further, increase the debt further, and put ourselves in these kinds of problems?

As I mentioned, Madam Chair, it's not that this particular project stands out over others. It could be this one or many others that exist in this bill or in many of the other appropriations bills that we will look at this year. And I think, Madam Chair, that the people of this country would be better served if we saved this money, didn't spend it, didn't borrow it, and tried to have a little better rein on some of their money.

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

Mr. DICKS. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DICKS. First of all, I want to say we strongly oppose this amendment. We have checked on this project. We think this is a great project. We think it's worthy. We think it provides a lot of public good. And I'd be glad to yield to my friend from New York (Mr. MCHUGH) to further discuss this project.

Mr. MCHUGH. I want to thank the distinguished chairman of the subcommittee and also my dear friend, the distinguished ranking member of the subcommittee and indeed the Appropriations Committee in general, for recognizing the value and the importance of this funding.

As I have said to the gentleman from California's friend and colleague, my colleague from Arizona, Mr. FLAKE, in past years when he has brought amendments to the floor striking out at some of the programs that I have been proud to advance, I always appreciate the opportunity, Madam Chair, to rise and to talk a bit about the district I have the honor of representing and the special people who live there.

I agree we have an economic challenge in this country. I'm not sure $150,000, as much as I wish that all of us in America had that amount in our hip pocket, will save that.

But taking with seriousness the gentleman from California's proposal, I would just make the following comments. Most people view New York State through one lens—and that lens is New York City. When they think of New York, they think of Broadway, they think of the Statute of Liberty. They think about all the great things that is indeed New York City and is, in many real ways, New York. New York is all of that, but it's much more as well.

In my part of the world, in my part of New York State, it's the St. Lawrence River; it's the Adirondack Mountains; the Adirondack Park—the largest publicly held park in the lower 48 States. It's Thousand Islands. It's beauty. It's natural wonder. And it's great people. It's not a metropolis. It's small towns, it's villages, and its hamlets with very industrious, very proud, and very kind people. But for all of our natural beauty, for all that causes us to be proud in calling this great part of the world home, it's a region that has long been confronted by economic challenges—closed factories, abandoned mills, failing farms, declining populations.

In our part of the world—and I can't speak for the coast of California where the gentleman represents—and I know he does that proudly—economic development is a little bit different, perhaps. It's something that we take very seriously, but it has to be configured around those things that the good Lord has given to us: the great universities—four of them within 10 miles of this facility; the tourism, which is our number one industry, along with agriculture, those failing farms I spoke about; the need to bring economic development by revitalizing downtown centers.

I can't speak to the fact why the gentleman had trouble as he did in the first amendment identifying the right amount as to the proper group he was unable to identify, but the organization to which this money will go is a not-for-profit organization. They're configured in Canton, New York.

They're attempting to do all of the things I listed: bring economic development through vitalizing tourism; giving people who come to that beautiful part of New York State something to see, something to do; an opportunity to learn about the very special culture, starting with the 1600s in New York State on the Canadian border.

That opportunity to revitalize that downtown center, to create the opportunities for new businesses to come in, and for that chance for those good and proud people to realize that glory and

the opportunity and the growth that they had in the past.

I don't think the gentleman from California has any animosity towards Canton, quite frankly. With no disrespect, I doubt he could find it. But the fact of the matter is I think we have a difference of philosophy. The gentleman doesn't believe that it's the opportunity and the right of Members of Congress to come here and to do within the rules and regulations, within the standards established by this House—and if we want to expand them, I'm happy to do that—to provide a little bit of help—in this case, $150,000—to bring a difference where the unemployment rate is pushing over 10 percent.

□ 2315

This is a program that is not just an earmark. It's under the Save America's Treasures Act. The gentleman spoke very eloquently in the first amendment he brought about standards, about guidance, about benchmarks. There are nine benchmarks under the Save America's Treasures Act. Where it is in the timeline, this project meets every one of those standards. I would hope my colleagues would join me in understanding the importance of this.

Mr. CAMPBELL. Madam Chair, again, I appreciate the gentleman's passion. I appreciate his commitment. I would say again—and if I am in error, correct me—but the description of the project on the Appropriations Web site is different than the sponsor's description of the project.

I yield to the gentleman from New York.

Mr. MCHUGH. If that were the case, why didn't the gentleman come to me or go to the committee and ask what the differences were? We reached out to your staff today, and we had a response that had nothing to do with what the offer was we made.

Mr. CAMPBELL. Reclaiming my time, as far as reaching out to staff, that's something the staff can talk about with each other. But you're right. Perhaps we should have asked that question. But there are discrepancies like that we should look at.

But in any event, Madam Chair, whether it's this project or any other, we need to start saving some money. We need to start saving some money. This is an unsustainable spending pattern, and I would ask for an ''aye'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 24.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

This amendment would remove $150,000 in funding for the Tarrytown Music Hall restoration to be received by the friends—and I'm sure I'm going to butcher the pronunciation of this—but the Mozartina Musical Arts Conservatory in Tarrytown, New York, and would reduce the overall cost of the bill by a commensurate amount.

The intended purpose of this earmark is, quote, To preserve a historic landmark which would provide recreational and tourism economic benefits. According to the Tarrytown Music Hall's Web site, it was built in 1885 by a chocolate manufacturer William Wallace. The music hall is the oldest operating theater in Westchester County, having been designed by the same architect who designed New York City's Grand Central Station and Macy's Building in Herald Square. Today the music hall is a fully operating theater with capacity to seat an 843-seat audience. It's a pretty good-sized place.

Tarrytown Music Hall is known for its excellent acoustics. In fact, in 1997 jazz singer Tony Bennett performed there in celebrated fashion without a microphone. Mr. Chair, the question I guess is, should taxpayers fund the restoration of a music hall where acclaimed artists such as Bruce Springsteen, Lyle Lovett and James Taylor have performed? This theater was also the site for scenes in movies such as The Preacher's Wife, Mona Lisa's Smile, and The Good Shepherd. Is such a site not able to sustain itself with private donations? And if that is the case, that it cannot sustain itself with private donations, then I would suggest that, is there sufficient public interest to restore this hall so much if private money can't be raised that we should force taxpayers to pay for it? In fact, according to its Web site, in the past year the theater itself donated over $80,000 worth of rehearsal and performance space and recently purchased land costing $2 million for staff parking and a future expansion. This weekend you can attend a performance at the Tarrytown Music Hall for a minimum price of $58 a seat and a maximum price of $80 a seat.

Madam Chair, the question on this one, again, is not that it's not a fine place, it's not that it's not a historic place. But if we have a theater like this that commands those kinds of ticket prices, commands those kinds of artists performing there, has all this sort of activity around it, it should be able to raise money on its own. And given the $2 trillion deficit we have, given the national debt will double in 5 years and triple in 10, given the proposals on the majority side of the aisle that are being discussed to raise taxes all over the place, is this a place that we should be spending more of the taxpayers' money? Isn't this the sort of charitable function that people should raise money on their own? You know, there's a ton of this sort of project, this sort of application in my district and I'm sure in everyone else's districts.

I—and I am sure many other people here—support these things with charitable contributions in various ways; and that's the way they should be supported, by the local community keeping them going. That's who will use them. That's who will appreciate them. But to ask the Federal taxpayers to come in and subsidize such a project, Madam Chair, I think is just not appropriate, particularly in these economic times.

I would reserve the balance of my time.

Mrs. LOWEY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chair, I first want to thank the chairman of the subcommittee for his support, and I congratulate him on a strong bill that I am proud to support. And I do respect the views of my colleagues, Mr. FLAKE from Arizona and Mr. CAMPBELL from California. I think they understand that this is not a partisan game that we're a part of, and they may have a principled stand for what they believe Congress' role is in directing Federal spending.

However, on this issue, we fundamentally disagree. I do believe that it's our responsibility, as elected officials, to fight for what is best in our district in accordance with the rules guiding Federal programs. Recipients of Save

America's Treasures funds, including the Tarrytown Musical Hall, do not expect the Federal Government to shoulder the full burden of their projects. They're required to provide a dollar-for-dollar match, and every dollar they receive from the government is matched.

During these difficult economic times, it is our responsibility to assist industries that make substantial contributions to our economy to accelerate long-term recovery and growth nationally. Tarrytown Music Hall does generate more than $1 million in economic activity in my district. In fact, the arts industry throughout the United States generates more than $134 billion in economic activity annually and creates 4 million jobs across the country. In addition to their economic benefit, entities supported by Save America's Treasures preserves the historic places and items that tell America's story for the next generation. They educate the public about our rich heritage, foster a sense of pride in our country and communities; and Tarrytown Music Hall's cultural and educational programs serve more than 30,000 children each year. This project is providing $150,000 to perform necessary structural stabilization, meets the eligibility requirements of the Save America's Treasures program as vetted by the Department of Interior and is consistent with earmark reforms instituted this year by Chairman OBEY. And the projects account for less than 20 percent of the overall funding provided by the Appropriations Committee for Save America's Treasures.

Mr. DICKS. Will the gentlewoman just yield for a moment?

Mrs. LOWEY. I would be happy to yield.

Mr. DICKS. I just want to say, our side strongly supports this amendment. It was properly vetted. This is one of those incredibly important things for a local community, and we want this project to be funded.

Mrs. LOWEY. I thank the Chair.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentlelady from New York's comments; but I don't think it changes any of the facts that I laid out. And I would argue—and again, not just with this one. There are others that could have been brought up as well—but that this is essentially a charitable contribution. Whether it's my district, your district or anyone else's, we have a number of such things for which charitable contributions should be made. I really don't think that the taxpayers of this country elected us in order to be conduits of their charitable contributions with their tax money. I think they elected us to spend as little of their money as possible on things only of national priority and Federal nexus. I'm just afraid I don't see where this or other projects like this rise to that standard.

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

Mrs. LOWEY. I just want to make it very clear that there seems to be a real difference of opinion as to what the responsibilities are of a Member in Congress. The Save America's Treasures program restores hundreds of culturally and historically significant institutions. They would be forced to shut their doors.

So I, again, urge my colleagues to reject this amendment and support this facility. I, again, want to thank the chairman for his support because it really would make a difference in providing economic revitalization not just to the facility but to the region.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART E AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Texas (Mr. HENSARLING) for his amendment No. 61.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''National Park Service—Statutory or Contractual Aid'' shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

Angel Island Immigration Station is located in California State Park on Angel Island in San Francisco Bay. It was an active entry station into the United States from 1910 until 1940, and after 1940 it was used by the U.S. military until California State Parks assumed ownership in 1963. The earmark in question carves out $1 million for the rehabilitation of the immigration station's hospital. According to the Angel Island Immigration Station Foundation, the hospital restoration is expected to cost $16 million total, and they are currently conducting a fundraising campaign to raise that money.

Now Angel Island has already been the recipient of Federal earmarks in 2008 and in the omnibus in 2009, receiving $1.125 and $1.25 million respectively. This bill would bring another million, adding a total to this particular immigration station on Angel Island to $3.375 million.

Now, Madam Chair, the Nation ran up a record level debt last year, $455 billion. We're set to eclipse that deficit by nearly four times and nearly $2 trillion this year and follow it up with another $1 trillion-plus deficit every single year from now through 2010. Although Angel Island is historic, and I, actually, personally, am a fan of historic preservation, although you may find that difficult to believe today. I just feel we shouldn't do it with taxpayer money in this way. Given our serious budget problems, the question of whether this rises to the level of the sort of thing we should be spending people's money on when American families all over this Nation are struggling in these tough economic times, we need to look at every bit of spending to determine if it's something we would like to have or something that we have to have.

Madam Chair, given that the Obama budget recently passed by Democrats would triple the debt in the next 10 years, we need to set priorities; and we should only spend on those things that we have to have and not those things that we would like to have.

Again, what makes Angel Island Immigration Station more worthy of $3 million than various other State parks, both in California and elsewhere? On December 8, 2005, Speaker PELOSI said, and I quote, It's just absolutely immoral for us to heap those deficits on our children. And then again, according to USA Today, on November 12, 2006, Speaker PELOSI said, There has to be transparency. I'd just as soon do away with all earmarks, but that probably isn't realistic. You can't have bridges to nowhere for America's children to pay for. Or if you do, you have to know whose it is.

□ 2330

Madam Chair, there aren't many things lately I agree with the Speaker on, but I agree with both of those two comments. We have to stop passing on debt to our children. We have to stop spending money on things that are not national priorities, are not have-to-have items. And although this is in my home State of California, I believe this is one of those items.

Madam Chair, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. WOOLSEY. I thank the chairman for allowing me to take this space.

Madam Chairwoman, I frankly have to say that I am absolutely shocked to come to the floor to defend the Angel Island Immigration Station. I can only assume that the gentleman from California simply does not realize the cultural and historic significance of Angel Island Immigration Station and how very important it is to millions of Americans. Actually, Angel Island is known as the ''Ellis Island of the West'' because over a 30-year period between 1910 and 1940, the Angel Island Immigration Station processed more than 1 million immigrants from around the world with the majority coming from Asia.

Today the Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history by hosting more than 50,000 people including 30,000 school children every single year. But because of severe deterioration, many of the historic buildings are in danger of collapsing and in desperate need of repair. That's why I, along with Speaker PELOSI, requested $1 million to rehabilitate the old Angel Island Immigration Station Hospital so that it can be used, among other things, as a museum to tell the story of immigration from Asia to the United States.

Now, I doubt very much that anyone would come to this floor to strike funding for Ellis Island and argue that its preservation was ''wasteful government spending.'' But at the heart of the matter, Angel Island is just as important to those who cross through its gates as Ellis Island was for so many European immigrants. For those people whose ancestors first stepped on American soil were taken on Angel Island in the middle of the San Francisco Bay, this amendment works to deny their history and their struggle.

It's also important for me to point out, and Congressman CAMPBELL said this, that Congress is already on record for supporting funding for Angel Island. In the 109th Congress I sponsored H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act, which did authorize funding to protect and preserve this historic landmark. H.R. 606 was passed out of the House by voice vote, the Senate by unanimous consent, and signed into law by President George W. Bush on December 1, 2005. The sponsor of this amendment had no objection then when his party controlled both Houses of Congress and the White House.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. Yes, sir.

Mr. DICKS. Madam Chair, I want to rise in strong support of her amendment and the Speaker's amendment. This is a very important project. And I urge a ''no'' vote on the Campbell amendment.

I appreciate the gentlewoman for yielding.

Ms. WOOLSEY. Thank you. Reclaiming my time, Madam Chair, Angel Island is a national historic landmark that is in absolute desperate need of repair and rehabilitation. I urge my colleagues, and I thank the chairman for supporting this, to vote against this amendment. This project is not a bridge to nowhere; it's a bridge to our past.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield.

Mr. DICKS. The ''bridge to nowhere'' was not an Appropriations Committee project. This was a project of the House Transportation Committee, and our committee had no responsibility for this.

Ms. WOOLSEY. Madam Chair, I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate my colleague from California's comments. Again, it doesn't change the facts of the matter. Let's put it maybe a little more specifically.

This is $1 million going to this particular project that is a California State park, not a Federal park. And of that $1 million, $460,000 will have to be borrowed. Much of that money will be borrowed from the Chinese, from Indians, from Russians, from whomever. And as much as I agree with you, as I like to see our historic preservation and I'm totally with you on that, but there is a project out there. There is an effort out there to raise private funds for this, and that is where the effort should be. And as scarce as Federal dollars are right now and the number of needs that we have and the gigantic deficit that we are not just passing to our children, we are passing to us—$2 trillion a year increasing the debt? Senator MCCAIN talks about generational theft. Yes, there is that. But we are passing this deficit on to us. I mean, in 5 years this is going to crush us, not 20, not 30, not 40. And we have got to stop it somewhere.

And as much as I understand and appreciate your passion for this project, I also believe these are the sorts of things where we can start to save a little money. So I ask for an ''aye'' vote.

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

Ms. WOOLSEY. Madam Chair, I would like to respond to borrowed, and, yes, indeed, we do not want to heap debt on our children and our grandchildren. But there are some things we have to preserve for them, and that's their history. And that is exactly what this project is about. They need to have their history preserved. They need to be able to visit from their classroom. They need to go with their families to Angel Island and see what came before them, not just the Asian children in our community but all children, and they are all gaining a new respect for what San Francisco and the Bay Area is all about because Angel Island is where their ancestors came before they went out into the communities.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as a designee of the gentleman from Arizona (Mr. FLAKE) with his amendment No. 25.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment would remove $150,000 of funding for the historic Fort Payne Coal and Iron Building rehabilitation and would lower the cost of the bill by a commensurate amount.

The Times Journal, Fort Payne's local paper, reported on June 9 of this year that the Fort Payne Coal and Iron Building will be renovated into the Fort Payne Culture and Heritage Center. The article goes on to reveal that the City of Fort Payne received a $90,000 grant from the Alabama State Council on the Arts in order to begin construction on this project, which starts this fall.

Rehabilitation of the Coal and Iron Building into a culture and heritage center is the kind of thing that ought to be paid for at a State level or at a

local level and by local communities. I applaud the ability of the council to make such a grant given the economic conditions that exist out there, but I question again whether this is one of those things which rises to the level of whether it should have another $150,000 of taxpayer money.

Now, Madam Chair, this is the fifth and final of various amendments I have offered on behalf of myself and other Members this evening having to do with earmarks, and let me say this: I have heard the passion pleas, and I am sure I will hear another one, from people this evening about the importance of the project they're talking about. And I understand that. I get that. We all have things we think are important. And there are many things that are important, and we won't agree on what they are, but they're out there.

But budgets are about making choices. We cannot do it all. And when we do it all, we get into the problems that we are in today. We get into deficits that go on without end a trillion dollars or more. We get into debt that will crush not just our children but ourselves. We get into spending that rises and rises and rises and won't stop. And there are so many things. I'm sure this project is one of them and I am sure that the gentleman from Alabama will make a defense of his project and his defense may be very legitimate. But there will be similar projects in my district and everyone else's. And then there are a million other things we could do. And what about little things like national defense? What about all kinds of other things that this Federal Government has to do?

Madam Chair, it is time that we look at these earmarks and we look at the spending and we start to make those priorities and we say this is the amount of money we've got. And we have got to stop borrowing any more and we have got to stop pouring it onto our children, and we can't increase the taxes because you will send this economy into a double-dip recession; and that we set these priorities and we decide that there are certain things that are important and there are certain things that aren't.

And, Madam Chair, I guess I would just ask, if anybody out there is listening or watching, is the Fort Payne Coal and Iron Building historic rehabilitation, is that a national priority that in these times, that in this kind of deficit and this kind of spending environment, rises to the level of something that we have to do?

Madam Chair, at some point we have got to stop it. I would like to hope we can begin that process now.

Madam Chair, I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ADERHOLT. I just want to thank the Chair and the ranking member for their work on this subcommittee bill. As a ranking member on one of the subcommittees on Appropriations, I know the work that goes into these bills and putting them together, and I thank Mr. DICKS and Mr. SIMPSON for their hard work on this appropriation bill.

I would like to talk a little bit about this project. The amendment that has been brought up tonight by Mr. CAMPBELL is an amendment that would, of course, eliminate funding for what I believe is a worthy and historic preservation project.

The funding allows the City of Fort Payne, which is a town located in the district that I represent, a relatively small town in rural Alabama, to proceed with this rehabilitation project of an important landmark, as has been stated, the Fort Payne Coal and Iron Building. Also, it should be noted, Madam Chair, that this is included in the Save America's Treasures program.

Fort Payne was first incorporated as a town in 1889 as investors from New England saw coal and iron opportunities in the surrounding areas. During that time period, this particular building, the Fort Payne Coal and Iron Building, was the first building that was constructed. It served as the administrative building and the headquarters for the Fort Payne Coal and Iron Company, and it was from this building that the city itself was planned. This year marks the 120th anniversary of the building as well as the town of Fort Payne.

This has been a project that they are not depending on Federal funds alone, and that's, of course, as Mr. CAMPBELL pointed out. The City of Fort Payne in rural Alabama has spent $50,000 of its own money working on this project. The State of Alabama has committed another $135,000 for this project. The Coal and Iron Building will house a cultural center which will serve this region of the State. The building is on the national register, and it will be a valuable asset of increasing tourism and raising awareness of the cultural heritage of northern Alabama and southern Appalachia, as it will provide educational opportunities which augment certain other activities in the region.

□ 2345

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I just wanted to say to the gentleman that the committee strongly supports his amendment. We think this is a good amendment. It's well thought out. We like the fact that the city and the State put up money. It's a real partnership. This is the way we do things today, and the gentleman is a distinguished member of the committee and we are proud of his good work.

Mr. ADERHOLT. Thank you. I thank the chairman.

I just would also like to point out that Fort Payne, Alabama, is a community that tries to reach out and help others. It has a rich history of doing that. It was one time the number one sock producer in the world, and it is also the birthplace of the country music legends ''Alabama.'' When New York City suffered the terrorism attack of 2001, the sock industry in Fort Payne donated and delivered hundreds of pairs of socks to the rescue workers who were working around the clock in that particular situation.

So, in closing, Madam Chair, the restoration and the use of the Coal Building will be a significant cultural and educational benefit to northeastern Alabama. While I respect the gentleman who has offered the amendment, I would ask the Members to vote ''no'' on this amendment.

And I would like to show a picture of the building. This is a picture of the Coal and Iron Building. This photo was taken somewhere between 1890 and 1899, and I think you can see that it is a part of American history.

And I would also like to mention, in response to the gentleman from California, that I am a strong supporter of defense spending for this country, but this particular project in no way hinders the defense spending for this country. And, as you know, you can check my record and see that I am a strong supporter of national defense for this country, but this is in a different bill completely. This is in a different set of areas of the appropriation bill, so I would like to just stress that to the other Members, and I would ask them if they would respectfully vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, this bill, this appropriations bill, Interior appropriation, increases spending from last year by 17 percent.

Now, I would ask how many Americans out there are going to see a 17 percent increase in their salaries? How many companies are going to be spending 17 percent more on their marketing budget on payroll, on anything else?

And also today the Congressional Budget Office issued a report on the debt and the deficit, and I would encourage Members to read it and look at it. It essentially says that we can't keep it up, it's unsustainable, that it is basically unsustaining and unsustainable.

Madam Chair, I understand this is only $150,000, but the journey of 1,000 miles does begin with a single step. And if we can begin by starting to not use taxpayers' money for charitable contributions, not using taxpayers' money for non-Federal priorities, not

using taxpayers' money for earmarking to private companies without bids, then we begin that single step.

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

I just would say to the gentleman, I hope when we get to entitlement reform, where the real money is spent, over two-thirds of the budget is in the entitlement reform, that I will see the gentleman from California and the gentleman's from Texas out here doing their good work on something that makes a difference.

The Acting CHAIR. The gentleman's time has expired. The gentleman from Alabama has 30 seconds remaining.

Mr. ADERHOLT. I yield the gentleman from Washington the additional time.

Mr. DICKS. With all due respect, the good efforts, I think what the gentlemen has done has led to reform. We have changed the way we operate in the Appropriations Committee. Everything is put on the Web site when it's requested, all the agencies review this. If it's for profit, it has to be competed.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Remember—we are going to vote ''no'' on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I yield to the gentleman from Texas.

OFFICER HENRY CANALES—TEXAS LAWMAN

Mr. POE of Texas. I thank the gentleman from Idaho for yielding and also appreciate the chairman and all the indulgence tonight. I know it's been a long evening, and as we approach midnight here in the cradle of democracy and freedom, sad darkness is also falling heavy on the men and women and their families of the Houston Police Department in Texas.

Madam Chair, two nights ago we lost a hero veteran police officer in our city of Houston. The Houston Police Department Senior Officer Henry Canales was killed in the line of duty. He was an undercover police officer doing the very dangerous work of holding criminals accountable to the law. It is because of brave men like Officer Canales that the rest of America can sleep safely tonight and every night.

Undercover officers face their own unique set of dangers. Assuming the identity of the criminal, they mix with the worst elements of evil in our society. They seek out these outlaws, become a part of their world, and they bring them to justice. Their bravery, their nerve is unequaled anywhere in our country. They live to serve and protect our freedom and our homes.

Two nights ago, about this time at night, Officer Canales and other undercover Houston police officers met with four people in the parking lot of a drugstore. These four thieves were buying stolen TVs in a sting operation by the Houston Police Department. Things started going downhill in this operation right after the money changed hands.

After the transaction, Officer Canales, working undercover, walked around to the front of a truck, and the suspect followed and drew a weapon. Gunfire rang out in the silent night air, and Officer Canales was shot.

A second undercover police officer, Officer R. Lopez, went to help his fellow downed officer. Lopez was attempting to subdue and handcuff the shooter when the suspect fired at least two more times. Lopez returned the fire. The suspect was pronounced dead at the scene, and Officer Lopez was not injured.

By the way, Madam Chair, the shooter and two other of the bandits were illegally in the United States at the time of this crime.

Officer Canales served at the Houston Police Department for 16 years, spending the last 7 of them in the Auto Theft and Burglary Division, the same division he was working two nights ago when he was killed. He had also worked in northeast patrol.

Officer Canales had also built and raced hot rods together with his family. He was active in drag racing and raced with an organization called Beat the Heat, which combats street racing. He lived in the nearby community of Baytown, Texas, with his family.

Chief of Police Harold Hurtt said Canales ''was not only an outstanding officer but an outstanding individual.'' He cared a great deal about his family, the people he worked with and, of course, the City of Houston that he served.

Madam Chair, I spent 30 years at the courthouse in Houston, Texas, as a prosecutor and as a judge. I have known hundreds of Houston police officers. They are the finest caliber and strongest of character, and Officer Canales was a rare breed in our culture who wore the badge to defend and protect the rest of us.

Officer Canales died during surgery at the hospital where he and his family and hundreds of other officers had gathered. He was 42 years of age. This is a photograph of Officer Canales. He leaves behind his wife, Amor, a 15-year-old son and a 17-year-old daughter.

Officer Canales was the first Houston Police Department officer killed in the line of duty this year. The last time we had an officer killed was December 7 of last year. Officer Tim Abernethy was killed by a gunman that ambushed him during a foot chase in northeast Houston.

In the State of Texas, six police officers have been killed in the line of duty this year. They are Senior Corporal Norman Smith of the Dallas Police Department, Officer Cesar Arreola of the El Paso County Sheriff's Department, Lieutenant Stuart J. Alexander of the Corpus Christi Police Department, Sergeant Randy White of the Bridgeport Police Department, Deputy Sheriff D. Robert Harvey of the Lubbock County Sheriff's Department, and now we add the name of Senior Officer Henry Canales of the Houston Police Department to that hallowed roll of honor.

All Americans should recognize the profound debt of gratitude we owe our law enforcement officers and also the gratitude we owe their families. These officers put themselves into harm's way to guard our safety because they care about our communities and the people they serve. They are the ones standing between us and the bad guys every single day.

So tonight we bid farewell with humble gratitude to Senior Officer Henry Canales. And to his wife, Amor, and his children, we say: May the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He lift up His countenance upon you and give you peace.

And that's just the way it is.

Mr. DICKS. Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOSLEY) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

A FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1358. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the

Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced a certified copy of the statement of resignation of Judge Samuel B. Kent.

RELATING TO IMPEACHMENT PROCEEDINGS OF JUDGE SAMUEL B. KENT—MESSAGE FROM THE SENATE (H. DOC. NO. 111–53)

The SPEAKER pro tempore laid before the House the following message from the Senate; which was read and referred to the managers on the part of the House appointed by House Resolution 565 and ordered to be printed:

I, Nancy Erickson, having custody of the seal of the United States Senate, hereby certify that the attached record is a true and correct copy of a record of the United States Senate, received by the United States Senate Sergeant at Arms from Samuel B. Kent on June 24, 2009, and presented to the Senate in open session on June 25, 2009.

In Witness Whereof, I have set my hand and caused to be affixed the Seal of the United States Senate at Washington, D.C., this 25th day of June, 2009.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

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

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2011 and 2012 for accounts identified for advance appropriations under section 424 of S. Con. Res. 13. This list is needed to enforce section 424 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13

[Reflecting Action Completed as of June 19, 2009 (On-budget amounts, in millions of dollars]

	Fiscal Year 2009 [1]	Fiscal Year 2010 [2]	Fiscal Years 2010–2014
Appropriate Level:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Current Level:			
Budget Authority	3,667,201	1,676,199	n.a.
Outlays	3,360,595	2,283,197	n.a.
Revenues	1,532,579	1,666,030	11,264,350
Current Level over (+) / under (-) Appropriate Level:			
Budget Authority	−1,587	−1,205,918	n.a.
Outlays	3,229	−715,852	n.a.
Revenues	0	12,302	764,201

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Notes for 2009: Current resolution aggregates exclude $7,150 million in budget authority and $1,788 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

[2] Notes for 2010: Current resolution aggregates exclude $10,350 million in budget authority and $5,488 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2009 in excess of $1,587 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 13.

Enactment of measures providing new budget authority for FY 2010 in excess of $1,205,918 million (if not already included in the current level estimate) would cause FY 2010 budget authority to exceed the appropriate level set by S. Con. Res. 13.

OUTLAYS

Outlays for FY 2009 are above the appropriate levels set by S. Con. Res. 13.

Enactment of measures providing new outlays for FY 2010 in excess of $715,852 million (if not already included in the current level estimate) would cause FY 2010 outlays to exceed the appropriate level set by S. Con. Res. 13.

REVENUES

Revenues for FY 2009 are at the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for FY 2010 excess of $12,302 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2010 through 2014 in excess of $764,201 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	35	35
Current Level	0	0	0	0	35	35
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	0	0	−1,000	−1,000
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	1,000	1,000
Energy and Commerce:						
Allocation	11	2	10	13	−10	−2
Current Level	11	2	10	13	−10	−2
Difference	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009—Continued

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	−524	3,266	318	11,346	524	8,064
Difference	−524	3,266	318	11,346	524	8,064
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure: [1]						
Allocation	0	0	13,085	0	68,669	0
Current Level	0	0	0	0	0	0
Difference	0	0	−13,085	0	−68,669	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means:						
Allocation	0	0	6,840	6,840	37,000	37,000
Current Level	0	0	0	0	0	0
Difference	0	0	−6,840	−6,840	−37,000	−37,000

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of July 8, 2008 (H.Rpt. 110–746)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	20,623	22,000	27,594	22,823	6,971	823
Commerce, Justice, Science	56,858	57,000	76,311	62,440	19,453	5,440
Defense	487,737	525,250	636,663	625,194	148,926	99,944
Energy and Water Development	33,265	32,825	91,085	35,130	57,820	2,305
Financial Services and General Government	21,900	22,900	29,747	24,004	7,847	1,104
Homeland Security	42,075	42,390	45,045	46,508	2,970	4,118
Interior, Environment	27,867	28,630	38,586	29,687	10,719	1,057
Labor, Health and Human Services, Education	152,643	152,000	281,483	168,653	128,840	16,653
Legislative Branch	4,404	4,340	4,428	4,393	24	53
Military Construction, Veterans Affairs	72,729	66,890	80,076	66,975	7,347	85
State, Foreign Operations	36,620	36,000	50,605	40,989	13,985	4,989
Transportation, HUD	54,997	114,900	119,530	121,039	64,533	6,139
Unassigned (full committee allowance)	0	987	0	0	0	−987
Subtotal (Section 302(b) Allocations)	1,011,718	1,106,112	1,481,153	1,247,835	469,435	141,723
Unallocated portion of Section 302(a) Allocation	470,483	141,760	0	0	−470,483	−141,760
Total (Section 302(a) Allocation)	1,482,201	1,247,872	1,481,153	1,247,835	−1,048	−37

[1] Includes emergencies enacted before March, 2009 that are now included in resolution totals. Also includes adjustments for rebasing and technical reestimates since the Appropriations bills were scored at the time of enactment. Finally, it includes adjustments for overseas deployments made pursuant to S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 23 2009 (H.Rpt. 111–174)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	22,900	25,000	8	7,192	−22,892	−17,808
Commerce, Justice, Science	64,415	70,736	0	26,959	−64,415	−43,777
Defense	508,045	577,269	39	244,349	−508,006	−332,920
Energy and Water Development	33,300	42,500	0	23,381	−33,300	−19,119
Financial Services and General Government	23,550	25,200	83	6,658	−23,467	−18,542
Homeland Security	42,625	46,345	0	21,168	−42,625	−25,177
Interior, Environment	32,300	34,300	0	14,551	−32,300	−19,749
Labor, Health and Human Services, Education	160,654	219,692	24,637	163,540	−136,017	−56,152
Legislative Branch	4,700	4,805	0	683	−4,700	−4,122

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 23 2009 (H.Rpt. 111–174)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Military Construction, Veterans Affairs	76,506	77,516	−2,160	27,190	−78,666	−50,326
State, Foreign Operations	48,843	47,945	0	26,285	−48,843	−21,660
Transportation, HUD	68,821	134,595	4,400	86,331	−64,421	−48,264
Unassigned (full committee allowance)	0	711	0	0	0	−711
Subtotal (Section 302(b) Allocations)	1,086,659	1,306,614	27,007	648,287	−1,059,652	−658,327
Unallocated portion of Section 302(a) Allocation	1	0	0	0	−1	0
Total (Section 302(a) Allocation)	1,086,660	1,306,614	27,007	648,287	−1,059,653	−658,327

2011 and 2012 Advance Appropriations Under Section 424 of S. Con. Res. 13

[Budget Authority in Millions of Dollars]

	2011
Section 424(b)(1) Limits:	
Appropriate Level	28,852
Enacted advances:	
Accounts Identified for Advances:	—
Employment and Training Administration	—
Office of Job Corps	—
Education for the Disadvantaged	—
School Improvement Programs	—
Special Education	—
Career, Technical and Adult Education	—
Payment to Postal Service	—
Tenant-based Rental Assistance	—
Project-based Rental Assistance	—
Subtotal, enacted advances	—
	2012
Appropriate Level[1]	n.a.
Enacted advances:	
Accounts Identified for Advances:	—
Corporation for Public Broadcasting	—
Section 424(b)(2) Limits:	
Appropriate Level[2]	n.a.
Enacted advances:	
Veterans Health Administration Accounts Identified for Advances:	
Medical services	—
Medical support and compliance	—
Medical facilities	—
Subtotal, enacted advances	—

[1] S. Con. Res. 13 does not provide a dollar limit for 2012.

[2] S. Con. Res. 13 does not provide a dollar limit for allowable advances for the Veterans Health Administration.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated March 18, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111–31).

The Congress has also cleared the Supplemental Appropriations Act, 2009 (H.R. 2346) for the President's signature.

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted[1]			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	–640,548	–640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	–524	3,266	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	–513	3,268	8
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R.. 2346)[2]	89,682	26,992	0
Total Current Level[2 3]	3,667,201	3,360,595	1,532,579
Total Budget Resolution[4]	3,675,938	3,359,154	1,532,579
Adjustment to budget resolution for disaster allowance[5]	–7,150	–1,788	n.a.
Adjusted Budget Resolution	3,668,788	3,357,366	1,532,579
Current Level Over Budget Resolution	n.a.	3,229	n.a.
Current Level Under Budget Resolution	1,587	n.a.	n.a.

Source; Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements arc exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which arc not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con Res. 13, pursuant to various provisions of the resolution:

Original Budget Resolution	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 423(a)(l))	0	2.882	0
For an act to protect the public health by providing the Food and Drug.			

Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	11	2	8
Revised Budget Resolution	3,675,938	3,359,154	1,532,579

5. S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

This is CBO's first current level report for fiscal year 2010.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,642,620	1,625,731	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	−690,251	−690,251	n.a.
Total, Previously enacted	952,369	1,535,980	1,665,986
Enacted Legislation:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (PL. 111–31)	10	13	46
Total, Enacted Legislation	328	11,359	46
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	11	33,530	−2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	723,491	702,328	0
Total Current Level [2 3]	1,676,199	2,283,197	1,666,030
Total Budget Resolution [4]	2,892,467	3,004,497	1,653,728
Adjustment to budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,882,117	2,999,049	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,302
Current Level Under Budget Resolution	1,205,918	715,852	n.a.
Memorandum:			
Revenues, 2010–2014:.			
House Current Level	n.a.	n.a.	11,264,350
House Budget Resolution	n.a	n.a	10,500,149
Current Level Over Budget Resolution	n.a.	n.a.	764,201
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act; in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts, As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con Res, 13, pursuant to various provisions of the resolution:

Original Budget Resolution	2,888,691	3,001,311	1,653,682
Revisions:			
For the Congressional Budget Office's reestimate of the Presidents request for discretionary appropriations (section 422(c)(I))	3,766	2,355	0
For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) (includes budget committee correction)	0	818	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	10	13	46
Revised Budget Resolution	2,892,467	3,004,497	1,653,728

5. S. Con. Res, 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

TRIBUTE TO VIRGINIA SAUNDERS

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

Mr. BRADY of Pennsylvania. Madam Speaker, as Vice Chairman of the Joint Committee on Printing, I rise in tribute to Ms. Virginia Saunders, Program Operations and Evaluation Specialist for Congressional Documents, in the Office of Congressional Publishing Services at the Government Printing Office, who died June 19, 2009, as she was entering her 65th year of dedicated Federal service.

Ms. Saunders was the recipient of other tributes in this House from my friend, the gentleman from Maryland (Mr. HOYER), when she reached the 50th and 60th anniversaries of her Federal service. Recently she was the subject of a profile in the Washington Post. All this attention and adoration was well deserved.

Born in Darlington, Maryland, Ms. Saunders spent her entire career in service to her fellow Americans. After working briefly at the Federal Bureau of Investigation, she joined the GPO in February 1946, as a war service junior clerk-typist in the division of public documents, stock section. Two years later, she was promoted to the division of public documents reference section. In 1951, Ms. Saunders was promoted to indexing clerk and earned subsequent promotions in the same classification. In 1958, she was promoted to library technician. Becoming a congressional documents specialist in 1970, she was then promoted to supervisor of the congressional documents section in 1974. In 1983, Ms. Saunders assumed

the position of congressional documents specialist in the congressional printing management division, and in 2004—with 58 years of Government service behind her—she was promoted to her current position.

Since 1969, Ms. Saunders was responsible for the Congressional Serial Set, a compilation of all House and Senate documents and reports issued for each session of Congress. Published continuously since 1817, and distributed to the House and Senate libraries, the Archives, the Library of Congress, and Federal depository libraries nationwide, the Serial Set joins the CONGRESSIONAL RECORD in offering students and historians a rich insight into the record of our Government. In the words of historian Dee Brown, the Serial Set ''contains almost everything about the American experience . . . our wars, our peacetime works, our explorations and inventions . . . If we lost everything in print, except our documents, we would still have a splendid record and a memory of our past experience.'' As the GPO's 1994 Report of the Serial Set Study Group pointed out, researchers and librarians agree that the Serial Set is ''without peer in representative democracies throughout the western world as a documentary compendium.'' This was the document that Ms. Saunders prepared faithfully for Congress and the American people for the past 40 years.

Throughout her career, Virginia Saunders worked tirelessly to improve the Serial Set. In late 1989, she submitted a suggestion regarding the appendix to the Iran-Contra Report to Congress, which contained identical reports from the House and the Senate. She proposed that this 40-volume publication be bound only once for the Serial Set volumes of House and Senate reports that were sent to depository libraries. This common sense idea resulted in a reduction of 13,740 book volumes to be bound, saving the taxpayers more than $600,000. In recognition of her work, Ms. Saunders received a letter of commendation from President George H.W. Bush, who said, ''You have demonstrated to an exceptional degree my belief that Federal employees have the knowledge, ability, and desire to make a difference.''

Ms. Saunders generously shared her knowledge of the Serial Set with document librarians across the country. She delivered presentations at library associations and conferences and was an invaluable resource to the library community nationwide. In tribute to her work, in 1999 Ms. Saunders received the James Bennett Childs Award from the Government Documents Roundtable of the American Library Association, one of the library community's highest honors. The ALA honored Ms. Saunders' ''distinguished contribution to documents librarianship,'' and paid ''grateful recognition'' to a lifetime of exceptional achievements in this important field of endeavor.

Recently, Ms. Saunders told the Washington Post, ''As long as my health is pretty good, I intend to hang in with my boots on. I have to keep this program going.'' Shortly afterward, in a statement released by the GPO, she said, ''I never thought I would thank the good Lord for work. Retirement has crossed my mind, but what else would I do? This is where my heart is.'' On behalf of the Joint Committee on Printing, I offer condolences to the family, friends, and colleagues of Virginia Saunders, and extend our gratitude and commendation for her lifetime of work on behalf of Congress and the Nation.

RECESS

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

Accordingly (at 11 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 3 o'clock and 47 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2454, AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–185) on the resolution (H. Res. 587) providing for consideration of the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today after 3 p.m. and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today and June 26.

Mr. MCCLINTOCK, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1358. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force; to the Committee on the Judiciary.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

ADJOURNMENT

Mr. POLIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes a.m.), the House adjourned until today, Friday, June 26, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2429. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations (RIN: 3038-AC28) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2430. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Confidential Information and Commission Records and Information (RIN: 3038-AC44) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2431. A letter from the Co-Chairs, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting the Commission's Interim Report, pursuant to Public Law 110-181, section 841; to the Committee on Armed Services.

2432. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a certification on the review of the E-2D Advanced Hawkeye (AHE) program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

2433. A letter from the Chief, Congressional Inquiries Division Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Department reached a performance and final decision on the public-private competition affecting the Central Heat Plant Function, 341st Space Wing, Malmstrom Air Force Base, Montana, on May 21, 2009; to the Committee on Armed Services.

2434. A letter from the Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations

of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2008 through December 31, 2008, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

2435. A letter from the Chairman, Federal Reserve System, transmitting the System's 95th Annual Report covering operations for calendar year 2008; to the Committee on Financial Services.

2436. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2437. A letter from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Mine Rescue Teams (RIN: 1219-AB66) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2438. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Corporation's 2008 annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunication entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

2439. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report entitled, ''A National Assessment of Demand Response Potential'', pursuant to Section 529(a) of the Energy Independence and Security Act of 2007; to the Committee on Energy and Commerce.

2440. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 10 [NRC-2009-0162] (RIN: 3150-AI62) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2441. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the ninth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on Foreign Affairs.

2442. A letter from the Performing the Duties of the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's compilation of Fiscal Year 2008 reports regarding implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 as required by Title II of the Act and by regulation of the Office of Personnel Management at Title 5, CFR, Part 724.302; to the Committee on Oversight and Government Reform.

2443. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the Bank's 2008 Statement on the System of Internal Controls, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2444. A letter from the Inspector General, Office of Inspector General, U.S. House of Representatives, transmitting a report entitled, ''Audit Report — Improvements are Needed to the House In and Out Processing Procedures (Report No. 09-HOC-11); to the Committee on House Administration.

2445. A letter from the Secretary, Department of Commerce, transmitting a determination that, for the West Coast salmon fisheries, the fishery resource disaster under Section 308(d) of the Interjurisdictional Fisheries Act and the commercial fishery failure under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, originally determined on May 1, 2008, continue in 2009 due to continued low returns of Sacramento River fall Chinook; to the Committee on Natural Resources.

2446. A letter from the Secretary, Department of the Interior, transmitting notification that the Department has recently accepted a gift of $1,450,000 from the Resources Legacy Fund Foundation and will use such funds to acquire, for the amount of the approved appraised value, a 73-acre tract of land located within Point Reyes National Seashore and adjacent to that portion of the National Seashore that has been designated by the Act of July 19, 1985 (16 U.S.C. 1132) as the Phillip Burton Wilderness, pursuant to 16 U.S.C. 1135, section 6; to the Committee on Natural Resources.

2447. A letter from the Secretary, Department of Commerce, transmitting the Department's biennial report regarding the activities of the National Oceanic and Atmospheric Administration's Chesapeake Bay Office activities during fiscal years 2007 and 2008, pursuant to Public Law 107-372; to the Committee on Natural Resources.

2448. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has determined not to file a petition for a writ of certiorari in Doe v. Holder, 549 F.3d 861 (2d Cir. 2008); to the Committee on the Judiciary.

2449. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's First Quarter Report for 2009 on Settlements by the United States with Nonmonetary Relief Exceeding Three Years and Settlements Against the United States Exceeding $2 Million, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

2450. A letter from the Secretary, Department of Transportation, transmitting a letter regarding the plans and potential for high-speed rail, and notification on reviewing applications using a transparent merit-based process; to the Committee on Transportation and Infrastructure.

2451. A letter from the Director, National Science Foundation, transmitting the Foundation's report on their support of basic research that can be considered high-risk, high reward that: meets fundamental technological or scientific challenges, involves multidisciplinary work, and involves a high degree of novelty, pursuant to Public Law 110-69, section 1008(c); to the Committee on Science and Technology.

2452. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Plug-in Electric Vehicle Credit [Notice 2009-54] received June 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2453. A letter from the chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-56] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Procedures for Treating Intercompany Transactions on a Separate Entity Basis Under Treas. Reg. Section 1.1502-13(E)(3) (Rev. Proc. 2009-31) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2455. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Election of Investment Tax Credit in Lieu of Production Tax Credit; Coordination with Department of Treasury Grants for Specified Energy Property in Lieu of Tax Credits [Notice 2009-52] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2456. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 7874 Regarding Surrogate Foreign Corporations [TD 9453] (RIN: 1545-BI81) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2457. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations [TD 9452] (RIN: 1545-BB28) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2458. A letter from the Assistant Secretary Bureau of Legislative Affairs, Department of State, transmitting a certification under Section 609(b) of Public Law 101-162 Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations; jointly to the Committees on Natural Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on June 26 (Legislative day of June 25), 2009]

Ms. MATSUI: Committee on Rules. House Resolution 587. Resolution providing for consideration of the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy (Rept. 111–185). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself and Mr. SENSENBRENNER):

H.R. 3035. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 3036. A bill to direct the Secretary of Defense to determine and disclose the costs

incurred in taking a Member, officer, or employee of Congress on a trip outside the United States so that such costs may be included in any report the Member, officer, or employee is required to file with respect to the trip under applicable law or rules of the House of Representatives or Senate; to the Committee on Armed Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER:

H.R. 3037. A bill to require the Secretary of Education to establish a pilot program to award grants to State and local educational agencies to develop financial literacy programs in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MCDERMOTT:

H.R. 3038. A bill to amend the Civil Rights Act of 1991 with respect to the application of such Act; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. BILBRAY):

H.R. 3039. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. COBLE, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. GOHMERT):

H.R. 3040. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Ms. LEE of California, Mr. HONDA, and Ms. VELÁZQUEZ):

H.R. 3041. A bill to amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 2, as determined by the Census Bureau; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. MCHUGH, Ms. WOOLSEY, and Ms. KAPTUR):

H.R. 3042. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 3043. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHILDERS (for himself and Mr. GARY G. MILLER of California):

H.R. 3044. A bill to impose an 18-month moratorium on the Home Valuation Code of Conduct; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. BACA, Mr. COHEN, and Mrs. BIGGERT):

H.R. 3045. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 3046. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself, Mr. HARE, Ms. DELAURO, Ms. LEE of California, Mr. OLVER, Mr. SERRANO, Mr. BISHOP of New York, Mr. ELLISON, Mr. STARK, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. HINCHEY, Mr. KILDEE, Mr. PAYNE, Ms. WATSON, Mr. GRIJALVA, Mr. FARR, Ms. SCHAKOWSKY, Ms. WATERS, Mr. MCDERMOTT, Ms. HIRONO, and Mr. HONDA):

H.R. 3047. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance, family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, Armed Services, Ways and Means, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 3048. A bill to amend the Food and Nutrition Act of 2008 to remove the ineligibility of individuals who participate in a strike; to the Committee on Agriculture.

By Mr. BLUMENAUER (for himself, Mr. HERGER, Mr. HIGGINS, Ms. HIRONO, Mr. ABERCROMBIE, Mr. THOMPSON of California, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, and Ms. RICHARDSON):

H.R. 3049. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. CANTOR, and Mr. KIND):

H.R. 3050. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. TEAGUE, Mr. SCHAUER, Mr. PETERS, Mr. MASSA, Mr. WELCH, and Ms. SUTTON):

H.R. 3051. A bill to enhance citizen awareness of insurance information and services by establishing that insurance documents issued to the public must be written clearly, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. MCGOVERN, Mr. GONZALEZ, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. DOYLE, and Mr. PASCRELL):

H.R. 3052. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. HASTINGS of Florida, and Ms. NORTON):

H.R. 3053. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal the denial to drug felons of eligibility for benefits under the program of temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3054. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. ENGEL (for himself and Mr. KING of New York):

H.R. 3055. A bill to amend title XIX of the Social Security Act to continue Medicaid spousal impoverishment protections for spouses of beneficiaries receiving home and community based services under a current waiver parallel to protections afforded spouses of nursing home residents; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 3056. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 3057. A bill to require that household cleaning products and similar products bear a label that contains a complete and accurate list of all the product's ingredients; to the Committee on Energy and Commerce.

By Ms. JENKINS:

H.R. 3058. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California (for herself, Mr. BOUCHER, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. COHEN, and Mr. WILSON of Ohio):

H.R. 3059. A bill to amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. CONNOLLY of Virginia, Mr. GOODLATTE, Mr. WITTMAN, and Mr. WOLF):

H.R. 3060. A bill to amend the Internal Revenue Code of 1986 to allow certain local tax debts to be collected through the reduction of Federal tax refunds; to the Committee on Ways and Means.

By Mr. SALAZAR:

H.R. 3061. A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation

Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Natural Resources.

By Ms. SHEA-PORTER:

H.R. 3062. A bill to extend the temporary suspension of duty on bitolylene diisocyanate (TODI); to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 3063. A bill to provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 158. Concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. WOLF, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. BOOZMAN, Mr. INGLIS, and Mr. BILIRAKIS):

H. Con. Res. 159. Concurrent resolution recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan; to the Committee on Foreign Affairs.

By Mr. PENCE:

H. Res. 580. A resolution providing for the election of certain minority members to a standing committee; considered and agreed to. considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. KING of New York, Mr. TURNER, Mr. GALLEGLY, Mr. SESSIONS, Mr. COFFMAN of Colorado, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. MCCAUL, Mr. HARPER, Mr. BOOZMAN, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. ROYCE, Mr. POE of Texas, Mr. SHIMKUS, Mr. BILIRAKIS, Mr. AKIN, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. PENCE, and Mr. YOUNG of Alaska):

H. Res. 581. A resolution expressing the sense of the House of Representatives that the President should take all necessary steps to expeditiously deploy a missile defense system in Europe that will help provide such a defense to United States allies in Europe while enhancing United States defenses against missile attacks; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H. Res. 582. A resolution expressing the sense of the House of Representatives that children have a right to adequate housing; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee (for himself, Mr. DELAHUNT, Mr. SHULER, Mr. CHILDERS, Mr. COOPER, Mr. MOORE of Kansas, Mr. COBLE, Mr. TANNER, Mr. NEAL of Massachusetts, Mr. DUNCAN, and Mr. MCGOVERN):

H. Res. 583. A resolution expressing the sense of the House of Representatives that Lester Flatt has made an invaluable contribution to American art as both a songwriter and a performer, leaving an indelible legacy in bluegrass music; to the Committee on Education and Labor.

By Mr. DONNELLY of Indiana (for himself and Ms. JENKINS):

H. Res. 584. A resolution recognizing the importance of manufactured and modular housing in the United States; to the Committee on Financial Services.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. NORTON, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Mr. HONDA, and Ms. WATERS):

H. Res. 585. A resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York (for himself, Mr. RUSH, Ms. LEE of California, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Mr. REYES, Mr. GRIJALVA, Mrs. MALONEY, Mr. LARSON of Connecticut, Ms. HIRONO, Mr. KIRK, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. GRAYSON, Mr. CUMMINGS, Ms. FUDGE, Ms. CLARKE, Mr. WILSON of Ohio, Mr. DRIEHAUS, Mr. POMEROY, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. OLVER, Mr. HINCHEY, Mr. SCOTT of Virginia, Mr. ENGEL, Mr. HINOJOSA, Mr. CONNOLLY of Virginia, Mr. MANZULLO, Mr. TONKO, Ms. KOSMAS, Mr. WATT, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. WILSON of South Carolina, Mr. BOREN, Mr. ISRAEL, Mr. GRIFFITH, Mr. SCOTT of Georgia, Ms. WATSON, Mr. PASTOR of Arizona, Ms. GIFFORDS, and Mr. RAHALL):

H. Res. 586. A resolution recognizing the achievements of America's high school valedictorians of the graduating class of 2009, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GONZALEZ introduced A bill (H.R. 3064) for the relief of Benita Veliz-Castillo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. GORDON of Tennessee.

H.R. 204: Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. NORTON, and Mr. BLUMENAUER.

H.R. 207: Mr. BOOZMAN.

H.R. 208: Mr. SESTAK, Mr. WAMP, Mr. REYES, Ms. SHEA-PORTER, Mr. BARROW, Ms. JENKINS, Mr. PETRI, Mr. FILNER, Mr. CONNOLLY of Virginia, Mr. TURNER, and Mr. DEAL of Georgia.

H.R. 211: Mr. ISRAEL.

H.R. 385: Mr. GORDON of Tennessee.

H.R. 430: Mr. NEUGEBAUER.

H.R. 467: Mr. FILNER.

H.R. 510: Mr. GONZALEZ and Mr. CASSIDY.

H.R. 610: Mr. STARK.

H.R. 646: Mr. DOGGETT.

H.R. 658: Mr. COHEN.

H.R. 697: Mr. LEWIS of Georgia.

H.R. 803: Mr. BERMAN.

H.R. 836: Mr. WATT, Ms. FALLIN, and Mr. REYES.

H.R. 863: Mr. SESTAK and Mr. DOYLE.

H.R. 868: Mr. SESSIONS, Ms. DELAURO, and Mr. ISRAEL.

H.R. 878: Mr. TIAHRT.

H.R. 930: Mr. RYAN of Ohio and Mrs. LOWEY.

H.R. 1021: Mr. LOEBSACK.

H.R. 1032: Mr. MCCARTHY of California.

H.R. 1064: Ms. Velázquez, Ms. TITUS, Mr. KINGSTON, Mrs. MCCARTHY of New York, Mrs. DAHLKEMPER, Ms. BALDWIN, Mr. EDWARDS of Texas, and Ms. SPEIER.

H.R. 1086: Mr. AUSTRIA.

H.R. 1101: Mr. ELLISON.

H.R. 1132: Mr. PASTOR of Arizona and Mr. MCCOTTER.

H.R. 1177: Mr. BOOZMAN, Mr. KLINE of Minnesota, Mr. BUYER, and Mr. WALZ.

H.R. 1206: Mr. MARIO DIAZ-BALART of Florida, and Mr. TURNER.

H.R. 1207: Ms. MARKEY of Colorado.

H.R. 1208: Mr. POSEY, Mr. LATTA, Mr. BROWN of South Carolina, Mr. ROGERS of Kentucky, Mr. TURNER, and Mrs. MCMORRIS RODGERS.

H.R. 1250: Mr. WITTMAN and Mr. GUTIERREZ.

H.R. 1321: Mr. BERRY.

H.R. 1351: Mr. WOLF and Mr. GUTHRIE.

H.R. 1392: Mr. LANCE.

H.R. 1426: Mr. SENSENBRENNER, Ms. FALLIN, and Mr. THOMPSON of Pennsylvania.

H.R. 1441: Mr. COBLE.

H.R. 1454: Ms. GINNY BROWN-WAITE of Florida, Mr. MAFFEI, and Mr. COURTNEY.

H.R. 1458: Mr. JOHNSON of Georgia and Mr. ALTMIRE.

H.R. 1521: Mr. KRATOVIL.

H.R. 1523: Mr. SARBANES, Mr. COURTNEY, Mr. CARNAHAN, and Mr. HONDA.

H.R. 1526: Mr. LOEBSACK, Ms. BALDWIN, and Mr. LYNCH.

H.R. 1528: Mr. RUSH and Mr. STARK.

H.R. 1530: Mr. STARK.

H.R. 1531: Mr. STARK.

H.R. 1551: Mr. DEFAZIO and Ms. BERKLEY.

H.R. 1581: Mr. RYAN of Ohio.

H.R. 1608: Mr. DOGGETT.

H.R. 1691: Mr. MARSHALL and Mr. DENT.

H.R. 1708: Mr. LOEBSACK and Mr. GERLACH.

H.R. 1721: Mr. ROTHMAN of New Jersey.

H.R. 1729: Ms. ZOE LOFGREN of California.

H.R. 1751: Mr. LYNCH.

H.R. 1765: Mr. FOSTER.

H.R. 1775: Mr. QUIGLEY.

H.R. 1776: Mr. LEVIN and Mr. SESTAK.

H.R. 1778: Mr. GORDON of Tennessee, Mr. FOSTER, and Mr. HILL.

H.R. 1826: Mr. RUPPERSBERGER.

H.R. 1846: Mr. CUELLAR.

H.R. 1864: Mr. BOREN, Mr. YOUNG of Alaska, Mr. BARRETT of South Carolina, Ms. KOSMAS, Mr. DANIEL E. LUNGREN of California, and Mr. TURNER.

H.R. 1867: Mr. MITCHELL.

H.R. 1868: Mr. TIAHRT.

H.R. 1884: Mr. PERLMUTTER, Mr. TIM MURPHY of Pennsylvania, Ms. CLARKE, Mr. LEE of New York, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. COHEN, Mr. HONDA, Mr. TEAGUE, Ms. FALLIN, Mr. MCGOVERN, Mr. YOUNG of Alaska, Ms. KILROY, Mr. BONNER, Mr. BISHOP of

Georgia, Mr. SIRES, Mr. WHITFIELD, Mr. LUCAS, Mr. LEWIS of California, Mr. SMITH of Washington, Mrs. SCHMIDT, and Mr. GERLACH.

H.R. 1933: Mr. HASTINGS of Florida.

H.R. 1980: Mr. STEARNS.

H.R. 2030: Mr. FARR.

H.R. 2055: Mr. MCDERMOTT.

H.R. 2060: Mr. COURTNEY.

H.R. 2124: Mr. NYE and Mr. SCOTT of Virginia.

H.R. 2137: Mr. RUSH, Ms. RICHARDSON, and Mr. FILNER.

H.R. 2139: Mr. CUMMINGS, Mr. FILNER, Mr. JACKSON of Illinois, Mr. WELCH, Mr. HOLT, Ms. DEGETTE, Mr. GONZALEZ, and Ms. WOOLSEY.

H.R. 2143: Mr. MARCHANT.

H.R. 2163: Mr. HOLT.

H.R. 2164: Mr. HOLT.

H.R. 2223: Mr. MEEK of Florida and Ms. KAPTUR.

H.R. 2272: Mr. MORAN of Virginia, Mr. GRIJALVA, and Ms. MCCOLLUM.

H.R. 2275: Mr. MCCOTTER and Mr. SESTAK.

H.R. 2296: Mr. SENSENBRENNER.

H.R. 2345: Mr. GERLACH, Mr. MCCOTTER, Mr. HUNTER, and Mr. PRICE of Georgia.

H.R. 2363: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2367: Ms. BERKLEY, Ms. MARKEY of Colorado, and Mr. HINOJOSA.

H.R. 2406: Ms. FOXX, Mr. BARRETT of South Carolina, Mr. DREIER, Mr. HENSARLING, and Mr. TIAHRT.

H.R. 2421: Mr. HERGER.

H.R. 2452: Mr. BISHOP of Georgia, Mr. LATTA, and Mr. SESSIONS.

H.R. 2478: Mr. GERLACH, Ms. MCCOLLUM, Mr. ABERCROMBIE, Mr. HOEKSTRA, and Mr. WAXMAN.

H.R. 2480: Mr. SMITH of Washington, Mr. ACKERMAN, and Mr. STARK.

H.R. 2497: Mr. SCHAUER.

H.R. 2501: Ms. DEGETTE.

H.R. 2502: Mr. CARNAHAN.

H.R. 2517: Mr. LARSEN of Washington, Ms. HIRONO, Mr. INSLEE, Ms. WATSON, Mr. HONDA, Mr. YARMUTH, Mr. ANDREWS, Ms. FUDGE, Mr. LEVIN, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. WALZ, and Mr. MASSA.

H.R. 2521: Mr. TONKO.

H.R. 2542: Mr. LOBIONDO and Mr. HELLER.

H.R. 2570: Mr. KILDEE.

H.R. 2642: Mr. AUSTRIA and Mr. LATOURETTE.

H.R. 2648: Ms. HARMAN.

H.R. 2709: Mr. WAXMAN.

H.R. 2752: Mr. FORTENBERRY.

H.R. 2759: Mr. GRIJALVA, Mr. COSTELLO, Mr. LIPINSKI, and Mr. PASTOR of Arizona.

H.R. 2766: Ms. WOOLSEY.

H.R. 2778: Ms. LEE of California, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. CLEAVER, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. RUSH, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WATT.

H.R. 2797: Mr. LOBIONDO.

H.R. 2801: Mr. GORDON of Tennessee.

H.R. 2828: Mr. ISSA.

H.R. 2829: Ms. RICHARDSON.

H.R. 2831: Ms. JACKSON-LEE of Texas.

H.R. 2846: Mr. ROYCE and Mr. SAM JOHNSON of Texas.

H.R. 2866: Mr. FLEMING.

H.R. 2868: Ms. NORTON.

H.R. 2909: Mr. CLEAVER and Mr. HINCHEY.

H.R. 2926: Mr. MCNERNEY and Mr. KAGEN.

H.R. 2941: Mr. ISRAEL and Ms. SCHAKOWSKY.

H.R. 2969: Ms. HIRONO.

H.R. 2984: Mr. MARIO DIAZ-BALART of Florida.

H.R. 2992: Mr. FRANKS of Arizona, Mr. FLAKE, Mr. POSEY, Mr. LAMBORN, Mr. KINGSTON, and Ms. FOXX.

H.R. 2993: Mr. FRANKS of Arizona, Mr. FLAKE, Mr. POSEY, Mr. LAMBORN, Mr. MARCHANT, and Ms. FOXX.

H.R. 3001: Ms. WASSERMAN SCHULTZ, Mr. SIRES, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, and Mr. GRIJALVA.

H.R. 3011: Mr. AKIN, Mr. MEEKS of New York, Mr. BURTON of Indiana, Mr. PAULSEN, and Mr. BOSWELL.

H.R. 3012: Mr. ANDREWS and Mr. PASTOR of Arizona.

H.R. 3017: Ms. WOOLSEY, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. SCOTT of Virginia, Mr. ADLER of New Jersey, and Mr. LOEBSACK.

H.J. Res. 56: Mr. MCGOVERN and Ms. MCCOLLUM.

H. Con. Res. 74: Mr. SIRES, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CAPUANO.

H. Con. Res. 87: Mr. MORAN of Virginia and Mr. LAMBORN.

H. Con. Res. 154: Mr. JACKSON of Illinois.

H. Res. 209: Mr. INGLIS and Mr. SIRES.

H. Res. 267: Mr. STARK.

H. Res. 285: Mr. ROSKAM.

H. Res. 288: Mr. COURTNEY, Mr. BLUMENAUER, Mr. SCHIFF, Mr. CARTER, and Mr. MARCHANT.

H. Res. 373: Mr. KING of Iowa, Mr. HUNTER, Mr. GALLEGLY, Mr. MCCAUL, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. WHITFIELD, Mr. FRELINGHUYSEN, Mr. CARTER, Mr. CULBERSON, Mr. HELLER, Mr. CHAFFETZ, Mr. JORDAN of Ohio, Mr. GOHMERT, Ms. GRANGER, Mr. ROHRABACHER, Mr. MCCARTHY of California, Mr. THOMPSON of Pennsylvania, Mr. ROSKAM, Mr. MCHENRY, Mr. SHIMKUS, Mr. SHADEGG, Mr. PETRI, Mr. POE of Texas, Mr. NUNES, Mr. HENSARLING, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mr. EHLERS, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. SIMPSON, Mr. REICHERT, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. LINDER, Mr. BROUN of Georgia, Mr. CAO, Mr. SHUSTER, Mr. YOUNG of Alaska, Mrs. SCHMIDT, Mr. MARCHANT, Ms. FOXX, Mr. PITTS, Mr. REHBERG, Mr. TURNER, Mr. ALEXANDER, Mr. COLE, Mr. BOUSTANY, Mr. POSEY, Mr. CASSIDY, Mrs. LUMMIS, Mr. FLEMING, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. SMITH of Nebraska, Mr. WESTMORELAND, Mr. JONES, Mr. GINGREY of Georgia, Mr. LATTA, Ms. ROS-LEHTINEN, Mr. SESSIONS, Mr. LOEBSACK, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. INGLIS, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. BOREN, Mr. MANZULLO, Mr. BILBRAY, Mr. HOEKSTRA, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. PLATTS, Mr. BONNER, Mr. HERGER, and Ms. JENKINS.

H. Res. 409: Mr. LUCAS.

H. Res. 419: Mr. AL GREEN of Texas, Mr. PAYNE, and Mr. JOHNSON of Georgia.

H. Res. 496: Mr. LATTA and Mr. KLINE of Minnesota.

H. Res. 507: Mr. BOYD.

H. Res. 531: Mr. LIPINSKI.

H. Res. 534: Mr. SESTAK and Ms. TITUS.

H. Res. 538: Mr. BRALEY of Iowa, Mr. DONNELLY of Indiana, and Mr. ROSKAM.

H. Res. 550: Mr. FORTENBERRY, Mr. JACKSON of Illinois, Mr. WEXLER, and Mr. CROWLEY.

H. Res. 554: Mr. MOORE of Kansas, Mr. FORTENBERRY, and Mr. JOHNSON of Illinois.

H. Res. 557: Mr. CANTOR, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. BURTON of Indiana, Mr. GOHMERT, Ms. GRANGER, Mr. CULBERSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURGESS, Mr. NEUGEBAUER, Mrs. BLACKBURN, Ms. FALLIN, Mr. COBLE, Mr. BUCHANAN, Mr. MCCOTTER, Mr. SIMPSON, Mr. WHITFIELD, Mr. NUNES, Mr. LATOURETTE, Mr. MCCAUL, Mr. THOMPSON of Pennsylvania, Mr. BISHOP of Utah, Mr. LINDER, Mr. BROUN of Georgia, Mr. OLSON, Mr. SHADEGG, Mr. HENSARLING, Mrs. LUMMIS, Ms. FOXX, Mr. ROE of Tennessee, Mr. ALEXANDER, Mr. LANCE, Mr. WALDEN, Mr. LOBIONDO, Mr. PLATTS, Mr. COFFMAN of Colorado, Mr. KING of New York, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. ROSKAM, Mr. BLUNT, Mr. FORBES, Mr. MARIO DIAZ-BALART of Florida, Mr. SHUSTER, Mr. HUNTER, Mr. SMITH of Texas, Mr. LUETKEMEYER, Mr. CONAWAY, Mr. SMITH of Nebraska, Mr. MARCHANT, Mr. DANIEL E. LUNGREN of California, Mr. CALVERT, Mr. HERGER, Mr. ROGERS of Alabama, Mr. TERRY, Mr. ROGERS of Michigan, Mr. GRAVES, Mr. BARTON of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. ROGERS of Kentucky, Mr. BONNER, Mr. REHBERG, Mr. BILBRAY, Mr. ROHRABACHER, Mr. PENCE, Mr. STEARNS, Mr. BARRETT of South Carolina, Mr. MORAN of Kansas, Mr. PRICE of Georgia, Mr. DREIER, Mr. MACK, Mr. AUSTRIA, Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. GALLEGLY, Mr. CAO, Mr. POSEY, Mr. PITTS, Mr. CHAFFETZ, Mr. WESTMORELAND, Mr. BACHUS, Mr. MCKEON, Mr. HALL of Texas, Mr. TURNER, Mr. HOEKSTRA, and Mr. HARPER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative JACKSON-LEE of Texas, or a designee, to H.R. 2998, the American Clean Energy and Security Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative INSLEE, or a designee, to H.R. 2454, the American Clean Energy and Security Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

HOUSE OF REPRESENTATIVES—*Friday, June 26, 2009*

The House met at 9 a.m. and was called to order by the Speaker.

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

Lord God, You hold all in good order, yet You give us the freedom of choice in the realm of good conscience.

It seems You achieve Your own good purposes in and through Your people, whether or not they know Your guidance or wait to learn from their own mistakes.

Be with all Your people today in the decisions they make as a free people. Provide them with insight on how to use their many blessings.

Even though You guide them by Your Spirit, hold them accountable for their deeds before Your divine tribunal and in the realm of democratic forum and public opinion.

By personal integrity and right judgment, help all Americans to establish credence before other nations, so that seeing our good deeds may they glorify You, our God, as our protector and guide, now and forever. Amen.

THE JOURNAL

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

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

Mr. MURPHY of Connecticut. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Ms. HIRONO led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

PROVIDING A TRUE DECLARATION OF ENERGY INDEPENDENCE

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

Mr. KUCINICH. Millions of Americans have been and are under the threat of violent weather changes, floods, droughts, scorching heat, extraordinary cold, and food insecurity. We are running out of time to craft practicable, workable solutions to moderate the effects of global climate change brought on by global greenhouse gasses.

We are past the tipping point, and instead of talking about saving ourselves, we are talking about saving the coal industry. Our first steps on the path to a clean energy future will leave footprints caked in coal, because under the bill, U.S. fossil fuel emissions aren't required to fall until 2030. The bill will facilitate the licensing of 25 new coal-fired plants with free permits to pollute. It guarantee coal's future by spending $60 billion on an unproven, leaky technology where CO_2 is pumped into the ground.

We can still save ourselves and our planet, or we can save the coal industry. We can have a carbon-free and nuclear-free world which comes into harmony with nature's god through the creation of tens of millions of new wind and solar microtechnologies which will lower energy costs and make for a true declaration of energy independence. I will soon be introducing a bill to accomplish just that.

The American people are waiting to be inspired with a vision and a reality of a green future.

CAP-AND-TRADE TAXES AMERICAN FAMILIES

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

Mr. WILSON of South Carolina. Madam Speaker, President Obama has stated that cap-and-trade would cause electric bills to skyrocket, which forces families to pay more. He also declared yesterday that cap-and-trade would only be paid for by polluters. The President seems to imply through his statements that American families and small businesses, those who will see their electric bills skyrocket, are the polluters who should pay for this legislation.

I disagree. Families, farmers, manufacturers and small businesses across America do not deserve this national energy tax. We do not need to threaten the financial well-being of American citizens or the competitiveness of American businesses in a global economy.

House Republicans have consistently offered an all-of-the-above energy plan that will invest in exploration, in new alternative energy resources, and promote conservation. Our strategy is built on the American spirit of ingenuity, not an oppressive policy of higher taxes and job losses.

In conclusion, God bless our troops, we will never forget September 11th in the global war on terrorism, and also I would like to extend my congratulations to Congresswoman ELLEN TAUSCHER on her confirmation yesterday evening to serve in the State Department of the United States.

RECOGNIZING NEDA AGHA-SOLTAN

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

Ms. HIRONO. Madam Speaker, today I would like to recognize Neda Agha-Soltan, this brave young woman who was shot and killed while en route to join the thousands of Iranians in Tehran who were demonstrating against the Presidential election result.

Neda, whose name means ''the voice'' in Farsi, was but one of the many women in Iran demanding that their voices be heard and that their votes be counted and their human rights respected.

Like many other Americans and people from around the world, I have been deeply moved by the images of Iranian women who have had the courage to speak their minds in defiance of a regime that seeks to suppress them.

I ask my colleagues to join me in honoring the memory of Neda and in supporting all of the courageous women in Iran who are raising their voices and fighting for the fundamental freedoms and human rights that we so often take for granted.

VOTE NO ON CAP-AND-TRADE BILL

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

Mr. SHIMKUS. Madam Speaker, here it is, 1,090 pages. If we pass this bill, we get this—unemployed miners. In fact, the last time, 35,000 miners lost their jobs. If we pass the Republican alternative we get jobs, offshore drilling, fuel from coal, wind and solar, renewable fuels.

I have an e-mail from eight rural electric co-ops in my district which I include for the RECORD. All say vote no.

I just got a voicemail from several Coops on one call. Jim Riddle, with Egyptian Electric Coop, Larry Level with Southern Illinois Electric Coop, Allen Waddle with Monroe County Coop, Ralph Cool with Clinton County Coop in Breeze, Scott Ramsey with Southern Illinois Power Coop in Marion, as well as Tri-County Coop in Mt. Vernon, Southeastern Coop in Eldorado, and Clay County Electric in Flora. They first wanted to thank you for your position on Climate Change and they all agree with you. Second they wanted to make sure you knew they are opposed that NRECA has taken ''no position'' on the bill and want to urge you to vote against the bill.

Do not believe the National Association.

VOTE NO ON CURRENT CAP-AND-TRADE BILL

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

Mr. DEFAZIO. Madam Speaker, unlike his predecessor, President Obama recognizes that greenhouse gasses and climate change are a real problem and must be dealt with, and in the tradition of the hugely successful Clean Water Act and Clean Air Act, he has ordered his Environmental Protection Agency to develop rules to cap and reduce greenhouse gasses.

This bill today actually prohibits the EPA from continuing to develop rules to regulate greenhouse gasses in the tradition of the Clean Water Act and the Clean Air Act. Instead, it turns to a market-based approach. Instead of a firm cap, regulating and reducing, this bill turns us to carbon offset derivative futures that will be insured by credit default swaps.

How quickly they forget Wall Street and AIG and the damage they wrought in the financial sector. This, Wall Street predicts, is the new $1 trillion market. The market manipulators of Enron Corporation may have bankrupted their company, Ken Lay may be gone, but their spirit is fully embodied in this legislation.

HONORING MARTIN ROENIGK FOR HIS GENEROUS CONTRIBUTIONS TO THE COMMUNITY

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

Mr. BOOZMAN. Madam Speaker, I rise today to honor the life of Martin Roenigk, a gracious contributor to the Third District of Arkansas, who unexpectedly passed away last week.

Marty was a philanthropist, a preservationist, and, above all else, a friend to all who knew him. He spent the last 12 years as an Arkansan, and although he was a relatively new resident, you could never tell because of his compassion for the community.

Marty has been described as a visionary, and traveling in northwest Arkansas you can see that vision come alive. His love of historic preservation transformed Eureka Springs. In 1997, Marty and his wife bought the 1905 Basin Park Hotel and then the 1886 Crescent Hotel and Spa. The Roenigks restored these historic hotels and helped revitalize tourism to this town. The Roenigks then purchased the War Eagle Mill and were instrumental in preserving the War Eagle Bridge.

Madam Speaker, Marty will certainly be missed. However, his legacy will live on for generations to come because of his generosity. I ask my colleagues to keep Marty's family and friends in their thoughts and prayers during these difficult times.

ENERGY BILL FINE PRINT BETRAYS LAUDABLE PURPOSE

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

Mr. DOGGETT. Madam Speaker, this energy bill's fine print betrays its laudable purpose. The real cap is on the public interest, and the trade is from the public to polluters. It is too weak to spur new technologies and green jobs.

An Administration analysis shows that doing nothing actually results in more new renewable energy electricity generation capacity than approving this bill.

Vital authority for the EPA is stripped, but two billion additional tons of pollution are authorized every year forever. Residential consumer protection is incredibly entrusted to the mercy of utility companies. Exempting 100 new coal plants and paying billions to Old King Coal does indeed leave him ''a merry old soul.''

This bill is 85 percent different from what President Obama proposed just a few months ago. No wonder that his Budget Director called this type of legislation ''the largest corporate welfare program . . . in the history of the United States.''

Until greatly improved, until families share in the billions this bill grants powerful lobbies, I cannot support it.

□ 0915

AGRICULTURE NEGATIVELY IMPACTED

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

Mr. SMITH of Nebraska. Madam Speaker, I rise in opposition to the cap-and-trade bill we will be taking up shortly.

Agriculture is one of the Nation's most energy-intensive industries and will be negatively impacted by this legislation. Even a small increase in operating costs could devastate rural farmers and ranchers, and this bill could prove to be a huge burden on our agricultural producers. U.S. farmers would also be at a severe disadvantage compared to farmers in nations which do not have cap-and-trade systems with the correspondingly high input costs.

Yesterday I offered an amendment which would have helped defray increased costs of production and declining prices resulting from increased imports or decreased exports.

It is simply not appropriate for allowances to be set aside for other industries heard by the cap-and-trade bill, but agriculture is left out.

PUBLIC HEALTH INSURANCE OPTION

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

Mr. MURPHY of Connecticut. Madam Speaker, I hope today we are going to pass a transformational climate bill that will not only grow jobs in this country but will make us truly energy independent.

And when we get back from our break, it is time to turn our attention to health care. There is a lot of controversy around these issues, but out in the American public, there is no controversy over their desire to see a public insurance option be part of health care reform: 69 percent support in a recent Kaiser Foundation poll; 72 percent in a CBS/New York Times poll; 76 percent by NBC and Wall Street Journal. And it is nonpartisan: 50 percent of Republicans support it, over 80 percent of Democrats.

There might be a lot of controversy on the issue of energy or health care, but on the issue of whether or not Americans want a public option on their table as part of health care reform, the jury has decided.

DRIVING UP PRICES

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

Mr. DUNCAN. Madam Speaker, I have noticed that most environmental

radicals come from very wealthy or very upper-income families. Perhaps they do not realize how much they have hurt the poor and the lower income and the working people by destroying jobs and driving up prices.

Now, those who seem to be the loudest in saying they are for the little guy are about to pass a bill that is going to hurt the little guy most of all. This cap-and-trade bill is going to drive up prices for gas, utilities, and especially costs for small businesses and farms. Businesses in China and India will probably jump for joy because this will give them even greater advantages.

And college graduates all over this country wonder why they cannot find good jobs and have to keep working as waiters and waitresses because this bill will drive even more jobs to other countries.

I hope everyone who is undecided on this bill will vote for the little guy instead of the big money environmental groups and the very big businesses which will benefit from this very costly bill.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Ms. HIRONO) laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 2009.

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

DEAR SPEAKER PELOSI: Given my nomination by the President as Undersecretary of State for Arms Control and International Security, this letter serves as my intent to resign from the Committee on Transportation and Infrastructure, effective today.

Sincerely,

ELLEN O. TAUSCHER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2454, AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 587 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 587

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 2998, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) three hours of debate, with two and one half hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Forbes of Virginia or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the record.

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

There was no objection.

Ms. MATSUI. Madam Speaker, before I begin my remarks, I would like to speak briefly about all that the Speaker has meant to this body.

Since coming to Congress, I have watched ELLEN TAUSCHER navigate the legislative and political waters of the House of Representatives. She has always done so with uncommon grace, skill and acumen which we would all be well served to emulate.

We will all miss her presence here in this Chamber, whether in the chair or on the floor. But we know that she will continue to serve our country well in her new capacity as Under Secretary for Arms Control and International Security at the State Department.

Madam Speaker, H. Res. 587 provides a structured rule for consideration of H.R. 2454, the American Clean Energy and Security Act. The resolution provides for 3 hours of general debate with 2½ hours controlled by the Committee on Energy and Commerce and 30 minutes controlled by the Committee on Ways and Means.

Madam Speaker, from coast to coast we are seeing the effects of our changing climate. Just last week, experts from 13 government agencies and several universities issued a new report on global climate change impacts in the United States. Their analysis was clear: global warming is caused by human-induced emissions.

It is also already having visible impacts in the United States. We are seeing these effects throughout our country, from increases in heavy storms to rising sea levels. From earlier snow melt to alterations in river flows. These experts concluded that negative effects of climate change will continue to worsen.

Climate change will combine with other air pollution, population growth, overuse of resources, and social, economic, and environmental stresses to create larger impacts that will be felt around the world and here at home. For my constituents, this threat is very real and very urgent.

California's Department of Water Resources projects that the Sierra Nevada snow pack will experience a 25 to 40 percent reduction by 2050. These are not empty numbers. As California's climate warms, more of the Sierra Nevada's watershed will continue to peak storm runoff. High-frequency flood events are projected to increase as a result. We have no choice but to adapt to these changing realities.

In Sacramento, we live at the confluence of two great rivers, the Sacramento and the American. As global warming intensifies, scientists predict greater storm intensity that could forever change these rivers' flow patterns. This means that my district will have to cope with more direct runoff and more flooding.

I want to thank Chairman WAXMAN and Chairman MARKEY for working with me to ensure that this bill addresses California's water needs in the context of climate change. Allowances are distributed to States for urgent projects to help fight extreme weather and flooding. These resources are vital as we work to adapt to changing climates and more intense weather patterns.

In order to deal with these issues and with others that confront us all, the Energy and Commerce Committee has held countless hearings on energy and climate change policy over the past 2½ years. This year alone we have convened over a dozen hearings and heard from numerous experts, as well as national and international leaders. In total, the committee has held over 40 days of hearings on energy and climate change policy over the past two Congresses. During these deliberations, over 300 witnesses testified, including 130 in this year alone.

Whether or not we all agree with Chairman WAXMAN and Chairman MARKEY on the issue of global warming, and I personally do, we should all applaud the work these two chairmen have done to get us here today.

This bill is not only an achievement for the American people but also for our children and our grandchildren. By spurring a new era of clean energy jobs, this bill puts our economy on a new trajectory. And because of this investment, our children and grandchildren will live in a country that is more sustainable, more economically viable, and more efficient than the country we live in today.

The legislation will create millions of new clean energy jobs, enhance America's energy independence, and protect the environment. Specifically, it requires electric utilities to meet 20 percent of the electricity demand through renewable and energy sources and energy efficiency by 2020.

It also invests in new clean energy technologies and energy efficiencies, including energy efficiency and renewable energy carbon capture and sequestration, and basic scientific research and development.

It mandates new energy-saving standards for buildings, appliances, and industry, and it reduces carbon emissions from major U.S. sources by 17 percent by 2020 and over 80 percent by 2050. These are the nationwide impacts of this groundbreaking legislation.

Part of the brilliance of this bill before us today, though, is that it also gives tools to local communities to fight climate change on their own. One of the ways this bill does so is through the transportation sector. Transportation accounts for 30 percent of the greenhouse gases emitted into the atmosphere each year. Therefore, effective climate change legislation must include a transportation component if we are going to achieve the emission reduction levels that scientists say are vital to saving our planet.

I appreciated working with the committee on section 222, which seeks to reduce greenhouse gas emissions through comprehensive transportation efficiency and land use planning. The way we plan our communities and transportation systems has a real effect on how well we reduce emissions from transportation. This legislation also protects consumers from energy price increases.

According to estimates from the EPA, the reductions in carbon pollution required by the legislation will cost American families only 22 to 30 cents per day. But fighting global warming is not just about preserving our current way of life; it is also about creating a cleaner, stronger economy that will power the United States toward a clean energy future.

EPA analysis shows that the Nation's gross domestic product would grow from $13 trillion in 2008 to over $22 trillion in 2030 while deploying clean energy technology and reducing global warming pollution. And consumption, an economic measure of a household's purchasing potential, would grow by 8 to 10 percent from 2010 to 2015, and 23 percent to 28 percent by 2030.

With the American Clean Energy and Security Act, we are making smart investments. We are giving entrepreneurs the tools they need to create clean energy jobs that demand American skills and that put our country in a strong position to compete internationally.

Madam Speaker, with the American Clean Energy and Security Act, we will show the rest of the world that America is back and we are ready to lead again.

I reserve the balance of my time.

□ 0930

Mr. SESSIONS. Madam Speaker, I would like to, on behalf of my Republican colleagues, congratulate you for your wonderful new responsibilities that you will have at the State Department, and congratulations on your Senate confirmation yesterday.

Mr. UPTON. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. UPTON. I, too, extend my congratulations, as I understand it, in charge of arms control. And I think this is a particularly worthy day that you have this job still, as a Member of Congress, until the end of the day, because you're going to need to repair a lot of arms on that side of the aisle after this vote is over.

Mr. SESSIONS. Reclaiming my time, and I thank the gentleman, but congratulations very much, ELLEN.

At the very top, Madam Speaker, I would like to ask unanimous consent to the gentlewoman from California if we could extend the time of debate. I am inundated with the amount of requests and would like to ask that we extend it 30 minutes, extending both sides an additional 15 minutes.

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

Ms. MATSUI. No, we will not agree to that. We object.

The SPEAKER pro tempore. The objection is heard.

Mr. SESSIONS. You do object. I would like to ask the gentlewoman if we could extend the time on both sides by 5 minutes then.

Ms. MATSUI. We object. There are 3 hours on the bill.

Mr. SESSIONS. I would like to see if we could extend by 1 minute this debate on both sides.

Ms. MATSUI. We object.

Mr. SESSIONS. You object. Okay.

Madam Speaker, good morning. I yield myself such time as I may consume. And I appreciate the gentlewoman extending me these few minutes that she has given us to debate this very important bill.

I rise in opposition to this lockdown rule and the underlying legislation which, if passed, The Wall Street Journal correctly notes will become the ''biggest tax in American history.''

After limited committee hearings and only one markup on this 1,200-plus page bill, the negotiations that have brought this bill to the floor have completely excluded Republicans and ignored our good ideas on how to stop the most economically devastating and job-killing parts of this bill.

For example, during the bill's brief deliberation in committee, Republicans offered three commonsense amendments, one to suspend the program if gas prices hit $5 a gallon, one to suspend the program if electricity prices rise 10 percent over 2009, and one to suspend the program if unemployment rates hit 15 percent. But, unfortunately, the committee's Democrats defeated them all.

To make matters worse, for the past 2 weeks, despite numerous contrary promises to our Democrat colleagues and to the American people, Speaker PELOSI and her handpicked lieutenants on the Rules Committee have limited open debate and, once again here on the floor, debate to talk about this unprecedented bill that is before the American people.

While this behavior is undemocratic and mildly irritating when dealing with bills like Federal Employees Paid Parental Leave Act of 2009, it is simply unacceptable when it comes to legislation of such great importance to the future of American jobs and families.

So once again, early this morning in the Rules Committee, after—and by the way, that was about 2–3:30 this morning—after being handed a brand-new 309-page revision of the bill, this unacceptable behavior continued.

My Republican colleagues and I offered numerous good ideas and improvements to this brand-new bill this morning, which not one Member has even read. As a matter of fact, we even joked about that as we walked in at 2 o'clock this morning about, sure everybody had a chance to read the bill, that's why we were up so late last night. This legislation that Republicans proposed would have provided commonsense relief for farmers and small businesses that drive our economy. Unsurprisingly, each of these good ideas was rejected by our Democrat colleagues along party lines.

Whether or not to impose the biggest tax increase in American history is a very serious issue, and one that affects every American family, legislation that the Heritage Foundation estimates will cost working families in the 32nd Congressional District of Texas, just one district which I happen to represent, some 4,178 jobs in 2012. We believe that this bill should actually be

debated and openly read so that everyone doesn't just rush through this day but, rather, understands the true impact of what we're doing.

The rule being proposed here today is a grave mistake and an undemocratic embarrassment. And I, for one, think this body can do better. We owe it to the American people to allow Members, Members of this body on both sides, who have good ideas to be heard, especially the ideas to address the needs of rural and working class people who will see their incomes and choices slashed by this bill.

Instead of an inclusive debate on how to conserve our resources and provide clean, affordable energy for American businesses and families, the Democrats' answer to the worst recession in decades is a national energy tax, thinly disguised as a climate change bill.

Billions of dollars wasted on extra energy costs and millions of jobs lost is an extremely high price to pay for a bill that is estimated, at best, to slow the Earth's temperature rises by one-hundredth of a single degree by 2050, and no more than two-tenths of a degree by the end of this century.

Madam Speaker, the facts are clear: NANCY PELOSI's national energy tax will kill American jobs, it will raise prices on hardworking Americans, and do almost nothing to clean up our environment. But the American people watching today's debate don't need to take my word for it. President Obama and his senior administration officials, and many prominent Democrats, agree that cap-and-trade is actually cap-and-tax.

In January of 2008, President Obama told the San Francisco Chronicle that under his preferred cap-and-trade system electricity rates would necessarily skyrocket. Then on February 26, 2009, the President's own budget estimates that the climate revenue generated by this legislation to pay for Washington bureaucrat-run health care and a jobless stimulus package would cost American manufacturers and energy producers $646 billion over 10 years. Three weeks later, the administration's top economic advisers disagreed with this lowball figure, suggesting that cap-and-trade could actually cost up to $1.9 trillion over 10 years.

Next, former Energy and Commerce Committee Chairman, JOHN DINGELL, stated in a hearing on cap-and-trade: ''Nobody in this country realizes that cap-and-trade is a tax, and it's a big one.''

As recently as this week, Congressman GENE GREEN of Texas stated in an op-ed: ''Instituting a cap on nationwide greenhouse emissions will raise the price of energy for consumers and businesses alike.''

Madam Speaker, I'm confused. Why on this Earth would my friends on your side of the aisle create such a big tax on all American families and businesses during a time that a recession is so serious? Why are we rushing to do this with a $1 trillion spending plan that will have such a large impact on the American people, killing jobs and making it more difficult for us to come out of this recession?

On June 15, I received a letter from the Texas Comptroller of Public Accounts stating that the current plan to implement mandatory mission caps would weigh far more heavily on Texas than any other region in the country. It goes on to note that ''based on rising fuel prices as a result of the cap-and-trade provisions of this bill, Texas could see 135,000 to 277,000 fewer jobs in 2012, the first year of the bill.''

Madam Speaker, Texas leads this country in jobs, and people are coming to Texas from all over the United States just to have jobs. Why would we go and diminish the opportunities for people to find those jobs that were available to help their families?

Madam Speaker, families all over Texas are already hurting; and with all the other troubles plaguing the economy, they simply cannot afford the additional and completely avoidable economic assault that the new Democrat majority is placing on the American people.

Perhaps worst of all, Madam Speaker, the economic damage created by this legislation actually favors foreign companies over American ones. China, the number one emitter of greenhouse gases, and India, who is set to expand its emissions, will not be required to modify their behavior at all. That means that this new Democrat majority is taking the astonishing position of asking American small businesses and consumers to carry the global load for the world's carbon consumption because, as everyone understands, if only Americans tax their manufacturing and productions, then only Americans will be losing out while China, India and other countries gain an advantage over our domestic manufacturers, businesses, jobs and future.

Every Member of this Chamber understands that in an era of rising energy costs, Congress must and should be doing everything in its power to ensure that domestic production of clean energy is available at the cheapest price. However, I recently received a letter from the American Petroleum Institute expressing concern that this legislation could add as much as 77 cents to each gallon of gasoline.

Very simply, this legislation means that every American business and consumer will pay more to fuel their vehicles, heat their homes, and purchase everyday goods.

The facts are clear: NANCY PELOSI's national energy tax will kill American jobs, will raise prices on hardworking Americans, and do little to clean up our environment.

I encourage a ''no'' vote on this lockdown rule and a ''no'' vote on the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts, a member of the Rules Committee, my colleague, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentlelady from California for yielding to me.

Madam Speaker, I stand here today in support of this rule and in support of the underlying legislation.

I want to thank Speaker PELOSI, Leader HOYER, Chairman WAXMAN, and my Massachusetts colleague, ED MARKEY, for crafting and shepherding through this tremendously important legislation.

This bill will reduce the release of greenhouse gases into our atmosphere, reduce global warming, and concurrently will spur the creation of millions of clean-energy jobs in the United States.

Specifically, I would like to thank the chairman for including funding for domestic and international adaptation and clean technology transfer. While I supported greater dedication for adaptation funding, this represents a necessary first step in U.S. commitment.

By dedicating a portion of the allowances to international adaptation financing, we can ensure that those poorest of countries who have already been and will continue to be disproportionately impacted by climate change will receive crucial funding to help them save their farmlands, sources of water, and oftentimes their homes.

As a co-Chair of the Congressional Hunger Caucus, I am particularly concerned with the impacts of climate change upon the hungriest in the world. By investing in sustaining agriculture technology and practices, adaptation financing will help in this fight to end hunger.

For many island nations and equatorial countries, the harmful impacts of climate change have already taken their toll. Sea level rise, caused by rising global temperature, has already fundamentally altered the geography of some nations.

Madam Speaker, to echo what Speaker PELOSI has emphasized consistently, there is a moral imperative to be good stewards of this Earth. And as we look toward the negotiations in Copenhagen this December, the world is looking for leadership from the United States for global solutions to this global problem. And by leading the way on clean-energy technology and services to help the poorest nations build resistance to climate change impacts, the U.S. will experience a boon in job creation and innovation. Solutions such as efficient water systems and irrigation technology can create jobs here while solving problems abroad.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. MATSUI. I yield the gentleman an additional 15 seconds.

Mr. MCGOVERN. Devoting portions of revenues from a cap-and-trade system to investments in international adaptation to those countries most vulnerable is a clear signal to the world that the U.S. is ready to lead in combating global climate change.

I urge my colleagues to support the rule and the underlying legislation.

I would like to insert in the RECORD a column by Ken Hackett, the president of Catholic Relief Services, entitled, ''Combat Hunger By Investing in Agricultural Development.''

[From the Des Moines Register, May 29, 2009]

COMBAT HUNGER BY INVESTING IN AGRICULTURAL DEVELOPMENT

(By Ken Hackett)

The world is hungry.

The unprecedented global financial crisis is plummeting more people into poverty. Nearly 1 billion worldwide go hungry, according to the U.N. Food and Agriculture Organization. Our conscience tells us this is morally reprehensible; our intellect reminds us that hunger pangs can breed riots and civil unrest that jeopardize the peace for us all.

This human calamity—with far-reaching consequences—demands that we strategically and smartly retool our thinking on how to tackle the scourge of global hunger.

One place to begin is to increase our investment in all aspects of agricultural development, from seed to market. Despite the fact that the majority of poor people in the developing world live in rural areas and sustain themselves through farming, overall funding for agriculture has been declining for many years.

As clearly shown by the World Bank, agricultural productivity gains and innovation have been particularly low in Africa. This lack of investment has led to stagnating productivity and missed opportunities to take advantage of improved technologies that enable farmers to grow more food, to process it and to sell it for the best price.

A modest investment in agriculture can pay major dividends, boosting the incomes of farm families and helping to lift them out of poverty. In Niger, where I just visited, Fatou Soumana for years sold her unprocessed sesame seeds for a pittance, barely making enough to feed her family. With some help provided by Catholic Relief Services, including training on how to save and invest and classes on how to process sesame seeds, she is now selling a refined oil for use in skincare products that is fetching top dollar.

Fatou has used her profits to buy a cell phone, six sheep and a refrigerator. The refrigerator helps her to store the ice cream she makes and sells on the side. Here is an example of the multiplier effect of this approach: awakening an entrepreneurial spirit.

We need to move toward more holistic approaches to rural development that reflect the needs of the poor themselves and build permanent solutions to end global hunger. These approaches are starting to take root among the world's poorest countries through the efforts of smart development-assistance programs.

The U.S. Government's Millennium Challenge Corp., for example, is investing in every facet of the agricultural value chain. Millennium Challenge grants are training farmers, including women who make up the majority of farmers throughout the developing world; building the roads and bridges they need to get their crops to market; and bolstering a sound policy environment that secures land rights for farmers or expands the financial services agribusinesses need to flourish. Innovative approaches like the sesame project in Niger are rather small, but Millennium Challenge grants can replicate them on a larger scale.

I applaud the Obama administration for the steps it has taken so far in the fight against global hunger and poverty, specifically in its commitment to increased funding for food security and for demonstrating its support of the Millennium Challenge Corp. in the proposed budget for the coming fiscal year. I urge the administration and Congress to continue America's commitment to assisting the world's poor in the face of fiscal stress and competing budget priorities.

To cure the malady of hunger, we must invest today in agriculture's long-term sustainability. We have smart models of development assistance that are working toward this goal for the world's poor. If we are truly committed to ending global hunger, we must deepen our support for the solutions these models are delivering.

Mr. SESSIONS. Madam Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman, the ranking member of Energy and Commerce from Ennis, Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished member of the Rules Committee.

Madam Speaker, this is the most important economic bill before this House in the last 100 years, and we get, under this rule, 3½ hours of debate, equally divided. I can almost say we have debated ceremonial resolutions longer than this bill if this rule passes.

□ 0945

Let me give you just two or three reasons to vote against the rule. Four hundred pages of this bill have never been seen before. They were literally hot off the Xerox machine when they were handed into the Rules Committee at approximately sometime between 2 and 3 a.m. this morning. That's one reason to vote ''no'' on the rule.

Number two, there is a provision in this revised bill on derivatives that the chairman of the Ag Committee and the chairman of the Financial Services Committee have already said needs to be repealed. But they have agreed to let it be a part of today's package with the understanding that it will then be repealed later this summer. That's another reason to vote against the rule.

There are so many new provisions that have never been seen. Provisions that Chairman PETERSON and Chairman WAXMAN negotiated on agriculture have never been the focus of a hearing or even a public debate. It is a debatable proposition whether the provisions that Chairman PETERSON had negotiated have any value at all since the EPA Administrator still retains the ultimate authority under the bill to regulate any man-made greenhouse gas.

This bill needs to be pulled today. And if we vote against the rule, it will be. We need to go back, make sure that these new provisions are vetted in the committees and in public debate and then bring the revised bill to the floor sometime in July or September and have a week of debate on it with numerous amendments.

Two hundred amendments were presented to the Rules Committee last night. One was made in order, one of 224.

This is a bad rule. It is a closed rule. This is a bad bill. It is the economic disaster bill for the United States of America if it were to pass.

The easiest thing to do is vote ''no'' on the rule and then let's do work together to come up with a more reasonable bill sometime this fall.

Ms. MATSUI. Madam Speaker, I yield 2 minutes to the gentlewoman from Nevada, a member of the Transportation and Infrastructure Committee and Education and Labor Committee (Ms. TITUS).

Ms. TITUS. Madam Speaker, I rise in strong support of the Titus-Giffords-Heinrich amendment, which the manager's amendment incorporates into the American Clean Energy and Security Act.

Our amendment will create clean-energy jobs, promote deployment of renewable energy technology, and put the Federal Government in a position to lead by example. Our amendment extends the limit for the Federal Government to 20 years on a contract for the acquisition of electricity generated from a renewable energy resource, often referred to as a power purchase agreement. This provision will encourage wide-scale deployment of renewable energy technology at Federal buildings, BLM land, and Superfund sites. Additionally, it will allow agencies to plan for more sustainable and affordable energy use over an extended period of time. This small change will open the door to government investments in cleaner, more sustainable, and ultimately more cost-beneficial energy technologies.

Our amendment also establishes a Renewable Electricity Standard for Federal agencies. This RES will ensure that the Federal Government meets 20 percent of its electricity demands through renewable energy by 2020. It will drive demand for new, clean-energy technologies and help create new, clean-energy jobs. Indeed, we will be leading by example.

I'm proud to have joined my fellow members of the Sustainable Energy and Environment Coalition, chaired by JAY INSLEE and STEVE ISRAEL, on this provision. I would like to thank Chairman WAXMAN for his assistance on this important amendment.

I too will miss you, Madam Speaker.

Mr. SESSIONS. Madam Speaker, I appreciate the gentlewoman's coming down and speaking this morning. There's an estimate that in her congressional district, there will be 5,334 jobs that will be lost in the first year of this bill.

Madam Speaker, at 3 o'clock, 2:30 this morning, we received the manager's amendment, 309 pages, brand new. And this is the text of the ideas that Chairman BARTON was talking about that were completely ignored by the Democrat majority last night in the Rules Committee. The Members had come up to speak plainly about their ideas. Completely ignored. Completely ignored.

At this time I would like to yield 3 minutes to the ranking member of the Energy and Environment Subcommittee of the Energy and Commerce Committee, Mr. UPTON.

Mr. UPTON. Madam Speaker, this bill sure is an energy bill. This bill will turn out the lights on America.

You know, there was a chance that we were going to have a bipartisan bill. But that chance melted away when the subcommittee failed to mark up a bill and we went right to full committee. We thought we might have a chance on the House floor. And I can remember when Speaker Hastert was in your chair, Madam Speaker, because 4 years ago we had an energy bill on the floor and there were more than 50 amendments that were offered under Chairman DREIER and the Rules Committee, many of them Democratic amendments. We spent a number of days on this. And at the end of the day, both Mr. DINGELL, the former chairman, and JOE BARTON, the then-chairman of the Energy and Commerce Committee, were able to vote for a bill because, in fact, it was bipartisan.

Yesterday more than 200 amendments were filed up at the Rules Committee, many of them Republican, many of them bipartisan. Mr. HILL, Democrat from Indiana, and I offered a bipartisan amendment on nuclear. Nuclear is one issue that is absent from this bill. Don't ask me why. There are no greenhouse gas emissions from nuclear. It really is a jobs bill. I've got two nuclear plants in my congressional district. When they were both brought online, 85 percent of the components were made in America. Today for a new nuclear plant, 85 percent is going to come from someplace else because we turned the light from green to red on nuclear the last 20, 25 years. Yet no amendment on nuclear in this bill and in this rule.

I woke up this morning and saw my friend and colleague Mr. INSLEE speaking on C–SPAN. He said this bill was going to cost only a postage stamp. I looked at the paper this morning and saw a full-page ad: gasoline costs will only go up 2 cents a gallon.

You know, I hope they're true. But I don't think that those statements are going to be true. We had amendments as a safety valve in case it does go up. The CBO and American Petroleum Institute say that gas prices are going to go up 77 cents a gallon, diesel prices 88 cents a gallon. Some energy costs could go up by 40 to 50 percent. We had amendments that said, hey, if gasoline goes up to 5 bucks a gallon, we're going to take off this cap-and-trade. If electricity prices go up more than 10 percent, we'll take off cap-and-trade. If unemployment reaches 15 percent, and it's almost there already in Michigan, we'll take off those job-killing provisions. Were those amendments allowed? No.

Then we've got the whole issue of India and China, jobs going someplace else. That consumed a couple of hours of debate, I think, in full committee. Yet no amendment at all allowed on the House floor.

Madam Speaker, my folks want to work and pay taxes. Yet they're going to find themselves laid off, and in Michigan a hundred thousand folks this year will run out of benefits. No amendments are allowed to help those folks. Not even a Republican substitute is allowed as part of this rule.

Madam Speaker, your side has an 80-vote margin. I would like to think that at least we could have the same cards to offer positive constructive amendments and debate it on the merits, not on the politics.

Ms. MATSUI. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida, a member of the Energy and Commerce Committee (Ms. CASTOR).

Ms. CASTOR of Florida. I thank my good friend Congresswoman MATSUI from California for yielding and say that it is absolutely appropriate that Congresswoman DORIS MATSUI leads off the debate today on behalf of the Rules Committee because she has been one of America's most outspoken advocates for a new, clean-energy economy.

Madam Speaker, the American people's election of President Obama was a call for a change in the direction of the country, especially our energy policy.

America's energy policy is outdated. We rely too much on foreign oil, which has serious economic and strategic risks. We have not invested in renewable energy or in cost-saving technologies as we should. Meanwhile, carbon pollution is changing our climate and destabilizing global markets. Unless carbon pollution is addressed, we face an uncertain future.

But thanks to the leadership of Speaker PELOSI, Chairman WAXMAN, Chairman MARKEY, and many of my colleagues and businesses and citizens all across America, we now have a golden opportunity to act and to modernize energy policy and to bolster science and research.

We are going to pass the American Clean Energy and Security Act, and none too soon. It comes at a critical time for our Nation and right on the heels of the Economic Recovery Act. Together the Clean Energy Act and the recovery plan provide a new foundation for economic recovery, new jobs, and clean-energy manufacturing. We are going to drive the development of new, clean-energy jobs that pay well and cannot be outsourced.

People are fed up with the wild swings in gas prices and tired of watching America's economy rise and fall along with the price of a barrel of oil. So we're going to commit ourselves to a new economic future.

The Clean Energy Act has special significance to my home State of Florida because alone in the continental United States, my State is surrounded on three sides by water. If we do not take action to address carbon pollution, it is possible that much of my State in future decades will no longer be habitable. We must act now.

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

Ms. MATSUI. I yield the gentlewoman an additional 30 seconds.

Ms. CASTOR of Florida. I thank my colleague.

Scientists tell us that if carbon pollution is not addressed, the seas could rise and the coasts could move inland. Florida has already seen increasing droughts and saltwater intrusion of our aquifers. What happens if we do not act? Property insurance rates are already out of sight. What if the scientists are right that warmer waters increase the intensity of hurricanes?

So for those that say that it's not time to build on a new energy economy or that environmental changes can be ignored, you are on the wrong side of history. We are going to make good on the promise to future generations of Americans and break our dependence on foreign oil and create the clean-energy jobs that will revitalize America's economy in the coming century.

Mr. SESSIONS. Madam Speaker, I appreciate the gentlewoman from Florida's coming down. A vote for this bill will lose 3,500 jobs in her congressional district in the year 2012, the first year of its implementation.

Madam Speaker, I would like to yield 2 minutes to the distinguished gentleman from the Fifth Congressional District of Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, since the Democrats have taken control of Congress, we have seen their idea to increase the deficit tenfold. We've seen their idea to triple the national debt in 10 years. We've seen their ideas to bail out AIG, GM, Fannie and Freddie, and the list goes on. And today's new idea, a new national energy tax costing every American family $1,500 to $3,000 a year, but only if they choose to turn on a light, cook a meal, or drive their children to school.

Don't take my word for it. Listen to the President of the United States, who

said that under his plan, electricity rates would ''necessarily skyrocket.'' That's from our President. Estimates are our gas prices will go up about 77 cents a gallon at the pump.

Now, all of this is due to global warming concerns, and, Madam Speaker, these are legitimate concerns. We have a right to be concerned, and man-made activity does contribute. But is this a smart policy? You know, if India and China don't participate, it is for naught. Even our own Federal Government estimates, at best over a course of a hundred years, this may impact global temperatures 2/10 of 1 degree. Frankly, that variance occurs naturally every single year.

Think about the severe job loss, millions and millions of jobs lost due to the competitive disadvantage we have.

There are smarter ways to deal with global warming, but we hear nothing about clean coal from the other side. We hear nothing about nuclear from the other side.

Think about the huge loss of national wealth that could have been used to cure cancer, send a generation to college, help launch millions of small businesses.

Now, Madam Speaker, some call it ''cap-and-trade.'' It will cap American opportunity. It will trade away American jobs. It's time to reject the new national energy tax.

□ 1000

Ms. MATSUI. Madam Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Ms. MATSUI.

I rise today in support of this legislation. I was pleased to join with my Southwestern colleagues DINA TITUS and MARTIN HEINRICH to offer amendments to this bill, which are now part of the manager's amendment.

With strong support from my colleagues and the Sustainable Energy and Environment Coalition, we cracked an amendment which will significantly expand the government's use of electricity from renewable sources, such as solar energy, in a couple of ways.

First, it extends the allowable period of time for which Federal agencies may sign public power agreements from 10 years to 20 years. This will allow renewable power providers to offer lower rates, making renewable power much more cost competitive. This is going to promote the installation of renewable power projects on government buildings and military installations across the country.

In my district, southern Arizona, both Fort Huachuca and Davis-Monthan Air Force Base are looking at installing solar projects. This time expansion from 10 to 20 years, this provision is going to be a significant benefit to these projects and other projects across the country.

Second, the amendment will establish a target of 20 percent renewable electricity for all government agencies by 2020. Similar to the renewable electricity standard for utilities already crafted in this legislation, this provision simply ensures that our Federal Government is doing the same. We are creating a market for renewable power.

As an enormous consumer of energy, particularly the Department of Defense, the Federal Government can have a significant positive impact by modifying its procurement process to support emerging technologies in this way.

This bill, Madam Speaker, is not a perfect bill, but it's an important piece of legislation, and I urge my colleagues on both sides of the aisle to support it.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman, the chairman of the Republican Conference, Mr. PENCE.

Mr. PENCE. Madam Speaker, this is a difficult time in the life of our Nation and the life of our Nation's economy and that of families and small businesses and family farms.

Remarkably, today, with an embarrassingly brief amount of debate and discussion and amendment, the Democrat majority is poised to bring to the floor of the Congress what amounts to the largest tax increase in American history under the guise of climate change legislation.

Now, there is a lot of debate about what this bill will cost the average American household from hundreds of dollars to thousands of dollars, but there actually is no debate over the fact that this legislation will cost millions of American jobs. On that point there is no discussion.

The bill, itself, actually includes a fund that would provide resources for Americans who lose their jobs if cap-and-trade becomes law, and there are news reports this morning, although I am yet to confirm them, that there may be new trade restrictions in this legislation, because the expectation, and it is reasonable, is, by raising the cost of energy for every American business, that we will see businesses flee overseas, taking jobs abroad in these difficult economic times. It is extraordinary, to say the least.

But the way that this bill is coming to the floor ought to be disturbing to every American, Republican, Democrat and Independent that's looking in. Last night, at 3:09 a.m., House Democrats filed a 309-page amendment and denied Republican and Democrat amendments to the tune of the 224 that were submitted.

Three hours of debate, one amendment filed at 3:09 in the morning that's 309 pages. And I would ask the Democrat majority and the Speaker respectfully, what's the hurry? What are we hiding here that we can't afford more time for the American people and their elected representatives to examine what's in this bill?

I mean, is there more corporate welfare, more deals for special interests. Were Members that were on the fence placated with special provisions for industries in their districts? We are hurrying to find out, and we have to hurry, because the majority just recently denied us one additional minute of debate.

You know, the term ''Congress,'' Madam Speaker, actually is an ancient term. It means interaction. It means the intercourse between men and women in ideas and philosophies. This is not Congress. I don't know what this is; 3 o'clock in the morning, 300 pages, one amendment is a travesty.

Ms. MATSUI. Madam Speaker, I yield 1½ minutes to the gentleman from Vermont, a member of the Committee on Energy and Commerce, Mr. WELCH.

Mr. WELCH. I thank my colleague.

Madam Speaker, a confident nation acknowledges the challenges it faces. It doesn't ignore them. A confident people, when faced with the challenge, rolls up their sleeves and addresses the problems before them.

Madam Speaker, today, Congress has two questions. The first is will it acknowledge the challenge of global warming that it is real, that it is urgent, and that demands attention now.

And second, will Congress, by this first step of passing this legislation, unleash the power of America to take that step towards American energy independence; to unleash the brilliance of our scientists and engineers to develop alternative and renewable energy; to unleash the competitiveness of our entrepreneurs to bring to market energy-saving devices and to create jobs in America; the frugality and thriftiness of our homeowners and business owners who have buildings to be able to retrofit and make them more energy efficient and save money; the skills of our plumbers, masons, electricians and carpenters to go to work making our buildings more energy independent.

Madam Speaker, every generation faces its challenge, and what we have seen across America is that young people have taken this on, and our question is whether we are going to——

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

Ms. MATSUI. I yield the gentleman an additional 15 seconds.

Mr. WELCH. The question we face as Congress is simply this: Will we put to work those young Americans, those scientists, those entrepreneurs, and allow them to make America energy independent?

The questions we face can be solved. We have to give permission and authority for people to act.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 1½ minutes to the distinguished gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I want to give my personal congratulations to Congresswoman TAUSCHER, and I just look for great things out of you. Congratulations.

I rise to speak against this rule. This rule is blatantly unfair to the American people. It is quashed. It is. It has prevented good amendments to be introduced on this floor and to have the proper debate that we should have over something that is extremely important, as this bill is. We have just gotten this, but let me tell what you this bill is, America, Madam Speaker. This bill is going to kill millions of jobs in America. People are going to be put out of work because of this bill.

Now, we hear all the time about global warming. Actually, we have had flatline temperatures globally for the last 8 years. Scientists all over this world say that the idea of human-induced global climate change is one of the greatest hoaxes perpetrated out of the scientific community. It is a hoax. There is no scientific consensus.

But this is going to kill jobs. It's going to raise the cost of food. It's going to raise the cost of medicines. It's going to raise the cost of electricity and gasoline. Every good and service in this country is going to go up, and who is going to be hurt most? The poor, the people on limited income, the retirees, the elderly, the people who can least afford to have their energy taxes raised by, MIT says, over $3,100 per family.

This rule must be defeated. This bill must be defeated. We need to be good stewards of our environment, but this is not it. It's a hoax.

I encourage people to vote against the rule and the bill.

Ms. MATSUI. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I would like to thank the gentlelady from California, and I would like to express my recognition that this is heavy lifting.

This is for the courageous and the willing who want to see a new vision. I am well aware of the hard task that our friends on the Rules Committee had, so I am voting for the rule, and I come from the energy capital of the world. We are proud to say that. We have obviously lived in the clothing of the energy of this past century and what continues in the century to come.

But I realize it should be a seamless energy policy. I represent the city of Houston, hardworking Americans. And so it's important as we listen to our friends on the other side of the aisle, this is a challenging time. It is a time for heavy lifting, to be able to look at what happened in the past. We realize that under the Bush administration, the increase in what we pay for gasoline went from 2,000-plus to 4,000-plus. We also realize that in this legislation there is a great effort to ensure that the American people are addressed fairly.

So 40 percent of American households will face almost no cost as a result of this bill. Let's get the facts. We know that the CBO score of the bill that had been utilized by our friends on the other side of the aisle is incorrect because the increase on building our energy resources will wind up being $770 per family. But there are issues that we should continue to be focused on, and, therefore, we should look to ensure that no American who may be displaced for any reason, new technology, is not, in essence, overlooked.

There are millions of dollars for green energy job training in this bill. I am looking to offer amendments that focus on making sure that any dip in job positions will be monitored by the Labor Department and, in fact, that resources be available for all Americans.

But what we are trying to do here is to build a new culture and work with what we have, to build the seamless resources that we have across the country and guide the carbons out of the air and make our quality of life better and at the same time give us a new vision for how we handle the energy needs of our Nation.

And so it is important that we recognize that there is a structure to capture that carbon. There is a response to those who are, in essence, impacted. There are credits that are going to be given.

At the same time, I was concerned about the labeling of different buildings, and we are working on language that would ensure that older buildings won't have to participate in the assessment of whether your building is energy efficient. It will be for new construction.

So we are making our way because, in fact, this is a beginning. We will be working with the Senate. We will be working with the President. We will be working on behalf of the American people.

We have to get started. We have to be innovative. We have to claim the 1.7 million jobs that this bill will create. I think America wants us to do that.

Mr. SESSIONS. Madam Speaker, could you please advise us how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 6 minutes remaining. The gentlewoman from California has 9¾ minutes remaining.

Mr. SESSIONS. Madam Speaker, at this time I would yield 1½ minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I rise in opposition to this rule and to the underlying legislation. I am just not sure to which I am more opposed. Americans are watching, as from Iran to North Korea, the forces of darkness are attempting to silence the voices of democracy and freedom.

The irony is, on this day, the democratic process and our Nation's economic freedom are under threat, not by some rogue state but in this very Chamber in which we stand. Good people may disagree on the impact of the merits of this bill, but no one can disagree with the fact that the Speaker and our Rules Committee have silenced the opposition of 224 amendments. Madam Speaker, one, and I repeat, one amendment was actually made in order.

Madam Speaker, I offered an amendment which was, of course, not made in order, that would have allowed a State to opt out of this legislation.

□ 1015

How can we not give them the ability to say that their citizens and their businesses simply cannot afford this Pelosi global warming tax? For some of them, this bill will be an economic death sentence.

And yet, Madam Speaker, this House will not have a chance to vote on this amendment or any of the other 222. They were banned from being debated and voted upon in this, the people's House.

I call upon every Member of this House, oppose and defeat this rule, not just for the sake of the democratic process, but for the sake of our Nation's economy.

Ms. MATSUI. Madam Speaker, I yield 2 minutes to a member of the Committee on Natural Resources, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Madam Speaker, I rise today in support of this rule, which includes an amendment I worked to draft with my colleagues, Ms. TITUS of Nevada and Ms. GIFFORDS of Arizona.

This amendment will make sure that the Federal Government leads by example on clean energy. In my district, Kirtland Air Force Base has tried for a number of years to contract with local clean-energy producers to purchase electricity to help power the base, but there are several Federal policies that stand in the way of these kinds of projects.

New Mexico is second in the Nation for solar energy potential, and we have a thriving clean-energy industry in Albuquerque, creating jobs today. So this is a natural partnership.

However, many Federal agencies have discovered that the 10-year limit on Federal power purchase agreements made these kinds of agreements uneconomical for their private sector partners in the solar industry.

Our amendment will extend the length of these contracts to 20 years, allowing more Federal agencies to sign agreements with clean-energy producers. This will put Americans to work and ensure the Federal Government leads by example in the use of clean energy.

I urge my colleagues to support this rule, this legislation.

Mr. SESSIONS. Madam Speaker, if I can please ask my colleague, the gentlewoman from California, in an effort to get our time back to an even balance, if she could have one of her speakers up at this time.

I reserve the balance of my time.

Ms. MATSUI. I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Speaker, the bill today that Chairman WAXMAN has so carefully shepherded to the floor today is a landmark achievement for this body. For the first time as a Nation we are moving towards energy independence, creating millions of new clean jobs, and confronting the threat that global warming poses to the Earth.

As parents, we all struggle to provide our children with a better life. Without the strong action embodied in this bill, the world that we bequeath to our children will be diminished by continued reliance on Middle Eastern oil, by exporting billions of hard-earned American dollars to petro dictatorships, and by a warming Earth.

America has been at her best during her greatest struggles and, as before, her industry and entrepreneurial spirit will prevail. Already, the green technology industry is booming across the country, with new factories built and new companies formed every day.

Unfortunately, the Federal Government itself has not been able to fully utilize renewable energy. Many renewable energy installations have large upfront costs, which then have to be recovered in the form of cheap energy over the course of many years. But the Federal Government has been restricted from signing long-term contracts for energy, so affordable renewable energy has been unavailable to thousands of government offices around the country.

The rule for this bill inserts an important provision that I authored as independent legislation earlier this year and that I worked with many colleagues to include. It loosens the restrictions on energy purchases by the government, and that will spur local green energy development in every State in the Nation.

I hope that we can support this measure, this rule, this bill and fulfill the promise that we have given to our constituents, that we will serve this country not only today and during this Congress, but for the long haul, that we will make not only the easy decisions, but the hard ones.

Mr. SESSIONS. At this time I yield 1 minute to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding. Madam Speaker, I rise today in opposition to this rule and the bill. I offered five bipartisan, commonsense amendments to the bill with the support of other Members. Not one of these was made in order.

I offered an amendment to strike the section that mandates national building codes. Because my amendment was rejected, if State and local governments don't comply with these new national mandates, homeowners today who are struggling to make ends meet could be charged $100 a day for not being in compliance. A new tax on American homeowners is the wrong direction.

I had another amendment to strike from this bill the new tax on all transactions cleared via any U.S. regulated derivatives clearing organization. This bill then will have very chilling consequences. It will punish those using U.S.-regulated clearing organizations, discourage the use of central clearing organizations, and reduce transparency and liquidity and encourage legitimate business activities to move to unregulated foreign markets.

Another amendment would revise the Nuclear Advanced Fuel Cycle Initiative to set a policy for clean, safe nuclear energy. I oppose this rule and the bill.

Ms. MATSUI. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. It's interesting, earlier today someone asked me: How can you vote for this measure, because global warming is a hoax. My answer was: It's very simple. I remove the blinders there that exist with some of my colleagues who think that global warming is a hoax. I remind them that there are zero peer-reviewed scientific studies that say global warming is a hoax.

There are hundreds of peer-reviewed scientific studies that say global warming is real and that man's actions contribute greatly to that increase in temperature.

We are often asked: What is our legacy here? What really matters about what we do? And I'd like to think it's how our children and our grandchildren will react to what we did and what we left behind.

So let's face reality and do what is right for our children and our children's children.

Mr. SESSIONS. At this time I would yield a grand total of 30 seconds to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Thank you, Madam Speaker. I do rise to oppose this rule. Many of my constituents see this as a government regulation of the very air you breathe. They know that this is a liberal's dream, and that indeed many think that the Democrats have become the party of punishment. We are the party of ''no.'' We want people to know what is in this bill.

I offered in committee an amendment that would require disclosure of what this legislation would cost consumers on their electric bills, at the gas pump, and on the products that they buy.

In Rules Committee, I offered an amendment to require every transaction that FERC makes on these allocations and offsets to be listed in a database that is searchable by the public so they will know what is in this. They were voted down.

I encourage all to oppose this rule and this bill.

The SPEAKER pro tempore. The gentlewoman from California has 5½ minutes. The gentleman from Texas has 3 minutes remaining.

Ms. MATSUI. I reserve the balance of my time.

Mr. SESSIONS. If I could, Madam Speaker, is the gentlewoman through with her speakers now? We still have some disparity in the little bit of time that was given. I would like for there to be some parity.

Ms. MATSUI. I have additional speakers coming.

Mr. SESSIONS. If she has additional speakers, I will reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I don't see my speakers present there, so I'm ready to close. I will use my remaining time to close.

Mr. SESSIONS. At this time I yield 1 minute to gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Speaker, I rise in opposition to this rule and the underlying legislation. I've only been here 6 months, but this is the worst piece of legislation that has come out of the House yet.

It defies logic that at a time of economic recession we would impose a regressive national energy tax that many have predicted will result in a net job loss. Supporters of this legislation only want to talk about the so-called ''green'' jobs that will be created, but they conveniently ignore that some studies indicate that for every one job created, two are eliminated.

Worse, we are creating a costly, confusing program of carbon credits. Let me make one prediction: the only certainty under this bill is Wall Street traders sophisticated enough to understand how these credits are traded will make millions.

I offered an amendment yesterday at the Rules Committee stating that at least bring it to a level playing field between the U.S., China, and India. My feeling is that if Congress is going to pass this legislation, we should require India and China—two enormous and growing resources of greenhouse emissions—to abide by the same standards.

My amendment would have required the U.S. to come to agreement with these two countries on emission reductions before implementing any provision within this bill.

This rule is a sham. It pales in comparison to how awful the bill is. I urge

the Members to demand a return to the democratic process and defeat this bill that will certainly exacerbate our economic recession.

Mr. SESSIONS. Madam Speaker, at this time I yield 30 seconds to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Thank you, Madam Speaker. I rise in opposition to this rule. This is a massive energy tax on the backs of the American people all across this country. All estimates show millions of jobs will be lost by this cap-and-trade energy tax.

Every household family will see an increase in their utility bills. And we brought amendments last night to protect American jobs. They ruled every one of those amendments out of order.

We brought amendments to protect American families having their utility bills increased. They ruled every one of those amendments out of order.

What is Speaker PELOSI and this liberal leadership trying to hide from the American people? We should have an open, honest debate on this bill. It's a bad bill and a bad rule. I urge rejection of the rule.

Ms. MATSUI. Madam Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Our country's dependence on foreign oils threatens our economy and security. We need to take bold steps to become energy independent by growing a new energy economy. Comprehensive energy reform will reduce our dependence on foreign oil, making us more secure as a Nation.

The energy bill we consider today will also create clean-energy jobs, inspiring a new economy. As a former utility commissioner, I saw firsthand the positive impact energy reform had on my State of New Mexico. We instituted a renewable energy standard that increased the generation of renewables. We encouraged energy efficiency to reduce costs for homes and businesses. And it's now time to see these steps at a national level.

For too long we have accepted the status quo on energy, and now, with the American Clean Energy and Security Act, we can put America on a path to energy independence, make America the global leader in energy technology, cut costly and harmful pollution, create new jobs, and save billions in the long run.

I support this rule and urge my colleagues to join us in supporting this rule and this legislation.

Mr. SESSIONS. At this time I yield 1½ minutes to the ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for his superb management. The American people are hurting. We know that very, very well. We hear it daily. Jobs are being lost, people are losing their businesses, people are losing their homes. They don't want to see another tax burden imposed on them, which is exactly what this bill is going to do. Everyone recognizes that there is going to be an increase in the burden on the American people.

Unfortunately, as we pursue green technology, we have not been given an opportunity to do that. My friend from Ohio has been very thoughtful on this issue. He had an idea—several ideas that I offered before the committee.

One of the things I believe we should do, Madam Speaker, is allow for the free flow of green technology globally. I'm working with my friend from Ohio in a bipartisan way on that.

Mr. KUCINICH. Would the gentleman yield?

Mr. DREIER. I'd be happy to yield to the gentleman.

□ 1030

Mr. KUCINICH. I believe the choices we are being offered in this bill are insufficient to address the immediate real threat of global warming. We can take market-based approaches that protect the planet, respect nature through incentivizing the mass production and worldwide distribution of American-made wind and solar microtechnologies, lowering our carbon footprint, lowering our energy costs, and rallying the American people to join in a great economic and social cause of creating a green future. We can do that. We can still do that.

I thank the gentleman.

Mr. DREIER. Madam Speaker, reclaiming my time. Let me say that I totally agree with the statement of my friend. Here is a demonstration of bipartisanship. It's not often that Mr. KUCINICH and I work together on the exact same issue. We believe that the free flow of tremendous green technology around the world will, in fact, dramatically improve our economy and the standard of living and quality of life for the American people and for the rest of the world.

Defeat this rule, so that we can bring back some of the 224 brilliant ideas that were offered but totally denied by this majority.

I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 4½ minutes.

Ms. MATSUI. The rule before us today is a fair rule. It allows us to highlight our current energy policy challenges and a vision for a better tomorrow.

The bill contains expedited procedures for consideration of a joint resolution of approval related to an international reserve allowance program. Such procedures are within the jurisdiction of the Rules Committee, and it is the committee's understanding that the procedures are placeholder language that will be finalized as the legislation moves forward. The Rules Committee looks forward to working with the other committees of jurisdiction on this provision.

From water, to energy, to transportation, agriculture and public health, climate change is a defining environmental challenge of our time. The action we take today will impact our country in a positive way for generations.

Today, it is this Congress' responsibility to pass comprehensive energy policy that charts a new course towards a clean energy economy. The underlying bill, the American Clean Energy and Security Act, takes huge steps to create jobs, help end our dangerous dependence on foreign oil and fight global warming.

I urge my colleagues to recognize the urgent nature of the challenge before us today. If we do not act, we face disastrous consequences. Nearly every scientific society around the world has warned of the cost of inaction.

On the other hand, if we do act here today, we make our planet more sustainable, more economically viable and more efficient than the world we live in today. We will make a positive impact, not only on the billions of people who live on the Earth today, but for generations into the future.

Madam Speaker, I urge a ''yes'' vote on the previous question and on the rule.

Mr. MANZULLO. Madam Speaker, I rise in opposition to the Rule. I offered a commonsense amendment to strike the International Climate Change Adaptation program and the allocation of emission allowances to this program. We don't need to establish yet another foreign assistance program that is not only redundant but will actually hurt American manufacturers.

This legislation calls for the U.S. to transfer to developing nations a portion of America's emission allowances so that these nations can continue to pollute. By giving away additional allowances this legislation will put America's manufacturers at an even worse competitive footing than ever before. This is another incentive to encourage American manufacturers to leave this country.

And, this initiative will not reduce emissions. According to an article in yesterday's Washington Times, David Bookbinder, chief climate counsel to the Sierra Club, said, ''emissions could actually stay the same or increase domestically because companies could choose to buy permits instead of investing in technology to make their operations cleaner.'' I ask unanimous consent to insert the full article into the RECORD.

Plus, this Rule prohibits a debate on some other commonsense amendments. My fellow Illinoisan, Representative JUDY BIGGERT, had a responsible amendment to strike the federalization of local building codes and replace it with positive incentives to encourage federal, state, and local governments to move towards green building codes. Even the liberal Washington Post editorialized against this provision in the bill. I ask unanimous consent to insert

this editorial into the RECORD. This amendment was defeated 3 to 7 in the Rules Committee last night.

The Rule also prohibits a debate on an amendment offered by Representative DAVID ROE of Tennessee to waive this bill until the U.S. reaches an agreement with China and India on greenhouse gas reductions. Again, this sensible amendment was defeated by a vote of 3 to 7 in the Rules Committee last night. This is atrocious. We are only fooling ourselves if we think we're doing something to save the planet when all we're doing is transferring our manufacturing jobs and our pollution problems to China, India, and other developing nations. This bill will not lower global emissions of greenhouse gasses. The Roe amendment would have prevented this mistake.

I urge my colleagues to vote ''no'' on the rule and ''no'' on the final ''cap and tax'' bill.

[From the Washington Times, June 25, 2009]

CLIMATE BILL GIVES BILLIONS TO FOREIGN FOLIAGE

(By Amanda DeBard)

If a tree falls in Brazil, it will, in fact, be heard in the U.S.—at least if a little-noticed provision in the pending climate-change bill in Congress becomes law.

As part of the far-reaching climate bill, the House is set to vote Friday on a plan to pay companies billions of dollars not to chop down trees around the world, as a way to reduce global warming.

The provision, called ''offsets,'' has been attacked by both environmentalists and business groups as ineffective and poorly designed. Critics contend it would send scarce federal dollars overseas to plant trees when subsidies are needed at home, while the purported ecological benefits would be difficult to quantify.

The offsets ''would be a transfer of wealth overseas,'' said William Kovacs, vice president for environmental affairs at the U.S. Chamber of Commerce.

The Congressional Budget Office (CBO), the official fiscal scorekeeper on Capitol Hill, has not offered an estimate on how much the offset plan would cost, but the liberal Center for American Progress says it will be pricey.

''The international offsets market is not a huge or cheap market,'' said Joseph Romm, a climate expert at the center. ''By 2020, the U.S. could be spending $4 billion on international offsets.''

Supporters of the legislation counter that the plan recognizes the need to reduce greenhouse-gas emissions to curb global warming—in the United States and beyond. Supporting ways to keep trees alive or plant new trees, wherever those trees are located, helps the effort, they say.

Under the program, the government would reward domestic and international companies that perform approved ''green'' actions with certificates, called permits.

Those companies could, in turn, sell the permits to other companies that emit greenhouse gases. The permits would be, in effect, licenses to pollute—and potentially very valuable.

The heart of the climate plan would require major polluters to purchase the permits if they want to pollute above a certain level, controlling overall emissions through a market that is called ''cap-and-trade.''

Under the provision to be voted on in the House, the ''green'' companies could sell their offset permits to companies that need them because they are unable to, reduce their own emissions as fast as the government would like.

But critics from both the political left and right see problems.

''You have to ask yourself, what is the purpose of this provision? Because it won't actually reduce emissions,'' said David Bookbinder, chief climate counsel to the Sierra Club, the environmental advocacy group.

Mr. Bookbinder said emissions could actually stay the same or increase domestically because companies could choose to buy permits instead of invest in technology to make their operations cleaner.

Kenneth P. Green, a climate specialist at the conservative American Enterprise Institute for Public Policy Research, said keeping track of which projects would be eligible for inclusion is another flaw in the plan.

''Who is responsible if there's a fire that burns down a [green] project? Will those just be wasted offsets?'' he asked.

Mr. Green and others say the bill's offset provisions, are too vague and leave unanswered too many questions about which projects will qualify for the offsets and how many offsets would be offered for a given project.

''The key with offsets is ensuring that they generate'credible' emission reductions,'' said Evan Juska, North America senior policy manager for the Climate Group, which advises governments and business how to move to a low-carbon economy.

Mr. Juska said the bill, as written, ''leaves much of it to be determined by the administrator after the program is enacted.''

While tree stands are a large absorber of carbon dioxide and other greenhouse gases, they may not be the only projects that qualify for offsets. Companies that erect wind farms, install solar panels, invest in devices that trap the methane gas in landfills, use less fertilizer, or upgrade equipment at their refineries and power plants might also be eligible for offsets.

The bill would only allow 2 billion tons, or about 30 percent, of carbon-dioxide emissions to be offset a year through the so-called ''green'' actions.

Half of the qualifying projects must be domestic and half must be overseas, but the bill includes the option to award more offsets to international projects if not enough domestic projects are available.

The CBO projects that the thousands of firms subject to the cap-and-trade program would utilize 230 million tons of domestic offsets and 190 million tons of international offsets in 2012, the year the legislation is proposed to take effect, instead of reducing their emissions levels.

[From the Washington Post, June 7, 2009]

BURIED CODE

The running joke in Washington is that nobody has read the 900–plus-page energy bill sponsored by Reps. Henry A. Waxman (D–Calif.) and Edward J. Markey (D–Mass.), which the House will consider in coming weeks. What you hear from its backers is that its cap-and-trade provisions would create a market-based program to reduce greenhouse gas emissions—which should mean that a simple, systemwide incentive encourages polluters to make the easiest reductions in greenhouse gases first, keeping the costs of fighting global warming to a minimum. In fact, the bill also contains regulations on everything from light bulb standards to the specs on hot tubs, and it will reshape America's economy in dozens of ways that many don't realize.

Here is just one: The bill would give the federal government power over local building codes. It requires that by 2012 codes must require that new buildings be 30 percent more efficient than they would have been under current regulations. By 2016, that figure rises to 50 percent, with increases scheduled for years after that. With those targets in mind, the bill expects organizations that develop model codes for states and localities to fall in the details, creating a national code. If they don't, the bill commands the Energy Department to draft a national code itself.

States, meanwhile, would have to adopt the national code or one that achieves the same efficiency targets. Those that refuse will see their codes overwritten automatically, and they will be docked federal funds and carbon ''allowances''—valuable securities created elsewhere in the bill that give the holder the right to pollute and can be sold. The Energy Department also could enforce its code itself. Among other things, the policy would demonstrate the new leverage of allocation of allowances as a sort of carbon currency—leverage this bill would be giving to Congress to direct state behavior.

According to the bill's advocates, America's buildings account for perhaps 40 percent of U.S. greenhouse emissions, and technology is available for builders to meet the targets in ways that are economical for building owners. Much of the problem is old buildings that waste huge amounts of energy, which wouldn't necessarily be touched by the new code. But it would be good if builders met these efficiency goals with new construction.

Is the best way to achieve that, though, to federalize what has long been a matter of local concern? And if the point of cap-and-trade is to change market incentives, why does Congress, and not the market, need to dictate these changes? Those are a few questions that emerge when you begin to read through the 900 pages.

Mr. GRAVES. Madam Speaker, I come to the floor today extremely disappointed with the Rule put before us.

Every day I hear the same message from my constituents—stop Washington's addiction to spending. Bailout after bailout, with no change in sight, the small business owners, farmers and hard working families in Missouri have grown weary and frustrated.

Instead of providing our taxpayers much needed relief, we are here today to ask for more of their money. H.R. 2454 is a thinly veiled attempt to address climate change, unsuccessfully I might add, while its actual goal is to direct more taxpayer dollars to the government coffers. The results are unacceptable:

an average tax increase of $3100 for families;

additional regulatory and administrative costs on small businesses;

higher energy expenses for all—especially those in rural areas;

and significant job loss.

When will enough be enough?

I offered two common sense amendments to H.R. 2454—rejected by the Rules Committee—which struck the cap and tax provisions in the underlying bill should the unemployment rate reach 8 percent or higher. I have financially strapped companies in my district, who instead of laying off their employees have chosen to keep them on payroll at reduced hours. These business owners and employees are making serious sacrifices. Should

this cap and tax provision be implemented while these companies continue to struggle to survive this economic downturn, their strategic and innovative efforts will become null and void and their employees will join the already overextended unemployment line.

Today I strongly urge my colleagues to stand with me. It is irresponsible of Congress to use taxation as an answer to our challenges. Voting against this rule and the underlying legislation will demonstrate your willingness to work together towards real energy solutions for our future and our children's future.

Ms. LEE of California. Madam Speaker, I rise in support of the rule.

President Obama, in commenting on the American Clean Energy and Security Act earlier this week, cited that this legislation "will open the door to a better future for this nation."

I strongly agree with President Obama, but I must also stress our responsibility to ensure all individuals will be provided the opportunity to participate in the new green economy.

That is why I offered the Lee Amendment to this legislation, which would have authorized legislation I have introduced in the House entitled the Metro Economies Green Act, or MEGA, in order to establish targeted grant programs to support green economic development, job training and creation.

Inclusion of the Lee Amendment to H.R. 2454 would have provided valuable opportunities for those who can benefit from good paying green collar jobs the most—urban youth of color, the unemployed, and those among our neighbors who have just faced incredible hardships in life.

Unfortunately the Lee Amendment was not made in order. However, I look forward to working with my colleagues in the future to expand access to high-paying, career-term green jobs that represent a much needed pathway out of poverty for millions of individuals across this country.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

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

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

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of S. Con. Res. 31 will be followed by 5-minute votes on ordering the previous question on H. Res. 587 and adoption of H. Res. 587, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 180, not voting 10, as follows:

[Roll No. 464]

YEAS—243

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

NAYS—180

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick

Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—10

Ackerman
Culberson
Flake
Hall (TX)
Hastings (FL)
Kennedy
Lewis (GA)
McHenry
Sullivan
Sutton

□ 1100

Messrs. SMITH of Texas, ALTMIRE, GERLACH, and Mrs. EMERSON changed their vote from ''yea'' to ''nay.''

Messrs. GOHMERT and DAVIS of Illinois changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1100

MOMENT OF SILENCE IN TRIBUTE TO MICHAEL JACKSON

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

Ms. WATSON. Madam Speaker, we rise to pay a 1-minute tribute to a star that shot high into the sky and now remains there. We would like all of those to join us who would like to take a moment to remember Michael Jackson, so Members may come and join us here at the mike.

I would just like to say to our House of Representatives, to the country and to the world, a young man has left Earth but now resides in the stars. He was a talented, multitalented person who entertained the world with his dynamic portrayals, the songs that he had written, and his style of dancing. We think that it is appropriate to say that we pay tribute to the culture that he has left behind, his legacy.

I would like now to ask my colleague, Mr. JACKSON, if he would close out, and all those who stand with us send our condolences, our heartfelt sorrow to his family, his friends, and to his millions of fans throughout the world.

Mr. JACKSON of Illinois. Madam Speaker, if there is a God, and I believe there is, and that God distributes grace and mercy and talent to all of his children, on August 29, 1958, he visited Gary, Indiana, and touched a young man with an abundance of his blessings. With that gift, Michael Joe Jackson would touch and change the world. His heart couldn't get any bigger, and yesterday, it arrested.

I come to the floor today on behalf of a generation to thank God for letting all of us live in his generation and in his era.

With that, Madam Speaker, we would ask Members to please stand for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2454, AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 587, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 189, not voting 12, as follows:

[Roll No. 465]

YEAS—232

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

NAYS—189

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise

Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Boehner
Culberson
Flake
Hastings (FL)
Hoyer
Kennedy
Lewis (GA)
Murphy (NY)
Radanovich
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Stated for:

Ms. WOOLSEY. Madam Speaker, on June 26, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 465. Had I been present I would have voted:

Rollcall No. 465—"yea"—On Ordering the Previous Question.

□ 1113

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 217, noes 205, not voting 11, as follows:

[Roll No. 466]

AYES—217

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

NOES—205

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

NOT VOTING—11

Ackerman
Culberson
Flake
Hastings (FL)
Kennedy
Lewis (GA)
Maloney
Mollohan
Sullivan
Walz
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1122

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WALZ. Madam Speaker, on rollcall No. 466, my intention to support the rule on 466 was not electronically recorded. Had I been present, I would have voted "aye."

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2996.

□ 1123

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. LYNCH (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, June 25, 2009, a request for a recorded vote on amendment No. 4 printed in part C of House Report 111–184 by the gentleman from California (Mr. CAMPBELL) had been postponed and the bill had been read through page 119, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. DICKS of Washington.

Amendment No. 3 printed in part B by Mr. HELLER of Nevada.

Amendment No. 4 printed in part B by Mr. JORDAN of Ohio.

Amendment No. 6 printed in part B by Mr. STEARNS of Florida.

Amendment No. 1 printed in part C by Mr. CAMPBELL of California.

Amendment No. 3 printed in part D by Mr. CAMPBELL of California.

Amendment No. 3 printed in part C by Mr. CAMPBELL of California.

Amendment No. 1 printed in part E by Mr. CAMPBELL of California.

Amendment No. 4 printed in part C by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MR. DICKS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. DICKS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. DICKS:

In the item relating to ''Office of Surface Mining Reclamation and Enforcement_Abandoned Mine Reclamation Fund'' (page 26, line 2), before the period at the end insert '': *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act''.

Page 18, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 18, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 46, line 2, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 16, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 3, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 18, after the dollar amount, insert ''(reduced by $1,000,000)''.

Mr. SIMPSON. Mr. Chairman, I withdraw my demand for a recorded vote on amendment No. 1.

The Acting CHAIR. The demand for a recorded vote is withdrawn.

Pursuant to the voice vote, the amendment is agreed to.

PART B AMENDMENT NO. 3 OFFERED BY MR. HELLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HELLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HELLER:

Page 119, after line 22, insert the following:

SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 225, not voting 12, as follows:

[Roll No. 467]

AYES—202

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

NOES—225

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

NOT VOTING—12

Bordallo	Hastings (FL)	Lewis (GA)
Buchanan	Kennedy	Miller, Gary
Diaz-Balart, L.	Kilpatrick (MI)	Norton
Flake	Kline (MN)	Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining.

□ 1145

Mr. ADLER of New Jersey and Ms. SCHWARTZ changed their vote from ''aye'' to ''no.''

Messrs. MASSA, TAYLOR, Mrs. HALVORSON, Messrs. DONNELLY of Indiana and ARCURI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chair, I was delayed in arriving to the Chamber earlier today to cast my vote in the Committee of the Whole House on the State of the Union on the question of adopting the amendment offered by Mr. HELLER of Nevada to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2010. Had I been present and able to cast my vote, I would have voted ''aye'' in support of this amendment (rollcall vote 467).

□ 1145

(By unanimous consent, Mrs. TAUSCHER was allowed to speak out of order.)

CONFIRMATION OF CONGRESSWOMAN TAUSCHER BY U.S. SENATE AS UNDER SECRETARY OF STATE

Mrs. TAUSCHER. Mr. Chairman and my colleagues, I rise to announce that I have been confirmed by the United States Senate as Under Secretary of State for Arms Control and International Security. I have informed my friend, the Speaker of the House, and the Governor of California that I will be resigning my seat at the end of votes today.

Madam Speaker, Mr. Chairman, I am deeply grateful for the trust that both President Obama and Secretary Clinton have placed in me. I am equally grateful and humbled by the honor and privilege to have represented California's 10th Congressional District for the last 13 years in the House of Representatives. It has been the deepest and greatest professional experience of my life, and I am deeply, deeply grateful for the opportunity and the trust that my constituents have placed in me.

In my seven terms in the Congress, I have tried to keep my promise of being an independent and effective moderate. I have worked hard, and I have worked with you. I look around the room; many Members I have served with for the entire time I have been here, and some of you I have flown on planes with and some of you I have taken codels with.

What I know is that we sit here and we do the people's work, and whether we agree or not doesn't always matter. What is most important is that we represent our constituents, that we honor the Constitution, and we keep faith with our conscience. Those are the three Cs that I have tried for these years to maintain in balance. It's not always easy, but I have tried.

I look at all of you and I understand how difficult this world is and how troubling the lives of many Americans are now and how heavy the burden is on you.

What I pledge to you, as I leave the legislative branch in this great House that I have grown to love and all of you that I love, and my constituents that I love, what I promise you in my new capacity is to work with you to achieve what we all know is important, to make sure that we have the safety and the security of the American people always on the forefront of our minds.

I have been blessed to have, I think, some of the best staff in the world. I have always told people I represent the smartest people in the world. I have the two national nuclear labs in Livermore, California, and I have Travis Air Force Base and 600-some-odd thousand constituents who apparently, now, 100 percent of them have voted for me every time. There's nothing like leaving to become popular.

But I just want to thank the staff who have worked with me, both on the subcommittee and my personal staff and my district staff, that have been just absolutely fabulous.

I want to thank my friends in the House, my friends that started as friends and became family and who have sustained me and with whom I have learned so much.

I want to thank the Speaker for her indefatigable energy. I want to thank STENY HOYER. I want to thank my partner in my county, GEORGE MILLER. I want to thank IKE SKELTON and JIM OBERSTAR, my chairmen, for being so generous and for helping me learn.

I want to thank, again, my constituents for the honor. I especially want to thank my family, my parents and my sisters and brothers and my friends who have been patient and understanding when I couldn't be at birthday parties and volleyball games.

I want to thank my daughter, who was raised in the House. She came here as a 5½-year-old. She is now going to college, and I am so thrilled that she is emancipated and happy and healthy and a smart young woman. And you should be as proud of her as I am, because you helped raise her.

And I want to thank, especially, my fiance, Jim Cieslak, who I will marry tomorrow. Thank you. It's hard to be a blushing bride at my age, but I will do my best.

Let me just close and say that no matter where I am serving in government, I will always remember those that sent me here, and I will always be grateful for your trust and support.

I just want to take a second and say that I have been honored to represent the Speaker on the podium. There's nothing like having the view from up there, because the view from up there is of all of you, and that's the best view I have had, I think, in my life. I will take that in my heart as I go to the State Department.

I want to thank all the people behind the scenes who work so hard to make sure that we do the job that we do.

I am not saying goodbye, I am just saying farewell for the time being. I expect I will work with you all very well, but know that this has been the best experience of my life.

God bless you. God bless America.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

PART B AMENDMENT NO. 4 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of $5,750,000,000.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 259, not voting 11, as follows:

[Roll No. 468]

AYES—169

Aderholt	Coffman (CO)	King (IA)
Adler (NJ)	Cole	King (NY)
Akin	Conaway	Kingston
Alexander	Crenshaw	Kirkpatrick (AZ)
Altmire	Culberson	Kline (MN)
Arcuri	Davis (KY)	Kosmas
Austria	Deal (GA)	Lamborn
Bachmann	Dent	Lance
Bachus	Diaz-Balart, L.	Latham
Barrett (SC)	Diaz-Balart, M.	Latta
Bartlett	Dreier	Lee (NY)
Barton (TX)	Duncan	Lewis (CA)
Bean	Emerson	Linder
Biggert	Fallin	Lucas
Bilbray	Fleming	Luetkemeyer
Bilirakis	Forbes	Lummis
Bishop (UT)	Foxx	Lungren, Daniel E.
Blackburn	Franks (AZ)	Mack
Blunt	Gallegly	Manzullo
Bonner	Garrett (NJ)	Marchant
Bono Mack	Giffords	McCarthy (CA)
Boozman	Gingrey (GA)	McCaul
Boustany	Gohmert	McClintock
Brady (TX)	Goodlatte	McCotter
Bright	Granger	McHenry
Broun (GA)	Graves	McKeon
Brown (SC)	Guthrie	McMahon
Brown-Waite, Ginny	Hall (TX)	McMorris Rodgers
Buchanan	Harper	Mica
Burgess	Hastings (WA)	Miller (FL)
Burton (IN)	Heller	Miller (MI)
Buyer	Hensarling	Miller, Gary
Calvert	Herger	Mitchell
Camp	Himes	Moran (KS)
Campbell	Hoekstra	Murphy, Patrick
Cantor	Hunter	Myrick
Capito	Inglis	Neugebauer
Carter	Issa	Nunes
Cassidy	Johnson (IL)	Nye
Chaffetz	Johnson, Sam	Olson
Coble	Jones	
	Jordan (OH)	

Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—259

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

NOT VOTING—11

Boehner
Brown, Corrine
Farr
Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Lewis (GA)
Minnick
Norton
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1158

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 261, not voting 8, as follows:

[Roll No. 469]

AYES—170

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

NOES—261

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye

Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Christensen
Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Lewis (GA)
Norton
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 1 minute remaining.

□ 1203

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on rollcall Nos. 467, 468 and 469 during the consideration of H.R. 2996, I was unavoidably detained. Had I been present, I would have voted "no."

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Construction'' shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on all remaining amendments.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. DICKS. Objection.

The Acting CHAIR. Objection is heard.

Mr. CAMPBELL. Mr. Chairman, I withdraw my demand for a recorded vote on the next amendment, No. 1.

The Acting CHAIR. The demand for a recorded vote is withdrawn.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 305, not voting 11, as follows:

[Roll No. 470]

AYES—123

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Wittman

NOES—305

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Kind
Lewis (GA)
Markey (MA)
Serrano
Sullivan
Waxman
Wexler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1208

So the amendment was rejected.

The result of the vote was announced as above recorded

PART D AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

Mr. CAMPBELL. Mr. Chairman, I withdraw my demand for a recorded vote on Campbell amendment No. 3.

The Acting CHAIR. The demand for a recorded vote is withdrawn.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 309, not voting 8, as follows:

[Roll No. 471]

AYES—122

Adler (NJ)	Foxx	McCotter
Akin	Franks (AZ)	McHenry
Alexander	Garrett (NJ)	McMahon
Austria	Gerlach	McMorris Rodgers
Bachmann	Gingrey (GA)	Miller (FL)
Barrett (SC)	Gohmert	Miller (MI)
Bartlett	Goodlatte	Minnick
Bean	Graves	Mitchell
Bilbray	Hall (TX)	Moran (KS)
Bishop (UT)	Harper	Myrick
Blackburn	Heller	Neugebauer
Bono Mack	Hensarling	Nunes
Boozman	Herger	Olson
Boustany	Hoekstra	Paul
Brady (TX)	Hunter	Paulsen
Bright	Inglis	Pence
Broun (GA)	Issa	Petri
Brown-Waite, Ginny	Jenkins	Pitts
Burgess	Johnson (IL)	Poe (TX)
Burton (IN)	Johnson, Sam	Posey
Buyer	Jordan (OH)	Price (GA)
Campbell	King (IA)	Radanovich
Cantor	Kingston	Roe (TN)
Cassidy	Kirk	Rohrabacher
Chaffetz	Kline (MN)	Rooney
Coble	Lamborn	Roskam
Coffman (CO)	Latta	Royce
Conaway	Lee (NY)	Ryan (WI)
Cooper	Linder	Scalise
Davis (KY)	Luetkemeyer	Schauer
Deal (GA)	Lummis	Schmidt
Duncan	Lungren, Daniel E.	Sensenbrenner
Ehlers	Mack	Sessions
Fallin	Manzullo	Shadegg
Fleming	Marchant	Shimkus
Forbes	McCarthy (CA)	Smith (NE)
Fortenberry	McCaul	Stearns
Foster	McClintock	Terry
Thornberry	Upton	Wilson (SC)
Tiberi	Wamp	Wittman
Tierney	Westmoreland	

NOES—309

Abercrombie	Emerson	McGovern
Ackerman	Engel	McHugh
Aderholt	Eshoo	McIntyre
Altmire	Etheridge	McKeon
Andrews	Faleomavaega	McNerney
Arcuri	Farr	Meek (FL)
Baca	Fattah	Meeks (NY)
Bachus	Filner	Melancon
Baird	Frank (MA)	Mica
Baldwin	Frelinghuysen	Michaud
Barrow	Fudge	Miller (NC)
Barton (TX)	Gallegly	Miller, Gary
Becerra	Giffords	Miller, George
Berkley	Gonzalez	Mollohan
Berman	Gordon (TN)	Moore (KS)
Berry	Granger	Moore (WI)
Biggert	Grayson	Moran (VA)
Bilirakis	Green, Al	Murphy (CT)
Bishop (GA)	Green, Gene	Murphy (NY)
Bishop (NY)	Griffith	Murphy, Patrick
Blumenauer	Grijalva	Murphy, Tim
Blunt	Guthrie	Murtha
Boccieri	Gutierrez	Nadler (NY)
Boehner	Hall (NY)	Napolitano
Bonner	Halvorson	Neal (MA)
Bordallo	Hare	Norton
Boren	Harman	Nye
Boswell	Hastings (WA)	Oberstar
Boucher	Heinrich	Obey
Boyd	Herseth Sandlin	Olver
Brady (PA)	Higgins	Ortiz
Braley (IA)	Hill	Pallone
Brown (SC)	Himes	Pascrell
Brown, Corrine	Hinchey	Pastor (AZ)
Buchanan	Hinojosa	Payne
Butterfield	Hirono	Perlmutter
Calvert	Hodes	Perriello
Camp	Holden	Peters
Cao	Holt	Peterson
Capito	Honda	Pierluisi
Capps	Hoyer	Pingree (ME)
Capuano	Inslee	Polis (CO)
Cardoza	Jackson (IL)	Pomeroy
Carnahan	Jackson-Lee (TX)	Price (NC)
Carney	Johnson (GA)	Putnam
Carson (IN)	Johnson, E. B.	Quigley
Carter	Jones	Rahall
Castle	Kagen	Rangel
Castor (FL)	Kanjorski	Rehberg
Childers	Kaptur	Reichert
Christensen	Kildee	Reyes
Clarke	Kilpatrick (MI)	Richardson
Clay	Kilroy	Rodriguez
Cleaver	Kind	Rogers (AL)
Clyburn	King (NY)	Rogers (KY)
Cohen	Kirkpatrick (AZ)	Rogers (MI)
Cole	Kissell	Ros-Lehtinen
Connolly (VA)	Klein (FL)	Ross
Conyers	Kosmas	Rothman (NJ)
Costa	Kratovil	Roybal-Allard
Costello	Kucinich	Ruppersberger
Courtney	Lance	Rush
Crenshaw	Langevin	Ryan (OH)
Crowley	Larsen (WA)	Sablan
Cuellar	Larson (CT)	Salazar
Culberson	Latham	Sánchez, Linda T.
Cummings	LaTourette	Sanchez, Loretta
Dahlkemper	Lee (CA)	Sarbanes
Davis (AL)	Levin	Schakowsky
Davis (CA)	Lewis (CA)	Schiff
Davis (IL)	Lipinski	Schock
Davis (TN)	LoBiondo	Schrader
DeFazio	Loebsack	Schwartz
DeGette	Lofgren, Zoe	Scott (GA)
Delahunt	Lowey	Scott (VA)
DeLauro	Lucas	Serrano
Dent	Luján	Sestak
Diaz-Balart, L.	Lynch	Shea-Porter
Diaz-Balart, M.	Maffei	Sherman
Dicks	Maloney	Shuler
Dingell	Markey (CO)	Shuster
Doggett	Markey (MA)	Simpson
Donnelly (IN)	Marshall	Sires
Doyle	Massa	Skelton
Dreier	Matheson	Slaughter
Driehaus	Matsui	Smith (NJ)
Edwards (MD)	McCarthy (NY)	Smith (TX)
Edwards (TX)	McCollum	Smith (WA)
Ellison	McDermott	Snyder
Ellsworth	Souder	Tiahrt
Space	Titus	Watson
Speier	Tonko	Watt
Spratt	Towns	Waxman
Stark	Tsongas	Weiner
Stupak	Turner	Welch
Sutton	Van Hollen	Wexler
Tanner	Velázquez	Whitfield
Tauscher	Visclosky	Wilson (OH)
Taylor	Walden	Wolf
Teague	Walz	Woolsey
Thompson (CA)	Wasserman Schultz	Wu
Thompson (MS)	Waters	Yarmuth
Thompson (PA)		Young (AK)
		Young (FL)

NOT VOTING—8

Chandler	Israel	Platts
Flake	Kennedy	Sullivan
Hastings (FL)	Lewis (GA)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1212

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

Mr. CAMPBELL. Mr. Chairman, I withdraw my demand for a recorded vote on the Campbell-Flake amendment No. 3.

The Acting CHAIR. The demand for a recorded vote is withdrawn.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 301, not voting 16, as follows:

[Roll No. 472]

AYES—122

Akin	Bishop (UT)	Bright
Alexander	Blackburn	Brown-Waite, Ginny
Austria	Blunt	Burgess
Bachmann	Boehner	Burton (IN)
Barrett (SC)	Bono Mack	Buyer
Bartlett	Boozman	Camp
Bean	Boustany	Campbell
Bilirakis	Brady (TX)	

Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—301

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bilbray
Bishop (GA)
Broun (GA)
Clyburn
Crowley
Flake
Gohmert
Hastings (FL)
Kennedy
Klein (FL)
Lewis (GA)
Platts
Price (GA)
Ros-Lehtinen
Rush
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1216

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART E AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part E amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''National Park Service—Statutory or Contractual Aid'' shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by $1,000,000.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 296, not voting 12, as follows:

[Roll No. 473]

AYES—131

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)

NOES—296

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al

Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Boswell
Flake
Hastings (FL)
Kennedy
Lewis (GA)
Platts
Rush
Schwartz
Smith (TX)
Stark
Sullivan
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1221

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

Mr. CAMPBELL. Mr. Chairman, I withdraw my demand for a recorded vote on Campbell-Flake amendment No. 4.

The Acting CHAIR. The demand for a recorded vote is withdrawn.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 317, not voting 8, as follows:

[Roll No. 474]

AYES—114

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bean
Blackburn
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Tierney
Upton
Westmoreland
Wilson (SC)
Wittman

NOES—317

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Flake	Kennedy	Platts
Hastings (FL)	Lewis (GA)	Sullivan
Israel	Olver	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 1 minute remaining in this vote.

□ 1225

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS. I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I just want to commend everyone for their hard work and staying last night to work on this very important bill. I want to thank Mr. SIMPSON, his staff and all the members of the committee. I think this is one of the best Interior appropriation bills that I can ever remember. I want to thank Mr. CAMPBELL for being so cooperative.

I think we ought to move ahead here and get to final passage, but again, thank you and I hope you will all vote for and support this bill.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. LYNCH, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 578, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 578, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

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

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

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

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 173, not voting 6, as follows:

[Roll No. 475]

YEAS—254

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

NAYS—173

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

NOT VOTING—6

Flake	Kennedy	Melancon
Hastings (FL)	Lewis (GA)	Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1245

AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

Mr. WAXMAN. Madam Speaker, pursuant to H. Res. 587, I call up the bill (H.R. 2454) to create clean-energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean-energy economy, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 587, in lieu of the amendment recommended by the Committee on Energy and Commerce printed in the bill, the amendment in the nature of a substitute consisting of the text of H.R. 2998, modified by the amendment printed in part A of House Report 111–185 is adopted and the bill, as amended, is considered read.

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

H.R. 2998

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Clean Energy and Security Act of 2009''.

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

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) STATE.—The term ''State'' has the meaning given that term in section 302 of the Clean Air Act.

SEC. 3. INTERNATIONAL PARTICIPATION.

The Administrator, in consultation with the Department of State and the United States Trade Representative, shall annually prepare and certify a report to the Congress regarding whether China and India have adopted greenhouse gas emissions standards at least as strict as those standards required under this Act. If the Administrator determines that China and India have not adopted greenhouse gas emissions standards at least as stringent as those set forth in this Act, the Administrator shall notify each Member of Congress of his determination, and shall release his determination to the media.

TITLE I—CLEAN ENERGY

Subtitle A—Combined Efficiency and Renewable Electricity Standard

SEC. 101. COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following) is amended by adding at the end the following:

''SEC. 610. COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CHP SAVINGS.—The term 'CHP savings' means—

''(A) CHP system savings from a combined heat and power system that commences operation after the date of enactment of this section; and

''(B) the increase in CHP system savings from, at any time after the date of the enactment of this section, upgrading, replacing, expanding, or increasing the utilization of a combined heat and power system that commenced operation on or before the date of enactment of this section.

''(2) CHP SYSTEM SAVINGS.—The term 'CHP system savings' means the increment of electric output of a combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs).

''(3) COMBINED HEAT AND POWER SYSTEM.—The term 'combined heat and power system' means a system that uses the same energy source both for the generation of electrical or mechanical power and the production of steam or another form of useful thermal energy, provided that—

''(A) the system meets such requirements relating to efficiency and other operating characteristics as the Commission may promulgate by regulation; and

''(B) the net sales of electricity by the facility to customers not consuming the thermal output from that facility will not exceed 50 percent of total annual electric generation by the facility.

''(4) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity consumption (including recycled energy savings) at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to—

''(A) in the case of a new facility, consumption at a reference facility of average efficiency;

''(B) in the case of an existing facility, consumption at such facility during a base period, except as provided in subparagraphs (C) and (D);

''(C) in the case of new equipment that replaces existing equipment with remaining useful life, the projected consumption of the existing equipment for the remaining useful life of such equipment, and thereafter, consumption of new equipment of average efficiency of the same equipment type; and

''(D) in the case of new equipment that replaces existing equipment at the end of the useful life of the existing equipment, consumption by new equipment of average efficiency of the same equipment type.

''(5) DISTRIBUTED RENEWABLE GENERATION FACILITY.—The term 'distributed renewable generation facility' means a facility that—

''(A) generates renewable electricity;

''(B) primarily serves 1 or more electricity consumers at or near the facility site; and

''(C) is no greater than—

''(i) 2 megawatts in capacity; or

''(ii) 4 megawatts in capacity, in the case of a facility that is placed in service after the date of enactment of this section and generates electricity from a renewable energy resource other than by means of combustion.

''(6) ELECTRICITY SAVINGS.—The term 'electricity savings' means reductions in electricity consumption, relative to business-as-usual projections, achieved through measures implemented after the date of enactment of this section, limited to—

''(A) customer facility savings of electricity, adjusted to reflect any associated increase in fuel consumption at the facility;

''(B) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency;

''(C) CHP savings; and

''(D) fuel cell savings.

''(7) CENTRAL PROCUREMENT STATE.—The term 'central procurement State' means a State that, as of January 1, 2009, had adopted and implemented a legally enforceable mandate that, in lieu of requiring utilities to submit credits or certificates issued based on generation of electricity from (or to purchase or generate electricity from) resources defined by the State as renewable, requires retail electric suppliers to collect payments from electricity ratepayers within the State that are used for central procurement, by a State agency or a public benefit corporation established pursuant to State law, of credits or certificates issued based on generation of electricity from resources defined by the State as renewable.

''(8) FEDERAL RENEWABLE ELECTRICITY CREDIT.—The term 'Federal renewable electricity credit' means a credit, representing one megawatt hour of renewable electricity, issued pursuant to subsection (e).

''(9) FUEL CELL.—The term 'fuel cell' means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

''(10) FUEL CELL SAVINGS.—The term 'fuel cell savings' means the electricity saved by a fuel cell that is installed after the date of enactment of this section, or by upgrading a fuel cell that commenced operation on or before the date of enactment of this section, as a result of the greater efficiency with which the fuel cell transforms fuel into electricity as compared with sources of electricity delivered through the grid, provided that—

''(A) the fuel cell meets such requirements relating to efficiency and other operating characteristics as the Commission may promulgate by regulation; and

''(B) the net sales of electricity from the fuel cell to customers not consuming the thermal output from the fuel cell, if any, do not exceed 50 percent of the total annual electricity generation by the fuel cell.

''(12) OTHER QUALIFYING ENERGY RESOURCE.—The term 'other qualifying energy resource' means any of the following:

''(A) Landfill gas.

''(B) Wastewater treatment gas.

''(C) Coal mine methane used to generate electricity at or near the mine mouth.

''(D) Qualified waste-to-energy.

''(13) QUALIFIED HYDROPOWER.—The term 'qualified hydropower' means—

''(A) energy produced from increased efficiency achieved, or additions of capacity made, on or after January 1, 1988, at a hydroelectric facility that was placed in service before that date and does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions; or

''(B) energy produced from generating capacity added to a dam on or after January 1, 1988, provided that the Commission certifies that—

''(i) the dam was placed in service before the date of the enactment of this section and was operated for flood control, navigation, or water supply purposes and was not producing hydroelectric power prior to the addition of such capacity;

''(ii) the hydroelectric project installed on the dam is licensed (or is exempt from licensing) by the Commission and is in compliance with the terms and conditions of the license or exemption, and with other applicable legal requirements for the protection of environmental quality, including applicable fish passage requirements; and

''(iii) the hydroelectric project installed on the dam is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license or exemption requirements that require changes in water surface elevation for the purpose of improving the environmental quality of the affected waterway.

''(14) QUALIFIED WASTE-TO-ENERGY.—The term 'qualified waste-to-energy' means energy from the combustion of municipal solid waste or construction, demolition, or disaster debris, or from the gasification or pyrolization of such waste or debris and the combustion of the resulting gas at the same facility, provided that—

''(A) such term shall include only the energy derived from the non-fossil biogenic portion of such waste or debris;

''(B) the Commission determines, with the concurrence of the Administrator of the Environmental Protection Agency, that the total lifecycle greenhouse gas emissions attributable to the generation of electricity from such waste or debris are lower than those attributable to the likely alternative method of disposing of such waste or debris; and

''(C) the owner or operator of the facility generating electricity from such energy provides to the Commission, on an annual basis—

''(i) a certification that the facility is in compliance with all applicable State, tribal, and Federal environmental permits;

''(ii) in the case of a facility that commenced operation before the date of enactment of this section, a certification that the

facility meets emissions standards promulgated under sections 112 or 129 of the Clean Air Act (42 U.S.C. 7412 or 7429) that apply as of the date of enactment of this section to new facilities within the relevant source category; and

''(iii) in the case of the combustion, pyrolization, or gasification of municipal solid waste, a certification that each local government unit from which such waste originates operates, participates in the operation of, contracts for, or otherwise provides for, recycling services for its residents.

''(15) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that results from a modification of an industrial or commercial system that commenced operation before the date of enactment of this section, in order to recapture electrical, mechanical, or thermal energy that would otherwise be wasted.

''(16) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(A) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(i) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(ii) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(iii) harvested in accordance with Federal and State law, and applicable land management plans.

''(B) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure);

''(IV) construction waste; and

''(V) food waste and yard waste.

''(C) Residues and byproducts from wood, pulp, or paper products facilities.''.

''(17) RENEWABLE ELECTRICITY.—The term 'renewable electricity' means electricity generated (including by means of a fuel cell) from a renewable energy resource or other qualifying energy resources.

''(18) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means each of the following:

''(A) Wind energy.

''(B) Solar energy.

''(C) Geothermal energy.

''(D) Renewable biomass.

''(E) Biogas derived exclusively from renewable biomass.

''(F) Biofuels derived exclusively from renewable biomass.

''(G) Qualified hydropower.

''(H) Marine and hydrokinetic renewable energy, as that term is defined in section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211).

''(19) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means, for any given year, an electric utility that sold not less than 4,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether an electric utility qualifies as a retail electric supplier under subparagraph (A)—

''(i) the sales of any affiliate of an electric utility to electric consumers, other than sales to the affiliate's lessees or tenants, for purposes other than resale shall be considered to be sales of such electric utility; and

''(ii) sales by any electric utility to an affiliate, lessee, or tenant of such electric utility shall not be treated as sales to electric consumers.

''(C) AFFILIATE.—For purposes of this paragraph, the term 'affiliate' when used in relation to a person, means another person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, such person, as determined under regulations promulgated by the Commission.

''(20) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in megawatt hours, to electric customers for purposes other than resale during the relevant calendar year, excluding—

''(A) electricity generated by a hydroelectric facility that is not qualified hydropower;

''(B) electricity generated by a nuclear generating unit placed in service after the date of enactment of this section; and

''(C) the proportion of electricity generated by a fossil-fueled generating unit that is equal to the proportion of greenhouse gases produced by such unit that are captured and geologically sequestered.

''(21) RETIRE AND RETIREMENT.—The terms 'retire' and 'retirement' with respect to a Federal renewable electricity credit, means to disqualify such credit for any subsequent use under this section, regardless of whether the use is a sale, transfer, exchange, or submission in satisfaction of a compliance obligation.

''(22) THIRD-PARTY EFFICIENCY PROVIDER.—The term 'third-party efficiency provider' means any retailer, building owner, energy service company, financial institution or other commercial, industrial or nonprofit entity that is capable of providing electricity savings in accordance with the requirements of this section.

''(23) TOTAL ANNUAL ELECTRICITY SAVINGS.—The term 'total annual electricity savings' means electricity savings during a specified calendar year from measures implemented since the date of the enactment of this section, taking into account verified measure lifetimes or verified annual savings attrition rates, as determined in accordance with such regulations as the Commission may promulgate and measured in megawatt hours.

''(b) ANNUAL COMPLIANCE OBLIGATION.—

''(1) IN GENERAL.—For each of calendar years 2012 through 2039, not later than March 31 of the following calendar year, each retail electric supplier shall submit to the Commission an amount of Federal renewable electricity credits and demonstrated total annual electricity savings that, in the aggregate, is equal to such retail electric supplier's annual combined target as set forth in subsection (d), except as otherwise provided in subsection (h).

''(2) DEMONSTRATION OF SAVINGS.—For purposes of this subsection, submission of demonstrated total annual electricity savings means submission of a report that demonstrates, in accordance with the requirements of subsection (f), the total annual electricity savings achieved by the retail electric supplier within the relevant compliance year.

''(3) RENEWABLE ELECTRICITY CREDITS PORTION.—Except as provided in paragraph (4), each retail electric supplier must submit Federal renewable electricity credits equal to at least three quarters of the retail electric supplier's annual combined target.

''(4) STATE PETITION.—

''(A) IN GENERAL.—Upon written request from the Governor of any State (including, for purposes of this paragraph, the Mayor of the District of Columbia), the Commission shall increase, to not more than two fifths, the proportion of the annual combined targets of retail electric suppliers located within such State that may be met through submission of demonstrated total annual electricity savings, provided that such increase shall be effective only with regard to the portion of a retail electric supplier's annual combined target that is attributable to electricity sales within such State.

''(B) CONTENTS.—A Governor's request under this paragraph shall include an explanation of the Governor's rationale for determining, after consultation with the relevant State regulatory authority and other retail electricity ratemaking authorities within the State, to make such request. The request shall specify the maximum proportion of annual combined targets (not more than two fifths) that can be met through demonstrated total annual electricity savings, and the period for which such proportion shall be effective.

''(C) REVISION.—The Governor of any State may, after consultation with the relevant State regulatory authority and other retail electricity ratemaking authorities within the State, submit a written request for revocation or revision of a previous request submitted under this paragraph. The Commission shall grant such request, provided that—

''(i) any revocation or revision shall not apply to the combined annual target for any year that is any earlier than 2 calendar years after the calendar year in which such request is submitted, so as to provide retail electric suppliers with adequate notice of such change; and

''(ii) any revision shall meet the requirements of subparagraph (A).

''(c) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate regulations to implement and enforce the requirements of this section. In promulgating such regulations, the Commission shall, to the extent practicable—

''(1) preserve the integrity, and incorporate best practices, of existing State and tribal

renewable electricity and energy efficiency programs;

''(2) rely upon existing and emerging State, tribal, or regional tracking systems that issue and track non-Federal renewable electricity credits; and

''(3) cooperate with the States and Indian tribes to facilitate coordination between State, tribal, and Federal renewable electricity and energy efficiency programs and to minimize administrative burdens and costs to retail electric suppliers.

''(d) ANNUAL COMPLIANCE REQUIREMENT.—

''(1) ANNUAL COMBINED TARGETS.—For each of calendar years 2012 through 2039, a retail electric supplier's annual combined target shall be the product of—

''(A) the required annual percentage for such year, as set forth in paragraph (2); and

''(B) the retail electric supplier's base amount for such year.

''(2) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2012 through 2039, the required annual percentage shall be as follows:

"Calendar year	Required annual percentage
2012	6.0
2013	6.0
2014	9.5
2015	9.5
2016	13.0
2017	13.0
2018	16.5
2019	16.5
2020	20.0
2021 through 2039	20.0

''(e) FEDERAL RENEWABLE ELECTRICITY CREDITS.—

''(1) IN GENERAL.—The regulations promulgated under this section shall include provisions governing the issuance, tracking, and verification of Federal renewable electricity credits. Except as provided in paragraphs (2), (3), and (4) of this subsection, the Commission shall issue to each generator of renewable electricity, 1 Federal renewable electricity credit for each megawatt hour of renewable electricity generated by such generator after December 31, 2011. The Commission shall assign a unique serial number to each Federal renewable electricity credit.

''(2) GENERATION FROM CERTAIN STATE RENEWABLE ELECTRICITY PROGRAMS.—''(A) Except as provided in subparagraph (B), where renewable electricity is generated with the support of payments from a retail electric supplier pursuant to a State renewable electricity program (whether through State alternative compliance payments or through payments to a State renewable electricity procurement fund or entity), the Commission shall issue Federal renewable electricity credits to such retail electric supplier for the proportion of the relevant renewable electricity generation that is attributable to the retail electric supplier's payments, as determined pursuant to regulations issued by the Commission. For any remaining portion of the relevant renewable electricity generation, the Commission shall issue Federal renewable electricity credits to the generator, as provided in paragraph (1), except that in no event shall more than 1 Federal renewable electricity credit be issued for the same megawatt hour of electricity. In determining how Federal renewable electricity credits will be apportioned among retail electric suppliers and generators in such circumstances, the Commission shall consider information and guidance furnished by the relevant State or States.

''(B) In the case of a central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b), the Commission shall issue directly to the State Federal renewable electricity credits for any renewable electricity for which the State, pursuant to a mandate described in subsection (a)(7), has centrally procured credits or certificates issued based on generation of such renewable electricity.

''(3) CERTAIN POWER SALES CONTRACTS.—Except as otherwise provided in paragraph (2), when a generator has sold renewable electricity to a retail electric supplier under a contract for power from a facility placed in service before the date of enactment of this section, and the contract does not provide for the determination of ownership of the Federal renewable electricity credits associated with such generation, the Commission shall issue such Federal renewable electricity credits to the retail electric supplier for the duration of the contract.

''(4) CREDIT MULTIPLIER FOR DISTRIBUTED RENEWABLE GENERATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall issue 3 Federal renewable electricity credits for each megawatt hour of renewable electricity generated by a distributed renewable generation facility.

''(B) ADJUSTMENT.—Except as provided in subparagraph (C), not later than January 1, 2014, and not less frequently than every 4 years thereafter, the Commission shall review the effect of this paragraph and shall, as necessary, reduce the number of Federal renewable electricity credits per megawatt hour issued under this paragraph for any given energy source or technology, but not below 1, to ensure that such number is no higher than the Commission determines is necessary to make distributed renewable generation facilities using such source or technology cost competitive with other sources of renewable electricity generation.

''(C) FACILITIES PLACED IN SERVICE AFTER ENACTMENT.—For any distributed renewable generation facility placed in service after the date of enactment of this section, subparagraph (B) shall not apply for the first 10 years after the date on which the facility is placed in service. For each year during such 10-year period, the Commission shall issue to the facility the same number of Federal renewable electricity credits per megawatt hour as are issued to that facility in the year in which such facility is placed in service. After such 10-year period, the Commission shall issue Federal renewable electricity credits to the facility in accordance with the current multiplier as determined pursuant to subparagraph (B).

''(5) CREDITS BASED ON QUALIFIED HYDROPOWER.—For purposes of this subsection, the number of Federal renewable electricity credits issued for qualified hydropower shall be calculated—

''(A) based solely on the increase in average annual generation directly resulting from the efficiency improvements or capacity additions described in subsection (a)(13)(A); and

''(B) using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility, as certified by the Commission.

''(6) GENERATION FROM QUALIFIED WASTE-TO-ENERGY.—In the case of electricity generated from the combustion of any municipal solid waste or construction, demolition, or disaster debris that is included in the definition of renewable biomass, or from the gasification or pyrolization of such waste or debris and the combustion of the resulting gas at the same facility, the Commission shall issue Federal renewable electricity credits only for electricity generated from qualified waste-to-energy.

''(7) GENERATION FROM MIXED RENEWABLE AND NONRENEWABLE RESOURCES.—If electricity is generated using both a renewable energy resource or other qualifying energy resource and an energy source that is not a renewable energy resource or other qualifying energy resource (as, for example, in the case of co-firing of renewable biomass and fossil fuel), the Commission shall issue Federal renewable electricity credits based on the proportion of the electricity that is attributable to the renewable energy resource or other qualifying energy resource.

''(8) PROHIBITION AGAINST DOUBLE-COUNTING.—Except as provided in paragraph (4) of this subsection, the Commission shall ensure that no more than 1 Federal renewable electricity credit will be issued for any megawatt hour of renewable electricity and that no Federal renewable electricity credit will be used more than once for compliance with this section.

''(9) TRADING.—The lawful holder of a Federal renewable electricity credit may sell, exchange, transfer, submit for compliance in accordance with subsection (b), or submit such credit for retirement by the Commission.

''(10) BANKING.—A Federal renewable electricity credit may be submitted in satisfaction of the compliance obligation set forth in subsection (b) for the compliance year in which the credit was issued or for any of the 3 immediately subsequent compliance years. The Commission shall retire any Federal renewable electricity credit that has not been retired by April 2 of the calendar year that is 3 years after the calendar year in which the credit was issued.

''(11) RETIREMENT.—The Commission shall retire a Federal renewable electricity credit immediately upon submission by the lawful holder of such credit, whether in satisfaction of a compliance obligation under subsection (b) or on some other basis.

''(f) ELECTRICITY SAVINGS.—

''(1) STANDARDS FOR MEASUREMENT OF SAVINGS.—As part of the regulations promulgated under this section, the Commission shall prescribe standards and protocols for defining and measuring electricity savings and total annual electricity savings that can be counted towards the compliance obligation set forth in subsection (b). Such protocols and standards shall, at minimum—

''(A) specify the types of energy efficiency and energy conservation measures that can be counted;

''(B) require that energy consumption estimates for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

''(C) account for the useful life of measures;

''(D) include deemed savings values for specific, commonly used measures;

''(E) allow for savings from a program to be estimated based on extrapolation from a representative sample of participating customers;

''(F) include procedures for counting CHP savings, recycled energy savings, and fuel cell savings;

''(G) include procedures for documenting measurable and verifiable electricity savings achieved as a result of market transformation efforts;

''(H) include procedures for counting electricity savings achieved by solar water heating and solar light pipe technology that has the capability to provide measurable data on the amount of megawatt-hours displaced;

''(I) avoid double-counting of savings used for compliance with this section, including savings that are transferred pursuant to paragraph (3);

''(J) ensure that, except as provided in subparagraph (L), the retail electric supplier claiming the savings played a significant role in achieving the savings (including through the activities of a designated agent of the supplier or through the purchase of transferred savings);

''(K) include savings from programs administered by a retail electric supplier (or a retail electricity distributor that is not a retail electric supplier) that are funded by State, Federal, or other sources;

''(L) in any State in which the State regulatory authority has designated 1 or more entities to administer electric ratepayer-funded efficiency programs approved by such State regulatory authority, provide that electricity savings achieved through such programs shall be distributed equitably among retail electric suppliers in accordance with the direction of the relevant State regulatory authority; and

''(M) exclude savings achieved as a result of compliance with mandatory appliance and equipment efficiency standards or building codes.

''(2) STANDARDS FOR THIRD-PARTY VERIFICATION OF SAVINGS.—The regulations promulgated under this section shall establish procedures and standards requiring third-party verification of all reported electricity savings, including requirements for accreditation of third-party verifiers to ensure that such verifiers are professionally qualified and have no conflicts of interest.

''(3) TRANSFERS OF SAVINGS.—

''(A) BILATERAL CONTRACTS FOR SAVINGS TRANSFERS.—Subject to the limitations of this paragraph, a retail electric supplier may use electricity savings transferred, pursuant to a bilateral contract, from another retail electric supplier, an owner of an electric distribution facility that is not a retail electric supplier, a State, or a third-party efficiency provider to meet the applicable compliance obligation under subsection (b).

''(B) REQUIREMENTS.—Electricity savings transferred and used for compliance pursuant to this paragraph shall be—

''(i) measured and verified in accordance with the procedures specified under this subsection;

''(ii) reported in accordance with paragraph (4) of this subsection; and

''(iii) achieved within the same State as is served by the retail electric supplier.

''(C) REGULATORY APPROVAL.—Nothing in this paragraph shall limit or affect the authority of a State regulatory authority to require a retail electric supplier that is regulated by such authority to obtain such authority's authorization or approval of a contract for transfer of savings under this paragraph.

''(4) REPORTING SAVINGS.—

''(A) REQUIREMENTS.—The regulations promulgated under this section shall establish requirements governing the submission of reports to demonstrate, in accordance with the protocols and standards for measurement and third-party verification established under this subsection, the total annual electricity savings achieved by a retail electric supplier within the relevant year.

''(B) REVIEW AND APPROVAL.—The Commission shall review each report submitted to the Commission by a retail electric supplier and shall exclude any electricity savings that have not been adequately demonstrated in accordance with the requirements of this subsection.

''(5) STATE ADMINISTRATION.—

''(A) DELEGATION OF AUTHORITY.—Upon receipt of an application from the Governor of a State (including, for purposes of this subsection, the Mayor of the District of Columbia), the Commission may delegate to the State the authority to review and verify reported electricity savings for purposes of determining demonstrated total annual electricity savings that may be counted towards a retail electric supplier's compliance obligation under subsection (b). The Commission shall make a substantive determination approving or disapproving a State application under this subparagraph, after notice and comment, within 180 days of receipt of a complete application.

''(B) ALTERNATIVE MEASUREMENT AND VERIFICATION PROCEDURES AND STANDARDS.—As part of an application submitted under subparagraph (A), a State may request to use alternative measurement and verification procedures and standards to those specified in paragraphs (1) and (2), provided the State demonstrates that such alternative procedures and standards provide a level of accuracy of measurement and verification at least equivalent to the Federal procedures and standards promulgated under paragraphs (1) and (2).

''(C) REVIEW OF STATE IMPLEMENTATION.—The Commission shall, not less frequently than once every 4 years, review each State's implementation of delegated authority under this paragraph to ensure conformance with the requirements of this section. The Commission may, at any time, revoke the delegation of authority under this section upon a finding that the State is not implementing its delegated responsibilities in conformity with this paragraph. As a condition of maintaining its delegated authority under this paragraph, the Commission may require a State to submit a revised application under subparagraph (A) if the Commission has—

''(i) promulgated new or substantially revised measurement and verification procedures and standards under this subsection; or

''(ii) otherwise substantially revised the program established under this section.

''(g) ALTERNATIVE COMPLIANCE PAYMENTS.—

''(1) IN GENERAL.—A retail electric supplier '', or a central procurement State that, pursuant to subsection (g), has assumed responsibility for compliance with the requirements of subsection (b),'' may satisfy the requirements of subsection (b) in whole or in part by submitting in accordance with this subsection, in lieu of each Federal renewable electricity credit or megawatt hour of demonstrated total annual electricity savings that would otherwise be due, a payment equal to $25, adjusted for inflation on January 1 of each year following calendar year 2009, in accordance with such regulations as the Commission may promulgate.

''(2) PAYMENT TO STATE FUNDS.—Except as otherwise provided in this paragraph and paragraph (4), payments made under this subsection shall be made directly to the State or States in which the retail electric supplier is located, in proportion to the portion of the retail electric supplier's base amount that is sold within each relevant State, provided that such payments are deposited directly into a fund in the State treasury established for this purpose and that the State uses such funds in accordance with paragraphs (3) and (5) and with paragraph (4) where applicable. If the Commission determines at any time that a State is in substantial noncompliance with paragraph (3) or (5), or with paragraph (4) where applicable, the Commission shall direct that any future alternative compliance payments that would otherwise be paid to such State under this subsection shall instead be paid to the Commission and deposited in the United States Treasury.

''(3) STATE USE OF FUNDS.—As a condition of continued receipt of alternative compliance payments pursuant to this subsection, a State shall use such payments exclusively for the purposes of—

''(A) deploying technologies that generate electricity from renewable energy resources; or

''(B) implementing cost-effective energy efficiency programs to achieve electricity savings.

''(4) CENTRAL PROCUREMENT STATES.—

''(A) IN GENERAL.—A central procurement State that, pursuant to subsection (g), has assumed responsibility for compliance with the requirements of subsection (b) shall deposit any alternative compliance payments under this subsection in a unique fund in the State treasury created and used solely for this purpose.

''(B) REQUIREMENTS.—As a precondition of making alternative compliance payments under this subsection, a central procurement State shall certify to the Commission, in accordance with such requirements as the Commission may prescribe, that—

''(i) making such payments is the lowest cost alternative to meet the requirements of subsection (b); and

''(ii) moneys used by the State to make such payments are in addition to any spending that the State, and any separate entity charged with administering the State central procurement requirement identified under subsection (a)(7), otherwise collectively would direct to the purposes identified in paragraph (3).

''(C) USES.—A central procurement State that makes alternative compliance payments under this subsection shall certify to the Commission that, in using such payments in accordance with paragraph (3), it has, to the extent practicable, maximized the level of deployment of renewable electricity generation (measured in megawatt hours) and electricity savings per dollar that are achieved through such expenditures.

''(5) REPORTING.—As a condition of continued receipt of alternative compliance payments pursuant to this subsection, a State shall, within 12 months of receipt of any such payments and at 12-month intervals thereafter until such payments are expended, provide a report to the Commission, in accordance with such regulations as the Commission may prescribe, giving a full accounting of the use of such payments, including a detailed description of the activities funded thereby and demonstrating compliance with the requirements of this subsection.

''(g) CENTRAL PROCUREMENT STATES.—

''(1) IN GENERAL.—A central procurement State may, upon submission of a written request by the Governor of such State to the Commission, assume responsibility for compliance with the requirements of subsection (b) on behalf of retail electric suppliers located in such State, exclusively with regard to the portion of such retail electric suppliers' base amount that is sold within the State.

''(2) DEMONSTRATION OF ELECTRICITY SAVINGS.—If a central procurement State opts to

meet any part of the requirements of subsection (b) based on the achievement of demonstrated total annual electricity savings, regardless of whether such State has received delegated authority pursuant to subsection (f)(5), such State shall submit such demonstrated total annual electricity savings to the Commission through an annual report in accordance with requirements prescribed by the Commission by regulation, which shall be of equivalent stringency to those applicable to retail electric suppliers under subsection (f).

''(3) NONCOMPLIANCE.—If a central procurement State that pursuant to this subsection has assumed responsibility for compliance with the requirements of subsection (b), fails to satisfy the requirements of subsection (b) or (h) for any year, the State's assumption of responsibility under this subsection shall be discontinued immediately, and retail electric suppliers located in such State henceforth shall be directly subject to the requirements of this section.

''(h) INFORMATION COLLECTION.—The Commission may require any retail electric supplier, renewable electricity generator, or such other entities as the Commission deems appropriate, to provide any information the Commission determines appropriate to carry out this section. Failure to submit such information or submission of false or misleading information under this subsection shall be a violation of this section.

''(i) ENFORCEMENT AND JUDICIAL REVIEW.—

''(1) FAILURE TO SUBMIT CREDITS OR DEMONSTRATE SAVINGS.—If any person '', other than any central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b),'' fails to comply with the requirements of subsection (b) or (h), such person shall be liable to pay to the Commission a civil penalty equal to the product of—

''(A) double the alternative compliance payment calculated under subsection (h)(1), and

''(B) the aggregate quantity of Federal renewable electricity credits, total annual electricity savings, or equivalent alternative compliance payments that the person failed to submit in violation of the requirements of subsections (b) and (h).

''(2) ENFORCEMENT.—The Commission shall assess a civil penalty under paragraph (1) in accordance with the procedures described in section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)).

''(3) VIOLATION OF REQUIREMENT OF REGULATIONS OR ORDERS.—Any person '', other than any central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b),''. who violates, or fails or refuses to comply with, any requirement of a regulation promulgated or order issued under this section shall be subject to a civil penalty under section 316A(b) of the Federal Power Act (16 U.S.C. 825o–1). Such penalty shall be assessed by the Commission in the same manner as in the case of a violation referred to in section 316A(b) of such Act.

''(j) JUDICIAL REVIEW.—Any person aggrieved by a final action taken by the Commission under this section, other than the assessment of a civil penalty under subsection (j), may use the procedures for review described in section 313 of the Federal Power Act (16 U.S.C. 8251). For purposes of this paragraph, references to an order in section 313 of such Act shall be deemed to refer also to all other final actions of the Commission under this section other than the assessment of a civil penalty under subsection (i).

''(k) SAVINGS PROVISIONS.—Nothing in this section shall—

''(1) diminish or qualify any authority of a State, a political subdivision of a State, or an Indian tribe to—

''(A) adopt or enforce any law or regulation respecting renewable electricity or energy efficiency, including any law or regulation establishing requirements more stringent than those established by this section, provided that no such law or regulation may relieve any person of any requirement otherwise applicable under this section; or

''(B) regulate the acquisition and disposition of Federal renewable electricity credits by retail electric suppliers within the jurisdiction of such State, political subdivision, or Indian tribe, including the authority to require such retail electric supplier to acquire and submit to the Secretary for retirement Federal renewable electricity credits in excess of those submitted under this section; or

''(2) affect the application of, or the responsibility for compliance with, any other provision of law or regulation, including environmental and licensing requirements.

''(l) SUNSET.—This section expires on December 31, 2040.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following) is amended by inserting after the item relating to section 609 the following:

''Sec. 610. Combined efficiency and renewable electricity standard.''.

SEC. 102. CLARIFYING STATE AUTHORITY TO ADOPT RENEWABLE ENERGY INCENTIVES.

Section 210 of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end thereof:

''(o) CLARIFICATION OF STATE AUTHORITY TO ADOPT RENEWABLE ENERGY INCENTIVES.—Notwithstanding any other provision of this Act or the Federal Power Act, a State legislature or regulatory authority may set the rates for a sale of electric energy by a facility generating electric energy from renewable energy sources pursuant to a State-approved production incentive program under which the facility voluntarily sells electric energy. For purposes of this subsection, 'State-approved production incentive program' means a requirement imposed pursuant to State law, or by a State regulatory authority acting within its authority under State law, that an electric utility purchase renewable energy (as defined in section 609 of this Act) at a specified rate.''.

SEC. 103. FEDERAL RENEWABLE ENERGY PURCHASES.

(a) REQUIREMENT.—For each of calendar years 2012 through 2039, the President shall ensure that, of the total amount of electricity Federal agencies consume in the United States during each calendar year, the following percentage shall be renewable electricity:

Calendar year	Required annual percentage
2012	6.0
2013	6.0
2014	9.5
2015	9.5
2016	13.0
2017	13.0
2018	16.5
2019	16.5
2020	20.0
2021 through 2039	20.0

(b) DEFINITIONS.—For purposes of this section:

(1) RENEWABLE ELECTRICITY.—The term ''renewable electricity'' shall have the meaning given in section 610 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following).

(2) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given in section 610 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following).

(c) MODIFICATION OF REQUIREMENT.—If the President determines that the Federal Government cannot feasibly meet the requirement established in subsection (a) in a specific calendar year, the President may, by written order, reduce such requirement for such calendar year to a percentage the President determines the Federal Government can feasibly meet.

(d) REPORTS.—Not later than April 1, 2013, and each year thereafter, the Secretary of Energy shall provide a report to Congress on the percentage of each Federal agency's electricity consumption in the United States that was renewable electricity in the previous calendar year.

(e) CONTRACTS FOR RENEWABLE ENERGY.—(1) Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for the acquisition of electricity generated from a renewable energy resource for the Federal Government may be made for a period of not more than 20 years.

(2) Not later than 90 days after the date of enactment of this subsection, the Secretary of Energy, through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement, setting forth commercial terms and conditions, that Federal agencies may use to acquire electricity generated from a renewable energy resource.

(3) The Secretary of Energy shall provide technical assistance to assist Federal agencies in implementing this subsection.

Subtitle B—Carbon Capture and Sequestration

SEC. 111. NATIONAL STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of such other relevant Federal agencies as the President may designate, shall submit to Congress a report setting forth a unified and comprehensive strategy to address the key legal, regulatory and other barriers to the commercial-scale deployment of carbon capture and sequestration.

(b) BARRIERS.— The report under this section shall—

(1) identify those regulatory, legal, and other gaps and barriers that could be addressed by a Federal agency using existing statutory authority, those, if any, that require Federal legislation, and those that would be best addressed at the State, tribal, or regional level;

(2) identify regulatory implementation challenges, including those related to approval of State and tribal programs and delegation of authority for permitting; and

(3) recommend rulemakings, Federal legislation, or other actions that should be taken to further evaluate and address such barriers.

SEC. 112. REGULATIONS FOR GEOLOGIC SEQUESTRATION SITES.

(a) COORDINATED CERTIFICATION AND PERMITTING PROCESS.—Title VIII of the Clean Air Act, as added by section 331 of this Act, is amended by adding after section 812 (as added by section 116 of this Act) the following:

''SEC. 813. GEOLOGIC SEQUESTRATION SITES.

''(a) COORDINATED PROCESS.—The Administrator shall establish a coordinated approach to certifying and permitting geologic sequestration, taking into consideration all relevant statutory authorities. In establishing such approach, the Administrator shall—

''(1) take into account, and reduce redundancy with, the requirements of section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h), as amended by section 112(b) of the American Clean Energy and Security Act of 2009, including the rulemaking for geologic sequestration wells described at 73 Fed. Reg. 43491–541 (July 25, 2008); and

''(2) to the extent practicable, reduce the burden on certified entities and implementing authorities.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to protect human health and the environment by minimizing the risk of escape to the atmosphere of carbon dioxide injected for purposes of geologic sequestration.

''(c) REQUIREMENTS.—The regulations under subsection (b) shall include—

''(1) a process to obtain certification for geologic sequestration under this section; and

''(2) requirements for—

''(A) monitoring, record keeping, and reporting for emissions associated with injection into, and escape from, geologic sequestration sites, taking into account any requirements or protocols developed under section 713;

''(B) public participation in the certification process that maximizes transparency;

''(C) the sharing of data between States, Indian tribes, and the Environmental Protection Agency; and

''(D) other elements or safeguards necessary to achieve the purpose set forth in subsection (b).

''(d) REPORT.—Not later than 2 years after the promulgation of regulations under subsection (b), and at 3-year intervals thereafter, the Administrator shall deliver to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on geologic sequestration in the United States, and, to the extent relevant, other countries in North America. Such report shall include—

''(1) data regarding injection, emissions to the atmosphere, if any, and performance of active and closed geologic sequestration sites, including those where enhanced hydrocarbon recovery operations occur;

''(2) an evaluation of the performance of relevant Federal environmental regulations and programs in ensuring environmentally protective geologic sequestration practices;

''(3) recommendations on how such programs and regulations should be improved or made more effective; and

''(4) other relevant information.''.

(b) SAFE DRINKING WATER ACT STANDARDS.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) is amended by inserting after subsection (d) the following:

''(e) CARBON DIOXIDE GEOLOGIC SEQUESTRATION WELLS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) for carbon dioxide geologic sequestration wells.

''(2) FINANCIAL RESPONSIBILITY.—The regulations referred to in paragraph (1) shall include requirements for maintaining evidence of financial responsibility, including financial responsibility for emergency and remedial response, well plugging, site closure, and post-injection site care. Financial responsibility may be established for carbon dioxide geologic sequestration wells in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, trust, standby trust, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator.''.

SEC. 113. STUDIES AND REPORTS.

(a) STUDY OF LEGAL FRAMEWORK FOR GEOLOGIC SEQUESTRATION SITES.—

(1) ESTABLISHMENT OF TASK FORCE.—As soon as practicable, but not later than 6 months after the date of enactment of this Act, the Administrator shall establish a task force to be composed of an equal number of subject matter experts, nongovernmental organizations with expertise in environmental policy, academic experts with expertise in environmental law, State and tribal officials with environmental expertise, representatives of State and tribal Attorneys General, representatives from the Environmental Protection Agency, the Department of the Interior, the Department of Energy, the Department of Transportation, and other relevant Federal agencies, and members of the private sector, to conduct a study of—

(A) existing Federal environmental statutes, State environmental statutes, and State common law that apply to geologic sequestration sites for carbon dioxide, including the ability of such laws to serve as risk management tools;

(B) the existing statutory framework, including Federal and State laws, that apply to harm and damage to the environment or public health at closed sites where carbon dioxide injection has been used for enhanced hydrocarbon recovery;

(C) the statutory framework, environmental health and safety considerations, implementation issues, and financial implications of potential models for Federal, State, or private sector assumption of liabilities and financial responsibilities with respect to closed geologic sequestration sites;

(D) private sector mechanisms, including insurance and bonding, that may be available to manage environmental, health and safety risk from closed geologic sequestration sites; and

(E) the subsurface mineral rights, water rights, or property rights issues associated with geologic sequestration of carbon dioxide, including issues specific to Federal lands.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the task force established under paragraph (1) shall submit to Congress a report describing the results of the study conducted under that paragraph including any consensus recommendations of the task force.

(b) ENVIRONMENTAL STATUTES.—

(1) STUDY.—The Administrator shall conduct a study examining how, and under what circumstances, the environmental statutes for which the Environmental Protection Agency has responsibility would apply to carbon dioxide injection and geologic sequestration activities.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under paragraph (1).

SEC. 114. CARBON CAPTURE AND SEQUESTRATION DEMONSTRATION AND EARLY DEPLOYMENT PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) DISTRIBUTION UTILITY.—The term ''distribution utility'' means an entity that distributes electricity directly to retail consumers under a legal, regulatory, or contractual obligation to do so.

(3) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning provided by section 3(22) of the Federal Power Act (16 U.S.C. 796(22)).

(4) FOSSIL FUEL-BASED ELECTRICITY.—The term ''fossil fuel-based electricity'' means electricity that is produced from the combustion of fossil fuels.

(5) FOSSIL FUEL.—The term ''fossil fuel'' means coal, petroleum, natural gas or any derivative of coal, petroleum, or natural gas.

(6) CORPORATION.—The term ''Corporation'' means the Carbon Storage Research Corporation established in accordance with this section.

(7) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, a successor organization of such organizations, or a group of owners or operators of distribution utilities delivering fossil fuel-based electricity who collectively represent at least 20 percent of the volume of fossil fuel-based electricity delivered by distribution utilities to consumers in the United States.

(8) RETAIL CONSUMER.—The term ''retail consumer'' means an end-user of electricity.

(b) CARBON STORAGE RESEARCH CORPORATION.—

(1) ESTABLISHMENT.—

(A) REFERENDUM.—Qualified industry organizations may conduct, at their own expense, a referendum among the owners or operators of distribution utilities delivering fossil fuel-based electricity for the creation of a Carbon Storage Research Corporation. Such referendum shall be conducted by an independent auditing firm agreed to by the qualified industry organizations. Voting rights in such referendum shall be based on the quantity of fossil fuel-based electricity delivered to consumers in the previous calendar year or other representative period as determined by the Secretary pursuant to subsection (f). Upon approval of those persons representing two-thirds of the total quantity of fossil fuel-based electricity delivered to retail consumers, the Corporation shall be established unless opposed by the State regulatory authorities pursuant to subparagraph (B). All distribution utilities voting in the referendum shall certify to the independent auditing firm the quantity of fossil fuel-based electricity represented by their vote.

(B) STATE REGULATORY AUTHORITIES.—Upon its own motion or the petition of a qualified industry organization, each State regulatory authority shall consider its support or opposition to the creation of the Corporation under subparagraph (A). State regulatory authorities may notify the independent auditing firm referred to in subparagraph (A) of their views on the creation of the Corporation within 180 days after the date of enactment of this Act. If 40 percent or more of the State regulatory authorities submit to the

independent auditing firm written notices of opposition, the Corporation shall not be established notwithstanding the approval of the qualified industry organizations as provided in subparagraph (A).

(2) TERMINATION.—The Corporation shall be authorized to collect assessments and conduct operations pursuant to this section for a 10-year period from the date 6 months after the date of enactment of this Act. After such 10-year period, the Corporation is no longer authorized to collect assessments and shall be dissolved on the date 15 years after such date of enactment, unless the period is extended by an Act of Congress.

(3) GOVERNANCE.—The Corporation shall operate as a division or affiliate of the Electric Power Research Institute (referred to in this section as ''EPRI'') and be managed by a Board of not more than 15 voting members responsible for its operations, including compliance with this section. EPRI, in consultation with the Edison Electric Institute, the American Public Power Association and the National Rural Electric Cooperative Association shall appoint the Board members under clauses (i), (ii), and (iii) of subparagraph (A) from among candidates recommended by those organizations. At least a majority of the Board members appointed by EPRI shall be representatives of distribution utilities subject to assessments under subsection (d).

(A) MEMBERS.—The Board shall include at least one representative of each of the following:

(i) Investor-owned utilities.

(ii) Utilities owned by a State agency, a municipality, and an Indian tribe.

(iii) Rural electric cooperatives.

(iv) Fossil fuel producers.

(v) Nonprofit environmental organizations.

(vi) Independent generators or wholesale power providers.

(vii) Consumer groups.

(B) NONVOTING MEMBERS.—The Board shall also include as additional nonvoting Members the Secretary of Energy or his designee and 2 representatives of State regulatory authorities as defined in section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)), each designated by the National Association of State Regulatory Utility Commissioners from States that are not within the same transmission interconnection.

(4) COMPENSATION.—Corporation Board members shall receive no compensation for their services, nor shall Corporation Board members be reimbursed for expenses relating to their service.

(5) TERMS.—Corporation Board members shall serve terms of 4 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 8 consecutive years. Former members of the Corporation Board may be reappointed to the Corporation Board if they have not been members for a period of 2 years. Initial appointments to the Corporation Board shall be for terms of 1, 2, 3, and 4 years, staggered to provide for the selection of 3 members each year.

(6) STATUS OF CORPORATION.—The Corporation shall not be considered to be an agency, department, or instrumentality of the United States, and no officer or director or employee of the Corporation shall be considered to be an officer or employee of the United States Government, for purposes of title 5 or title 31 of the United States Code, or for any other purpose, and no funds of the Corporation shall be treated as public money for purposes of chapter 33 of title 31, United States Code, or for any other purpose.

(c) FUNCTIONS AND ADMINISTRATION OF THE CORPORATION.—

(1) IN GENERAL.—The Corporation shall establish and administer a program to accelerate the commercial availability of carbon dioxide capture and storage technologies and methods, including technologies which capture and store, or capture and convert, carbon dioxide. Under such program competitively awarded grants, contracts, and financial assistance shall be provided and entered into with eligible entities. Except as provided in paragraph (8), the Corporation shall use all funds derived from assessments under subsection (d) to issue grants and contracts to eligible entities.

(2) PURPOSE.—The purposes of the grants, contracts, and assistance under this subsection shall be to support commercial-scale demonstrations of carbon capture or storage technology projects capable of advancing the technologies to commercial readiness. Such projects should encompass a range of different coal and other fossil fuel varieties, be geographically diverse, involve diverse storage media, and employ capture or storage, or capture and conversion, technologies potentially suitable either for new or for retrofit applications. The Corporation shall seek, to the extent feasible, to support at least 5 commercial-scale demonstration projects integrating carbon capture and sequestration or conversion technologies.

(3) ELIGIBLE ENTITIES.—Entities eligible for grants, contracts or assistance under this subsection may include distribution utilities, electric utilities and other private entities, academic institutions, national laboratories, Federal research agencies, State and tribal research agencies, nonprofit organizations, or consortiums of 2 or more entities. Pilot-scale and similar small-scale projects are not eligible for support by the Corporation. Owners or developers of projects supported by the Corporation shall, where appropriate, share in the costs of such projects.

(4) GRANTS FOR EARLY MOVERS.—Fifty percent of the funds raised under this section shall be provided in the form of grants to electric utilities that had, prior to the award of any grant under this section, committed resources to deploy a large scale electricity generation unit with integrated carbon capture and sequestration or conversion applied to a substantial portion of the unit's carbon dioxide emissions. Grant funds shall be provided to defray costs incurred by such electricity utilities for at least 5 such electricity generation units.

(5) ADMINISTRATION.—The members of the Board of Directors of the Corporation shall elect a Chairman and other officers as necessary, may establish committees and subcommittees of the Corporation, and shall adopt rules and bylaws for the conduct of business and the implementation of this section. The Board shall appoint an Executive Director and professional support staff who may be employees of the Electric Power Research Institute (EPRI). After consultation with the Technical Advisory Committee established under subsection (j), the Secretary, and the Director of the National Energy Technology Laboratory to obtain advice and recommendations on plans, programs, and project selection criteria, the Board shall establish priorities for grants, contracts, and assistance; publish requests for proposals for grants, contracts, and assistance; and award grants, contracts, and assistance competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by the Technical Advisory Committee. The Board shall give preference to applications that reflect the best overall value and prospect for achieving the purposes of the section, such as those which demonstrate an integrated approach for capture and storage or capture and conversion technologies. The Board members shall not participate in making grants or awards to entities with whom they are affiliated.

(6) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or other assistance provided under this subsection may be used to purchase carbon dioxide when needed to conduct tests of carbon dioxide storage sites, in the case of established projects that are storing carbon dioxide emissions, or for other purposes consistent with the purposes of this section. The Corporation shall make publicly available at no cost information learned as a result of projects which it supports financially.

(7) INTELLECTUAL PROPERTY.—The Board shall establish policies regarding the ownership of intellectual property developed as a result of Corporation grants and other forms of technology support. Such policies shall encourage individual ingenuity and invention.

(8) ADMINISTRATIVE EXPENSES.—Up to 5 percent of the funds collected in any fiscal year under subsection (d) may be used for the administrative expenses of operating the Corporation (not including costs incurred in the determination and collection of the assessments pursuant to subsection (d)).

(9) PROGRAMS AND BUDGET.—Before August 1 each year, the Corporation, after consulting with the Technical Advisory Committee and the Secretary and the Director of the Department's National Energy Technology Laboratory and other interested parties to obtain advice and recommendations, shall publish for public review and comment its proposed plans, programs, project selection criteria, and projects to be funded by the Corporation for the next calendar year. The Corporation shall also publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. The Secretary may recommend programs and activities the Secretary considers appropriate. The Corporation shall include in the first publication it issues under this paragraph a strategic plan or roadmap for the achievement of the purposes of the Corporation, as set forth in paragraph (2).

(10) RECORDS; AUDITS.—The Corporation shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Corporation and make public such information. The books of the Corporation shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Corporation may designate. Copies of each audit shall be provided to the Congress, all Corporation board members, all qualified industry organizations, each State regulatory authority and, upon request, to other members of the industry. If the audit determines that the Corporation's practices fail to meet generally accepted accounting principles the assessment collection authority of the Corporation under subsection (d) shall be suspended until a certified public accountant renders a subsequent opinion that the failure has been corrected. The Corporation shall make its books and records available for review by the Secretary or the Comptroller General of the United States.

(11) PUBLIC ACCESS.—The Corporation Board's meetings shall be open to the public

and shall occur after at least 30 days advance public notice. Meetings of the Board of Directors may be closed to the public where the agenda of such meetings includes only confidential matters pertaining to project selection, the award of grants or contracts, personnel matters, or the receipt of legal advice. The minutes of all meetings of the Corporation shall be made available to and readily accessible by the public.

(12) ANNUAL REPORT.—Each year the Corporation shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Corporation during the previous year. The report shall also detail the allocation or planned allocation of Corporation resources for each such program and project. The Corporation shall provide its annual report to the Congress, the Secretary, each State regulatory authority, and upon request to the public. The Secretary shall, not less than 60 days after receiving such report, provide to the President and Congress a report assessing the progress of the Corporation in meeting the objectives of this section.

(d) ASSESSMENTS.—

(1) AMOUNT.—(A) In all calendar years following its establishment, the Corporation shall collect an assessment on distribution utilities for all fossil fuel-based electricity delivered directly to retail consumers (as determined under subsection (f)). The assessments shall reflect the relative carbon dioxide emission rates of different fossil fuel-based electricity, and initially shall be not less than the following amounts for coal, natural gas, and oil:

Fuel type	Rate of assessment per kilowatt hour
Coal	$0.00043
Natural Gas	$0.00022
Oil	$0.00032.

(B) The Corporation is authorized to adjust the assessments on fossil fuel-based electricity to reflect changes in the expected quantities of such electricity from different fuel types, such that the assessments generate not less than $1.0 billion and not more than $1.1 billion annually. The Corporation is authorized to supplement assessments through additional financial commitments.

(2) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments under this subsection, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(3) REVERSION OF UNUSED FUNDS.—If the Corporation does not disburse, dedicate or assign 75 percent or more of the available proceeds of the assessed fees in any calendar year 7 or more years following its establishment, due to an absence of qualified projects or similar circumstances, it shall reimburse the remaining undedicated or unassigned balance of such fees, less administrative and other expenses authorized by this section, to the distribution utilities upon which such fees were assessed, in proportion to their collected assessments.

(e) ERCOT.—

(1) ASSESSMENT, COLLECTION, AND REMITTANCE.—(A) Notwithstanding any other provision of this section, within ERCOT, the assessment provided for in subsection (d) shall be—

(i) levied directly on qualified scheduling entities, or their successor entities;

(ii) charged consistent with other charges imposed on qualified scheduling entities as a fee on energy used by the load-serving entities; and

(iii) collected and remitted by ERCOT to the Corporation in the amounts and in the same manner as set forth in subsection (d).

(B) The assessment amounts referred to in subparagraph (A) shall be—

(i) determined by the amount and types of fossil fuel-based electricity delivered directly to all retail customers in the prior calendar year beginning with the year ending immediately prior to the period described in subsection (b)(2); and

(ii) take into account the number of renewable energy credits retired by the load-serving entities represented by a qualified scheduling entity within the prior calendar year.

(2) ADMINISTRATION EXPENSES.—Up to 1 percent of the funds collected in any fiscal year by ERCOT under the provisions of this subsection may be used for the administrative expenses incurred in the determination, collection and remittance of the assessments to the Corporation.

(3) AUDIT.—ERCOT shall provide a copy of its annual audit pertaining to the administration of the provisions of this subsection to the Corporation.

(4) DEFINITIONS.—For the purposes of this subsection:

(A) The term ''ERCOT'' means the Electric Reliability Council of Texas.

(B) The term ''load-serving entities'' has the meaning adopted by ERCOT Protocols and in effect on the date of enactment of this Act.

(C) The term ''qualified scheduling entities'' has the meaning adopted by ERCOT Protocols and in effect on the date of enactment of this Act.

(D) The term ''renewable energy credit'' has the meaning as promulgated and adopted by the Public Utility Commission of Texas pursuant to section 39.904(b) of the Public Utility Regulatory Act of 1999, and in effect on the date of enactment of this Act.

(f) DETERMINATION OF FOSSIL FUEL-BASED ELECTRICITY DELIVERIES.—

(1) FINDINGS.—The Congress finds that:

(A) The assessments under subsection (d) are to be collected based on the amount of fossil fuel-based electricity delivered by each distribution utility.

(B) Since many distribution utilities purchase all or part of their retail consumer's electricity needs from other entities, it may not be practical to determine the precise fuel mix for the power sold by each individual distribution utility.

(C) It may be necessary to use average data, often on a regional basis with reference to Regional Transmission Organization (''RTO'') or NERC regions, to make the determinations necessary for making assessments.

(2) DOE PROPOSED RULE.—The Secretary, acting in close consultation with the Energy Information Administration, shall issue for notice and comment a proposed rule to determine the level of fossil fuel electricity delivered to retail customers by each distribution utility in the United States during the most recent calendar year or other period determined to be most appropriate. Such proposed rule shall balance the need to be efficient, reasonably precise, and timely, taking into account the nature and cost of data currently available and the nature of markets and regulation in effect in various regions of the country. Different methodologies may be applied in different regions if appropriate to obtain the best balance of such factors.

(3) FINAL RULE.—Within 6 months after the date of enactment of this Act, and after opportunity for comment, the Secretary shall issue a final rule under this subsection for determining the level and type of fossil fuel-based electricity delivered to retail customers by each distribution utility in the United States during the appropriate period. In issuing such rule, the Secretary may consider opportunities and costs to develop new data sources in the future and issue recommendations for the Energy Information Administration or other entities to collect such data. After notice and opportunity for comment the Secretary may, by rule, subsequently update and modify the methodology for making such determinations.

(4) ANNUAL DETERMINATIONS.—Pursuant to the final rule issued under paragraph (3), the Secretary shall make annual determinations of the amounts and types for each such utility and publish such determinations in the Federal Register. Such determinations shall be used to conduct the referendum under subsection (b) and by the Corporation in applying any assessment under this subsection.

(5) REHEARING AND JUDICIAL REVIEW.—The owner or operator of any distribution utility that believes that the Secretary has misapplied the methodology in the final rule in determining the amount and types of fossil fuel electricity delivered by such distribution utility may seek rehearing of such determination within 30 days of publication of the determination in the Federal Register. The Secretary shall decide such rehearing petitions within 30 days. The Secretary's determinations following rehearing shall be final and subject to judicial review in the United States Court of Appeals for the District of Columbia.

(g) COMPLIANCE WITH CORPORATION ASSESSMENTS.—The Corporation may bring an action in the appropriate court of the United States to compel compliance with an assessment levied by the Corporation under this section. A successful action for compliance under this subsection may also require payment by the defendant of the costs incurred by the Corporation in bringing such action.

(h) MIDCOURSE REVIEW.—Not later than 5 years following establishment of the Corporation, the Comptroller General of the United States shall prepare an analysis, and report to Congress, assessing the Corporation's activities, including project selection and methods of disbursement of assessed fees, impacts on the prospects for commercialization of carbon capture and storage technologies, adequacy of funding, and administration of funds. The report shall also make such recommendations as may be appropriate in each of these areas. The Corporation shall reimburse the Government Accountability Office for the costs associated with performing this midcourse review.

(i) RECOVERY OF COSTS.—

(1) IN GENERAL.—A distribution utility whose transmission, delivery, or sales of electric energy are subject to any form of rate regulation shall not be denied the opportunity to recover the full amount of the prudently incurred costs associated with complying with this section, consistent with applicable State or Federal law.

(2) RATEPAYER REBATES.—Regulatory authorities that approve cost recovery pursuant to paragraph (1) may order rebates to ratepayers to the extent that distribution

utilities are reimbursed undedicated or unassigned balances pursuant to subsection (d)(3).

(j) TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee, to be known as the ''Technical Advisory Committee''.

(2) MEMBERSHIP.—The Technical Advisory Committee shall be comprised of not less than 7 members appointed by the Board from among academic institutions, national laboratories, independent research institutions, and other qualified institutions. No member of the Committee shall be affiliated with EPRI or with any organization having members serving on the Board. At least one member of the Committee shall be appointed from among officers or employees of the Department of Energy recommended to the Board by the Secretary of Energy.

(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall designate one member of the Technical Advisory Committee to serve as Chairperson of the Committee and one to serve as Vice Chairperson of the Committee.

(4) COMPENSATION.—The Board shall provide compensation to members of the Technical Advisory Committee for travel and other incidental expenses and such other compensation as the Board determines to be necessary.

(5) PURPOSE.—The Technical Advisory Committee shall provide independent assessments and technical evaluations, as well as make non-binding recommendations to the Board, concerning Corporation activities, including but not limited to the following:

(A) Reviewing and evaluating the Corporation's plans and budgets described in subsection (c)(9), as well as any other appropriate areas, which could include approaches to prioritizing technologies, appropriateness of engineering techniques, monitoring and verification technologies for storage, geological site selection, and cost control measures.

(B) Making annual non-binding recommendations to the Board concerning any of the matters referred to in subparagraph (A), as well as what types of investments, scientific research, or engineering practices would best further the goals of the Corporation.

(6) PUBLIC AVAILABILITY.—All reports, evaluations, and other materials of the Technical Advisory Committee shall be made available to the public by the Board, without charge, at time of receipt by the Board.

(k) LOBBYING RESTRICTIONS.—No funds collected by the Corporation shall be used in any manner for influencing legislation or elections, except that the Corporation may recommend to the Secretary and the Congress changes in this section or other statutes that would further the purposes of this section.

(l) DAVIS-BACON COMPLIANCE.—The Corporation shall ensure that entities receiving grants, contracts, or other financial support from the Corporation for the project activities authorized by this section are in compliance with the Davis-Bacon Act (40 U.S.C. 276a–276a–5).

SEC. 115. COMMERCIAL DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES.

Part H of title VII of the Clean Air Act (as added by section 321 of this Act) is amended by adding the following new section after section 785:

''SEC. 786. COMMERCIAL DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations providing for the distribution of emission allowances allocated pursuant to section 782(f), pursuant to the requirements of this section, to support the commercial deployment of carbon capture and sequestration technologies in both electric power generation and industrial operations.

''(b) ELIGIBILITY CRITERIA.—For an owner or operator of a project to be eligible to receive emission allowances under this section, the project must—

''(1) implement carbon capture and sequestration technology—

''(A) at an electric generating unit that—

''(i) has a nameplate capacity of 200 megawatts or more;

''(ii) in the case of a retrofit application, applies the carbon capture and sequestration technology to the flue gas from at least 200 megawatts of the total nameplate generating capacity of the unit, provided that clause (i) shall apply without exception;

''(iii) derives at least 50 percent of its annual fuel input from coal, petroleum coke, or any combination of these 2 fuels; and

''(iv) upon implementation of capture and sequestration technology, will achieve an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by—

''(I) the unit, measured on an annual basis, determined in accordance with section 812(b)(2); or

''(II) in the case of retrofit applications under clause (ii), the treated portion of flue gas from the unit, measured on an annual basis, determined in accordance with section 812(b)(2); or

''(B) at an industrial source that—

''(i) absent carbon capture and sequestration, would emit greater than 50,000 tons per year of carbon dioxide;

''(ii) upon implementation, will achieve an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the emission point, measured on an annual basis, determined in accordance with section 812(b)(2); and

''(iii) does not produce a liquid transportation fuel from a solid fossil-based feedstock;

''(2) geologically sequester carbon dioxide at a site that meets all applicable permitting and certification requirements for geologic sequestration, or, pursuant to such requirements as the Administrator may prescribe by regulation, convert captured carbon dioxide to a stable form that will safely and permanently sequester such carbon dioxide;

''(3) meet all other applicable State, tribal, and Federal permitting requirements; and

''(4) be located in the United States.

''(c) PHASE I DISTRIBUTION TO ELECTRIC GENERATING UNITS.—

''(1) APPLICATION.—This subsection shall apply only to projects at the first 6 gigawatts of electric generating units, measured in cumulative generating capacity of such units, that receive allowances under this section.

''(2) DISTRIBUTION.—The Administrator shall distribute emission allowances allocated under section 782(f) to the owner or operator of each eligible project at an electric generating unit in a quantity equal to the quotient obtained by dividing—

''(A) the product obtained by multiplying—

''(i) the number of metric tons of carbon dioxide emissions avoided through capture and sequestration of emissions by the project, as determined pursuant to such methodology as the Administrator shall prescribe by regulation; and

''(ii) a bonus allowance value, pursuant to paragraph (3); by

''(B) the average fair market value of an emission allowance during the preceding year.

''(3) BONUS ALLOWANCE VALUES.—

''(A) For a generating unit achieving the capture and sequestration of 85 percent or more of the carbon dioxide that otherwise would be emitted by such unit, the bonus allowance value shall be $90 per ton.

''(B) The Administrator shall by regulation establish a bonus allowance value for each rate of lower capture and sequestration achieved by a generating unit, from a minimum of $50 per ton for a 50 percent rate and varying directly with increasing rates of capture and sequestration up to $90 per ton for an 85 percent rate.

''(C) For a generating unit that achieves the capture and sequestration of at least 50 percent of the carbon dioxide that otherwise would be emitted by such unit by not later than January 1, 2017, the otherwise applicable bonus allowance value under this paragraph shall be increased by $10, provided that the owner of such unit notifies the Administrator by not later than January 1, 2012, of its intent to achieve such rate of capture and sequestration.

''(D) For a carbon capture and sequestration project sequestering in a geological formation for purposes of enhanced hydrocarbon recovery, the Administrator shall, by regulation, reduce the applicable bonus allowance value under this paragraph to reflect the lower net cost of the project when compared to sequestration into geological formations solely for purposes of sequestration.

''(E) The Administrator shall annually adjust for inflation the bonus allowance values established under this paragraph.

''(d) PHASE II DISTRIBUTION TO ELECTRIC GENERATING UNITS.—

''(1) APPLICATION.—This subsection shall apply only to the distribution of emission allowances for carbon capture and sequestration projects at electric generating units after the capacity threshold identified in subsection (c)(1) is reached.

''(2) REGULATIONS.—Not later than 2 years prior to the date on which the capacity threshold identified in subsection (c)(1) is projected to be reached, the Administrator shall promulgate regulations to govern the distribution of emission allowances to the owners or operators of eligible projects under this subsection.

''(3) REVERSE AUCTIONS.—

''(A) IN GENERAL.—Except as provided in paragraph (4), the regulations promulgated under paragraph (2) shall provide for the distribution of emission allowances to the owners or operators of eligible projects under this subsection through reverse auctions, which shall be held no less frequently than once each calendar year. The Administrator may establish a separate auction for each of no more than 5 different project categories, defined on the basis of coal type, capture technology, geological formation type, new unit versus retrofit application, such other factors as the Administrator may prescribe, or any combination thereof. The Administrator may establish appropriate minimum rates of capture and sequestration in implementing this paragraph.

''(B) AUCTION PROCESS.—At each reverse auction—

''(i) the Administrator shall solicit bids from eligible projects;

''(ii) eligible projects participating in the auction shall submit a bid including the desired level of carbon dioxide sequestration

incentive per ton and the estimated quantity of carbon dioxide that the project will permanently sequester over 10 years; and

''(iii) the Administrator shall select bids, within each auction, for the sequestration amount submitted, beginning with the eligible project submitting the bid for the lowest level of sequestration incentive on a per ton basis and meeting such other requirements as the Administrator may specify, until the amount of funds available for the reverse auction is committed.

''(C) FORM OF DISTRIBUTION.—The Administrator shall distribute emission allowances to the owners or operators of eligible projects selected through a reverse auction under this paragraph pursuant to a formula equivalent to that described in subsection (c)(2), except that the bonus allowance value that is bid by the entity shall be substituted for the bonus allowance values set forth in subsection (c)(3).

''(4) ALTERNATIVE DISTRIBUTION METHOD.—

''(A) IN GENERAL.—If the Administrator determines that reverse auctions would not provide for efficient and cost-effective commercial deployment of carbon capture and sequestration technologies, the Administrator may instead, through regulations promulgated under paragraph (2) or (5), prescribe a schedule for the award of bonus allowances to the owners or operators of eligible projects under this subsection, in accordance with the requirements of this paragraph.

''(B) MULTIPLE TRANCHES.—The Administrator shall divide emission allowances available for distribution to the owners or operators of eligible projects into a series of tranches, each supporting the deployment of a specified quantity of cumulative electric generating capacity utilizing carbon capture and sequestration technology, each of which shall not be greater than 6 gigawatts.

''(C) METHOD OF DISTRIBUTION.—The Administrator shall distribute emission allowances within each tranche, on a first-come, first-served basis—

''(i) based on the date of full-scale operation of capture and sequestration technology; and

''(ii) pursuant to a formula, similar to that set forth in subsection (c)(2) (except that the Administrator shall prescribe bonus allowance values different than those set forth in subsection (c)(3)), establishing the number of allowances to be distributed per ton of carbon dioxide sequestered by the project.

''(D) REQUIREMENTS.—For each tranche established pursuant to subparagraph (B), the Administrator shall establish a schedule for distributing emission allowances that—

''(i) is based on a sliding scale that provides higher bonus allowance values for projects achieving higher rates of capture and sequestration;

''(ii) for each capture and sequestration rate, establishes a bonus allowance value that is lower than that established for such rate in the previous tranche (or, in the case of the first tranche, than that established for such rate under subsection (c)(3)); and

''(iii) may establish different bonus allowance levels for no more than 5 different project categories, defined by coal type, capture technology, geological formation type, new unit versus retrofit application, such other factors as the Administrator may prescribe, or any combination thereof.

''(E) CRITERIA FOR ESTABLISHING BONUS ALLOWANCE VALUES.—In setting bonus allowance values under this paragraph, the Administrator shall seek to cover no more than the reasonable incremental capital and operating costs of a project that are attributable to implementation of carbon capture, transportation, and sequestration technologies, taking into account—

''(i) the reduced cost of compliance with section 722 of this Act;

''(ii) the reduced cost associated with sequestering in a geological formation for purposes of enhanced hydrocarbon recovery when compared to sequestration into geological formations solely for purposes of sequestration;

''(iii) the relevant factors defining the project category; and

''(iv) such other factors as the Administrator determines are appropriate.

''(5) REVISION OF REGULATIONS.—The Administrator shall review, and as appropriate revise, the applicable regulations under this subsection no less frequently than every 8 years.

''(e) LIMITS FOR CERTAIN ELECTRIC GENERATING UNITS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'covered EGU' and 'initially permitted' shall have the meaning given those terms in section 812 of this Act.

''(2) COVERED EGUS INITIALLY PERMITTED FROM 2009 THROUGH 2014.—For a covered EGU that is initially permitted on or after January 1, 2009, and before January 1, 2015, the Administrator shall reduce the quantity of emission allowances that the owner or operator of such covered EGU would otherwise be eligible to receive under this section as follows:

''(A) In the case of a unit commencing operation on or before January 1, 2019, if the date in clause (ii)(I) is earlier than the date in clause (ii)(II), by the product of—

''(i) 20 percent; and

''(ii) the number of years, if any, that have elapsed between—

''(I) the earlier of January 1, 2020, or the date that is 5 years after the commencement of operation of such covered EGU; and

''(II) the first year that such covered EGU achieves (and thereafter maintains) an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(B) In the case of a unit commencing operation after January 1, 2019, by the product of—

''(i) 20 percent; and

''(ii) the number of years between—

''(I) the commencement of operation of such covered EGU; and

''(II) the first year that such covered EGU achieves (and thereafter maintains) an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(3) COVERED EGUS INITIALLY PERMITTED FROM 2015 THROUGH 2019.—The owner or operator of a covered EGU that is initially permitted on or after January 1, 2015, and before January 1, 2020, shall be ineligible to receive emission allowances pursuant to this section if such unit, upon commencement of operations (and thereafter), does not achieve and maintain an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(f) INDUSTRIAL SOURCES.—

''(1) ALLOWANCES.—The Administrator may distribute not more than 15 percent of the allowances allocated under section 782(f) for any vintage year to the owners or operators of eligible industrial sources to support the commercial-scale deployment of carbon capture and sequestration technologies at such sources.

''(2) DISTRIBUTION.—The Administrator shall, by regulation, prescribe requirements for the distribution of emission allowances to the owners or operators of industrial sources under this subsection, based on a bonus allowance formula that awards allowances to qualifying projects on the basis of tons of carbon dioxide captured and permanently sequestered. The Administrator may provide for the distribution of emission allowances pursuant to—

''(A) a reverse auction method, similar to that described under subsection (d)(3), including the use of separate auctions for different project categories; or

''(B) an incentive schedule, similar to that described under subsection (d)(4), which shall ensure that incentives are set so as to satisfy the requirement described in subsection (d)(4)(E).

''(3) REVISION OF REGULATIONS.—The Administrator shall review, and as appropriate revise, the applicable regulations under this subsection no less frequently than every 8 years.

''(g) LIMITATIONS.—Allowances may be distributed under this section only for tons of carbon dioxide emissions that have already been captured and sequestered. A qualifying project may receive annual emission allowances under this section only for the first 10 years of operation. No greater than 72 gigawatts of total cumulative generating capacity (including industrial applications, measured by such equivalent metric as the Administrator may designate) may receive emission allowances under this section. Upon reaching the limit described in the preceding sentence, any emission allowances that are allocated for carbon capture and sequestration deployment under section 782(f) and are not yet obligated under this section shall be treated as allowances not designated for distribution for purposes of section 782(r).

''(h) EXHAUSTION OF ACCOUNT AND ANNUAL ROLL-OVER OF SURPLUS ALLOWANCES.—

''(1) In distributing emission allowances under this section, the Administrator shall ensure that qualifying projects receiving allowances receive distributions for 10 years.

''(2) If the Administrator determines that the emission allowances allocated under section 782(f) with a vintage year that matches the year of distribution will be exhausted once the estimated full 10-year distributions will be provided to current eligible participants, the Administrator shall provide to new eligible projects allowances from vintage years after the year of the distribution.

''(i) RETROFIT APPLICATIONS.—(1) In calculating bonus allowance values for retrofit applications eligible under subsection (b)(1)(A)(ii) and (iv)(II), the Administrator shall apply the required capture rates with respect to the treated portion of flue gas from the unit.

''(2) No additional projects shall be eligible for allowances under subsection (b)(1)(A)(ii) and (iv)(II) as of such time as the Administrator reports, pursuant to section 812(d), that carbon capture and sequestration retrofit projects at electric generating units that are eligible for allowances under this section have been applied, in the aggregate, to the flue gas generated by 1 gigawatt of total cumulative generating capacity. ''The limitation in the preceding sentence shall not apply to projects that meet the eligibility criteria in subsection (b)(1)(A)(iv)(I).'' after ''generating capacity.''.

''(j) DAVIS-BACON COMPLIANCE.—All laborers and mechanics employed on projects funded directly by or assisted in whole or in part by this section through the use of emission allowances shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV, chapter 31, part A of subtitle II of title 40, United States Code. With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

SEC. 116. PERFORMANCE STANDARDS FOR COAL-FUELED POWER PLANTS.

(a) IN GENERAL.—Title VIII of the Clean Air Act (as added by section 331 of this Act) is amended by adding the following new section after section 811:

''SEC. 812. PERFORMANCE STANDARDS FOR NEW COAL-FIRED POWER PLANTS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COVERED EGU.—The term 'covered EGU' means a utility unit that is required to have a permit under section 503(a) and is authorized under state or federal law to derive at least 30 percent of its annual heat input from coal, petroleum coke, or any combination of these fuels.

''(2) INITIALLY PERMITTED.—The term 'initially permitted' means that the owner or operator has received a Clean Air Act preconstruction approval or permit, for the covered EGU as a new (not a modified) source, but administrative review or appeal of such approval or permit has not been exhausted. A subsequent modification of any such approval or permits, ongoing administrative or court review, appeals, or challenges, or the existence or tolling of any time to pursue further review, appeals, or challenges shall not affect the date on which a covered EGU is considered to be initially permitted under this paragraph.

''(b) STANDARDS.—(1) A covered EGU that is initially permitted on or after January 1, 2020, shall achieve an emission limit that is a 65 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis, or meet such more stringent standard as the Administrator may establish pursuant to subsection (c).

''(2) A covered EGU that is initially permitted after January 1, 2009, and before January 1, 2020, shall, by the applicable compliance date established under this paragraph, achieve an emission limit that is a 50 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis. Compliance with the requirement set forth in this paragraph shall be required by the earliest of the following:

''(A) Four years after the date the Administrator has published pursuant to subsection (d) a report that there are in commercial operation in the United States electric generating units or other stationary sources equipped with carbon capture and sequestration technology that, in the aggregate—

''(i) have a total of at least 4 gigawatts of nameplate generating capacity of which—

''(I) at least 3 gigawatts must be electric generating units; and

''(II) up to 1 gigawatt may be industrial applications, for which capture and sequestration of 3 million tons of carbon dioxide per year on an aggregate annualized basis shall be considered equivalent to 1 gigawatt;

''(ii) include at least 2 electric generating units, each with a nameplate generating capacity of 250 megawatts or greater, that capture, inject, and sequester carbon dioxide into geologic formations other than oil and gas fields; and

''(iii) are capturing and sequestering in the aggregate at least 12 million tons of carbon dioxide per year, calculated on an aggregate annualized basis.

''(B) January 1, 2025.

''(3) If the deadline for compliance with paragraph (2) is January 1, 2025, the Administrator may extend the deadline for compliance by a covered EGU by up to 18 months if the Administrator makes a determination, based on a showing by the owner or operator of the unit, that it will be technically infeasible for the unit to meet the standard by the deadline. The owner or operator must submit a request for such an extension by no later than January 1, 2022, and the Administrator shall provide for public notice and comment on the extension request.

''(c) REVIEW AND REVISION OF STANDARDS.—Not later than 2025 and at 5-year intervals thereafter, the Administrator shall review the standards for new covered EGUs under this section and shall, by rule, reduce the maximum carbon dioxide emission rate for new covered EGUs to a rate which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.

''(d) REPORTS.—Not later than the date 18 months after the date of enactment of this title and semiannually thereafter, the Administrator shall publish a report on the nameplate capacity of units (determined pursuant to subsection (b)(2)(A)) in commercial operation in the United States equipped with carbon capture and sequestration technology, including the information described in subsection (b)(2)(A) (including the cumulative generating capacity to which carbon capture and sequestration retrofit projects meeting the criteria described in section 786(b)(1)(A)(ii) and (b)(1)(A)(iv)(II) has been applied and the quantities of carbon dioxide captured and sequestered by such projects).

''(e) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to carry out the requirements of this section.''.

Subtitle C—Clean Transportation

SEC. 121. ELECTRIC VEHICLE INFRASTRUCTURE.

(a) AMENDMENT OF PURPA.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) PLUG-IN ELECTRIC DRIVE VEHICLE INFRASTRUCTURE.—

''(A) UTILITY PLAN FOR INFRASTRUCTURE.—Each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including heavy-duty hybrid electric vehicles. The plan may provide for deployment of electrical charging stations in public or private locations, including street parking, parking garages, parking lots, homes, gas stations, and highway rest stops. Any such plan may also include—

''(i) battery exchange, fast charging infrastructure and other services;

''(ii) triggers for infrastructure deployment based upon market penetration of plug-in electric drive vehicles; and

''(iii) such other elements as the State determines necessary to support plug-in electric drive vehicles.

Each plan under this paragraph shall provide for the deployment of the charging infrastructure or other infrastructure necessary to adequately support the use of plug-in electric drive vehicles.

''(B) SUPPORT REQUIREMENTS.—Each State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall—

''(i) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the extent possible; and

''(ii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

''(C) COST RECOVERY.—Each State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

''(D) SMART GRID INTEGRATION.—The State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall, in accordance with regulations issued by the Federal Energy Regulatory Commission pursuant to section 1305(d) of the Energy Independence and Security Act of 2007—

''(i) establish any appropriate protocols and standards for integrating plug-in electric drive vehicles into an electrical distribution system, including Smart Grid systems and devices as described in title XIII of the Energy Independence and Security Act of 2007;

''(ii) include, to the extent feasible, the ability for each plug-in electric drive vehicle to be identified individually and to be associated with its owner's electric utility account, regardless of the location that the vehicle is plugged in, for purposes of appropriate billing for any electricity required to charge the vehicle's batteries as well as any crediting for electricity provided to the electric utility from the vehicle's batteries; and

''(iii) review the determination made in response to section 1252 of the Energy Policy Act of 2005 in light of this section, including whether time-of-use pricing should be employed to enable the use of plug-in electric drive vehicles to contribute to meeting peakload and ancillary service power needs.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

''(7)(A) Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 4 years after the date of enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the

standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end: ''In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph.''.

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by striking ''(19)'' and inserting ''(20)'' before ''of section 111(d)''.

SEC. 122. LARGE-SCALE VEHICLE ELECTRIFICATION PROGRAM.

(a) DEPLOYMENT PROGRAM.—The Secretary of Energy shall establish a program to deploy and integrate plug-in electric drive vehicles into the electricity grid in multiple regions. In carrying out the program, the Secretary may provide financial assistance described under subsection (d), consistent with the goals under subsection (b). The Secretary shall select regions based upon applications for assistance received pursuant to subsection (c).

(b) GOALS.—The goals of the program established pursuant to subsection (a) shall be—

(1) to demonstrate the viability of a vehicle-based transportation system that is not overly dependent on petroleum as a fuel and contributes to lower carbon emissions than a system based on conventional vehicles;

(2) to facilitate the integration of advanced vehicle technologies into electricity distribution areas to improve system performance and reliability;

(3) to demonstrate the potential benefits of coordinated investments in vehicle electrification on personal mobility and a regional grid;

(4) to demonstrate protocols and standards that facilitate vehicle integration into the grid; and

(5) to investigate differences in each region and regulatory environment regarding best practices in implementing vehicle electrification.

(c) APPLICATIONS.—Any State, Indian tribe, or local government (or group of State, Indian tribe, or local governments) may apply to the Secretary of Energy for financial assistance in furthering the regional deployment and integration into the electricity grid of plug-in electric drive vehicles. Such applications may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, car sharing companies or organizations, or other persons or entities.

(d) USE OF FUNDS.—Pursuant to applications received under subsection (c), the Secretary may make financial assistance available to any applicant or joint sponsor of the application to be used for any of the following:

(1) Assisting persons located in the regional deployment area, including fleet owners, in the purchase of new plug-in electric drive vehicles by offsetting in whole or in part the incremental cost of such vehicles above the cost of comparable conventionally fueled vehicles.

(2) Supporting the use of plug-in electric drive vehicles by funding projects for the deployment of any of the following:

(A) Electrical charging infrastructure for plug-in electric drive vehicles, including battery exchange, fast charging infrastructure, and other services, in public or private locations, including street parking, parking garages, parking lots, homes, gas stations, and highway rest stops.

(B) Smart Grid equipment and infrastructure, as described in title XIII of the Energy Independence and Security Act of 2007, to facilitate the charging and integration of plug-in electric drive vehicles.

(3) Such other projects as the Secretary determines appropriate to support the large-scale deployment of plug-in electric drive vehicles in regional deployment areas.

(e) PROGRAM REQUIREMENTS.—The Secretary, in consultation with the Administrator and the Secretary of Transportation, shall determine design elements and requirements of the program established pursuant to subsection (a), including—

(1) the type of financial mechanism with which to provide financial assistance;

(2) criteria for evaluating applications submitted under subsection (c), including the anticipated ability to promote deployment and market penetration of vehicles that are less dependent on petroleum as a fuel source; and

(3) reporting requirements for entities that receive financial assistance under this section, including a comprehensive set of performance data characterizing the results of the deployment program.

(f) INFORMATION CLEARINGHOUSE.—The Secretary shall, as part of the program established pursuant to subsection (a), collect and make available to the public information regarding the cost, performance, and other technical data regarding the deployment and integration of plug-in electric drive vehicles.

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 123. PLUG-IN ELECTRIC DRIVE VEHICLE MANUFACTURING.

(a) VEHICLE MANUFACTURING ASSISTANCE PROGRAM.—The Secretary of Energy shall establish a program to provide financial assistance to automobile manufacturers to facilitate the manufacture of plug-in electric drive vehicles, as defined in section 131(a)(5) of the Energy Independence and Security Act of 2007, that are developed and produced in the United States.

(b) FINANCIAL ASSISTANCE.—The Secretary of Energy may provide financial assistance to an automobile manufacturer under the program established pursuant to ''subsection (a) for the reconstruction or retooling of facilities for the manufacture of plug-in electric drive vehicles or batteries for such vehicles that are developed and produced in the United States.''.

(c) COORDINATION WITH REGIONAL DEPLOYMENT.—The Secretary may provide financial assistance under subsection (b) in conjunction with the award of financial assistance under the large scale vehicle electrification program established pursuant to section 122 of this Act.

(d) PROGRAM REQUIREMENTS.—The Secretary shall determine design elements and requirements of the program established pursuant to subsection (a), including—

(1) the type of financial mechanism with which to provide financial assistance;

(2) criteria, in addition to the criteria described under subsection (e), for evaluating applications for financial assistance; and

(3) reporting requirements for automobile manufacturers that receive financial assistance under this section.

(e) CRITERIA.—In selecting recipients of financial assistance from among applicant automobile manufacturers, the Secretary shall give preference to proposals that—

(1) are most likely to be successful; and

(2) are located in local markets that have the greatest need for the facility.

(f) REPORTS.—The Secretary shall annually submit to Congress a report on the program established pursuant to this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 124. INVESTMENT IN CLEAN VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLES AND QUALIFYING COMPONENTS.—The terms ''advanced technology vehicles'' and ''qualifying components'' shall have the definition of such terms in section 136 of the Energy Independence and Security Act of 2007, except that for purposes of this section, the average base year as described in such section 136(a)(1)(C) shall be the following:

(A) In each of the years 2012 through 2016, model year 2009.

(B) In 2017, the Administrator shall, notwithstanding such section 136(a)(1)(C), determine an appropriate baseline based on technological and economic feasibility.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' shall have the definition of such term in section 131 of the Energy Independence and Security Act of 2007.

(b) DISTRIBUTION OF ALLOWANCES.—The Administrator shall, in accordance with this section, distribute emission allowances allocated pursuant to section 782(i) of the Clean Air Act not later than September 30 of 2012 and each calendar year thereafter through 2025.

(c) PLUG-IN ELECTRIC DRIVE VEHICLE MANUFACTURING AND DEPLOYMENT.—

(1) IN GENERAL.—The Administrator shall, at the direction of the Secretary of Energy, provide emission allowances allocated pursuant to section 782(i) to applicants, joint sponsors and automobile manufacturers pursuant to sections 122 and 123 of this Act.

(2) ANNUAL AMOUNT.—In each of the years 2012 through 2017, one-quarter of the portion of the emission allowances allocated pursuant to section 782(i) of the Clean Air Act shall be available to carry out paragraph (1) such that—

(A) one-eighth of the portion shall be available to carry out section 122; and,

(B) one-eighth of the portion shall be available to carry out section 123.

(3) PREFERENCE.—In directing the provision of emission allowances under this subsection to carry out section 122, the Secretary shall give preference to applications under section 122(c) that are jointly sponsored by one or more automobile manufacturers.

(4) MULTI-YEAR COMMITMENTS.—The Administrator shall commit to providing emission allowances to an applicant, joint sponsor, or automobile manufacturer for up to five consecutive years if—

(A) an application under section 122 or 123 of this Act requests a multi-year commitment;

(B) such application meets the criteria for support established by the Secretary of Energy under sections 122 or 123 of this Act;

(C) the Administrator confirms to the Secretary that emission allowances will be available for a multi-year commitment;

(D) the Secretary of Energy determines that a multi-year commitment for such application will advance the goals of section 122 or 123; and

(E) the Secretary of Energy directs the Administrator to make a multi-year commitment.

(5) INSUFFICIENT APPLICATIONS.—If, in any year, emission allowances available under paragraph (2) cannot be provided because of insufficient numbers of submitted applications that meet the criteria for support established by the Secretary of Energy under sections 122 or 123 of this Act, the remaining emission allowances shall be distributed according to subsection (d).

(d) ADVANCED TECHNOLOGY VEHICLES.—

(1) IN GENERAL.—The Administrator shall, at the direction of the Secretary of Energy, provide any emission allowances allocated pursuant to section 782(i) of the Clean Air Act that are not provided under subsection (c) to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(A) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(2) PREFERENCE.—In directing the provision of emission allowances under this subsection during the years 2012 through 2017, the Secretary shall give preference to applications for projects that save the maximum number of gallons of fuel.

SEC. 125. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING INCENTIVE LOANS.

Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''$25,000,000,000'' and inserting ''$50,000,000,000''.

SEC. 126. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended to read as follows:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(i) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(I) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(II) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(III) harvested in accordance with Federal and State law, and applicable land management plans.

''(ii) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste material (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure);

''(dd) construction waste;

''(ee) food waste and yard waste; and

''(ff) the non-fossil biogenic portion of municipal solid waste and construction, demolition, and disaster debris.

''(iii) Residues and byproducts from wood, pulp, or paper products facilities.''.

(c) REDUCTION.—The last sentence of section 211(o)(7)(D) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)) is amended to read as follows: ''For any calendar year in which the Administrator makes such a reduction, the Administrator shall also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same volume.''.

SEC. 127. OPEN FUEL STANDARD.

(a) FINDINGS.—The Congress finds that—

(1) the status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States;

(2) in a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines;

(3) technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance;

(4) fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status;

(5) the current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States;

(6) much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies;

(7) alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States;

(8) alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels;

(9) it is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available;

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—(1) Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''§ 32920. Open fuel standard for transportation

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL COVERED INVENTORY.—The term 'light-duty automobile manufacturer's annual covered inventory' means the number of light-duty automobiles powered by an internal combustion engine that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary may promulgate regulations to require each light-duty automobile manufacturer's annual covered inventory to be comprised of a minimum percentage of fuel-choice enabling automobiles, with sufficient lead time, if the Secretary, in coordination with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines such requirement is a cost-effective way to achieve the Nation's energy independence and environmental objectives. The cost-effective determination shall consider the future availability of both alternative fuel supply and infrastructure to deliver the alternative fuel to the fuel-choice enabling vehicles.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles, including—

''(i) a disruption in the supply of any component required for compliance with the regulations;

''(ii) a disruption in the use and installation by the manufacturer of such component; or

''(iii) application to plug-in electric drive vehicles causing such vehicles to fail to meet State air quality requirements.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufacturers under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.''.

(2) The table of contents in chapter 329 of such title is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

SEC. 128. DIESEL EMISSIONS REDUCTION.

Subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.) is amended—

(1) in the matter preceding clause (i) in section 791(3)(B), by inserting ''in any State'' after ''nonprofit organization or institution'';

(2) in section 791(9), by striking ''The term 'State' includes the District of Columbia.'' and inserting ''The term 'State' includes the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.'':

(3) in section 793(c)—

(A) in paragraph (2)(A), by striking ''51 States'' and inserting ''56 States'';

(B) in paragraph (2)(A), by striking ''1.96 percent'' and inserting ''1.785 percent'';

(C) in paragraph (2)(B), by striking ''51 States'' and inserting ''56 States''; and

(D) in paragraph (2)(B), by amending clause (ii) to read as follows:

''(ii) the amount of funds remaining after each State described in paragraph (1) receives the 1.785-percent allocation under this paragraph.''; and

(4) in section 797, by striking ''2011'' and inserting ''2016''.

SEC. 129. LOAN GUARANTEES FOR PROJECTS TO CONSTRUCT RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

''(6) RENEWABLE FUEL.—The term 'renewable fuel' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), except that the term shall include all ethanol and biodiesel.

''(7) RENEWABLE FUEL PIPELINE.—The term 'renewable fuel pipeline' means a common carrier pipeline for transporting renewable fuel.''.

(b) RENEWABLE FUEL PIPELINE ELIGIBILITY.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(11) Renewable fuel pipelines.''.

SEC. 130. FLEET VEHICLES.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended as follows:

(1) By adding the following new paragraph at the end of subsection (a):

''(6) REPOWERED OR CONVERTED ALTERNATIVE FUELED VEHICLES.—As used in this paragraph, the term 'repowered or converted alternative fueled vehicle' includes light-, medium- or heavy-duty motor vehicles that have been modified with an EPA or CARB compliant engine or vehicle or aftermarket system so that the vehicle or engine is capable of operating on an alternative fuel.''.

(2) By adding the following new paragraph at the end of subsection (b):

''(3) Repowered or converted vehicles. Not later than January 1, 2010, the Secretary shall allocate credits to fleets that repower or convert an existing vehicle so that it is capable of operating on an alternative fuel. In the case of any medium- or heavy-duty vehicle that is repowered or converted so that it is capable of operating on an alternative fuel, the Secretary shall allocate additional credits for such vehicles if he determines that such vehicles displace more petroleum than light duty alternative fueled vehicles. Such rules shall also include a requirement that such vehicles remain in the fleet for a period of no less than 2 years in order to continue to qualify for credit. The Secretary also shall extend the flexibility afforded in this paragraph to Federal fleets subject to the purchase provisions contained in section 303 of this Act.''.

SEC. 130A. REPORT ON NATURAL GAS VEHICLE EMISSIONS REDUCTIONS.

Within 360 days after the date of enactment of this Act, the Administrator, in consultation with the Secretaries of Energy and Transportation, and the Administrator of the General Services Administration, and after an examination of available scientific studies or analysis, shall submit to the Congress a report on—

(1) the contribution that light and heavy duty natural gas vehicles, by category and State, have made during the last decade to the reduction of greenhouse gases and criteria pollutants under the Clean Air Act, and the reduced consumption of petroleum-based fuels;

(2) the contribution that light and heavy duty natural gas vehicles are expected to make from 2010 to 2020 in reducing greenhouse gas and criteria pollutants under the Clean Air Act based, among other things, on additional Federal incentives for the manufacture and deployment of natural gas vehicles provided in this Act, and other Federal legislation; and

(3) additional Federal measures, including legislation, that could, if implemented, maximize the potential for natural gas used in both stationary and mobile sources to contribute to the reduction of greenhouse gases and criteria pollutants under the Clean Air Act.

Subtitle D—State Energy and Environment Development Accounts

SEC. 131. ESTABLISHMENT OF SEED ACCOUNTS.

(a) DEFINITIONS.—In this section:

(1) SEED ACCOUNT.—The term ''SEED Account'' means a State Energy and Environment Development Account established pursuant to this section.

(2) STATE ENERGY OFFICE.—The term ''State Energy Office'' means a State entity eligible for grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program under which a State, through its State Energy Office or other State agency designated by the State, may operate a State Energy and Environment Development Account.

(c) PURPOSE.—The purpose of each SEED Account is to serve as a common State-level repository for managing and accounting for emission allowances provided to States designated for renewable energy and energy efficiency purposes.

(d) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section, including regulations—

(1) to ensure that each State operates its SEED Account and any subaccounts thereof efficiently and in accordance with this Act and applicable State and Federal laws;

(2) to prevent waste, fraud, and abuse;

(3) to indicate the emission allowances that may be deposited in a State's SEED Account pending distribution or use;

(4) to indicate the programs and objectives authorized by Federal law for which emission allowances in a SEED Account may be distributed or used;

(5) to identify the forms of financial assistance and incentives that States may provide through distribution or use of SEED Accounts; and

(6) to prescribe the form and content of reports that the States are required to submit under this section on the use of SEED Accounts.

(e) OPERATION.—

(1) DEPOSITS.—

(A) IN GENERAL.—In the allowance tracking system established pursuant to section 724(d) of the Clean Air Act, the Administrator shall establish a SEED Account for each State and place in it the allowances allocated pursuant to section 782(g) of the Clean Air Act to be distributed to States pursuant to sections 132 and 201 of this Act.

(B) FINANCIAL ACCOUNT.—A State may create a financial account associated with its SEED Account to deposit, retain, and manage any proceeds of any sale of any allowance provided pursuant to this Act pending expenditure or disbursement of those proceeds for purposes permitted under this section. The funds in such an account shall not be commingled with other funds not derived from the sale of allowances provided to the State; however, loans made by the State from such funds pursuant to paragraph (2)(C)(i) may be repaid into such a financial account, including any interest charged.

(2) WITHDRAWALS.—

(A) IN GENERAL.—All allowances distributed pursuant to sections 132 and 201, including the proceeds of any sale of such allowances, shall support renewable energy and energy efficiency programs authorized or approved by the Federal Government.

(B) DEDICATED ALLOWANCES.—Allowances distributed pursuant to sections 132 and 201 that are required by law to be used for specific purposes for a specified period shall be used according to those requirements during that period.

(C) UNDEDICATED ALLOWANCES.—To the extent that allowances distributed pursuant to sections 132 and 201 are not required by law to be used for specific purposes for a specified period as described in subparagraph (B), such allowances or the proceeds of their sale may be used for any of the following purposes:

(i) LOANS.—Loans of allowances, or the proceeds from the sale of allowances, may be provided, interest on commercial loans may be subsidized at an interest rate as low as zero, and other credit support may be provided to support programs authorized to use SEED Account allowance value or any other renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(ii) GRANTS.—Grants of allowances or the proceeds of their sale may be provided to support programs authorized to use SEED Account allowance value or any other renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(iii) OTHER FORMS OF SUPPORT.—Allowances or the proceeds of the sale of allowances may be provided for other forms of support for programs authorized to use SEED Account allowance value or any other renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(iv) ADMINISTRATIVE COSTS.—Except to the extent provided in Federal law authorizing or allocating allowances deposited in a SEED Account, not more than 5 percent of the allowance value in a SEED Account in any year may be used to cover administrative expenses of the SEED Account.

(D) SUBACCOUNTS.—A State may request that the Administrator establish accounts for local governments that request such subaccounts to hold allowances distributed to local governments for renewable energy or energy efficiency programs authorized or approved by the Federal Government.

(E) INTENDED USE PLANS.—

(i) IN GENERAL.—After providing for public review and comment, each State administering a SEED Account shall annually prepare a plan that identifies the intended uses of the allowances or proceeds from the sale of allowances in its SEED Account.

(ii) CONTENTS.—An intended use plan shall include—

(I) a list of the projects or programs for which withdrawals from the SEED Account are intended in the next fiscal year that begins after the date of the plan, including a description of each project;

(II) the relationship of each of the projects or programs to an identified Federal purpose authorized by this Act, or any other Federal statute;

(III) the expected terms of use of allowance value to provide assistance;

(IV) the criteria and methods established for the distribution of allowances or allowance value;

(V) a description of the equivalent financial value and status of the SEED Account; and

(VI) a statement of the mid-term and long-term goals of the State for use of its SEED Account.

(3) ACCOUNTABILITY AND TRANSPARENCY.—

(A) CONTROLS AND PROCEDURES.—Any State that has a SEED Account shall establish fiscal controls and recordkeeping and accounting procedures for the SEED Account sufficient to ensure proper accounting during appropriate accounting periods for distributions into the SEED Account, transfers from the SEED Account, and SEED Account balances, including any related financial accounts. Such controls and procedures shall conform to generally accepted government accounting principles. Any State that has a SEED Account shall retain records for a period of at least 5 years.

(B) AUDITS.—Any State that has a SEED Account shall have an annual audit conducted of the SEED Account by an independent public accountant in accordance with generally accepted auditing standards, and shall transmit the results of that audit to the Administrator.

(C) STATE REPORT.—Each State administering a SEED Account shall make publicly available and submit to the Administrator a report every 2 years on its activities related to its SEED Account.

(D) PUBLIC INFORMATION.—Any—

(i) controls and procedures established under subparagraph (A); and

(ii) information obtained through audits conducted under subparagraph (B), except to the extent that it would be protected from disclosure, if it were information held by the Federal Government, under section 552(b) of title 5, United States Code,

shall be made publicly available.

(E) OTHER PROTECTIONS.—The Administrator shall require such additional procedures and protections as are necessary to ensure that any State that has a SEED Account will operate the SEED Account in an accountable and transparent manner.

(f) REQUIREMENTS FOR ELIGIBILITY.—A State's eligibility to receive allowances in its SEED Account shall depend on that State's compliance with the requirements of this Act (and the amendments made by this Act).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary for SEED Account operations.

SEC. 132. SUPPORT OF STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) COST-EFFECTIVE.—The term ''cost-effective'', with respect to an energy efficiency program, means that the program meets the Total Resource Cost Test, which requires that the net present value of economic benefits over the life of the program or measure, including avoided supply and delivery costs and deferred or avoided investments, is greater than the net present value of the economic costs over the life of the program, including program costs and incremental costs borne by the energy consumer.

(3) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given that term in section 610 of the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of this Act).

(4) VINTAGE YEAR.—The term ''vintage year'' shall the meaning given that term in section 700 of the Clean Air Act (as added by section 311 of this Act).

(b) DISTRIBUTION AMONG STATES.—Not later than September 30 of each calendar year from 2011 through 2049, the Administrator shall, in accordance with this section, distribute allowances allocated pursuant to section 782(g)(1) of the Clean Air Act (as added by section 311 of this Act) for the following vintage year. The Administrator shall distribute 0.5 percent of such allowances pursuant to section 133 of this Act. The Administrator shall distribute the remaining allowances to States for renewable energy and energy efficiency programs to be deposited in and administered through the State Energy and Environment Development (SEED) Accounts established pursuant to section 131. The Administrator shall distribute allowances among the States under this section each year in accordance with the following formula:

(1) One third of the allowances shall be divided equally among the States.

(2) One third of the allowances shall be distributed ratably among the States based on the population of each State, as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time the Administrator calculates the formula for distribution.

(3) One third of the allowances shall be distributed ratably among the States on the basis of the energy consumption of each State as contained in the most recent State Energy Data Report available from the Energy Information Administration (or such alternative reliable source as the Administrator may designate).

(c) USES.—The allowances distributed to each State pursuant to this section shall be used exclusively in accordance with the following requirements:

(1) Not less than 12.5 percent shall be distributed by the State to units of local government within such State to be used exclusively to support the energy efficiency and renewable energy purposes listed in paragraphs (2) and (3).

(2) Not less than 20 percent shall be used exclusively for the following energy efficiency purposes, provided that not less than 1 percent shall be used for the purpose described in subparagraph (D) and not less than 5.5 percent shall be used for the purpose described in subparagraph (E):

(A) Implementation and enforcement of building codes adopted in compliance with section 201.

(B) Implementation of the energy efficient manufactured homes program established pursuant to section 203.

(C) Implementation of the building energy performance labeling program established pursuant to section 204.

(D) Low-income community energy efficiency programs that are consistent with the grant program established under section 264 of this Act.

(E) Implementation of the Retrofit for Energy and Environmental Performance (REEP) program established pursuant to section 202.

(3) Not less than 20 percent shall be used exclusively for capital grants, tax credits, production incentives, loans, loan guarantees, forgivable loans, direct provision of allowances, and interest rate buy-downs for—

(A) re-equipping, expanding, or establishing a manufacturing facility that receives certification from the Secretary of Energy pursuant to section 1302 of the American Recovery and Reinvestment Act of 2009 for the production of—

(i) property designed to be used to produce energy from renewable energy sources; and

(ii) electricity storage systems;

(B) deployment of technologies to generate electricity from renewable energy sources; and

(C) deployment of facilities or equipment, such as solar panels, to generate electricity or thermal energy from renewable energy resources in and on buildings in an urban environment.

(4) The remaining 47.5 percent shall be used exclusively for any of the following purposes:

(A) Energy efficiency purposes described in paragraph (2).

(B) Renewable energy purposes described in paragraph (3)(B) and (C).

(C) Cost-effective energy efficiency programs for end-use consumers of electricity, natural gas, home heating oil, or propane, including, where appropriate, programs or mechanisms administered by local governments and entities other than the State.

(D) Enabling the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)) for State, local government, and other public buildings and facilities, including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis.

(E) Providing the non-Federal share of support for surface transportation capital projects under—

(i) sections 5307, 5308, 5309, 5310, 5311 and 5319 of title 49, United States Code; and

(ii) sections 142, 146, and 149 of title 23, United States Code,

provided that not more than 10 percent of allowances distributed to each State pursuant to this section shall be used for such purpose.

(5) For any allowances used for the purpose described in paragraph (4)(C), the State shall—

(A) prioritize expansion of existing energy efficiency programs approved and overseen by the State or the appropriate State regulatory authority; and

(B) demonstrate that such allowances have been used to supplement, and not to supplant, existing and otherwise available State, local, and ratepayer funding for such purpose.

(d) REPORTING.—Each State receiving allowances under this section shall include in its biennial reports required under section 131, in accordance with such requirements as the Administrator may prescribe

(1) a list of entities receiving allowances or allowance value under this section, including entities receiving such allowances or allowance value from units of local government pursuant to subsection (c)(1);

(2) the amount and nature of allowances or allowance value received by each such recipient;

(3) the specific purposes for which such allowances or allowance value was conveyed to each such recipient;

(4) documentation of the amount of energy savings, emission reductions, renewable energy deployment, and new or retooled manufacturing capacity resulting from the use of such allowances or allowance value; and

(5) for any energy efficiency program supported under subsection (c)(4)(C)—

(A) an assessment demonstrating the cost-effectiveness of such program; and

(B) a demonstration that the requirements set forth in subsection (c)(5) have been satisfied.

(e) ENFORCEMENT.—If the Administrator determines that a State is not in compliance with this section, the Administrator may withhold up to twice the number of allowances that the State failed to use in accordance with the requirements of this section, that such State would otherwise be eligible to receive under this section in later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States in accordance with the requirements of subsection (b).

SEC. 133. SUPPORT OF INDIAN RENEWABLE ENERGY AND ENERGY EFFICIENCY PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE; COST-EFFECTIVE; RENEWABLE ENERGY RESOURCE.—The terms ''allowance'', ''cost-effective'', and ''renewable energy resource'' have the meaning given those terms in section 132 of this Act.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator and the Secretary of the Interior, promulgate regulations establishing a program to distribute allowances to Indian tribes on a competitive basis for the following purposes:

(1) ENERGY EFFICIENCY.—Cost-effective energy efficiency programs for end-use consumers of electricity, natural gas, home heating oil, or propane.

(2) RENEWABLE ENERGY.—Deployment of technologies to generate electricity from renewable energy resources.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (b) shall prescribe design elements and requirements of the program established under this section, including—

(1) objective criteria for evaluating proposals submitted by Indian tribes, and for selecting projects and programs to receive support, under this section;

(2) reporting requirements for Indian tribes that receive allowances under this section; and

(3) other appropriate elements and requirements.

(d) DISTRIBUTION.—The Administrator shall, at the direction of the Secretary, distribute to Indian tribes allowances that are set aside, pursuant to section 132, for use under this section.

Subtitle E—Smart Grid Advancement

SEC. 141. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''applicable baseline'' means the average of the highest three annual peak demands a load-serving entity has experienced during the 5 years immediately prior to the date of enactment of this Act.

(2) The term ''Commission'' means Federal Energy Regulatory Commission.

(3) The term ''load-serving entity'' means an entity that provides electricity directly to retail consumers with the responsibility to assure power quality and reliability, including such entities that are investor-owned, publicly owned, owned by rural electric cooperatives, or other entities.

(4) The term ''peak demand'' means the highest point of electricity demand, net of any distributed electricity generation or storage from sources on the load-serving entity's customers' premises, during any hour on the system of a load serving entity during a calendar year, expressed in Megawatts (MW), or more than one such high point as a function of seasonal demand changes.

(5) The term ''peak demand reduction'' means the reduction in annual peak demand as compared to a previous baseline year or period, expressed in Megawatts (MW), whether accomplished by—

(A) diminishing the end-use requirements for electricity;

(B) use of locally stored energy or generated electricity to meet those requirements from distributed resources on the load-serving entity's customers' premises and without use of high-voltage transmission; or

(C) energy savings from efficient operation of the distribution grid resulting from the use of a Smart Grid.

(6) The term ''peak demand reduction plan'' means a plan developed by or for a load-serving entity that it will implement to meet its peak demand reduction goals.

(7) The term ''peak period'' means the time period on the system of a load-serving entity relative to peak demand that may warrant special measures or electricity resources to maintain system reliability while meeting peak demand.

(8) The term ''Secretary'' means the Secretary of Energy.

(9) The term ''Smart Grid'' has the meaning provided by section 1301 of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381).

SEC. 142. ASSESSMENT OF SMART GRID COST EFFECTIVENESS IN PRODUCTS.

(a) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary and the Administrator shall each assess the potential for cost-effective integration of Smart Grid technologies and capabilities in all products that are reviewed by the Department of Energy and the Environmental Protection Agency, respectively, for potential designation as Energy Star products.

(b) ANALYSIS.—(1) Within 2 years after the date of enactment of this Act, the Secretary and the Administrator shall each prepare an analysis of the potential energy savings, greenhouse gas emission reductions, and electricity cost savings that could accrue for each of the products identified by the assessment in subsection (a) in the following optimal circumstances:

(A) The products possessed Smart Grid capability and interoperability that is tested and proven reliable.

(B) The products were utilized in an electricity utility service area which had Smart Grid capability and offered customers rate or program incentives to use the products.

(C) The utility's rates reflected national average costs, including average peak and valley seasonal and daily electricity costs.

(D) Consumers using such products took full advantage of such capability.

(E) The utility avoided incremental investments and rate increases related to such savings.

(2) The analysis under paragraph (1) shall be considered the ''best case'' Smart Grid analysis. On the basis of such an analysis for each product, the Secretary and the Administrator shall determine whether the installation of Smart Grid capability for such a product would be cost effective. For purposes of this paragraph, the term ''cost effective'' means that the cumulative savings from using the product under the best case Smart Grid circumstances for a period of one-half of the product's expected useful life will be greater than the incremental cost of the Smart Grid features included in the product.

(3) To the extent that including Smart Grid capability in any products analyzed under paragraph (2) is found to be cost effective in the best case, the Secretary and the Administrator shall, not later than 3 years after the date of enactment of this Act take each of the following actions:

(A) Inform the manufacturer of such product of such finding of cost effectiveness.

(B) Assess the potential contributions the development and use of products with Smart Grid technologies bring to reducing peak demand and promoting grid stability.

(C) Assess the potential national energy savings and electricity cost savings that could be realized if Smart Grid potential were installed in the relevant products reviewed by the Energy Star program.

(D) Assess and identify options for providing consumers information on products with Smart Grid capabilities, including the necessary conditions for cost-effective savings.

(E) Submit a report to Congress summarizing the results of the assessment for each class of products, and presenting the potential energy and greenhouse gas savings that could result if Smart Grid capability were installed and utilized on such products.

SEC. 143. INCLUSIONS OF SMART GRID CAPABILITY ON APPLIANCE ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(J)(i) Not later than 1 year after the date of enactment of this subparagraph, the Federal Trade Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any ENERGY GUIDE label for any product actually including Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depended on the Smart Grid capability of the utility system in which the product was installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation by an estimated dollar amount range representing the result of incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SEC. 144. SMART GRID PEAK DEMAND REDUCTION GOALS.

(a) GOALS.—Not later than one year after the date of enactment of this section, each load-serving entity, or, at the option of the State, each State with respect to load-serving entities that the State regulates, shall determine and publish peak demand reduction goals for any load-serving entities that have an applicable baseline in excess of 250 megawatts.

(b) BASELINES.—(1) The Commission, in consultation with the Secretary and the Administrator, shall develop and publish, after an opportunity for public comment, but not later than 180 days after enactment of this section, a methodology to provide for adjustments or normalization to a load-serving entity's applicable baseline over time to reflect changes in the number of customers served, weather conditions, general economic conditions, and any other appropriate factors external to peak demand management, as determined by the Commission.

(2) The Commission shall support load-serving entities (including any load-serving entities with an applicable baseline of less than 250 megawatts that volunteer to participate in achieving the purposes of this section) in determining their applicable baselines, and in developing their peak demand reduction goals.

(3) The Secretary, in consultation with the Commission, the Administrator, and the North American Electric Reliability Corporation, shall develop a system and rules for measurement and verification of demand reductions.

(c) PEAK DEMAND REDUCTION GOALS.—(1) Peak demand reduction goals may be established for an individual load-serving entity, or, at the determination of a State, tribal, or regional entity, by that State, tribal, or regional entity for a larger region that shares a common system peak demand and for which peak demand reduction measures would offer regional benefit.

(2) A State or regional entity establishing peak demand reduction goals shall cooperate, as necessary and appropriate, with the Commission, the Secretary, State regulatory commissions, State energy offices, the North American Electric Reliability Corporation, and other relevant authorities.

(3) In determining the applicable peak demand reduction goals—

(A) States and other jurisdictional entities may utilize the results of the 2009 National Demand Response Potential Assessment, as authorized by section 571 of the National Energy Conservation Policy Act (42 U.S.C. 8279); and

(B) the relative economics of peak demand reduction and generation required to meet peak demand shall be evaluated in a neutral and objective manner.

(4) The applicable peak demand reduction goals shall provide that—

(A) load-serving entities will reduce or mitigate peak demand by a minimum percentage amount from the applicable baseline to a lower peak demand during calendar year 2012;

(B) load-serving entities will reduce or mitigate peak demand by a minimum percentage greater amount from the applicable baseline to a lower peak demand during calendar year 2015; and

(C) the minimum percentage reductions established as peak demand reduction goals shall be the maximum reductions that are realistically achievable with an aggressive effort to deploy Smart Grid and peak demand reduction technologies and methods, including but not limited to those listed in subsection (d).

(d) PLAN.—Each load-serving entity shall prepare a peak demand reduction plan that demonstrates its ability to meet each applicable goal by any or a combination of the following options:

(1) Direct reduction in megawatts of peak demand through—

(A) energy efficiency measures (including efficient transmission wire technologies which significantly reduce line loss compared to traditional wire technology) with reliable and continued application during peak demand periods; or

(B) use of a Smart Grid.

(2) Demonstration that an amount of megawatts equal to a stated portion of the applicable goal is contractually committed to be available for peak reduction through one or more of the following:

(A) Megawatts enrolled in demand response programs.

(B) Megawatts subject to the ability of a load-serving entity to call on demand response programs, smart appliances, smart electricity or energy storage devices, distributed generation resources on the entity's customers' premises, or other measures directly capable of actively, controllably, reliably, and dynamically reducing peak demand (''dynamic peak management control'').

(C) Megawatts available from distributed dynamic electricity or energy storage under agreement with the owner of that storage.

(D) Megawatts committed from dispatchable distributed generation demonstrated to be reliable under peak period conditions and in compliance with air quality regulations.

(E) Megawatts available from smart appliances and equipment with Smart Grid capability available for direct control by the utility through agreement with the customer owning the appliances or equipment or with a third party pursuant to such agreements.

(F) Megawatts from a demonstrated and assured minimum of distributed solar electric generation capacity in instances where peak period and peak demand conditions are directly related to solar radiation and accompanying heat.

(3) If any of the methods listed in subparagraph (C), (D), or (E) of paragraph (2) are relied upon to meet its peak demand reduction goals, the load-serving entity must demonstrate this capability by operating a test during the applicable calendar year.

(4) Nothing in this section shall require the publication in peak demand reduction goals or in any peak demand reduction plan of any information that is confidential for competitive or other reasons or that identifies individual customers.

(e) EXISTING AUTHORITY AND REQUIREMENTS.—Nothing in this section diminishes or supersedes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting peak demand management, demand response, distributed energy storage, use of distributed generation, or the regulation of load-serving entities. The Commission, in consultation with States and Indian tribes having such peak management, demand response and distributed energy storage programs, shall to the maximum extent practicable, facilitate coordination between the Federal program and such State and tribal programs.

(f) RELIEF.—The Commission may, for good cause, grant relief to load-serving entities from the requirements of this section.

(g) OTHER LAWS.—Except as provided in subsections (e) and (f), no law or regulation shall relieve any person of any requirement otherwise applicable under this section.

(h) COMPLIANCE.—(1) The Commission shall within one year after the date of enactment of this Act establish a public website where the Commission will provide information and data demonstrating compliance by States, Indian tribes regional entities, and load-serving entities with this section, including the success of load-serving entities in meeting applicable peak demand reduction goals.

(2) The Commission shall, by April 1 of each year beginning in 2012, provide a report to Congress on compliance with this section and success in meeting applicable peak demand reduction goals and, as appropriate, shall make recommendations as to how to increase peak demand reduction efforts.

(3) The Commission shall note in each such report any State, political subdivision of a State, or load-serving entity that has failed to comply with this section, or is not a part

of any region or group of load-serving entities serving a region that has complied with this section.

(4) The Commission shall have and exercise the authority to take reasonable steps to modify the process of establishing peak demand reduction goals and to accept adjustments to them as appropriate when sought by load-serving entities.

(i) ASSISTANCE AND FUNDING.—

(1) ASSISTANCE TO STATES AND TRIBES.—Any costs incurred by States for activities undertaken pursuant to this section shall be supported by the use of emission allowances allocated to the States' SEED Accounts or to the tribes pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(2) FUNDING.—There are authorized to be appropriated such sums as may be necessary to the Commission, the Secretary, and the Administrator to carry out the provisions of this section.

SEC. 145. REAUTHORIZATION OF ENERGY EFFICIENCY PUBLIC INFORMATION PROGRAM TO INCLUDE SMART GRID INFORMATION.

(a) IN GENERAL.—Section 134 of the Energy Policy Act of 2005 (42 U.S.C. 15832) is amended as follows:

(1) By amending the section heading to read as follows: ''**ENERGY EFFICIENCY AND SMART GRID PUBLIC INFORMATION INITIATIVE**''.

(2) In paragraph (1) of subsection (a) by striking ''reduce energy consumption during the 4-year period beginning on the date of enactment of this Act'' and inserting ''increase energy efficiency and to adopt Smart Grid technology and practices''.

(3) In paragraph (2) of subsection (a) by striking ''benefits to consumers of reducing'' and inserting ''economic and environmental benefits to consumers and the United States of optimizing''.

(4) In subsection (a) by inserting at the beginning of paragraph (3) ''the effect of energy efficiency and Smart Grid capability in reducing energy and electricity prices throughout the economy, together with''.

(5) In subsection (a)(4) by redesignating subparagraph (D) as (E), by striking ''and'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following:

''(D) purchasing and utilizing equipment that includes Smart Grid features and capability; and''.

(6) In subsection (c), by striking ''Not later than July 1, 2009,'' and inserting, ''For each year when appropriations pursuant to the authorization in this section exceed $10,000,000,''.

(7) In subsection (d) by striking ''2010'' and inserting ''2020''.

(8) In subsection (e) by striking ''2010'' and inserting ''2020''.

(b) TABLE OF CONTENTS.—The item relating to section 134 in the table of contents for the Energy Policy Act of 2005 (42 U.S.C. 15801 and following) is amended to read as follows:

''Sec. 134. Energy efficiency and Smart Grid public information initiative.''.

SEC. 146. INCLUSION OF SMART GRID FEATURES IN APPLIANCE REBATE PROGRAM.

(a) AMENDMENTS.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended as follows:

(1) By amending the section heading to read as follows: ''**ENERGY EFFICIENT AND SMART APPLIANCE REBATE PROGRAM**.''.

(2) By redesignating paragraphs (4) and (5) of subsection (a) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

''(4) SMART APPLIANCE.—The term 'smart appliance' means a product that the Administrator of the Environmental Protection Agency or the Secretary of Energy has determined qualifies for such a designation in the Energy Star program pursuant to section 142 of the American Clean Energy and Security Act of 2009, or that the Secretary or the Administrator has separately determined includes the relevant Smart Grid capabilities listed in section 1301 of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381).''.

(3) In subsection (b)(1) by inserting ''and smart'' after ''efficient'' and by inserting after ''products'' the first place it appears '', including products designated as being smart appliances''.

(4) In subsection (b)(3), by inserting ''the administration of'' after ''carry out''.

(5) In subsection (d), by inserting ''the administration of'' after ''carrying out'' and by inserting '', and up to 100 percent of the value of the rebates provided pursuant to this section'' before the period at the end.

(6) In subsection (e)(3), by inserting '', with separate consideration as applicable if the product is also a smart appliance,'' after ''Energy Star product'' the first place it appears and by inserting ''or smart appliance'' before the period at the end.

(7) In subsection (f), by striking ''$50,000,000'' through the period at the end and inserting ''$100,000,000 for each fiscal year from 2010 through 2015.''.

(b) TABLE OF CONTENTS.—The item relating to section 124 in the table of contents for the Energy Policy Act of 2005 (42 U.S.C. 15801 and following) is amended to read as follows:

''Sec. 124. Energy efficient and smart appliance rebate program.''.

Subtitle F—Transmission Planning

SEC. 151. TRANSMISSION PLANNING AND SITING.

(a) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended as follows:

(1) In subsection (b), in paragraph (5), by striking ''; and'' and inserting a semicolon, in paragraph (6) by striking the period and inserting ''; and'' and by adding the following at the end thereof:

''(7) the facility is interstate in nature or is an intrastate segment integral to a proposed interstate facility;''.

(2) In subsection (k), by inserting at the end the following: ''Subsections (a), (b), (c), and (h) of this section shall not apply in the Western interconnection.''.

(3) In subsections (d) and (e), by striking ''subsection (b)'' in each place and inserting ''subsection (b) or section 216B'', and by striking ''permit'' and inserting ''permit or certificate'' in each place it appears.

(b) NEW SECTIONS.—The Federal Power Act (16 U.S.C. 824p) is amended by inserting the following new sections after section 216:

''SEC. 216A TRANSMISSION PLANNING.

''(a) FEDERAL POLICY FOR TRANSMISSION PLANNING.—

''(1) OBJECTIVES.—It is the policy of the United States that regional electric grid planning should facilitate the deployment of renewable and other zero-carbon and low-carbon energy sources for generating electricity to reduce greenhouse gas emissions while ensuring reliability, reducing congestion, ensuring cyber-security, minimizing environmental harm, and providing for cost-effective electricity services throughout the United States, in addition to serving the objectives stated in section 217(b)(4).

''(2) OPTIONS.—In addition to the policy under paragraph (1), it is the policy of the United States that regional electric grid planning to meet these objectives should result from an open, inclusive and transparent process, taking into account all significant demand-side and supply-side options, including energy efficiency, distributed generation, renewable energy and zero-carbon electricity generation technologies, smart-grid technologies and practices, demand response, electricity storage, voltage regulation technologies, high capacity conductors with at least 25 percent greater efficiency than traditional ACSR (aluminum stranded conductors steel reinforced) conductors, superconductor technologies, underground transmission technologies, and new conventional electric transmission capacity and corridors.

''(b) PLANNING.—

''(1) PLANNING PRINCIPLES.—Not later than 1 year after the date of enactment of this section, the Commission shall adopt, after notice and opportunity for comment, national electricity grid planning principles derived from the Federal policy established under subsection (a) to be applied in ongoing and future transmission planning that may implicate interstate transmission of electricity.

''(2) REGIONAL PLANNING ENTITIES.—Not later than 3 months after the date of adoption by the Commission of national electricity grid planning principles pursuant to paragraph (1), entities that conduct or may conduct transmission planning pursuant to State, tribal, or Federal law or regulation, including States, Indian tribes, entities designated by States and Indian tribes, Federal Power Marketing Administrations, transmission providers, operators and owners, regional organizations, and electric utilities, and that are willing to incorporate the national electricity grid planning principles adopted by the Commission in their electric grid planning, shall identify themselves and the regions for which they propose to develop plans to the Commission.

''(3) COORDINATION OF REGIONAL PLANNING ENTITIES.—The Commission shall encourage regional planning entities described under paragraph (2) to cooperate and coordinate across regions and to harmonize regional electric grid planning with planning in adjacent or overlapping jurisdictions to the maximum extent feasible. The Commission shall work with States, Indian tribes, Federal land management agencies, State energy, environment, natural resources, and land management agencies and commissions, Federal power marketing administrations, electric utilities, transmission providers, load-serving entities, transmission operators, regional transmission organizations, independent system operators, and other organizations to resolve any conflict or competition among proposed planning entities in order to build consensus and promote the Federal policy established under subsection (a). The Commission shall seek to ensure that planning that is consistent with the national electricity grid planning principles adopted pursuant to paragraph (1) is conducted in all regions of the United States and the territories, but in a manner that, to the extent feasible, avoids uncoordinated planning by more than one planning entity for the same area.

''(4) RELATION TO EXISTING PLANNING POLICY.—In implementing the Federal policy established under subsection (a), the Commission shall

''(A) incorporate and coordinate with any ongoing planning efforts undertaken pursuant to section 217 and Commission Order No. 890;

''(B) coordinate with the Secretary of Energy in providing to the regional planning entities an annual summary of national energy policy priorities and goals;

''(C) coordinate with corridor designation and planning functions carried out pursuant to section 216 by the Secretary of Energy, who shall provide financial support from available funds to support the purposes of this section; and

''(D) coordinate with the Secretaries of the Interior and Agriculture and Indian tribes in carrying out the Secretaries' or tribal governments' existing responsibilities for the planning or siting of transmission facilities on Federal or tribal lands, consistent with law, policy, and regulations relating to the management of federal public lands .

''(5) ASSISTANCE.—

''(A) IN GENERAL.—The Commission shall provide support to and may participate if invited to do so in the regional grid planning processes conducted by regional planning entities. The Secretary of Energy and the Commission may provide planning resources and assistance as required or as requested by regional planning entities, including system data, cost information, system analysis, technical expertise, modeling support, dispute resolution services, and other assistance to regional planning entities, as appropriate.

''(B) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

''(6) CONFLICT RESOLUTION.—In the event that regional grid plans conflict, the Commission shall assist the regional planning entities in resolving such conflicts in order to achieve the objectives of the Federal policy established under subsection (a).

''(7) SUBMISSION OF PLANS.—The Commission shall require regional planning entities to submit initial regional electric grid plans to the Commission not later than 18 months after the date the Commission promulgates national electricity grid planning principles pursuant to paragraph (1), with updates to such plans not less than every 3 years thereafter. The Commission shall review such plans for consistency with the national grid planning principles and may return a plan to one or more planning entities for further consideration, along with the Commission's own recommendations for resolution of any conflict or for improvement.

''(8) INTEGRATION OF PLANS.—Regional electric grid plans should, in general, be developed from sub-regional requirements and plans, including planning input reflecting individual utility service areas. Regional plans may then in turn be combined into larger regional plans, up to interconnection-wide and national plans, as appropriate and necessary as determined by the Commission. In no case shall a multi-regional plan impose inclusion of a facility on a region that has submitted a valid plan that, after efforts to resolve the conflict, does not include such facility. To the extent practicable, all plans submitted to the Commission shall be public documents and available on the Commission's Web site.

''(9) MULTI-REGIONAL MEETINGS.—As regional grid plans are submitted to the Commission, the Commission may convene multi-regional meetings to discuss regional grid plan consistency and integration, including requirements for multi-regional projects, and to resolve any conflicts that emerge from such multi-regional projects. The Commission shall provide its recommendations for eliminating any inter-regional conflicts.

''(10) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each 3 years thereafter, the Commission shall provide a report to Congress containing the results of the regional grid planning process, including summaries of the adopted regional plans and the extent to which the Federal policy objectives in subsection (a) have been successfully achieved. The Commission shall provide an electronic version of its report on its website with links to all regional and sub-regional plans taken into account. The Commission shall note and provide its recommended resolution for any conflicts not resolved during the planning process. The Commission shall make any recommendations to Congress on the appropriate Federal role or support required to address the needs of the electric grid, including recommendations for addressing any needs that are beyond the reach of existing State, tribal, and Federal authority.

''SEC. 216B. SITING AND CONSTRUCTION IN THE WESTERN INTERCONNECTION.

''(a) APPLICABILITY.—This section applies only to States located in the Western Interconnection and does not apply to States located in the Eastern Interconnection, to the States of Alaska or Hawaii, or to ERCOT.

''(b) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—The Commission may, after notice and opportunity for hearing, issue a certificate of public convenience and necessity for the construction or modification of a transmission facility if the Commission finds that—

''(1) the facility was identified and included in one or more relevant and final regional or interconnection-wide electric grid plans submitted to the Commission pursuant to subsection (b) of 216A;

''(2) any conflict among regional electric grid plans concerning the need for the facility was resolved;

''(3) such relevant regional electric grid plans are consistent with the national grid planning principles adopted by the Commission pursuant to subsection (b);

''(4) the facility was identified as needed in significant measure to meet demand for renewable energy in such plans;

''(5) the facility is a multistate facility;

''(6) the developer of such facility filed a complete application seeking approval for the siting of the facility with a state commission or other entity that has authority to approve the siting of the facility;

''(7) a State commission or other entity that has authority to approve the siting of the facility—

''(A) did not issue a decision on an application seeking approval for the siting of the facility within 1 year after the date the applicant submitted a completed application to the State;

''(B) denied a complete application seeking approval for the siting of the facility; or

''(C) authorized the siting of the facility subject to conditions that unreasonably interfere with the development of the facility; and

''(8) the siting of the facility can be accomplished in a manner consistent with the Federal policy established in subsection (a) of section 216A and the national grid planning principles adopted by the Commission pursuant to subsection (b) of section 216A.

''(c) STATE RECOMMENDATIONS ON RESOURCE PROTECTION.—In issuing a final certificate of public convenience and necessity pursuant to subsection (b), the Commission shall—

''(1) consider any siting constraints and mitigation measures based on habitat protection, health and safety considerations, environmental considerations, or cultural site protection identified by relevant State or local authorities; and

''(2) incorporate those identified siting constraints or mitigation measures, including recommendations related to project routing, as conditions in the final certificate of public convenience and necessity, or if the Commission determines that a recommended siting constraint or mitigation measure is infeasible, excessively costly, or inconsistent with the Federal policy established in subsection (a) of section 216A or the national grid planning principles adopted by the Commission pursuant to subsection (b) of section 216A—

''(A) consult with State regulatory agencies to seek to resolve the issue;

''(B) incorporate as conditions on the certificate such recommended siting constraints or mitigation measures as are determined to be appropriate by the Commission, based on consultation by the Commission with State regulatory agencies, the Federal policy established in subsection (a) of section 216A and the national grid planning principles adopted by the Commission pursuant to subsection (b)of section 216A, and the record before the Commission; and

''(C) if, after consultation, the Commission does not adopt in whole or in part a recommendation of an agency, publish a finding that the adoption of the recommendation is infeasible, not cost effective, or inconsistent with this section or other applicable provisions of law.

''(d) CERTIFICATE APPLICATIONS.—(1) An application for a preliminary or final certificate of public convenience and necessity under this subsection shall be made in writing to the Commission.

''(2) The Commission shall issue rules specifying—

''(A) the form of the application;

''(B) the information to be contained in the application; and

''(C) the manner of service of notice of the application on interested persons.

''(e) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—

''(1) In this subsection, the term 'Federal authorization' shall have the same meaning and include the same actions as in section 216(h).

''(2) The Federal Energy Regulatory Commission shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility, provided, however, that to the extent the facility is proposed to be sited on Federal lands, the Department of the Interior will assume such lead-agency duties as agreed between the Commission and the Department of Interior.

''(3) To the maximum extent practicable under applicable Federal law, the Commission, and to the extent agreed, the Secretary of Interior, shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

''(4)(A) As head of the lead agency, the Chairman of the Commission, in consultation with the Secretary of Interior and with those entities referred to in paragraph (3) that are willing to coordinate their own separate permitting and environmental reviews

with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.

''(B) The Chairman of the Commission, or the Secretary of Interior, as agreed under paragraph (2), shall ensure that, once an application has been submitted with such data as the lead agency considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed—

''(i) within 1 year; or

''(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.

''(C) The Commission shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—

''(i) the likelihood of approval for a potential facility; and

''(ii) key issues of concern to the agencies and public.

''(5)(A) As lead agency head, the Chairman of the Commission, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.

''(B) The Chairman of the Commission and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.

''(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.

''(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the Commission pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

''(B) Based on the overall record and in consultation with the affected agency, the President may—

''(i) issue the necessary authorization with any appropriate conditions; or

''(ii) deny the application.

''(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

''(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

''(i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

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

''(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

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

''(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(7)(A) Not later than 18 months after August 8, 2005, the Commission or, as requested, the Secretary or Interior, shall issue any regulations necessary to implement this subsection.

''(B)(i) Not later than 1 year after August 8, 2005, the Commission, the Secretary of Interior, and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

''(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

''(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

''(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

''(i) for a duration, as determined by the Secretary of Interior, commensurate with the anticipated use of the facility; and

''(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

''(B) On the expiration of the authorization (including an authorization issued before August 8, 2005), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

''(9) In exercising the responsibilities under this section, the Commission shall consult regularly with—

''(A) electric reliability organizations (including related regional entities) approved by the Commission; and

''(B) Transmission Organizations approved by the Commission.''.

SEC. 152. NET METERING FOR FEDERAL AGENCIES.

(a) STANDARD.—Subsection (b) of section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is amended by adding the following new paragraph at the end thereof:

''(6) NET METERING FOR FEDERAL AGENCIES.—Each electric utility shall offer to arrange (either directly or through a third party) to make interconnection and net metering available to Federal Government agencies, offices, or facilities in accordance with the requirements of section 115(j). The standard under this paragraph shall apply only to electric utilities that sold over 4,000,000 megawatt hours of electricity in the preceding year to the ultimate consumers thereof. In the case of a standard under this paragraph, a period of 1 year after the date of the enactment of this section shall be substituted for the 2-year period referred to in other provisions of this section.''.

(b) SPECIAL RULES.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding the following new subsection at the end thereof:

''(j) NET METERING FOR FEDERAL AGENCIES.—(1) The standard under paragraph (6) of section 113(b) shall require that rates and charges and contract terms and conditions for the sale of electric energy to the Federal Government or agency shall be the same as the rates and charges and contract terms and conditions that would be applicable if the agency did not own or operate a qualified generation unit and use a net metering system.

''(2)(A) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall arrange to provide to the Government office or agency that qualifies for net metering an electrical energy meter capable of net metering and measuring, to the maximum extent practicable, the flow of electricity to or from the customer, using a single meter and single register, the cost of which shall be recovered from the customer.

''(B) In a case in which it is not practicable to provide a meter under subparagraph (A), the utility (either directly or through a third party) shall, at the expense of the utility install 1 or more of those electric energy meters.

''(3)(A) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall calculate the electric energy consumption for the Government office or agency using a net metering system that meets the requirements of this subsection and paragraph (6) of section 113(b) and shall measure the net electricity produced or consumed during the billing period using the metering installed in accordance with this paragraph.

''(B) If the electricity supplied by the retail electric supplier exceeds the electricity generated by the Government office or agency during the billing period, the Government office or agency shall be billed for the net electric energy supplied by the retail electric supplier in accordance with normal billing practices.

''(C) If electric energy generated by the Government office or agency exceeds the electric energy supplied by the retail electric supplier during the billing period, the Government office or agency shall be billed for the appropriate customer charges for that billing period and credited for the excess electric energy generated during the billing period, with the credit appearing as a kilowatt-hour credit on the bill for the following billing period.

''(D) Any kilowatt-hour credits provided to the Government office or agency as provided in this subsection shall be applied to the Government office or agency electric energy consumption on the following billing period bill (except for a billing period that ends in the next calendar year). At the beginning of each calendar year, any unused kilowatt-hour credits remaining from the preceding year will carry over to the new year.

''(4) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall offer a meter and retail billing arrangement that has time-differentiated rates. The kilowatt-hour credit shall be based on the ratio representing the difference in retail rates for each time-of-use rate, or the credits shall be reflected on the bill of the Government office or agency as a monetary credit reflecting retail rates at the time of generation of the electric energy by the customer-generator.

''(5) The standard under paragraph (6) of section 113(b) shall require that the qualified generation unit, interconnection standards, and net metering system used by the Government office or agency shall meet all applicable safety and performance and reliability standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and the American National Standards Institute.

''(6) The standard under paragraph (6) of section 113(b) shall require that electric utilities shall not make additional charges, including standby charges, for equipment or services for safety or performance that are in

addition to those necessary to meet the other standards and requirements of this subsection and paragraph (6) of section 113(b).

''(7) For purposes of this subsection and paragraph (6) of section 113(b):

''(A) The term 'Government' means any office, facility, or agency of the Federal Government.

''(B) The term 'customer-generator' means the owner or operator of a electricity generation unit.

''(C) The term 'electric generation unit' means any renewable electric generation unit that is owned, operated, or sited on a Federal Government facility.

''(D) The term 'net metering' means the process of—

''(i) measuring the difference between the electricity supplied to a customer-generator and the electricity generated by the customer-generator that is delivered to a utility at the same point of interconnection during an applicable billing period; and

''(ii) providing an energy credit to the customer-generator in the form of a kilowatt-hour credit for each kilowatt-hour of electricity produced by the customer-generator from an electric generation unit.''.

(c) SAVINGS PROVISION.—If this section or a portion of this section is determined to be invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Act.

SEC. 153. SUPPORT FOR QUALIFIED ADVANCED ELECTRIC TRANSMISSION MANUFACTURING PLANTS, QUALIFIED HIGH EFFICIENCY TRANSMISSION PROPERTY, AND QUALIFIED ADVANCED ELECTRIC TRANSMISSION PROPERTY.

(a) LOAN GUARANTEES PRIOR TO SEPTEMBER 30, 2011.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16515(a)), as added by section 406 of the American Recovery and Reinvestment Act of 2009 (Public Law 109-58; 119 Stat. 594) is amended by adding the following new paragraph at the end thereof:

''(5) The development, construction, acquisition, retrofitting, or engineering integration of a qualified advanced electric transmission manufacturing plant or the construction of a qualified high efficiency transmission property or a qualified advanced electric transmission property (whether by construction of new facilities or the modification of existing facilities). For purposes of this paragraph:

''(A) The term 'qualified advanced electric transmission property' means any high voltage electric transmission cable, related substation, converter station, or other integrated facility that—

''(i) utilizes advanced ultra low resistance superconductive material or other advanced technology that has been determined by the Secretary of Energy as—

''(I) reasonably likely to become commercially viable within 10 years after the date of enactment of this paragraph;

''(II) capable of reliably transmitting at least 5 gigawatts of high-voltage electric energy for distances greater than 300 miles with energy losses not exceeding 3 percent of the total power transported; and

''(III) not creating an electromagnetic field;

''(ii) has been determined by an appropriate energy regulatory body, upon application, to be in the public interest and thereby eligible for inclusion in regulated rates; and

''(iii) can be located safely and economically in a permanent underground right of way not to exceed 25 feet in width.

The term 'qualified advanced electric transmission property' shall not include any property placed in service after December 31, 2016.

''(B)(i) The term 'qualified high efficiency transmission property' means any high voltage overhead electric transmission line, related substation, or other integrated facility that—

''(I) utilizes advanced conductor core technology that—

''(aa) has been determined by the Secretary of Energy as reasonably likely to become commercially viable within 10 years after the date of enactment of this paragraph;

''(bb) is suitable for use on transmission lines up to 765kV; and

''(cc) exhibits power losses at least 30 percent lower than that of transmission lines using conventional 'ACSR' conductors;

''(II) has been determined by an appropriate energy regulatory body, upon application, to be in the public interest and thereby eligible for inclusion in regulated rates; and

''(III) can be located safely and economically in a right of way not to exceed that used by conventional 'ACSR' conductors; and

''(ii) The term 'qualified high efficiency transmission property' shall not include any property placed in service after December 31, 2016.

''(C) The term 'qualified advanced electric transmission manufacturing plant' means any industrial facility located in the United States which can be equipped, re-equipped, expanded, or established to produce in whole or in part qualified advanced electric transmission property.''.

(b) ADDITIONAL LOAN GUARANTEE AUTHORITY.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding the following new paragraph at the end of subsection (b):

''(12) The development, construction, acquisition, retrofitting, or engineering integration of a qualified advanced electric transmission manufacturing plant or the construction of a qualified advanced electric transmission property (whether by construction of new facilities or the modification of existing facilities). For purposes of this paragraph, the terms 'qualified advanced electric transmission property' and 'qualified advanced electric transmission manufacturing plant' have the meanings provided by section 1705(a)(5).''.

(c) GRANTS.—The Secretary of Energy is authorized to provide grants for up to 50 percent of costs incurred in connection with the development, construction, acquisition of components for, or engineering of a qualified advanced electric transmission property defined in paragraph (5) of section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16515(a)). Such grants may only be made to the first project which qualifies under that paragraph. There are authorized to be appropriated for purposes of this subsection not more than $100,000,000 for fiscal year 2010. The United States shall take no equity or other ownership interest in the qualified advanced electric transmission manufacturing plant or qualified advanced electric transmission property for which funding is provided under this subsection.

Subtitle G—Technical Corrections to Energy Laws

SEC. 161. TECHNICAL CORRECTIONS TO ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

(a) TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING.—(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302 of the Energy Independence and Security Act of 2007 (121 Stat. 1551)) is amended—

(A) in subsection (a), by striking ''end of the paragraph'' and inserting ''end of subparagraph (A)''; and

(B) in subsection (b), by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 343(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) (as amended by section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551)) is amended—

(A) by striking ''TEST PROCEDURES'' and all that follows through ''At least once'' and inserting ''TEST PROCEDURES.—At least once''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively (and by moving the margins of such subparagraphs 2 ems to the left).

(4) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(5) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007).

(6) Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) is amended by redesignating paragraphs (22) and (23) (as added by section 314(a) of that Act) as paragraphs (23) and (24), respectively.

(7) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B''; and

(C) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(8) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The term 'electric motor' means any motor that is—

''(i) a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1-1987; or

''(ii) a motor incorporating the design elements described in clause (i), but is configured to incorporate one or more of the following variations—

''(I) U-frame motor;

''(II) NEMA Design C motor;

''(III) close-coupled pump motor;

''(IV) footless motor;

''(V) vertical solid shaft normal thrust motor (as tested in a horizontal configuration);

''(VI) 8-pole motor; or

''(VII) poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).''; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(9)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(i) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(iii) by inserting after paragraph (1) the following:

''(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

''(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-12.

''(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

''(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

''(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.''; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking ''paragraph (1)'' each place it appears in subparagraphs (A) and (D) and inserting ''paragraphs (1) and (2)''.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) shall take effect on December 19, 2010; and

(ii) subparagraph (B) shall take effect on December 19, 2007.

(10) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(11) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(12) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking subsection (i) and inserting the following:

''(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

''(1) ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the following lamp efficacy, new maximum wattage, and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36

''INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
67–85	12.5	36
86–115	14.0	36

''INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
116–155	14.5	36
156–205	15.0	36

''GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

''(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(III) R20 incandescent reflector lamps rated 45 watts or less.

''(ii) ADMINISTRATIVE EXEMPTIONS.—

''(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) EFFECTIVE DATES.—

''(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.

''(ii) SPECIAL EFFECTIVE DATES.—

''(I) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(II) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

''(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

''(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the

standards established under paragraph (1) should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

''(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

''(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

''(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

''(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

''(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327(c) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(7) FEDERAL ACTIONS.—

''(A) COMMENTS OF SECRETARY.—

''(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

''(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

''(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

''(8) COMPLIANCE.—

''(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

''(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

''(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

''(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

''(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.''.

(13) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(14) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(15) Section 321(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1586) is amended—

(A) in the matter preceding paragraph (1), by striking ''is amended'' and inserting ''(as amended by section 306(b)) is amended''; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) in paragraph (5), by striking 'or' after the semicolon at the end;

''(2) in paragraph (6), by striking the period at the end and inserting '; or'; and''.

(16) Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) (as amended by section 321(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1586)) is amended by redesignating the second paragraph (6) as paragraph (7).

(17) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(18) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588)) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(19) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594)) is amended—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (8)(B), by striking ''and'' after the semicolon at the end;

(C) in paragraph (9)—

(i) by striking ''except that—'' and all that follows through ''if the Secretary fails to issue'' and inserting ''except that if the Secretary fails to issue'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively (and by moving the margins of such subparagraphs 2 ems to the left); and

(iii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(10) is a regulation for general service lamps that conforms with Federal standards and effective dates;

''(11) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal standards and effective dates pursuant to subsection (b)(1)(B)(ii); or''.

(20) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596)) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(b) TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY.—(1) Section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061) is amended—

(A) in paragraph (2), by striking ''484'' and inserting ''494''; and

(B) in paragraph (13), by striking ''Agency'' and inserting ''Administration''.

(2) Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) (as amended by section 411(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1600)) is amended by striking 1 of the 2 periods at the end of paragraph (5).

(3) Section 305(a)(3)(D)(i) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)(i)) (as amended by section 433(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1612)) is amended—

(A) in subclause (I)—

(i) by striking ''in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency'' and inserting ''as measured by the calendar year 2003 Commercial Buildings Energy Consumption Survey or the calendar year 2005 Residential Energy Consumption Survey data from the Energy Information Administration''; and

(ii) in the table at the end, by striking **"Fiscal Year"** and inserting **"Calendar Year"**; and

(B) in subclause (II)—

(i) by striking ''(II) Upon petition'' and inserting the following:

''(II) DOWNWARD ADJUSTMENT OF NUMERIC REQUIREMENT.—

''(aa) IN GENERAL.—On petition''; and

(ii) by striking the last sentence and inserting the following:

''(bb) EXCEPTIONS TO REQUIREMENT FOR CONCURRENCE OF SECRETARY.—

''(AA) IN GENERAL.—The requirement to petition and obtain the concurrence of the Secretary under this subclause shall not apply to any Federal building with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, or to any other Federal building designed, constructed, or renovated by the Administrator if the Administrator certifies, in writing, that meeting the applicable numeric requirement under subclause (I) with respect to the Federal building would be technically impracticable in light of the specific functional needs for the building.

''(BB) ADJUSTMENT.—In the case of a building described in subitem (AA), the Administrator may adjust the applicable numeric requirement of subclause (I) downward with respect to the building.''.

(4) Section 436(c)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(c)(3)) is amended by striking ''474'' and inserting ''494''.

(5) Section 440 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17096) is amended by striking ''and 482''.

(6) Section 373(c) of the Energy Policy and Conservation Act (42 U.S.C. 6343(c)) (as amended by section 451(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1628)) is amended by striking ''Administrator'' and inserting ''Secretary''.

(c) DATE OF ENACTMENT.—Section 1302 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17382) is amended in the first sentence by striking ''enactment'' and inserting ''the date of enactment of this Act''.

(d) REFERENCE.—Section 1306(c)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(c)(3)) is amended by striking ''section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978)'' and inserting ''paragraph (19) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

SEC. 162. TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 2005.

(a) TITLE I—ENERGY EFFICIENCY.—Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''−20°F''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

Subtitle H—Energy and Efficiency Centers and Research

SEC. 171. ENERGY INNOVATION HUBS.

(a) PURPOSE.—The Secretary shall carry out a program to establish Energy Innovation Hubs to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean, indigenous energy alternatives to oil and other fossil fuels, reducing greenhouse gas emissions, and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall—

(1) leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support cross-disciplinary research and development in areas not being served by the private sector in order to develop and transfer innovative clean energy technologies into the marketplace;

(2) expand the knowledge base and human capital necessary to transition to a low-carbon economy; and

(3) promote regional economic development by cultivating clusters of clean energy technology firms, private research organizations, suppliers, and other complementary groups and businesses.

(b) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications;

(F) enhances water security through improved water management, conservation, distribution, and end use applications; or

(G) improves energy efficiency for transportation, including electric vehicles.

(3) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercialization of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(4) HUB.—The term ''Hub'' means an Energy Innovation Hub established in accordance with this section.

(5) PROJECT.—The term ''project'' means an activity with respect to which a Hub provides support under subsection (e).

(6) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or commercialization expertise in clean energy technology development.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means the unique technology development areas in which a Hub will specialize, and may include solar electricity, fuels from solar energy, batteries and energy storage, electricity grid systems and devices, energy efficient building systems and design, advanced materials, modeling and simulation, and other clean energy technology development areas designated by the Secretary.

(9) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical and commercial applications to enable promising discoveries or inventions to attract investment sufficient for market penetration and diffusion.

(10) VINTAGE YEAR.—The term ''vintage year'' has the meaning given that term in section 700 of the Clean Air Act (as added by section 312 of this Act).

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) provide for the distribution of allowances allocated under section 782(h)(1) of the Clean Air Act (as added by section 321 of this

Act) to support the establishment of 8 Hubs, each with a unique designated technology development focus, pursuant to this section;

(3) coordinate the innovation activities of Hubs with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive allowances to support the establishment of a Hub under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) an intellectual property management policy;

(D) a conflicts of interest policy consistent with subsection (e)(4);

(E) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(5); and

(F) that it has an Advisory Board consistent with subsection (e)(3);

(3) it receives financial contributions from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) ENERGY INNOVATION HUBS.—

(1) ROLE.—Hubs receiving allowances under this section shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Hub's project criteria, including national laboratories. Each such Hub shall—

(A) develop and publish for public review and comment proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) submit an annual report to the Secretary summarizing the Hub's activities, organizational expenditures, and Board members, which shall include a certification of compliance with conflict of interest policies and a description of each project in the research portfolio;

(C) establish policies—

(i) regarding intellectual property developed as a result of Hub awards and other forms of technology support that encourage individual ingenuity and invention while speeding technology transfer and facilitating the establishment of rapid commercialization pathways;

(ii) to prevent resources provided to the Hub from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the consortium;

(iii) to facilitate the participation of private investment firms or other private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Hub; and

(iv) to facilitate the participation of entrepreneurs with a demonstrated history of developing and commercializing clean energy technologies;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS BY HUBS.—A Hub shall distribute awards under this subsection to support clean energy technology projects conducting translational research and related activities, provided that at least 50 percent of such support shall be provided to projects related to the Hub's technology development focus.

(3) ADVISORY BOARDS.—

(A) IN GENERAL.—Each Hub shall establish an Advisory Board, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The Advisory Board shall review the Hub's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Hub. Advisory Board members other than those representing consortium members shall serve for no more than 3 years. All Advisory Board members shall comply with the Hub's conflict of interest policies and procedures.

(B) MEMBERS.—Each Advisory Board shall consist of—

(i) 5 members selected by the consortium's research universities;

(ii) 2 members selected by the consortium's other qualifying entities;

(iii) 2 members selected at large by other Advisory Board members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(D) COMPENSATION.—Members of an Advisory Board may receive reimbursement for travel expenses and a reasonable stipend.

(4) CONFLICT OF INTEREST.—

(A) PROCEDURES.—Hubs shall establish procedures to ensure that any employee or consortia designee for Hub activities who serves in a decisionmaking capacity shall—

(i) disclose any financial interests in, or financial relationships with, applicants for or recipients of awards under this subsection, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) recuse himself or herself from any funding decision for projects in which he or she has a personal financial interest.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke allowances distributed to the Hub or awards provided under this subsection, if cognizant officials of the Hub fail to comply with procedures required under subparagraph (A).

(f) DISTRIBUTION OF ALLOWANCES TO ENERGY INNOVATION HUBS.—

(1) DISTRIBUTION OF ALLOWANCES.—Not later than September 30 of 2011 and each calendar year thereafter through 2049, the Secretary shall, in accordance with the requirements of this section, distribute to eligible consortia allowances allocated for the following vintage year under section 782(h)(1) of the Clean Air Act (as added by section 321 of this Act). Not less than 10 percent and not more than 30 percent of the allowances available for distribution in any given year shall be distributed to support any individual Hub under this section.

(2) SELECTION AND SCHEDULE.—Allowances to support the establishment of a Hub shall be distributed to eligible consortia (as defined in subsection (d)) selected through a competitive process. Not later than 120 days after the date of enactment of this Act, the Secretary shall solicit proposals from eligible consortia to establish Hubs, which shall be submitted not later than 180 days after the date of enactment of this Act. The Secretary shall select the program consortia not later than 270 days after the date of enactment of this Act. For at least 3 awards to consortia under this section, the Secretary shall give special consideration to applications in which 1 or more of the institutions under subsection (d)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(3) AMOUNT AND TERM OF AWARDS.—For each Hub selected to receive an award under this subsection, the Secretary shall define a quantity of allowances that shall be distributed to such Hub each year for an initial period not to exceed 5 years. The Secretary may extend the term of such award by up to 5 additional years, and a Hub may compete to receive an increase in the quantity of allowances per year that it shall receive during any such extension. A Hub shall be eligible to compete for a new award after the expiration of the term of any award, including any extension of such term, under this subsection.

(4) USE OF ALLOWANCES.—Allowances distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that a Hub may use not more than 10 percent of the value of such allowances for its administrative expenses related to making such awards. Allowances distributed under this section shall not be used for construction of new buildings or facilities for Hubs, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(5) AUDIT.—Each Hub shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which allowances distributed to the Hub under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Hub to ensure that allowances distributed to the Hub under this

subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(6) REVOCATION OF ALLOWANCES.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that a Hub has used the award in a manner not consistent with the requirements of this section.

SEC. 172. ADVANCED ENERGY RESEARCH.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) DIRECTOR.—The term ''Director'' means Director of the Advanced Research Projects Agency-Energy.

(b) IN GENERAL.—Not later than September 30 of 2011 and each calendar year thereafter through 2049, the Director shall distribute allowances allocated for the following vintage year under section 782(h)(2) of the Clean Air Act (as added by section 321 of this Act). Such allowances shall be distributed on a competitive basis to institutions of higher education, companies, research foundations, trade and industry research collaborations, or consortia of such entities, or other appropriate research and development entities to achieve the goals of the Advanced Research Projects Agency-Energy (as described in section 5012(c) of the America COMPETES Act) through targeted acceleration of—

(1) novel early-stage energy research with possible technology applications;

(2) development of techniques, processes, and technologies, and related testing and evaluation;

(3) development of manufacturing processes for technologies; and

(4) demonstration and coordination with nongovernmental entities for commercial applications of technologies and research applications.

(c) RESPONSIBILITIES.—The Director shall be responsible for assessing the success of programs and terminating programs carried out under this section that are not achieving the goals of the programs, consistent with 5012(e)(2) and (4) of the America COMPETES Act. The Director shall designate program managers whose responsibilities are consistent with 5012(f)(1)(B) of the America COMPETES Act. The Director's reporting and coordination requirements established through 5012(g) and (h) of the America COMPETES Act shall apply to activities funded through this section.

(d) SUPPLEMENT NOT SUPPLANT.—Assistance provided under this section shall be used to supplement, and not to supplant, any other Federal resources available to carry out activities described in this section.

SEC. 173. BUILDING ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall provide funding to institutions of higher education for Building Assessment Centers to—

(1) identify opportunities for optimizing energy efficiency and environmental performance in existing buildings;

(2) promote high-efficiency building construction techniques and materials options;

(3) promote applications of emerging concepts and technologies in commercial and institutional buildings;

(4) train engineers, architects, building scientists, and building technicians in energy-efficient design and operation;

(5) assist local community colleges, trade schools, registered apprenticeship programs and other accredited training programs in training building technicians;

(6) promote research and development for the use of alternative energy sources to supply heat and power, for buildings, particularly energy-intensive buildings; and

(7) coordinate with and assist State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(b) COORDINATION WITH REGIONAL CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—A Building Assessment Center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174.

(c) COORDINATION AND DUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department of Energy and other Federal agencies to avoid duplication of effort.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for fiscal year 2010 and each fiscal year thereafter.

SEC. 174. CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.

(a) REGIONAL CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—

(1) ESTABLISHMENT.—The Secretary shall establish not more than 10 regional Centers for Energy and Environmental Knowledge and Outreach at institutions of higher education to coordinate with and advise industrial research and assessment centers, Building Assessment Centers, and Clean Energy Application Centers located in the region of such Center for Energy and Environmental Knowledge and Outreach.

(2) TECHNICAL ASSISTANCE PROGRAMS.—Each Center for Energy and Environmental Knowledge and Outreach shall consist of at least one, new or existing, high performing, of the following:

(A) An industrial research and assessment center.

(B) A Clean Energy Application Center.

(C) A Building Assessment Center.

(3) SELECTION CRITERIA.—The Secretary shall select Centers for Energy and Environmental Knowledge and Outreach through a competitive process, based on the following:

(A) Identification of the highest performing industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(B) The degree to which an institution of higher education maintains credibility among regional private sector organizations such as trade associations, engineering associations, and environmental organizations.

(C) The degree to which an institution of higher education is providing or has provided technical assistance, academic leadership, and market leadership in the energy arena in a manner that is consistent with the areas of focus of industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(D) The presence of an additional industrial research and assessment center, Clean Energy Application Center, or Building Assessment Center at the institution of higher education.

(4) GEOGRAPHIC DIVERSITY.—In selecting Centers for Energy and Environmental Knowledge and Outreach under this subsection, the Secretary shall ensure such Centers are distributed geographically in a relatively uniform manner to ensure all regions of the Nation are represented.

(5) REGIONAL LEADERSHIP.—Each Center for Energy and Environmental Knowledge and Outreach shall, to the extent possible, provide leadership to all other industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers located in the Center's geographic region, as determined by the Secretary. Such leadership shall include—

(A) developing regional goals specific to the purview of the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers programs;

(B) developing regionally specific technical resources; and

(C) outreach to interested parties in the region to inform them of the information, resources, and services available through the associated industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(6) FURTHER COORDINATION.—To increase the value and capabilities of the regionally associated industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers programs, Centers for Energy and Environmental Knowledge and Outreach shall—

(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Science and Technology;

(B) coordinate with the relevant programs in the Department of Energy, including the Building Technology Program and Industrial Technologies Program;

(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories to achieve the goals of the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers;

(D) work with relevant municipal, county, and State economic development entities to leverage relevant financial incentives for capital investment and other policy tools for the protection and growth of local business and industry;

(E) partner with local professional and private trade associations and business development interests to leverage existing knowledge of local business challenges and opportunities;

(F) work with energy utilities and other administrators of publicly funded energy programs to leverage existing energy efficiency and clean energy programs;

(G) identify opportunities for reducing greenhouse gas emissions; and

(H) promote sustainable business practices for those served by the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(7) WORKFORCE TRAINING.—

(A) IN GENERAL.—The Secretary shall require each Center for Energy and Environmental Knowledge and Outreach to establish or maintain an internship program for the region of such Center, designed to encourage students who perform energy assessments to continue working with a particular company, building, or facility to help implement the recommendations contained in any such assessment provided to such company, building, or facility. Each Center for Energy and Environmental Knowledge and Outreach shall act as internship coordinator to help match students to available opportunities.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described under subparagraph (A) shall be 50 percent.

(C) FUNDING.—Subject to the availability of appropriations, of the funds made available to carry out this subsection, the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2010 and each fiscal year thereafter.

(8) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) for loans to implement recommendations of any industrial research and assessment center, Clean Energy Application Center, or Building Assessment Center.

(9) DEFINITIONS.—In this subsection:

(A) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term ''industrial research and assessment center'' means a center established or maintained pursuant to section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)).

(B) CLEAN ENERGY APPLICATION CENTER.—The term ''Clean Energy Application Center'' means a center redesignated and described section under section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345).

(C) BUILDING ASSESSMENT CENTER.—The term ''Building Assessment Center'' means an institution of higher education-based center established pursuant to section 173.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this subsection $10,000,000 for fiscal year 2010 and each fiscal year thereafter. Subject to the availability of appropriations, of the funds made available to carry out this subsection, the Secretary shall provide to each Center for Energy and Environmental Knowledge and Outreach not less than $500,000 for fiscal year 2010 and each fiscal year thereafter.

(b) INTEGRATION OF OTHER TECHNICAL ASSISTANCE PROGRAMS.—

(1) CLEAN ENERGY APPLICATION CENTERS.—Section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by adding after subsection (e) the following new subsection:

''(f) COORDINATION WITH CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—A Clean Energy Application Center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174 of the American Clean Energy and Security Act of 2009.''.

(2) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by striking ''The Secretary'' and all that follows through ''shall be—'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purposes shall be—'';

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively (and by moving the margins of such subparagraphs 2 ems to the right); and

(C) by adding at the end the following new paragraph:

''(2) COORDINATION WITH CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—An industrial research and assessment center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174 of the American Clean Energy and Security Act of 2009.''.

(c) ADDITIONAL FUNDING FOR CLEAN ENERGY APPLICATION CENTERS.—Subsection (g) of section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345(f)), as redesignated by subsection (b)(1) of this section, is amended by striking ''$10,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$30,000,000 for fiscal year 2010 and each fiscal year thereafter''.

SEC. 175. HIGH EFFICIENCY GAS TURBINE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Energy shall carry out a multiyear, multiphase program of research, development, and technology demonstration to improve the efficiency of gas turbines used in combined cycle power generation systems and to identify the technologies that ultimately will lead to gas turbine combined cycle efficiency of 65 percent.

(b) PROGRAM ELEMENTS.—The program under this section shall—

(1) support first-of-a-kind engineering and detailed gas turbine design for utility-scale electric power generation, including—

(A) high temperature materials, including superalloys, coatings, and ceramics;

(B) improved heat transfer capability;

(C) manufacturing technology required to construct complex three-dimensional geometry parts with improved aerodynamic capability;

(D) combustion technology to produce higher firing temperature while lowering nitrogen oxide and carbon monoxide emissions per unit of output;

(E) advanced controls and systems integration;

(F) advanced high performance compressor technology; and

(G) validation facilities for the testing of components and subsystems;

(2) include technology demonstration through component testing, subscale testing, and full scale testing in existing fleets;

(3) include field demonstrations of the developed technology elements so as to demonstrate technical and economic feasibility; and

(4) assess overall combined cycle system performance.

(c) PROGRAM GOALS.—The goals of the multiphase program established under subsection (a) shall be—

(1) in phase I—

(A) to develop the conceptual design of advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency on a lower heating value basis; and

(B) to develop and demonstrate the technology required for advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency on a lower heating value basis; and

(2) in phase II, to develop the conceptual design for advanced high efficiency gas turbines that can achieve at least 65 percent combined cycle efficiency on a lower heating value basis.

(d) PROPOSALS.—Within 180 days after the date of enactment of this section, the Secretary shall solicit proposals for conducting activities under this section. In selecting proposals, the Secretary shall emphasize—

(1) the extent to which the proposal will stimulate the creation or increased retention of jobs in the United States; and

(2) the extent to which the proposal will promote and enhance United States technology leadership.

(e) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to an award of financial assistance made under this section.

(f) LIMITS ON PARTICIPATION.—The limits on participation applicable under section 999E of the Energy Policy Act of 2005 (42 U.S.C. 16375) shall apply to financial assistance awarded under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $65,000,000 for each of fiscal years 2011 through 2014.

Subtitle I—Nuclear and Advanced Technologies

SEC. 181. REVISIONS TO LOAN GUARANTEE PROGRAM AUTHORITY.

(a) DEFINITION OF CONDITIONAL COMMITMENT.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511), as amended by section 130(a) of this Act, is amended by adding after paragraph (7) the following:

''(8) CONDITIONAL COMMITMENT.—The term 'conditional commitment' means a final term sheet negotiated between the Secretary and a project sponsor or sponsors, which term sheet shall be binding on both parties and become a final loan guarantee agreement if all conditions precedent established in the term sheet, which shall include the acquisition of all necessary permits and licenses, are satisfied.''.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury; or

''(C) a combination of appropriations or payments from the borrower has been made sufficient to cover the cost of the obligation.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

(d) WAGE RATE REQUIREMENTS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) WAGE RATE REQUIREMENTS.—No loan guarantee shall be made under this title unless the borrower has provided to the Secretary reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the guaranteed loan will be paid wages at rates not less than those prevailing

on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code. With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

(e) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) SUPERIORITY OF RIGHTS.—Except as provided in subparagraph (C), the rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(C) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(i) protect the financial interests of the United States in the case of default;

''(ii) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project;

''(iii) provide for sharing the proceeds received from the sale of project assets with other creditors or control the disposition of project assets if necessary to protect the financial interests of the United States in the case of default; and

''(iv) provide such lien priority in project assets as necessary to protect the financial interests of the United States in the case of a default.''.

SEC. 182. PURPOSE.

The purpose of sections 183 through 189 of this subtitle is to promote the domestic development and deployment of clean energy technologies required for the 21st century through the establishment of a self-sustaining Clean Energy Deployment Administration that will provide for an attractive investment environment through partnership with and support of the private capital market in order to promote access to affordable financing for accelerated and widespread deployment of—

(1) clean energy technologies;

(2) advanced or enabling energy infrastructure technologies;

(3) energy efficiency technologies in residential, commercial, and industrial applications, including end-use efficiency in buildings; and

(4) manufacturing technologies for any of the technologies or applications described in this section.

SEC. 183. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATION.—The term ''Administration'' means the Clean Energy Deployment Administration established by section 186.

(2) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Energy Technology Advisory Council of the Administration.

(3) BREAKTHROUGH TECHNOLOGY.—The term ''breakthrough technology'' means a clean energy technology that—

(A) presents a significant opportunity to advance the goals developed under section 185, as assessed under the methodology established by the Advisory Council; but

(B) has generally not been considered a commercially ready technology as a result of high perceived technology risk or other similar factors.

(4) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy—

(A) that will contribute to a stabilization of atmospheric greenhouse gas concentrations thorough reduction, avoidance, or sequestration of energy-related emissions and—

(i) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

(ii) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; and

(B) for which, as determined by the Administrator, insufficient commercial lending is available at affordable rates to allow for widespread deployment.

(5) COST.—The term ''cost'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(6) DIRECT LOAN.—The term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) FUND.—The term ''Fund'' means the Clean Energy Investment Fund established by section 184(a).

(8) GREEN BONDS.—The term ''Green Bonds'' means bonds issued pursuant to section 184.

(8) LOAN GUARANTEE.—The term ''loan guarantee'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(9) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(12) TECHNOLOGY RISK.—The term ''technology risk'' means the risks during construction or operation associated with the design, development, and deployment of clean energy technologies (including the cost, schedule, performance, reliability and maintenance, and accounting for the perceived risk), from the perspective of commercial lenders, that may be increased as a result of the absence of adequate historical construction, operating, or performance data from commercial applications of the technology.

SEC. 184. CLEAN ENERGY INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Fund'', consisting of—

(1) such amounts as are deposited in the Fund under this subtitle; and

(2) such sums as may be appropriated to supplement the Fund.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this subtitle.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Amounts in the Fund shall be available to the Administrator of the Administration for obligation without fiscal year limitation, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—

(A) FEES.—Fees collected for administrative expenses shall be available without limitation to cover applicable expenses.

(B) FUND.—To the extent that administrative expenses are not reimbursed through fees, an amount not to exceed 1.5 percent of the amounts in the Fund as of the beginning of each fiscal year shall be available to pay the administrative expenses for the fiscal year necessary to carry out this subtitle.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) CASH FLOWS.—Cash flows associated with costs of the Fund described in section 502(5)(B) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(B)) shall be transferred to appropriate credit accounts.

(e) GREEN BONDS.—

(1) INITIAL CAPITALIZATION.—The Secretary of the Treasury shall issue Green Bonds in the amount of $7,500,000,000 on the credit of the United States to acquire capital stock of the Administration. Stock certificates evidencing ownership in the Administration shall be issued by the Administration to the Secretary of the Treasury, to the extent of payments made for the capital stock of the Administration.

(2) DENOMINATIONS AND MATURITY.—Green Bonds shall be in such forms and denominations, and shall mature within such periods, as determined by the Secretary of the Treasury.

(3) INTEREST.—Green Bonds shall bear interest at a rate not less than the current average yield on outstanding market obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury.

(4) LAWFUL INVESTMENTS.—Green Bonds shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

SEC. 185. ENERGY TECHNOLOGY DEPLOYMENT GOALS.

(a) GOALS.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Advisory Council, shall develop and publish for review and comment in the Federal Register recommended near-, medium-, and long-term goals (including numerical performance targets at appropriate intervals to measure progress toward those goals) for the deployment of clean energy technologies through the credit support programs established by section 187 to promote—

(1) sufficient electric generating capacity using clean energy technologies to meet the energy needs of the United States;

(2) clean energy technologies in vehicles and fuels that will substantially reduce the reliance of the United States on foreign

sources of energy and insulate consumers from the volatility of world energy markets;

(3) a domestic commercialization and manufacturing capacity that will establish the United States as a world leader in clean energy technologies across multiple sectors;

(4) installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States;

(5) the transformation of the building stock of the United States to zero net energy consumption;

(6) the recovery, use, and prevention of waste energy;

(7) domestic manufacturing of clean energy technologies on a scale that is sufficient to achieve price parity with conventional energy sources;

(8) domestic production of commodities and materials (such as steel, chemicals, polymers, and cement) using clean energy technologies so that the United States will become a world leader in environmentally sustainable production of the commodities and materials;

(9) a robust, efficient, and interactive electricity transmission grid that will allow for the incorporation of clean energy technologies, distributed generation, and demand-response in each regional electric grid;

(10) sufficient availability of financial products to allow owners and users of residential, retail, commercial, and industrial buildings to make energy efficiency and distributed generation technology investments with reasonable payback periods; and

(11) sufficient availability of financial services and support to small businesses developing and deploying clean energy technologies through partnerships with private entities that have relevant creidt expertise; and

(12) such other goals as the Secretary, in consultation with the Advisory Council, determines to be consistent with the purpose stated in section 182.

(b) REVISIONS.—The Secretary shall revise the goals established under subsection (a), from time to time as appropriate, to account for advances in technology and changes in energy policy.

SEC. 186. CLEAN ENERGY DEPLOYMENT ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT OF CORPORATION.—There is established a corporation to be known as the Clean Energy Deployment Administration that shall be wholly owned by the United States.

(2) INDEPENDENT CORPORATION.—The Administration shall be an independent corporation. Neither the Administration nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress provides otherwise.

(3) CHARTER.—The Administration shall be chartered for 20 years from the date of enactment of this section.

(4) STATUS.—

(A) INSPECTOR GENERAL.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in paragraph (1), by inserting ''the Administrator of the Clean Energy Deployment Administration;'' after ''Export-Import Bank;''; and

(ii) in paragraph (2), by inserting ''the Clean Energy Deployment Administration,'' after ''Export-Import Bank,''.

(3) OFFICES.—

(A) PRINCIPAL OFFICE.—The Administration shall—

(i) maintain the principal office of the Administration in the national capital region; and

(ii) for purposes of venue in civil actions, be considered to be a resident of the District of Columbia.

(B) OTHER OFFICES.—The Administration may establish other offices in such other places as the Administration considers necessary or appropriate for the conduct of the business of the Administration.

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Administration shall be—

(A) appointed by the President, with the advice and consent of the Senate, for a 5-year term; and

(B) compensated at the prevailing rate for compensation for similar positions in industry.

(2) DUTIES.—The Administrator of the Administration shall—

(A) serve as the Chief Executive Officer of the Administration and Chairman of the Board;

(B) ensure that—

(i) the Administration operates in a safe and sound manner, including maintenance of adequate capital and internal controls (consistent with section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262));

(ii) the operations and activities of the Administration foster liquid, efficient, competitive, and resilient energy and energy efficiency finance markets;

(iii) the Administration carries out the purpose stated in section 182 only through activities that are authorized under and consistent with sections 182 through 189; and

(iv) the activities of the Administration and the manner in which the Administration is operated are consistent with the public interest;

(C) develop policies and procedures for the Administration that will—

(i) promote a self-sustaining portfolio of investments that will maximize the value of investments to effectively promote clean energy technologies;

(ii) promote transparency and openness in Administration operations;

(iii) afford the Administration with sufficient flexibility to meet the purpose stated in section 182; and

(iv) provide for the efficient processing of applications; and

(D) with the concurrence of the Board, set expected loss reserves for the support provided by the Administration consistent with section 187(c).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Administration shall consist of—

(A) the Secretary or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(B) the Secretary of the Treasury or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(C) the Secretary of the Interior or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(D) the Secretary of Agriculture or the designee of the Secretary, who shall serve as an ex officio member of the Board of Directors;

(E) the Administrator of the Administration, who shall serve as the Chairman of the Board of Directors; and

(F) 4 additional members who shall—

(i) be appointed by the President, with the advice and consent of the Senate, for staggered 5-year terms; and

(ii) have experience in banking, financial services, technology assessment, energy regulation, or risk management, including individuals with substantial experience in the development of energy projects, the electricity generation sector, the transportation sector, the manufacturing sector, and the energy efficiency sector.

(2) DUTIES.—The Board of Directors shall—

(A) oversee the operations of the Administration and ensure industry best practices are followed in all financial transactions involving the Administration;

(B) consult with the Administrator of the Administration on the general policies and procedures of the Administration to ensure the interests of the taxpayers are protected;

(C) ensure the portfolio of investments are consistent with purpose stated in section 182 and with the long-term financial stability of the Administration;

(D) ensure that the operations and activities of the Administration are consistent with the development of a robust private sector that can provide commercial loans or financing products; and

(E) not serve on a full-time basis, except that the Board of Directors shall meet at least quarterly to review, as appropriate, applications for credit support and set policies and procedures as necessary.

(3) REMOVAL.—An appointed member of the Board of Directors may be removed from office by the President for good cause.

(4) VACANCIES.—An appointed seat on the Board of Directors that becomes vacant shall be filled by appointment by the President, but only for the unexpired portion of the term of the vacating member.

(5) COMPENSATION OF MEMBERS.—An appointed member of the Board of Directors shall be compensated at the prevailing rate for compensation for similar positions in industry.

(d) ENERGY TECHNOLOGY ADVISORY COUNCIL.—

(1) IN GENERAL.—The Administration shall have an Energy Technology Advisory Council consisting of 8 members selected by the Board of Directors of the Administration.

(2) QUALIFICATIONS.—The members of the Advisory Council shall—

(A) have clean energy project development, clean energy finance, commercial, and/or relevant scientific expertise; and

(B) include representatives of—

(i) the academic community;

(ii) the private research community;

(iii) National Laboratories;

(iv) the technology or project development community; and

(v) the commercial energy financing and operations sector.

(3) DUTIES.—The Advisory Council shall—

(A) develop and publish for comment in the Federal Register a methodology for assessment of clean energy technologies that will allow the Administration to evaluate projects based on the progress likely to be achieved per-dollar invested in maximizing the attributes of the definition of clean energy technology, taking into account the extent to which support for a clean energy technology is likely to accrue subsequent benefits that are attributable to a commercial scale deployment taking place earlier than that which otherwise would have occurred without the support; and

(B) advise on the technological approaches that should be supported by the Administration to meet the technology deployment goals established by the Secretary pursuant to section 185.

(4) TERM.—

(A) IN GENERAL.—Members of the Advisory Council shall have 5-year staggered terms, as

determined by the Administrator of the Administration.

(B) REAPPOINTMENT.—A member of the Advisory Council may be reappointed.

(5) COMPENSATION.—A member of the Advisory Council, who is not otherwise compensated as a Federal employee, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Advisory Council.

(e) STAFF.—

(1) IN GENERAL.—The Administrator of the Administration, in consultation with the Board of Directors, may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this subtitle; and

(B) vest those personnel with such powers and duties as the Administrator of the Administration may determine.

(f) CONFLICTS OF INTEREST.—No director, officer, attorney, agent, or employee of the Administration shall in any manner, directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting such individual's personal interests, or the interests of any corporation, partnership, or association in which such individual is directly or indirectly personally interested.

(g) SUNSET.—

(1) EXPIRATION OF CHARTER.—The Administration shall continue to exercise its functions until all obligations and commitments of the Administration are discharged, even after its charter has expired.

(2) PRIOR OBLIGATIONS.—No provisions of this subsection shall be construed as preventing the Administration from—

(A) undertaking obligations prior to the date of the expiration of its charter which mature subsequent to such date;

(B) assuming, prior to the date of the expiration of its charter, liability as guarantor, endorser, or acceptor of obligations which mature subsequent to such date; or

(C) continuing as a corporation and exercising any of its functions subsequent to the date of the expiration of its charter for purposes of orderly liquidation, including the administration of its assets and the collection of any obligations held by the Administration.

SEC. 187. DIRECT SUPPORT.

(a) IN GENERAL.—The Administration may issue direct loans, letters of credit, and loan guarantees to deploy clean energy technologies if the Administrator of the Administration has determined that deployment of the technologies would benefit or be accelerated by the support.

(b) ELIGIBILITY CRITERIA.—In carrying out this section and awarding credit support to projects, the Administrator of the Administration shall account for—

(1) how the technology rates based on an evaluation methodology established by the Advisory Council;

(2) how the project fits with the goals established under section 185; and

(3) the potential for the applicant to successfully complete the project.

(c) RISK.—

(1) EXPECTED LOAN LOSS RESERVE.—The Administrator of the Administration shall establish an expected loan loss reserve to account for estimated losses attributable to activities under this section that is consistent with the purposes of—

(A) developing breakthrough technologies to the point at which technology risk is largely mitigated;

(B) achieving widespread deployment and advancing the commercial viability of clean energy technologies; and

(C) advancing the goals established under section 185.

(2) INITIAL EXPECTED LOAN LOSS RESERVE.—Until such time as the Administrator of the Administration determines sufficient data exist to establish an expected loan loss reserve that is appropriate, the Administrator of the Administration shall consider establishing an initial rate of 10 percent for the portfolio of investments under this subtitle.

(3) PORTFOLIO INVESTMENT APPROACH.—The Administration shall—

(A) use a portfolio investment approach to mitigate risk and diversify investments across technologies and ensure that no particular technology is provided more than 30 percent of the financial support available;

(B) to the maximum extent practicable and consistent with long-term self-sufficiency, weigh the portfolio of investments in projects to advance the goals established under section 185;

(C) consistent with the expected loan loss reserve established under this subsection, the purpose stated in section 182, and section 186(b)(2)(B), provide the maximum practicable percentage of support to promote breakthrough technologies; and

(D) give the highest priority to investments that promote technologies that will achieve the maximum greenhouse gas emission reductions within a reasonable period of time per dollar invested and the earliest reductions in greenhouse gas emissions.

(4) LOSS RATE REVIEW.—

(A) IN GENERAL.—The Board of Directors shall review on an annual basis the loss rates of the portfolio to determine the adequacy of the reserves.

(B) REPORT.—Not later than 90 days after the date of the initiation of the review, the Administrator of the Administration shall submit to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report describing the results of the review and any recommended policy changes.

(5) FEDERAL COST SHARE.—Direct loans, letters of credit and loan guarantees by the Administration shall not exceed an amount equal to 80 percent of the project cost of the facility that is the subject of the loan, letter of credit or loan guarantee, as estimated at the time at which the loan, letter of credit or loan guarantee is issued.

(d) APPLICATION REVIEW.—

(1) IN GENERAL.—To the maximum extent practicable and consistent with sound business practices, the Administration shall seek to consolidate reviews of applications for credit support under this subtitle such that final decisions on applications can generally be issued not later than 180 days after the date of submission of a completed application.

(2) ENVIRONMENTAL REVIEW.—In carrying out this subtitle, the Administration shall, to the maximum extent practicable—

(A) avoid duplicating efforts that have already been undertaken by other agencies (including State agencies acting under Federal programs); and

(B) with the advice of the Council on Environmental Quality and any other applicable agencies, use the administrative records of similar reviews conducted throughout the executive branch to develop the most expeditious review process practicable.

(e) WAGE RATE REQUIREMENTS.—

(1) IN GENERAL.—No credit support shall be issued under this section unless the borrower has provided to the Administrator of the Administration reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the Administration will be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) LABOR STANDARDS.—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(f) LIMITATIONS.—(1) The Administration shall not provide direct support as defined under this section or indirect support as defined under section 188 to an individual clean energy technology project that obtained a loan guarantee under title XVII of the Energy Policy Act of 2005.

(2) No direct or indirect support provided by the Administration may be used to pay any part of the cost of an obligation or a loan guarantee under Title XVII of the Energy Policy Act of 2005.

SEC. 188. INDIRECT SUPPORT.

(a) IN GENERAL.—For the purpose of enhancing the availability of private financing for clean energy technology deployment, the Administration may—

(1) provide credit support to portfolios of taxable debt obligations originated by state, local, and private sector entities that enable owners and users of buildings and industrial facilities to—

(A) significantly increase the energy efficiency of such buildings or facilities; or

(B) install systems that individually generate electricity from renewable energy resources and have a capacity of no more than 2 megawatts;

(2) facilitate financing transactions in tax equity markets and long-term purchasing of clean energy by state, local, and non-governmental not-for-profit entities, to the degree and extent that the Administration determines such financing activity is appropriate and consistent with carrying out the purposes described in Section 182 of this Act; and

(3) provide credit support to portfolios of taxable debt obligations originated by state, local, and private sector entities that enable the deployment of energy storage applications for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(b) DEFINITIONS.—For purposes of the section:

(1) CREDIT SUPPORT.—The term ''credit support'' means—

(A) direct loans, letters of credit, loan guarantees, and insurance products; and

(B) the purchase or commitment to purchase, or the sale or commitment to sell, debt instruments (including subordinated securities).

(2) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given that term in section 610 of

the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of this Act).

(c) TRANSPARENCY.—The Administration shall seek to foster through its credit support activities—

(1) the development and consistent application of standard contractual terms, transparent underwriting standards and consistent measurement and verification protocols, as applicable; and

(2) the creation of performance data that promotes effective underwriting and risk management to support lending markets and stimulate the development of private investment markets.

(d) EXEMPT SECURITIES.—All securities insured or guaranteed by the Administration shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to the principal or interest by the United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

SEC. 189. FEDERAL CREDIT AUTHORITY.

(a) PAYMENTS OF LIABILITIES.—

(1) IN GENERAL.—Any payment made to discharge liabilities arising from agreements under this subtitle shall be paid exclusively out of the Fund or the associated credit account, as appropriate.

(2) SECURITY.—Subject to paragraph (1), the full faith and credit of the United States is pledged to the payment of all obligations entered into by the Administration pursuant to this subtitle.

(b) FEES.—

(1) IN GENERAL.—Consistent with achieving the purpose stated in section 182, the Administrator of the Administration shall charge fees or collect compensation generally in accordance with commercial rates.

(2) AVAILABILITY OF FEES.—All fees collected by the Administration may be retained by the Administration and placed in the Fund and may remain available to the Administration, without further appropriation or fiscal year limitation, for use in carrying out the purpose stated in section 182.

(3) BREAKTHROUGH TECHNOLOGIES.—The Administration shall charge the minimum amount in fees or compensation practicable for breakthrough technologies, consistent with the long-term viability of the Administration, unless the Administration first determines that a higher charge will not impede the development of the technology.

(4) ALTERNATIVE FEE ARRANGEMENTS.—The Administration may use such alternative arrangements (such as profit participation, contingent fees, and other valuable contingent interests) as the Administration considers appropriate to compensate the Administration for the expenses of the Administration and the risk inherent in the support of the Administration.

(c) COST TRANSFER AUTHORITY.—Amounts collected by the Administration for the cost of a loan or loan guarantee shall be transferred by the Administration to the respective credit accounts.

SEC. 190. GENERAL PROVISIONS.

(a) IMMUNITY FROM IMPAIRMENT, LIMITATION, OR RESTRICTION.—

(1) IN GENERAL.—All rights and remedies of the Administration (including any rights and remedies of the Administration on, under, or with respect to any mortgage or any obligation secured by a mortgage) shall be immune from impairment, limitation, or restriction by or under—

(A) any law (other than a law enacted by Congress expressly in limitation of this paragraph) that becomes effective after the acquisition by the Administration of the subject or property on, under, or with respect to which the right or remedy arises or exists or would so arise or exist in the absence of the law; or

(B) any administrative or other action that becomes effective after the acquisition.

(2) STATE LAW.—The Administrator of the Administration may conduct the business of the Administration without regard to any qualification or law of any State relating to incorporation.

(b) USE OF OTHER AGENCIES.—With the consent of a department, establishment, or instrumentality (including any field office), the Administration may—

(1) use and act through any department, establishment, or instrumentality; and

(2) use, and pay compensation for, information, services, facilities, and personnel of the department, establishment, or instrumentality.

(c) FINANCIAL MATTERS.—

(1) INVESTMENTS.—Funds of the Administration may be invested in such investments as the Board of Directors may prescribe. Earnings from such funds, other than fees collected under section 189, may be spent by the Administration only to such extent or in such amounts as are provided in advance by appropriation Acts.

(2) FISCAL AGENTS.—Any Federal Reserve bank or any bank as to which at the time of the designation of the bank by the Administrator of the Administration there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Administrator of the Administration as a depositary or custodian or as a fiscal or other agent of the Administration.

(d) PERIODIC REPORTS.—Not later than 1 year after commencement of operation of the Administration and at least biannually thereafter, the Administrator of the Administration shall submit to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that includes a description of—

(1) the technologies supported by activities of the Administration and how the activities advance the purpose stated in section 182; and

(2) the performance of the Administration on meeting the goals established under section 185.

(g) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Administration shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to, under the control of, or in use by the Administration, or any agent, representative, attorney, advisor, or consultant retained by the Administration, and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information pursuant to section 716(c) of title 31, United States Code.

(3) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—

(i) IN GENERAL.—On the request of the Comptroller General, the Administration shall reimburse the Government Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(ii) CREDITING.—Such reimbursements shall—

(I) be credited to the appropriation account entitled ''Salaries and Expenses, Government Accountability Office'' at the time at which the payment is received; and

(II) remain available until expended.

(h) ANNUAL INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Administrator of the Administration shall—

(A) have an annual independent audit made of the financial statements of the Administration by an independent public accountant in accordance with generally accepted auditing standards; and

(B) submit to the Secretary and to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House the results of the audit.

(2) CONTENT.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Administration—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) comply with any disclosure requirements imposed under this subtitle.

(i) FINANCIAL REPORTS.—

(1) IN GENERAL.—The Administrator of the Administration shall submit to the Secretary and to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House annual and quarterly reports of the financial condition and operations of the Administration, which shall be in such form, contain such information, and be submitted on such dates as the Secretary shall require.

(2) CONTENTS OF ANNUAL REPORTS.—Each annual report shall include—

(A) financial statements prepared in accordance with generally accepted accounting principles;

(B) any supplemental information or alternative presentation that the Secretary may require; and

(C) an assessment (as of the end of the most recent fiscal year of the Administration), signed by the chief executive officer and chief accounting or financial officer of the Administration, of—

(i) the effectiveness of the internal control structure and procedures of the Administration; and

(ii) the compliance of the Administration with applicable safety and soundness laws.

(3) SPECIAL REPORTS.—The Secretary may require the Administrator of the Administration to submit other reports on the condition (including financial condition), management, activities, or operations of the Administration, as the Secretary considers appropriate.

(4) ACCURACY.—Each report of financial condition shall contain a declaration by the Administrator of the Administration or any other officer designated by the Board of Directors of the Administration to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

(5) AVAILABILITY OF REPORTS.—Reports required under this section shall be published and made publicly available as soon as is practicable after receipt by the Secretary.

(j) SPENDING SAFEGUARDS AND REPORTING.—

(1) IN GENERAL.—The Administrator—

(A) shall require any entity receiving financing support from the Administration to report quarterly, in a format specified by the Administrator, on such entity's use of such support and its progress fulfilling the objectives for which such support was granted, and the Administrator shall make these reports available to the public;

(B) may establish additional reporting and information requirements for any recipient of financing support from the Administration;

(C) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any financing support from the Administration;

(D) shall create and maintain a fully searchable database, accessible on the Internet (or successor protocol) at no cost to the public, that contains at least—

(i) a list of each entity that has applied for financing support;

(ii) a description of each application;

(iii) the status of each such application;

(iv) the name of each entity receiving financing support;

(v) the purpose for which such entity is receiving such financing support;

(vi) each quarterly report submitted by the entity pursuant to this section; and

(vii) such other information sufficient to allow the public to understand and monitor the financial support provided by the Administration;

(E) shall make all financing transactions available for public inspection, including formal annual reviews by both a private auditor and the Comptroller General; and

(F) shall at all times be available to receive public comment in writing on the activities of the Administration.

(2) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—To the extent necessary and appropriate, the Administrator may redact any information regarding applicants and borrowers to protect confidential business information.

SEC. 191. CONFORMING AMENDMENTS.

(a) TAX EXEMPT STATUS.—Subsection (l) of section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(4) The Clean Energy Deployment Administration established under section 186 of the American Clean Energy and Security Act of 2009''.

(b) WHOLLY OWNED GOVERNMENT CORPORATION.—Paragraph (3) of section 9101 of title 31, United States Code, is amended by adding at the end the following:

''(S) the Clean Energy Deployment Administration.''.

Subtitle J—Miscellaneous

SEC. 195. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Energy, and the Secretary of the Army shall jointly update the study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities required in section 1834 of the Energy Policy Act of 2005.

(b) CONTENT.—The update under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the update of the study under this section by not later than 12 months after the date of enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility, and the level of Federal power customer involvement in the determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or by construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, water supply, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 196. CLEAN TECHNOLOGY BUSINESS COMPETITION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy is authorized to provide grants to organizations to conduct business competitions that provide incentives, training, and mentorship to entrepreneurs including minority-owned and woman-owned and early stage start-up companies throughout the United States to meet high priority economic, environmental, and energy security goals in areas to include energy efficiency, renewable energy, air quality, water quality and conservation, transportation, smart grid, green building, and waste management. Such competitions shall have the purpose of accelerating the development and deployment of clean technology businesses and green jobs; stimulating green economic development; providing business training and mentoring to early stage clean technology companies; and strengthening the competitiveness of United States clean technology industry in world trade markets. Priority shall be given to business competitions that are private sector led, encourage regional and interregional cooperation, and can demonstrate market-driven practices and show the creation of cost-effective green jobs through an annual publication of competition activities and directory of companies.

(b) ELIGIBILITY.—An organization eligible for a grant under subsection (a) is—

(1) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) any sponsored entity of an organization described in paragraph (1) that is operated as a nonprofit entity.

(c) PRIORITY.—In making grants under this section, the Secretary shall give priority to those organizations that can demonstrate broad funding support from private and other non-Federal funding sources to leverage Federal investment.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000.

SEC. 197. NATIONAL BIOENERGY PARTNERSHIP.

(a) IN GENERAL.—The Secretary of Energy shall establish a National Bioenergy Partnership to provide coordination among programs of State governments, the Federal Government, and the private sector that support the institutional and physical infrastructure necessary to promote the deployment of sustainable biomass fuels and bioenergy technologies for the United States.

(b) PROGRAM.—The National Bioenergy Partnership shall consist of five regions, to be administered by the CONEG Policy Research Center, the Council of Great Lakes Governors, the Southern States Energy Board, the Western Governors Association, and the Pacific Regional Biomass Energy Partnership led by the Washington State University Energy Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2014 to carry out this section—

(1) $5,000,000, to be allocated among the 5 regions described in subsection (b) on the basis of the number of States in each region, for distribution among the member States of that region based on procedures developed by the member States of the region; and

(2) $2,500,000, to be allocated equally among the 5 regions described in subsection (b) for region-wide activities, including technical assistance and regional studies and coordination.

SEC. 198. OFFICE OF CONSUMER ADVOCACY.

Section 319 of the Federal Power Act is amended to read as follows:

''SEC. 319. OFFICE OF CONSUMER ADVOCACY.

''(a) OFFICE.—

''(1) ESTABLISHMENT.—There is established within the Commission an Office of Consumer Advocacy to serve as an advocate for the public interest. The Office of Administrative Litigation within the Commission shall be incorporated into the Office of Consumer Advocacy.

''(2) DIRECTOR.—The Office shall be headed by a Director to be appointed by the President by and with the advice and consent of the Senate from among individuals who are licensed attorneys admitted to the Bar of

any State or of the District of Columbia and who have experience in public utility proceedings.

''(3) DUTIES.—The Office may—

''(A) represent the interests of energy customers—

''(i) on matters before the Commission concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission;

''(ii) as amicus curiae, in the review in the courts of the United States of rulings by the Commission in such matters; and

''(iii) as amicus, in hearings and proceedings in other Federal regulatory agencies and commissions related to such matters;

''(B) monitor and review energy customer complaints and grievances on matters concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission;

''(C) investigate independently, or within the context of formal proceedings, the services provided by, the rates charged by, and the valuation of the properties of, public utilities and natural gas companies under the jurisdiction of the Commission;

''(D) develop means, such as public dissemination of information, consultative services, and technical assistance, to ensure, to the maximum extent practicable, that the interests of energy consumers are adequately represented in the course of any hearing or proceeding described in subparagraph (A);

''(E) collect data concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission; and

''(F) prepare and issue reports and recommendations.

''(4) COMPENSATION AND POWERS.—The Director shall be compensated at Level IV of the Executive Schedule. The Director may—

''(A) employ not more than 25 full-time professional employees at appropriate levels in the GS Scale and such additional support personnel as required; and

''(B) procure temporary and intermittent services as needed.

''(5) INFORMATION FROM OTHER FEDERAL AGENCIES.—The Director may request, from any department, agency, or instrumentality of the United States such information as he deems necessary to carry out his functions under this section. Upon such request, the head of the department, agency, or instrumentality concerned shall, to the extent practicable and authorized by law, provide such information to the Office.

''(b) CONSUMER ADVOCACY ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Director shall establish an advisory committee to be known as Consumer Advocacy Advisory Committee (in this section referred to as the 'Advisory Committee') to review rates, services, and disputes and to make recommendations to the Director.

''(2) COMPOSITION.—The Director shall appoint 5 members to the Advisory Committee including—

''(A) 2 individuals representing State utility consumer advocates; and

''(B) 1 individual, from a nongovernmental organization representing consumers.

''(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(4) REPORTS.—The Director shall provide for the publication of recommendations of the Advisory Committee on the public website established for the Office.

''(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period for which the Office exists.

''(c) DEFINITIONS.—

''(1) ENERGY CUSTOMER.—The term 'energy customer' means a residential customer or a small commercial customer that receives products or services directly or indirectly from a public utility or natural gas company under the jurisdiction of the Commission.

''(2) NATURAL GAS COMPANY.—The term 'natural gas company' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a), as modified by section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)).

''(3) OFFICE.—The term 'Office' means the Office of Consumer Advocacy established under this section.

''(4) PUBLIC UTILITY.—The term 'public utility' has the meaning given the term in section 201(e) of this Act.

''(5) SMALL COMMERCIAL CUSTOMER.—The term 'small commercial customer' means a commercial customer that has a peak demand of not more than 1,000 kilowatts per hour.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

''(e) SAVINGS CLAUSE.—Nothing in this section affects the rights or obligations of any State utility consumer advocate.''.

SEC. 199. DEVELOPMENT CORPORATION FOR RENEWABLE POWER BORROWING AUTHORITY

(a) DETERMINATION.—No later than 6 months after the date of enactment of this Act, the Secretary of Energy, in coordination with the Secretary of Commerce, shall—

(1) determine any geographic area within the contiguous United States that lacks a Federal power marketing agency;

(2) develop a plan or criteria for the geographic areas identified in paragraph (1) regarding investment in renewable energy and associated infrastructure within an area identified in paragraph (1); and

(3) identify any Federal agency within an area in paragraph (1) that has, or could develop, the ability to facilitate the investment in paragraph (2).

(b) REPORT.—The Secretary of Energy, in coordination with the Secretary of Commerce, shall provide the determinations made under subsection (a) to the Committee on Energy and Commerce of the House of Representatives.

(c) ESTABLISHMENT.—Based upon the determinations made pursuant to subsection (a), the Secretary of Energy, in coordination with the Secretary of Commerce, shall recommend to the Committee on Energy and Commerce of the House of Representatives the establishment of any new Federal lending authority, including authorization of additional lending authority for existing Federal agencies, not to exceed $3,500,000,000 per geographic area identified in subsection (a)(1).

(d) AUTHORIZATION.—$25,000,000 is authorized to be appropriated for fiscal year 2010 to carry out the provisions of this section.

SEC. 199A. STUDY.

Not later than February 1, 2011, the Secretary of Energy shall transmit to the Congress a report showing the results of a study on the use of thorium-fueled nuclear reactors for national energy needs. Such report shall include a response to the International Atomic Energy Agency study entitled ''Thorium fuel cycle - Potential benefits and challenges'' (IAEA-TECDOC-1450).

TITLE II—ENERGY EFFICIENCY

Subtitle A—Building Energy Efficiency Programs

SEC. 201. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

''(a) ENERGY EFFICIENCY TARGETS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the national building code energy efficiency target for the national average percentage improvement of a building's energy performance when built to a code meeting the target shall be—

''(A) effective on the date of enactment of the American Clean Energy and Security Act of 2009, 30 percent reduction in energy use relative to a comparable building constructed in compliance with the baseline code;

''(B) effective January 1, 2014, for residential buildings, and January 1, 2015, for commercial buildings, 50 percent reduction in energy use relative to the baseline code; and

''(C) effective January 1, 2017, for residential buildings, and January 1, 2018, for commercial buildings, and every 3 years thereafter, respectively, through January 1, 2029, and January 1, 2030, 5 percent additional reduction in energy use relative to the baseline code.

''(2) CONSENSUS-BASED CODES.—If on any effective date specified in paragraph (1)(A), (B), or (C) a successor code to the baseline codes provides for greater reduction in energy use than is required under paragraph (1), the overall percentage reduction in energy use provided by that successor code shall be the national building code energy efficiency target.

''(3) TARGETS ESTABLISHED BY SECRETARY.—The Secretary may by rule establish a national building code energy efficiency target for residential or commercial buildings achieving greater reductions in energy use than the targets prescribed in paragraph (1) or (2) if the Secretary determines that such greater reductions in energy use can be achieved with a code that is life cycle cost-justified and technically feasible. The Secretary may by rule establish a national building code energy efficiency target for residential or commercial buildings achieving a reduction in energy use that is greater than zero but less than the targets prescribed in paragraph (1) or (2) if the Secretary determines that such lesser target is the maximum reduction in energy use that can be achieved through a code that is life cycle cost-justified and technically feasible.

''(4) ADDITIONAL REDUCTIONS IN ENERGY USE.—Effective on January 1, 2033, and once every 3 years thereafter, the Secretary shall determine, after notice and opportunity for comment, whether further energy efficiency building code improvements for residential or commercial buildings, respectively, are life cycle cost-justified and technically feasible, and shall establish updated national building code energy efficiency targets that meet such criteria.

''(5) ZERO-NET-ENERGY BUILDINGS.—In setting targets under this subsection, the Secretary shall consider ways to support the deployment of distributed renewable energy technology, and shall seek to achieve the goal of zero-net-energy commercial buildings established in section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082).

''(6) BASELINE CODE.—For purposes of this section, the term 'baseline code' means—

''(A) for residential buildings, the 2006 International Energy Conservation Code (IECC) published by the International Code Council (ICC); and

''(B) for commercial buildings, the code published in ASHRAE Standard 90.1-2004.

''(7) CONSULTATION.—In establishing the targets required by this section, the Secretary shall consult with the Director of the National Institute of Standards and Technology.

''(b) NATIONAL ENERGY EFFICIENCY BUILDING CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—There shall be established national energy efficiency building codes under this subsection, for residential and commercial buildings, sufficient to meet each of the national building code energy efficiency targets established under subsection (a), not later than the date that is one year after the deadline for establishment of each such target, except that the national energy efficiency building code established to meet the target described in subsection (a)(1)(A) shall be established by not later than 15 months after the effective date of that target.

''(B) EXISTING CODE.—If the Secretary finds prior to the date provided in subparagraph (A) for establishing a national code for any target that one or more energy efficiency building codes published by a recognized developer of national energy codes and standards meet or exceed the established target, the Secretary shall select the code that meets the target with the highest efficiency in the most cost-effective manner, and such code shall be the national energy efficiency building code.

''(C) REQUIREMENT TO ESTABLISH CODE.—If the Secretary does not make a finding under subparagraph (B), the national energy efficiency building code shall be established by rule by the Secretary under paragraph (2).

''(2) ESTABLISHMENT BY SECRETARY.—

''(A) PROCEDURE.—In order to establish a national energy efficiency building code as required under paragraph (1)(C), the Secretary shall—

''(i) not later than six months prior to the effective date for each target, review existing and proposed codes published or under review by recognized developers of national energy codes and standards;

''(ii) determine the percentage of energy efficiency improvements that are or would be achieved in such published or proposed code versions relative to the target;

''(iii) propose improvements to such published or proposed code versions sufficient to meet or exceed the target; and

''(iv) unless a finding is made under paragraph (1)(B) with respect to a code published by a recognized developer of national energy codes and standards, adopt a code that meets or exceeds the relevant national building code energy efficiency target by not later than one year after the effective date of each such target, and by not later than 15 months after the target is established under subsection (a)(1)(A).

''(B) CALCULATIONS.—Each national energy efficiency building code established by the Secretary under this paragraph shall be set at the maximum level the Secretary determines is life cycle cost-justified and technically feasible, in accordance with the following:

''(i) SAVINGS CALCULATIONS.—Calculations of energy savings shall take into account the typical lifetimes of different products, measures, and system configurations.

''(ii) COST-EFFECTIVENESS CALCULATIONS.—Calculations of life cycle cost-effectiveness shall be based on life cycle cost methods and procedures under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254), but shall incorporate to the extent feasible externalities such as impacts on climate change and on peak energy demand that are not already incorporated in assumed energy costs.

''(C) CONSIDERATIONS.—In developing a national energy efficiency building code under this paragraph, the Secretary shall consider—

''(i) for residential national energy efficiency building codes—

''(I) residential building standards published or proposed by ASHRAE;

''(II) building codes published or proposed by the International Code Council (ICC);

''(III) data from the Residential Energy Services Network (RESNET) on compliance measures utilized by consumers to qualify for the residential energy efficiency tax credits established under the Energy Policy Act of 2005;

''(IV) data and information from the Department of Energy's Building America Program;

''(V) data and information from the Energy Star New Homes program;

''(VI) data and information from the New Building Institute and similar organizations; and

''(VII) standards for practices and materials to achieve cool roofs in residential buildings, taking into consideration reduced air conditioning energy use as a function of cool roofs, the potential reduction in global warming from increased solar reflectance from buildings, and cool roofs criteria in State and local building codes and in national and local voluntary programs, without reduction of otherwise applicable ceiling insulation standards; and

''(ii) for commercial national energy efficiency building codes—

''(I) commercial building standards proposed by ASHRAE;

''(II) building codes proposed by the International Code Council (ICC);

''(III) the Core Performance Criteria published by the New Buildings Institute;

''(IV) data and information developed by the Director of the Commercial High-Performance Green Building Office of the Department of Energy and any public-private partnerships established under that Office;

''(V) data and information from the Energy Star for Buildings program;

''(VI) data and information from the New Building Institute, RESNET, and similar organizations; and

''(VII) standards for practices and materials to achieve cool roofs in commercial buildings, taking into consideration reduced air conditioning energy use as a function of cool roofs, the potential reduction in global warming from increased solar reflectance from buildings, and cool roofs criteria in State and local building codes and in national and local voluntary programs, without reduction of otherwise applicable ceiling insulation standards.

''(D) CONSULTATION.—In establishing any national energy efficiency building code required by this section, the Secretary shall consult with the Director of the National Institute of Standards and Technology.

''(3) CONSENSUS STANDARD ASSISTANCE.—(A) To support the development of consensus standards that may provide the basis for national energy efficiency building codes, minimize duplication of effort, encourage progress through consensus, and facilitate the development of greater building efficiency, the Secretary shall provide assistance to recognized developers of national energy codes and standards to develop, and where the relevant code has been adopted as the national code, disseminate consensus based energy efficiency building codes as provided in this paragraph.

''(B) Upon a finding by the Secretary that a code developed by such a developer meets a target established under subsection (a), the Secretary shall—

''(i) send notice of the Secretary's finding to all duly authorized or appointed State, tribal, and local code agencies; and

''(ii) provide sufficient support to such a developer to make the code available on the Internet, or to accomplish distribution of such code to all such State, tribal, and local code agencies at no cost to the State, tribal, and local code agencies.

''(C) The Secretary may contract with such a developer and with other organizations with expertise on codes to provide training for State, tribal, and local code officials and building inspectors in the implementation and enforcement of such code.

''(D) The Secretary may provide grants and other support to such a developer to—

''(i) develop appropriate refinements to such code; and

''(ii) support analysis of options for improvements in the code to meet the next scheduled target.

''(4) CODE DEVELOPED BY SECRETARY.—If the Secretary establishes a national energy efficiency building code under paragraph (2), the Secretary shall—

''(A) to the extent that such code is based on a prior code developed by a recognized developer of national energy codes and standards, negotiate and provide appropriate compensation to such developer for the use of the code materials that remain in the code established by the Secretary; and

''(B) disseminate the national energy efficiency building codes to State, tribal, and local code officials, and support training and provide guidance and technical assistance to such officials as appropriate.

''(c) STATE ADOPTION OF ENERGY EFFICIENCY BUILDING CODES.—

''(1) REQUIREMENT.—Not later than 1 year after a national energy efficiency building code for residential or commercial buildings is established or revised under subsection (b), each State—

''(A) shall—

''(i) review and update the provisions of its building code regarding energy efficiency to meet or exceed the target met in the new national energy efficiency building code, to achieve equivalent or greater energy savings;

''(ii) document, where local governments establish building codes, that local governments representing not less than 80 percent of the State's urban population have adopted the new national code, or have adopted local codes that meet or exceed the target met in the new national code to achieve equivalent or greater energy savings; or

''(iii) adopt the new national code; and

''(B) shall provide a certification to the Secretary demonstrating that energy efficiency building code provisions that apply pursuant to subparagraph (A) in that State meet or exceed the target met by the new national code, to achieve equivalent or greater energy savings.

''(2) CONFIRMATION.—

''(A) REQUIREMENT.—Not later than 90 days after a State certification is provided under paragraph (1)(B), the Secretary shall determine whether the State's energy efficiency

building code provisions meet the requirements of this subsection.

''(B) ACCEPTANCE BY SECRETARY.—If the Secretary determines under subparagraph (A) that the State's energy efficiency building code or codes meet the requirements of this subsection, the Secretary shall accept the certification.

''(C) DEFICIENCY NOTICE.—If the Secretary determines under subparagraph (A) that the State's building code or codes do not meet the requirements of this subsection, the Secretary shall identify the deficiency in meeting the national building code energy efficiency target, and, to the extent possible, indicate areas where further improvement in the State's code provisions would allow the deficiency to be eliminated.

''(D) REVISION OF CODE AND RECERTIFICATION.—A State may revise its code or codes and submit a recertification under paragraph (1)(B) to the Secretary at any time.

''(3) COMPLIANT CODE.—For the purposes of meeting the target described in subsection (a)(1)(A) for residential buildings, a State that adopts the code represented in California's Title 24-2009 by the date 27 months after the date of enactment of the American Clean Energy and Security Act of 2009 shall be considered to have met the requirements of this subsection for the applicable period.

''(d) APPLICATION OF NATIONAL CODE TO STATE AND LOCAL JURISDICTIONS.—

''(1) IN GENERAL.—Upon the expiration of 18 months after a national energy efficiency building code is established under subsection (b), in any jurisdiction where the State has not had a certification relating to that code accepted by the Secretary under subsection (c)(2)(B), and the local government has not had a certification relating to that code accepted by the Secretary under subsection (e)(5), the national energy efficiency building code shall become the applicable energy efficiency building code for such jurisdiction.

''(2) CONFLICTS.—In the event of a conflict between a provision of the national energy efficiency building code and a provision of other applicable energy codes, the national energy efficiency building code shall apply. If there is a conflict between a provision of the national energy efficiency building code and a provision of any applicable fire code, life safety code, egress code, or accessibility code, the Secretary shall take appropriate actions to resolve such conflict in a manner that does not compromise the objectives of such codes.

''(3) STATE LEGISLATIVE ADOPTION.—In a State in which the relevant building energy code is adopted legislatively, the deadline in paragraph (1) shall not be earlier than 1 year after the first day that the legislature meets following establishment of a national energy efficiency building code.

''(4) NOTICE OF INTENT TO ENFORCE.—A State or locality that enforces building codes may assume responsibility for enforcing the national energy efficiency building code by notifying the Secretary to that effect not later than three months after the date established under paragraph (1).

''(5) VIOLATIONS.—Violations of this section shall be defined as follows:

''(A) If the building is subject to the requirements of a State energy efficiency building code with respect to which a certification has been accepted by the Secretary under subsection (c)(2)(B) or a local energy efficiency building code with respect to which a certification has been accepted by the Secretary pursuant to subsection (e)(5), or the requirements of the national energy efficiency building code in a State where the State or locality has notified the Secretary of its intent to enforce the provisions of the national energy efficiency building code, a violation shall be determined pursuant to the relevant provisions of State or local law.

''(B) If the building is subject to the requirements of a national energy efficiency building code made applicable under paragraph (1) of this subsection, except as provided in subparagraph (A), a violation shall be defined by the Secretary pursuant to subsection (g).

''(e) STATE ENFORCEMENT OF ENERGY EFFICIENCY BUILDING CODES.—

''(1) IN GENERAL.—Each State, or where applicable under State law each local government, shall implement and enforce applicable State or local codes with respect to which a certification was accepted by the Secretary under subsection (c)(2)(B) or paragraph (5) of this subsection, or the national energy efficiency building codes, as provided in this subsection.

''(2) STATE CERTIFICATION.—Not later than 2 years after the date of a certification under subsection (c)(1) or the application of a national energy efficiency building code under subsection (d)(1), each State shall certify that it has—

''(A) achieved compliance with—

''(i) State codes, or, as provided under State law, local codes, with respect to which a certification was accepted by the Secretary under subsection (c)(2)(B); or

''(ii) the national energy efficiency building code, as applicable; or

''(B) for any certification submitted within 7 years after the date of enactment of the American Clean Energy and Security Act of 2009, made significant progress toward achieving such compliance.

''(3) ACHIEVING COMPLIANCE.—A State shall be considered to achieve compliance with a code described in paragraph (2)(A) if at least 90 percent of new and substantially renovated building space in that State in the preceding year upon inspection meets the requirements of the code. A certification under paragraph (2) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the new and substantially renovated buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance as determined by the Secretary.

''(4) SIGNIFICANT PROGRESS.—A State shall be considered to have made significant progress toward achieving compliance with a code described in paragraph (2)(A) if—

''(A) the State has developed a plan, including for hiring enforcement staff, providing training, providing manuals and checklists, and instituting enforcement programs, designed to achieve full compliance within 5 years after the date of the adoption of the code;

''(B) the State is taking significant, timely, and measurable action to implement that plan;

''(C) the State has not reduced its expenditures for code enforcement; and

''(D) at least 50 percent of new and substantially renovated building space in the State in the preceding year upon inspection meets the requirements of the code.

''(5) SECRETARY'S DETERMINATION.—Not later than 90 days after a State certification under paragraph (2), the Secretary shall determine whether the State has demonstrated that it has complied with the requirements of this subsection, including accurate measurement of compliance, or that it has made significant progress toward compliance. If such determination is positive, the Secretary shall accept the certification. If the determination is negative, the Secretary shall identify the areas of deficiency.

''(6) OUT OF COMPLIANCE.—

''(A) IN GENERAL.—Any State for which the Secretary has not accepted a certification under paragraph (5) by the dates specified in paragraph (2) is out of compliance with this section.

''(B) LOCAL COMPLIANCE.—In any State that is out of compliance with this section as provided in subparagraph (A), a local government may be in compliance with this section by meeting all certification requirements of this subsection.

''(C) NONCOMPLIANCE.—Any State that is not in compliance with this section, as provided in subparagraph (A), shall, until the State regains such compliance, be ineligible to receive—

''(i) emission allowances pursuant to subsection (h)(1);

''(ii) Federal funding in excess of that State's share (calculated according to the allocation formula in section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323)) of $125,000,000 each year; and

''(iii) for—

''(I) the first year for which the State is out of compliance, 25 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009;

''(II) the second year for which the State is out of compliance, 50 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009;

''(III) the third year for which the State is out of compliance, 75 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009; and

''(IV) the fourth and subsequent years for which the State is out of compliance, 100 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009.

''(f) FEDERAL ENFORCEMENT AND TRAINING.—Where a State fails and local governments in that State also fail to enforce the applicable State or national energy efficiency building codes, the Secretary shall enforce such codes, as follows:

''(1) The Secretary shall establish, by rule, within 2 years after the date of enactment of the American Clean Energy and Security Act of 2009, an energy efficiency building code enforcement capability.

''(2) Such enforcement capability shall be designed to achieve 90 percent compliance with such code in any State within 1 year after the date of the Secretary's determination that such State is out of compliance with this section.

''(3) The Secretary may set and collect reasonable inspection fees to cover the costs of inspections required for such enforcement. Revenue from fees collected shall be available to the Secretary to carry out the requirements of this section upon appropriation.

''(4) In any jurisdiction to which this subsection applies, the Secretary shall coordinate enforcement of the national energy efficiency building code with State and local code enforcement of other building codes.

''(5) In any jurisdiction to which this subsection applies, the Secretary shall enhance

compliance by conducting training and education of builders and other professionals in the jurisdiction concerning the national energy efficiency building code.

''(6) The Secretary shall coordinate with professional organizations representing code officials, architects, engineers, builders, and other experts to develop training curricula concerning the national energy efficiency building code.

''(7) If the Secretary enforces such codes under this subsection, the Secretary may, as appropriate, redefine violations of such codes.

''(g) ENFORCEMENT PROCEDURES.—The Secretary shall propose and, not later than three years after the date of enactment of the American Clean Energy and Security Act of 2009, shall define by rule violations of the energy efficiency building codes to be enforced by the Secretary pursuant to this section, and the penalties that shall apply to violators, in any jurisdiction in which the national energy efficiency building code has been made applicable under subsection (d)(1). To the extent that the Secretary determines that the authority to adopt and impose such violations and penalties by rule requires further statutory authority, the Secretary shall report such determination to Congress as soon as such determination is made, but not later than one year after the enactment of the American Clean Energy and Security Act of 2009.

''(h) FEDERAL SUPPORT.—

''(1) ALLOWANCE ALLOCATION FOR STATE COMPLIANCE.—For each vintage year from 2012 through 2050, the Administrator shall distribute allowances allocated pursuant to section 782(g)(2) of the Clean Air Act to the SEED Account for each State. Such allowances shall be distributed according to a formula established by the Secretary as follows:

''(A) One-fifth in an equal amount to each of the 50 States and United States territories.

''(B) Two-fifths as a function of the relative energy use in all buildings in each State in the most recent year for which data is available.

''(C) Two-fifths based on the number of building construction starts recorded in each State, the number of new building permits applied for in each State, or other relevant available data indicating building activity in each State, in the judgment of the Secretary, for the year prior to the year of the distribution.

''(2) ALLOWANCE ALLOCATION TO LOCAL GOVERNMENTS.—In the instance that the Secretary certifies that one or more local governments are in compliance with this section pursuant to subsection (e)(6)(B), the Administrator shall provide to each such local government the portion of the emission allowances that would have been provided to that State as a function of the population of that locality as a proportion of the population of that State as a whole.

''(3) UNALLOCATED ALLOWANCES.—To the extent that allowances are not provided to State or local governments for lack of certification in any year, those allowances shall be added to the amount provided to those States and local governments that are certified as eligible in that year.

''(4) USE OF ALLOWANCES.—Each State or each local government shall use such emission allowances as it receives pursuant to this section exclusively for the purposes of this section, including covering a reasonable portion of the costs of the development, adoption, implementation, and enforcement of a State or local energy efficiency building code that meets the national building code energy efficiency targets, or the national energy efficiency building code. In a State where local governments provide substantially all building code enforcement, a minimum of 50 percent of the allowance value received pursuant to this section shall be distributed to local governments as a function of the relative populations of such localities. In a State where local and State governments share building code enforcement duties, the State and local shares of allowance value required for enforcement shall be allocated in proportion to the number of building inspections performed by each level of government, and the share for local governments shall be distributed as a function of the relative populations of such localities. States shall further ensure that the allowance value made available pursuant to section 782 of the Clean Air Act and section 132 of the American Clean Energy and Security Act of 2009 is provided to the applicable State or local governmental entities as necessary to adopt and implement energy efficiency building codes, provide training for inspectors, ensure compliance, and provide such other functions as necessary. Actions taken by local authorities pursuant to this section shall constitute an acceptable use of funds authorized pursuant to the Energy Efficiency and Conservation Block Grant program under section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $25,000,000, and such additional sums as may be necessary to provide enforcement of a national energy efficiency building code, for each of fiscal years 2010 through 2020, and such sums thereafter as may be necessary to support the purposes of this section.

''(j) ANNUAL REPORTS BY SECRETARY.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(1) the status of national energy efficiency building codes;

''(2) the status of energy efficiency building code adoption and compliance in the States;

''(3) the implementation of this section;

''(4) the status of Federal enforcement of building codes, including coordination with State and local enforcement, and the extent and resolution of any conflicts between the national energy efficiency building code and other residential and commercial building codes in force in the same jurisdictions; and

''(5) impacts of past action under this section, and potential impacts of further action, on lifetime energy use by buildings, including resulting energy and cost savings.''.

SEC. 202. BUILDING RETROFIT PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) ASSISTED HOUSING.—The term ''assisted housing'' means those properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or similar programs.

(2) NONRESIDENTIAL BUILDING.—The term ''nonresidential building'' means a building with a primary use or purpose other than residential housing, including any building used for commercial offices, schools, academic and other public and private institutions, nonprofit organizations including faith-based organizations, hospitals, hotels, and other nonresidential purposes. Such buildings shall include mixed-use properties used for both residential and nonresidential purposes in which more than half of building floor space is nonresidential.

(3) PERFORMANCE-BASED BUILDING RETROFIT PROGRAM.—The term ''performance-based building retrofit program'' means a program that determines building energy efficiency success based on actual measured savings after a retrofit is complete, as evidenced by energy invoices or evaluation protocols.

(4) PRESCRIPTIVE BUILDING RETROFIT PROGRAM.—The term ''prescriptive building retrofit program'' means a program that projects building retrofit energy efficiency success based on the known effectiveness of measures prescribed to be included in a retrofit.

(5) PUBLIC HOUSING.—The term ''public housing'' means properties receiving assistance under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(6) RECOMMISSIONING; RETROCOMMISSIONING.—The terms ''recommissioning'' and ''retrocommissioning'' have the meaning given those terms in section 543(f)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(1)).

(7) RESIDENTIAL BUILDING.—The term ''residential building'' means a building whose primary use is residential. Such buildings shall include single-family homes (both attached and detached), owner-occupied units in larger buildings with their own dedicated space-conditioning systems, apartment buildings, multi-unit condominium buildings, public housing, assisted housing, and buildings used for both residential and nonresidential purposes in which more than half of building floor space is residential.

(8) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(b) ESTABLISHMENT.—The Administrator shall develop and implement, in consultation with the Secretary of Energy, standards for a national energy and environmental building retrofit policy for single-family and multifamily residences. The Administrator shall develop and implement, in consultation with the Secretary of Energy and the Director of Commercial High-Performance Green Buildings, standards for a national energy and environmental building retrofit policy for nonresidential buildings. The programs to implement the residential and nonresidential policies based on the standards developed under this section shall together be known as the Retrofit for Energy and Environmental Performance (REEP) program.

(c) PURPOSE.—The purpose of the REEP program is to facilitate the retrofitting of existing buildings across the United States to achieve maximum cost-effective energy efficiency improvements and significant improvements in water use and other environmental attributes.

(d) FEDERAL ADMINISTRATION.—

(1) EXISTING PROGRAMS.—In creating and operating the REEP program—

(A) the Administrator shall make appropriate use of existing programs, including the Energy Star program and in particular the Environmental Protection Agency Energy Star for Buildings program; and

(B) the Secretary of Energy shall make appropriate use of existing programs, including delegating authority to the Director of Commercial High-Performance Green Buildings appointed under section 421 of the Energy Independence and Security Act of 2007 (42

U.S.C. 17081), who shall designate and provide funding to support a high-performance green building partnership consortium pursuant to subsection (f) of such section to support efforts under this section.

(2) CONSULTATION AND COORDINATION.—The Administrator and the Secretary of Energy shall consult with and coordinate with the Secretary of Housing and Urban Development in carrying out the REEP program with regard to retrofitting of public housing and assisted housing. As a result of such consultation, the Administrator shall establish standards to ensure that retrofits of public housing and assisted housing funded pursuant to this section are cost-effective, including opportunities to address the potential coperformance of repair and replacement needs that may be supported with other forms of Federal assistance. ''Owners of public housing or assited housing receiving funding through the REEP program shall agree to continue to provide affordable housing consistent with the provisions of the authorizing legislation governing each program for an additional period commensurate with the funding received, as determined in accordance with guidelines established by the Secretary of Housing and Urban Development.''

(3) ASSISTANCE.—The Administrator and the Secretary of Energy shall provide consultation and assistance to State and local agencies for the establishment of revolving loan funds, loan guarantees, or other forms of financial assistance under this section.

(e) STATE AND LOCAL ADMINISTRATION.—

(1) DESIGNATION AND DELEGATION.—A State may designate one or more agencies or entities, including those regulated by the State, to carry out the purposes of this section, but shall designate one entity or individual as the principal point of contact for the Administrator regarding the REEP Program. The designated State agency, agencies, or entities may delegate performance of appropriate elements of the REEP program, upon their request and subject to State law, to counties, municipalities, appropriate public agencies, and other divisions of local government, as well as to entities regulated by the State. In making any such designation or delegation, a State shall give priority to entities that administer existing comprehensive retrofit programs, including those under the supervision of State utility regulators. States shall maintain responsibility for meeting the standards and requirements of the REEP program. In any State that elects not to administer the REEP program, a unit of local government may propose to do so within its jurisdiction, and if the Administrator finds that such local government is capable of administering the program, the Administrator may provide allowances to that local government, prorated according to the population of the local jurisdiction relative to the population of the State, for purposes of the REEP program.

(2) EMPLOYMENT.—States and local government entities may administer a REEP program in a manner that authorizes public or regulated investor-owned utilities, building auditors and inspectors, contractors, nonprofit organizations, for-profit companies, and other entities to perform audits and retrofit services under this section. A State may provide incentives for retrofits without direct participation by the State or its agents, so long as the resulting savings are measured and verified. A State or local administrator of a REEP program shall seek to ensure that sufficient qualified entities are available to support retrofit activities so that building owners have a competitive choice among qualified auditors, raters, contractors, and providers of services related to retrofits. Nothing in this section is intended to deny the right of a building owner to choose the specific providers of retrofit services to engage for a retrofit project in that owner's building.

(3) EQUAL INCENTIVES FOR EQUAL IMPROVEMENT.—In general, the States should strive to offer the same levels of incentives for retrofits that meet the same efficiency improvement goals, regardless of whether the State, its agency or entity, or the building owner has conducted the retrofit achieving the improvement, provided the improvement is measured and verified.

(f) ELEMENTS OF REEP PROGRAM.—The Administrator, in consultation with the Secretary of Energy, shall establish goals, guidelines, practices, and standards for accomplishing the purpose stated in subsection (c), and shall annually review and, as appropriate, revise such goals, guidelines, practices, and standards. The program under this section shall include the following:

(1) Residential Energy Services Network (RESNET) or Building Performance Institute (BPI) analyst certification of residential building energy and environment auditors, inspectors, and raters, or an equivalent certification system as determined by the Administrator.

(2) BPI certification or licensing by States of residential building energy and environmental retrofit contractors, or an equivalent certification or licensing system as determined by the Administrator.

(3) Provision of BPI, RESNET, or other appropriate information on equipment and procedures, as determined by the Administrator, that contractors can use to test the energy and environmental efficiency of buildings effectively (such as infrared photography and pressurized testing, and tests for water use and indoor air quality).

(4) Provision of clear and effective materials to describe the testing and retrofit processes for typical buildings.

(5) Guidelines for offering and managing prescriptive building retrofit programs and performance-based building retrofit programs for residential and nonresidential buildings.

(6) Guidelines for applying recommissioning and retrocommissioning principles to improve a building's operations and maintenance procedures.

(7) A requirement that building retrofits conducted pursuant to a REEP program utilize, especially in all air-conditioned buildings, roofing materials with high solar energy reflectance, unless inappropriate due to green roof management, solar energy production, or for other reasons identified by the Administrator, in order to reduce energy consumption within the building, increase the albedo of the building's roof, and decrease the heat island effect in the area of the building, without reduction of otherwise applicable ceiling insulation standards.

(8) Determination of energy savings in a performance-based building retrofit program through—

(A) for residential buildings, comparison of before and after retrofit scores on the Home Energy Rating System (HERS) Index, where the final score is produced by an objective third party;

(B) for nonresidential buildings, Environmental Protection Agency Portfolio Manager benchmarks; or

(C) for either residential or nonresidential buildings, use of an Administrator-approved simulation program by a contractor with the appropriate certification, subject to appropriate software standards and verification of at least 15 percent of all work done, or such other percentage as the Administrator may determine.

(9) Guidelines for utilizing the Energy Star Portfolio Manager, the Home Energy Rating System (HERS) rating system, Home Performance with Energy Star program approvals, and any other tools associated with the retrofit program.

(10) Requirements and guidelines for post-retrofit inspection and confirmation of work and energy savings.

(11) Detailed descriptions of funding options for the benefit of State and local governments, along with model forms, accounting aids, agreements, and guides to best practices.

(12) Guidance on opportunities for—

(A) rating or certifying retrofitted buildings as Energy Star buildings, or as green buildings under a recognized green building rating system;

(B) assigning Home Energy Rating System (HERS) or similar ratings; and

(C) completing any applicable building performance labels.

(13) Sample materials for publicizing the program to building owners, including public service announcements and advertisements.

(14) Processes for tracking the numbers and locations of buildings retrofitted under the REEP program, with information on projected and actual savings of energy and its value over time.

(g) REQUIREMENTS.—As a condition of receiving allowances for the REEP program pursuant to this Act, a State or qualifying local government shall—

(1) adopt the standards for training, certification of contractors, certification of buildings, and post-retrofit inspection as developed by the Administrator for residential and nonresidential buildings, respectively, except as necessary to match local conditions, needs, efficiency opportunities, or other local factors, or to accord with State laws or regulations, and then only after the Administrator approves such a variance;

(2) establish fiscal controls and accounting procedures (which conform to generally accepted government accounting principles) sufficient to ensure proper accounting during appropriate accounting periods for payments received and disbursements, and for fund balances; and

(3) agree to make not less than 10 percent of allowance value received pursuant to section 132(c)(2) for dedicated funding of its REEP program available on a preferential basis for retrofit projects proposed for public housing and assisted housing, provided that—

(A) none of such funds shall be used for demolition of such housing;

(B) such retrofits shall not be used to justify any increase in rents charged to residents of such housing; and

(C) owners of such housing shall agree to continue to provide affordable housing consistent with the provisions of the authorizing legislation governing each program for an additional period commensurate with the funding received.

The Administrator shall conduct or require each State to have such independent financial audits of REEP-related funding as the Administrator considers necessary or appropriate to carry out the purposes of this section.

(h) OPTIONS TO SUPPORT REEP PROGRAM.—The emission allowances provided pursuant to this Act to the States SEED Accounts

shall support the implementation through State REEP programs of alternate means of creating incentives for, or reducing financial barriers to, improved energy and environmental performance in buildings, consistent with this section, including—

(1) implementing prescriptive building retrofit programs and performance-based building retrofit programs;

(2) providing credit enhancement, interest rate subsidies, loan guarantees, or other credit support;

(3) providing initial capital for public revolving fund financing of retrofits, with repayments by beneficiary building owners over time through their tax payments, calibrated to create net positive cash flow to the building owner;

(4) providing funds to support utility-operated retrofit programs with repayments over time through utility rates, calibrated to create net positive cash flow to the building owner, and transferable from one building owner to the next with the building's utility services;

(5) providing funds to local government programs to provide REEP services and financial assistance; and

(6) other means proposed by State and local agencies, subject to the approval of the Administrator.

(i) SUPPORT FOR PROGRAM.—

(1) USE OF ALLOWANCES.—Direct Federal support for the REEP program is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement elements of the REEP Program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(2) INITIAL AWARD LIMITS.—Except as provided in paragraph (3), State and local REEP programs may make per-building direct expenditures for retrofit improvements, or their equivalent in indirect or other forms of financial support, from funds derived from the sale of allowances received directly from the Administrator in amounts not to exceed the following amounts per unit:

(A) RESIDENTIAL BUILDING PROGRAM.—

(i) AWARDS.—For residential buildings—

(I) support for a free or low-cost detailed building energy audit that prescribes measures sufficient to achieve at least a 20 percent reduction in energy use, by providing an incentive equal to the documented cost of such audit, but not more than $200, in addition to any earned by achieving a 20 percent or greater efficiency improvement;

(II) a total of $1,000 for a combination of measures, prescribed in an audit conducted under subclause (I), designed to reduce energy consumption by more than 10 percent, and $2,000 for a combination of measures prescribed in such an audit, designed to reduce energy consumption by more than 20 percent;

(III) $3,000 for demonstrated savings of 20 percent, pursuant to a performance-based building retrofit program; and

(IV) $1,000 for each additional 5 percentage points of energy savings achieved beyond savings for which funding is provided under subclause (II) or (III).

Funding shall not be provided under clauses (II) and (III) for the same energy savings.

(ii) MAXIMUM PERCENTAGE.—Awards under clause (i) shall not exceed 50 percent of retrofit costs for each building. For buildings with multiple residential units, awards under clause (i) shall not be greater than 50 percent of the total cost of retrofitting the building, prorated among individual residential units on the basis of relative costs of the retrofit. In the case of public housing and assisted housing, the 50 percent contribution matching the contribution from REEP program funds may come from any other source, including other Federal funds.

(iii) ADDITIONAL AWARDS.—Additional awards may be provided for purposes of increasing energy efficiency, for buildings achieving at least 20 percent energy savings using funding provided under clause (i), in the form of grants of not more than $600 for measures projected or measured (using an appropriate method approved by the Administrator) to achieve at least 35 percent potable water savings through equipment or systems with an estimated service life of not less than seven years, and not more than an additional $20 may be provided for each additional one percent of such savings, up to a maximum total grant of $1,200.

(B) NONRESIDENTIAL BUILDING PROGRAM.—

(i) AWARDS.—For nonresidential buildings—

(I) support for a free or low-cost detailed building energy audit that prescribes, as part of a energy-reducing measures sufficient to achieve at least a 20 percent reduction in energy use, by providing an incentive equal to the documented cost of such audit, but not more than $500, in addition to any award earned by achieving a 20 percent or greater efficiency improvement;

(II) $0.15 per square foot of retrofit area for demonstrated energy use reductions from 20 percent to 30 percent;

(III) $0.75 per square foot for demonstrated energy use reductions from 30 percent to 40 percent;

(IV) $1.60 per square foot for demonstrated energy use reductions from 40 percent to 50 percent; and

(V) $2.50 per square foot for demonstrated energy use reductions exceeding 50 percent.

(ii) MAXIMUM PERCENTAGE.—Amounts provided under subclauses (II) through (V) of clause (i) combined shall not exceed 50 percent of the total retrofit cost of a building. In nonresidential buildings with multiple units, such awards shall be prorated among individual units on the basis of relative costs of the retrofit.

(iii) ADDITIONAL AWARDS.—Additional awards may be provided, for buildings achieving at least 20 percent energy savings using funding provided under clause (i), as follows:

(I) WATER.—For purposes of increasing energy efficiency, grants may be made for whole building potable water use reduction (using an appropriate method approved by the Administrator) for up to 50 percent of the total retrofit cost, including amounts up to—

(aa) $24.00 per thousand gallons per year of potable water savings of 40 percent or more;

(bb) $27.00 per thousand gallons per year of potable water savings of 50 percent or more; and

(cc) $30.00 per thousand gallons per year of potable water savings of 60 percent or more.

(II) ENVIRONMENTAL IMPROVEMENTS.—Additional awards of up to $1,000 may be granted for the inclusion of other environmental attributes that the Administrator, in consultation with the Secretary, identifies as contributing to energy efficiency. Such attributes may include, but are not limited to waste diversion and the use of environmentally preferable materials (including salvaged, renewable, or recycled materials, and materials with no or low-VOC content). The Administrator may recommend that States develop such standards as are necessary to account for local or regional conditions that may affect the feasibility or availability of identified resources and attributes.

(iv) INDOOR AIR QUALITY MINIMUM.—Nonresidential buildings receiving incentives under this section must satisfy at a minimum the most recent version of ASHRAE Standard 62.1 for ventilation, or the equivalent as determined by the Administrator. A State may issue a waiver from this requirement to a building project on a showing that such compliance is infeasible due to the physical constraints of the building's existing ventilation system, or such other limitations as may be specified by the Administrator.

(C) DISASTER DAMAGED BUILDINGS.—Any source of funds, including Federal funds provided through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, shall qualify as the building owner's 50 percent contribution, in order to match the contribution of REEP funds, so long as the REEP funds are only used to improve the energy efficiency of the buildings being reconstructed. In addition, the appropriate Federal agencies providing assistance to building owners through the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall make information available, following a disaster, to building owners rebuilding disaster damaged buildings with assistance from the Act, that REEP funds may be used for energy efficiency improvements.

(D) HISTORIC BUILDINGS.—Notwithstanding subparagraphs (A) and (B), a building in or eligible for the National Register of Historic Places shall be eligible for awards under this paragraph in amounts up to 120 percent of the amounts set forth in subparagraphs (A) and (B).

(E) SUPPLEMENTAL SUPPORT.—State and local governments may supplement the per-building expenditures under this paragraph with funding from other sources.

(3) ADJUSTMENT.—The Administrator may adjust the specific dollar limits funded by the sale of allowances pursuant to paragraph (2) in years subsequent to the second year after the date of enactment of this Act, and every 2 years thereafter, as the Administrator determines necessary to achieve optimum cost-effectiveness and to maximize incentives to achieve energy efficiency within the total building award amounts provided in that paragraph, and shall publish and hold constant such revised limits for at least 2 years.

(j) REPORT TO CONGRESS.—The Administrator shall conduct an annual assessment of the achievements of the REEP program in each State, shall prepare an annual report of such achievements and any recommendations for program modifications, and shall provide such report to Congress at the end of each fiscal year during which funding or other resources were made available to the States for the REEP Program.

(k) OTHER SOURCES OF FEDERAL SUPPORT.—

(1) ADDITIONAL STATE ENERGY PROGRAM FUNDS.—Any Federal funding provided to a State Energy Program that is not required to be expended for a different federally designated purpose may be used to support a REEP program.

(2) PROGRAM ADMINISTRATION.—State Energy Offices or designated State agencies may expend up to 10 percent of available allowance value provided under this section for program administration.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section, for each of fiscal years 2010, 2011, 2012, and 2013—

(A) $50,000,000 to the Administrator for program administration costs; and

(B) $20,000,000 to the Secretary of Energy for program administration costs.

SEC. 203. ENERGY EFFICIENT MANUFACTURED HOMES.

(a) DEFINITIONS.—In this section:

(1) MANUFACTURED HOME.—The term ''manufactured home'' has the meaning given such term in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(2) ENERGY STAR QUALIFIED MANUFACTURED HOME.—The term ''Energy Star qualified manufactured home'' means a manufactured home that has been designed, produced, and installed in accordance with Energy Star's guidelines by an Energy Star certified plant.

(b) PURPOSE.—The purpose of this section is to assist low-income households residing in manufactured homes constructed prior to 1976 to save energy and energy expenditures by providing support toward the purchase of new Energy Star qualified manufactured homes.

(c) STATE IMPLEMENTATION OF PROGRAM.—

(1) MANUFACTURED HOME REPLACEMENT PROGRAM.—Any State may provide to the owner of a manufactured home constructed prior to 1976 a rebate to use toward the purchase of a new Energy Star qualified manufactured home pursuant to this section.

(2) USE OF ALLOWANCES.—Direct Federal support for the program established in this section is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(3) REBATES.—

(A) PRIMARY RESIDENCE REQUIREMENT.—A rebate described under paragraph (1) may only be made to an owner of a manufactured home constructed prior to 1976 that is used on a year-round basis as a primary residence.

(B) DISMANTLING AND REPLACEMENT.—A rebate described under paragraph (1) may be made only if the manufactured home constructed prior to 1976 will be—

(i) rendered unusable for human habitation (including appropriate recycling); and

(ii) replaced, in the same general location, as determined by the applicable State agency, with an Energy Star qualified manufactured home.

(C) SINGLE REBATE.—A rebate described under paragraph (1) may not be provided to any owner of a manufactured home constructed prior to 1976 that was or is a member of a household for which any other member of the household was provided a rebate pursuant to this section.

(D) ELIGIBLE HOUSEHOLDS.—To be eligible to receive a rebate described under paragraph (1), an owner of a manufactured home constructed prior to 1976 shall demonstrate to the applicable State agency that the total income of all members the owner's household does not exceed 200 percent of the Federal poverty level for income in the applicable area.

(E) ADVANCE AVAILABILITY.—A rebate may be provided under this section in a manner to facilitate the purchase of a new Energy Star qualified manufactured home.

(4) REBATE LIMITATION.—Rebates provided by States under this section shall not exceed $7,500 per manufactured home from any value derived from the use of emission allowances provided to the State pursuant to section 132.

(5) USE OF STATE FUNDS.—A State providing rebates under this section may supplement the amount of such rebates under paragraph (4) by any additional amount is from State funds and other sources, including private donations or grants from charitable organizations.

(6) COORDINATION WITH SIMILAR PROGRAMS.—

(A) STATE PROGRAMS.—A State conducting an existing program that has the purpose of replacing manufactured homes constructed prior to 1976 with Energy Star qualified manufactured homes, may use allowance value provided under section 782 of the Clean Air Act to support such a program, provided such funding does not exceed the rebate limitation amount under paragraph (4).

(B) FEDERAL PROGRAMS.—The Secretary of Energy shall coordinate with and seek to achieve the purpose of this section through similar Federal programs including—

(i) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); and

(ii) the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(C) COORDINATION WITH OTHER STATE AGENCIES.—A State agency using allowance value to administer the program under this section may coordinate its efforts, and share funds for administration, with other State agencies involved in low-income housing programs.

(7) ADMINISTRATIVE EXPENSES.—A State using allowance value under this section may expend not more than 10 percent of such value for administrative expenses related to this program.

SEC. 204. BUILDING ENERGY PERFORMANCE LABELING PROGRAM.

(a) ESTABLISHMENT.—

(1) PURPOSE.—The Administrator shall establish a building energy performance labeling program with broad applicability to the residential and commercial markets to enable and encourage knowledge about building energy performance by owners and occupants and to inform efforts to reduce energy consumption nationwide.

(2) COMPONENTS.—In developing such program, the Administrator shall—

(A) consider existing programs, such as Environmental Protection Agency's Energy Star program, the Home Energy Rating System (HERS) Index, and programs at the Department of Energy;

(B) support the development of model performance labels for residential and commercial buildings; and

(C) utilize incentives and other means to spur use of energy performance labeling of public and private sector buildings nationwide.

(b) DATA ASSESSMENT FOR BUILDING ENERGY PERFORMANCE.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to Congress, as well as to the Secretary of Energy and the Office of Management and Budget, a report identifying—

(A) all principal building types for which statistically significant energy performance data exists to serve as the basis of measurement protocols and labeling requirements for achieved building energy performance; and

(B) those building types for which additional data are required to enable the development of such protocols and requirements.

(2) ADDITIONAL REPORTS.—Additional updated reports shall be provided under this subsection as often as The Administrator considers practicable, but not less than every 2 years.

(c) BUILDING DATA ACQUISITION.—

(1) RESOURCE REQUIREMENTS.—For all principal building types identified under subsection (b), the Secretary of Energy, not later than 90 days after a report by the Administrator under subsection (b), shall provide to Congress, the Administrator, and the Office of Management and Budget a statement of additional resources needed, if any, to fully develop the relevant data, as well as the anticipated timeline for data development.

(2) CONSULTATION.—The Secretary of Energy shall consult with the Administrator concerning the Administrator's ability to use data series for these additional building types to support the achieved performance component in the labeling program.

(3) IMPROVEMENTS TO BUILDING ENERGY CONSUMPTION DATABASES.—

(A) COMMERCIAL DATABASE.—The Secretary of Energy shall support improvements to the Commercial Buildings Energy Consumption Survey (CBECS) as authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k))—

(i) to enable complete and robust data for the actual energy performance of principal building types currently covered by survey;

(ii) to cover additional building types as identified by the Administrator under subsection (b)(1)(B), to enable the development of achieved performance measurement protocols are developed for at least 90 percent of all major commercial building types within 5 years after the date of enactment of this Act; and

(iii) to include third-party audits of random data samplings to ensure the quality and accuracy of survey information.

(B) RESIDENTIAL DATABASES.—The Administrator, in consultation with the Energy Information Administration and the Secretary of Energy, shall support improvements to the Residential Energy Consumption Survey (RECS) as authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k)), or such other residential energy performance databases as the Administrator considers appropriate, to aid the development of achieved performance measurement protocols for residential building energy use for at least 90 percent of the residential market within 5 years after the date of enactment of this Act.

(C) CONSULTATION.—The Secretary of Energy and the Administrator shall consult with public, private, and nonprofit sector representatives from the building industry and real estate industry to assist in the evaluation and improvement of building energy performance databases and labeling programs.

(d) IDENTIFICATION OF MEASUREMENT PROTOCOLS FOR ACHIEVED PERFORMANCE.—

(1) PROPOSED PROTOCOLS AND REQUIREMENTS.—At the earliest practicable date, but not later than 1 year after identifying a building type under subsection (b)(1)(A), the Administrator shall propose a measurement protocol for that building type and a requirement detailing how to use that protocol in completing applicable commercial or residential performance labels created pursuant to this section.

(2) FINAL RULE.—After providing for notice and comment, the Administrator shall publish a final rule containing a measurement protocol and the corresponding requirements for applying that protocol. Such a rule—

(A) shall define the minimum period for measurement of energy use by buildings of

that type and other details for determining achieved performance, to include leased buildings or parts thereof;

(B) shall identify necessary data collection and record retention requirements; and

(C) may specify transition rules and exemptions for classes of buildings within the building type.

(e) PROCEDURES FOR EVALUATING DESIGNED PERFORMANCE.—The Administrator shall develop protocols for evaluating the designed performance of individual building types. The Administrator may conduct such feasibility studies and demonstration projects as are necessary to evaluate the sufficiency of proposed protocols for designed performance.

(f) CREATION OF BUILDING ENERGY PERFORMANCE LABELING PROGRAM.—

(1) MODEL LABEL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall propose a model building energy label that provides a format—

(A) to display achieved performance and designed performance data;

(B) that may be tailored for residential and commercial buildings, and for single-occupancy and multitenanted buildings; and

(C) to display other appropriate elements identified during the development of measurement protocols under subsections (d) and (e).

(2) INCLUSIONS.—Nothing in this section shall require the inclusion on such a label of designed performance data where impracticable or not cost effective, or to preclude the display of both achieved performance and designed performance data for a particular building where both such measures are available, practicable, and cost effective.

(3) EXISTING PROGRAMS.—In developing the model label, the Administrator shall consider existing programs, including—

(A) the Environmental Protection Agency's Energy Star Portfolio Manager program and the California HERS II Program Custom Approach for the achieved performance component of the label;

(B) the Home Energy Rating System (HERS) Index system for the designed performance component of the label; and

(C) other Federal and State programs, including the Department of Energy's related programs on building technologies and those of the Federal Energy Management Program.

(4) FINAL RULE.—After providing for notice and comment, the Administrator shall publish a final rule containing the label applicable to covered building types.

(g) DEMONSTRATION PROJECTS FOR LABELING PROGRAM.—

(1) IN GENERAL.—The Administrator shall conduct building energy performance labeling demonstration projects for different building types—

(A) to ensure the sufficiency of the current Commercial Buildings Energy Consumption Survey and other data to serve as the basis for new measurement protocols for the achieved performance component of the building energy performance labeling program;

(B) to inform the development of measurement protocols for building types not currently covered by the Commercial Buildings Energy Consumption Survey; and

(C) to identify any additional information that needs to be developed to ensure effective use of the model label.

(2) PARTICIPATION.—Such demonstration projects shall include participation of—

(A) buildings from diverse geographical and climate regions;

(B) buildings in both urban and rural areas;

(C) single-family residential buildings;

(D) multihousing residential buildings with more than 50 units, including at least one project that provides affordable housing to individuals of diverse incomes;

(E) single-occupant commercial buildings larger than 30,000 square feet;

(F) multitenanted commercial buildings larger than 50,000 square feet; and

(G) buildings from both the public and private sectors.

(3) PRIORITY.—Priority in the selection of demonstration projects shall be given to projects that facilitate large-scale implementation of the labeling program for samples of buildings across neighborhoods, geographic regions, cities, or States.

(4) FINDINGS.—The Administrator shall report any findings from demonstration projects under this subsection, including an identification of any areas of needed data improvement, to the Department of Energy's Energy Information Administration and Building Technologies Program.

(5) COORDINATION.—The Administrator and the Secretary of Energy shall coordinate demonstration projects undertaken pursuant to this subsection with those undertaken as part of the Zero-Net-Energy Commercial Buildings Initiative adopted under section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082).

(h) IMPLEMENTATION OF LABELING PROGRAM.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall work with all State Energy Offices established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) or other State authorities as necessary for the purpose of implementing the labeling program established under this section for commercial and residential buildings.

(2) OUTREACH TO LOCAL AUTHORITIES.—The Administrator shall, acting in consultation and coordination with the respective States, encourage use of the labeling program by counties and other localities to broaden access to information about building energy use, for example, through disclosure of building label contents in tax, title, and other records those localities maintain. For this purpose, the Administrator shall develop an electronic version of the label and information that can be readily transmitted and read in widely-available computer programs but is protected from unauthorized manipulation.

(3) MEANS OF IMPLEMENTATION.—In adopting the model labeling program established under this section, a State shall seek to ensure that labeled information be made accessible to the public in a manner so that owners, lenders, tenants, occupants, or other relevant parties can utilize it. Such accessibility may be accomplished through—

(A) preparation, and public disclosure of the label through filing with tax and title records at the time of—

(i) a building audit conducted with support from Federal or State funds;

(ii) a building energy-efficiency retrofit conducted in response to such an audit;

(iii) a final inspection of major renovations or additions made to a building in accordance with a building permit issued by a local government entity;

(iv) a sale that is recorded for title and tax purposes consistent with paragraph (8);

(v) a new lien recorded on the property for more than a set percentage of the assessed value of the property, if that lien reflects public financial assistance for energy-related improvements to that building; or

(vi) a change in ownership or operation of the building for purposes of utility billing; or

(B) other appropriate means.

(4) STATE IMPLEMENTATION OF PROGRAM.—

(A) ELIGIBILITY.—A State may become eligible to utilize allowance value to implement this program by—

(i) adopting by statute or regulation a requirement that buildings be assessed and labeled, consistent with the labeling requirements of the program established under this section; or

(ii) adopting a plan to implement a model labeling program consistent with this section within one year of enactment of this Act, including the establishment of that program within 3 years after the date of enactment of this Act, and demonstrating continuous progress under that plan.

(B) USE OF ALLOWANCES.—Direct Federal support for the program established in this section is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(5) GUIDANCE.—The Administrator may create or identify model programs and resources to provide guidance to offer to States and localities for creating labeling programs consistent with the model program established under this section.

(6) PROGRESS REPORT.—The Administrator, in consultation with the Secretary of Energy, shall provide a progress report to Congress not later than 3 years after the date of enactment of this Act that—

(A) evaluates the effectiveness of efforts to advance use of the model labeling program by States and localities;

(B) recommends any legislative changes necessary to broaden the use of the model labeling program; and

(C) identifies any changes to broaden the use of the model labeling program that the Administrator has made or intends to make that do not require additional legislative authority.

(7) STATE INFORMATION.—The Administrator may require States to report to the Administrator information that the Administrator requires to provide the report required under paragraph (6).

(8) PREVENTION OF DISRUPTION OF SALES TRANSACTIONS.—No State shall implement a new labeling program pursuant to this section in a manner that requires the labeling of a building to occur after a contract has been executed for the sale of that building and before the sales transaction is completed.

(i) IMPLEMENTATION OF LABELING PROGRAM IN FEDERAL BUILDINGS.—

(1) USE OF LABELING PROGRAM.—The Secretary of Energy and the Administrator shall use the labeling program established under this section to evaluate energy performance in the facilities of the Department of Energy and the Environmental Protection Agency, respectively, to the extent practicable, and shall encourage and support implementation efforts in other Federal agencies.

(2) ANNUAL PROGRESS REPORT.—The Secretary of Energy and Administrator shall provide an annual progress report to Congress and the Office of Management and Budget detailing efforts to implement this subsection, as well as any best practices or needed resources identified as a result of such efforts.

(j) PUBLIC OUTREACH.—The Secretary of Energy and the Administrator, in consultation with nonprofit and industry stakeholders with specialized expertise, and in conjunction with other energy efficiency public awareness efforts, shall establish a business and consumer education program to increase awareness about the importance of building energy efficiency and to facilitate widespread use of the labeling program established under this section.

(k) DEFINITIONS.—In this section:

(1) BUILDING TYPE.—The term ''building type'' means a grouping of buildings as identified by their principal building activities, or as grouped by their use, including office buildings, laboratories, libraries, data centers, retail establishments, hotels, warehouses, and educational buildings.

(2) MEASUREMENT PROTOCOL.—The term ''measurement protocol'' means the methodology, prescribed by the Administrator, for defining a benchmark for building energy performance for a specific building type and for measuring that performance against the benchmark.

(3) ACHIEVED PERFORMANCE.—The term ''achieved performance'' means the actual energy consumption of a building as compared to a baseline building of the same type and size, determined by actual consumption data normalized for appropriate variables.

(4) DESIGNED PERFORMANCE.—The term ''designed performance'' means the energy consumption performance a building would achieve if operated consistent with its design intent for building energy use, utilizing a standardized set of operational conditions informed by data collected or confirmed during an energy audit.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Administrator $50,000,000 for implementation of this section for each fiscal year from 2010 through 2020; and

(2) to the Secretary of Energy $20,000,000 for implementation of this section for fiscal year 2010 and $10,000,000 for fiscal years 2011 through 2020.

(m) NEW CONSTRUCTION.—This section shall apply only to construction beginning after the date of enactment of this Act.

SEC. 205. TREE PLANTING PROGRAMS.

(a) FINDINGS.—The Congress finds that—

(1) the utility sector is the largest single source of greenhouse gas emissions in the United States today, producing approximately one-third of the country's emissions;

(2) heating and cooling homes accounts for nearly 60 percent of residential electricity usage in the United States;

(3) shade trees planted in strategic locations can reduce residential cooling costs by as much as 30 percent;

(4) shade trees have significant clean-air benefits associated with them;

(5) every 100 healthy large trees removes about 300 pounds of air pollution (including particulate matter and ozone) and about 15 tons of carbon dioxide from the air each year;

(6) tree cover on private property and on newly-developed land has declined since the 1970s, even while emissions from transportation and industry have been rising; and

(7) in over a dozen test cities across the United States, increasing urban tree cover has generated between two and five dollars in savings for every dollar invested in such tree planting.

(b) DEFINITIONS.—As used in this section:

(1) The term ''Secretary'' refers to the Secretary of Energy.

(2) The term ''retail power provider'' means any entity authorized under applicable State or Federal law to generate, distribute, or provide retail electricity, natural gas, or fuel oil service.

(3) The term ''tree-planting organization'' means any nonprofit or not-for-profit group which exists, in whole or in part, to—

(A) expand urban and residential tree cover;

(B) distribute trees for planting;

(C) increase awareness of the environmental and energy-related benefits of trees;

(D) educate the public about proper tree planting, care, and maintenance strategies; or

(E) carry out any combination of the foregoing activities.

(4) The term ''tree-siting guidelines'' means a comprehensive list of science-based measurements outlining the species and minimum distance required between trees planted pursuant to this section, in addition to the minimum required distance to be maintained between such trees and—

(A) building foundations;

(B) air conditioning units;

(C) driveways and walkways;

(D) property fences;

(E) preexisting utility infrastructure;

(F) septic systems;

(G) swimming pools; and

(H) other infrastructure as deemed appropriate.

(5) The terms ''small office'', ''small office buildings'', and ''small office settings'' means nonresidential buildings or structures zoned for business purposes that are 20,000 square feet or less in total area.

(c) PURPOSES.—The purpose of this section is to establish a grant program to assist retail power providers with the establishment and operation of targeted tree-planting programs in residential and small office settings, for the following purposes:

(1) Reducing the peak-load demand for electricity from residences and small office buildings during the summer months through direct shading of buildings provided by strategically planted trees.

(2) Reducing wintertime demand for energy from residences and small office buildings by blocking cold winds from reaching such structures, which lowers interior temperatures and drives heating demand.

(3) Protecting public health by removing harmful pollution from the air.

(4) Utilizing the natural photosynthetic and transpiration process of trees to lower ambient temperatures and absorb carbon dioxide, thus mitigating the effects of climate change.

(5) Lowering electric bills for residential and small office ratepayers by limiting electricity consumption without reducing benefits.

(6) Relieving financial and demand pressure on retail power providers that stems from large peak-load energy demand.

(7) Protecting water quality and public health by reducing stormwater runoff and keeping harmful pollutants from entering waterways.

(8) Ensuring that trees are planted in locations that limit the amount of public money needed to maintain public and electric infrastructure.

(d) GENERAL AUTHORITY.—

(1) ASSISTANCE.—The Secretary is authorized to provide financial, technical, and related assistance to retail power providers to assist with the establishment of new, or continued operation of existing, targeted tree-planting programs for residences and small office buildings.

(2) PUBLIC RECOGNITION INITIATIVE.—In carrying out the authority provided under this section, the Secretary shall also create a national public recognition initiative to encourage participation in tree-planting programs by retail power providers.

(3) ELIGIBILITY.—Only those programs which utilize targeted, strategic tree-siting guidelines to plant trees in relation to building location, sunlight, and prevailing wind direction shall be eligible for assistance under this section.

(4) REQUIREMENTS.—In order to qualify for assistance under this section, a tree-planting program shall meet each of the following requirements:

(A) The program shall provide free or discounted shade-providing or wind-reducing trees to residential and small office consumers interested in lowering their home energy costs.

(B) The program shall optimize the electricity-consumption reduction benefit of each tree by planting in strategic locations around a given residence or small office.

(C) The program shall either—

(i) provide maximum amounts of shade during summer intervals when residences and small offices are exposed to the most sun intensity; or

(ii) provide maximum amounts of wind protection during fall and winter intervals when residences and small offices are exposed to the most wind intensity.

(D) The program shall use the best available science to create tree siting guidelines which dictate where the optimum tree species are best planted in locations that achieve maximum reductions in consumer energy demand while causing the least disruption to public infrastructure, considering overhead and underground facilities.

(E) The program shall receive certification from the Secretary that it is designed to achieve the goals set forth in subparagraphs (A) through (D). In designating criteria for such certification, the Secretary shall collaborate with the United States Forest Service's Urban and Community Forestry Program to ensure that certification requirements are consistent with such above goals.

(5) NEW PROGRAM FUNDING SHARE.—The Secretary shall ensure that no less than 30 percent of the funds made available under this section are distributed to retail power providers which—

(A) have not previously established or operated qualified tree-planting programs; or

(B) are operating qualified tree-planting programs which were established no more than three years prior to the date of enactment of this section.

(e) AGREEMENTS BETWEEN ELECTRICITY PROVIDERS AND TREE-PLANTING ORGANIZATIONS.—

(1) GRANT AUTHORIZATION.—In providing assistance under this section, the Secretary is authorized to award grants only to retail power providers that have entered into binding legal agreements with nonprofit tree-planting organizations.

(2) CONDITIONS OF AGREEMENT.—Those agreements between retail power providers and tree-planting organizations shall set forth conditions under which nonprofit tree-planting organizations shall provide targeted tree-planting programs which may require these organizations to—

(A) participate in local technical advisory committees responsible for drafting general tree-siting guidelines and choosing the most effective species of trees to plant in given locations;

(B) coordinate volunteer recruitment to assist with the physical act of planting trees in residential locations;

(C) undertake public awareness campaigns to educate local residents about the benefits, cost savings, and availability of free shade trees;

(D) establish education and information campaigns to encourage recipients to maintain their shade trees over the long term;

(E) serve as the point of contact for existing and potential residential participants who have questions or concerns regarding the tree-planting program;

(F) require tree recipients to sign agreements committing to voluntary stewardship and care of provided trees;

(G) monitor and report on the survival, growth, overall health, and estimated energy savings of provided trees up until the end of their establishment period which shall be no less than five years; and

(H) ensure that trees planted near existing power lines will not interfere with energized electricity distribution lines when mature, and that no new trees will be planted under or adjacent to high-voltage electric transmission lines without prior consultation with the applicable retail power provider receiving assistance under this section.

(3) LACK OF NONPROFIT ORGANIZATION.—If qualified nonprofit or not-for-profit tree planting organizations do not exist or operate within areas served by retail power providers applying for assistance under this section, the requirements of this section shall apply to binding legal agreements entered into by such retail power providers and one of the following entities:

(A) Local municipal governments with jurisdiction over the urban or suburban forest.

(B) The State Forester for the State in which the tree planting program will operate.

(C) The United States Forest Service's Urban and Community Forestry representative for the State in which the tree-planting program will operate.

(D) A landscaping services company that is—

(i) identified in consultation with a national or State nonprofit or not-for-profit tree-planting organization;

(ii) licensed to operate in the State in which the tree-planting program will operate; and

(iii) a business as defined by the United States Census Bureau's 2007 North American Industry Classification System Code 561730.

(f) TECHNICAL ADVISORY COMMITTEES.—

(1) DESCRIPTION.—In order to qualify for assistance under this section, the retail power provider shall establish and consult with a local technical advisory committee which shall provide advice and consultation to the program, and may—

(A) design and adopt an approved plant list that emphasizes the use of hardy, noninvasive tree species and, where geographically appropriate, the use of native, or site-adapted, or low water-use shade trees;

(B) design and adopt planting, installation, and maintenance specifications and create a process for inspection and quality control;

(C) ensure that tree recipients are educated to care for and maintain their trees over the long term;

(D) help the public become more engaged and educated in the planting and care of shade trees;

(E) prioritize which sites receive trees, giving preference to locations with the most potential for energy conservation and secondary preference to areas where the average annual income is below the regional median; and

(F) assist with monitoring and collection of data on tree health, tree survival, and energy conservation benefits generated under this section.

(2) COMPENSATION.—Individuals serving on local technical advisory committees shall not receive compensation for their service.

(3) COMPOSITION.—Local technical advisory committees shall be composed of representatives from public, private, and nongovernmental agencies with expertise in demand-side energy efficiency management, urban forestry, or arboriculture, and shall be composed of the following:

(A) Up to 4 persons, but no less than one person, representing the retail power provider receiving assistance under this section.

(B) Up to 4 persons, but no less than one person, representing the local tree-planting organization which will partner with the retail power provider to carry out this section.

(C) Up to 3 persons representing local nonprofit conservation or environmental organizations. Preference shall be given to those entities which are organized under section 501(c)(3) of the Internal Revenue Code of 1986, and which have demonstrated expertise engaging the public in energy conservation, energy efficiency, or green building practices or a combination thereof, such that no single organization is represented by more than one individual under this paragraph.

(D) Up to 2 persons representing a local affordable housing agency, affordable housing builder, or community development corporation.

(E) Up to 3, but no less than one, persons representing local city or county government for each municipality where a shade tree-planting program will take place; at least one of these representatives shall be the city or county forester, city or county arborist, or functional equivalent.

(F) Up to one person representing the local government agency responsible for management of roads, sewers, and infrastructure, including but not limited to public works departments, transportation agencies, or equivalents.

(G) Up to 3 persons representing the nursery and landscaping industry.

(H) Up to 3 persons representing the research community or academia with expertise in natural resources or energy management issues.

(4) CHAIRPERSON.—Each local technical advisory committee shall elect a chairperson to preside over Committee meetings, act as a liaison to governmental and other outside entities, and direct the general operation of the committee; only committee representatives from paragraph (3)(A) or paragraph (3)(B) of this subsection shall be eligible to act as local technical advisory committee chairpersons.

(5) CREDENTIALS.—At least one of the members of each local technical advisory committee shall be certified with one or more of the following credentials: International Society of Arboriculture; Certified Arborist, ISA; Certified Arborist Municipal Specialist, ISA; Certified Arborist Utility Specialist, ISA; Board Certified Master Arborist; or Registered Landscape Architect recommended by the American Society of Landscape Architects.

(g) COST-SHARE PROGRAM.—

(1) FEDERAL SHARE.—The Federal share of support for projects funded under this section shall not exceed 50 percent of the cost of such project and shall be provided on a matching basis.

(2) NON-FEDERAL SHARE.—The non-Federal share of such costs may be paid or contributed by any governmental or nongovernmental entity other than from funds derived directly or indirectly from an agency or instrumentality of the United States.

(h) RULEMAKING.—

(1) RULEMAKING PERIOD.—The Secretary shall be authorized to solicit comments and initiate a rulemaking period that shall last no more than 6 months after the date of enactment of this section.

(2) COMPETITIVE GRANT RULE.—At the conclusion of the rulemaking period under paragraph (1), the Secretary shall promulgate a rule governing a public, competitive grants process through which retail power providers may apply for Federal support under this section.

(i) NONDUPLICITY.—Nothing in this section shall be construed to supersede, duplicate, cancel, or negate the programs or authorities provided under section 9 of the Cooperative Forestry Assistance Act of 1978 (92 Stat. 369; Public Law 95–313; 16 U.S.C. 2105).

(j) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary for the implementation of this section.

SEC. 206. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

Section 453(c)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112(c)(1)) is amended by inserting ''but not later than 2 years after the date of enactment of this Act'' after ''described in subsection (b)''.

SEC. 207. COMMUNITY BUILDING CODE ADMINISTRATION GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—

(1) GRANT AUTHORIZATION.—The Secretary of Housing and Urban Development shall to the extent amounts are made available for grants under this section provide grants to local building code enforcement departments.

(2) COMPETITIVE AWARDS.—The Secretary shall award grants under paragraph (1) on a competitive basis taking into consideration the following:

(A) The financial need of each building code enforcement department.

(B) The benefit to the jurisdiction of having an adequately funded building code enforcement department.

(C) The demonstrated ability of each building code enforcement department to work cooperatively with other local code enforcement offices, health departments, and local prosecutorial agencies.

(3) MAXIMUM AMOUNT.—The maximum amount of any grant awarded under this subsection shall not exceed $1,000,000.

(4) COORDINATION.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of Energy to ensure that any unnecessarily duplicative funding through grants under this section of activities otherwise funded through the Department of Energy is minimized or eliminated.

(b) REQUIRED ELEMENTS IN GRANT PROPOSALS.—In order to be eligible for a grant under subsection (a), a building code enforcement department of a jurisdiction shall submit to the Secretary the following:

(1) A demonstration of the jurisdiction's needs in executing building code enforcement administration.

(2) A plan for the use of any funds received from a grant under this section that addresses the needs discussed in paragraph (1) and that is consistent with the authorized uses established in subsection (c).

(3) A plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

(4) A plan to create and maintain a program of public outreach that includes a regularly updated and readily accessible means of public communication, interaction, and reporting regarding the services and work of the building code enforcement department to be supported by the grant.

(5) A plan for ensuring the timely and effective administrative enforcement of building safety and fire prevention violations.

(c) USE OF FUNDS; MATCHING FUNDS.—

(1) AUTHORIZED USES.—Amounts from grants awarded under subsection (a) may be used by the grant recipient to supplement existing State or local funding for administration of building code enforcement, or to supplement allowance value received pursuant to this Act for implementation and enforcement of energy efficiency building codes. Such amounts may be used to increase staffing, provide staff training, increase staff competence and professional qualifications, or support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the building code enforcement department.

(2) ADDITIONAL REQUIREMENT.—Each building code enforcement department receiving a grant under subsection (a) shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer.

(3) MATCHING FUNDS REQUIRED.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a building code enforcement department shall provide matching, non-Federal funds in the following amount:

(i) In the case of a building code enforcement department serving an area with a population of more than 50,000, an amount equal to not less than 50 percent of the total amount of any grant to be awarded under this section.

(ii) In the case of a building code enforcement department serving an area with a population of between 20,001 and 50,000, an amount equal to not less than 25 percent of the total amount of any grant to be awarded under this section.

(iii) In the case of a building code enforcement department serving an area with a population of less than 20,000, an amount equal to not less than 12.5 percent of the total amount of any grant to be awarded under this section.

(B) ECONOMIC DISTRESS.—

(i) IN GENERAL.—The Secretary may waive the matching fund requirements under subparagraph (A), and institute, by regulation, new matching fund requirements based upon the level of economic distress of the jurisdiction in which the local building code enforcement department seeking such grant is located.

(ii) CONTENT OF REGULATIONS.—Any regulations instituted under clause (i) shall include—

(I) a method that allows for a comparison of the degree of economic distress among the local jurisdictions of grant applicants, as measured by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in such jurisdiction; and

(II) any other factor determined to be relevant by the Secretary in assessing the comparative degree of economic distress among such jurisdictions.

(4) IN-KIND CONTRIBUTIONS.—In determining the non-Federal share required to be provided under paragraph (3), the Secretary shall consider in-kind contributions, not to exceed 50 percent of the amount that the department contributes in non-Federal funds.

(5) WAIVER OF MATCHING REQUIREMENT.—The Secretary shall waive the matching fund requirements under paragraph (3) for any recipient jurisdiction that has dedicated all building code permitting fees to the conduct of local building code enforcement.

(d) EVALUATION AND REPORT.—

(1) IN GENERAL.—Grant recipients under this section shall—

(A) be obligated to fully account and report for the use of all grants funds; and

(B) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

(2) REPORT.—The report required under paragraph (1)(B) shall include a discussion of—

(A) the specific capabilities and functions in local building code enforcement administration that were addressed using funds received under this section;

(B) the lessons learned in carrying out the plans supported by the grant; and

(C) the manner in which the programs supported by the grant are to be maintained by the grantee.

(3) CONTENT OF REPORTS.—The Secretary shall—

(A) require each recipient of a grant under this section to file interim and final reports under paragraph (2) to ensure that grant funds are being used as intended and to measure the effectiveness and benefits of the grant program; and

(B) develop and maintain a means whereby the public can access such reports, at no cost, via the Internet.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BUILDING CODE ENFORCEMENT.—The term ''building code enforcement'' means the enforcement of any code, adopted by a State or local government, that regulates the construction of buildings and facilities to mitigate hazards to life or property. Such term includes building codes, electrical codes, energy codes, fire codes, fuel gas codes, mechanical codes, and plumbing codes.

(2) BUILDING CODE ENFORCEMENT DEPARTMENT.—The term ''building code enforcement department'' means an inspection or enforcement agency of a jurisdiction that is responsible for conducting building code enforcement.

(3) JURISDICTION.—The term ''jurisdiction'' means a city, county, parish, city and county authority, or city and parish authority having local authority to enforce building codes and regulations and to collect fees for building permits.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2010 through 2014 to the Secretary of Housing and Urban Development to carry out the provisions of this section.

(2) RESERVATION.—From the amount made available under paragraph (1), the Secretary may reserve not more than 5 percent for administrative costs.

(3) AVAILABILITY.—Any funds appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 208. SOLAR ENERGY SYSTEMS BUILDING PERMIT REQUIREMENTS FOR RECEIPT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following new subsection:

''(n) REQUIREMENTS FOR BUILDING PERMITS REGARDING SOLAR ENERGY SYSTEMS.—

''(1) IN GENERAL.—A grant under section 106 for a fiscal year may be made only if the grantee certifies to the Secretary that—

''(A) in the case of a grant under section 106(a) for any Indian tribe or insular area, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the tribe or insular area or by any other unit of general local government or other political subdivision of such tribe or insular area, complies with paragraph (2);

''(B) in the case of a grant under section 106(b) for any metropolitan city or urban county, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the metropolitan city or urban county, or by any other political subdivision of such city or county, complies with paragraph (2); and

''(C) in the case of a grant under section 106(d) for any State, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the State, or by any other unit of general local government within any nonentitlement area of such State, or other political subdivision within any nonentitlement area of such State or such a unit of general local government, complies with paragraph (2).

''(2) LIMITATION ON COST.—The cost of permit or license for construction or installation of any solar energy system complies with this paragraph only if such cost does not exceed the following amount:

''(A) RESIDENTIAL STRUCTURES.—In the case of a structure primarily for residential use, $500.

''(B) NONRESIDENTIAL STRUCTURES.—In the case of a structure primarily for nonresidential use, 1.0 percent of the total cost of the installation or construction of the solar energy system, but not in excess of $10,000.

''(3) NONCOMPLIANCE.—If the Secretary determines that a grantee of a grant made under section 106 is not in compliance with a certification under paragraph (1)—

''(A) the Secretary shall notify the grantee of such determination; and

''(B) if the grantee has not corrected such noncompliance before the expiration of the 6-month period beginning upon notification under subparagraph (A), such grantee shall not be eligible for 5 percent of any amounts awarded under a grant under section 106 for the first fiscal year that commences after the expiration of such 6-month period.

''(4) SOLAR ENERGY SYSTEM.—For purposes of this subsection, the term 'solar energy system' means, with respect to a structure, equipment that uses solar energy to generate electricity for, or to heat or cool (or provide hot water for use in), such structure.''.

SEC. 209. PROHIBITION OF RESTRICTIONS ON RESIDENTIAL INSTALLATION OF SOLAR ENERGY SYSTEM.

(a) REGULATIONS.—Within 180 days after the enactment of this Act, the Secretary of Housing and Urban Development, in consultation with the Secretary of Energy, shall issue regulations—

(1) to prohibit any private covenant, contract provision, lease provision, homeowners' association rule or bylaw, or similar restriction, that impairs the ability of the owner or lessee of any residential structure designed for occupancy by 1 family to install, construct, maintain, or use a solar energy system on such residential property; and

(2) to require that whenever any such covenant, provision, rule or bylaw, or restriction requires approval for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(b) CONTENTS.—The regulations required under subsection (a) shall provide that—

(1) such a covenant, provision, rule or bylaw, or restriction impairs the installation, construction, maintenance, or use of a solar energy system if it—

(A) unreasonably delays or prevents installation, maintenance, or use;

(B) unreasonably increases the cost of installation, maintenance, or use; or

(C) precludes use of such a system; and

(2) any fee or cost imposed on the owner or lessee of such a residential structure by such a covenant, provision, rule or bylaw, or restriction shall be considered unreasonable if—

(A) such fee or cost is not reasonable in comparison to the cost of the solar energy system or the value of its use; or

(B) treatment of solar energy systems by the covenant, provision, rule or bylaw, or restriction is not reasonable in comparison with treatment of comparable systems by the same covenant, provision, rule or bylaw, or restriction.

(c) SOLAR ENERGY SYSTEM.—For purposes of this section, the term ''solar energy system'' means, with respect to a structure, equipment that uses solar energy to generate electricity for, or to heat or cool (or provide hot water for use in), such structure.

Subtitle B—Lighting and Appliance Energy Efficiency Programs

SEC. 211. LIGHTING EFFICIENCY STANDARDS.

(a) OUTDOOR LIGHTING.—

(1) DEFINITIONS.—

(A) Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended by striking subparagraph (L) and inserting the following:

''(L) Outdoor luminaires.

''(M) Outdoor high light output lamps.

''(N) Any other type of industrial equipment which the Secretary classifies as covered equipment under section 341(b).''.

(B) Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended as adding at the end the following:

''(25) The term 'luminaire' means a complete lighting unit consisting of one or more light sources and ballast(s), together with parts designed to distribute the light, to position and protect such lamps, and to connect such light sources to the power supply.

''(26) The term 'outdoor luminaire' means a luminaire that is listed as suitable for wet locations pursuant to Underwriters Laboratories Inc. standard UL 1598 and is labeled as 'Suitable for Wet Locations' consistent with section 410.4(A) of the National Electrical Code 2005, or is designed for roadway illumination and meets the requirements of Addendum A for IESNA TM-15-07: Backlight, Uplight, and Glare (BUG) Ratings, except for—

''(A) luminaires designed for outdoor video display images that cannot be used in general lighting applications;

''(B) portable luminaires designed for use at construction sites;

''(C) luminaires designed for continuous immersion in swimming pools and other water features;

''(D) seasonal luminaires incorporating solely individual lamps rated at 10 watts or less;

''(E) luminaires designed to be used in emergency conditions that incorporate a means of charging a battery and a device to switch the power supply to emergency lighting loads automatically upon failure of the normal power supply;

''(F) components used for repair of installed luminaries and that meet the requirements of section 342(h);

''(G) a luminaire utilizing an electrode-less fluorescent lamp as the light source;

''(H) decorative gas lighting systems;

''(I) luminaires designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

''(J) luminaires designed as theme elements in theme/amusement parks and that cannot be used in most general lighting applications;

''(K) luminaires designed explicitly for vehicular roadway tunnels designed to comply with ANSI/IESNA RP–22–05;

''(L) luminaires designed explicitly for hazardous locations meeting UL Standard 844;

''(M) searchlights;

''(N) luminaires that are designed to be recessed into a building, and that cannot be used in most general lighting applications;

''(O) a luminaire rated only for residential applications utilizing a light source or sources regulated under the amendments made by section 321 of the Energy Independence and Security Act of 2007 and with a light output no greater than 2,600 lumens;

''(P) a residential pole-mounted luminaire that is not rated for commercial use utilizing a light source or sources meeting the efficiency requirements of section 231 of the Energy Independence and Security Act of 2007 and mounted on a post or pole not taller than 10.5 feet above ground and with a light output not greater than 2,600 lumens;

''(Q) a residential fixture with E12 (Candelabra) bases that is rated for not more than 300 watts total; or

''(R) a residential fixture with medium screw bases that is rated for not more than 145 watts.

''(27) The term 'outdoor high light outputlamp' means a lamp that—

''(A) has a rated lumen output not less than 2601 lumens;

''(B) is capable of being operated at a voltage not less than 110 volts and not greater than 300 volts, or driven at a constant current of 6.6 amperes;

''(C) is not a Parabolic Aluminized Reflector lamp; and

''(D) is not a J-type double-ended (T-3) halogen quartz lamp, utilizing R-7S bases, that is manufactured before January 1, 2015.

''(28) The term 'outdoor lighting control' means a device incorporated in a luminaire that receives a signal, from either a sensor (such as an occupancy sensor, motion sensor, or daylight sensor) or an input signal (including analog or digital signals communicated through wired or wireless technology), and can adjust the light level according to the signal.''.

(2) STANDARDS.— Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) OUTDOOR LUMINAIRES.—

''(1) Each outdoor luminaire manufactured on or after January 1, 2011, shall—

''(A) have an initial luminaire efficacy of at least 50 lumens per watt; and

''(B) be designed to use a light source with a lumen maintenance, calculated as mean rated lumens divided by initial lumens, of at least 0.6.

''(2) Each outdoor luminaire manufactured on or after January 1, 2018, shall—

''(A) have an initial luminaire efficacy of at least 70 lumens per watt; and

''(B) be designed to use a light source with a lumen maintenance, calculated as mean rated lumens divided by initial lumens, of at least 0.6.

''(3) In addition to the requirements of paragraphs (1) through (3), each outdoor luminaire manufactured on or after January 1, 2016, shall have the capability of producing at least two different light levels, including 100 percent and 60 percent of full lamp output as tested with the maximum rated lamp per UL1598 or the manufacturer's maximum specified for the luminaire under test, outdoor luminaires used for roadway lighting applications shall be exempt from the 2 light level requirements.

''(4)(A) Not later than January 1, 2022, the Secretary shall issue a final rule amending the applicable standards established in paragraph (3) if technologically feasible and economically justified.

''(B) A final rule issued under subparagraph (A) shall establish efficiency standards at the maximum level that is technically feasible and economically justified, as provided in subsections (o) and (p) of section 325. The Secretary may also, in such rulemaking, amend or discontinue the product exclusions listed in section 340(26)(A) through (P), or amend the lumen maintenance requirements in paragraph (2) if the Secretary determines that such amendments are consistent with the purposes of this Act.

''(C) If the Secretary issues a final rule under subparagraph (A) establishing amended standards, the final rule shall provide that the amended standards apply to products manufactured on or after January 1, 2025, or one year after the date on which the final amended standard is published, whichever is later.

''(h) OUTDOOR HIGH LIGHT OUTPUT LAMPS.— Each outdoor high light output lamp manufactured on or after January 1, 2017, shall have a lighting efficiency of at least 45 lumens per watt.''.

(3) TEST PROCEDURES.— Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(10) OUTDOOR LIGHTING.—

''(A) With respect to outdoor luminaires and outdoor high light output lamps, the test procedures shall be based upon the test procedures specified in illuminating engineering society procedures LM–79 as of March 1, 2009, and LM-31, and/or other appropriate consensus test procedures developed by the Illuminating Engineering Society or other appropriate consensus standards bodies.

''(B) If illuminating engineering society procedure LM—79 is amended, the Secretary shall amend the test procedures established in subparagraph (A) as necessary to be consistent with the amended LM–79 test procedure, unless the Secretary determines, by rule, published in the Federal Register and supported by clear and convincing evidence,

that to do so would not meet the requirements for test procedures under paragraph (2).

''(C) The Secretary may revise the test procedures for outdoor luminaires or outdoor high light output lamps by rule consistent with paragraph (2), and may incorporate as appropriate consensus test procedures developed by the Illuminating Engineering Society or other appropriate consensus standards bodies.''.

(4) PREEMPTION.— Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended by adding at the end the following:

''(i)(1) Except as provided in paragraph (2), section 327 shall apply to outdoor luminaires to the same extent and in the same manner as the section applies under part B.

''(2) Any State standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standards for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

(5) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LUMINAIRES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall, in consultation with the National Electrical Manufacturers Association, collect data for United States sales of luminaires described in section 340(26)(H) and (M) of the Energy Policy and Conservation Act, to determine the historical growth rate. If the Secretary finds that the growth in market share of such luminaires exceeds twice the year to year rate of the average of the previous three years, then the Secretary shall within 12 months initiate a rulemaking to determine if such exclusion should be eliminated, if substitute products exist that perform more efficiently and fulfill the performance functions of these luminaires.

(b) PORTABLE LIGHTING.—

(1) PORTABLE LIGHT FIXTURES.—

(A) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

''(67) ART WORK LIGHT FIXTURE.—The term 'art work light fixture' means a light fixture designed only to be mounted directly to an art work and for the purpose of illuminating that art work.

''(68) LED LIGHT ENGINE.—The term 'LED light engine' or 'LED light engine with integral heat sink' means a subsystem of an LED light fixture that—

''(A) includes 1 or more LED components, including—

''(i) an LED driver power source with electrical and mechanical interfaces; and

''(ii) an integral heat sink to provide thermal dissipation; and

''(B) may be designed to accept additional components that provide aesthetic, optical, and environmental control.

''(69) LED LIGHT FIXTURE.—The term 'LED light fixture' means a complete lighting unit consisting of—

''(A) an LED light source with 1 or more LED lamps or LED light engines; and

''(B) parts—

''(i) to distribute the light;

''(ii) to position and protect the light source; and

''(iii) to connect the light source to electrical power.

''(70) LIGHT FIXTURE.—The term 'light fixture' means a product designed to provide light that includes—

''(A) at least 1 lamp socket; and

''(B) parts—

''(i) to distribute the light;

''(ii) position and protect 1 or more lamps; and

''(iii) to connect 1 or more lamps to a power supply.

''(71) PORTABLE LIGHT FIXTURE.—

''(A) IN GENERAL.—The term 'portable light fixture' means a light fixture that has a flexible cord and an attachment plug for connection to a nominal 120-volt circuit that—

''(i) allows the user to relocate the product without any rewiring; and

''(ii) typically can be controlled with a switch located on the product or the power cord of the product.

''(B) EXCLUSIONS.—The term 'portable light fixture' does not include—

''(i) direct plug-in night lights, sun or heat lamps, medical or dental lights, portable electric hand lamps, signs or commercial advertising displays, photographic lamps, germicidal lamps, or light fixtures for marine use or for use in hazardous locations (as those terms are defined in ANSI/NFPA 70 of the National Electrical Code); or

''(ii) decorative lighting strings, decorative lighting outfits, or electric candles or candelabra without lamp shades that are covered by Underwriter Laboratories (UL) standard 588, 'Seasonal and Holiday Decorative Products'.''.

(B) COVERAGE.—

(i) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(I) by redesignating paragraph (20) as paragraph (24); and

(II) by inserting after paragraph (19) the following:

''(20) Portable light fixtures.''.

(ii) CONFORMING AMENDMENTS.—Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears in paragraphs (1) and (2) and inserting ''paragraph (24)''.

(C) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(19) LED FIXTURES AND LED LIGHT ENGINES.—Test procedures for LED fixtures and LED light engines shall be based on Illuminating Engineering Society of North America (IESNA) test procedure LM–79, Approved Method for Electrical and Photometric Testing of Solid-State Lighting Devices, and IESNA-approved test procedure for testing LED light engines.''.

(D) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(i) by redesignating subsection (ii) as subsection (oo);

(ii) in subsection (oo)(2), as redesignated in clause (i) of this subparagraph, by striking ''(hh)'' each place it appears and inserting ''(mm)''; and

(iii) by inserting after subsection (hh) the following:

''(ii) PORTABLE LIGHT FIXTURES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), portable light fixtures manufactured on or after January 1, 2012, shall meet 1 or more of the following requirements:

''(A) Be a fluorescent light fixture that meets the requirements of the Energy Star Program for Residential Light Fixtures, Version 4.2.

''(B) Be equipped with only 1 or more GU–24 line-voltage sockets, not be rated for use with incandescent lamps of any type (as defined in ANSI standards), and meet the requirements of version 4.2 of the Energy Star program for residential light fixtures.

''(C) Be an LED light fixture or a light fixture with an LED light engine and comply with the following minimum requirements:

''(i) Minimum light output: 200 lumens (initial).

''(ii) Minimum LED light engine efficacy: 40 lumens/watt installed in fixtures that meet the minimum light fixture efficacy of 29 lumens/watt or, alternatively, a minimum LED light engine efficacy of 60 lumens/watt for fixtures that do not meet the minimum light fixture efficacy of 29 lumens/watt.

''(iii) All portable fixtures shall have a minimum LED light fixture efficacy of 29 lumens/watt and a minimum LED light engine efficacy of 60 lumens/watt by January 1, 2016.

''(iv) Color Correlated Temperature (CCT): 2700K through 4000K.

''(v) Minimum Color Rendering Index (CRI): 75.

''(vi) Power factor equal to or greater than 0.70.

''(vii) Portable luminaries that have internal power supplies shall have zero standby power when the luminaire is turned off.

''(viii) LED light sources shall deliver at least 70 percent of initial lumens for at least 25,000 hours.

''(D)(i) Be equipped with an ANSI-designated E12, E17, or E26 screw-based socket and be prepackaged and sold together with 1 screw-based compact fluorescent lamp or screw-based LED lamp for each screw-based socket on the portable light fixture.

''(ii) The compact fluorescent or LED lamps prepackaged with the light fixture shall be fully compatible with any light fixture controls incorporated into the light fixture (for example, light fixtures with dimmers shall be packed with dimmable lamps).

''(iii) Compact fluorescent lamps prepackaged with light fixtures shall meet the requirements of the Energy Star Program for CFLs Version 4.0.

''(iv) Screw-based LED lamps shall comply with the minimum requirements described in subparagraph (C).

''(E) Be equipped with 1 or more single-ended, non-screw based halogen lamp sockets (line or low voltage), a dimmer control or high-low control, and be rated for a maximum of 100 watts.

''(2) REVIEW.—

''(A) REVIEW.—The Secretary shall review the criteria and standards established under paragraph (1) to determine if revised standards are technologically feasible and economically justified.

''(B) COMPONENTS.—The review shall include consideration of—

''(i) whether a separate compliance procedure is still needed for halogen fixtures described in subparagraph (E) and, if necessary, what an appropriate standard for halogen fixtures shall be;

''(ii) whether the specific technical criteria described in subparagraphs (A), (C), and (D)(iii) should be modified; and

''(iii) which fixtures should be exempted from the light fixture efficacy standard as of January 1, 2016, because the fixtures are primarily decorative in nature (as defined by the Secretary) and, even if exempted, are likely to be sold in limited quantities.

''(C) TIMING.—

''(i) DETERMINATION.—Not later than January 1, 2014, the Secretary shall publish amended standards, or a determination that no amended standards are justified, under this subsection.

''(ii) STANDARDS.—Any standards under this paragraph shall take effect on January 1, 2016.

''(3) ART WORK LIGHT FIXTURES.—Art work light fixtures manufactured on or after January 1, 2012, shall—

''(A) comply with paragraph (1); or

''(B)(i) contain only ANSI-designated E12 screw-based line-voltage sockets;

''(ii) have not more than 3 sockets;

''(iii) be controlled with an integral high/low switch;

''(iv) be rated for not more than 25 watts if fitted with 1 socket; and

''(v) be rated for not more than 15 watts per socket if fitted with 2 or 3 sockets.

''(4) EXCEPTION FROM PREEMPTION.—Notwithstanding section 327, Federal preemption shall not apply to a regulation concerning portable light fixtures adopted by the California Energy Commission on or before January 1, 2014.''.

(2) GU–24 BASE LAMPS.—

(A) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

''(72) GU–24.—The term 'GU–24' means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

''(A) 'G' indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

''(B) 'U' distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

''(C) 24 indicates the distance in millimeters between the electrical contact posts.

''(73) GU-24 ADAPTOR.—

''(A) IN GENERAL.—The term 'GU-24 Adaptor' means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

''(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and

''(ii) does not alter the voltage.

''(B) EXCLUSION.—The term 'GU-24 Adaptor' does not include a fluorescent ballast with a GU–24 base.

''(74) GU–24 BASE LAMP.—'GU–24 base lamp' means a light bulb designed to fit in a GU–24 socket.''.

(B) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by paragraph (1)(D)) is amended by inserting after subsection (ii) the following:

''(jj) GU–24 BASE LAMPS.—

''(1) IN GENERAL.—A GU–24 base lamp shall not be an incandescent lamp as defined by ANSI.

''(2) GU-24 ADAPTORS.—GU–24 adaptors shall not adapt a GU–24 socket to any other line voltage socket.''.

(3) STANDARDS FOR CERTAIN INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)), as amended by section 161(a)(12) of this Act, is amended by adding at the end the following:

''(9) CERTAIN INCANDESCENT REFLECTOR LAMPS.—(A) No later than 12 months after enactment of this paragraph, the Secretary shall publish a final rule establishing standards for incandescent reflector lamp types described in paragraph (1)(D). Such standards shall be effective on July 1, 2013.

''(B) Any rulemaking for incandescent reflector lamps completed after enactment of this section shall consider standards for all incandescent reflector lamps, inclusive of those specified in paragraph (1)(C).

''(10) REFLECTOR LAMPS.—No later than January 1, 2015, the Secretary shall publish a final rule establishing and amending standards for reflector lamps, including incandescent reflector lamps. Such standards shall be effective no sooner than three years after publication of the final rule. Such rulemaking shall consider incandescent and non-incandescent technologies. Such rulemaking shall consider a new metric other than lumens-per-watt based on the photometric distribution of light from such lamps.''.

SEC. 212. OTHER APPLIANCE EFFICIENCY STANDARDS.

(a) STANDARDS FOR WATER DISPENSERS, HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291), as amended by section 211 of this Act, is further amended by adding at the end the following:

''(75) The term 'water dispenser' means a factory-made assembly that mechanically cools and heats potable water and that dispenses the cooled or heated water by integral or remote means.

''(76) The term 'bottle-type water dispenser' means a drinking water dispenser designed for dispensing both hot and cold water that uses a removable bottle or container as the source of potable water.

''(77) The term 'commercial hot food holding cabinet' means a heated, fully-enclosed compartment with one or more solid or glass doors that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. Such term does not include heated glass merchandizing cabinets, drawer warmers, commercial hot food holding cabinets with interior volumes of less than 8 cubic feet, or cook-and-hold appliances.

''(78) The term 'portable electric spa' means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.''.

(2) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)), as amended by section 211(b)(1)(B) of this Act, is further amended by inserting after paragraph (20) the following new paragraphs:

''(21) Bottle type water dispensers.

''(22) Commercial hot food holding cabinets.

''(23) Portable electric spas.''.

(3) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by section 211(b)(1)(C) of this Act, is further amended by adding at the end the following:

''(20) BOTTLE TYPE WATER DISPENSERS.—Test procedures for bottle type water dispensers shall be based on 'Energy Star Program Requirements for Bottled Water Coolers version 1.1' published by the Environmental Protection Agency. Units with an integral, automatic timer shall not be tested using section 4D, 'Timer Usage,' of the test criteria.

''(21) COMMERCIAL HOT FOOD HOLDING CABINETS.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140–01 (Test for idle energy rate-dry test). Interior volume shall be based on the method shown in the Environmental Protection Agency's 'Energy Star Program Requirements for Commercial Hot Food Holding Cabinets' as in effect on August 15, 2003.

''(22) PORTABLE ELECTRIC SPAS.—Test procedures for portable electric spas shall be based on the test method for portable electric spas contained in section 1604, title 20, California Code of Regulations as amended on December 3, 2008. When the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the Department of Energy's procedure.''.

(4) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), as amended by section 211 of this Act, is further amended by adding after subsection (jj) the following:

''(kk) BOTTLE TYPE WATER DISPENSERS.—Effective January 1, 2012, bottle-type water dispensers designed for dispensing both hot and cold water shall not have standby energy consumption greater than 1.2 kilowatt-hours per day.

''(ll) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective January 1, 2012, commercial hot food holding cabinets with interior volumes of 8 cubic feet or greater shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

''(mm) PORTABLE ELECTRIC SPAS.—Effective January 1, 2012, portable electric spas shall not have a normalized standby power greater than $5(V^{2/3})$ Watts where V=the fill volume in gallons.

''(nn) REVISIONS.—The Secretary of Energy shall consider revisions to the standards in subsections (kk), (ll), and (mm) in accordance with subsection (o) and publish a final rule no later than January 1, 2013 establishing such revised standards, or make a finding that no revisions are technically feasible and economically justified. Any such revised standards shall take effect January 1, 2016.''.

(b) COMMERCIAL FURNACE EFFICIENCY STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6312(a)) is amended by inserting after paragraph (10) the following new paragraph:

''(11) WARM AIR FURNACES.—Each warm air furnace with an input rating of 225,000 Btu per hour or more and manufactured after January 1, 2011, shall meet the following standard levels:

''(A) GAS-FIRED UNITS.—

''(i) Minimum thermal efficiency of 80 percent.

''(ii) Include an interrupted or intermittent ignition device.

''(iii) Have jacket losses not exceeding 0.75 percent of the input rating.

''(iv) Have either power venting or a flue damper.

''(B) OIL-FIRED UNITS.—

''(i) Minimum thermal efficiency of 81 percent.

''(ii) Have jacket losses not exceeding 0.75 percent of the input rating.

''(iii) Have either power venting or a flue damper.''.

SEC. 213. APPLIANCE EFFICIENCY DETERMINATIONS AND PROCEDURES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)) is amended to read as follows:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with

test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause;

''(II) as part of a direct final rule under section 325(p)(4); or

''(III) as part of a final rule published on or after January 1, 2012, and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''.

(b) ADOPTING CONSENSUS TEST PROCEDURES AND TEST PROCEDURES IN USE ELSEWHERE.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by sections 211 and 212 of this Act, is further amended by adding the following new paragraph after paragraph (22):

''(23) CONSENSUS AND ALTERNATE TEST PROCEDURES.—

''(A) RECEIPT OF JOINT RECOMMENDATION OR ALTERNATE TESTING PROCEDURE.—On receipt of—

''(i) a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to the testing procedure for a covered product; or

''(ii) a submission of a testing procedure currently in use for a covered product by a State, nation, or group of nations—

''(I) if the Secretary determines that the recommended testing procedure contained in the statement or submission is in accordance with subsection (b)(3), the Secretary may issue a final rule that establishes an energy or water conservation testing procedure that is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation testing procedure that is identical to the testing procedure established in the final rule to establish the recommended testing procedure (referred to in this paragraph as a 'direct final rule'); or

''(II) if the Secretary determines that a direct final rule cannot be issued based on the statement or submission, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(ii)(I).

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(ii)(I) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)or any alternative joint recommendation; and

''(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under paragraph (3) or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(ii)(I); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (b).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended test procedures relating to the direct final rule.''.

(c) UPDATING TELEVISION TEST METHODS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by sections 211 and 212 of this Act, and subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(24) TELEVISIONS.—(A) On the date of enactment of this paragraph, Appendix H to Subpart B of Part 430 of the United States Code of Federal Regulations, 'Uniform Test Method for Measuring the Energy Consumption of Television Sets', is repealed.

''(B) No later than 12 months after the date of enactment of this paragraph the Secretary shall publish in the Federal Register a final rule prescribing a new test method for televisions.''.

(d) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) Section 325(o)(2)(B)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)(i)) is amended as follows:

(A) By striking ''and'' at the end of subclause (VI).

(B) By redesignating subclause (VII) as subclause (XI).

(C) By inserting the following new subclauses after subclause (VI):

''(VII) the estimated value of the carbon dioxide and other emission reductions that will be achieved by virtue of the higher energy efficiency of the covered products resulting from the imposition of the standard;

''(VIII) the estimated impact of standards for a particular product on average consumer energy prices;

''(IX) the increased energy efficiency that may be attributable to the installation of Smart Grid technologies or capabilities in the covered products, if applicable in the determination of the Secretary;

''(X) the availability in the United States or in other nations of examples or prototypes of covered products that achieve significantly higher efficiency standards for energy or for water; and''.

(2) Section 325(o)(2)(B)(iii) of such Act is amended as follows:

(A) By striking ''three'' and inserting ''5''.

(B) By inserting after the first sentence the following ''For products with an average expected useful life of less than 5 years, such rebuttable presumption shall be determined utilizing 75 percent of the product's average expected useful life as a multiplier instead of 5.''.

(C) By striking the last sentence and inserting the following: ''Such a presumption may be rebutted only if the Secretary finds, based on clear, convincing, and reliable evidence, that—

''(I) such standard level would cause serious and unavoidable hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, that substantially outweighs the standard level's benefits;

''(II) the standard and implementing regulations cannot be designed to avoid or mitigate the hardship identified under subclause (I), through the adoption of regional standards consistent with paragraph (6) of this subsection, or other reasonable means consistent with this part;

''(III) the same or substantially similar hardship would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section; and

''(IV) the hardship cannot be avoided or mitigated pursuant the procedures specified in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194).

A determination by the Secretary that the criteria triggering such presumption are not met, or that the criterion for rebutting the presumption are met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.''.

(e) OBTAINING APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

''(d) INFORMATION REQUIREMENTS.—(1) For purposes of carrying out this part, the Secretary shall publish proposed regulations not later than one year after the date of enactment of the American Clean Energy and Security Act of 2009, and after receiving public comment, final regulations not later than 18 months from such date of enactment under this part or other provision of law administered by the Secretary, which shall require each manufacturer of a covered product to submit information or reports to the Secretary on an annual basis in a form adopted by the Secretary. Such reports shall include information or data with respect to—

''(A) the manufacturers' compliance with all requirements applicable pursuant to this part;

''(B) the economic impact of any proposed energy conservation standard;

''(C) the manufacturers' annual shipments of each class or category of covered products, organized, to the maximum extent practicable, by—

''(i) energy efficiency, energy use, and, if applicable, water use;

''(ii) the presence or absence of such efficiency related or energy consuming operational characteristics or components as the Secretary determines are relevant for the purposes of carrying out this part; and

''(iii) the State or regional location of sale, for covered products for which the Secretary may adopt regional standards; and

''(D) such other categories of information as the Secretary deems relevant to carry out this part, including such other information as may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards and to insure compliance with the requirements of this part.

''(2) In adopting regulations under this subsection, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

''(3) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

''(4) To the extent that they do not conflict with the duties of the Secretary in carrying out this part, the provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to other energy information obtained under such section.''.

(f) STATE WAIVER.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)), as amended by section 161(a)(19) of this Act, is further amended by adding at the end the following:

''(12) is a regulation concerning standards for hot food holding cabinets, drinking water dispensers and portable electric spas adopted by the California Energy Commission on or before January 1, 2013.''.

(g) WAIVER OF FEDERAL PREEMPTION.—Paragraph (1) of section 327(d) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)) is amended as follows:

(1) In subparagraph (A) by striking ''State regulation'' each place it appears and inserting ''State statute or regulation''.

(2) In subparagraph (B) by adding at the end the following new sentence: ''In making such a finding, the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, and which the petitioning party does not have the legal right to obtain.''.

(3) In clause (ii) of subparagraph (C) by striking ''costs'' each place it appears and inserting ''estimated costs''.

(4) In subparagraph (C) by striking ''within the context of the State's energy plan and forecast, and,''.

(h) INCLUSION OF CARBON OUTPUT ON APPLIANCE ''ENERGYGUIDE'' LABELS.—(1) Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(I)(i) Not later than 90 days after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to implement the additional labeling requirements specified in subsection (c)(1)(C) of this section with an effective date for the revised labeling requirement not later than 12 months from issuance of the final rule.

''(ii) Not later than 24 months after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).

''(iii) Not later than 90 days after issuance of the final rule as provided in this subparagraph, the Secretary shall issue calculation methods required to effectuate the labeling requirements specified in subsection (c)(1)(C) of this section.''.

(2) Section 324(c)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6294(c)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(C) for products or groups of products providing a comparable function (including the group of products comprising the heating function of heat pumps and furnaces) among covered products listed in paragraphs (3), (4), (5), (8), (9), (10), and (11) of section 322(a) of this part, and others designated by the Secretary, the estimated total annual atmospheric carbon dioxide emissions (or their equivalent in other greenhouse gases) associated with, or caused by, the product, calculated utilizing—

''(i) national average energy use for the product including energy consumed at the point of end use based on test procedures developed under section 323 of this part;

''(ii) national average energy consumed or lost in the production, generation, transportation, storage, and distribution of energy to the point of end use; and

''(iii) any direct emissions of greenhouse gases from the product during normal use;

''(D) in determining the national average energy consumption and total annual atmospheric carbon dioxide emissions, the Secretary shall utilize Federal Government sources, including the Energy Information Administration Annual Energy Review, the Environmental Protection Agency eGRID data base, Environmental Protection Agency AP–42 Emission Factors as amended, and other sources determined to be appropriate by the Secretary; and

''(E) information presenting, for each product (or group of products providing the comparable function) identified in section (c)(1)(C) of this section, the estimated annual carbon dioxide emissions calculated within the range of emissions calculated for all models of the product or group according to its function, including those models consuming fuels and those models not consuming fuels.''.

(i) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—(1) Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

''SEC. 334. JURISDICTION AND VENUE.

''(a) JURISDICTION.—The United States district courts shall have jurisdiction to restrain—

''(1) any violation of section 332; and

''(2) any person from distributing in commerce any covered product which does not comply with an applicable rule under section 324 or 325.

''(b) AUTHORITY.—Any action referred to in subsection (a) shall be brought by the Commission or by the attorney general of a State in the name of the State, except that—

''(1) any such action to restrain any violation of section 332(a)(3) which relates to requirements prescribed by the Secretary or any violation of section 332(a)(4) which relates to request of the Secretary under section 326(b)(2) shall be brought by the Secretary; and

''(2) any violation of section 332(a)(5) or 332(a)(7) shall be brought by the Secretary or by the attorney general of a State in the name of the State.

''(c) VENUE AND SERVICE OF PROCESS.—Any such action may be brought in the United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court of the district wherein the defendant is found or transacts business. In any action under this section, process may be served on a defendant in any other district in which the defendant resides or may be found.''.

(2) The item relating to section 334 in the table of contents for such Act is amended to read as follows:

''Sec. 334. Jurisdiction and venue.''.

(j) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—(1) Section 327(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(3)) is amended by striking subparagraphs (B) through (G) and inserting the following:

''(B) The code meets at least one of the following requirements:

''(i) The code does not require that the covered product have an energy efficiency exceeding—

''(I) the applicable energy conservation standard established in or prescribed under section 325;

''(II) the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d) of this section; or

''(III) the required level established in the International Energy Conservation Code or in a standard of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or by the Secretary pursuant to section 304 of the Energy Conservation and Production Act.

''(ii) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on an efficiency level for such covered product which meets but does not exceed one of the levels specified in clause (i).

''(iii) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, in at least one combination that the State has found to be reasonably achievable using commercially available technologies the efficiency of the covered product meets but does not exceed one of the levels specified in clause (i).

''(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding one of the levels specified in subparagraph (B)(i) is on a one-for-one equivalent energy use or equivalent energy cost basis, taking into account the typical lifetime of the product.

''(D) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost) and equivalent lifetimes.

''(E) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.''.

(2) Section 327(f)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(4)(B)) is amended to read as follows:

''(B) If a building code requires the installation of covered products with efficiencies exceeding the levels and requirements specified in paragraph (3)(B), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d) of this section.''.

SEC. 214. BEST-IN-CLASS APPLIANCES DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Administrator, shall establish a program to be known as the ''Best-in-Class Appliances Deployment Program'' to—

(1) provide bonus payments to retailers or distributors under subsection (c) for sales of best-in-class high-efficiency household appliance models, high-efficiency installed building equipment, and high-efficiency consumer electronics, with the goal of reducing lifecycle costs for consumers, encouraging innovation, and maximizing energy savings and public benefit;

(2) provide bounties under subsection (d) to retailers and manufacturers for the replacement, retirement, and recycling of old, inefficient, and environmentally harmful products; and

(3) provide premium awards under subsection (e) to manufacturers for developing and producing new Superefficient Best-in-Class Products.

(b) DESIGNATION OF BEST-IN-CLASS PRODUCT MODELS.—

(1) IN GENERAL.—The Secretary of Energy shall designate product models of appliances, equipment, or electronics as Best-in-Class Product models. The Secretary shall publicly announce the Best-in-Class Product models designated under this subsection. The Secretary shall define product classes broadly and, except as provided in paragraph (2), shall designate as Best-in-Class Product models no more than the most efficient 10 percent of the commercially available product models in a class that demonstrate, as a group, a distinctly greater energy efficiency than the average energy efficiency of that class of appliances, equipment, or electronics. In designating models, the Secretary shall—

(A) identify commercially available models in the relevant class of products;

(B) identify the subgroup of those models that share the distinctly higher energy-efficiency characteristics that warrant designation as best-in-class; and

(C) add other models in that class to the list of Best-in-Class Product models as they demonstrate their ability to meet the higher-efficiency characteristics on which the designation was made.

(2) PERCENTAGE EXCEPTION.—If there are fewer than 10 product models in a class of products, the Secretary may designate one or more of such models as Best-in-Class Products.

(3) REVIEW OF BEST-IN-CLASS STANDARDS.—The Secretary shall review annually the product-specific criteria for designating, and the product models that qualify as, Best-in-Class Products and, after notice and a 30-day comment period, make upwards adjustments in the efficiency criteria as necessary to maintain an appropriate ratio of such product models to the total number of product models in the product class.

(4) SMART GRID ENERGY EFFICIENCY SAVINGS.—The Secretary shall include energy efficiency savings achieved by a commercially available product having smart grid capability in determining the efficiency level of a product for purposes of a Best-In-Class Product designation pursuant to this subsection. In measuring energy efficiency savings achieved by smart grid capability, the Secretary shall use a metric that—

(A) is based on the time-differentiated value and amount of energy consumption;

(B) accounts for the capability of the product to respond to a smart grid in which the physical capability of the product to save or delay energy because of a smart grid feature is weighted by the likelihood that the feature will be used;

(C) is based on the value of a unit of electric or gas consumption as a function of time of day and season; and

(D) includes a test method by which the manufacturer shall determine the energy efficiency of smart grid capable products.

(c) BONUSES FOR SALES OF BEST-IN-CLASS PRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy shall make bonus payments to retailers or, as provided in paragraph (5)(B), distributors for the sale of Best-in-Class Products.

(2) BONUS PROGRAM.—The Secretary shall—

(A) publicly announce the availability and amount of the bonus to be paid for each sale of a Best-in-Class Product of a model designated under subsection (b); and

(B) make bonus payments in at least that amount for each Best-in-Class Product of that model sold during the 3-year period beginning on the date the model is designated under subsection (b).

(3) UPGRADE OF BEST-IN-CLASS PRODUCT ELIGIBILITY.—In conducting a review under subsection (b)(3), the Secretary shall—

(A) consider designating as a Best-in-Class Product model a Superefficient Best-in-Class Product model that has been designated pursuant to subsection (e);

(B) announce any change in the bonus payment as necessary to increase the market share of Best-in-Class Product models;

(C) list models that will be eligible for bonuses in the new amount; and

(D) continue paying bonus payments at the original level, for the sale of any models that previously qualified as Best-in-Class Products but do not qualify at the new level, for the remainder of the 3-year period announced with the original designation.

(4) SIZE OF INDIVIDUAL BONUS PAYMENTS.—(A) The size of each bonus payment under this subsection shall be the product of—

(i) an amount determined by the Secretary; and

(ii) the difference in energy consumption between the Best-in-Class Product and the average product in the product class.

(B) The Secretary shall determine the amount under subparagraph (A)(i) for each product type, in consultation with State and utility efficiency program administrators as well as the Administrator, based on estimates of the amount of bonus payment that would provide significant incentive to increase the market share of Best-in-Class Products.

(5) ELIGIBLE BONUS RECIPIENT.—(A) The Secretary shall ensure that not more than 1 bonus payment is provided under this subsection for each Best-in-Class Product.

(B) The Secretary may make distributors eligible to receive bonus payments under this subsection for sales that are not to the final end-user, to the extent that the Secretary determines that for a particular product category distributors are well situated to increase sales of Best-in-Class Products.

(d) BOUNTIES FOR REPLACEMENT, RETIREMENT, AND RECYCLING OF EXISTING LOW-EFFICIENCY PRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy shall make bounty payments to—

(A) retailers for the replacement, retirement, and recycling of older operating low-efficiency products that might otherwise continue in operation; and

(B) manufacturers of Superefficient Best-in-Class Products for the retirement and recycling of older operating low-efficiency products that perform the same function and which might otherwise continue in operation.

(2) BOUNTIES.—Bounties shall be payable—

(A) to a retailer upon documentation that the sale of a Best-in-Class Product was accompanied by the replacement, retirement, and recycling of—

(i) an inefficient but still-functioning product; or

(ii) a nonfunctioning product containing a refrigerant, by the consumer to whom the Best-in-Class Product was sold; and

(B) to a manufacturer upon documentation of the retirement and recycling of—

(i) an inefficient but still-functioning product from a consumer to whom a Superefficient Best-in-Class Product was delivered; or

(ii) a nonfunctioning product containing a refrigerant from a consumer to whom a Superefficient Best-in-Class Product was delivered.

(3) AMOUNT.—

(A) FUNCTIONING PRODUCTS.—The bounty payment payable under this subsection for a product described in paragraphs (2)(A)(i) and (2)(B)(i) shall be based on the difference between the estimated energy use of the product replaced and the energy use of an average new product in the product class, over the estimated remaining lifetime of the product that was replaced.

(B) NONFUNCTIONING PRODUCTS CONTAINING REFRIGERANTS.—The bounty payment payable under this subsection for a product described in paragraphs (2)(A)(ii) and (2)(B)(ii) shall be in the amount that the Secretary of Energy, in consultation with the Administrator, determines is sufficient to promote the recycling of such products, up to the amount of bounty for a comparable product described in paragraphs (2)(A) and (2)(B).

(4) RETIREMENT.—The Secretary shall ensure that no product for which a bounty is paid under this subsection is returned to active service, but that it is instead destroyed, and recycled to the extent feasible.

(5) RECYCLING APPLIANCES CONTAINING REFRIGERANTS.—Exclusively for the purpose of implementing the bounty payment program for products containing a refrigerant under this section, the Administrator shall establish standards for environmentally responsible methods of recycling and disposal of refrigerant-containing appliances that, at a minimum, meet the requirements set by the Responsible Appliance Disposal (RAD) Program for refrigerant disposal. The Secretary shall ensure that such standards are met before a bounty payment is made under this subsection for a product containing a refrigerant. Nothing in this section shall be interpreted to alter the requirements of section 608 of the Clean Air Act or to relieve any person from complying with those requirements.

(e) PREMIUM AWARDS FOR DEVELOPMENT AND PRODUCTION OF SUPEREFFICIENT BEST-IN-CLASS PRODUCTS.—

(1) IN GENERAL.—(A) The Secretary of Energy shall provide premium awards to manufacturers for the development and production of Superefficient Best-in-Class Products. The Secretary shall set and periodically revise standards for eligibility of products for designation as a Superefficient Best-in-Class Product.

(B) The Secretary may establish a standard for a Superefficient Best-in-Class Product even if no product meeting that standard exists, if the Secretary has reasonable grounds to conclude that a mass-producible product could be made to meet that standard.

(C) The Secretary may also establish a Superefficient Best-in-Class Product standard that is met by one or more existing Best-in-Class Product models, if those product models have distinct energy efficiency attributes and performance characteristics that make them significantly better than other product models qualifying as best-in-class. The Secretary may not designate as Superefficient Best-in-Class Products under this subparagraph models that represent more than 10 percent of the currently qualifying Best-in-Class Product models. This subparagraph shall not apply to products designated pursuant to paragraph (4)(A).

(D) In making its finding on the efficiency level a product can achieve for purposes of a Superefficient Best-In-Class Product designation pursuant to this paragraph, the Secretary shall include energy efficiency savings that would be achieved by a product as a result of smart grid capability when a product having such capability can be produced and sold commercially to mass market consumers. In measuring energy efficiency savings achieved by smart grid capability, the Secretary shall use a metric that—

(i) is based on the time-differentiated value and amount of energy consumption;

(ii) accounts for the capability of the product to respond to a smart grid in which the physical capability of the product to save or delay energy because of a smart grid feature is weighted by the likelihood that the feature will be used;

(iii) is based on the value of a unit of electric or gas consumption as a function of time of day and season; and

(iv) includes a test method by which the manufacturer shall determine the energy efficiency of smart grid capable products.

(2) PREMIUM AWARDS.—(A) The premium award payment provided to a manufacturer under this subsection shall be in addition to any bonus payments made under subsection (c).

(B) The amount of the premium award paid per unit of Superefficient Best-in-Class Products sold to retailers or distributors shall, except as provided by subparagraph (F), be the product of—

(i) an amount determined by the Secretary; and

(ii) the difference in energy consumption between the Superefficient Best-in-Class Product and the average product in the product class.

(C) The Secretary shall determine the amount under subparagraph (B)(i) for each product type, in consultation with State and utility efficiency program administrators as well as the Administrator, based on consideration of the present value to the Nation of the energy (and water or other resources or inputs) saved over the useful life of the product. The Secretary may also take into consideration the methods used to increase sales of qualifying products in determining such amount.

(D) The Secretary may adjust the value described in subparagraph (C) upward or downward as appropriate, including based on the effect of the premium awards on the sales of products in different classes that may be affected by the program under this subsection.

(E) Premium award payments shall be applied to sales of any Superefficient Best-in-Class Product for the first 3 years after designation as a Superefficient Best-in-Class Product.

(F) For years 2011 through 2013, the Secretary shall make bonus payments to manufacturers of the products designated in paragraph (4)(A) for each product produced in the following amounts:

(i) $75 for each dishwasher.

(ii) $250 for each clothes washer.

(iii) $200 for each refrigerator or refrigerator-freezer.

(iv) $250 for each clothes dryer.

(v) $200 for each cooking product.

(vi) $300 for each water heater.

(3) COORDINATION OF INCENTIVES.—No product for which Federal tax credit is received under section 45M of the Internal Revenue Code of 1986 shall be eligible to receive premium award payments pursuant to this subsection.

(4) DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—Notwithstanding any other provisions of this section, the products the Secretary shall designate as a Superefficient Best-In-Class Product include, but are not limited to, the following products manufactured in 2011 through 2013:

(i) A dishwasher, clothes washer, refrigerator, or refrigerator-freezer that meets the highest efficiency performance standards in its product category as provided in Section 305(b) of the Emergency Economic Stabilization Act of 2008 and has the smart grid capability specified in paragraph (5).

(ii) A water heater that meets an efficiency standard that is the same or equivalent to the standard provided in Section 1333 of the Energy Policy Act of 2005 and has the smart grid capability specified in paragraph (5).

(iii) A clothes dryer or cooking product that the Secretary determines meets the standards specified in subsection (j)(3), which the Secretary shall promulgate no later than one year after the date of enactment, and has the smart grid capability specified in paragraph (5).

(B) EXTENSION OF INITIAL DESIGNATIONS.—

(i) GENERAL.—The Secretary shall in 2013 extend the Superefficient Best-In-Class Product designation of each product specified in subparagraph (A)(i) through (iii) through 2017, provided that for each product designation extended—

(I) the extension will result in significant energy efficiency savings;

(II) the product meets the Superefficient Best-In-Class Product criteria specified in paragraph (1);

(III) the eligibility standards of the product include the smart grid capability specified in paragraph (5); and

(IV) the Secretary makes appropriate revisions to the eligibility standards of the product as provided by paragraph (1).

(ii) AWARDS.—If a Superefficient Best-In-Class Product designation for a product is extended pursuant to this subparagraph, the premium award for the product shall be determined in accordance with paragraph (2).

(5) SMART GRID CAPABILITY.—

(A) Until the Secretary promulgates criteria under subparagraph (B), the term ''smart grid capability'' means capability of receiving and interpreting time-of-use pricing and peak-load-shed signals from a utility and—

(i) in the case of a cooking product, reducing a minimum of 20 percent during peak demand as measured by the tested average wattage over the course of a typical operating cycle of the product; or

(ii) in the case of a clothes washer, a refrigerator, a dishwasher, a dryer and a water heater, reducing a minimum of 50 percent during peak demand as measured by the tested average wattage over the course of a typical operating cycle of the product, provided that the typical operating cycle of a refrigerator and a water heater shall be a 24-hour period.

(B) After completion of the analysis required under section 142(b) of this Act, the Secretary shall expeditiously promulgate, after notice and a 30-day public comment period, criteria for what constitutes ''smart grid capability.''

(f) REPORTING.—The Secretary of Energy shall require, as a condition of receiving a bonus, bounty, or premium award under this section, that a report containing the following documentation be provided:

(1) For retailers and distributors, the number of units sold within each product type, and model-specific wholesale purchase prices and retail sale prices, on a monthly basis.

(2) For manufacturers, model-specific energy efficiency and consumption data.

(3) For manufacturers, on an immediate basis, information concerning any product design or function changes that affect the energy consumption of the unit.

(4) The methods used to increase the sales of qualifying products.

(g) MONITORING AND VERIFICATION PROTOCOLS.—The Secretary of Energy shall establish monitoring and verification protocols for energy consumption tests for each product model and for sales of energy-efficient models. The Secretary shall estimate actual savings of energy from the use of Smart Grid capability in appliances for which premium award payments are made pursuant to subsection (e) as a function of utility and consumer readiness to utilize such capability.

(h) DISCLOSURE.—The Secretary of Energy may require that manufacturers, retailers and distributors disclose publicly and to consumers their participation in the program under this section.

(i) COST-EFFECTIVENESS REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Energy shall make cost-effectiveness a top priority in designing the program under, and administering, this section, except that the cost-effectiveness of providing premium awards to manufacturers under subsection (e), in aggregate, may be lower by this measure than that of the bonuses and bounties to retailers and distributors under subsections (c) and (d).

(2) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term ''cost-effectiveness'' means a measure of aggregate savings in the cost of energy over the lifetime of a product in relation to the cost to the Secretary of the bonuses, bounties, and premium awards provided under this section for a product.

(B) SAVINGS.—The term ''savings'' means the cumulative megawatt-hours of electricity or million British thermal units of other fuels saved by a product during the projected useful life of the product, in comparison to projected energy consumption of the average product in the same class, taking into consideration the impact of any documented measures to replace, retire, and recycle low-efficiency products at the time of purchase of highly-efficient substitutes.

(j) DEFINITIONS.—In this section—

(1) the term ''distributor'' mean an individual, organization, or company that sells products in multiple lots and not directly to end-users;

(2) the term ''retailer'' means an individual, organization, or company that sells products directly to end-users;

(3) the term ''manufacturer'' means an individual, organization, or company that transforms raw materials into mass-producible finished goods; and

(4) the term ''Superefficient Best-in-Class Product'' means a product that—

(A) can be mass produced; and

(B) achieves the highest level of efficiency that the Secretary of Energy finds can, given

the current state of technology, be produced and sold commercially to mass-market consumers.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $600,000,000 for each of the fiscal years 2011 through 2013 to the Secretary of Energy for purposes of this section, and such sums as may be necessary for subsequent fiscal years. Of funds appropriated, not more than 10 percent for any fiscal year may be expended on program administration, and not less than 40 percent of any funds appropriated during fiscal years 2011 through 2013 shall be for purposes of subsection (e).

SEC. 215. WATERSENSE.

(a) IN GENERAL.—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings and landscapes, and services in order—

(1) to reduce water use;

(2) to reduce the strain on water, wastewater, and stormwater infrastructure;

(3) to conserve energy used to pump, heat, transport, and treat water; and

(4) to preserve water resources for future generations,

through voluntary labeling of, or other forms of communications about, products, buildings and landscapes, and services that meet the highest water efficiency and performance standards.

(b) DUTIES.—The Administrator shall—

(1) promote WaterSense labeled products, buildings and landscapes, and services in the market place as the preferred technologies and services for—

(A) reducing water use; and

(B) ensuring product and service performance;

(2) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(3) establish and maintain performance standards so that products, buildings and landscapes, and services labeled with the WaterSense label perform as well or better than their less efficient counterparts;

(4) publicize the need for proper installation and maintenance of WaterSense products by a licensed, and where certification guidelines exist, WaterSense-certified professional to ensure optimal performance;

(5) preserve the integrity of the WaterSense label;

(6) regularly review and, when appropriate, update WaterSense criteria for categories of products, buildings and landscapes, and services, at least once every four years;

(7) to the extent practical, regularly estimate and make available to the public the production and relative market shares of WaterSense labeled products, buildings and landscapes, and services, at least annually;

(8) to the extent practical, regularly estimate and make available to the public the water and energy savings attributable to the use of WaterSense labeled products, buildings and landscapes, and services, at least annually;

(9) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(10) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(A) an explanation of changes; and

(B) as appropriate, responses to comments submitted by interested parties;

(11) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed; and

(12) identify and, where appropriate, implement other voluntary approaches in commercial, institutional, residential, municipal, and industrial sectors to encourage reuse and recycling technologies, improve water efficiency, or lower water use while meeting, where applicable, the performance standards established under paragraph (3).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, $20,000,000 for fiscal year 2012, and $50,000,000 for fiscal year 2013 and each year thereafter, adjusted for inflation, to carry out this section.

SEC. 216. FEDERAL PROCUREMENT OF WATER EFFICIENT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 7902(a) of title 5, United States Code.

(2) WATERSENSE PRODUCT OR SERVICE.—The term ''WaterSense product or service'' means a product or service that is rated for water efficiency under the WaterSense program.

(3) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by section 215 of this Act.

(4) FEMP DESIGNATED PRODUCT.—The term ''FEMP designated product'' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for efficiency.

(5) PRODUCT AND SERVICE.—The terms ''product'' and ''service'' do not include any water consuming product or service designed or procured for combat or combat-related missions. The terms also exclude products or services already covered by the Federal procurement regulations established under section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b).

(b) PROCUREMENT OF WATER EFFICIENT PRODUCTS.—

(1) REQUIREMENT.—To meet the requirements of an agency for a water consuming product or service, the head of the agency shall, except as provided in paragraph (2), procure—

(A) a WaterSense product or service; or

(B) a FEMP designated product.

A WaterSense plumbing product should preferably, when possible, be installed by a licensed and, when WaterSense certification guidelines exist, WaterSense-certified plumber or mechanical contractor, and a WaterSense irrigation system should preferably, when possible, be installed, maintained, and audited by a WaterSense-certified irrigation professional to ensure optimal performance.

(2) EXCEPTIONS.—The head of an agency is not required to procure a WaterSense product or service or FEMP designated product under paragraph (1) if the head of the agency finds in writing that—

(A) a WaterSense product or service or FEMP designated product is not cost-effective over the life of the product, taking energy and water cost savings into account; or

(B) no WaterSense product or service or FEMP designated product is reasonably available that meets the functional requirements of the agency.

(3) PROCUREMENT PLANNING.—The head of an agency shall incorporate into the specifications for all procurements involving water consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of water consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria used for rating WaterSense products and services and FEMP designated products. The head of an agency shall consider, to the maximum extent practicable, additional measures for reducing agency water consumption, including water reuse technologies, leak detection and repair, and use of waterless products that perform similar functions to existing water-consuming products.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, working in coordination with the Administrator, shall issue guidelines to carry out this section.

SEC. 217. EARLY ADOPTER WATER EFFICIENT PRODUCT INCENTIVE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible entity'' means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of subsection (b).

(2) INCENTIVE PROGRAM.—The term ''incentive program'' means a program for administering financial incentives for consumer purchase and installation of residential water efficient products and services as described in subsection (b)(1).

(3) RESIDENTIAL WATER EFFICIENT PRODUCT OR SERVICE.—The term ''residential water efficient product or service'' means a product or service for a single-family or multifamily residence or its landscape that is rated for water efficiency and performance—

(A) by the WaterSense program; or

(B) where a WaterSense specification does not exist; by an incentive program.

Categories of water efficient products and services may include faucets, irrigation technologies and services, point-of-use water treatment devices, reuse and recycling technologies, toilets, and showerheads.

(4) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by section 215 of this Act.

(b) ELIGIBLE ENTITIES..—An entity shall be eligible to receive an allocation under subsection (c) if the entity—

(1) establishes (or has established) an incentive program to provide rebates, vouchers, other financial incentives, or direct installs to consumers for the purchase of residential water efficient products or services;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(3) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(c) AMOUNT OF ALLOCATIONS.—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out subsection (d) taking into consideration—

(1) the population served by the eligible entity in the most recent calendar year for which data are available;

(2) the targeted population of the eligible entity's incentive program, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(3) for existing programs, the effectiveness of the incentive program in encouraging the adoption of water efficient products and services; and

(4) any prior year's allocation to the eligible entity that remains unused.

(d) USE OF ALLOCATED FUNDS.—Funds allocated to an entity under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(e) FIXTURE RECYCLING.—Entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this section.

(f) ISSUANCE OF INCENTIVES.—Financial incentives may be provided to consumers that meet the requirements of the incentive program. The entity may issue all financial incentives directly to consumers or, with approval of the Administrator, delegate some or all financial incentive administration to other organizations including, but not limited to local governments, municipal water authorities, and water utilities. The amount of a financial incentive shall be determined by the entity, taking into consideration—

(1) the amount of the allocation to the entity under subsection (c);

(2) the amount of any Federal, State, or other organization's tax or financial incentive available for the purchase of the residential water efficient product or service;

(3) the amount necessary to change consumer behavior to purchase water efficient products and services; and

(4) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section $50,000,000 for fiscal years 2010, $100,000,000 for fiscal year 2011, $150,000,000 for fiscal year 2012, $100,000,000 for fiscal year 2013, and $50,000,000 for fiscal year 2014.

SEC. 218. CERTIFIED STOVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Environmental Protection Agency.

(2) WOOD STOVE OR PELLET STOVE.—The term ''wood stove or pellet stove'' means a wood stove, pellet stove, or fireplace insert that uses wood or pellets for fuel.

(3) CERTIFIED STOVE.—The term ''certified stove'' means a wood stove or pellet stove that meets the standards of performance for new residential wood heaters under subpart AAA of part 60 of subchapter C of chapter I of title 40, Code of Federal Regulations (or successor regulations), as certified by the Administrator. Pellet stoves and fireplace inserts using pellets for fuel that are exempt from testing by the Administrator but meet the same standards of performance as wood stoves are considered certified for the purposes of this section.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State, a local government, or a federally recognized Indian tribe;

(B) Alaskan Native villages or regional or village corporations (as defined in, or established under, the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(C) a nonprofit organization or institution that—

(i) represents or provides pollution reduction or educational services relating to wood smoke minimization to persons, organizations, or communities; or

(ii) has, as its principal purpose, the promotion of air quality or energy efficiency.

(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program to assist in the replacement of wood stoves or pellet stoves that do not meet the standards of performance referred to in subsection (a)(4) by—

(1) requiring that each wood stove or pellet stove sold in the United States on and after the date of enactment of this Act meet the standards of performance referred to in subsection (a)(4);

(2) requiring that no wood stove or pellet stove replaced under this program is sold or returned to active service, but that it is instead destroyed and recycled to the maximum extent feasible;

(3) providing funds to an eligible entity to replace a wood stove or pellet stove that does not meet the standards of performance in subsection (a)(4) with a certified stove, including funds to pay for—

(A) installation of a replacement certified stove; and

(B) necessary replacement of or repairs to ventilation, flues, chimneys, or other relevant items necessary for safe installation of a replacement certified stove;

(4) in addition to any funds that may be appropriated for the program under this subsection, using existing Federal, State, and local programs and incentives, to the greatest extent practicable;

(5) prioritizing the replacement of wood stoves or pellet stoves manufactured before July 1, 1990; and

(6) carrying out such other activities as the Administrator determines appropriate to facilitate the replacement of wood stoves or pellet stoves that do not meet the standards of performance referred to in subsection (a)(3).

(c) REGULATIONS.—The Administrator may promulgate such regulations as are necessary to carry out the program established under subsection (b).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under this section $20,000,000 for the period of fiscal years 2010 through 2014.

(2) DESIGNATED USE.—Of amounts appropriated pursuant to this subsection—

(A) 25 percent shall be designated for use to carry out the program under this section on lands held in trust for the benefit of a federally recognized Indian tribe;

(B) 3 percent shall be designated for use to carry out the program under this section in Alaskan Native villages or regional or village corporations (as defined in, or established under, the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(C) 72 percent shall be designated for use to carry out the program under this section nationwide.

(3) REGULATORY PROGRAMS.—

(A) IN GENERAL.—No grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State, or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered ''mandated'', regardless of whether the reductions are included in the implementation plan of a State.

(e) EPA AUTHORITY TO ACCEPT WOOD STOVE OR PELLET STOVE REPLACEMENT SUPPLEMENTAL ENVIRONMENTAL PROJECTS.—

(1) IN GENERAL.—The Administrator may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) wood stove or pellet stove replacement Supplemental Environmental Projects if such projects, as part of a settlement of any alleged violation of environmental law—

(A) protect human health or the environment;

(B) are related to the underlying alleged violation;

(C) do not constitute activities that the defendant would otherwise be legally required to perform; and

(D) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

(2) CERTIFICATION.—In any settlement agreement regarding an alleged violation of environmental law in which a defendant agrees to perform a wood stove or pellet stove replacement Supplemental Environmental Project, the Administrator shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a wood stove or pellet stove replacement Supplemental Environmental Project if the Administrator were precluded by law from accepting a wood stove or pellet stove replacement Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

SEC. 219. ENERGY STAR STANDARDS.

(a) ENERGY STAR.—Section 324A(c) of the Energy Policy and Conservation Act is amended—

(1) in paragraph (6)(B), by striking ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(8) not later than 18 months after the date of enactment of this paragraph, establish and implement a rating system for products identified as Energy Star products pursuant to this section to provide consumers with the most helpful information on the relative energy efficiency, including cost effectiveness from the consumer's perspective, and relative length of time for consumers to recover costs attributable to the energy efficient features, of those products, unless the Administrator and the Secretary communicate to Congress that establishing such a system would diminish the value of the Energy Star brand to consumers;

''(9)(A) review the Energy Star product criteria for the 10 product models in each product category with the greatest energy consumption at least once every 3 years; and

''(B) based on the review, update and publish the Energy Star product criteria for each such category, as necessary; and

''(10) require periodic verification of compliance with the Energy Star product criteria by products identified as Energy Star products pursuant to this section, including—

''(A) purchase and testing of products from the market; or

''(B) other appropriate testing and compliance approaches.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out the amendments made by this section $5,000,000 for fiscal year 2010 and for each fiscal year thereafter.

Subtitle C—Transportation Efficiency

SEC. 221. EMISSIONS STANDARDS.

Title VIII of the Clean Air Act, as added by section 331 of this Act, is amended by inserting after part A the following new part:

''PART B—MOBILE SOURCES

''SEC. 821. GREENHOUSE GAS EMISSION STANDARDS FOR MOBILE SOURCES.

''(a) NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES.—(1) Pursuant to section 202(a)(1), by December 31, 2010, the Administrator shall promulgate standards applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section). The Administrator may revise these standards from time to time.

''(2) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall contain standards that reflect the greatest degree of emissions reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, and, at a minimum, shall apply for a period no less than 3 model years beginning no earlier than the model year commencing 4 years after such regulations are promulgated.

''(3) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall supersede and satisfy any and all of the rulemaking and compliance requirements of section 32902(k) of title 49, United States Code.

''(4) Other than as specifically set forth in paragraph (3) of this subsection, nothing in this section shall affect or otherwise increase or diminish the authority of the Secretary of Transportation to adopt regulations to improve the overall fuel efficiency of the commercial goods movement system.

''(b) NONROAD VEHICLES AND ENGINES.—(1) Pursuant to section 213(a)(4) and (5), the Administrator shall identify those classes or categories of new nonroad vehicles or engines, or combinations of such classes or categories, that, in the judgment of the Administrator, both contribute significantly to the total emissions of greenhouse gases from nonroad engines and vehicles, and provide the greatest potential for significant and cost-effective reductions in emissions of greenhouse gases. The Administrator shall promulgate standards applicable to emissions of greenhouse gases from these new nonroad engines or vehicles by December 31, 2012. The Administrator shall also promulgate standards applicable to emissions of greenhouse gases for such other classes and categories of new nonroad vehicles and engines as the Administrator determines appropriate and in the timeframe the Administrator determines appropriate. The Administrator shall base such determination, among other factors, on the relative contribution of greenhouse gas emissions, and the costs for achieving reductions, from such classes or categories of new nonroad engines and vehicles. The Administrator may revise these standards from time to time.

''(2) Standards under section 213(a)(4) and (5) applicable to emissions of greenhouse gases from those classes or categories of new nonroad engines or vehicles identified in the first sentence of paragraph (1) of this subsection, shall achieve the greatest degree of emissions reduction achievable based on the application of technology which the Administrator determines will be available at the time such standards take effect, taking into consideration cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect at the earliest possible date after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period, the applicable compliance dates for other standards, and other appropriate factors, including the period of time appropriate for the transfer of applicable technology from other applications, including motor vehicles, and the period of time in which previously promulgated regulations have been in effect.

''(3) For purposes of this section and standards under section 213(a)(4) or (5) applicable to emissions of greenhouse gases, the term 'nonroad engines and vehicles' shall include non-internal combustion engines and the vehicles these engines power (such as electric engines and electric vehicles), for those non-internal combustion engines and vehicles which would be in the same category and have the same uses as nonroad engines and vehicles that are powered by internal combustion engines.

''(c) AVERAGING, BANKING, AND TRADING OF EMISSIONS CREDITS.—In establishing standards applicable to emissions of greenhouse gases pursuant to this section and sections 202(a), 213(a)(4) and (5), and 231(a), the Administrator may establish provisions for averaging, banking, and trading of greenhouse gas emissions credits within or across classes or categories of motor vehicles and motor vehicle engines, nonroad vehicles and engines (including marine vessels), and aircraft and aircraft engines, to the extent the Administrator determines appropriate and considering the factors appropriate in setting standards under those sections. Such provisions may include reasonable and appropriate provisions concerning generation, banking, trading, duration, and use of credits.

''(d) REPORTS.—The Administrator shall, from time to time, submit a report to Congress that projects the amount of greenhouse gas emissions from the transportation sector, including transportation fuels, for the years 2030 and 2050, based on the standards adopted under this section.

''(e) GREENHOUSE GASES.—Notwithstanding the provisions of section 711, hydrofluorocarbons shall be considered a greenhouse gas for purposes of this section.''.

SEC. 222. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

(a) ENVIRONMENTAL PROTECTION AGENCY.—Title VIII of the Clean Air Act, as added by section 331 of this Act, is further amended by inserting after part C the following new part:

''PART D—TRANSPORTATION EMISSIONS

''SEC. 841. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Transportation, shall promulgate, and update from time to time, regulations to establish national transportation-related greenhouse gas emissions reduction goals, standardized models and methodologies for use in developing surface transportation-related greenhouse gas emissions reduction targets pursuant to sections 134 and 135 of title 23 of the United States Code and methods for collection of data on transportation-related greenhouse gas emissions. Such goals shall be commensurate with the emissions reductions goals established under the American Clean Energy and Security Act of 2009. In establishing such goals, models, and methodologies, the Administrator shall consult with States and metropolitan planning organizations and may utilize existing models and methodologies.

''(b) TIMING.—The Administrator shall—

''(1) publish proposed regulations under subsection (a) not later than 12 months after the date of enactment of this section; and

''(2) promulgate final regulations under subsection (a) not later than 18 months after the date of enactment of this section.

''(c) ASSESSMENT.—At least every 6 years after promulgating final regulations under subsection (a), the Administrator, jointly with the Secretary of Transportation, shall assess current and projected progress in reducing national transportation-related greenhouse gas emissions. The assessment shall examine the contributions to emissions reductions attributable to improvements in vehicle efficiency, greenhouse gas performance of transportation fuels, increased efficiency in utilizing transportation systems and the effects of local and State planning.''.

(b) METROPOLITAN PLANNING ORGANIZATIONS.—Section 134 of title 23 of the United States Code is amended as follows:

(1) In subsection (a)(1)—

(A) by striking ''minimizing'' and inserting ''reducing''; and

(B) by inserting '', reliance on oil, impacts on the environment, transportation-related greenhouse gas emissions'' after ''consumption''.

(2) In subsection (h)(1)(E)—

(A) by inserting ''sustainability and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,'' after ''energy conservation'';

(B) by inserting ''and public health'' after ''quality of life''; and

(C) by inserting '', including housing and land use patterns'' after ''development patterns''.

(3) In subsection (i)(4)(A) by inserting ''air quality, public health, housing, transportation,'' after ''conservation,''.

(4) In subsection (k) by inserting at the end the following new paragraph:

''(6) EMISSIONS REDUCTION PROCESS.—

''(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies.

''(B) ESTABLISHMENT OF EMISSIONS REDUCTION TARGETS AND STRATEGIES.—

''(i) IN GENERAL.—Not later than one year after the promulgation of the final regulations required under section 841 of the Clean Air Act, each metropolitan planning organization shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet such targets, as part of the transportation planning process under this section. If more than one metropolitan planning organization has been designated within a metropolitan planning area serving a transportation management area, each such metropolitan planning organization shall work cooperatively with other such organization to develop the surface transportation-related greenhouse gas emission reduction targets required under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—Each metropolitan planning organization that develops targets and strategies required under clause (i) shall demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in each metropolitan planning area serving a surface transportation management area. The targets and strategies shall, at a minimum—

''(I) be based on the models and methodologies established in the final regulations required under section 841 of the Clean Air Act;

''(II) address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation-related greenhouse gas emissions reduction goals;

''(III) include efforts to increase public transportation ridership; and

''(IV) include efforts to increase walking, bicycling, and other forms of nonmotorized transportation.

''(C) PUBLIC NOTICE.—Each metropolitan planning organization shall make its emission reduction targets and strategies, and an analysis of the anticipated effects thereof, available to the public through its Web site.

''(D) ENFORCEMENT.—If the Secretary finds that a metropolitan planning organization has failed to develop, submit or publish its emission reduction targets and strategies, the Secretary shall not certify that the requirements of this section are met with respect to the metropolitan planning process of such organization.''.

(c) STATES.—Section 135 of title 23 of the United States Code is amended as follows:

(1) In subsection (d)(1)(E)—

(A) by inserting ''sustainability and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,'' after ''energy conservation'';

(B) by inserting ''and public health'' after ''quality of life''; and

(C) by inserting '', including housing and land use patterns'' after ''development patterns''.

(2) In subsection (f)(2)(D)(i) by inserting ''air quality, public health, housing, transportation,'' after ''conservation,''.

(3) In subsection (f) by inserting at the end the following new paragraph:

''(9) EMISSIONS REDUCTION PROCESS.—

''(A) IN GENERAL.—Within a State, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies.

''(B) ESTABLISHMENT OF EMISSIONS REDUCTION TARGETS AND STRATEGIES.—

''(i) IN GENERAL.—Not later than one year after the promulgation of the final regulations required under section 841 of the Clean Air Act, each State shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet such targets, as part of the transportation planning process under this section.

''(ii) MINIMUM REQUIREMENTS.—Each State that develops targets and strategies required under clause (i) shall demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in such State. The targets and strategies shall, at a minimum,

''(I) be based on the models and methodologies established in the final regulations required under section 841 of the Clean Air Act;

''(II) address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation-related greenhouse gas emissions reduction goals;

''(III) include efforts to increase public transportation ridership; and

''(IV) include efforts to increase walking, bicycling, and other forms of nonmotorized transportation.

''(D) PUBLIC NOTICE.—Each State shall make its emission reduction targets and strategies, and an analysis of the anticipated effects thereof, available to the public through its Web site.

''(E) ENFORCEMENT.—If the Secretary finds that a State has failed to develop, submit or publish its emission reduction targets and strategies, the Secretary shall not certify that the requirements of this section are met with respect to the statewide planning process of such State.''.

(d) DEPARTMENT OF TRANSPORTATION.—The Secretary of Transportation shall establish appropriate requirements, including performance measures, to ensure that transportation plans developed under sections 134 and 135 of title 23 of the United States Code sufficiently meet the requirements of this section, including achieving progress towards national transportation-related greenhouse gas emissions reduction goals.

SEC. 223. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

Part B of title VIII of the Clean Air Act, as added by section 221 of this Act is amended by adding after section 821 the following section:

''SEC. 822. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

''(a) IN GENERAL.—There is established within the Environmental Protection Agency a SmartWay Transport Program to quantify, demonstrate, and promote the benefits of technologies, products, fuels, and operational strategies that reduce petroleum consumption, air pollution, and greenhouse gas emissions from the mobile source sector.

''(b) GENERAL DUTIES.—Under the program established under this section, the Administrator shall carry out each of the following:

''(1) Development of measurement protocols to evaluate the energy consumption and greenhouse gas impacts from technologies and strategies in the mobile source sector, including those for passenger transport and goods movement.

''(2) Development of qualifying thresholds for certifying, verifying, or designating energy-efficient, low-greenhouse gas SmartWay technologies and strategies for each mode of passenger transportation and goods movement.

''(3) Development of partnership and recognition programs to promote best practices and drive demand for energy-efficient, low-greenhouse gas transportation performance.

''(4) Promotion of the availability of, and encouragement of the adoption of, SmartWay certified or verified technologies and strategies, and publication of the availability of financial incentives, such as assistance from loan programs and other Federal and State incentives.

''(c) SMARTWAY TRANSPORT FREIGHT PARTNERSHIP.—The Administrator shall establish a SmartWay Transport Freight Partnership program with shippers and carriers of goods to promote energy-efficient, low-greenhouse gas transportation. In carrying out such partnership, the Administrator shall undertake each of the following:

''(1) Certification of the energy and greenhouse gas performance of participating freight carriers, including those operating rail, trucking, marine, and other goods movement operations.

''(2) Publication of a comprehensive energy and greenhouse gas performance index of freight modes (including rail, trucking, marine, and other modes of transporting goods) and individual freight companies so that shippers can choose to deliver their goods more efficiently.

''(3) Development of tools for—

''(A) carriers to calculate their energy and greenhouse gas performance; and

''(B) shippers to calculate the energy and greenhouse gas impacts of moving their products and to evaluate the relative impacts from transporting their goods by different modes and corporate carriers.

''(4) Provision of recognition opportunities for participating shipper and carrier companies demonstrating advanced practices and achieving superior levels of greenhouse gas performance.

''(d) IMPROVING FREIGHT GREENHOUSE GAS PERFORMANCE DATABASES.—The Administrator shall, in coordination with other appropriate agencies, define and collect data on the physical and operational characteristics of the Nation's truck population, with special emphasis on data related to energy efficiency and greenhouse gas performance to inform the performance index published under subsection (c)(2) of this section, and other means of goods transport as necessary, at least every 5 years.

''(e) ESTABLISHMENT OF FINANCING PROGRAM.—The Administrator shall establish a SmartWay Financing Program to competitively award funding to eligible entities identified by the Administrator in accordance with the program requirements in subsection (g).

''(f) PURPOSE.—Under the SmartWay Financing Program, eligible entities shall—

''(1) use funds awarded by the Administrator to provide flexible loan and lease terms that increase approval rates or lower the costs of loans and leases in accordance with guidance developed by the Administrator; and

''(2) make such loans and leases available to public and private entities for the purpose of adopting low-greenhouse gas technologies or strategies for the mobile source sector that are designated by the Administrator.

''(g) PROGRAM REQUIREMENTS.—The Administrator shall determine program design elements and requirements, including—

''(1) the type of financial mechanism with which to award funding, in the form of grants or contracts;

''(2) the designation of eligible entities to receive funding, including State, tribal, and local governments, regional organizations comprised of governmental units, nonprofit organizations, or for-profit companies;

''(3) criteria for evaluating applications from eligible entities, including anticipated—

''(A) cost-effectiveness of loan or lease program on a metric-ton-of-greenhouse gas-saved-per-dollar basis;

''(B) ability to promote the loan or lease program and associated technologies and strategies to the target audience; and

''(4) reporting requirements for entities that receive awards, including—

''(A) actual cost-effectiveness and greenhouse gas savings from the loan or lease program based on a methodology designated by the Administrator;

''(B) the total number of applications and number of approved applications; and

''(C) terms granted to loan and lease recipients compared to prevailing market practices.

''(h) AUTHORIZATION OF APPROPRIATIONS.—Such sums as necessary are authorized to be appropriated to the Administrator to carry out this section.''.

SEC. 224. STATE VEHICLE FLEETS.

Section 507(o) of the Energy Policy Act of 1992 (42 U.S.C. 13257) is amended by adding the following new paragraph at the end thereof:

''(3) The Secretary shall revise the rules under this subsection with respect to the types of alternative fueled vehicles required for compliance with this subsection to ensure those rules are consistent with any guidance issued pursuant to section 303 of this Act.''.

Subtitle D—Industrial Energy Efficiency Programs

SEC. 241. INDUSTRIAL PLANT ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall continue to support the development of the American National Standards Institute (ANSI) voluntary industrial plant energy efficiency certification program, pending International Standards Organization (ISO) consensus standard 50001, and other related ANSI/ISO standards. In addition, the Department shall undertake complementary activities through the Department of Energy's Industry Technologies Program that support the voluntary implementation of such standards by manufacturing firms. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out these activities. The Secretary shall report to Congress on the status of standards development and plans for further standards development pursuant to this section by not later than 18 months after the date of enactment of this Act, and shall prepare a second such report 18 months thereafter.

SEC. 242. ELECTRIC AND THERMAL WASTE ENERGY RECOVERY AWARD PROGRAM.

(a) ELECTRIC AND THERMAL WASTE ENERGY RECOVERY AWARDS.—The Secretary of Energy shall establish a program to make monetary awards to the owners and operators of new and existing electric energy generation facilities or thermal energy production facilities using fossil or nuclear fuel, to encourage them to use innovative means of recovering any thermal energy that is a potentially useful byproduct of electric power generation or other processes to—

(1) generate additional electric energy; or

(2) make sales of thermal energy not used for electric generation, in the form of steam, hot water, chilled water, or desiccant regeneration, or for other commercially valid purposes.

(b) AMOUNT OF AWARDS.—

(1) ELIGIBILITY.—Awards shall be made under subsection (a) only for the use of innovative means that achieve net energy efficiency at the facility concerned significantly greater than the current standard technology in use at similar facilities.

(2) AMOUNT.—The amount of an award made under subsection (a) shall equal an amount up to the value of 25 percent of the energy projected to be recovered or generated during the first 5 years of operation of the facility using the innovative energy recovery method, or such lesser amount that the Secretary determines to be the minimum amount that can cost-effectively stimulate such innovation.

(3) LIMITATION.—No person may receive an award under this section if a grant under the waste energy incentive grant program under section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343) is made for the same energy savings resulting from the same innovative method.

(c) REGULATORY STATUS.—The Secretary of Energy shall—

(1) assist State regulatory commissions to identify and make changes in State regulatory programs for electric utilities to provide appropriate regulatory status for thermal energy byproduct businesses of regulated electric utilities to encourage those utilities to enter businesses making the sales referred to in subsection (a)(2); and

(2) encourage self-regulated utilities to enter businesses making the sales referred to in subsection (a)(2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as are necessary for the purposes of this section.

SEC. 243. CLARIFYING ELECTION OF WASTE HEAT RECOVERY FINANCIAL INCENTIVES.

Section 373(e) of the Energy Policy and Conservation Act (42 U.S.C. 6343(e)) is amended—

(1) by striking ''that qualifies for'' and inserting ''who elects to claim''; and

(2) by inserting ''from that project'' after ''for waste heat recovery''.

SEC. 244. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INTERESTED PARTIES.—The term ''interested parties'' includes—

(A) trade associations;

(B) motor manufacturers;

(C) motor end users;

(D) electric utilities; and

(E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

SEC. 245. MOTOR EFFICIENCY REBATE PROGRAM.

(a) IN GENERAL.—Part C of title III of the Energy Policy and Conservation Act (42 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 347. MOTOR EFFICIENCY REBATE PROGRAM.

''(a) ESTABLISHMENT.—Not later than January 1, 2010, in accordance with subsection (b), the Secretary shall establish a program to provide rebates for expenditures made by entities—

''(1) for the purchase and installation of a new electric motor that has a nominal full load efficiency that is not less than the nominal full load efficiency as defined in—

''(A) table 12–12 of NEMA Standards Publication MG 1–2006 for random wound motors rated 600 volts or lower; or

''(B) table 12–13 of NEMA Standards Publication MG 1–2006 for form wound motors rated 5000 volts or lower; and

''(2) to replace an installed motor of the entity the specifications of which are established by the Secretary by a date that is not later than 90 days after the date of enactment of this section.

''(b) REQUIREMENTS.—

''(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall

submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

''(A) demonstrated evidence that the entity purchased an electric motor described in subsection (a)(1) to replace an installed motor described in subsection (a)(2);

''(B) demonstrated evidence that the entity—

''(i) removed the installed motor of the entity from service; and

''(ii) properly disposed the installed motor of the entity; and

''(C) the physical nameplate of the installed motor of the entity.

''(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets each requirement under paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

''(A) the nameplate horsepower of the electric motor purchased by the entity in accordance with subsection (a)(1); and

''(B) $25.00.

''(3) PAYMENTS TO DISTRIBUTORS OF QUALIFYING ELECTRIC MOTORS.—To assist in the payment for expenses relating to processing and motor core disposal costs, the Secretary shall provide to the distributor of an electric motor described in subsection (a)(1), the purchaser of which received a rebate under this section, an amount equal to the product obtained by multiplying—

''(A) the nameplate horsepower of the electric motor; and

''(B) $5.00.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $80,000,000 for fiscal year 2011;

''(2) $75,000,000 for fiscal year 2012;

''(3) $70,000,000 for fiscal year 2013;

''(4) $65,000,000 for fiscal year 2014; and

''(5) $60,000,000 for fiscal year 2015.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part C of title III the following:

''Sec. 347. Motor efficiency rebate program.''.

SEC. 246. CLEAN ENERGY MANUFACTURING REVOLVING LOAN FUND PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 26 the following:

''SEC. 27. CLEAN ENERGY MANUFACTURING REVOLVING LOAN FUND PROGRAM.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To develop the long-term manufacturing capacity of the United States.

''(2) To create jobs through the retooling and expansion of manufacturing facilities to produce clean energy technology products and energy efficient products.

''(3) To improve the long-term competitiveness of domestic manufacturing by increasing the energy efficiency of manufacturing facilities.

''(4) To assist small and medium-sized manufacturers diversify operations to respond to emerging clean energy technology product markets.

''(b) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY PRODUCT.—The term 'clean energy technology product' means technology products relating to the following:

''(A) Wind turbines.

''(B) Solar energy.

''(C) Fuel cells.

''(D) Advanced batteries, battery systems, or storage devices.

''(E) Biomass equipment.

''(F) Geothermal equipment.

''(G) Advanced biofuels.

''(H) Ocean energy equipment.

''(I) Carbon capture and storage.

''(J) Such other products as the Secretary determines—

''(i) relate to the production, use, transmission, storage, control, or conservation of energy;

''(ii) reduce greenhouse gas concentrations;

''(iii) achieve the earliest and maximum emission reductions within a reasonable period per dollar invested;

''(iv) result in the fewest non-greenhouse gas environmental impacts; and

''(v) either—

''(I) reduce the need for additional energy supplies by—

''(aa) using existing energy supplies with greater efficiency; or

''(bb) by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

''(II) diversity the sources of energy supply of the United States—

''(aa) to strengthen energy security; and

''(bb) to increase supplies with a favorable balance of environmental effects if the entire technology system is considered.

''(2) ENERGY EFFICIENT PRODUCT.—The term 'energy efficient product' means a product that, as determined by the Secretary in consultation with the Secretary of Energy—

''(A) consumes significantly less energy than the average amount that all similar products consumed on the day before the date of the enactment of this Act; or

''(B) is a component, system, or group of subsystems that is designed, developed, and validated to optimize the energy efficiency of a product.

''(3) HOLLINGS MANUFACTURING EXTENSION CENTER.—The term 'Hollings Manufacturing Extension Center' means a center established under section 25.

''(4) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—The term 'Hollings Manufacturing Partnership Program' means the program established under sections 25 and 26.

''(5) PROGRAM.—The term 'Program' means the grant program established pursuant to subsection (c)(1).

''(6) REVOLVING LOAN FUND.—The term 'revolving loan fund' means a revolving loan fund described in subsection (d).

''(7) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Commerce.

''(8) SMALL OR MEDIUM-SIZED MANUFACTURER.—The term 'small or medium-sized manufacturer' means a manufacturer that employs fewer than 500 full-time equivalent employees at a manufacturing facility that is not owned or controlled by an automobile manufacturer.

''(c) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish a program under which the Secretary shall award grants to States to establish revolving loan funds to provide loans to small and medium-sized manufacturers to finance the cost of—

''(A) reequipping, expanding, or establishing (including applicable engineering costs) a manufacturing facility in the United States to produce—

''(i) clean energy technology products;

''(ii) energy efficient products; or

''(iii) integral component parts of clean energy technology products or energy efficient products; or

''(B) reducing the energy intensity or greenhouse gas production of a manufacturing facility in the United States, including using energy intensive feedstocks.

''(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under the Program in an amount that exceeds $500,000,000 in any fiscal year.

''(d) CRITERIA FOR AWARDING GRANTS.—

''(1) MATCHING FUNDS.—The Secretary may make a grant to a State under the Program only if the State agrees to ensure that for each loan provided by the State under the Program, not less than 20 percent of the amount of each loan will come from a non-Federal source.

''(2) ADMINISTRATIVE COSTS.—A State receiving a grant under the Program may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

''(3) APPLICATION.—Each State seeking a grant under the Program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

''(4) EVALUATION.—The Secretary shall evaluate and prioritize an application submitted by a State for a grant under the Program on the basis of—

''(A) the description of the revolving loan fund to be established with the grant and how such revolving loan fund will achieve the purposes described in subsection (a);

''(B) whether the State will be able to provide loans from the revolving loan fund to small or medium-sized manufacturers before the date that is 120 days after the date on which the State receives the grant;

''(C) a description of how the State will administer the revolving loan fund in coordination with other State and Federal programs, including programs administered by the Assistant Secretary for Economic Development;

''(D) a description of the actual or potential clean energy manufacturing supply chains, including significant component parts, in the region served by the revolving loan fund;

''(E) how the State will target the provision of loans under the Program to manufacturers located in regions characterized by high unemployment and sudden and severe economic dislocation, in particular where mass layoffs have resulted in a precipitous increase in unemployment;

''(F) the availability of a skilled manufacturing workforce in the region served by the revolving loan fund and the capacity of the region's workforce and education systems to provide pathways for unemployed or low-income workers into skilled manufacturing employment;

''(G) a description of how the State will target loans to small or medium-sized manufacturers who are—

''(i) manufacturers of automobile components; and

''(ii) either—

''(I) increasing the energy efficiency of their manufacturing facilities; or

''(II) retooling to manufacture clean energy products or energy efficient products, including manufacturing components to improve the compliance of an automobile with fuel economy standards prescribed under section 32902 of title 49, United States Code;

''(H) a description of how the State will use the loan fund to achieve the earliest and maximum greenhouse gas emission reductions within a reasonable period of time per

dollar invested and with the fewest nongreenhouse gas environmental impacts; and

''(I) such other factors as the Secretary considers appropriate to ensure that grants awarded under the Program effectively and efficiently achieve the purposes described in subsection (a).

''(e) REVOLVING LOAN FUNDS.—

''(1) IN GENERAL.—A State receiving a grant under the Program shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

''(2) DEPOSITS.—A revolving loan fund shall consist of the following:

''(A) Amounts from grants awarded under this section.

''(B) All amounts held or received by the State incident to the provision of loans described in subsection (f), including all collections of principal and interest.

''(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (f).

''(4) LIMITATION.—No funds provided pursuant to this section may be leveraged through use of tax-exempt bonding authority by a State or a political subdivision of a State.

''(f) LOANS.—

''(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to provide loans to small and medium-sized manufacturers as described in subsection (c)(1).

''(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

''(A) TERMS.—Loans shall have a term determined by the State receiving the grant as follows:

''(i) For fixed assets, the term of the loan shall not exceed the useful life of the asset and shall be less than 15 years.

''(ii) For working capital, the term of the loan shall not exceed 36 months.

''(B) INTEREST RATES.—Loans shall bear an interest rate determined by the State receiving the grant as follows:

''(i) The interest rate shall enable the loan recipient to accomplish the activities described in subparagraphs (A) and (B) of subsection (c)(1).

''(ii) The interest rate may be set below-market interest rates.

''(iii) The interest rate may not be less than zero percent.

''(iv) The interest rate may not exceed the current prime rate plus 500 basis points.

''(C) DESCRIPTION AND BUDGET FOR USE OF LOAN FUNDS.—Each recipient of a loan from a State under the Program shall develop and submit to the State and the Secretary a description and budget for the use of loan amounts, including a description of the following:

''(i) Any new business expected to be developed with the loan.

''(ii) Any improvements to manufacturing operations to be developed with the loan.

''(iii) Any technology expected to be commercialized with the loan.

''(D) PRIORITY IN REVIEW AND PREFERENCE IN SELECTION FOR CERTAIN LOAN APPLICANTS.—

''(i) REVIEW.—In reviewing applications submitted by small or medium-sized manufacturers for a loan, a recipient of a grant under the Program shall give priority to small or medium-sized manufacturers described in clause (iii).

''(ii) SELECTION.—In selecting small or medium-sized manufacturers to receive a loan, a recipient of a grant under the Program shall give preference to small or medium-sized manufacturers described in clause (iii).

''(iii) PRIORITY AND PREFERRED SMALL OR MEDIUM-SIZED MANUFACTURERS.—A small or medium-sized manufacturer described in this clause is a manufacturer that—

''(I) is certified by a Hollings Manufacturing Extension Center or a manufacturing-related local intermediary designated by the Secretary for purposes of providing such certification; or

''(II) provides individuals employed at the manufacturing facilities of the manufacturer—

''(aa) pay in amounts that are, on average, equal to or more than the average wage of an individual working in a manufacturing facility in the State; and

''(bb) health benefits.

''(iv) CERTIFICATION BY HOLLINGS MANUFACTURING EXTENSION CENTER.—A Hollings Manufacturing Extension Center or other entity designated by the Secretary for purposes of providing certification under clause (iii)(I) shall only certify applications for a loan after carrying out a qualitative and quantitative review of the applicant's business strategy, manufacturing operations, and technological ability to contribute to the purposes described in subsection (a).

''(E) REPAYMENT UPON RELOCATION OUTSIDE UNITED STATES.—

''(i) IN GENERAL.—If a person receives a loan under paragraph (1) to finance the cost of reequipping, expanding, or establishing a manufacturing facility as described in subsection (c)(1)(A) or to reduce the energy intensity of a manufacturing facility and such person relocates the production activities of such manufacturing facility outside the United States during the term of the loan, the recipient shall repay such loan in full with interest as described in clause (ii) and for a duration described in clause (iii).

''(ii) PAYMENT OF INTEREST.—Any amount owed by the recipient of a loan under paragraph (1) who is required to repay the loan under clause (i) shall bear interest at a penalty rate determined by the Secretary to deter recipients of loans under paragraph (1) from relocating production activities as described in clause (i).

''(iii) PERIOD OF REPAYMENT.—Repayment of a loan under clause (i) shall be for a duration determined by the Secretary.

''(F) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Each recipient of a loan shall undertake and agree to incorporate or cause to be incorporated into all contracts for construction, alteration or repair, which are paid for in whole or in part with funds obtained pursuant to such loan, a requirement that all laborers and mechanics employed by contractors and subcontractors performing construction, alteration or repair shall be paid wages at rates not less than those determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code (known as the 'Davis-Bacon Act'), to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the same locality in which the work is to be performed. The Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

''(G) ANNUAL REPORTS BY LOAN RECIPIENTS.—Each recipient of a loan issued by a State under paragraph (1) shall, not less frequently than once each year during the term of the loan, submit to such State a report containing such information as the Secretary may specify for purposes of the Program, including information that the Secretary can use to determine whether a recipient of a loan is required to repay the loan under subparagraph (E).

''(3) ANNUAL REPORTS BY GRANT RECIPIENTS.—Each recipient of a grant under the Program shall, not less frequently than once each year, submit to the Secretary a report on the impact of each loan issued by the State under the Program and the aggregate impact of all loans so issued, including the following:

''(A) The sales increased or retained.

''(B) Cost savings or costs avoided.

''(C) Additional investment encouraged.

''(D) Jobs created or retained.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000,000 for each of fiscal years 2010 and 2011.''.

SEC. 247. CLEAN ENERGY AND EFFICIENCY MANUFACTURING PARTNERSHIPS.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the establishment of a clean energy manufacturing supply chain initiative—

''(A) to support manufacturers in their identification of and diversification to new markets, including support for manufacturers transitioning to the use of clean energy supply chains;

''(B) to assist manufacturers improve their competitiveness by reducing energy intensity and greenhouse gas production, including the use of energy intensive feedstocks;

''(C) to increase adoption and implementation of innovative manufacturing technologies;

''(D) to coordinate and leverage the expertise of the National Laboratories and Technology Centers and the Industrial Assessment Centers of the Department of Energy to meet the needs of manufacturers; and

''(E) to identify, assist, and certify manufacturers seeking loans under section 27(e)(1).''.

(b) REDUCTION IN COST SHARE REQUIREMENTS.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended—

(1) in paragraph (1), by inserting ''or as provided in paragraph (5)'' after ''not to exceed six years'';

(2) in paragraph (3)(B), by striking ''not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years'' and inserting ''50 percent of the costs incurred or such lesser percentage of the costs incurred as determined appropriate by the Secretary by rule''; and

(3) in paragraph (5)—

(A) by striking ''at declining levels'';

(B) by striking ''one third'' and inserting ''50 percent''; and

(C) by inserting '', or such lesser percentage as determined appropriate by the Secretary by rule,'' after ''maintenance costs''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Hollings Manufacturing Partnership Program authorized under sections 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and for the provision of assistance under section 26 of such Act (15 U.S.C. 278*l*)—

(1) $200,000,000 for fiscal year 2010;
(2) $250,000,000 for fiscal year 2011;
(3) $300,000,000 for fiscal year 2012;
(4) $350,000,000 for fiscal year 2013; and
(5) $400,000,000 for fiscal year 2014.

SEC. 248. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k(b)) is amended—

(1) in subsection (a), by striking ''(hereafter in this Act referred to as the 'Centers')''; and

(2) by adding at the end the following:

''(g) DESIGNATION.—

''(1) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—The program under this section shall be known as the 'Hollings Manufacturing Partnership Program'.

''(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the 'Hollings Manufacturing Extension Centers' (in this Act referred to as the 'Centers').''.

(b) AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108–09447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' by striking ''2007: *Provided further*, That'' and all that follows through ''Extension Centers.'' and inserting ''2007.''.

Subtitle E—Improvements in Energy Savings Performance Contracting

SEC. 251. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—

(1) COMPETITION REQUIREMENTS.—Subsection (a) of section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following paragraph:

''(3)(A) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

''(i) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting an expression of interest in performing site surveys or investigations and feasibility designs and studies and the submission of qualifications from such contractors, and including in such notice summary information concerning energy use for any facilities that the agency has specific interest in including in such contract;

''(ii) reviewing all expressions of interest and qualifications submitted pursuant to the notice under clause (i);

''(iii) selecting two or more contractors (from among those reviewed under clause (ii)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including requesting references demonstrating experience on similar efforts and the resulting energy savings of such similar efforts, and providing an opportunity for a post-award debriefing to all contractors that submitted expressions of interest and qualifications under clause (ii) pursuant to the notice;

''(iv) selecting and authorizing—

''(I) more than one contractor (from among those selected under clause (iii)) to conduct site surveys, investigations, feasibility designs and studies or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

''(II) one contractor (from among those selected under clause (iii)) to conduct a site survey, investigation, a feasibility design and study or similar for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

''(v) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under clause (iv) based on the energy conservation measures identified; and

''(vi) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

''(B) The issuance of a task or delivery order for energy savings performance contracting services pursuant to subparagraph (A) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

''(C) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is inapplicable to task or delivery orders issued before the date of enactment of this section.

(b) INCLUSION OF THERMAL RENEWABLE ENERGY.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking ''electric''; and

(2) in subsection (b)(2), by inserting ''or thermal'' after ''means electric''.

(c) CREDIT FOR RENEWABLE ENERGY PRODUCED AND USED ON SITE.—Subsection (c) of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended to read as follows:

''(c) CALCULATION.—Renewable energy produced at a Federal facility, on Federal lands, or on Indian lands (as defined in title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.)) shall be calculated separately from renewable energy consumed at a Federal facility, and each may be used to comply with the consumption requirement under subsection (a).''.

(d) FINANCING FLEXIBILITY.—Section 801(a)(2)(E) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(E)) is amended by striking ''In'' and inserting ''Notwithstanding any other provision of law, in''.

Subtitle F—Public Institutions

SEC. 261. PUBLIC INSTITUTIONS.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in subsection (a)(5), by striking ''or a designee'' and inserting ''an Indian tribe, a not-for-profit hospital or not-for-profit inpatient health care facility, or a designated agent'';

(2) in subsection (c)(1), by striking subparagraph (C);

(3) in subsection (f)(3)(A), by striking ''$1,000,000'' and inserting ''$2,500,000''; and

(4) in subsection (i)(1), by striking ''$250,000,000 for each of fiscal years 2009 through 2013'' and inserting ''$250,000,000 for each of fiscal years 2010 through 2015''.

SEC. 262. COMMUNITY ENERGY EFFICIENCY FLEXIBILITY.

Section 545(b)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17155(b)(3)) is amended—

(1) by striking ''Indian tribe may use'' and all that follows through ''for administrative expenses'' and inserting ''Indian tribe may use for administrative expenses'';

(2) by striking subparagraphs (B) and (C);

(3) by redesignating the remaining clauses (i) and (ii) as subparagraphs (A) and (B), respectively and adjusting the margin of those subparagraphs accordingly; and

(4) by striking the semicolon at the end and inserting a period.

SEC. 263. SMALL COMMUNITY JOINT PARTICIPATION.

(a) Section 541(3)(A) of the Energy Independence and Security Act of 2007 is amended in clause (i) by striking ''and'' at the end of subclause (II), in clause (ii) by striking the period at the end of subclause (II) and inserting ''; or'', and by inserting the following new clause (iii):

''(iii) a group of adjacent, contiguous, or geographically proximate units of local government that reach agreement to act jointly for purposes of this section and that represent a combined population of not less than 35,000.''.

(b) Section 541(3)(B) of the Energy Independence and Security Act of 2007 is amended in clause (i) by striking ''or'', in clause (ii) by striking the period at the end and inserting ''; or'', and by inserting the following new clause (iii):

''(iii) a group of adjacent, contiguous, or geographically proximate units of local government that reach agreement to act jointly for purposes of this section and that represent a combined population of not less than 50,000.''.

SEC. 264. LOW INCOME COMMUNITY ENERGY EFFICIENCY PROGRAM.

(a) IN GENERAL.—The Secretary of Energy is authorized to make grants to private, nonprofit, mission-driven community development organizations including community development corporations and community development financial institutions to provide financing to businesses and projects that improve energy efficiency; identify and develop alternative, renewable, and distributed energy supplies; provide technical assistance and promote job and business opportunities for low-income residents; and increase energy conservation in low income rural and urban communities.

(b) GRANTS.—The purpose of such grants is to increase the flow of capital and benefits to low income communities, minority-owned and woman-owned businesses and entrepreneurs and other projects and activities located in low income communities in order to reduce environmental degradation, foster energy conservation and efficiency and create job and business opportunities for local residents. The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative, renewable, and distributed energy supplies;

(2) capitalizing loan funds that lend to energy efficiency projects and energy conservation programs;

(3) technical assistance to plan, develop, and manage an energy efficiency financing program; and

(4) technical and financial assistance to assist small-scale businesses and private entities develop new renewable and distributed sources of power or combined heat and power generation.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there is authorized to be appropriated $50,000,000 for each of the fiscal years 2010 through 2015.

SEC. 265. CONSUMER BEHAVIOR RESEARCH.

(a) IN GENERAL.—The Secretary of Energy is authorized to establish a research program to identify the factors affecting consumer actions to conserve energy and make improvements in energy efficiency. Through the program the Secretary will make grants to public and private institutions of higher education to study the effects of consumer behavior on total energy use; potential energy savings from changes in consumption habits; the ability to reduce greenhouse gas emissions through changes in energy consumption habits; increase public awareness of Federal climate adaptation and mitigation programs; and the potential for alterations in consumer behavior to further American energy independence. Grants may also fund projects that evaluate or inform public knowledge of the effects of energy consumption habits on these topics.

(b) GRANTS.—The purpose of the program is to provide grants to public and private institutions of higher education to carry out projects which will improve understanding of the effects of consumer behavior on energy consumption and conservation. The Secretary shall make grants on a competitive basis for—

(1) studies of the effects of consumer habits on energy consumption and conservation;

(2) development of strategies that communicate the importance of energy efficiency and conservation to consumers;

(3) identification of best practices to improve consumer energy use habits;

(4) education programs that inform consumers about the implications of consumption habits on energy use and climate change;

(5) evaluation of the effectiveness of programs designed to promote public awareness of Federal Government climate adaptation and mitigation activities; and

(6) other projects that advance the mission of the program.

(c) REPORT.—The Secretary of Energy shall provide Congress with a report on progress towards establishing the program within 120 days after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle G—Miscellaneous

SEC. 271. ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended to read as follows:

''SEC. 543. ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the American Clean Energy and Security Act of 2009, each Federal agency shall collaborate with the Director of the Office of Management and Budget (referred to in this section as the 'Director') to create an implementation strategy, including best practices and measurement and verification techniques, for the purchase and use of energy efficient information and communications technologies and practices. Wherever possible, existing standards, specifications, performance metrics, and best management practices that have been or are being developed in open collaboration and with broad stakeholder input and review should be incorporated. In addition, agency strategies shall be flexible, cost-effective, and based on the specific operating requirements and statutory mission of each agency.

''(b) ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.—In developing an implementation strategy, each agency shall—

''(1) consider information and communications technologies and infrastructure, including, but not limited to, advanced metering infrastructure, information and communications technology services and products, efficient data center strategies, applications modernization and rationalization, building systems energy efficiency, and telework; and

''(2) ensure that agencies are eligible to realize the savings and rewards brought about through increased efficiencies.

''(c) PERFORMANCE GOALS.—Not later than 6 months after the date of enactment of the American Clean Energy and Security Act of 2009, the Director shall establish performance goals for evaluating the efforts of the agencies in improving the maintenance, purchase and use of energy efficiency of information and communications technology systems. These performance goals should measure information technology costs over a specific time horizon (3 to 5 years), providing a complete picture of all costs, including energy.

''(d) REPORT.—Not later than 18 months after the date of enactment of the American Clean Energy and Security Act of 2009, and annually thereafter, the Director shall submit a report to Congress on—

''(1) the progress of each agency in reducing energy use through its implementation strategy; and

''(2) new and emerging technologies that would help achieve increased energy efficiency.''.

SEC. 272. NATIONAL ENERGY EFFICIENCY GOALS.

(a) GOALS.—The energy efficiency goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary''), in cooperation with the Administrator and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) identify future regulatory, funding, and policy priorities that would assist the United States in meeting the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND THE PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 273. AFFILIATED ISLAND ENERGY INDEPENDENCE TEAM.

(a) DEFINITIONS.—In this section:

(1) AFFILIATED ISLAND.—The term ''affiliated island'' means—

(A) the Commonwealth of Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands;

(G) the Republic of Palau; and

(H) the United States Virgin Islands.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy (acting through the Assistant Secretary of Energy Efficiency and Renewable Energy), in consultation with the Secretary of the Interior and the Secretary of State.

(3) TEAM.—The term ''team'' means the team established by the Secretary under subsection (b).

(b) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall assemble a team of technical, policy, and financial experts to address the energy needs of each affiliated island—

(1) to reduce the reliance and expenditure of each affiliated island on imported fossil fuels;

(2) to increase the use by each affiliated island of indigenous, nonfossil fuel energy sources;

(3) to improve the performance of the energy infrastructure of the affiliated island through projects—

(A) to improve the energy efficiency of power generation, transmission, and distribution; and

(B) to increase consumer energy efficiency;

(4) to improve the performance of the energy infrastructure of each affiliated island through enhanced planning, education, and training;

(5) to adopt research-based and public-private partnership-based approaches as appropriate;

(6) to stimulate economic development and job creation; and

(7) to enhance the engagement by the Federal Government in international efforts to address island energy needs.

(c) DUTIES OF TEAM.—

(1) ENERGY ACTION PLANS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the team shall provide technical, programmatic, and financial assistance to each utility of each affiliated island, and the government of each affiliated island, as appropriate, to develop and implement an energy Action Plan for each affiliated island to reduce the reliance of each affiliated island on imported fossil fuels through increased efficiency and use of indigenous clean-energy resources.

(B) REQUIREMENTS.—Each Action Plan described in subparagraph (A) for each affiliated island shall require and provide for—

(i) the conduct of 1 or more studies to assess opportunities to reduce fossil fuel use through—

(I) the improvement of the energy efficiency of the affiliated island; and

(II) the increased use by the affiliated island of indigenous clean-energy resources;

(ii) the identification and implementation of the most cost-effective strategies and projects to reduce the dependence of the affiliated island on fossil fuels;

(iii) the promotion of education and training activities to improve the capacity of the local utilities of the affiliated island, and the government of the affiliated island, as appropriate, to plan for, maintain, and operate the energy infrastructure of the affiliated island through the use of local or regional institutions, as appropriate;

(iv) the coordination of the activities described in clause (iii) to leverage the expertise and resources of international entities, the Department of Energy, the Department of the Interior, and the regional utilities of the affiliated island;

(v) the identification, and development, as appropriate, of research-based and private-public, partnership approaches to implement the Action Plan; and

(vi) any other component that the Secretary determines to be necessary to reduce successfully the use by each affiliated island of fossil fuels.

(2) REPORTS TO SECRETARY.—Not later than 1 year after the date on which the Secretary establishes the team and biennially thereafter, the team shall submit to the Secretary a report that contains a description of the progress of each affiliated island in—

(A) implementing the Action Plan of the affiliated island developed under paragraph (1)(A); and

(B) reducing the reliance of the affiliated island on fossil fuels.

(d) USE OF REGIONAL UTILITY ORGANIZATIONS.—To provide expertise to affiliated islands to assist the affiliated islands in meeting the purposes of this section, the Secretary shall consider—

(1) including regional utility organizations in the establishment of the team; and

(2) providing assistance through regional utility organizations.

(e) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives a report submitted by the team under subsection (c)(2), the Secretary shall submit to the appropriate committees of Congress a report that contains a summary of the report of the team.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 274. PRODUCT CARBON DISCLOSURE PROGRAM.

(a) EPA STUDY.—The Administrator shall conduct a study to determine the feasibility of establishing a national program for measuring, reporting, publicly disclosing, and labeling products or materials sold in the United States for their carbon content, and shall, not later than 18 months after the date of enactment of this Act, transmit a report to Congress which shall include the following:

(1) A determination of whether a national product carbon disclosure program and labeling program would be effective in achieving the intended goals of achieving greenhouse gas reductions and an examination of existing programs globally and their strengths and weaknesses.

(2) Criteria for identifying and prioritizing sectors and products and processes that should be covered in such program or programs.

(3) An identification of products, processes, or sectors whose inclusion could have a substantial carbon impact (prioritizing industrial products such as iron and steel, aluminum, cement, chemicals, and paper products, and also including food, beverage, hygiene, cleaning, household cleaners, construction, metals, clothing, semiconductor, and consumer electronics).

(4) Suggested methodology and protocols for measuring the carbon content of the products across the entire carbon lifecycle of such products for use in a carbon disclosure program and labeling program.

(5) A review of existing greenhouse gas product accounting standards, methodologies, and practices including the Greenhouse Gas Protocol, ISO 14040/44, ISO 14067, and Publically Available Specification 2050, and including a review of the strengths and weaknesses of each.

(6) A survey of secondary databases including the Manufacturing Energy Consumption Survey and evaluate the quality of data for use in a product carbon disclosure program and product carbon labeling program and an identification of gaps in the data relative to the potential purposes of a national product carbon disclosure program and product carbon labeling program and development of recommendations for addressing these data gaps.

(7) An assessment of the utility of comparing products and the appropriateness of product carbon standards.

(8) An evaluation of the information needed on a label for clear and accurate communication, including what pieces of quantitative and qualitative information needs to be disclosed.

(9) An evaluation of the appropriate boundaries of the carbon lifecycle analysis for different sectors and products.

(10) An analysis of whether default values should be developed for products whose producer does not participate in the program or does not have data to support a disclosure or label and determine best ways to develop such default values.

(11) A recommendation of certification and verification options necessary to assure the quality of the information and avoid greenwashing or the use of insubstantial or meaningless environmental claims to promote a product.

(12) An assessment of options for educating consumers about product carbon content and the product carbon disclosure program and product carbon labeling program.

(13) An analysis of the costs and timelines associated with establishing a national product carbon disclosure program and product carbon labeling program, including options for a phased approach. Costs should include those for businesses associated with the measurement of carbon footprints and those associated with creating a product carbon label and managing and operating a product carbon labeling program, and options for minimizing these costs.

(14) An evaluation of incentives (such as financial incentives, brand reputation, and brand loyalty) to determine whether reductions in emissions can be accelerated through encouraging more efficient manufacturing or by encouraging preferences for lower-emissions products to substitute for higher-emissions products whose level of performance is no better.

(b) DEVELOPMENT OF NATIONAL CARBON DISCLOSURE PROGRAM.—Upon conclusion of the study, and not more than 36 months after the date of enactment of this Act, the Administrator shall establish a national product carbon disclosure program, participation in which shall be voluntary, and which may involve a product carbon label with broad applicability to the wholesale and consumer markets to enable and encourage knowledge about carbon content by producers and consumers and to inform efforts to reduce energy consumption (carbon dioxide equivalent emissions) nationwide. In developing such a program, the Administrator shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider existing and planned programs and proposals and measurement standards (including the Publicly Available Specification 2050, standards to be developed by the World Resource Institute/World Business Council for Sustainable Development, the International Standards Organization, and the bill AB19 pending in the California legislature);

(3) consider the compatibility of a national product carbon disclosure program with existing programs;

(4) utilize incentives and other means to spur the adoption of product carbon disclosure and product carbon labeling;

(5) develop protocols and parameters for a product carbon disclosure program, including a methodology and formula for assessing, verifying, and potentially labeling a product's greenhouse gas content, and for data quality requirements to allow for product comparison;

(6) create a means to—

(A) document best practices;

(B) ensure clarity and consistency;

(C) work with suppliers, manufacturers, and retailers to encourage participation;

(D) ensure that protocols are consistent and comparable across like products; and

(E) evaluate the effectiveness of the program;

(7) make publicly available information on product carbon content to ensure transparency;

(8) provide for public outreach, including a consumer education program to increase awareness;

(9) develop training and education programs to help businesses learn how to measure and communicate their carbon footprint and easy tools and templates for businesses to use to reduce cost and time to measure their products' carbon lifecycle;

(10) consult with the Secretary of Energy, the Secretary of Commerce, the Federal Trade Commission, and other Federal agencies, as necessary;

(11) gather input from stakeholders through consultations, public workshops or hearings with representatives of consumer product manufacturers, consumer groups, and environmental groups;

(12) utilize systems for verification and product certification that will ensure that claims manufacturers make about their products are valid;

(13) create a process for reviewing the accuracy of product carbon label information and protecting the product carbon label in the case of a change in the product's energy source, supply chain, ingredients, or other factors, and specify the frequency to which data should be updated; and

(14) develop a standardized, easily understandable carbon label, if appropriate, and create a process for responding to inaccuracies and misuses of such a label.

(c) REPORT TO CONGRESS.—Not later than 5 years after the program is established pursuant to subsection (b), the Administrator

shall report to Congress on the effectiveness and impact of the program, the level of voluntary participation, and any recommendations for additional measures.

(d) DEFINITIONS.—As used in this section—

(1) the term ''carbon content'' means the amount of greenhouse gas emissions and their warming impact on the atmosphere expressed in carbon dioxide equivalent associated with a product's value chain;

(2) the term ''carbon footprint'' means the level of greenhouse gas emissions produced by a particular activity, service, or entity; and

(3) the term ''carbon lifecycle'' means the greenhouse gas emissions that are released as part of the processes of creating, producing, processing or manufacturing, modifying, transporting, distributing, storing, using, recycling, or disposing of goods and services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $5,000,000 for the study required by subsection (a) and $25,000,000 for each of fiscal years 2010 through 2025 for the program required under subsection (b).

SEC. 275. INDUSTRIAL ENERGY EFFICIENCY EDUCATION AND TRAINING INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall carry out a national education and awareness program for the purpose of informing building, facility, and industrial plant owners and managers and decisionmakers, government leaders, and industry leaders about the large energy-saving potential of greater use of mechanical insulation, and other benefits.

(b) PURPOSE AND GOALS.—

(1) PURPOSE.—The purpose of the initiative shall be to increase the energy efficiency of the commercial and industrial sectors through an ongoing program that will include—

(A) education and training sessions;

(B) Web-based information; and

(C) advertising.

(2) GOALS.—The goals of the initiative shall be to—

(A) educate and motivate commercial building owners and industrial facility managers to utilize mechanical insulation in new and existing facilities;

(B) preserve and create jobs while reducing energy and greenhouse gas emissions;

(C) create a safer working environment and make businesses more competitive in a global economy; and

(D) motivate and empower the industry to make better use of mechanical insulation through awareness, education, and training.

(c) REPORT.—Not later than July 1, 2013, the Secretary shall submit to Congress a report describing the extent by which the initiative has been enacted and the actual and projected effectiveness of the program under this section, including the energy efficiency, greenhouse gas emissions reductions, cost savings, and safety benefits at manufacturing facilities, power plants, refineries, hospitals, universities, government buildings, and other commercial and industrial locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,500,000 for each of fiscal years 2010 through 2014 to carry out this section. The Secretary may enter into a cooperative agreement, including grant funding, with an industry association and union working collaboratively and having expertise on the installation, maintenance, measure of efficiencies and standards, and certification of mechanical insulation in buildings and facilities.

(e) TERMINATION OF AUTHORITY.—The program carried out under this section shall terminate on December 31, 2014.

SEC. 276. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) continue to actively promote, within the International Civil Aviation Organization, the development of a global framework for the regulation of greenhouse gas emissions from civil aircraft that recognizes the uniquely international nature of the industry and treats commercial aviation industries in all countries fairly; and

(2) work with foreign governments towards a global agreement that reconciles foreign carbon emissions reduction programs to minimize duplicative requirements and avoids unnecessary complication for the aviation industry, while still achieving the environmental goals.

Subtitle H—Green Resources for Energy Efficient Neighborhoods

SEC. 281. SHORT TITLE.

This subtitle may be cited as the ''Green Resources for Energy Efficient Neighborhoods Act of 2009'' or the ''GREEN Act of 2009''.

SEC. 282. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) GREEN BUILDING STANDARDS.—The term ''green building standards'' means standards to require use of sustainable design principles to reduce the use of nonrenewable resources, encourage energy-efficient construction and rehabilitation and the use of renewable energy resources, minimize the impact of development on the environment, and improve indoor air quality.

(2) HUD.—The term ''HUD'' means the Department of Housing and Urban Development.

(3) HUD ASSISTANCE.—The term ''HUD assistance'' means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(4) NONRESIDENTIAL STRUCTURE.—The term ''nonresidential structures'' means only nonresidential structures that are appurtenant to single-family or multifamily housing residential structures, or those that are funded by the Secretary of Housing and Urban Development through the HUD Community Development Block Grant program.

(5) SECRETARY.—The term ''Secretary'', unless otherwise specified, means the Secretary of Housing and Urban Development.

SEC. 283. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

(b) REQUIREMENT FOR APPROPRIATION OF FUNDS.—The requirement under subsection (a) for the Secretary to provide annual energy efficiency participation incentives pursuant to the provisions of this subtitle shall be subject to the annual appropriation of necessary funds.

SEC. 284. BASIC HUD ENERGY EFFICIENCY STANDARDS AND STANDARDS FOR ADDITIONAL CREDIT.

(a) BASIC HUD STANDARD.—

(1) RESIDENTIAL STRUCTURES.—A residential single-family or multifamily structure shall be considered to comply with the energy efficiency standards under this subsection if—

(A) the structure complies with an energy efficiency building code that has been certified as in compliance with section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) as amended by section 201 of this Act, or a national energy efficiency building code adopted pursuant to that section;

(B) the structure complies with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2007, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(C) the structure complies with the applicable provisions of the 2009 International Energy Conservation Code, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(D) in the case only of an existing structure, where determined cost effective, the structure has undergone rehabilitation or improvements, completed after the date of the enactment of this Act, and the energy consumption for the structure has been reduced by at least 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption; or

(E) the structure complies with the applicable provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary may adopt and apply by regulation, as may be necessary, for purposes of this section for specific types of residential single-family or multifamily structures or otherwise, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklists, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

In addition to compliance with any of subparagraphs (A) through (E), the Secretary shall by regulation require, for any newly constructed residential single-family or multifamily structure to be considered to comply with the energy efficiency standards under this subsection, that the structure have appropriate electrical outlets with the facility and capacity to recharge a standard electric passenger vehicle, including an electric hybrid vehicle, where such vehicle would normally be parked.

(2) NONRESIDENTIAL STRUCTURES.—For purposes of this section, the Secretary shall identify and adopt by regulation, as may be necessary, energy efficiency requirements, standards, checklists, or rating systems applicable to nonresidential structures that are constructed or rehabilitated with HUD assistance. A nonresidential structure shall be considered to comply with the energy efficiency standards under this subsection if the structure complies with the applicable provisions of any such energy efficiency requirements, standards, checklist, or rating systems identified and adopted by the Secretary pursuant to this paragraph, as such standards are in effect for purposes of this section pursuant to subsection (c).

(3) EFFECT.—Nothing in this subsection may be construed to require any structure to

comply with any standard established or adopted pursuant to this subsection, or identified in this subsection, or to provide any benefit or credit under any Federal program for any structure that complies with any such standard, except to the extent that—

(A) any provision of law other than this subsection provides a benefit or credit under a Federal program for compliance with a standard established or adopted pursuant to this subsection, or identified in this subsection; or

(B) the Secretary specifically provides pursuant to subsection (c) for the applicability of such standard.

(b) ENHANCED ENERGY EFFICIENCY STANDARDS FOR PURPOSES OF PROVIDING ADDITIONAL CREDIT UNDER CERTAIN FEDERALLY ASSISTED HOUSING PROGRAMS.—

(1) PURPOSE AND EFFECT.—

(A) PURPOSE.—The purpose of this subsection is to establish energy efficiency and conservation standards and green building standards that—

(i) provide for greater energy efficiency and conservation in structures than is required for compliance with the energy efficiency standards under subsection (a) and then in effect;

(ii) provide for green and sustainable building standards not required by such standards; and

(iii) can be used in connection with Federal housing, housing finance, and development programs to provide incentives for greater energy efficiency and conservation and for green and sustainable building methods, elements, practices, and materials.

(B) EFFECT.—Nothing in this subsection may be construed to require any structure to comply with any standard established pursuant to this subsection or to provide any benefit or credit under any Federal program for any structure, except to the extent that any provision of law other than this subsection provides a benefit or credit under a Federal program for compliance with a standard established pursuant to this subsection.

(2) COMPLIANCE.—A residential or nonresidential structure shall be considered to comply with the enhanced energy efficiency and conservation standards or the green building standards under this subsection, to the extent that such structure complies with the applicable provisions of the standards under paragraph (3) or (4), respectively (as such standards are in effect for purposes of this section, pursuant to paragraph (7)), in a manner that is not required for compliance with the energy efficiency standards under subsection (a) then in effect and subject to the Secretary's determination of which standards are applicable to which structures.

(3) ENERGY EFFICIENCY AND CONSERVATION STANDARDS.—The energy efficiency and conservation standards under this paragraph are as follows:

(A) RESIDENTIAL STRUCTURES.—With respect to residential structures:

(i) NEW CONSTRUCTION.—For new construction, the Energy Star standards established by the Environmental Protection Agency, as such standards are in effect for purposes of this subsection pursuant to paragraph (7);

(ii) EXISTING STRUCTURES.—For existing structures, a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with the energy efficiency standards under subsection (a) then in effect and applicable to existing structures.

(B) NONRESIDENTIAL STRUCTURES.—With respect to nonresidential structures, such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary shall identify and adopt by regulation, as may be necessary, for purposes of this paragraph.

(4) GREEN BUILDING STANDARDS.—The green building standards under this paragraph are as follows:

(A) The national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist or successor checklist is in effect for purposes of this section pursuant to paragraph (7).

(B) The gold certification level for the LEED for New Construction rating system, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, as such systems or successor systems are in effect for purposes of this section pursuant to paragraph (7).

(C) The Green Globes assessment and rating system of the Green Buildings Initiative.

(D) For manufactured housing, energy star rating with respect to fixtures, appliances, and equipment in such housing, as such standard or successor standard is in effect for purposes of this section pursuant to paragraph (7).

(E) The National Green Building Standard.

(F) Any other requirements, standards, checklists, or rating systems for green building or sustainability as the Secretary may identify and adopt by regulation, as may be necessary for purposes of this paragraph, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklist, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

(5) GREEN BUILDING.—For purposes of this subsection, the term ''green building'' means, with respect to standards for structures, standards to require use of sustainable design principles to reduce the use of nonrenewable resources, minimize the impact of development on the environment, and to improve indoor air quality.

(6) ENERGY AUDITS.—The Secretary shall establish standards and requirements for energy audits for purposes of paragraph (3)(A)(ii) and, in establishing such standards, may consult with any advisory committees established pursuant to section 285(c)(2) of this subtitle.

(7) APPLICABILITY AND UPDATING OF STANDARDS.—

(A) APPLICABILITY.—Except as provided in subparagraph (B), the requirements, standards, checklists, and rating systems referred to in this subsection that are in effect for purposes of this subsection are such requirements, standards, checklists, and systems are as in existence upon the date of the enactment of this Act.

(B) UPDATING.—For purposes of this section, the Secretary may adopt and apply by regulation, as may be necessary, future amendments and supplements to, and editions of, the requirements, standards, checklists, and rating systems referred to in this subsection, including applicable energy efficiency building codes that are certified as in compliance with section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) as amended by section 201 of this Act, or national energy efficiency building codes adopted pursuant to that section.

(c) AUTHORITY OF SECRETARY TO APPLY STANDARDS TO FEDERALLY ASSISTED HOUSING AND PROGRAMS.—

(1) HUD HOUSING AND PROGRAMS.—The Secretary of Housing and Urban Development may, by regulation, provide for the applicability of the energy efficiency standards under subsection (a) or the enhanced energy efficiency and conservation standards and green building standards under subsection (b), or both, with respect to any covered federally assisted housing described in paragraph (3)(A) or any HUD assistance, subject to minimum Federal codes or standards then in effect.

(2) RURAL HOUSING.—The Secretary of Agriculture may, by regulation, provide for the applicability of the energy efficiency standards under subsection (a) or the enhanced energy efficiency and conservation standards and green building standards under subsection (b), or both, with respect to any covered federally assisted housing described in paragraph (3)(B) or any assistance provided with respect to rural housing by the Rural Housing Service of the Department of Agriculture, subject to minimum Federal codes or standards then in effect.

(3) COVERED FEDERALLY ASSISTED HOUSING.—For purposes of this subsection, the term ''covered federally assisted housing'' means—

(A) any residential or nonresidential structure for which any HUD assistance is provided; and

(B) any new construction of single-family housing (other than manufactured homes) subject to mortgages insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

SEC. 285. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting the enhanced energy efficiency standards under section 284(b). At the discretion of the Secretary, the demonstration program may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996, but only to the extent that such inclusion does not violate such Act, its regulations, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for the projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations

and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) promotes the installation, in existing residential buildings, of energy-efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(6) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(7) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(8) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy-savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may—

(1) enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings;

(2) establish advisory committees to advise the Secretary and any such third-party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities, which committees shall include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, and advocacy organizations for the elderly and persons with disabilities; any advisory committees established pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.);

(3) approve, for a period not to exceed 10 years, additional adjustments in the maximum monthly rents or additional project rental assistance, or additional Indian housing block grant funds under the Native American Housing Assistance and Self-Determination Act of 1996, as applicable, for dwelling units in multifamily housing projects that are provided project-based rental assistance under a covered multifamily assistance program, in such amounts as may be necessary to amortize a portion of the cost of energy efficiency and conservation measures for such projects;

(4) develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures; and

(5) waive or modify any existing statutory or regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances; notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment, except pursuant to existing authority to waive nonstatutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of the enactment of this Act, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units and technical and scientific methodologies, and financing options. The Secretary shall ensure that the geographic areas included in the demonstration program include dwelling units on Indian lands (as such term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will comply with the energy efficiency standards under subsection (a), (b), or (c) of section 284 of this subtitle.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which they might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) LIMITATION.—No amounts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may be used to carry out the demonstration program under this section.

(h) REPORTS.—

(1) ANNUAL.—Not later than the expiration of the 2-year beginning upon the date of the enactment of this Act, and for each year thereafter during the term of the demonstration program, the Secretary shall submit a report to the Congress annually that describes and assesses the demonstration program under this section.

(2) FINAL.—Not later than 6 months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit a final report to the Congress assessing the demonstration program, which—

(A) shall assess the potential for expanding the demonstration program on a nationwide basis; and

(B) shall include descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the such assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of the such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(i) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term ''covered multifamily assistance program'' means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities;

(4) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1 for assistance for rental housing projects;

(5) the program under section 515 of the Housing Act of 1949 (42 U.S.C. 1485) for rural rental housing; and

(6) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, including providing rent adjustments, additional project rental assistance, and incentives, $50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(k) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall issue any regulations necessary to carry out this section.

SEC. 286. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in paragraph (2), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

(2) by adding at the end the following new paragraph:

''(6) ADDITIONAL CREDIT.—

''(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

''(i) more than 125 percent credit, for any such purchase that both—

''(I) complies with the requirements of such goals; and

''(II)(aa) supports housing that meets the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009; or

''(bb) is a location-efficient mortgage, as such term is defined in section 1335(e); and

''(ii) credit in addition to credit under clause (i), for any such purchase that both—

''(I) complies with the requirements of such goals, and

''(II) supports housing that complies with the enhanced energy efficiency and conservation standards, or the green building standards, under section 284(b) of such Act, or both,

and such additional credit shall be given based on the extent to which the housing supported with such purchases complies with such standards.

''(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 287. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1335 of Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

''(D) MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.—

''(i) DUTY.—Subject to clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy-efficient and location-efficient mortgages on housing for very low-, low-, and moderate-income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements, or both.

''(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.'';

(2) by adding at the end the following new subsection:

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ENERGY-EFFICIENT MORTGAGE.—The term 'energy-efficient mortgage' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy-saving design, construction or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, super-insulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made.

''(2) LOCATION-EFFICIENT MORTGAGE.—The term 'location-efficient mortgage' means a mortgage loan under which—

''(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

''(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower.''.

SEC. 288. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f–20) the following new section:

''SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.

''(a) UNDERWRITING STANDARDS.—The Secretary shall establish a method to consider, in its underwriting standards for mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are insured under this Act, the impact that savings on utility costs has on the income of the mortgagor.

''(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 such that at least 50,000 such mortgages are insured during the period beginning upon the date of the enactment of such Act and ending on December 31, 2012.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)) is amended by adding at the end the following new paragraph:

''(3) With respect to each collection period that commences after December 31, 2011, the total number of mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are insured by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such mortgages during such period, the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single-family housing insured under this Act by the Secretary.''.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

''(l) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by subsection (a)(2) of this section, is further amended by adding at the end the following new paragraph:

''(4) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184 by the Secretary.''.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended by inserting after subsection (l) the following new subsection:

''(m) ENERGY-EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

''(5) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on

which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184A by the Secretary.''.

SEC. 289. ENERGY-EFFICIENT MORTGAGES AND LOCATION-EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.

Section 106 of the Energy Policy Act of 1992 (12 U.S.C. 1701z–16) is amended by adding at the end the following new subsection:

''(g) EDUCATION AND OUTREACH CAMPAIGN.—

''(1) DEVELOPMENT OF ENERGY- AND LOCATION-EFFICIENT MORTGAGES OUTREACH PROGRAM.—

''(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades and location efficiencies in new mortgage loan transactions.

''(B) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall provide a written report to the Congress on the results of work of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy and location efficiency.

''(2) IMPLEMENTATION.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of energy-efficient mortgages and location-efficient mortgages made available pursuant to this section, energy-efficient and location-efficient mortgages that meet the requirements of section 1335 of the Housing and Community Development Act of 1992 (42 U.S.C. 4565), and other mortgages, including mortgages for multifamily housing, that have energy improvement features or location efficiency features and to publicize such availability, benefits, advantages, and terms. Such actions may include entering into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

''(3) RENEWABLE ENERGY HOME PRODUCT EXPOS.—The Congress hereby encourages the Secretary of Housing and Urban Development to work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.''.

SEC. 290. COLLECTION OF INFORMATION ON ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 304(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are energy-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992); and

''(6) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are location-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of the enactment of this Act.

SEC. 291. ENSURING AVAILABILITY OF HOMEOWNERS INSURANCE FOR HOMES NOT CONNECTED TO ELECTRICITY GRID.

(a) CONGRESSIONAL INTENT.—The Congress intends that—

(1) consumers shall not be denied homeowners insurance for a dwelling (as such term is defined in subsection (c)) based solely on the fact that the dwelling is not connected to or able to receive electricity service from any wholesale or retail electric power provider;

(2) States should ensure that consumers are able to obtain homeowners insurance for such dwellings;

(3) States should support insurers that develop voluntary incentives to provide such insurance; and

(4) States may not prohibit insurers from offering a homeowners insurance product specifically designed for such dwellings.

(b) INSURING HOMES AND RELATED PROPERTY IN INDIAN AREAS.—Notwithstanding any other provision of law, dwellings located in Indian areas (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) and constructed or maintained using assistance, loan guarantees, or other authority under the Native American Housing Assistance and Self-Determination Act of 1996 may be insured by any tribally owned self-insurance risk pool approved by the Secretary of Housing and Urban Development.

(c) DWELLING.—For purposes of this section, the term ''dwelling'' means a residential structure that—

(1) consists of one to four dwelling units;

(2) is provided electricity from renewable energy sources; and

(3) is not connected to any wholesale or retail electrical power grid.

SEC. 292. MORTGAGE INCENTIVES FOR ENERGY-EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall establish incentives for increasing the energy efficiency of multifamily housing that is subject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that the housing meets the energy efficiency standards under section 284(a) of this subtitle and incentives to encourage compliance of such housing with the energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle, to the extent that such incentives are based on the impact that savings on utility costs has on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—Such incentives may include, for any such multifamily housing that complies with the energy efficiency standards under section 284(a)—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing meeting the standards referred to in subsection (a) is required to contribute.

SEC. 293. ENERGY-EFFICIENT CERTIFICATIONS FOR MANUFACTURED HOUSING WITH MORTGAGES.

Section 526 of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) in subsection (a)—

(A) by striking '', other than manufactured homes,'' each place such term appears;

(B) by inserting after the period at the end the following: ''The energy performance requirements developed and established by the Secretary under this section for manufactured homes shall require energy star rating for wall fixtures, appliances, and equipment in such housing.'';

(C) by inserting ''(1)'' after ''(a)''; and

(D) by adding at the end the following new paragraphs:

''(2) The Secretary shall require, with respect to any single- or multi-family residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy-conserving improvements or any renewable energy sources, such as wind, solar energy geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by licensed professional architect or engineer. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than the expiration of the 6-month period beginning upon receipt of such request.

''(3) The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.''; and

(2) in subsection (b), by striking '', other than a manufactured home,''.

SEC. 294. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.

(a) AUTHORITY.—Not later than the expiration of the 12-month period beginning on the

date of the enactment of this Act, the Secretary shall develop and implement a pilot program under this section to facilitate the financing of cost-effective capital improvements for covered assisted housing projects to improve the energy efficiency and conservation of such projects.

(b) LOANS.—The pilot program under this section shall involve not less than three and not more than five lenders, and shall provide for a privately financed loan to be made for a covered assisted housing project, which shall—

(1) finance capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) have a term to maturity of not more than 20 years, which shall be based upon the duration necessary to realize cost savings sufficient to repay the loan;

(3) be secured by a mortgage subordinate to the mortgage for the project that is insured under the National Housing Act; and

(4) provide for a reduction in the remaining principal obligation under the loan based on the actual resulting cost savings realized from the capital improvements financed with the loan.

(c) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(d) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the project owner shall receive the full financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program.

(e) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term ''covered assisted housing project'' means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under—

(i) subsection (d)(3) of section 221 of the National Housing Act (12 U.S.C. 1715l), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(ii) subsection (d)(4) of such section 221.

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

SEC. 295. MAKING IT GREEN.

(a) PARTNERSHIPS WITH TREE-PLANTING ORGANIZATIONS.—The Secretary shall establish and provide incentives for developers of housing for which any HUD financial assistance, as determined by the Secretary, is provided for development, maintenance, operation, or other costs, to enter into agreements and partnerships with tree-planting organizations, nurseries, and landscapers to certify that trees, shrubs, grasses, and other plants are planted in the proper manner, are provided adequate maintenance, and survive for at least 3 years after planting or are replaced. The financial assistance determined by the Secretary as eligible under this section shall take into consideration such factors as cost effectiveness and affordability.

(b) MAKING IT GREEN PLAN.—In the case of any new or substantially rehabilitated housing for which HUD financial assistance, as determined in accordance with subsection (a), is provided by the Secretary for the development, construction, maintenance, rehabilitation, improvement, operation, or costs of the housing, including financial assistance provided through the Community Development Block Grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), the Secretary shall require the development of a plan that provides for—

(1) in the case of new construction and improvements, siting of such housing and improvements in a manner that provides for energy efficiency and conservation to the extent feasible, taking into consideration location and project type;

(2) minimization of the effects of construction, rehabilitation, or other development on the condition of existing trees;

(3) selection and installation of indigenous trees, shrubs, grasses, and other plants based upon applicable design guidelines and standards of the International Society for Arboriculture;

(4) post-planting care and maintenance of the landscaping relating to or affected by the housing in accordance with best management practices; and

(5) establishment of a goal for minimum greenspace or tree canopy cover for the housing site for which such financial assistance is provided, including guidelines and timetables within which to achieve compliance with such minimum requirements.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary is encouraged to consult, as appropriate, with national organizations dedicated to providing housing assistance and related services to low-income families, such as the Alliance for Community Trees and its affiliates, the American Nursery and Landscape Association, the American Society of Landscape Architects, and the National Arbor Day Foundation.

SEC. 296. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

''SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

''(a) IN GENERAL.—To the extent amounts are made available for grants under this section, the Secretary shall make grants under this section to States, metropolitan cities and urban counties, Indian tribes, and insular areas to carry out energy efficiency improvements in new and existing single-family and multifamily housing.

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Of the total amount made available for each fiscal year for grants under this section that remains after reserving amounts pursuant to paragraph (2), the Secretary shall allocate for insular areas, for metropolitan cities and urban counties, and for States, an amount that bears the same ratio to such total amount as the amount allocated for such fiscal year under section 106 for Indian tribes, for insular areas, for metropolitan cities and urban counties, and for States, respectively, bears to the total amount made available for such fiscal year for grants under section 106.

''(2) SET ASIDE FOR INDIAN TRIBES.—Of the total amount made available for each fiscal year for grants under this section, the Secretary shall allocate not less than 1 percent to Indian tribes.

''(c) GRANT AMOUNTS.—

''(1) ENTITLEMENT COMMUNITIES.—From the amounts allocated pursuant to subsection (b) for metropolitan cities and urban counties for each fiscal year, the Secretary shall make a grant for such fiscal year to each metropolitan city and urban county that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such metropolitan city or urban county bears to the aggregate amount of all grants for such fiscal year under section 106 for all metropolitan cities and urban counties.

''(2) STATES.—From the amounts allocated pursuant to subsection (b) for States for each fiscal year, the Secretary shall make a grant for such fiscal year to each State that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such State bears to the aggregate amount of all grants for such fiscal year under section 106 for all States. Grant amounts received by a State shall be used only for eligible activities under subsection (e) carried out in nonentitlement areas of the State.

''(3) INDIAN TRIBES.—From the amounts allocated pursuant to subsection (b) for Indian tribes, the Secretary shall make grants to Indian tribes that comply with the requirement under subsection (d) on the basis of a competition conducted pursuant to specific criteria, as the Secretary shall establish by regulation, for the selection of Indian tribes to receive such amount.

''(4) INSULAR AREAS.—From the amounts allocated pursuant to subsection (b) for insular areas, the Secretary shall make a grant to each insular area that complies with the requirement under subsection (d) on the basis of the ratio of the population of the insular area to the aggregate population of all insular areas. In determining the distribution of amounts to insular areas, the Secretary may also include other statistical criteria as data become available from the Bureau of Census of the Department of Labor, but only if such criteria are set forth by regulation issued after notice and an opportunity for comment.

''(d) STATEMENT OF ACTIVITIES.—

''(1) REQUIREMENT.—Before receipt the receipt in any fiscal year of a grant under subsection (c) by any grantee, the grantee shall have prepared a final statement of housing energy efficiency objectives and projected use of funds as the Secretary shall require and shall have provided the Secretary with such certifications regarding such objectives and use as the Secretary may require. In the case of metropolitan cities, urban counties, units of general local government, and insular areas receiving grants, the statement of projected use of funds shall consist of proposed housing energy efficiency activities. In the case of States receiving grants, the

statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

''(2) PUBLIC PARTICIPATION.—The Secretary may establish requirements to ensure the public availability of information regarding projected use of grant amounts and public participation in determining such projected use.

''(e) ELIGIBLE ACTIVITIES.—

''(1) REQUIREMENT.—Amounts from a grant under this section may be used only to carry out activities for single-family or multifamily housing that are designed to improve the energy efficiency of the housing so that the housing complies with the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009, including such activities to provide energy for such housing from renewable sources, such as wind, waves, solar, biomass, and geothermal sources.

''(2) PREFERENCE FOR COMPLIANCE BEYOND BASIC REQUIREMENTS.—In selecting activities to be funded with amounts from a grant under this section, a grantee shall give more preference to activities based on the extent to which the activities will result in compliance by the housing with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

''(f) REPORTS.—Each grantee of a grant under this section for a fiscal year shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of grant amounts, which shall contain an assessment by the grantee of the relationship of such use to the objectives identified in the grantees statement under subsection (d).

''(g) APPLICABILITY OF CDBG PROVISIONS.—Sections 109, 110, and 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309, 5310, 5311) shall apply to assistance received under this section to the same extent and in the same manner that such sections apply to assistance received under title I of such Act.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $2,500,000,000 for fiscal year 2010 and such sums as may be necessary for each fiscal year thereafter.''.

SEC. 297. INCLUDING SUSTAINABLE DEVELOPMENT AND TRANSPORTATION STRATEGIES IN COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and'';

(3) and by inserting after paragraph (20) the following new paragraphs:

''(21) describe the jurisdiction's strategies to encourage sustainable development for affordable housing, including single-family and multifamily housing, as measured by—

''(A) greater energy efficiency and use of renewable energy sources, including any strategies regarding compliance with the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act;

''(B) increased conservation, recycling, and reuse of resources;

''(C) more effective use of existing infrastructure;

''(D) use of building materials and methods that are healthier for residents of the housing, including use of building materials that are free of added known carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(E) such other criteria as the Secretary determines, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, are in accordance with the purposes of this paragraph; and

''(22) describe the jurisdiction's efforts to coordinate its housing strategy with its transportation planning strategies to ensure to the extent practicable that residents of affordable housing have access to public transportation.''.

SEC. 298. GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.

(a) IN GENERAL.—The Secretary may make grants to nonprofit organizations to use for any of the following purposes:

(1) Training, educating, supporting, or advising an eligible community development organization or qualified youth service and conservation corps in improving energy efficiency, resource conservation and reuse, design strategies to maximize energy efficiency, installing or constructing renewable energy improvements (such as wind, wave, solar, biomass, and geothermal energy sources), and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities, taking into consideration energy efficiency standards under section 284(a) of this subtitle and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle.

(2) Providing loans, grants, or predevelopment assistance to eligible community development organizations or qualified youth service and conservation corps to carry out energy efficiency improvements that comply with the energy efficiency standards under section 284(a) of this subtitle, resource conservation and reuse, and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities. In providing assistance under this paragraph, the Secretary shall give more preference to activities based on the extent to which the activities will result in compliance with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle.

(3) Such other purposes as the Secretary determines are in accordance with the purposes of this subsection.

(b) APPLICATION REQUIREMENT.—To be eligible for a grant under this section, a nonprofit organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AWARD OF CONTRACTS.—Contracts for architectural or engineering services funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(d) MATCHING REQUIREMENT.—A grant made under this section may not exceed the amount that the nonprofit organization receiving the grant certifies, to the Secretary, will be provided (in cash or in-kind) from nongovernmental sources to carry out the purposes for which the grant is made.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(2) The term ''eligible community development organization'' means—

(A) a unit of general local government (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(B) a community housing development organization (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(C) an Indian tribe or tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)); or

(D) a public housing agency, as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(3) The term ''low-income community'' means a census tract in which 50 percent or more of the households have an income which is less than 80 percent of the greater of—

(A) the median gross income for such year for the area in which such census tract is located; or

(B) the median gross income for such year for the State in which such census tract is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2010 through 2014.

SEC. 299. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following new paragraph:

''(4) GREEN DEVELOPMENTS REQUIREMENT.—

''(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

''(i) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this paragraph pursuant to subparagraph (D) at the date of the application for the grant, or any substantially equivalent standard or standards as determined by the Secretary, as follows:

''(I) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

''(II) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

''(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

''(ii) GREEN BUILDINGS CERTIFICATION SYSTEM.—All nonresidential construction under the proposed plan complies with all minimum required levels of the green building

rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect for purposes of this paragraph pursuant to subparagraph (D) at the time of the application for the grant.

''(B) VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A) and that the revitalization plan is carried out in accordance with such requirements and plan.

''(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

''(I) Not later than 6 months after execution of the grant agreement under this section for the grantee.

''(II) Upon completion of the revitalization plan of the grantee.

''(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in clause (ii), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

''(ii) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

''(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(III) the ability of the standards to be developed and revised through a consensus-based process;

''(IV) An evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) 5-YEAR EVALUATION.—At least once every 5 years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in clause (ii).

''(D) APPLICABILITY AND UPDATING OF STANDARDS.—

''(i) APPLICABILITY.—Except as provided in clause (ii) of this subparagraph, the national Green Communities criteria checklist and green building rating systems and levels referred to in clauses (i) and (ii) of subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems, and levels as in existence upon the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2009.

''(ii) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).''.

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following new subparagraph:

''(L) the extent to which the proposed revitalization plan—

''(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

''(ii) in the case of nonresidential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and''.

SEC. 299A. CONSIDERATION OF ENERGY EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property; and''.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institutions regulatory agency shall, not later than 6 months after the date of the enactment of this Act, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1) of this subsection.

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property'';

(2) in subsection (c), by inserting before the period at the end the following: '', which shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property'';

(3) in subsection (e), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

(4) by adding at the end the following new subsection:

''(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property.''.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

''(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

''(1) appraising off- and on-grid photovoltaic measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

''(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic measures in determining the value of a property; and

''(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.''.

SEC. 299B. HOUSING ASSISTANCE COUNCIL.

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structures and buildings developed or assisted under projects, programs, and activities funded with such amounts complies with the energy efficiency standards under section 284(a) of this subtitle; and

(2) to establish incentives to encourage each such organization to provide that any

such structures and buildings comply with the energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

SEC. 299C. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

The Secretary shall—

(1) require each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structures and buildings developed or assisted under activities funded with such amounts complies with the energy efficiency standards under section 284(a) of this subtitle; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structures and buildings comply with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

SEC. 299D. LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Alternative Energy Sources State Loan Fund''.

(b) EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (c)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(c) LOANS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single-family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and business to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) ELIGIBILITY.—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CRITERIA FOR APPROVAL.—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with energy efficiency requirements determined by the Secretary; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) PREFERENCE.—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) MAXIMUM AMOUNT.—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed $500,000,000.

(6) LOAN TERMS.—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at annual rate, determined by the Secretary, that shall not exceed interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) LOAN REPAYMENT.—The Secretary shall require full repayment of each loan made under this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) OBLIGATIONS OF UNITED STATES.—Investments may be made only in interest-bearing obligations of the United States.

(e) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during the term of a loan made under subsection (c), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) REPORT TO CONGRESS.—Not later than September 30 of each year that loans made under subsection (c) are outstanding, the Secretary shall submit a report to the Congress describing the total amount of such loans provided under subsection (c) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000,000.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) STATE.—The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

SEC. 299E. GREEN BANKING CENTERS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, home equity loan, or renewable energy lease with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to consumers under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

''(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy-efficient mortgages and loans, home energy rating systems, and the availability of energy-efficient mortgage information from a variety of Federal agencies; and

''(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.''.

(b) INSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Board shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, home equity loan, or renewable energy lease with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to members under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy-efficient mortgages and loans, home energy rating systems, and the availability of energy-efficient mortgage information from a variety of Federal agencies; and

''(G) such other information as the Board or the insured credit union may determine to be appropriate or useful.''.

SEC. 299F. GAO REPORTS ON AVAILABILITY OF AFFORDABLE MORTGAGES.

(a) STUDY.—The Comptroller General of the United States shall periodically, as necessary to comply with subsection (b), examine the impact of this subtitle and the amendments made by this subtitle on the availability of affordable mortgages in various areas throughout the United States, including cities having older infrastructure and limited space for the development of new housing.

(b) TRIENNIAL REPORTS.—The Comptroller General shall submit a report once every 3 years to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that shall include—

(1) a detailed statement of the most recent findings pursuant to subsection (a); and

(2) if the Comptroller General finds that this subtitle or the amendments made by this subtitle have directly or indirectly resulted in consequences that limit the availability or affordability of mortgages in any area or areas within the United States, including any city having older infrastructure and limited space for the development of new housing, any recommendations for any additional actions at the Federal, State, or local levels that the Comptroller General considers necessary or appropriate to mitigate such effects.

The first report under this subsection shall be submitted not later than the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 299G. PUBLIC HOUSING ENERGY COST REPORT.

(a) COLLECTION OF INFORMATION BY HUD.—The Secretary of Housing and Urban Development shall obtain from each public housing agency, by such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency. For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress setting forth the information collected pursuant to subsection (a).

SEC. 299H. SECONDARY MARKET FOR RESIDENTIAL RENEWABLE ENERGY LEASE INSTRUMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage residential use of renewable energy systems by minimizing up-front costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners;

(2) to reduce carbon emissions and the use of nonrenewable resources;

(3) to encourage energy-efficient residential construction and rehabilitation;

(4) to encourage the use of renewable resources by homeowners;

(5) to minimize the impact of development on the environment;

(6) to reduce consumer utility costs; and

(7) to encourage private investment in the green economy.

(b) RESIDUAL VALUE OF RENEWABLE ENERGY ASSET.—The Secretary of Housing and Urban Development shall establish a means of determining the residual value of a renewable energy asset such that a secondary market for residential renewable energy lease instruments may be facilitated. Such means may include, without limitation, the calculation of residual value based on the net present value of projected future energy production of the renewable energy asset.

SEC. 299I. GREEN GUARANTEES.

(a) AUTHORITY TO GUARANTEE ''GREEN PORTION'' OF ELIGIBLE MORTGAGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development may make commitments to guarantee under this section and may guarantee, the repayment of the portions of the principal obligations of eligible mortgages that are used to finance eligible sustainable building elements for the housing that is subject to the mortgage.

(2) AMOUNT OF GUARANTEE.—A guarantee under this section by the Secretary in connection with an eligible mortgage shall not exceed a percentage of the green portion (as such term is defined in subsection (g)) of the mortgage, as shall be established by the Secretary and may be established on a regional basis as the Secretary determines appropriate.

(b) ELIGIBLE MORTGAGES.—To be considered an eligible mortgage for purposes of this section, a mortgage shall comply with all of the following requirements:

(1) ACQUISITION OR CONSTRUCTION OF HOUSING.—The mortgage shall be made for the acquisition or construction of single- or multifamily housing and repayment of the mortgage shall be secured by an interest in such housing.

(2) FINANCING OF ELIGIBLE SUSTAINABLE BUILDING ELEMENTS THROUGH GREEN PORTION OF MORTGAGE.—A portion of the principal obligation of the mortgage, which meets the requirements under subsection (c), shall be used only for financing the provision of eligible sustainable building elements for the housing for which the mortgage was made.

(3) MAXIMUM MORTGAGE AMOUNT.—The principal obligation of the mortgage (including the eligible portion of such mortgage, and such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) may not exceed the following amounts:

(A) SINGLE-FAMILY HOUSING.—Such dollar amounts for single-family housing as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing, as the Secretary considers appropriate.

(B) MULTIFAMILY HOUSING.—Such dollar amounts for multifamily housing as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing and the number of bedrooms in such dwelling units, as the Secretary considers appropriate.

(4) REPAYMENT.—The mortgage meets such requirements as the Secretary shall establish to ensure that there is a reasonable prospect of repayment of the principal and interest on the obligation by the mortgagor.

(5) MORTGAGE TERMS.—The mortgage shall meet such requirements with respect to loan-to-value ratio, mortgagor credit scores, debt-to-income ratio, and other underwriting standards, term to maturity, interest rates and amortization, including amortization of the green portion of the mortgage, and other mortgage terms as the Secretary shall establish.

(c) LIMITATIONS ON GREEN PORTION OF MORTGAGE.—The requirements under this subsection with respect to the green portion of an eligible mortgage are as follows:

(1) PERCENTAGE LIMITATION.—Such portion shall not exceed, in the case of single-family or multifamily housing, 10 percent of the total principal obligation of the mortgage.

(2) DOLLAR AMOUNT LIMITATION.—Such portion shall not exceed—

(A) in the case of single-family housing, such maximum dollar amount limitation as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing, as the Secretary considers appropriate; and

(B) in the case of multifamily housing, such maximum dollar amount limitation as the Secretary shall establish, which limitation may be established on the basis of the number of dwelling units in the housing and the number of bedrooms in such dwelling units, as the Secretary considers appropriate.

(3) COST-EFFECTIVENESS LIMITATION.—Such portion shall not exceed the total present value of the savings (as determined in accordance with subsection (d)) attributable to the incorporation of the eligible sustainable building elements to be financed with the green portion of the mortgage that are to be realized over the useful life of such elements.

(d) ELIGIBLE SUSTAINABLE BUILDING ELEMENTS.—The Secretary may not guarantee

any eligible mortgage under this section unless the mortgagor has demonstrated, in accordance with such requirements as the Secretary shall establish, the amount of savings attributable to incorporation of the sustainable building elements to be financed with the green portion of the mortgage, as measured by the National Green Building Standard for all residential construction developed by the National Association of Home Builders and the U.S. Green Building Council, and approved by the American National Standards Institute, as updated and in effect at the time of such demonstration.

(e) GUARANTEE FEE.—

(1) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect fees for guarantees under this section in amounts that the Secretary determines are sufficient to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such guarantees.

(2) AVAILABILITY.—Fees collected under this subsection shall be deposited by the Secretary in the Treasury of the United States and shall remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

(f) PAYMENT OF GUARANTEE.—

(1) DEFAULT.—

(A) RIGHT TO PAYMENT.—If a mortgagor under a mortgage guaranteed under this section defaults (as defined in regulations issued by the Secretary and specified in the guarantee contract) on the obligation under the mortgage—

(i) the holder of the guarantee shall have the right to demand payment of the unpaid amount of the guaranteed portion of the mortgage, to the extent provided under subsection (a)(2), from the Secretary; and

(ii) within such period as may be specified in the guarantee or related agreements, the Secretary shall pay to the holder of the guarantee, to the extent provided under subsection (a)(2), the unpaid interest on, and unpaid principal of the portion of guaranteed portion of the mortgage with respect to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

(B) FORBEARANCE.—Nothing in this paragraph precludes any forbearance by the holder of an eligible mortgage for the benefit of the mortgagor which may be agreed upon by the parties to the mortgage and approved by the Secretary.

(2) SUBROGATION.—

(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, if appropriate, the authority (notwithstanding any other provision of law)—

(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements; or

(ii) to permit the mortgagor, pursuant to an agreement with the Secretary, to continue to occupy the property subject to the mortgage, if the Secretary determines such occupancy to be appropriate.

(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

(C) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to protect the interests of the United States in the case of default.

(3) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MORTGAGE.—The term ''eligible mortgage'' means a mortgage that meets the requirements under subsection (b).

(2) GREEN PORTION.—The term ''green portion'' means, with respect to an eligible mortgage, the portion of the mortgage principal referred to in subsection (b)(2) that is attributable, as determined in accordance with regulations issued by the Secretary, to the increased costs incurred in financing provision of sustainable building elements for the housing for which the mortgage was made, as compared to the costs that would have been incurred in financing the provision of other building elements for the housing for the same purposes that are commonly or conventionally used but are not sustainable building elements.

(3) GUARANTEED PORTION.—The term ''guaranteed portion'' means, with respect to an eligible mortgage guaranteed under this section, the green portion of the mortgage that is so guaranteed.

(4) MORTGAGE.—The term ''mortgage'' has the meaning given such term in section 201 of the National Housing Act (12 U.S.C. 1707).

(5) MULTIFAMILY HOUSING.—The term ''multifamily housing'' means a residential property consisting of five or more dwelling units.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(7) SINGLE-FAMILY HOUSING.—The term ''single-family housing'' means a residential property consisting of one to four dwelling units.

(8) SUSTAINABLE BUILDING ELEMENT.—The term ''sustainable building element'' means such building elements, as the Secretary shall define, that have energy efficiency or environmental sustainability qualities that are superior to such qualities for other building elements for the same purposes that are commonly or conventionally used.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of guarantees under this section $500,000,000 for each of fiscal years 2010 through 2014.

(i) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section.

TITLE III—REDUCING GLOBAL WARMING POLLUTION

SEC. 301. SHORT TITLE.

This title, and sections 112, 116, 221, 222, 223, and 401 of this Act, and the amendments made by this title and those sections, may be cited as the ''Safe Climate Act''.

Subtitle A—Reducing Global Warming Pollution

SEC. 311. REDUCING GLOBAL WARMING POLLUTION.

The Clean Air Act (42 U.S.C. and following) is amended by adding after title VI the following new title:

''TITLE VII—GLOBAL WARMING POLLUTION REDUCTION PROGRAM

''PART A—GLOBAL WARMING POLLUTION REDUCTION GOALS AND TARGETS

''SEC. 701. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds as follows:

''(1) Global warming poses a significant threat to the national security, economy, public health and welfare, and environment of the United States, as well as of other nations.

''(2) Reviews of scientific studies, including by the Intergovernmental Panel on Climate Change and the National Academy of Sciences, demonstrate that global warming is the result of the combined anthropogenic greenhouse gas emissions from numerous sources of all types and sizes. Each increment of emission, when combined with other emissions, causes or contributes materially to the acceleration and extent of global warming and its adverse effects for the lifetime of such gas in the atmosphere. Accordingly, controlling emissions in small as well as large amounts is essential to prevent, slow the pace of, reduce the threats from, and mitigate global warming and its adverse effects.

''(3) Because they induce global warming, greenhouse gas emissions cause or contribute to injuries to persons in the United States, including—

''(A) adverse health effects such as disease and loss of life;

''(B) displacement of human populations;

''(C) damage to property and other interests related to ocean levels, acidification, and ice changes;

''(D) severe weather and seasonal changes;

''(E) disruption, costs, and losses to business, trade, employment, farms, subsistence, aesthetic enjoyment of the environment, recreation, culture, and tourism;

''(F) damage to plants, forests, lands, and waters;

''(G) harm to wildlife and habitat;

''(H) scarcity of water and the decreased abundance of other natural resources;

''(I) worsening of tropospheric air pollution;

''(J) substantial threats of similar damage; and

''(K) other harm.

''(4) That many of these effects and risks of future effects of global warming are widely shared does not minimize the adverse effects individual persons have suffered, will suffer, and are at risk of suffering because of global warming.

''(5) That some of the adverse and potentially catastrophic effects of global warming are at risk of occurring and not a certainty does not negate the harm persons suffer from actions that increase the likelihood, extent, and severity of such future impacts.

''(6) Nations of the world look to the United States for leadership in addressing the threat of and harm from global warming. Full implementation of the Safe Climate Act is critical to engage other nations in an international effort to mitigate the threat of and harm from global warming.

''(7) Global warming and its adverse effects are occurring and are likely to continue and increase in magnitude, and to do so at a greater and more harmful rate, unless the Safe Climate Act is fully implemented and enforced in an expeditious manner.

''(b) PURPOSE.—It is the general purpose of the Safe Climate Act to help prevent, reduce the pace of, mitigate, and remedy global warming and its adverse effects. To fulfill such purpose, it is necessary to—

''(1) require the timely fulfillment of all governmental acts and duties, both substantive and procedural, and the prompt compliance of covered entities with the requirements of the Safe Climate Act;

''(2) establish and maintain an effective, transparent, and fair market for emission allowances and preserve the integrity of the cap on emissions and of offset credits;

''(3) advance the production and deployment of clean energy and energy efficiency technologies; and

''(4) ensure effective enforcement of the Safe Climate Act by citizens, States, Indian tribes, and all levels of government because each violation of the Safe Climate Act is likely to result in an additional increment of greenhouse gas emission and will slow the pace of implementation of the Safe Climate Act and delay the achievement of the goals set forth in section 702, and cause or contribute to global warming and its adverse effects.

''SEC. 702. ECONOMY-WIDE REDUCTION GOALS.

''The goals of the Safe Climate Act are to reduce steadily the quantity of United States greenhouse gas emissions such that—

''(1) in 2012, the quantity of United States greenhouse gas emissions does not exceed 97 percent of the quantity of United States greenhouse gas emissions in 2005;

''(2) in 2020, the quantity of United States greenhouse gas emissions does not exceed 80 percent of the quantity of United States greenhouse gas emissions in 2005;

''(3) in 2030, the quantity of United States greenhouse gas emissions does not exceed 58 percent of the quantity of United States greenhouse gas emissions in 2005; and

''(4) in 2050, the quantity of United States greenhouse gas emissions does not exceed 17 percent of the quantity of United States greenhouse gas emissions in 2005.

''SEC. 703. REDUCTION TARGETS FOR SPECIFIED SOURCES.

''(a) IN GENERAL.—The regulations issued under section 721 shall cap and reduce annually the greenhouse gas emissions of capped sources each calendar year beginning in 2012 such that—

''(1) in 2012, the quantity of greenhouse gas emissions from capped sources does not exceed 97 percent of the quantity of greenhouse gas emissions from such sources in 2005;

''(2) in 2020, the quantity of greenhouse gas emissions from capped sources does not exceed 83 percent of the quantity of greenhouse gas emissions from such sources in 2005;

''(3) in 2030, the quantity of greenhouse gas emissions from capped sources does not exceed 58 percent of the quantity of greenhouse gas emissions from such sources in 2005; and

''(4) in 2050, the quantity of greenhouse gas emissions from capped sources does not exceed 17 percent of the quantity of greenhouse gas emissions from such sources in 2005.

''(b) DEFINITION.—For purposes of this section, the term 'greenhouse gas emissions from such sources in 2005' means emissions to which section 722 would have applied if the requirements of this title for the specified year had been in effect for 2005.

''SEC. 704. SUPPLEMENTAL POLLUTION REDUCTIONS.

''For the purposes of decreasing the likelihood of catastrophic climate change, preserving tropical forests, building capacity to generate offset credits, and facilitating international action on global warming, the Administrator shall set aside the percentage specified in section 781 of the quantity of emission allowances established under section 721(a) for each year, to be used to achieve a reduction of greenhouse gas emissions from deforestation in developing countries in accordance with part E. In 2020, activities supported under part E shall provide greenhouse gas reductions in an amount equal to an additional 10 percentage points of reductions from United States greenhouse gas emissions in 2005. The Administrator shall distribute these allowances with respect to activities in countries that enter into and implement agreements or arrangements relating to reduced deforestation as described in section 754(a)(2).

''SEC. 705. REVIEW AND PROGRAM RECOMMENDATIONS.

''(a) IN GENERAL.—The Administrator shall, in consultation with appropriate Federal agencies, submit to Congress a report not later than July 1, 2013, and every 4 years thereafter, that includes—

''(1) an analysis of key findings based on the latest scientific information and data relevant to global climate change;

''(2) an analysis of capabilities to monitor and verify greenhouse gas reductions on a worldwide basis, including for the United States, as required under the Safe Climate Act; and

''(3) an analysis of the status of worldwide greenhouse gas reduction efforts, including implementation of the Safe Climate Act and other policies, both domestic and international, for reducing greenhouse gas emissions, preventing dangerous atmospheric concentrations of greenhouse gases, preventing significant irreversible consequences of climate change, and reducing vulnerability to the impacts of climate change.

''(b) EXCEPTION.—Paragraph (3) of subsection (a) shall not apply to the first report submitted under such subsection.

''(c) LATEST SCIENTIFIC INFORMATION.—The analysis required under subsection (a)(1) shall—

''(1) address existing scientific information and reports, considering, to the greatest extent possible, the most recent assessment report of the Intergovernmental Panel on Climate Change, reports by the United States Global Change Research Program, the Natural Resources Climate Change Adaptation Panel established under section 475 of the American Clean Energy and Security Act of 2009, and Federal agencies, and the European Union's global temperature data assessment; and

''(2) review trends and projections for—

''(A) global and country-specific annual emissions of greenhouse gases, and cumulative greenhouse gas emissions produced between 1850 and the present, including—

''(i) global cumulative emissions of anthropogenic greenhouse gases;

''(ii) global annual emissions of anthropogenic greenhouse gases; and

''(iii) by country, annual total, annual per capita, and cumulative anthropogenic emissions of greenhouse gases for the top 50 emitting nations;

''(B) significant changes, both globally and by region, in annual net non-anthropogenic greenhouse gas emissions from natural sources, including permafrost, forests, or oceans;

''(C) global atmospheric concentrations of greenhouse gases, expressed in annual concentration units as well as carbon dioxide equivalents based on 100-year global warming potentials;

''(D) major climate forcing factors, such as aerosols;

''(E) global average temperature, expressed as seasonal and annual averages in land, ocean, and land-plus-ocean averages; and

''(F) sea level rise;

''(3) assess the current and potential impacts of global climate change on—

''(A) human populations, including impacts on public health, economic livelihoods, subsistence, human infrastructure, and displacement or permanent relocation due to flooding, severe weather, extended drought, erosion, or other ecosystem changes;

''(B) freshwater systems, including water resources for human consumption and agriculture and natural and managed ecosystems, flood and drought risks, and relative humidity;

''(C) the carbon cycle, including impacts related to the thawing of permafrost, the frequency and intensity of wildfire, and terrestrial and ocean carbon sinks;

''(D) ecosystems and animal and plant populations, including impacts on species abundance, phenology, and distribution;

''(E) oceans and ocean ecosystems, including effects on sea level, ocean acidity, ocean temperatures, coral reefs, ocean circulation, fisheries, and other indicators of ocean ecosystem health;

''(F) the cryosphere, including effects on ice sheet mass balance, mountain glacier mass balance, and sea-ice extent and volume;

''(G) changes in the intensity, frequency, or distribution of severe weather events, including precipitation, tropical cyclones, tornadoes, and severe heat waves;

''(H) agriculture and forest systems; and

''(I) any other indicators the Administrator deems appropriate;

''(4) summarize any significant socio-economic impacts of climate change in the United States, including the territories of the United States, drawing on work by Federal agencies and the academic literature, including impacts on—

''(A) public health;

''(B) economic livelihoods and subsistence;

''(C) displacement or permanent relocation due to flooding, severe weather, extended drought, erosion, or other ecosystem changes;

''(D) human infrastructure, including coastal infrastructure vulnerability to extreme events and sea level rise, river floodplain infrastructure, and sewer and water management systems;

''(E) agriculture and forests, including effects on potential growing season, distribution, and yield;

''(F) water resources for human consumption, agriculture and natural and managed ecosystems, flood and drought risks, and relative humidity;

''(G) energy supply and use; and

''(H) transportation;

''(5) in assessing risks and impacts, use a risk management framework, including both qualitative and quantitative measures, to assess the observed and projected impacts of current and future climate change, accounting for—

''(A) both monetized and non-monetized losses;

''(B) potential nonlinear, abrupt, or essentially irreversible changes in the climate system;

''(C) potential nonlinear increases in the cost of impacts;

''(D) potential low-probability, high impact events; and

''(E) whether impacts are transitory or essentially permanent; and

''(6) based on the findings of the Administrator under this section, as well as assessments produced by the Intergovernmental Panel on Climate Change, the United States Global Change Research program, and other relevant scientific entities—

''(A) describe increased risks to natural systems and society that would result from an increase in global average temperature 3.6 degrees Fahrenheit (2 degrees Celsius) above the pre-industrial average or an increase in atmospheric greenhouse gas concentrations above 450 parts per million carbon dioxide equivalent; and

''(B) identify and assess—

''(i) significant residual risks not avoided by the thresholds described in subparagraph (A);

''(ii) alternative thresholds or targets that may more effectively limit the risks identified pursuant to clause (i); and

''(iii) thresholds above those described in subparagraph (A) which significantly increase the risk of certain impacts or render them essentially permanent.

''(d) STATUS OF MONITORING AND VERIFICATION CAPABILITIES TO EVALUATE GREENHOUSE GAS REDUCTION EFFORTS.—The analysis required under subsection (a)(2) shall evaluate the capabilities of the monitoring, reporting, and verification systems used to quantify progress in achieving reductions in greenhouse gas emissions both globally and in the United States (as described in section 702), including—

''(1) quantification of emissions and emission reductions by entities participating in the cap and trade program under this title;

''(2) quantification of emissions and emission reductions by entities participating in the offset program under this title;

''(3) quantification of emission and emissions reductions by entities regulated by performance standards;

''(4) quantification of aggregate net emissions and emissions reductions by the United States; and

''(5) quantification of global changes in net emissions and in sources and sinks of greenhouse gases.

''(e) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—The analysis required under subsection (a)(3) shall address—

''(1) whether the programs under Safe Climate Act and other Federal statutes are resulting in sufficient United States greenhouse gas emissions reductions to meet the emissions reduction goals described in section 702, taking into account the use of offsets; and

''(2) whether United States actions, taking into account international actions, commitments, and trends, and considering the range of plausible emissions scenarios, are sufficient to avoid—

''(A) atmospheric greenhouse gas concentrations above 450 parts per million carbon dioxide equivalent;

''(B) global average surface temperature 3.6 degrees Fahrenheit (2 degrees Celsius) above the pre-industrial average, or such other temperature thresholds as the Administrator deems appropriate; and

''(C) other temperature or greenhouse gas thresholds identified pursuant to subsection (c)(6)(B).

''(f) RECOMMENDATIONS.—

''(1) LATEST SCIENTIFIC INFORMATION.—Based on the analysis described in subsection (a)(1), each report under subsection (a) shall identify actions that could be taken to—

''(A) improve the characterization of changes in the earth-climate system and impacts of global climate change;

''(B) better inform decision making and actions related to global climate change;

''(C) mitigate risks to natural and social systems; and

''(D) design policies to better account for climate risks.

''(2) MONITORING, REPORTING AND VERIFICATION.—Based on the analysis described in subsection (a)(2), each report under subsection (a) shall identify key gaps in measurement, reporting, and verification capabilities and make recommendations to improve the accuracy and reliability of those capabilities.

''(3) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—Based on the analysis described in subsection (a)(3), taking into account international actions, commitments, and trends, and considering the range of plausible emissions scenarios, each report under subsection (a) shall identify—

''(A) the quantity of additional reductions required to meet the emissions reduction goals in section 702;

''(B) the quantity of additional reductions in global greenhouse gas emissions needed to avoid the concentration and temperature thresholds identified in subsection (e); and

''(C) possible strategies and approaches for achieving additional reductions.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 706. NATIONAL ACADEMY REVIEW.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall offer to enter into a contract with the National Academy of Sciences (in this section referred to as the 'Academy') under which the Academy shall, not later than July 1, 2014, and every 4 years thereafter, submit to Congress and the Administrator a report that includes—

''(1) a review of the most recent report and recommendations issued under section 705; and

''(2) an analysis of technologies to achieve reductions in greenhouse gas emissions.

''(b) FAILURE TO ISSUE A REPORT.—In the event that the Administrator has not issued all or part of the most recent report required under section 705, the Academy shall conduct its own review and analysis of the required information.

''(c) TECHNOLOGICAL INFORMATION.—The analysis required under subsection (a)(2) shall—

''(1) review existing technological information and reports, including the most recent reports by the Department of Energy, the United States Global Change Research Program, the Intergovernmental Panel on Climate Change, and the International Energy Agency and any other relevant information on technologies or practices that reduce or limit greenhouse gas emissions;

''(2) include the participation of technical experts from relevant private industry sectors;

''(3) review the current and future projected deployment of technologies and practices in the United States that reduce or limit greenhouse gas emissions, including—

''(A) technologies for capture and sequestration of greenhouse gases;

''(B) technologies to improve energy efficiency;

''(C) low- or zero-greenhouse gas emitting energy technologies;

''(D) low- or zero-greenhouse gas emitting fuels;

''(E) biological sequestration practices and technologies; and

''(F) any other technologies the Academy deems relevant; and

''(4) review and compare the emissions reduction potential, commercial viability, market penetration, investment trends, and deployment of the technologies described in paragraph (3), including—

''(A) the need for additional research and development, including publicly funded research and development;

''(B) the extent of commercial deployment, including, where appropriate, a comparison to the cost and level of deployment of conventional fossil fuel-fired energy technologies and devices; and

''(C) an evaluation of any substantial technological, legal, or market-based barriers to commercial deployment.

''(d) RECOMMENDATIONS.—

''(1) LATEST SCIENTIFIC INFORMATION.—Based on the review described in subsection (a)(1), the Academy shall identify actions that could be taken to—

''(A) improve the characterization of changes in the earth-climate system and impacts of global climate change;

''(B) better inform decision making and actions related to global climate change;

''(C) mitigate risks to natural and social systems;

''(D) design policies to better account for climate risks; and

''(E) improve the accuracy and reliability of capabilities to monitor, report, and verify greenhouse gas emissions reduction efforts.

''(2) TECHNOLOGICAL INFORMATION.—Based on the analysis described in subsection (a)(2), the Academy shall identify—

''(A) additional emissions reductions that may be possible as a result of technologies described in the analysis;

''(B) barriers to the deployment of such technologies; and

''(C) actions that could be taken to speed deployment of such technologies.

''(3) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—Based on the review described in subsection (a)(1), the Academy shall identify—

''(A) the quantity of additional reductions required to meet the emissions reduction goals described in section 702; and

''(B) the quantity of additional reductions in global greenhouse gas emissions needed to avoid the concentration and temperature thresholds described in section 705(c)(6)(A) or identified pursuant to section 705(c)(6)(B).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 707. PRESIDENTIAL RESPONSE AND RECOMMENDATIONS.

''(a) AGENCY ACTIONS.—The President shall direct relevant Federal agencies to use existing statutory authority to take appropriate actions identified in the reports submitted under sections 705 and 706, and to address any shortfalls identified in such reports, not later than July 1, 2015, and every 4 years thereafter.

''(b) PLAN.—In the event that the Administrator or the National Academy of Sciences has concluded, in the most recent report submitted under section 705 or 706 respectively, that the United States will not achieve the necessary domestic greenhouse gas emissions reductions, or that global actions will not maintain safe global average surface temperature and atmospheric greenhouse gas concentration thresholds, the President shall, not later than July 1, 2015, and every 4 years thereafter, submit to Congress a plan identifying domestic and international actions that will achieve necessary additional greenhouse gas reductions, including any recommendations for legislative action.

"PART B—DESIGNATION AND REGISTRATION OF GREENHOUSE GASES

"SEC. 711. DESIGNATION OF GREENHOUSE GASES.

''(a) GREENHOUSE GASES.—For purposes of this title, the following are greenhouse gases:

''(1) Carbon dioxide.

''(2) Methane.

''(3) Nitrous oxide.

''(4) Sulfur hexafluoride.

''(5) Hydrofluorocarbons emitted from a chemical manufacturing process at an industrial stationary source.

''(6) Any perfluorocarbon.

''(7) Nitrogen trifluoride.

''(8) Any other anthropogenic gas designated as a greenhouse gas by the Administrator under this section.

''(b) DETERMINATION ON ADMINISTRATOR'S INITIATIVE.—The Administrator shall, by rule—

''(1) determine whether 1 metric ton of another anthropogenic gas makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide;

''(2) determine the carbon dioxide equivalent value for each gas with respect to which the Administrator makes an affirmative determination under paragraph (1);

''(3) for each gas with respect to which the Administrator makes an affirmative determination under paragraph (1) and that is used as a substitute for a class I or class II substance under title VI, determine the extent to which to regulate that gas under section 619 and specify appropriate compliance obligations under section 619;

''(4) designate as a greenhouse gas for purposes of this title each gas for which the Administrator makes an affirmative determination under paragraph (1), to the extent that it is not regulated under section 619; and

''(5) specify the appropriate compliance obligations under this title for each gas designated as a greenhouse gas under paragraph (4).

''(c) PETITIONS TO DESIGNATE A GREENHOUSE GAS.—

''(1) IN GENERAL.—Any person may petition the Administrator to designate as a greenhouse gas any anthropogenic gas 1 metric ton of which makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide.

''(2) CONTENTS OF PETITION.—The petitioner shall provide sufficient data, as specified by rule by the Administrator, to demonstrate that the gas is likely to be designated as a greenhouse gas and is likely to be produced, imported, used, or emitted in the United States. To the extent practicable, the petitioner shall also identify producers, importers, distributors, users, and emitters of the gas in the United States.

''(3) REVIEW AND ACTION BY THE ADMINISTRATOR.—Not later than 90 days after receipt of a petition under paragraph (2), the Administrator shall determine whether the petition is complete and notify the petitioner and the public of the decision.

''(4) ADDITIONAL INFORMATION.—The Administrator may require producers, importers, distributors, users, or emitters of the gas to provide information on the contribution of the gas to global warming over 100 years compared to carbon dioxide.

''(5) TREATMENT OF PETITION.—For any substance used as a substitute for a class I or class II substance under title VI, the Administrator may elect to treat a petition under this subsection as a petition to list the substance as a class II, group II substance under section 619, and may require the petition to be amended to address listing criteria promulgated under that section.

''(6) DETERMINATION.—Not later than 2 years after receipt of a complete petition, the Administrator shall, after notice and an opportunity for comment—

''(A) issue and publish in the Federal Register—

''(i) a determination that 1 metric ton of the gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; and

''(ii) an explanation of the decision; or

''(B) determine that 1 metric ton of the gas makes a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide, and take the actions described in subsection (b) with respect to such gas.

''(7) GROUNDS FOR DENIAL.—The Administrator may not deny a petition under this subsection solely on the basis of inadequate Environmental Protection Agency resources or time for review.

''(d) SCIENCE ADVISORY BOARD CONSULTATION.—

''(1) CONSULTATION.—The Administrator shall—

''(A) give notice to the Science Advisory Board prior to making a determination under subsection (b)(1), (c)(6), or (e)(2)(B);

''(B) consider the written recommendations of the Science Advisory Board under paragraph (2) regarding the determination; and

''(C) consult with the Science Advisory Board regarding such determination, including consultation subsequent to receipt of such written recommendations.

''(2) FORMULATION OF RECOMMENDATIONS.—Upon receipt of notice under paragraph (1)(A) regarding a pending determination under subsection (b)(1), (c)(6), or (e)(2)(B), the Science Advisory Board shall—

''(A) formulate recommendations regarding such determination, subject to a peer review process; and

''(B) submit such recommendations in writing to the Administrator.

''(e) MANUFACTURING AND EMISSION NOTICES.—

''(1) NOTICE REQUIREMENT.—

''(A) IN GENERAL.—Effective 24 months after the date of enactment of this title, no person may manufacture or introduce into interstate commerce a fluorinated gas, or emit a significant quantity, as determined by the Administrator, of any fluorinated gas that is generated as a byproduct during the production or use of another fluorinated gas, unless—

''(i) the gas is designated as a greenhouse gas under this section or is an ozone-depleting substance listed as a class I or class II substance under title VI;

''(ii) the Administrator has determined that 1 metric ton of such gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; or

''(iii) the person manufacturing or importing the gas for distribution into interstate commerce, or emitting the gas, has submitted to the Administrator, at least 90 days before the start of such manufacture, introduction into commerce, or emission, a notice of such person's manufacture, introduction into commerce, or emission of such gas, and the Administrator has not determined that that notice or a substantially similar notice submitted by that person is incomplete.

''(B) ALTERNATIVE COMPLIANCE.—For a gas that is a substitute for a class I or class II substance under title VI and either has been listed as acceptable for use under section 612 or is currently subject to evaluation under section 612, the Administrator may accept the notice and information provided pursuant to that section as fulfilling the obligation under clause (iii) of subparagraph (A).

''(2) REVIEW AND ACTION BY THE ADMINISTRATOR.—

''(A) COMPLETENESS.—Not later than 90 days after receipt of notice under paragraph (1)(A)(iii) or (B), the Administrator shall determine whether the notice is complete.

''(B) DETERMINATION.—If the Administrator determines that the notice is complete, the Administrator shall, after notice and an opportunity for comment, not later than 12 months after receipt of the notice—

''(i) issue and publish in the Federal Register—

''(I) a determination that 1 metric ton of the gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; and

''(II) an explanation of the decision; or

''(ii) determine that 1 metric ton of the gas makes a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide, and take the actions described in subsection (b) with respect to such gas.

''(f) REGULATIONS.—Not later than one year after the date of enactment of this title, the Administrator shall promulgate regulations to carry out this section. Such regulations shall include—

''(1) requirements for the contents of a petition submitted under subsection (c);

''(2) requirements for the contents of a notice required under subsection (e); and

''(3) methods and standards for evaluating the carbon dioxide equivalent value of a gas.

''(g) GASES REGULATED UNDER TITLE VI.—The Administrator shall not designate a gas as a greenhouse gas under this section to the extent that the gas is regulated under title VI.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to relieve any person from complying with the requirements of section 612.

"SEC. 712. CARBON DIOXIDE EQUIVALENT VALUE OF GREENHOUSE GASES.

''(a) MEASURE OF QUANTITY OF GREENHOUSE GASES.—Any provision of this title or title VIII that refers to a quantity or percentage of a quantity of greenhouse gases shall mean the quantity or percentage of the greenhouse gases expressed in carbon dioxide equivalents.

''(b) INITIAL VALUE.—Except as provided by the Administrator under this section or section 711—

''(1) the carbon dioxide equivalent value of greenhouse gases for purposes of this Act shall be as follows:

"CARBON DIOXIDE EQUIVALENT OF 1 TON OF LISTED GREENHOUSE GASES

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
Carbon dioxide	1
Methane	25
Nitrous oxide	298
HFC-23	14,800
HFC-125	3,500

"CARBON DIOXIDE EQUIVALENT OF 1 TON OF LISTED GREENHOUSE GASES—Continued

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
HFC-134a	1,430
HFC-143a	4,470
HFC-152a	124
HFC-227ea	3,220
HFC-236fa	9,810
HFC-4310mee	1,640
CF_4	7,390
C_2F_6	12,200
C_4F_{10}	8,860
C_6F_{14}	9,300
SF_6	22,800
NF_3	17,200

; and

''(2) the carbon dioxide equivalent value for purposes of this Act for any greenhouse gas not listed in the table under paragraph (1) shall be the 100-year Global Warming Potentials provided in the Intergovernmental Panel on Climate Change Fourth Assessment Report.

''(c) PERIODIC REVIEW.—

''(1) Not later than February 1, 2017, and (except as provided in paragraph (3)) not less than every 5 years thereafter, the Administrator shall—

''(A) review and, if appropriate, revise the carbon dioxide equivalent values established under this section or section 711(b)(2), based on a determination of the number of metric tons of carbon dioxide that makes the same contribution to global warming over 100 years as 1 metric ton of each greenhouse gas; and

''(B) publish in the Federal Register the results of that review and any revisions.

''(2) A revised determination published in the Federal Register under paragraph (1)(B) shall take effect for greenhouse gas emissions starting on January 1 of the first calendar year starting at least 9 months after the date on which the revised determination was published.

''(3) The Administrator may decrease the frequency of review and revision under paragraph (1) if the Administrator determines that such decrease is appropriate in order to synchronize such review and revision with any similar review process carried out pursuant to the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, or to an agreement negotiated under that convention, except that in no event shall the Administrator carry out such review and revision any less frequently than every 10 years.

''(d) METHODOLOGY.—In setting carbon dioxide equivalent values, for purposes of this section or section 711, the Administrator shall take into account publications by the Intergovernmental Panel on Climate Change or a successor organization under the auspices of the United Nations Environmental Programme and the World Meteorological Organization.

"SEC. 713. GREENHOUSE GAS REGISTRY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CLIMATE REGISTRY.—The term 'Climate Registry' means the greenhouse gas emissions registry jointly established and managed by more than 40 States and Indian tribes in 2007 to collect high-quality greenhouse gas emission data from facilities, corporations, and other organizations to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes.

''(2) REPORTING ENTITY.—The term 'reporting entity' means—

''(A) a covered entity;

''(B) an entity that—

''(i) would be a covered entity if it had emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level in the definition of covered entity in paragraph (13) of section 700; and

''(ii) has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level in the definition of covered entity in paragraph (13) of section 700, provided that the figure of 25,000 tons of carbon dioxide equivalent is read instead as 10,000 tons of carbon dioxide equivalent and the figure of 460,000,000 cubic feet is read instead as 184,000,000 cubic feet;

''(C) any other entity that emits a greenhouse gas, or produces, imports, manufactures, or delivers material whose use results or may result in greenhouse gas emissions if the Administrator determines that reporting under this section by such entity will help achieve the purposes of this title or title VIII;

''(D) any vehicle fleet with emissions of more than 25,000 tons of carbon dioxide equivalent on an annual basis, if the Administrator determines that the inclusion of such fleet will help achieve the purposes of this title or title VIII; or

''(E) any entity that delivers electricity to a facility in an energy-intensive industrial sector that meets the energy or greenhouse gas intensity criteria in section 764(b)(2)(A)(i).

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Administrator shall issue regulations establishing a Federal greenhouse gas registry. Such regulations shall—

''(A) require reporting entities to submit to the Administrator data on—

''(i) greenhouse gas emissions in the United States;

''(ii) the production and manufacture in the United States, importation into the United States, and, at the discretion of the Administrator, exportation from the United States, of fuels and industrial gases the uses of which result or may result in greenhouse gas emissions;

''(iii) deliveries in the United States of natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, the combustion of which result or may result in greenhouse gas emissions; and

''(iv) the capture and sequestration of greenhouse gases;

''(B) require covered entities and, where appropriate, other reporting entities to submit to the Administrator data sufficient to ensure compliance with or implementation of the requirements of this title;

''(C) require reporting of electricity delivered to facilities in an energy-intensive industrial sector that meets the energy or greenhouse gas intensity criteria in section 764(b)(2)(A)(i);

''(D) ensure the completeness, consistency, transparency, accuracy, precision, and reliability of such data;

''(E) take into account the best practices from the most recent Federal, State, tribal, and international protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions, including protocols from the Climate Registry and other mandatory State or multistate authorized programs;

''(F) take into account the latest scientific research;

''(G) require that, for covered entities with respect to greenhouse gases to which section 722 applies, and, to the extent determined to be appropriate by the Administrator, for covered entities with respect to other greenhouse gases and for other reporting entities, submitted data are based on—

''(i) continuous monitoring systems for fuel flow or emissions, such as continuous emission monitoring systems;

''(ii) alternative systems that are demonstrated as providing data with the same precision, reliability, accessibility, and timeliness, or, to the extent the Administrator determines is appropriate for reporting small amounts of emissions, the same precision, reliability, and accessibility and similar timeliness, as data provided by continuous monitoring systems for fuel flow or emissions; or

''(iii) alternative methodologies that are demonstrated to provide data with precision, reliability, accessibility, and timeliness, or, to the extent the Administrator determines is appropriate for reporting small amounts of emissions, precision, reliability, and accessibility, as similar as is technically feasible to that of data generally provided by continuous monitoring systems for fuel flow or emissions, if the Administrator determines that, with respect to a reporting entity, there is no continuous monitoring system or alternative system described in clause (i) or (ii) that is technically feasible;

''(H) require that the Administrator, in determining the extent to which the requirement to use systems or methodologies in accordance with subparagraph (G) is appropriate for reporting entities other than covered entities or for greenhouse gases to which section 722 does not apply, consider the cost of using such systems and methodologies, and of using other systems and methodologies that are available and suitable, for quantifying the emissions involved in light of the purposes of this title, including the goal of collecting consistent entity-wide data;

''(I) include methods for minimizing double reporting and avoiding irreconcilable double reporting of greenhouse gas emissions;

''(J) establish measurement protocols for carbon capture and sequestration systems, taking into consideration the regulations promulgated under section 813;

''(K) require that reporting entities provide the data required under this paragraph in reports submitted electronically to the Administrator, in such form and containing such information as may be required by the Administrator;

''(L) include requirements for keeping records supporting or related to, and protocols for auditing, submitted data;

''(M) establish consistent policies for calculating carbon content and greenhouse gas emissions for each type of fossil fuel with respect to which reporting is required;

''(N) subsequent to implementation of policies developed under subparagraph (M), provide for immediate dissemination, to States, Indian tribes, and on the Internet, of all data reported under this section as soon as practicable after electronic audit by the Administrator and any resulting correction of data, except that data shall not be disseminated under this subparagraph if—

''(i) its nondissemination is vital to the national security of the United States, as determined by the President; or

''(ii) it is confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published, except that—

''(I) data relating to greenhouse gas emissions, including any upstream or verification data from reporting entities, shall not be considered to be confidential business information; and

''(II) data that is confidential business information shall be provided to a State or Indian tribe within whose jurisdiction the reporting entity is located, if the Administrator determines that such State or Indian tribe has in effect protections for confidential business information that are at least as protective as protections applicable to the Federal Government;

''(O) prescribe methods by which the Administrator shall, in cases in which satisfactory data are not submitted to the Administrator for any period of time, estimate emission, production, importation, manufacture, or delivery levels—

''(i) for covered entities with respect to greenhouse gas emissions, production, importation, manufacture, or delivery regulated under this title to ensure that emissions, production, importation, manufacture, or deliveries are not underreported, and to create a strong incentive for meeting data monitoring and reporting requirements—

''(I) with a conservative estimate of the highest emission, production, importation, manufacture, or delivery levels that may have occurred during the period for which data are missing; or

''(II) to the extent the Administrator considers appropriate, with an estimate of such levels assuming the unit is emitting, producing, importing, manufacturing, or delivering at a maximum potential level during the period, in order to ensure that such levels are not underreported and to create a strong incentive for meeting data monitoring and reporting requirements; and

''(ii) for covered entities with respect to greenhouse gas emissions to which section 722 does not apply and for other reporting entities, with a reasonable estimate of the emission, production, importation, manufacture, or delivery levels that may have occurred during the period for which data are missing;

''(P) require the designation of a designated representative for each reporting entity;

''(Q) require an appropriate certification, by the designated representative for the reporting entity, of accurate and complete accounting of greenhouse gas emissions, as determined by the Administrator; and

''(R) include requirements for other data necessary for accurate and complete accounting of greenhouse gas emissions, as determined by the Administrator, including data for quality assurance of monitoring systems, monitors and other measurement devices, and other data needed to verify reported emissions, production, importation, manufacture, or delivery.

''(2) TIMING.—

''(A) CALENDAR YEARS 2007 THROUGH 2010.—For a base period of calendar years 2007 through 2010, each reporting entity shall submit annual data required under this section to the Administrator not later than March 31, 2011. The Administrator may waive or modify reporting requirements for calendar years 2007 through 2010 for categories of reporting entities to the extent that the Administrator determines that the reporting entities did not keep data or records necessary to meet reporting requirements. The Administrator may, in addition to or in lieu of such requirements, collect information on energy consumption and production.

''(B) SUBSEQUENT CALENDAR YEARS.—For calendar year 2011 and each subsequent calendar year, each reporting entity shall submit quarterly data required under this section to the Administrator not later than 60 days after the end of the applicable quarter, except when the data is already being reported to the Administrator on an earlier timeframe for another program.

''(3) WAIVER OF REPORTING REQUIREMENTS.—The Administrator may waive reporting requirements under this section for specific entities to the extent that the Administrator determines that sufficient and equally or more reliable verified and timely data are available to the Administrator and the public on the Internet under other mandatory statutory requirements.

''(4) ALTERNATIVE THRESHOLD.—The Administrator may, by rule, establish applicability thresholds for reporting under this section using alternative metrics and levels, provided that such metrics and levels are easier to administer and cover the same size and type of sources as the threshold defined in this section.

''(c) INTERRELATIONSHIP WITH OTHER SYSTEMS.—In developing the regulations issued under subsection (b), the Administrator shall take into account the work done by the Climate Registry and other mandatory State or multistate programs. Such regulations shall include an explanation of any major differences in approach between the system established under the regulations and such registries and programs.

''PART C—PROGRAM RULES

''SEC. 721. EMISSION ALLOWANCES.

''(a) IN GENERAL.—The Administrator shall establish a separate quantity of emission allowances for each calendar year starting in 2012, in the amounts prescribed under subsection (e).

''(b) IDENTIFICATION NUMBERS.—The Administrator shall assign to each emission allowance established under subsection (a) a unique identification number that includes the vintage year for that emission allowance.

''(c) LEGAL STATUS OF EMISSION ALLOWANCES.—

''(1) IN GENERAL.—An allowance established by the Administrator under this title does not constitute a property right, nor does any offset credit or other instrument established or issued under the American Clean Energy and Security Act of 2009, and the amendments made thereby, for the purpose of demonstrating compliance with this title.

''(2) TERMINATION OR LIMITATION.—Nothing in this Act or any other provision of law shall be construed to limit or alter the authority of the United States, including the Administrator acting pursuant to statutory authority, to terminate or limit allowances, offset credits, or term offset credits.''

''(3) OTHER PROVISIONS UNAFFECTED.—Except as otherwise specified in this Act, nothing in this Act relating to allowances, offset credits, or term offset credits, established or issued under this title shall affect the application of any other provision of law to a covered entity, or the responsibility for a covered entity to comply with any such provision of law.

''(d) SAVINGS PROVISION.—Nothing in this part shall be construed as requiring a change of any kind in any State law regulating electric utility rates and charges, or as affecting any State law regarding such State regulation, or as limiting State regulation (including any prudency review) under such a State law. Nothing in this part shall be construed as modifying the Federal Power Act or as affecting the authority of the Federal Energy Regulatory Commission under that Act. Nothing in this part shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established.

''(e) ALLOWANCES FOR EACH CALENDAR YEAR.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the number of emission allowances established by the Administrator under subsection (a) for each calendar year shall be as provided in the following table:

''Calendar year	Emission allowances (in millions)
2012	4,627
2013	4,544
2014	5,099
2015	5,003
2016	5,482
2017	5,375
2018	5,269
2019	5,162
2020	5,056
2021	4,903
2022	4,751
2023	4,599

''Calendar year	Emission allowances (in millions)
2024	4,446
2025	4,294
2026	4,142
2027	3,990
2028	3,837
2029	3,685
2030	3,533
2031	3,408
2032	3,283
2033	3,158
2034	3,033
2035	2,908

"Calendar year	Emission allowances (in millions)
2036	2,784
2037	2,659
2038	2,534
2039	2,409
2040	2,284
2041	2,159
2042	2,034
2043	1,910
2044	1,785
2045	1,660
2046	1,535
2047	1,410
2048	1,285
2049	1,160
2050 and each year thereafter	1,035

''(2) REVISION.—

''(A) IN GENERAL.—The Administrator may adjust, in accordance with subparagraph (B), the number of emission allowances established pursuant to paragraph (1) if, after notice and an opportunity for public comment, the Administrator determines that—

''(i) United States greenhouse gas emissions in 2005 were other than 7,206 million metric tons carbon dioxide equivalent;

''(ii) if the requirements of this title for 2012 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 66.2 percent of United States greenhouse gas emissions in 2005;

''(iii) if the requirements of this title for 2014 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 75.7 percent of United States greenhouse gas emissions in 2005; or

''(iv) if the requirements of this title for 2016 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 84.5 percent United States greenhouse gas emissions in 2005.

''(B) ADJUSTMENT FORMULA.—

''(i) IN GENERAL.—If the Administrator adjusts under this paragraph the number of emission allowances established pursuant to paragraph (1), the number of emission allowances the Administrator establishes for any given calendar year shall equal the product of—

''(I) United States greenhouse gas emissions in 2005, expressed in tons of carbon dioxide equivalent;

''(II) the percent of United States greenhouse gas emissions in 2005, expressed in tons of carbon dioxide equivalent, that would have been subject to section 722 if the requirements of this title for the given calendar year had been in effect in 2005; and

''(III) the percentage set forth for that calendar year in section 703(a), or determined under clause (ii) of this subparagraph.

''(ii) TARGETS.—In applying the portion of the formula in clause (i)(III) of this subparagraph, for calendar years for which a percentage is not listed in section 703(a), the Administrator shall use a uniform annual decline in the amount of emissions between the years that are specified.

''(iii) CARBON DIOXIDE EQUIVALENT VALUE.—If the Administrator adjusts under this paragraph the number of emission allowances established pursuant to paragraph (1), the Administrator shall use the carbon dioxide equivalent values established pursuant to section 712.

''(iv) LIMITATION ON ADJUSTMENT TIMING.—Once a calendar year has started, the Administrator may not adjust the number of emission allowances to be established for that calendar year.

''(C) LIMITATION ON ADJUSTMENT AUTHORITY.—The Administrator may adjust under this paragraph the number of emission allowances to be established pursuant to paragraph (1) only once.

''(f) COMPENSATORY ALLOWANCE.—

''(1) IN GENERAL.—The regulations promulgated under subsection (h) shall provide for the establishment and distribution of compensatory allowances for—

''(A) the destruction, in 2012 or later, of fluorinated gases that are greenhouse gases if—

''(i) allowances or offset credits were retired for their production or importation; and

''(ii) such gases are not required to be destroyed under any other provision of law;

''(B) the nonemissive use, in 2012 or later, of petroleum-based or coal-based liquid or gaseous fuel, petroleum coke, natural gas liquid, or natural gas as a feedstock, if allowances or offset credits were retired for the greenhouse gases that would have been emitted from their combustion; and

''(C) the conversionary use, in 2012 or later, of fluorinated gases in a manufacturing process, including semiconductor research or manufacturing, if allowances or offset credits were retired for the production or importation of such gas.

''(2) ESTABLISHMENT AND DISTRIBUTION.—

''(A) IN GENERAL.—Not later than 90 days after the end of each calendar year, the Administrator shall establish and distribute to the entity taking the actions described in subparagraph (A), (B), or (C) of paragraph (1) a quantity of compensatory allowances equivalent to the number of tons of carbon dioxide equivalent of avoided emissions achieved through such actions. In establishing the quantity of compensatory allowances, the Administrator shall take into account the carbon dioxide equivalent value of any greenhouse gas resulting from such action.

''(B) SOURCE OF ALLOWANCES.—Compensatory allowances established under this subsection shall not be emission allowances established under subsection (a).

''(C) IDENTIFICATION NUMBERS.—The Administrator shall assign to each compensatory allowance established under subparagraph (A) a unique identification number.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'destruction' means the conversion of a greenhouse gas by thermal, chemical, or other means to another gas or set of gases with little or no carbon dioxide equivalent value;

''(B) the term 'nonemissive use' means the use of fossil fuel as a feedstock in an industrial or manufacturing process to the extent that greenhouse gases are not emitted from such process, and to the extent that the products of such process are not intended for use as, or to be contained in, a fuel; and

''(C) the term 'conversionary use' means the conversion during research or manufacturing of a fluorinated gas into another greenhouse gas or set of gases with a lower carbon dioxide equivalent value.

''(4) FEEDSTOCK EMISSIONS STUDY.—

''(A) The Administrator may conduct a study to determine the extent to which petroleum-based or coal-based liquid or gaseous fuel, petroleum coke, natural gas liquid, or natural gas are used as feedstocks in manufacturing processes to produce products and the greenhouse gas emissions resulting from such uses.

''(B) If as a result of such a study, the Administrator determines that the use of such products by noncovered sources results in substantial emissions of greenhouse gases and that such emissions have not been adequately addressed under other requirements of this Act, the Administrator may, after notice and comment rulemaking, promulgate a regulation reducing compensatory allowances commensurately if doing so will not result in shifting such emissions to noncovered sources.

''(g) FLUORINATED GASES ASSESSMENT.—No later than March 31, 2014, the Administrator shall complete an assessment of the regulation of non-HFC fluorinated gases under this title to determine whether the most appropriate point of regulation is at the gas manufacturer or importer level, or at the source of emissions downstream. If the Administrator determines, based on consideration of environmental effectiveness, cost effectiveness, administrative feasibility, extent of coverage of emissions, competitiveness and other relevant considerations consistent with the purposes of this title, that emissions of non-HFC fluorinated gases can best be regulated by designating downstream emission sources as covered entities with compliance obligations under section 722, the Administrator shall, after notice and comment rulemaking, change the definition of covered entity and the compliance obligations under section 722 with respect to non-HFC fluorinated gases accordingly, consistent with the purposes of this title, and establish such other requirements as are necessary to ensure compliance for such entities with the requirements of this title.

''(h) REGULATIONS.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations to carry out the provisions of this title.

"SEC. 722. PROHIBITION OF EXCESS EMISSIONS.

''(a) PROHIBITION.—Except as provided in subsection (c), effective January 1, 2012, each covered entity is prohibited from emitting greenhouse gases and having attributable greenhouse gas emissions, in combination, in excess of its allowable emissions level. A covered entity's allowable emissions level for each calendar year is the number of emission allowances (or offset credits or other allowances as provided in subsection (d)) it holds as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of the following calendar year.

''(b) METHODS OF DEMONSTRATING COMPLIANCE.—Except as otherwise provided in this section, the owner or operator of a covered entity shall not be considered to be in compliance with the prohibition in subsection (a) unless, as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of each calendar year starting in 2013, the owner or operator holds a quantity of emission allowances (or offset credits or other allowances as provided in subsection (d)) at least as great as the quantity calculated as follows:

''(1) ELECTRICITY SOURCES.—For a covered entity described in section 700(13)(A), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year, excluding emissions resulting from the combustion of—

''(A) petroleum-based or coal-based liquid fuel;

''(B) natural gas liquid;

''(C) renewable biomass or gas derived from renewable biomass; or

''(D) petroleum coke or gas derived from petroleum coke.

''(2) FUEL PRODUCERS AND IMPORTERS.—For a covered entity described in section 700(13)(B), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that would be emitted from the combustion of any petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, produced or imported by such covered entity during the previous calendar year for sale or distribution in interstate commerce, assuming no capture and sequestration of any greenhouse gas emissions.

''(3) INDUSTRIAL GAS PRODUCERS AND IMPORTERS.—For a covered entity described in section 700(13)(C), 1 emission allowance for each ton of carbon dioxide equivalent of fossil fuel-based carbon dioxide, nitrous oxide, or any other fluorinated gas that is a greenhouse gas (except for nitrogen trifluoride), or any combination thereof, produced or imported by such covered entity during the previous calendar year for sale or distribution in interstate commerce.

''(4) NITROGEN TRIFLUORIDE SOURCES.—For a covered entity described in section 700(13)(D), 1 emission allowance for each ton of carbon dioxide equivalent of nitrogen trifluoride that such covered entity emitted in the previous calendar year.

''(5) GEOLOGICAL SEQUESTRATION SITES.—For a covered entity described in section 700(13)(E), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year.

''(6) INDUSTRIAL STATIONARY SOURCES.—For a covered entity described in section 700(13)(F), (G), or (H), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year, excluding emissions resulting from—

''(A) the combustion of petroleum-based or coal-based liquid fuel;

''(B) the combustion of natural gas liquid;

''(C) the combustion of renewable biomass or gas derived from renewable biomass;

''(D) the combustion of petroleum coke or gas derived from petroleum coke; or

''(E) the use of any fluorinated gas that is a greenhouse gas purchased for use at that covered entity, except for nitrogen trifluoride.

''(7) INDUSTRIAL FOSSIL FUEL-FIRED COMBUSTION DEVICES.—For a covered entity described in section 700(13)(I), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that the devices emitted in the previous calendar year, excluding emissions resulting from the combustion of—

''(A) petroleum-based or coal-based liquid fuel;

''(B) natural gas liquid;

''(C) renewable biomass or gas derived from renewable biomass; or

''(D) petroleum coke or gas derived from petroleum coke.

''(8) NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—For a covered entity described in section 700(13)(J), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that would be emitted from the combustion of the natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, that such entity delivered during the previous calendar year to customers that are not covered entities, assuming no capture and sequestration of that greenhouse gas.

''(9) ALGAE-BASED FUELS.—Where carbon dioxide (or another greenhouse gas) generated by a covered entity is used as an input in the production of algae-based fuels, the Administrator shall ensure that emission allowances are required to be held either for the carbon dioxide generated by a covered entity that is used to grow the algae or for the portion of the carbon dioxide emitted from combustion of the fuel produced from such algae that is attributable to carbon dioxide generated by a covered entity, but not for both.

''(10) FUGITIVE EMISSIONS.—The greenhouse gas emissions to which paragraphs (1), (4), (6), and (7) apply shall not include fugitive emissions of greenhouse gas, except to the extent the Administrator determines that data on the carbon dioxide equivalent value of greenhouse gas in the fugitive emissions can be provided with sufficient precision, reliability, accessibility, and timeliness to ensure the integrity of emission allowances, the allowance tracking system, and the cap on emissions.

''(11) EXPORT EXEMPTION.—This section shall not apply to any petroleum-based or coal-based liquid fuel, petroleum coke, natural gas liquid, fossil fuel-based carbon dioxide, nitrous oxide, or fluorinated gas that is exported for sale or use.

''(12) NATURAL GAS LIQUIDS.—For natural gas liquids, the covered entity subject to the requirement stated in paragraph (2) shall be the owner of the natural gas liquids at the point the natural gas liquids are separated into merchantable products.

''(13) APPLICATION OF MULTIPLE PARAGRAPHS.—For a covered entity to which more than 1 of paragraphs (1) through (8) apply, all applicable paragraphs shall apply, except that not more than 1 emission allowance shall be required for the same emission.

''(14) APPLICATION TO FRACTIONS OF TONS.—In applying paragraphs (1) through (8), any amount less than 1 ton of carbon dioxide equivalent of emissions or attributable greenhouse gas emissions shall be treated as 1 ton of such carbon dioxide equivalent.

''(c) PHASE-IN OF PROHIBITION.—

''(1) INDUSTRIAL STATIONARY SOURCES.—The prohibition under subsection (a) shall first apply to a covered entity described in section 700(13)(D), (F), (G), (H), or (I), with respect to emissions occurring during calendar year 2014.

''(2) NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—The prohibition under subsection (a) shall first apply to a covered entity described in section 700(13)(J) with respect to deliveries occurring during calendar year 2016.

''(d) ADDITIONAL METHODS.—In addition to using the method of compliance described in subsection (b), a covered entity may do the following:

''(1) OFFSET CREDITS.—

''(A) IN GENERAL.—Covered entities collectively may, in accordance with this paragraph, use offset credits to demonstrate compliance for up to a maximum of 2 billion tons of greenhouse gas emissions annually. The ability to demonstrate compliance with offset credits shall be divided pro rata among covered entities by allowing each covered entity to satisfy a percentage of the number of allowances required to be held under subsection (b) to demonstrate compliance by holding 1 domestic offset credit or 1.25 international offset credits in lieu of an emission allowance, except as provided in subparagraph (D).

''(B) APPLICABLE PERCENTAGE.—The percentage referred to in subparagraph (A) for a given calendar year shall be determined by dividing 2 billion by the sum of 2 billion plus the number of emission allowances established under section 721(a) for the previous year, and multiplying that number by 100. Not more than one half of the applicable percentage under this paragraph may be used by holding domestic offset credits, and not more than one half of the applicable percentage under this paragraph may be used by holding international offset credits, except as provided in subparagraph (C).

''(C) MODIFIED PERCENTAGES.—If the Administrator determines that domestic offset credits available for use in demonstrating compliance in any calendar year at domestic offset prices generally equal to or less than emission allowance prices, are likely to offset less than 0.9 billion tons of greenhouse gas emissions (measured in tons of carbon dioxide equivalents), for purposes of compliance demonstration in that year the Administrator shall—

''(i) increase the percentage of emissions that can be offset through the use of international offset credits to reflect the amount that 1.0 billion exceeds the number of domestic offset credits the Administrator determines is available, at prices generally equal to or less than emission allowance prices, for that year, up to a maximum of 0.5 billion tons of greenhouse gas emissions; and

''(ii) decrease the percentage of emissions that can be offset through the use of domestic offset credits by the same amount.

''(D) INTERNATIONAL OFFSET CREDITS.—Notwithstanding subparagraph (A), to demonstrate compliance prior to calendar year 2018, a covered entity may use 1 international offset credit in lieu of an emission allowance up to the amount permitted under this paragraph.

''(E) PRESIDENT'S RECOMMENDATION.—The President may make a recommendation to Congress as to whether the number 2 billion specified in subparagraphs (A) and (B) should be increased or decreased.

''(2) TERM OFFSETT CREDITS.—

''(A) IN GENERAL.—Covered entities may, in accordance with this paragraph, use non-expired term offset credits instead of domestic offset credits for purposes of temporarily demonstrating compliance with this section.

''(B) AMOUNT.—The combined quantity of term offset credits and domestic offset credits used by a covered entity to demonstrate compliance for its emissions or attributable greenhouse gas emissions in any given year shall not exceed the quantity of domestic offset credits that a covered entity is entitled to use for that year to demonstrate compliance in accordance with paragraph (1).

''(C) EXPIRATION.—A term offset credit shall expire in the year after its term ends. The term of a term offset credit shall be calculated by adding to the year of issuance the number of years equal to the length of the crediting period for the practice or project for which the term offset credit was issued, but in no case shall be later than the date 5 years from the date of issuance.

''(D) DEMONSTRATING COMPLIANCE UPON EXPIRATION OF TERM OFFSET CREDIT.—With respect to the emissions for which a covered entity is using term offset credits to demonstrate compliance temporarily with this

section, the owner or operator of a covered entity shall not be considered to be in compliance with the prohibition in subsection (a) unless, as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of the calendar year in which a term offset credit expires, the owner or operator holds—

''(i) for purposes of finally demonstrating compliance, an allowance or a domestic offset credit; or

''(ii) for purposes of temporarily demonstrating compliance, a non-expired term offset credit.

Domestic offset credits used for purposes of finally demonstrating compliance under this subparagraph shall not be subject to the percentage limitations in subparagraph (B).

''(E) FINANCIAL ASSURANCE.—A covered entity may not use a term offset credit to demonstrate compliance temporarily unless it simultaneously provides to the Administrator financial assurance that, at the end of the term offset credit's crediting term, the covered entity will have sufficient resources to obtain the quantity of allowances or credits necessary to demonstrate final compliance. The Administrator shall issue regulations establishing requirements for such financial assurance, which shall take into account the increased risk associated with longer crediting terms. These regulations shall take into account the total number of tons of carbon dioxide equivalent of greenhouse gas emissions for which a covered entity is demonstrating compliance temporarily, and may set a limit on this amount. In the event that a covered entity that used term offset credits to demonstrate compliance temporarily fails to meet the requirements of subparagraph (D) at the end of the term offset credits' crediting term, if the financial assurance mechanism fails to provide to the Administrator the number of allowances or offset credits for which the crediting term has expired, then the Administrator shall retire that number of allowances with the vintage year 2 years after the year in which the term offset credit expires in the same amount. Allowances so retired shall not be counted as emission allowances established for that calendar year under section 721(a).

''(3) INTERNATIONAL EMISSION ALLOWANCES.—To demonstrate compliance, a covered entity may hold an international emission allowance in lieu of an emission allowance, except as modified under section 728(d).

''(4) COMPENSATORY ALLOWANCES.—To demonstrate compliance, a covered entity may hold a compensatory allowance obtained under section 721(f) in lieu of an emission allowance.

''(e) RETIREMENT OF ALLOWANCES AND CREDITS.—As soon as practicable after a deadline established for covered entities to demonstrate compliance with this title, the Administrator shall retire the quantity of allowances or credits required to be held under this title.

''(f) ALTERNATIVE METRICS.—For categories of covered entities described in subparagraph (B), (C), (D), (G), (H), or (I) of section 700(13), the Administrator may, by rule, establish an applicability threshold for inclusion under those subparagraphs using an alternative metric and level, provided that such metric and level are easier to administer and cover the same size and type of sources as the threshold defined in such subparagraphs.

''(g) THRESHOLD REVIEW.—For each category of covered entities described in subparagraph (B), (C), (D), (G), (H), or (I) of section 700(13), the Administrator shall, in 2020 and once every 8 years thereafter, review the carbon dioxide equivalent emission threshold that is used to define covered entities in such category. After consideration of—

''(1) emissions from covered entities in such category, and from other entities of the same type that emit less than the threshold amount for the category (including emission sources that commence operation after the date of enactment of this title that are not covered entities); and

''(2) whether greater greenhouse gas emission reductions can be cost-effectively achieved by lowering the applicable threshold,

the Administrator may by rule lower such threshold to not less than 10,000 tons of carbon dioxide equivalent emissions. In determining the cost effectiveness of potential reductions from lowering the threshold for covered entities, the Administrator shall consider alternative regulatory greenhouse gas programs, including setting standards under other titles of this Act.

''(h) DESIGNATED REPRESENTATIVES.—The regulations promulgated under section 721(h) shall require that each covered entity, and each entity holding allowances or offset credits or receiving allowances or offset credits from the Administrator under this title, submit to the Administrator a certificate of representation designating a designated representative.

''(i) EDUCATION AND OUTREACH.—

''(1) IN GENERAL.—The Administrator shall establish and carry out a program of education and outreach to assist covered entities, especially entities having little experience with environmental regulatory requirements similar or comparable to those under this title, in preparing to meet the compliance obligations of this title. Such program shall include education with respect to using markets to effectively achieve such compliance.

''(2) FAILURE TO RECEIVE INFORMATION.—A failure to receive information or assistance under this subsection may not be used as a defense against an allegation of any violation of this title.

''(j) ADJUSTMENT OF DEADLINE.—The Administrator may, by rule, establish a deadline for demonstrating compliance, for a calendar year, later than the date provided in subsection (a), as necessary to ensure the availability of emissions data, but in no event shall the deadline be later than June 1.

''(k) NOTICE REQUIREMENT FOR COVERED ENTITIES RECEIVING NATURAL GAS FROM NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—The owner or operator of a covered entity that takes delivery of natural gas from a natural gas local distribution company shall, not later than September 1 of each calendar year, notify such natural gas local distribution company in writing that such entity will qualify as a covered entity under this title for that calendar year.

''(l) COMPLIANCE OBLIGATION.—For purposes of this title, the year of a compliance obligation is the year in which compliance is determined, not the year in which the greenhouse gas emissions occur or the covered entity has attributable greenhouse gas emissions.

''SEC. 723. PENALTY FOR NONCOMPLIANCE.

''(a) ENFORCEMENT.—A violation of any prohibition of, requirement of, or regulation promulgated pursuant to this title shall be a violation of this Act. It shall be a violation of this Act for a covered entity to emit greenhouse gases and have attributable greenhouse gas emissions, in combination, in excess of its allowable emissions level as provided in section 722(a). Each ton of carbon dioxide equivalent for which a covered entity fails to demonstrate compliance under section 722 shall be a separate violation. In the event that a covered entity fails to demonstrates compliance at the expiration of a term offset credit's crediting term as required by section 722(d)(2)(D), the year of the violation shall be the year in which the term offset credit expires.

''(b) EXCESS EMISSIONS PENALTY.—

''(1) IN GENERAL.—The owner or operator of any covered entity that fails for any year to comply, on the deadline described in section 722(a), (d)(2) or (j), shall be liable for payment to the Administrator of an excess emissions penalty in the amount described in paragraph (2).

''(2) AMOUNT.—The amount of an excess emissions penalty required to be paid under paragraph (1) shall be equal to the product obtained by multiplying—

''(A) the tons of carbon dioxide equivalent of greenhouse gas emissions or attributable greenhouse gas emissions for which the owner or operator of a covered entity failed to demonstrate compliance under section 722 on the deadline; by

''(B) twice the auction clearing price for the earliest vintage year emission allowances in the last auction carried out pursuant to section 791 before such deadline.

''(3) TIMING.—An excess emissions penalty required under this subsection shall be immediately due and payable to the Administrator, without demand, in accordance with regulations promulgated by the Administrator, which shall be issued not later than 2 years after the date of enactment of this title.

''(4) NO EFFECT ON LIABILITY.—An excess emissions penalty due and payable by the owners or operators of a covered entity under this subsection shall not diminish the liability of the owners or operators for any fine, penalty, or assessment against the owners or operators for the same violation under any other provision of this Act or any other law.

''(c) EXCESS EMISSIONS ALLOWANCES.—The owner or operator of a covered entity that fails for any year to comply on the deadline described in section 722(a), (d)(2) or (j) shall be liable to offset the covered entity's excess combination of greenhouse gases emitted and attributable greenhouse gas emissions by an equal quantity of emission allowances during the following calendar year, or such longer period as the Administrator may prescribe. During the year in which the covered entity failed to comply, or any year thereafter, the Administrator may deduct the emission allowances required under this subsection to offset the covered entity's excess greenhouse gas emissions or attributable greenhouse gas emissions.

''SEC. 724. TRADING.

''(a) PERMITTED TRANSACTIONS.—Except as otherwise provided in this title, the lawful holder of an emission allowance, compensatory allowance, or offset credit may, without restriction, sell, exchange, transfer, hold for compliance in accordance with section 722, or request that the Administrator retire the emission allowance, compensatory allowance, or offset credit.

''(b) NO RESTRICTION ON TRANSACTIONS.—The privilege of purchasing, holding, selling, exchanging, transferring, and requesting retirement of emission allowances, compensatory allowances, or offset credits shall not be restricted to the owners and operators of covered entities, except as otherwise provided in this title.

''(c) EFFECTIVENESS OF ALLOWANCE TRANSFERS.—No transfer of an allowance, offset

credit or term offset credit shall be effective for purposes of this title until a certification of the transfer, signed by the designated representative of the transferor, is received and recorded by the Administrator in accordance with regulations promulgated under section 721(h).

''(d) ALLOWANCE TRACKING SYSTEM.—The regulations promulgated under section 721(h) shall include a system for issuing, recording, holding, and tracking allowances, offset credits, and term offset credits that shall specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance and offset credit markets. Such regulations shall provide for appropriate publication of the information in the system on the Internet.

''SEC. 725. BANKING AND BORROWING.

''(a) BANKING.—An emission allowance may be used to comply with section 722 or section 723 for emissions in—

''(1) the vintage year for the allowance; or

''(2) any calendar year subsequent to the vintage year for the allowance.

''(b) EXPIRATION.—

''(1) REGULATIONS.—The Administrator may establish by regulation criteria and procedures for determining whether, and for implementing a determination that, the expiration of an allowance offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby or expiration of the ability to use an international emission allowance to comply with section 722, is necessary to ensure the authenticity and integrity of allowances, offset credits, or term offset credits or the allowance tracking system.

''(2) GENERAL RULE.—Allowance, offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby, shall not expire unless—

''(A) it is retired by the Administrator pursuant to this title; or

''(B) it is determined to expire or to have expired by a specific date by the Administrator in accordance with regulations promulgated under paragraph (1).

''(3) INTERNATIONAL EMISSION ALLOWANCES.—The ability to use an international emission allowance to comply with section 722 shall not expire unless—

''(A) the allowance is retired by the Administrator pursuant to this title; or

''(B) the ability to use such allowance to meet such compliance obligation requirements is determined to expire or to have expired by a specific date by the Administrator in accordance with regulations promulgated under paragraph (1).

''(c) BORROWING FUTURE VINTAGE YEAR ALLOWANCES.—

''(1) BORROWING WITHOUT INTEREST.—In addition to the uses described in subsection (a), an emission allowance may be used to demonstrate compliance under section 722 or comply with section 723 for emissions, production, importation, manufacture, or deliveries in the calendar year immediately preceding the vintage year for the allowance.

''(2) BORROWING WITH INTEREST.—

''(A) IN GENERAL.—A covered entity may demonstrate compliance under section 722 in a specific calendar year for up to 15 percent of its emissions by holding emission allowances with a vintage year 1 to 5 years later than that calendar year.

''(B) LIMITATIONS.—An emission allowance borrowed pursuant to this paragraph shall be an emission allowance that is established by the Administrator for a specific future calendar year under section 721(a) and that is held by the borrower.

''(C) PREPAYMENT OF INTEREST.—For each emission allowance that an owner or operator of a covered entity borrows pursuant to this paragraph, such owner or operator shall, at the time it borrows the allowance, hold for retirement by the Administrator, and the Administrator shall retire, a quantity of emission allowances that is equal to the product obtained by multiplying—

''(i) 0.08; by

''(ii) the number of years between the calendar year in which the allowance is being used to satisfy a compliance obligation and the vintage year of the allowance.

''SEC. 726. STRATEGIC RESERVE.

''(a) STRATEGIC RESERVE AUCTIONS.—

''(1) IN GENERAL.—Once each quarter of each calendar year for which allowances are established under section 721(a), the Administrator shall auction strategic reserve allowances.

''(2) RESTRICTION TO COVERED ENTITIES.—In each auction conducted under paragraph (1), only covered entities that the Administrator expects will be required to comply with section 722 in the following calendar year shall be eligible to make purchases.

''(b) POOL OF EMISSION ALLOWANCES FOR STRATEGIC RESERVE AUCTIONS.—

''(1) FILLING THE STRATEGIC RESERVE INITIALLY.—

''(A) IN GENERAL.—The Administrator shall, not later than 2 years after the date of enactment of this title, establish a strategic reserve account, and shall place in that account an amount of emission allowances established under section 721(a) for each calendar year from 2012 through 2050 in the amounts specified in subparagraph (B) of this paragraph.

''(B) AMOUNT.—The amount referred to in subparagraph (A) shall be—

''(i) for each of calendar years 2012 through 2019, 1 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1);

''(ii) for each of calendar years 2020 through 2029, 2 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1); and

''(iii) for each of calendar years 2030 through 2050, 3 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1).

''(C) EFFECT ON OTHER PROVISIONS.—Any provision in this title (except for subparagraph (B) of this paragraph) that refers to a quantity or percentage of the emission allowances established for a calendar year under section 721(a) shall be considered to refer to the amount of emission allowances as determined pursuant to section 721(e), less any emission allowances established for that year that are placed in the strategic reserve account under this paragraph.

''(2) SUPPLEMENTING THE STRATEGIC RESERVE.—The Administrator shall also—

''(A) at the end of each calendar year, transfer to the strategic reserve account each emission allowance that was offered for sale but not sold at any auction conducted under section 791; and

''(B) deposit emission allowances established under subsection (g) from auction proceeds into the strategic reserve, to the extent necessary to maintain the reserve at its original size.

''(c) MINIMUM STRATEGIC RESERVE AUCTION PRICE.—

''(1) IN GENERAL.—At each strategic reserve auction, the Administrator shall offer emission allowances for sale beginning at a minimum price per emission allowance, which shall be known as the 'minimum strategic reserve auction price'.

''(2) INITIAL MINIMUM STRATEGIC RESERVE AUCTION PRICES.—The minimum strategic reserve auction price shall be $28 (in constant 2009 dollars) for the strategic reserve auctions held in 2012. For the strategic reserve auctions held in 2013 and 2014, the minimum strategic reserve auction price shall be the strategic reserve auction price for the previous year increased by 5 percent plus the rate of inflation (as measured by the Consumer Price Index for All Urban Consumers).

''(3) MINIMUM STRATEGIC RESERVE AUCTION PRICE IN SUBSEQUENT YEARS.—For each strategic reserve auction held in 2015 and each year thereafter, the minimum strategic reserve auction price shall be 60 percent above a rolling 36-month average of the daily closing price for that year's emission allowance vintage as reported on registered carbon trading facilities, calculated using constant dollars.

''(d) QUANTITY OF EMISSION ALLOWANCES RELEASED FROM THE STRATEGIC RESERVE.—

''(1) INITIAL LIMITS.—For each of calendar years 2012 through 2016, the annual limit on the number of emission allowances from the strategic reserve account that may be auctioned is an amount equal to 5 percent of the emission allowances established for that calendar year under section 721(a). This limit does not apply to international offset credits sold on consignment pursuant to subsection (h).

''(2) LIMITS IN SUBSEQUENT YEARS.—For calendar year 2017 and each year thereafter, the annual limit on the number of emission allowances from the strategic reserve account that may be auctioned is an amount equal to 10 percent of the emission allowances established for that calendar year under section 721(a). This limit does not apply to international offset credits sold on consignment pursuant to subsection (h).

''(3) ALLOCATION OF LIMITATION.—One-fourth of each year's annual strategic reserve auction limit under this subsection shall be made available for auction in each quarter. Any allowances from the strategic reserve account that are made available for sale in a quarterly auction and not sold shall be rolled over and added to the quantity available for sale in the following quarter, except that allowances not sold at auction in the fourth quarter of a year shall not be rolled over to the following calendar year's auctions, but shall be returned to the strategic reserve account.

''(e) PURCHASE LIMIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the annual number of emission allowances that a covered entity may purchase at the strategic reserve auctions in each calendar year shall not exceed 20 percent of the covered entity's combined greenhouse gas emissions and attributable greenhouse gas emissions during the most recent year for which allowances or offset credits were retired under section 722.

''(2) 2012 LIMIT.—For calendar year 2012, the maximum aggregate number of emission allowances that a covered entity may purchase from that year's strategic reserve auctions shall be 20 percent of the covered entity's combined greenhouse gas emissions and attributable greenhouse gas emissions that the covered entity reported to the registry established under section 713 for 2011 and that would be subject to section 722(a) if occurring in later calendar years.

''(3) NEW ENTRANTS.—The Administrator shall, by regulation, establish a separate

purchase limit applicable to entities that expect to become a covered entity in the year of the auction, permitting them to purchase emission allowances at the strategic reserve auctions in their first calendar year of operation in an amount of at least 20 percent of their expected combined greenhouse gas emissions and attributable greenhouse gas emissions for that year.

''(f) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may, by delegation or contract, provide for the conduct of strategic reserve auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

''(g) USE OF AUCTION PROCEEDS.—

''(1) DEPOSIT IN STRATEGIC RESERVE FUND.—The proceeds from strategic reserve auctions shall be placed in the Strategic Reserve Fund established under section 793(1), and shall be available without further appropriation or fiscal year limitation for the purposes described in this subsection.

''(2) INTERNATIONAL OFFSET CREDITS FOR REDUCED DEFORESTATION.—The Administrator shall use the proceeds from each strategic reserve auction to purchase international offset credits issued for reduced deforestation activities pursuant to section 743(e). The Administrator shall retire those international offset credits and establish a number of emission allowances equal to 80 percent of the number of international offset credits so retired. Emission allowances established under this paragraph shall be in addition to those established under section 721(a).

''(3) EMISSION ALLOWANCES.—The Administrator shall deposit emission allowances established under paragraph (2) in the strategic reserve, except that, with respect to any such emission allowances in excess of the amount necessary to fill the strategic reserve to its original size, the Administrator shall—

''(A) except as provided in subparagraph (B), assign a vintage year to the emission allowance, which shall be no earlier than the year in which the allowance is established under paragraph (2), and shall treat such allowances as ones that are not designated for distribution or auction for purposes of section 782(q) and (r); and

''(B) to the extent any such allowances cannot be assigned a vintage year because of the limitation in paragraph (4), retire the allowances.

''(4) LIMITATION.—In no case may the Administrator assign under paragraph (3)(A) more emission allowances to a vintage year than the number of emission allowances from that vintage year that were placed in the strategic reserve account under subsection (b)(1).

''(h) AVAILABILITY OF INTERNATIONAL OFFSET CREDITS FOR AUCTION.—

''(1) IN GENERAL.—The regulations promulgated under section 721(h) shall allow any entity holding international offset credits from reduced deforestation issued under section 743(e) to request that the Administrator include such offset credits in an upcoming strategic reserve auction. The regulations shall provide that—

''(A) such international offset credits will be used to fill bid orders only after the supply of strategic reserve allowances available for sale at that auction has been depleted;

''(B) international offset credits may be sold at a strategic reserve auction under this subsection only if the Administrator determines that it is highly likely that covered entities will, to cover emissions occurring in the year the auction is held, use offset credits to demonstrate compliance under section 722 for emissions equal to or greater than 80 percent of 2 billion tons of carbon dioxide equivalent;

''(C) upon sale of such international offset credits, the Administrator shall retire those international offset credits, and establish and provide to the purchasers a number of emission allowances equal to 80 percent of the number of international offset credits so retired, which allowances shall be in addition to those established under section 721(a); and

''(D) for international offset credits sold pursuant to this subsection, the proceeds for the entity that offered the international offset credits for sale shall be the lesser of—

''(i) the average daily closing price for international offset credits sold on registered exchanges (or if such price is unavailable, the average price as determined by the Administrator) during the six months prior to the strategic reserve auction at which they were auctioned, with the remaining funds collected upon the sale of the international offset credits deposited in the Treasury; and

''(ii) the amount received for the international offset credits at the auction.

''(2) PROCEEDS.—For international offset credits sold pursuant to this subsection, notwithstanding section 3302 of title 31, United States Code, or any other provision of law, within 90 days of receipt, the United States shall transfer the proceeds from the auction, as defined in paragraph (1)(D), to the entity that offered the international offset credits for sale. No funds transferred from a purchaser to a seller of international offset credits under this paragraph shall be held by any officer or employee of the United States or treated for any purpose as public monies.

''(3) PRICING.—When the Administrator acts under this subsection as the agent of an entity in possession of international offset credits, the Administrator is not obligated to obtain the highest price possible for the international offset credits, and instead shall auction such international offset credits in the same manner and pursuant to the same rules (except as modified in paragraph (1)) as set forth for auctioning strategic reserve allowances. Entities requesting that such international offset credits be offered for sale at a strategic reserve auction may not set a minimum reserve price for their international offset credits that is different than the minimum strategic reserve auction price set pursuant to subsection (c).

''(i) INITIAL REGULATIONS.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations, in consultation with other appropriate agencies, governing the auction of allowances under this section. Such regulations shall include the following requirements:

''(1) FREQUENCY; FIRST AUCTION.—Auctions shall be held four times per year at regular intervals, with the first auction to be held no later than March 31, 2012.

''(2) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

''(3) PARTICIPATION; FINANCIAL ASSURANCE.—Auctions shall be open to any covered entity eligible to purchase emission allowances at the auction under subsection (a)(2), except that the Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

''(4) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in an auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

''(5) PURCHASE LIMITS.—No person may, directly or in concert with another participant, purchase more than 20 percent of the allowances offered for sale at any quarterly auction.

''(6) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the identities of winning bidders, the quantity of allowances obtained by each winning bidder, and the auction clearing price.

''(7) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator, in consultation with other agencies as appropriate, considers appropriate to promote effective, efficient, transparent, and fair administration of auctions under this section.

''(j) REVISION OF REGULATIONS.—The Administrator may, at any time, in consultation with other agencies as appropriate, revise the initial regulations promulgated under subsection (i). Such revised regulations need not meet the requirements identified in subsection (i) by promulgating new regulations if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this subsection, the Administrator shall not consider maximization of revenues to the Federal Government.

''SEC. 727. PERMITS.

''(a) PERMIT PROGRAM.—For stationary sources subject to title V of this Act that are covered entities, the provisions of this title shall be implemented by permits issued to such covered entities (and enforced) in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State or Indian tribe with an approved permit program, shall require the owner or operator of a covered entity to hold allowances or offset credits at least equal to the total annual amount of carbon dioxide equivalents for its combined emissions and attributable greenhouse gas emissions to which section 722 applies. No such permit shall be issued that is inconsistent with the requirements of this title, and title V as applicable. Nothing in this section regarding compliance plans or in title V shall be construed as affecting allowances or offset credits. Submission of a statement by the owner or operator, or the designated representative of the owners and operators, of a covered entity that the owners and operators will hold allowances or offset credits for the entity's combined emissions and attributable greenhouse gas emissions to which section 722 applies shall be deemed to meet the proposed and approved planning requirements of title V. Recordation by the Administrator of transfers of allowances and offset credits shall amend automatically all applicable proposed or approved permit applications, compliance plans, and permits.

''(b) MULTIPLE OWNERS.—No permit shall be issued under this section and no allowances or offset credits shall be disbursed under this title to a covered entity or any other person until the designated representative of the owners or operators has filed a certificate of representation with regard to

matters under this title, including the holding and distribution of emission allowances and the proceeds of transactions involving emission allowances. Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, such a covered entity or other entity or where a utility or industrial customer purchases power under a long-term power purchase contract from an independent power production facility that is a covered entity, the certificate shall state—

''(1) that emission allowances and the proceeds of transactions involving emission allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement; or

''(2) if such multiple holders have expressly provided for a different distribution of emission allowances by contract, that emission allowances and the proceeds of transactions involving emission allowances will be deemed to be held or distributed in accordance with the contract.

A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the covered entity or other entity shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing emission allowances as provided in this subsection, during either the term of such leasehold or thereafter, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in a covered entity, or other entity, is held by a single person, the certificate shall state that all emission allowances received by the entity are deemed to be held for that person.

''(c) PROHIBITION.—It shall be unlawful for any person to operate any stationary source subject to the requirements of this section except in compliance with the terms and requirements of a permit issued by the Administrator or a State or Indian tribe with an approved permit program in accordance with this section. For purposes of this subsection, compliance, as provided in section 504(f), with a permit issued under title V which complies with this title for covered entities shall be deemed compliance with this subsection as well as section 502(a).

''(d) RELIABILITY.—Nothing in this section or title V shall be construed as requiring termination of operations of a stationary source that is a covered entity for failure to have an approved permit, or compliance plan, that is consistent with the requirements in the second and fifth sentences of subsection (a) concerning the holding of allowances or offset credits, except that any such covered entity may be subject to the applicable enforcement provision of section 113.

''(e) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to implement this section. To provide for permits required under this section, each State in which one or more stationary sources that are covered entities are located shall submit, in accordance with this section and title V, revised permit programs for approval.

''SEC. 728. INTERNATIONAL EMISSION ALLOWANCES.

''(a) QUALIFYING PROGRAMS.—The Administrator, in consultation with the Secretary of State, may by rule designate an international climate change program as a qualifying international program if—

''(1) the program is run by a national or supranational foreign government, and imposes a mandatory absolute tonnage limit on greenhouse gas emissions from 1 or more foreign countries, or from 1 or more economic sectors in such a country or countries; and

''(2) the program is at least as stringent as the program established by this title, including provisions to ensure at least comparable monitoring, compliance, enforcement, quality of offsets, and restrictions on the use of offsets.

''(b) DISQUALIFIED ALLOWANCES.—An international emission allowance may not be held under section 722(d)(2) if it is in the nature of an offset instrument or allowance awarded based on the achievement of greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, that are not subject to the mandatory absolute tonnage limits referred to in subsection (a)(1).

''(c) RETIREMENT.—

''(1) ENTITY CERTIFICATION.—The owner or operator of an entity that holds an international emission allowance under section 722(d)(2) shall certify to the Administrator that such international emission allowance has not previously been used to comply with any foreign, international, or domestic greenhouse gas regulatory program.

''(2) RETIREMENT.—

''(A) FOREIGN AND INTERNATIONAL REGULATORY ENTITIES.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements and technical cooperation on allowance tracking, to ensure that any relevant foreign, international, and domestic regulatory entities—

''(i) are notified of the use, for purposes of compliance with this title, of any international emission allowance; and

''(ii) provide for the disqualification of such international emission allowance for any subsequent use under the relevant foreign, international, or domestic greenhouse gas regulatory program, regardless of whether such use is a sale, exchange, or submission to satisfy a compliance obligation.

''(B) DISQUALIFICATION FROM FURTHER USE.—The Administrator shall ensure that, once an international emission allowance has been disqualified or otherwise used for purposes of compliance with this title, such allowance shall be disqualified from any further use under this title.

''(d) USE LIMITATIONS.—The Administrator may, by rule, apply a limit to the percentage of the combined greenhouse gas emissions and attributable greenhouse gas emissions of a covered entity with respect to which compliance may be demonstrated by holding international emission allowances under section 722(d)(2), consistent with the purposes of the Safe Climate Act.

''PART D—OFFSETS

''SEC. 731. OFFSETS INTEGRITY ADVISORY BOARD.

''(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title, the Administrator shall establish an independent Offsets Integrity Advisory Board. The Advisory Board shall make recommendations to the Administrator for use in promulgating and revising regulations under this part and part E, and for ensuring the overall environmental integrity of the programs established pursuant to those regulations.

''(b) MEMBERSHIP.—The Advisory Board shall be comprised of at least nine members. Each member shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall appoint Advisory Board members, including a chair and vice-chair of the Advisory Board. Terms shall be 3 years in length, except for initial terms, which may be up to 5 years in length to allow staggering. Members may be reappointed only once for an additional 3-year term, and such second term may follow directly after a first term.

''(c) ACTIVITIES.—The Advisory Board established pursuant to subsection (a) shall—

''(1) provide recommendations, not later than 90 days after the Advisory Board's establishment and periodically thereafter, to the Administrator regarding offset project types that should be considered for eligibility under section 733, taking into consideration relevant scientific and other issues, including—

''(A) the availability of a representative data set for use in developing the activity baseline;

''(B) the potential for accurate quantification of greenhouse gas reduction, avoidance, or sequestration for an offset project type;

''(C) the potential level of scientific and measurement uncertainty associated with an offset project type; and

''(D) any beneficial or adverse environmental, public health, welfare, social, economic, or energy effects associated with an offset project type;

''(2) make available to the Administrator its advice and comments on offset methodologies that should be considered under regulations promulgated with respect to section 734, including methodologies to address the issues of additionality, activity baselines, quantification methods, leakage, uncertainty, permanence, and environmental integrity;

''(3) make available to the Administrator, and other relevant Federal agencies, its advice and comments regarding scientific, technical, and methodological issues specific to the issuance of international offset credits under section 743;

''(4) make available to the Administrator, and other relevant Federal agencies, its advice and comments regarding scientific, technical, and methodological issues associated with the implementation of part E;

''(5) make available to the Administrator its advice and comments on areas in which further knowledge is required to appraise the adequacy of existing, revised, or proposed methodologies for use under this part and part E, and describe the research efforts necessary to provide the required information; and

''(6) make available to the Administrator its advice and comments on other ways to improve or safeguard the environmental integrity of programs established under this part and part E.

''(d) SCIENTIFIC REVIEW OF OFFSET AND DEFORESTATION REDUCTION PROGRAMS.—Not later than January 1, 2017, and at five-year intervals thereafter, the Advisory Board shall submit to the Administrator and make available to the public an analysis of relevant scientific and technical information related to this part and part E. The Advisory Board shall review approved and potential methodologies, scientific studies, offset project monitoring, offset project verification reports, and audits related to this part and part E, and evaluate the net emissions effects of implemented offset projects. The Advisory Board shall recommend changes to offset methodologies, protocols, or project types, or to the overall offset program under this part, to ensure

that offset credits issued by the Administrator do not compromise the integrity of the annual emission reductions established under section 703, and to avoid or minimize adverse effects to human health or the environment.

"SEC. 732. ESTABLISHMENT OF OFFSETS PROGRAM.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with appropriate Federal agencies and taking into consideration the recommendations of the Advisory Board, shall promulgate regulations establishing a program for the issuance of offset credits in accordance with the requirements of this part. The Administrator shall periodically revise these regulations as necessary to meet the requirements of this part.

''(b) REQUIREMENTS.—The regulations described in subsection (a) shall—

''(1) authorize the issuance of offset credits with respect to qualifying offset projects that result in reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases;

''(2) ensure that such offset credits represent verifiable and additional greenhouse gas emission reductions or avoidance, or increases in sequestration;

''(3) ensure that offset credits issued for sequestration offset projects are only issued for greenhouse gas reductions that are permanent;

''(4) provide for the implementation of the requirements of this part; and

''(5) include as reductions in greenhouse gases reductions achieved through the destruction of methane and its conversion to carbon dioxide, and reductions achieved through destruction of chlorofluorocarbons or other ozone depleting substances, if permitted by the Administrator under section 619(b)(9) and subject to the conditions specified in section 619(b)(9), based on the carbon dioxide equivalent value of the substance destroyed.

''(c) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating and implementing regulations under this part, the Administrator shall act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this part.

''(d) OFFSET REGISTRY.—The Administrator shall establish within the allowance tracking system established under section 724(d) an Offset Registry for qualifying offset projects and offset credits issued with respect thereto under this part.

''(e) LEGAL STATUS OF OFFSET CREDIT.—An offset credit does not constitute a property right.

''(f) FEES.—The Administrator shall assess fees payable by offset project developers in an amount necessary to cover the administrative costs to the Environmental Protection Agency of carrying out the activities under this part. Amounts collected for such fees shall be available to the Administrator for carrying out the activities under this part to the extent provided in advance in appropriations Acts.

"SEC. 733. ELIGIBLE PROJECT TYPES.

''(a) LIST OF ELIGIBLE PROJECT TYPES.—

''(1) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish, and may periodically revise, a list of types of projects eligible to generate offset credits, including international offset credits, under this part.

''(2) ADVISORY BOARD RECOMMENDATIONS.—In determining the eligibility of project types, the Administrator shall take into consideration the recommendations of the Advisory Board. If a list established under this section differs from the recommendations of the Advisory Board, the regulations promulgated under section 732(a) shall include a justification for the discrepancy.

''(3) INITIAL DETERMINATION.—The Administrator shall establish the initial eligibility list under paragraph (1) not later than one year after the date of enactment of this title. The Administrator shall add additional project types to the list not later than 2 years after the date of enactment of this title. In determining the initial list, the Administrator shall give priority to consideration of offset project types that are recommended by the Advisory Board and for which there are well developed methodologies that the Administrator determines would meet the criteria of section 734, with such modifications as the Administrator deems appropriate. In establishing methodologies pursuant to section 734, the Administrator shall give priority to methodologies for offset project types included on the initial eligibility list.

''(b) MODIFICATION OF LIST.—The Administrator—

''(1) may at any time, by rule, add a project type to the list established under subsection (a) if the Administrator, in consultation with appropriate Federal agencies and taking into consideration the recommendations of the Advisory Board, determines that the project type can generate additional reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, subject to the requirements of this part;

''(2) may at any time, by rule, determine that a project type on the list does not meet the requirements of this part, and remove the project type from the list established under subsection (a), in consultation with appropriate Federal agencies and taking into consideration any recommendations of the Advisory Board; and

''(3) shall consider adding to or removing from the list established under subsection (a), at a minimum, project types proposed to the Administrator—

''(A) by petition pursuant to subsection (c); or

''(B) by the Advisory Board.

''(c) PETITION PROCESS.—Any person may petition the Administrator to modify the list established under subsection (a) by adding or removing a project type pursuant to subsection (b). Any such petition shall include a showing by the petitioner that there is adequate data to establish that the project type does or does not meet the requirements of this part. Not later than 12 months after receipt of such a petition, the Administrator shall either grant or deny the petition and publish a written explanation of the reasons for the Administrator's decision. The Administrator may not deny a petition under this subsection on the basis of inadequate Environmental Protection Agency resources or time for review.

"SEC. 734. REQUIREMENTS FOR OFFSET PROJECTS.

''(a) METHODOLOGIES.—As part of the regulations promulgated under section 732(a), the Administrator shall establish, for each type of offset project listed as eligible under section 733, the following:

''(1) ADDITIONALITY.—A standardized methodology for determining the additionality of greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset project of that type. Such methodology shall ensure, at a minimum, that any greenhouse gas emission reduction or avoidance, or any greenhouse gas sequestration, is considered additional only to the extent that it results from activities that—

''(A) are not required by or undertaken to comply with any law, including any regulation or consent order;

''(B) were not commenced prior to January 1, 2009, except in the case of—

''(i) offset project activities that commenced after January 1, 2001, and were registered as of the date of enactment of this title under an offset program with respect to which the Administrator has made an affirmative determination under section 740(a)(2); or

''(ii) activities that are readily reversible, with respect to which the Administrator may set an alternative earlier date under this subparagraph that is not earlier than January 1, 2001, where the Administrator determines that setting such an alternative date may produce an environmental benefit by removing an incentive to cease and then reinitiate activities that began prior to January 1, 2009; and

''(C) exceed the activity baseline established under paragraph (2).

''(2) ACTIVITY BASELINES.—A standardized methodology for establishing activity baselines for offset projects of that type. The Administrator shall set activity baselines to reflect a conservative estimate of business-as-usual performance or practices for the relevant type of activity such that the baseline provides an adequate margin of safety to ensure the environmental integrity of offsets calculated in reference to such baseline.

''(3) QUANTIFICATION METHODS.—A standardized methodology for determining the extent to which greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset project of that type exceed a relevant activity baseline, including protocols for monitoring and accounting for uncertainty.

''(4) LEAKAGE.—A standardized methodology for accounting for and mitigating potential leakage, if any, from an offset project of that type, taking uncertainty into account.

''(b) ACCOUNTING FOR REVERSALS.—

''(1) IN GENERAL.—For each type of sequestration project listed under section 733, the Administrator shall establish requirements to account for and address reversals, including—

''(A) a requirement to report any reversal with respect to an offset project for which offset credits have been issued under this part;

''(B) provisions to require emission allowances to be held in amounts to fully compensate for greenhouse gas emissions attributable to reversals, and to assign responsibility for holding such emission allowances; and

''(C) any other provisions the Administrator determines necessary to account for and address reversals.

''(2) MECHANISMS.—The Administrator shall prescribe mechanisms to ensure that any sequestration with respect to which an offset credit is issued under this part results in a permanent net increase in sequestration, and that full account is taken of any actual or potential reversal of such sequestration, with an adequate margin of safety. The Administrator shall prescribe at least one of the following mechanisms to meet the requirements of this paragraph:

''(A) An offsets reserve, pursuant to paragraph (3).

''(B) Insurance that provides for purchase and provision to the Administrator for retirement of an amount of offset credits or emission allowances equal in number to the tons of carbon dioxide equivalents of greenhouse gas emissions released due to reversal.

''(C) Another mechanism that the Administrator determines satisfies the requirements of this part.

''(3) OFFSETS RESERVE.—

''(A) IN GENERAL.—An offsets reserve referred to in paragraph (2)(A) is a program under which, before issuance of offset credits under this part, the Administrator shall subtract and reserve from the quantity to be issued a quantity of offset credits based on the risk of reversal. The Administrator shall—

''(i) hold these reserved offset credits in the offsets reserve; and

''(ii) register the holding of the reserved offset credits in the Offset Registry established under section 732(d).

''(B) PROJECT REVERSAL.—

''(i) IN GENERAL.—If a reversal has occurred with respect to an offset project for which offset credits are reserved under this paragraph, the Administrator shall retire offset credits or emission allowances from the offsets reserve to fully account for the tons of carbon dioxide equivalent that are no longer sequestered.

''(ii) INTENTIONAL REVERSALS.—If the Administrator determines that a reversal was intentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i).

''(iii) UNINTENTIONAL REVERSALS.—If the Administrator determines that a reversal was unintentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to half the number of offset credits that were reserved for that offset project, or half the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i), whichever is less.

''(C) USE OF RESERVED OFFSET CREDITS.—Offset credits placed into the offsets reserve under this paragraph may not be used to comply with section 722.

''(c) CREDITING PERIODS.—

''(1) IN GENERAL.—For each offset project type, the Administrator shall specify a crediting period, and establish provisions for petitions for new crediting periods, in accordance with this subsection.

''(2) DURATION.—The crediting period shall be no less than 5 and no greater than 10 years for any project type other than those involving sequestration.

''(3) ELIGIBILITY.—An offset project shall be eligible to generate offset credits under this part only during the project's crediting period. During such crediting period, the project shall remain eligible to generate offset credits, subject to the methodologies and project type eligibility list that applied as of the date of project approval under section 735, except as provided in paragraph (4) of this subsection.

''(4) PETITION FOR NEW CREDITING PERIOD.—An offset project developer may petition for a new crediting period to commence after termination of a crediting period, subject to the methodologies and project type eligibility list in effect at the time when such petition is submitted. A petition may not be submitted under this paragraph more than 18 months before the end of the pending crediting period. The Administrator may limit the number of new crediting periods available for projects of particular project types.

''(d) ENVIRONMENTAL INTEGRITY.—In establishing the requirements under this section, the Administrator shall apply conservative assumptions or methods to maximize the certainty that the environmental integrity of the cap established under section 703 is not compromised.

''(e) PRE-EXISTING METHODOLOGIES.—In promulgating requirements under this section, the Administrator shall give due consideration to methodologies for offset projects existing as of the date of enactment of this title.

''(f) ADDED PROJECT TYPES.—The Administrator shall establish methodologies described in subsection (a), and, as applicable, requirements and mechanisms for reversals as described in subsection (b), for any project type that is added to the list pursuant to section 733.

''SEC. 735. APPROVAL OF OFFSET PROJECTS.

''(a) APPROVAL PETITION.—An offset project developer shall submit an offset project approval petition providing such information as the Administrator requires to determine whether the offset project is eligible for issuance of offset credits under rules promulgated pursuant to this part.

''(b) TIMING.—An approval petition shall be submitted to the Administrator under subsection (a) no later than the time at which an offset project's first verification report is submitted under section 736.

''(c) APPROVAL PETITION REQUIREMENTS.—As part of the regulations promulgated under section 732, the Administrator shall include provisions for, and shall specify, the required components of an offset project approval petition required under subsection (a), which shall include—

''(1) designation of an offset project developer; and

''(2) any other information that the Administrator considers to be necessary to achieve the purposes of this part.

''(d) APPROVAL AND NOTIFICATION.—Not later than 90 days after receiving a complete approval petition under subsection (a), the Administrator shall make the approval petition publicly available, approve or deny the petition in writing and if the petition is denied, provide the reasons for denial, and make the Administrator's written decision publicly available. After an offset project is approved, the offset project developer shall not be required to resubmit an approval petition during the offset project's crediting period, except as provided in section 734(c)(4).

''(e) APPEAL.—The Administrator shall establish procedures for appeal and review of determinations made under subsection (d).

''(f) VOLUNTARY PREAPPROVAL REVIEW.—The Administrator may establish a voluntary preapproval review procedure, to allow an offset project developer to request the Administrator to conduct a preliminary eligibility review for an offset project. Findings of such reviews shall not be binding upon the Administrator. The voluntary preapproval review procedure—

''(1) shall require the offset project developer to submit such basic project information as the Administrator requires to provide a meaningful review; and

''(2) shall require a response from the Administrator not later than 6 weeks after receiving a request for review under this subsection.

''SEC. 736. VERIFICATION OF OFFSET PROJECTS.

''(a) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish requirements, including protocols, for verification of the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from an offset project. The regulations shall require that an offset project developer shall submit a report, prepared by a third-party verifier accredited under subsection (d), providing such information as the Administrator requires to determine the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from the offset project.

''(b) SCHEDULE.—The Administrator shall prescribe a schedule for the submission of verification reports under subsection (a).

''(c) VERIFICATION REPORT REQUIREMENTS.—The Administrator shall specify the required components of a verification report required under subsection (a), which shall include—

''(1) the name and contact information for a designated representative for the offset project developer;

''(2) the quantity of greenhouse gases reduced, avoided, or sequestered;

''(3) the methodologies applicable to the project pursuant to section 734;

''(4) a certification that the project meets the applicable requirements;

''(5) a certification establishing that the conflict of interest requirements in the regulations promulgated under subsection (d)(1) have been complied with; and

''(6) any other information that the Administrator considers to be necessary to achieve the purposes of this part.

''(d) VERIFIER ACCREDITATION.—

''(1) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish a process and requirements for periodic accreditation of third-party verifiers to ensure that such verifiers are professionally qualified and have no conflicts of interest.

''(2) STANDARDS.—

''(A) AMERICAN NATIONAL STANDARDS INSTITUTE ACCREDITATION.—The Administrator may accredit, or accept for purposes of accreditation under this subsection, verifiers accredited under the American National Standards Institute (ANSI) accreditation program in accordance with ISO 14065. The Administrator shall accredit, or accept for accreditation, verifiers under this subparagraph only if the Administrator finds that the American National Standards Institute accreditation program provides sufficient assurance that the requirements of this part will be met.

''(B) EPA ACCREDITATION.—As part of the regulations promulgated under section 732(a), the Administrator may establish accreditation standards for verifiers under this subsection, and may establish related training and testing programs and requirements.

''(3) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this subsection shall be listed in a publicly accessible database, which shall be maintained and updated by the Administrator.

''SEC. 737. ISSUANCE OF OFFSET CREDITS.

''(a) DETERMINATION AND NOTIFICATION.—Not later than 90 days after receiving a complete verification report under section 736, the Administrator shall—

''(1) make the report publicly available;

''(2) make a determination of the quantity of greenhouse gas emissions that have been

reduced or avoided, or greenhouse gases that have been sequestered, by the offset project; and

''(3) notify the offset project developer in writing of such determination and make such determination publicly available.

''(b) ISSUANCE OF OFFSET CREDITS.—The Administrator shall issue one offset credit to an offset project developer for each ton of carbon dioxide equivalent that the Administrator has determined has been reduced, avoided, or sequestered during the period covered by a verification report submitted in accordance with section 736, only if—

''(1) the Administrator has approved the offset project pursuant to section 735; and

''(2) the relevant emissions reduction, avoidance, or sequestration has—

''(A) already occurred, during the offset project's crediting period; and

''(B) occurred after January 1, 2009.

''(c) APPEAL.—The Administrator shall establish procedures for appeal and review of determinations made under subsection (a).

''(d) TIMING.—Offset credits meeting the criteria established in subsection (b) shall be issued not later than 2 weeks following the verification determination made by the Administrator under subsection (a).

''(e) REGISTRATION.—The Administrator shall assign a unique serial number to and register each offset credit to be issued in the Offset Registry established under section 732(d).

''SEC. 738. AUDITS.

''(a) IN GENERAL.—The Administrator shall, on an ongoing basis, conduct random audits of offset projects, offset credits, and practices of third-party verifiers. In each year, the Administrator shall conduct audits, at minimum, for a representative sample of project types and geographic areas.

''(b) DELEGATION.—The Administrator may delegate to a State or tribal government the responsibility for conducting audits under this section if the Administrator finds that the program proposed by the State or tribal government provides assurances equivalent to those provided by the auditing program of the Administrator, and that the integrity of the offset program under this part will be maintained. Nothing in this subsection shall prevent the Administrator from conducting any audit the Administrator considers necessary and appropriate.

''SEC. 739. PROGRAM REVIEW AND REVISION.

''At least once every 5 years, the Administrator shall review and, based on new or updated information and taking into consideration the recommendations of the Advisory Board, update and revise—

''(1) the list of eligible project types established under section 733;

''(2) the methodologies established, including specific activity baselines, under section 734(a);

''(3) the reversal requirements and mechanisms established or prescribed under section 734(b);

''(4) measures to improve the accountability of the offsets program; and

''(5) any other requirements established under this part to ensure the environmental integrity and effective operation of this part.

''SEC. 740. EARLY OFFSET SUPPLY.

''(a) PROJECTS REGISTERED UNDER OTHER GOVERNMENT-RECOGNIZED PROGRAMS.—Except as provided in subsection (b) or (c), the Administrator shall issue one offset credit for each ton of carbon dioxide equivalent emissions reduced, avoided, or sequestered—

''(1) under an offset project that was started after January 1, 2001;

''(2) for which a credit was issued under any regulatory or voluntary greenhouse gas emission offset program that the Administrator determines—

''(A) was established under State or tribal law or regulation prior to January 1, 2009, or has been approved by the Administrator pursuant to subsection (e);

''(B) has developed offset project type standards, methodologies, and protocols through a public consultation process or a peer review process;

''(C) has made available to the public standards, methodologies, and protocols that require that credited emission reductions, avoidance, or sequestration are permanent, additional, verifiable, and enforceable;

''(D) requires that all emission reductions, avoidance, or sequestration be verified by a State or tribal regulatory agency or an accredited third-party independent verification body;

''(E) requires that all credits issued are registered in a publicly accessible registry, with individual serial numbers assigned for each ton of carbon dioxide equivalent emission reductions, avoidance, or sequestration; and

''(F) ensures that no credits are issued for an activity if the entity administering the program, or a program administrator or representative, has funded, solicited, or served as a fund administrator for the development of the activity; and

''(3) for which the credit described in paragraph (2) is transferred to the Administrator.

''(b) INELIGIBLE CREDITS.—Subsection (a) shall not apply to offset credits that have expired or have been retired, canceled, or used for compliance under a program established under State or tribal law or regulation.

''(c) LIMITATION.—Notwithstanding subsection (a)(1), offset credits shall be issued under this section—

''(1) only for reductions or avoidance of greenhouse gas emissions, sequestration of greenhouse gases, or destruction of chlorofluorocarbons (subject to the conditions specified in section 619(b)(9) and based on the carbon dioxide equivalent value of the substance destroyed), that occur after January 1, 2009; and

''(2) only until the date that is 3 years after the date of enactment of this title, or the date that regulations promulgated under section 732(a) take effect, whichever occurs sooner.

''(d) RETIREMENT OF CREDITS.—The Administrator shall seek to ensure that offset credits described in subsection (a)(2) are retired for purposes of use under a program described in subsection (b).

''(e) OTHER PROGRAMS.—(1) Offset programs that either—

''(A) were not established under State or tribal law or regulation; or

''(B) were not established prior to January 1, 2009,

but that otherwise meet all of the criteria of subsection (a)(2) may apply to the Administrator to be approved under this subsection as an eligible program for early offset credits under this section.

''(2) The Administrator shall approve any such program that the Administrator determines has criteria and methodologies of at least equal stringency to the criteria and methodologies of the programs established under State or tribal law or regulation that the Administrator determines meet the criteria of subsection (a)(2). The Administrator may approve types of offsets under any such program that are subject to criteria and methodologies of at least equal stringency to the criteria and methodologies for such types of offsets applied under the programs established under State or tribal law or regulation that the Administrator determines meet the criteria of subsection (a)(2). The Administrator shall make a determination on any application received under this section by no later than 180 days from the date of receipt of the application.

''SEC. 741. ENVIRONMENTAL CONSIDERATIONS.

''If the Administrator lists forestry or other relevant land management-related offset projects as eligible offset project types under section 733, the Administrator, in consultation with appropriate Federal agencies, shall promulgate regulations for the selection and use of species in such offset projects—

''(1) to ensure that native species are given primary consideration in such projects;

''(2) to enhance biological diversity in such projects;

''(3) to prohibit the use of federally designated or State-designated noxious weeds;

''(4) to prohibit the use of a species listed by a regional or State invasive plant authority within the applicable region or State; and

''(5) in the case of forestry offset projects, in accordance with widely accepted, environmentally sustainable forestry practices.

''SEC. 742. TRADING.

''Section 724 shall apply to the trading of offset credits.

''SEC. 743. INTERNATIONAL OFFSET CREDITS.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, may issue, in accordance with this section, international offset credits based on activities that reduce or avoid greenhouse gas emissions, or increase sequestration of greenhouse gases, in a developing country. Such credits may be issued for projects eligible under section 733 or as provided in subsection (c), (d), or (e) of this section.

''(b) ISSUANCE.—

''(1) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and any other appropriate Federal agency, and taking into consideration the recommendations of the Advisory Board, shall promulgate regulations for implementing this section. Except as otherwise provided in this section, the issuance of international offset credits under this section shall be subject to the requirements of this part.

''(2) REQUIREMENTS FOR INTERNATIONAL OFFSET CREDITS.—The Administrator may issue international offset credits only if—

''(A) the United States is a party to a bilateral or multilateral agreement or arrangement that includes the country in which the project or measure achieving the relevant greenhouse gas emission reduction or avoidance, or greenhouse gas sequestration, has occurred;

''(B) such country is a developing country; and

''(C) such agreement or arrangement—

''(i) ensures that the requirements of this part apply to the issuance of international offset credits under this section; and

''(ii) provides for the appropriate distribution of international offset credits issued.

''(c) SECTOR-BASED CREDITS.—

''(1) IN GENERAL.—In order to minimize the potential for leakage and to encourage countries to take nationally appropriate mitigation actions to reduce or avoid greenhouse gas emissions, or sequester greenhouse gases,

the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall—

''(A) identify sectors of specific countries with respect to which the issuance of international offset credits on a sectoral basis is appropriate; and

''(B) issue international offset credits for such sectors only on a sectoral basis.

''(2) IDENTIFICATION OF SECTORS.—

''(A) GENERAL RULE.—For purposes of paragraph (1)(A), a sectoral basis shall be appropriate for activities—

''(i) in countries that have comparatively high greenhouse gas emissions, or comparatively greater levels of economic development; and

''(ii) that, if located in the United States, would be within a sector subject to the compliance obligation under section 722.

''(B) FACTORS.—In determining the sectors and countries for which international offset credits should be awarded only on a sectoral basis, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall consider the following factors:

''(i) The country's gross domestic product.

''(ii) The country's total greenhouse gas emissions.

''(iii) Whether the comparable sector of the United States economy is covered by the compliance obligation under section 722.

''(iv) The heterogeneity or homogeneity of sources within the relevant sector.

''(v) Whether the relevant sector provides products or services that are sold in internationally competitive markets.

''(vi) The risk of leakage if international offset credits were issued on a project-level basis, instead of on a sectoral basis, for activities within the relevant sector.

''(vii) The capability of accurately measuring, monitoring, reporting, and verifying the performance of sources across the relevant sector.

''(viii) Such other factors as the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, determines are appropriate to—

''(I) ensure the integrity of the United States greenhouse gas emissions cap established under section 703; and

''(II) encourage countries to take nationally appropriate mitigation actions to reduce or avoid greenhouse gas emissions, or sequester greenhouse gases.

''(3) SECTORAL BASIS.—

''(A) DEFINITION.—In this subsection, the term 'sectoral basis' means the issuance of international offset credits only for the quantity of sector-wide reductions or avoidance of greenhouse gas emissions, or sector-wide increases in sequestration of greenhouse gases, achieved across the relevant sector of the economy relative to a domestically enforceable baseline level of absolute emissions established in an agreement or arrangement described in subsection (b)(2)(A) for the sector.

''(B) BASELINE.—The baseline for a sector shall be established on an absolute basis and at levels of greenhouse gas emissions consistent with the thresholds identified in section 705(e)(2) and lower than would occur under a business-as-usual scenario taking into account relevant domestic or international policies or incentives to reduce greenhouse gas emissions, among other factors, and additionality and performance shall be determined on the basis of such baseline.

''(d) CREDITS ISSUED BY AN INTERNATIONAL BODY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of State, may issue international offset credits in exchange for instruments in the nature of offset credits that are issued by an international body established pursuant to the United Nations Framework Convention on Climate Change, to a protocol to such Convention, or to a treaty that succeeds such Convention. The Administrator may issue international offset credits under this subsection only if, in addition to the requirements of subsection (b), the Administrator has determined that the international body that issued the instruments has implemented substantive and procedural requirements for the relevant project type that provide equal or greater assurance of the integrity of such instruments as is provided by the requirements of this part. Starting January 1, 2016, the Administrator shall issue no offset credit pursuant to this subsection if the activity generating the greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, occurs in a country and sector identified by the Administrator under subsection (c).

''(2) RETIREMENT.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements, arrangements, or technical cooperation with the international issuing body described in paragraph (1), to ensure that such body—

''(A) is notified of the Administrator's issuance, under this subsection, of an international offset credit in exchange for an instrument issued by such international body; and

''(B) provides, to the extent feasible, for the disqualification of the instrument issued by such international body for subsequent use under any relevant foreign or international greenhouse gas regulatory program, regardless of whether such use is a sale, exchange, or submission to satisfy a compliance obligation.

''(e) OFFSETS FROM REDUCED DEFORESTATION.—

''(1) REQUIREMENTS.—The Administrator, in accordance with the regulations promulgated under subsection (b)(1) and an agreement or arrangement described in subsection (b)(2)(A), shall issue international offset credits for greenhouse gas emission reductions achieved through activities to reduce deforestation only if, in addition to the requirements of subsection (b)—

''(A) the activity occurs in—

''(i) a country listed by the Administrator pursuant to paragraph (2);

''(ii) a state or province listed by the Administrator pursuant to paragraph (5); or

''(iii) a country listed by the Administrator pursuant to paragraph (6);

''(B) except as provided in paragraph (5) or (6), the quantity of the international offset credits is determined by comparing the national emissions from deforestation relative to a national deforestation baseline for that country established, in accordance with an agreement or arrangement described in subsection (b)(2)(A), pursuant to paragraph (4);

''(C) the reduction in emissions from deforestation has occurred before the issuance of the international offset credit and, taking into consideration relevant international standards, has been demonstrated using ground-based inventories, remote sensing technology, and other methodologies to ensure that all relevant carbon stocks are accounted;

''(D) the Administrator has made appropriate adjustments, such as discounting for any additional uncertainty, to account for circumstances specific to the country, including its technical capacity described in paragraph (2)(A);

''(E) the activity is designed, carried out, and managed—

''(i) in accordance with widely accepted, environmentally sustainable forest management practices;

''(ii) to promote or restore native forest species and ecosystems where practicable, and to avoid the introduction of invasive nonnative species;

''(iii) in a manner that gives due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(iv) with consultations with, and full participation of, local communities, indigenous peoples, and forest-dependent communities, in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(v) with equitable sharing of profits and benefits derived from offset credits with local communities, indigenous peoples, and forest-dependent communities; and

''(F) the reduction otherwise satisfies and is consistent with any relevant requirements established by an agreement reached under the auspices of the United Nations Framework Convention on Climate Change.

''(2) ELIGIBLE COUNTRIES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, and in accordance with an agreement or arrangement described in subsection (b)(2)(A), shall establish, and periodically review and update, a list of the developing countries that have the capacity to participate in deforestation reduction activities at a national level, including—

''(A) the technical capacity to monitor, measure, report, and verify forest carbon fluxes for all significant sources of greenhouse gas emissions from deforestation with an acceptable level of uncertainty, as determined taking into account relevant internationally accepted methodologies, such as those established by the Intergovernmental Panel on Climate Change;

''(B) the institutional capacity to reduce emissions from deforestation, including strong forest governance and mechanisms to equitably distribute deforestation resources for local actions; and

''(C) a land use or forest sector strategic plan that—

''(i) assesses national and local drivers of deforestation and forest degradation and identifies reforms to national policies needed to address them;

''(ii) estimates the country's emissions from deforestation and forest degradation;

''(iii) identifies improvements in data collection, monitoring, and institutional capacity necessary to implement a national deforestation reduction program; and

''(iv) establishes a timeline for implementing the program and transitioning to low-emissions development with respect to emissions from forest and land use activities.

''(3) PROTECTION OF INTERESTS.—With respect to an agreement or arrangement described in subsection (b)(2)(A) that addresses international offset credits under this subsection, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall seek to ensure

the establishment and enforcement by such country of legal regimes, processes, standards, and safeguards that—

''(A) give due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(B) promote consultations with, and full participation of, forest-dependent communities and indigenous peoples in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(C) encourage equitable sharing of profits and benefits derived from international offset credits with local communities, indigenous peoples, and forest-dependent communities.

''(4) NATIONAL DEFORESTATION BASELINE.—A national deforestation baseline established under this subsection shall—

''(A) be national in scope;

''(B) be consistent with nationally appropriate mitigation commitments or actions with respect to deforestation, taking into consideration the average annual historical deforestation rates of the country during a period of at least 5 years, the applicable drivers of deforestation, and other factors to ensure additionality;

''(C) establish a trajectory that would result in zero net deforestation by not later than 20 years after the national deforestation baseline has been established;

''(D) be adjusted over time to take account of changing national circumstances;

''(E) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the country; and

''(F) be consistent with the national deforestation baseline, if any, established for such country under section 754(d)(1) and (2).

''(5) STATE-LEVEL OR PROVINCE-LEVEL ACTIVITIES.—

''(A) ELIGIBLE STATES OR PROVINCES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall establish within 2 years after the date of enactment of this title, and periodically review and update, a list of states or provinces in developing countries where—

''(i) the developing country is not included on the list of countries established pursuant to paragraph (6)(A);

''(ii) the state or province by itself is a major emitter of greenhouse gases from tropical deforestation on a scale commensurate to the emissions of other countries; and

''(iii) the state or province meets the eligibility criteria in paragraphs (2) and (3) for the geographic area under its jurisdiction.

''(B) ACTIVITIES.—The Administrator may issue international offset credits for greenhouse gas emission reductions achieved through activities to reduce deforestation at a state or provincial level that meet the requirements of this section. Such credits shall be determined by comparing the emissions from deforestation within that state or province relative to the state or province deforestation baseline for that state or province established, in accordance with an agreement or arrangement described in subsection (b)(2)(A), pursuant to subparagraph (C) of this paragraph.

''(C) STATE OR PROVINCE DEFORESTATION BASELINE.—A state or province deforestation baseline shall—

''(i) be consistent with any existing nationally appropriate mitigation commitments or actions for the country in which the activity is occurring, taking into consideration the average annual historical deforestation rates of the state or province during a period of at least 5 years, relevant drivers of deforestation, and other factors to ensure additionality;

''(ii) establish a trajectory that would result in zero net deforestation by not later than 20 years after the state or province deforestation baseline has been established; and

''(iii) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the state or province and adjusted to fully account for emissions leakage outside the state or province.

''(D) PHASE OUT.—Beginning 5 years after the first calendar year for which a covered entity must demonstrate compliance with section 722(a), the Administrator shall issue no further international offset credits for eligible state-level or province-level activities to reduce deforestation pursuant to this paragraph.

''(6) PROJECTS AND PROGRAMS TO REDUCE DEFORESTATION.—

''(A) ELIGIBLE COUNTRIES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall establish within 2 years after the date of enactment of this title, and periodically review and update, a list of developing countries each of which—

''(i) the Administrator determines, based on recent, credible, and reliable emissions data, accounts for less than 1 percent of global greenhouse gas emissions and less than 3 percent of global forest-sector and land use change greenhouse gas emissions; and

''(ii) has, or in the determination of the Administrator is making a good faith effort to develop, a land use or forest sector strategic plan that meets the criteria described in paragraph (2)(C).

''(B) ACTIVITIES.—The Administrator may issue international offset credits for greenhouse gas emission reductions achieved through project or program level activities to reduce deforestation in countries listed under subparagraph (A) that meet the requirements of this section. The quantity of international offset credits shall be determined by comparing the project-level or program-level emissions from deforestation to a deforestation baseline for such project or program established pursuant to subparagraph (C).

''(C) PROJECT-LEVEL OR PROGRAM-LEVEL BASELINE.—A project-level or program-level deforestation baseline shall—

''(i) be consistent with any existing nationally appropriate mitigation commitments or actions for the country in which the project or program is occurring, taking into consideration the average annual historical deforestation rates relevant to the specific project or program during a period of at least 5 years, applicable drivers of deforestation, and other factors to ensure additionality;

''(ii) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the project or program boundary; and

''(iii) be adjusted to fully account for emissions leakage outside the project or program boundary.

''(D) PHASE OUT.—(i) Beginning 5 years after the first calendar year for which a covered entity must demonstrate compliance with section 722(a), the Administrator shall issue no further international offset credits for project-level or program-level activities pursuant to this paragraph, except as provided in clause (ii).

''(ii) The Administrator may extend the phase out deadline for the issuance of international offset credits under this paragraph by up to 8 years with respect to eligible activities taking place in a least developed country, which for purposes of this paragraph is defined as a foreign country that the United Nations has identified as among the least developed of developing countries at the time that the Administrator determines to provide an extension, if the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, determines the country—

''(I) lacks sufficient capacity to adopt and implement effective programs to achieve reductions in deforestation measured against national baselines;

''(II) is receiving support under part E to develop such capacity; and

''(III) has developed and is working to implement a credible national strategy or plan to reduce deforestation.

''(7) DEFORESTATION.—In implementing this subsection, the Administrator, taking into consideration the recommendations of the Advisory Board, may include forest degradation, or soil carbon losses associated with forested wetlands or peatlands, within the meaning of deforestation.

''(8) CONSULTATION.—In implementing this subsection, the Administrator shall consult with the Secretary of Agriculture on relevant matters within such Secretary's area of expertise.

''(f) MODIFICATION OF REQUIREMENTS.—In promulgating regulations under subsection (b)(1) with respect to the issuance of international offset credits under subsection (c), (d), or (e), the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, may modify or omit a requirement of this part (excluding the requirements of this section) if the Administrator determines that the application of that requirement to such subsection is not feasible. In modifying or omitting such a requirement on the basis of infeasibility, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall ensure, with an adequate margin of safety, the integrity of international offset credits issued under this section and of the greenhouse gas emissions cap established pursuant to section 703.

''(g) AVOIDING DOUBLE COUNTING.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements, arrangements, or technical cooperation, to ensure that activities on the basis of which international offset credits are issued under this section are not used for compliance with an obligation to reduce or avoid greenhouse gas emissions, or increase greenhouse gas sequestration, under a foreign or international regulatory system. In addition, no international offset credits shall be issued for emission reductions from activities with respect to which emission allowances were allocated under section 781 for distribution under part E.

''(h) LIMITATION.—The Administrator shall not issue international offset credits generated by projects based on the destruction of hydrofluorocarbons.

"PART E—SUPPLEMENTAL EMISSIONS REDUCTIONS FROM REDUCED DEFORESTATION

"SEC. 751. DEFINITIONS.

''In this part:

''(1) LEAKAGE PREVENTION ACTIVITIES.—The term 'leakage prevention activities' means activities in developing countries that are directed at preserving existing forest carbon stocks, including forested wetlands and peatlands, that might, absent such activities, be lost through leakage.

''(2) NATIONAL DEFORESTATION REDUCTION ACTIVITIES.—The term 'national deforestation reduction activities' means activities in developing countries that reduce a quantity of greenhouse gas emissions from deforestation that is calculated by measuring actual emissions against a national deforestation baseline established pursuant to section 754(d)(1) and (2).

''(3) SUBNATIONAL DEFORESTATION REDUCTION ACTIVITIES.—The term 'subnational deforestation reduction activities' means activities in developing countries that reduce a quantity of greenhouse gas emissions from deforestation that are calculated by measuring actual emissions using an appropriate baseline established by the Administrator that is less than national in scope.

''(4) SUPPLEMENTAL EMISSIONS REDUCTIONS.—The term 'supplemental emissions reductions' means greenhouse gas emissions reductions achieved from reduced or avoided deforestation under this part.

''(5) USAID.—The term 'USAID' means the United States Agency for International Development.

"SEC. 752. FINDINGS.

''Congress finds that—

''(1) as part of a global effort to mitigate climate change, it is in the national interest of the United States to assist developing countries to reduce and ultimately halt emissions from deforestation;

''(2) deforestation is one of the largest sources of greenhouse gas emissions in developing countries, amounting to roughly 20 percent of overall emissions globally;

''(3) recent scientific analysis shows that it will be substantially more difficult to limit the increase in global temperatures to less than 2 degrees centigrade above preindustrial levels without reducing and ultimately halting net emissions from deforestation;

''(4) reducing emissions from deforestation is highly cost-effective, compared to many other sources of emissions reductions;

''(5) in addition to contributing significantly to worldwide efforts to address global warming, assistance under this part will generate significant environmental and social cobenefits, including protection of biodiversity, ecosystem services, and forest-related livelihoods; and

''(6) under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to 'enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,' including, inter alia, consideration of 'improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties' .

"SEC. 753. SUPPLEMENTAL EMISSIONS REDUCTIONS THROUGH REDUCED DEFORESTATION.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Administrator of USAID and any other appropriate agencies, shall promulgate regulations establishing a program to use emission allowances set aside for this purpose under section 781 to reduce greenhouse gas emissions from deforestation in developing countries in accordance with the requirements of this part.

''(b) OBJECTIVES.—The objectives of the program established under this section shall be to—

''(1) achieve supplemental emissions reductions of at least 720,000,000 tons of carbon dioxide equivalent in 2020, a cumulative amount of at least 6,000,000,000 tons of carbon dioxide equivalent by December 31, 2025, and additional supplemental emissions reductions in subsequent years;

''(2) build capacity to reduce deforestation in developing countries experiencing deforestation, including preparing developing countries to participate in international markets for international offset credits for reduced emissions from deforestation; and

''(3) preserve existing forest carbon stocks in countries where such forest carbon may be vulnerable to international leakage, particularly in developing countries with largely intact native forests.

"SEC. 754. REQUIREMENTS FOR INTERNATIONAL DEFORESTATION REDUCTION PROGRAM.

''(a) ELIGIBLE COUNTRIES.—The Administrator may support activities under this part only with respect to a developing country that—

''(1) the Administrator, in consultation with the Administrator of USAID, determines is experiencing deforestation or forest degradation or has standing forest carbon stocks that may be at risk of deforestation or degradation; and

''(2) has entered into a bilateral or multilateral agreement or arrangement with the United States establishing the conditions of its participation in the program established under this part, which shall include an agreement to meet the standards established under subsection (d) for the activities to which those standards apply.

''(b) ACTIVITIES.—

''(1) AUTHORIZED ACTIVITIES.—Subject to the requirements of this part, the Administrator, in consultation with the Administrator of USAID, may support activities to achieve the objectives identified in section 753(b), including—

''(A) national deforestation reduction activities;

''(B) subnational deforestation reduction activities, including pilot activities that reduce greenhouse gas emissions but are subject to significant uncertainty;

''(C) activities to measure, monitor, and verify deforestation, avoided deforestation, and deforestation rates;

''(D) leakage prevention activities;

''(E) development of measurement, monitoring, and verification capacities to enable a country to quantify supplemental emissions reductions and to generate for sale offset credits from reduced or avoided deforestation;

''(F) development of governance structures to reduce deforestation and illegal logging;

''(G) enforcement of requirements for reduced deforestation or forest conservation;

''(H) efforts to combat illegal logging and increase enforcement cooperation;

''(I) providing incentives for policy reforms to achieve the objectives identified in section 753(b); and

''(J) monitoring and evaluation of the results of the activities conducted under this section.

''(2) ACTIVITIES SELECTED BY USAID.—

''(A) The Administrator of USAID, in consultation with the Administrator, may select for support and implementation pursuant to subsection (c) any of the activities described in paragraph (1), consistent with this part and the regulations promulgated under subsection (d), and subject to the requirement to achieve the objectives listed in section 753(b)(1).

''(B) With respect to the activities listed in subparagraphs (D) through (J) of paragraph (1), the Administrator of USAID, in consultation with the Administrator, shall have primary but not exclusive responsibility for selecting the activities to be supported and implemented.

''(3) INTERAGENCY COORDINATION.—The Administrator and the Administrator of USAID shall jointly develop and biennially update a strategic plan for meeting the objectives listed in section 753(b) and shall execute a memorandum of understanding delineating the agencies' respective roles in implementing this part.

''(c) MECHANISMS.—

''(1) IN GENERAL.—The Administrator may support activities to achieve the objectives identified in section 753(b) by—

''(A) developing and implementing programs and projects that achieve such objectives; and

''(B) distributing emission allowances to a country that is eligible under subsection (a), to a private or public group (including international organizations), or to an international fund established by an international agreement to which the United States is a party, to carry out activities to achieve such objectives.

''(2) USAID ACTIVITIES.—With respect to activities selected and implemented by the Administrator of USAID pursuant to subsection (b)(2), the Administrator shall distribute emission allowances as provided in paragraph (1) of this subsection based upon the direction of the Administrator of USAID, subject to the availability of allowances for such activities.

''(3) IMPLEMENTATION THROUGH INTERNATIONAL ORGANIZATIONS.—If support is distributed through an international organization, the agency responsible for selecting activities in accordance with subsection (b)(1) or (2), in consultation with the Secretary of State, shall ensure the establishment and implementation of adequate mechanisms to apply and enforce the eligibility requirements and other requirements of this section.

''(4) ROLE OF THE SECRETARY OF STATE.—The Administrator may not distribute emission allowances under this part to the government of another country or to an international organization or international fund unless the Secretary of State has concurred with such distribution.

''(d) STANDARDS.—The Administrator, in consultation with the Administrator of USAID, shall promulgate regulations establishing standards to ensure that supplemental emissions reductions achieved through supported activities are additional, measurable, verifiable, permanent, and monitored, and account for leakage and uncertainty. In addition, such standards shall—

''(1) require the establishment of a national deforestation baseline for each country with national deforestation reduction activities that is used to account for reductions achieved from such activities;

''(2) provide that a national deforestation baseline established under paragraph (1) shall—

''(A) be national in scope;

''(B) be consistent with nationally appropriate mitigation commitments or actions with respect to deforestation, taking into consideration the average annual historical deforestation rates of the country during a period of at least 5 years, the applicable drivers of deforestation, and other factors to ensure additionality;

''(C) establish a trajectory that would result in zero net deforestation by not later than 20 years from the date the baseline is established;

''(D) be adjusted over time to take account of changing national circumstances;

''(E) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the country; and

''(F) be consistent with the national deforestation baseline, if any, established for such country under section 743(e)(4);

''(3) with respect to support provided pursuant to subsection (b)(1)(A) or (B), require supplemental emissions reductions to be achieved and verified prior to compensation through the distribution of emission allowances under this part;

''(4) with respect to accounting for subnational deforestation reduction activities that lack the standardized or precise measurement and monitoring techniques needed for a full accounting of changes in emissions or baselines, or are subject to other sources of uncertainty, apply a conservative discount factor to reflect the uncertainty regarding the levels of reductions achieved;

''(5) ensure that activities under this part shall be designed, carried out, and managed—

''(A) in accordance with widely accepted, environmentally sustainable forest management practices;

''(B) to promote or restore native forest species and ecosystems where practicable, and to avoid the introduction of invasive nonnative species;

''(C) in a manner that gives due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(D) with consultations with, and full participation of, local communities, indigenous peoples, and forest-dependent communities in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(E) with equitable sharing of profits and benefits derived from the activities with local communities, indigenous peoples, and forest-dependent communities; and

''(6) with respect to support for all activities under this part, seek to ensure the establishment and enforcement, by the country in which the activities occur, of legal regimes, standards, processes, and safeguards that—

''(A) give due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(B) promote consultations with local communities and indigenous peoples and forest-dependent communities in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, monitoring, and evaluation of activities under this part; and

''(C) encourage equitable sharing of profits and benefits from incentives for emissions reductions or leakage prevention with local communities, indigenous peoples, and forest-dependent communities.

''(e) SCOPE.—(1) The Administrator shall include within the scope of activities under this part reduced emissions from forest degradation.

''(2) The Administrator, in consultation with the Administrator of USAID, may decide, taking into account any advice from the Advisory Board, to expand, where appropriate, the scope of activities under this part to include reduced soil carbon-derived emissions associated with deforestation and degradation of forested wetlands and peatlands.

''(f) ACCOUNTING.—The Administrator shall establish a publicly accessible registry of the supplemental emissions reductions achieved through support provided under this part each year, after appropriately discounting for uncertainty and other relevant factors as required by the standards established under subsection (d).

''(g) TRANSITION TO NATIONAL REDUCTIONS.—Beginning 5 years after the date that a country entered into the agreement or arrangement required under subsection (a)(2), the Administrator shall provide no further compensation through emission allowances to that country under this part for any subnational deforestation reduction activities, except that the Administrator may extend this period by an additional 5 years if the Administrator, in consultation with the Administrator of USAID, determines that—

''(1) the country is making substantial progress towards adopting and implementing a program to achieve reductions in deforestation measured against a national baseline;

''(2) the greenhouse gas emissions reductions achieved are not resulting in significant leakage; and

''(3) the greenhouse gas emissions reductions achieved are being appropriately discounted to account for any leakage that is occurring.

The limitation under this subsection shall not apply to support for activities to further the objectives listed in section 753(b)(2) or (3).

''(h) COORDINATION WITH U.S. FOREIGN ASSISTANCE.—Subject to the direction of the President, the Administrator and the Administrator of USAID shall, to the extent practicable and consistent with the objectives of this program, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

''(i) SUPPORT AS SUPPLEMENT.—The provision of support for activities under this part shall be used to supplement, and not to supplant, any other Federal, State, or local support available to carry out such qualifying activities under this part.

''(j) NOT ELIGIBLE FOR OFFSET CREDIT.—Activities that receive support under this part shall not be issued offset credits for the greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, produced by such activities.

''SEC. 755. REPORTS AND REVIEWS.

''(a) REPORTS.—Not later than January 1, 2014, and annually thereafter, the Administrator and the Administrator of USAID shall submit to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Foreign Relations of the Senate, and make available to the public, a report on the support provided under this part during the prior fiscal year. The report shall include—

''(1) a statement of the quantity of supplemental emissions reductions for which compensation in the form of emission allowances was provided under this part during the prior fiscal year, as registered by the Administrator under section 754(f); and

''(2) a description of the national and subnational deforestation reduction activities, capacity-building activities, and leakage prevention activities supported under this part, including a statement of the quantity of emission allowances distributed to each recipient for each activity during the prior fiscal year, and a description of what was accomplished through each of the activities.

''(b) REVIEWS.—Not later than 4 years after the date of enactment of this title and every 5 years thereafter, the Administrator and the Administrator of USAID, taking into consideration any evaluation by or recommendations from the Advisory Board established under section 731, shall conduct a review of the activities undertaken pursuant to this part and make any appropriate changes in the program established under this part, consistent with the requirements of this part, based on the findings of the review. The review shall include the effects of the activities on—

''(1) total documented carbon stocks of each country that directly or indirectly received support under this part compared with such country's national deforestation baseline established under section 754(d)(1) and (2);

''(2) the number of countries with the capacity to generate for sale instruments in the nature of offset credits from forest-related activities, and the amount of such activities;

''(3) forest governance in each country that directly or indirectly received support under this part;

''(4) indigenous peoples and forest-dependent communities residing in areas affected by such activities;

''(5) biodiversity and ecosystem services within forested areas associated with the activities;

''(6) subnational and international leakage; and

''(7) any program or mechanism established under the United Nations Framework Convention on Climate Change related to greenhouse gas emissions from deforestation.

''SEC. 756. LEGAL EFFECT OF PART.

''(1) IN GENERAL.—Nothing in this part supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

''(2) ROLE OF THE SECRETARY OF STATE.—Nothing in this part shall be construed as affecting the role of the Secretary of State or the responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961.''.

SEC. 312. DEFINITIONS.

Title VII of the Clean Air Act, as added by section 311 of this Act, is amended by inserting before part A the following new section:

''SEC. 700. DEFINITIONS.

''In this title:

''(1) ADDITIONAL.—The term 'additional', when used with respect to reductions or avoidance of greenhouse gas emissions, or to sequestration of greenhouse gases, means reductions, avoidance, or sequestration that

result in a lower level of net greenhouse gas emissions or atmospheric concentrations than would occur in the absence of an offset project.

''(2) ADDITIONALITY.—The term 'additionality' means the extent to which reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, are additional.

''(3) ADVISORY BOARD.—The term 'Advisory Board' means the Offsets Integrity Advisory Board established under section 731.

''(4) AFFILIATED.—The term 'affiliated'—

''(A) when used in relation to an entity means owned or controlled by, or under common ownership or control with, another entity, as determined by the Administrator; and

''(B) when used in relation to a natural gas local distribution company, means owned or controlled by, or under common ownership or control with, another natural gas local distribution company, as determined by the Administrator.

''(5) ALLOWANCE.—The term 'allowance' means a limited authorization to emit, or have attributable greenhouse gas emissions in an amount of, 1 ton of carbon dioxide equivalent of a greenhouse gas in accordance with this title. Such term includes an emission allowance, a compensatory allowance, and an international emission allowance, but does not include an international reserve allowance established under section 766.

''(6) ATTRIBUTABLE GREENHOUSE GAS EMISSIONS.—The term 'attributable greenhouse gas emissions', for a given calendar year, means—

''(A) for a covered entity that is a fuel producer or importer described in paragraph (13)(B), greenhouse gases that would be emitted from the combustion of any petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, produced or imported by that covered entity during that calendar year for sale or distribution in interstate commerce, assuming no capture and sequestration of any greenhouse gas emissions;

''(B) for a covered entity that is an industrial gas producer or importer described in paragraph (13)(C), the tons of carbon dioxide equivalent of any gas described in clauses (i) through (vi) of paragraph (13)(C)—

''(i) produced or imported by such covered entity during that calendar year for sale or distribution in interstate commerce; or

''(ii) released as fugitive emissions in the production of fluorinated gas; and

''(C) for a natural gas local distribution company described in paragraph (13)(J), greenhouse gases that would be emitted from the combustion of the natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, that such entity delivered during that calendar year to customers that are not covered entities, assuming no capture and sequestration of that greenhouse gas.

''(7) BIOLOGICAL SEQUESTRATION; BIOLOGICALLY SEQUESTERED.—The terms 'biological sequestration' and 'biologically sequestered' mean the removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants, and the storage of those greenhouse gases in plants or soils.

''(8) CAPPED EMISSIONS.—The term 'capped emissions' means greenhouse gas emissions to which section 722 applies, including emissions from the combustion of natural gas, petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid to which section 722(b)(2) or (8) applies.

''(9) CAPPED SOURCE.—The term 'capped source' means a source that directly emits capped emissions.

''(10) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means the unit of measure, expressed in metric tons, of greenhouse gases as provided under section 711 or 712.

''(11) CARBON STOCK.—The term 'carbon stock' means the quantity of carbon contained in a biological reservoir or system which has the capacity to accumulate or release carbon.

''(12) COMPENSATORY ALLOWANCE.—The term 'compensatory allowance' means an allowance issued under section 721(f).

''(13) COVERED ENTITY.—The term 'covered entity' means each of the following:

''(A) Any electricity source.

''(B) Any stationary source that produces, and any entity that (or any group of two or more affiliated entities that, in the aggregate) imports, for sale or distribution in interstate commerce in 2008 or any subsequent year, petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, the combustion of which would emit 25,000 or more tons of carbon dioxide equivalent, as determined by the Administrator.

''(C) Any stationary source that produces, and any entity that (or any group of two or more affiliated entities that, in the aggregate) imports, for sale or distribution in interstate commerce, in bulk, or in products designated by the Administrator, in 2008 or any subsequent year 25,000 or more tons of carbon dioxide equivalent of—

''(i) fossil fuel-based carbon dioxide;

''(ii) nitrous oxide;

''(iii) perfluorocarbons;

''(iv) sulfur hexafluoride;

''(v) any other fluorinated gas, except for nitrogen trifluoride, that is a greenhouse gas, as designated by the Administrator under section 711; or

''(vi) any combination of greenhouse gases described in clauses (i) through (v).

''(D) Any stationary source that has emitted 25,000 or more tons of carbon dioxide equivalent of nitrogen trifluoride in 2008 or any subsequent year.

''(E) Any geologic sequestration site.

''(F) Any stationary source in the following industrial sectors:

''(i) Adipic acid production.

''(ii) Primary aluminum production.

''(iii) Ammonia manufacturing.

''(iv) Cement production, excluding grinding-only operations.

''(v) Hydrochlorofluorocarbon production.

''(vi) Lime manufacturing.

''(vii) Nitric acid production.

''(viii) Petroleum refining.

''(ix) Phosphoric acid production.

''(x) Silicon carbide production.

''(xi) Soda ash production.

''(xii) Titanium dioxide production.

''(xiii) Coal-based liquid or gaseous fuel production.

''(G) Any stationary source in the chemical or petrochemical sector that, in 2008 or any subsequent year—

''(i) produces acrylonitrile, carbon black, ethylene, ethylene dichloride, ethylene oxide, or methanol; or

''(ii) produces a chemical or petrochemical product if producing that product results in annual combustion plus process emissions of 25,000 or more tons of carbon dioxide equivalent.

''(H) Any stationary source that—

''(i) is in one of the following industrial sectors: ethanol production; ferroalloy production; fluorinated gas production; food processing; glass production; hydrogen production; iron and steel production; lead production; pulp and paper manufacturing; and zinc production; and

''(ii) has emitted 25,000 or more tons of carbon dioxide equivalent in 2008 or any subsequent year.

''(I) Any fossil fuel-fired combustion device (such as a boiler) or grouping of such devices that—

''(i) is all or part of an industrial source not specified in subparagraph (D), (F), (G), or (H); and

''(ii) has emitted 25,000 or more tons of carbon dioxide equivalent in 2008 or any subsequent year.

''(J) Any natural gas local distribution company that (or any group of 2 or more affiliated natural gas local distribution companies that, in the aggregate), in 2008 or any subsequent year, delivers 460,000,000 cubic feet or more of natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, to customers that are not covered entities.

''(14) CREDITING PERIOD.—The term 'crediting period' means the period with respect to which an offset project is eligible to earn offset credits under part D, as determined under section 734(c).

''(15) DESIGNATED REPRESENTATIVE.—The term 'designated representative' means, with respect to a covered entity, a reporting entity (as defined in section 713), an offset project developer, or any other entity receiving or holding allowances, offset credits, or term offset credits under this title, an individual authorized, through a certificate of representation submitted to the Administrator by the owners and operators or similar entity official, to represent the owners and operators or similar entity official in all matters pertaining to this title (including the holding, transfer, or disposition of allowances or offset credits), and to make all submissions to the Administrator under this title.

''(16) DEVELOPING COUNTRY.—The term 'developing country' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

''(17) DOMESTIC OFFSET CREDIT.—For purposes of part D, the term 'domestic offset credit' means an offset credit issued under part D, other than an international offset credit. For purposes of part C, the term means any offset credit issued under the American Clean Energy and Security Act of 2009, or the amendments made thereby. The term does not include a term offset credit.

''(18) ELECTRICITY SOURCE.—The term 'electricity source' means a stationary source that includes one or more utility units.

''(19) EMISSION.—The term 'emission' means the release of a greenhouse gas into the ambient air. Such term does not include gases that are captured and geologically sequestered, except to the extent that they are later released into the atmosphere, in which case compliance must be demonstrated pursuant to section 722(b)(5).

''(20) EMISSION ALLOWANCE.—The term 'emission allowance' means an allowance established under section 721(a) or section 726(g)(2) or (h)(1)(C).

''(21) FAIR MARKET VALUE.—The term 'fair market value' means the average daily closing price on registered exchanges or, if such a price is unavailable, the average price as determined by the Administrator, during a

specified time period, of an emission allowance.

''(22) FEDERAL LAND.—The term 'Federal land' means land that is owned by the United States, other than land held in trust for an Indian or Indian tribe.

''(23) FOSSIL FUEL.—The term 'fossil fuel' means natural gas, petroleum, or coal, or any form of solid, liquid, or gaseous fuel derived from such material, including consumer products that are derived from such materials and are combusted.

''(24) FOSSIL FUEL-FIRED.—The term 'fossil fuel-fired' means powered by combustion of fossil fuel, alone or in combination with any other fuel, regardless of the percentage of fossil fuel consumed.

''(25) FUGITIVE EMISSIONS.—The term 'fugitive emissions' means emissions from leaks, valves, joints, or other small openings in pipes, ducts, or other equipment, or from vents.

''(26) GEOLOGIC SEQUESTRATION; GEOLOGICALLY SEQUESTERED.—The terms 'geologic sequestration' and 'geologically sequestered' mean the sequestration of greenhouse gases in subsurface geologic formations for purposes of permanent storage.

''(27) GEOLOGIC SEQUESTRATION SITE.—The term 'geologic sequestration site' means a site where carbon dioxide is geologically sequestered.

''(28) GREENHOUSE GAS.—The term 'greenhouse gas' means any gas described in section 711(a) or designated under section 711, except to the extent that it is regulated under title VI.

''(30) HOLD.—The term 'hold' means, with respect to an allowance, offsets credit, or term offset credit, to have in the appropriate account in the allowance tracking system established under section 724(d), or submit to the Administrator for recording in such account.

''(31) INDUSTRIAL SOURCE.—The term 'industrial source' means any stationary source that—

''(A) is not an electricity source; and

''(B) is in—

''(i) the manufacturing sector (as defined in North American Industrial Classification System codes 31, 32, and 33); or

''(ii) the natural gas processing or natural gas pipeline transportation sector (as defined in North American Industrial Classification System codes 211112 and 486210).

''(32) INTERNATIONAL EMISSION ALLOWANCE.—The term 'international emission allowance' means a tradable authorization to emit 1 ton of carbon dioxide equivalent of greenhouse gas that is issued by a national or supranational foreign government pursuant to a qualifying international program designated by the Administrator pursuant to section 728(a).

''(33) INTERNATIONAL OFFSET CREDIT.—The term 'international offset credit' means an offset credit issued by the Administrator under section 743.

''(34) LEAKAGE.—Except as provided in part F, the term 'leakage' means a significant increase in greenhouse gas emissions, or significant decrease in sequestration, which is caused by an offset project or activities under part E and occurs outside the boundaries of the offset project or the relevant program or project under part E.

''(35) MINERAL SEQUESTRATION.—The term 'mineral sequestration' means sequestration of carbon dioxide from the atmosphere by capturing carbon dioxide into a permanent mineral, such as the aqueous precipitation of carbonate minerals that results in the storage of carbon dioxide in a mineral form.

''(36) NATURAL GAS LIQUID.—The term 'natural gas liquid' means ethane, butane, isobutane, natural gasoline, and propane.

''(37) NATURAL GAS LOCAL DISTRIBUTION COMPANY.—The term 'natural gas local distribution company' has the meaning given the term 'local distribution company' in section 2(17) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301(17)).

''(38) OFFSET CREDIT.—For purposes of this section and part D, the term 'offset credit' means an offset credit issued under part D. For purposes of part C, the term means any offset credit issued under the American Clean Energy and Security Act of 2009, or the amendments made thereby. The term does not include a term offset credit.

''(39) OFFSET PROJECT.—The term 'offset project' means a project or activity that reduces or avoids greenhouse gas emissions, or sequesters greenhouse gases, and for which offset credits are or may be issued under part D.

''(40) OFFSET PROJECT DEVELOPER.—The term 'offset project developer' means the individual or entity designated as the offset project developer in an offset project approval petition under section 735(c)(1).

''(41) PETROLEUM.—The term 'petroleum' includes crude oil, tar sands, oil shale, and heavy oils.

''(42) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(A) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(i) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(ii) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(iii) harvested in accordance with Federal and State law, and applicable land management plans.

''(B) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure);

''(IV) construction waste; and

''(V) food waste and yard waste.

''(C) Residues and byproducts from wood, pulp, or paper products facilities.''.

''(43) RETIRE.—The term 'retire', with respect to an ''allowance, offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby, means to disqualify such allowance or offset credit for any subsequent use under this title, regardless of whether the use is a sale, exchange, or submission of the allowance, offset credit, or term offset credit to satisfy a compliance obligation.

''(44) REVERSAL.—The term 'reversal' means an intentional or unintentional loss of sequestered greenhouse gases to the atmosphere.

''(45) SEQUESTERED AND SEQUESTRATION.—The terms 'sequestered' and 'sequestration' mean the separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator. The terms include biological, geologic, and mineral sequestration, but do not include ocean fertilization techniques.

''(46) STATIONARY SOURCE.—The term 'stationary source' means any integrated operation comprising any plant, building, structure, or stationary equipment, including support buildings and equipment, that is located within one or more contiguous or adjacent properties, is under common control of the same person or persons, and emits or may emit a greenhouse gas.

''(47) STRATEGIC RESERVE ALLOWANCE.—The term 'strategic reserve allowance' means an emission allowance reserved for, transferred to, or deposited in the strategic reserve under section 726.

''(48) TON.—The term 'ton' means metric ton.

''(49) UNCAPPED EMISSIONS.—The term 'uncapped emissions' means emissions of greenhouse gases emitted after December 31, 2011, that are not capped emissions.

''(50) UNITED STATES GREENHOUSE GAS EMISSIONS.—The term 'United States greenhouse gas emissions' means the total quantity of annual greenhouse gas emissions from the United States, as calculated by the Administrator and reported to the United Nations Framework Convention on Climate Change Secretariat.

''(51) UTILITY UNIT.—The term 'utility unit' means a combustion device that, on January 1, 2009, or any date thereafter, is fossil fuel-fired and serves a generator that produces electricity for sale, unless such combustion device, during the 12-month period starting the later of January 1, 2009, or the commencement of commercial operation and each calendar year starting after such later date—

''(A) is part of an integrated cycle system that cogenerates steam and electricity during normal operation and that supplies one-third or less of its potential electric output capacity and 25 MW or less of electrical output for sale; or

''(B) combusts materials of which more than 95 percent is municipal solid waste on a heat input basis.

''(52) VINTAGE YEAR.—The term 'vintage year' means the calendar year for which an emission allowance is established under section 721(a) or which is assigned to an emission allowance under section 726(g)(3)(A), except that the vintage year for a strategic reserve allowance shall be the year in which such allowance is purchased at auction.''.

Subtitle B—Disposition of Allowances

SEC. 321. DISPOSITION OF ALLOWANCES FOR GLOBAL WARMING POLLUTION REDUCTION PROGRAM.

Title VII of the Clean Air Act, as added by section 311 of this Act, is amended by adding at the end the following part:

''PART H—DISPOSITION OF ALLOWANCES

''SEC. 781. ALLOCATION OF ALLOWANCES FOR SUPPLEMENTAL REDUCTIONS.

''(a) IN GENERAL.—The Administrator shall allocate for each vintage year the following percentage of the emission allowances established under section 721(a), for distribution in accordance with part E:

''(1) For vintage years 2012 through 2025, 5 percent.

''(2) For vintage years 2026 through 2030, 3 percent.

''(3) For vintage years 2031 through 2050, 2 percent.

''(b) ADJUSTMENT.—The Administrator shall modify the percentages set forth in subsection (a) as necessary to ensure the achievement of the annual supplemental emission reduction objective for 2020, and the cumulative reduction objective through 2025, set forth in section 753(b)(1).

''(c) CARRYOVER.—If the Administrator has not distributed all of the allowances allocated pursuant to this section for a given vintage year by the end of that year, all such undistributed emission allowances shall, in accordance with section 782(s), be exchanged for allowances from the following vintage year and treated as part of the allocation for supplemental reductions under this section for that later vintage year.

''SEC. 782. ALLOCATION OF EMISSION ALLOWANCES.

''(a) ELECTRICITY CONSUMERS.—(1) The Administrator shall allocate emission allowances for the benefit of electricity consumers, to be distributed in accordance with section 783(b), (c), and (d) in the following amounts:

''(A) For vintage years 2012 and 2013: 43.75 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2014 and 2015: 38.89 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2016 through 2025: 35.00 percent of the emission allowances established for each year under section 721(a).

''(D) For vintage year 2026: 28 percent of the emission allowances established for that year under section 721(a).

''(E) For vintage year 2027: 21 percent of the emission allowances established for that year under section 721(a).

''(F) For vintage year 2028: 14 percent of the emission allowances established for that year under section 721(a).

''(G) For vintage year 2029: 7 percent of the emission allowances established for that year under section 721(a).

''(2) The Administrator shall allocate emission allowances for energy efficiency, renewable electricity, and low income ratepayer assistance programs administered by small electricity local distribution companies, to be distributed in accordance with section 783(e) in the following amounts:

''(A) For vintage years 2012 through 2025: 0.5 percent of the emission allowances established each year under section 721(a).

''(B) For vintage year 2026: 0.4 percent of the emission allowances established for that year under section 721(a).

''(C) For vintage year 2027: 0.3 percent of the emission allowances established for that year under section 721(a).

''(D) For vintage year 2028: 0.2 percent of the emission allowances established for that year under section 721(a).

''(E) For vintage year 2029: 0.1 percent of the emission allowances established for that year under section 721(a).

''(3) For vintage year 2012, the Administrator shall allocate 0.35 percent of emission allowances established for such year under section 721(a) to avoid disincentives to the continued use of existing energy-efficient cogeneration facilities at industrial parks, to be distributed in accordance with section 783(f).

''(b) NATURAL GAS CONSUMERS.—The Administrator shall allocate emission allowances for the benefit of natural gas consumers to be distributed in accordance with section 784 in the following amounts:

''(1) For vintage years 2016 through 2025, 9 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage year 2026, 7.2 percent of the emission allowances established for that year under section 721(a).

''(3) For vintage year 2027, 5.4 percent of the emission allowances established for that year under section 721(a).

''(4) For vintage year 2028, 3.6 percent of the emission allowances established for that year under section 721(a).

''(5) For vintage year 2029, 1.8 percent of the emission allowances established for that year under section 721(a).

''(c) HOME HEATING OIL AND PROPANE CONSUMERS.—The Administrator shall allocate emission allowances for the benefit of home heating oil and propane consumers to be distributed in accordance with section 785 in the following amounts:

''(1) For vintage years 2012 and 2013, 1.875 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2014 and 2015, 1.67 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2016 through 2025, 1.5 percent of the emission allowances established for each year under section 721(a).

''(4) For vintage year 2026, 1.2 percent of the emission allowances established for that year under section 721(a).

''(5) For vintage year 2027, 0.9 percent of the emission allowances established for that year under section 721(a).

''(6) For vintage year 2028, 0.6 percent of the emission allowances established for that year under section 721(a).

''(7) For vintage year 2029, 0.3 percent of the emission allowances established for that year under section 721(a).

''(d) LOW INCOME CONSUMERS.—For each vintage year starting in 2012, the Administrator shall auction, pursuant to section 791, 15 percent of the emission allowances established for each year under section 721(a), with the proceeds used for the benefit of low income consumers to fund the program set forth in subtitle C of title IV of American Clean Energy and Security Act of 2009 and the amendments made thereby.

''(e) TRADE-VULNERABLE INDUSTRIES.—

''(1) IN GENERAL.—The Administrator shall allocate emission allowances to energy-intensive, trade-exposed entities, to be distributed in accordance with section 765, in the following amounts:

''(A) For vintage years 2012 and 2013, up to 2.0 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage year 2014, up to 15 percent of the emission allowances established for that year under section 721(a).

''(C) For vintage year 2015, up to the product of—

''(i) the amount specified in paragraph (2); multiplied by

''(ii) the quantity of emission allowances established for 2015 under section 721(a) divided by the quantity of emission allowances established for 2014 under section 721(a).

''(D) For vintage year 2016, up to the product of—

''(i) the amount specified in paragraph (3); multiplied by

''(ii) the quantity of emission allowances established for 2015 under section 721(a) divided by the quantity of emission allowances established for 2014 under section 721(a).

''(E) For vintage years 2017 through 2025, up to the product of—

''(i) the amount specified in paragraph (4); multiplied by

''(ii) the quantity of emission allowances established for that year under section 721(a) divided by the quantity of emission allowances established for 2016 under section 721(a).

''(F) For vintage years 2026 through 2050, up to the product of the amount specified in paragraph (4)—

''(i) multiplied by the quantity of emission allowances established for the applicable year during 2026 through 2050 under section 721(a) divided by the quantity of emission allowances established for 2016 under section 721(a); and

''(ii) multiplied by a factor that shall equal 90 percent for 2026 and decline 10 percent for each year thereafter until reaching zero, except that, if the President modifies a percentage for a year under subparagraph (A) of section 767(c)(3), the highest percentage the President applies for any sector under that subparagraph for that year (not exceeding 100 percent) shall be used for that year instead of the factor otherwise specified in this clause.

''(2) CARRYOVER.—After the Administrator distributes emission allowances pursuant to section 765 for any given vintage year, any emission allowances allocated to energy-intensive, trade-exposed entities pursuant to this subsection that have not been so distributed shall, in accordance with subsection (s), be exchanged for allowances from the following vintage year and treated as part of the allocation to such entities for that later vintage year.

''(f) DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY.—

''(1) ANNUAL ALLOCATION.—The Administrator shall allocate emission allowances for the deployment of carbon capture and sequestration technology to be distributed in accordance with section 786 in the following amounts:

''(A) For vintage years 2014 through 2017, 1.75 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2018 and 2019, 4.75 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2020 through 2050, 5 percent of the emission allowances established for each year under section 721(a).

''(2) CARRYOVER.—If the Administrator has not distributed all of the allowances allocated pursuant to this subsection for a given vintage year by the end of that year, all such undistributed emission allowances shall, in accordance with subsection (s), be exchanged for allowances from the following vintage year and treated as part of the allocation for the deployment of carbon capture and sequestration technology under this subsection for that later vintage year.

''(g) INVESTMENT IN ENERGY EFFICIENCY AND RENEWABLE ENERGY.—The Administrator shall allocate emission allowances to

invest in energy efficiency and renewable energy as follows:

''(1) To be distributed in accordance with section 132 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2015, 9.5 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2016 through 2017, 6.5 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2018 through 2021, 5.5 percent of the emission allowances established for each year under section 721(a).

''(D) For vintage years 2022 through 2025, 1.0 percent of the emission allowances established for each year under section 721(a).

''(E) For vintage years 2026 through 2050, 4.5 percent of the emission allowances established for each year under section 721(a).

''(F) At the same time allowances are distributed under subparagraph (D) for each of the vintage years 2022 through 2025, 3.55 percent of emission allowances established under section 721(a) for the vintage year four years after that vintage year shall also be distributed (which shall be in addition to the emission allowances distributed under subparagraph (E)).

''(2) To be distributed in accordance with section 304 of the Energy Conservation and Production Act, as amended by section 201 of the American Clean Energy and Security Act of 2009, for each vintage year from 2012 through 2050, 0.5 percent of emission allowances established for that year under section 721(a).

''(3) To be distributed among the States in accordance with the formula in section 132(b) of the American Clean Energy and Security Act of 2009 and to be used exclusively for the purposes of section 202 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2017, 0.05 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2018 through 2050, 0.03 percent of the emission allowances established for each year under section 721(a).

''(h) ENERGY RESEARCH AND DEVELOPMENT.—

''(1) ENERGY INNOVATION HUBS.—For vintage years 2012 through 2050, the Administrator shall allocate 0.45 percent of the emission allowances established under section 721(a) to be distributed to Energy Innovation Hubs in accordance with section 171 of the American Clean Energy and Security Act of 2009.

''(2) ADVANCED ENERGY RESEARCH.—For vintage years 2012 through 2050, the Administrator shall allocate 1.05 percent of the emission allowances established under section 721(a) for the Advanced Research Project Agency-Energy to be distributed in accordance with section 172 of the American Clean Energy and Security Act of 2009.

''(i) INVESTMENT IN CLEAN VEHICLE TECHNOLOGY.—The Administrator shall allocate emission allowances to invest in the development and deployment of clean vehicles, to be distributed in accordance with section 124 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2017, 3 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2018 through 2025, 1 percent of the emission allowances established for each year under section 721(a).

''(j) DOMESTIC FUEL PRODUCTION.—For vintage years 2014 through 2026, the Administrator shall allocate and distribute according to section 787—

''(1) 2 percent of the emission allowances established for each year under section 721(a) to domestic petroleum refineries that are covered entities pursuant to section 700(13)(F)(viii), including small business refiners; and

''(2) an additional 0.25 percent of the emissions allowances established for each year under section 721(a) to small business refiners that are covered entities pursuant to section 700(13)(F)(viii).

''(k) INVESTMENT IN WORKERS.—The Administrator shall auction pursuant to section 791 emission allowances for the benefit of workers pursuant to part 2 of subtitle B of the American Clean Energy and Security Act of 2009 in the following amounts, and shall deposit into the Climate Change Worker Adjustment Assistance Fund established pursuant to section 793, and report to the Secretary of Labor on, the proceeds from the sale of these allowances:

''(A) For vintage years 2012 through 2021, 0.5 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2050, 1.0 percent of the emission allowances established for each year under section 721(a).

All amounts deposited into the fund shall be available to the Secretary of Labor until expended to carry out part 2 of subtitle B of title IV of the American Clean Energy and Security Act of 2009. Of the amounts deposited, not more than $10,000,000 shall be available to the Secretary of Labor for Federal administration costs of such part 2 each fiscal year.

''(2) The Administrator shall auction, pursuant to section 791, 0.75 percent of the emission allowances established for each of vintage years 2012 and 2013 under section 721(a), and shall deposit the proceeds in the Energy Efficiency and Renewable Energy Worker Training Fund established by section 422 of the American Clean Energy and Security Act of 2009.

''(l) DOMESTIC ADAPTATION.—The Administrator shall allocate emission allowances for domestic adaptation as follows:

''(1) To be distributed in accordance with section 453 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2021, 0.9 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 1.9 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 3.9 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage year 2012 and thereafter, the Administrator shall auction, pursuant to section 791, 0.1 percent of the emission allowances established for each year under section 721(a), and shall deposit the proceeds in the Climate Change Health Protection and Promotion Fund established by section 467 of the American Clean Energy and Security Act of 2009.

''(m) WILDLIFE AND NATURAL RESOURCE ADAPTATION.—The Administrator shall allocate emission allowances for wildlife and natural resource adaptation as follows:

''(1) To be distributed to State agencies in accordance with section 480(a) of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2021, 0.385 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 0.77 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 1.54 percent of the emission allowances established for each year under section 721(a).

''(2) To be auctioned pursuant to section 791, with the proceeds to be deposited in the Natural Resources Climate Change Adaptation Fund established pursuant to section 480(b), in the following amounts:

''(A) For vintage years 2012 through 2021, 0.615 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 1.23 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 2.46 percent of the emission allowances established for each year under section 721(a).

''(n) INTERNATIONAL ADAPTATION.—The Administrator shall allocate emission allowances for international adaptation to be distributed in accordance with part 2 of subtitle E of title IV of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2021, 1.0 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2022 through 2026, 2.0 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2027 through 2050, 4.0 percent of the emission allowances established for each year under section 721(a).

''(o) INTERNATIONAL CLEAN TECHNOLOGY DEPLOYMENT.—The Administrator shall allocate emission allowances for international clean technology deployment for distribution in accordance with subtitle D of title IV of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2021, 1.0 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2022 through 2026, 2.0 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2027 through 2050, 4.0 percent of the emission allowances established for each year under section 721(a).

''(p) RELEASE OF FUTURE ALLOWANCES.—The Administrator shall make future year allowances available by auctioning allowances, pursuant to section 791, in the following amounts:

''(1) In each of calendar years 2014 through 2019, a string of 0.70 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(2) In each of calendar years 2020 through 2025, a string of 0.50 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(3) In each of calendar years 2026 through 2030, a string of 0.3 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(q) DEFICIT REDUCTION.—

''(1) For each of vintage years 2012 through 2025, any allowances not allocated for distribution or auction pursuant to section 781 or subsections (s) and (t) of this section, or disbursed pursuant to section 790, shall be auctioned by the Administrator pursuant to section 791 and the proceeds shall be deposited into the Treasury.

''(2) Unless otherwise specified, any allowances allocated pursuant to subsections (s) and (t) and not distributed by March 31 of the calendar year following the allowance's vintage year, shall be auctioned by the Administrator and the proceeds shall be deposited into the Treasury.

''(3) For auctions conducted through calendar year 2020 pursuant to subsection (p), the auction proceeds shall be deposited into the Treasury.

''(r) CLIMATE CHANGE CONSUMER REFUND.—

''(1) For each of vintage years 2026 through 2050, the Administrator shall auction the following allowances established under section 721(a) and deposit the proceeds into the Climate Change Consumer Refund Account:

''(A) Any allowances not allocated for distribution or auction pursuant to section 781 or subsections (a) through (p) of this section, or disbursed pursuant to section 790.

''(B) Unless otherwise specified, any allowances allocated pursuant to subsections (a) through (o) and not distributed by March 31 of the calendar year following the allowance's vintage year.

''(2) For auctions conducted pursuant to subsection (p) in calendar years 2021 and thereafter, the Administrator shall place the proceeds from the sales of the these allowances into the Climate Change Consumer Refund Account.

''(3) Funds deposited into the Climate Change Consumer Refund Account shall be used as specified in section 789 and shall be available for expenditure, without further appropriation or fiscal year limitation.

''(s) TREATMENT OF CARRYOVER ALLOWANCES.—

''(1) IN GENERAL.—If there are undistributed allowances from a vintage year for supplemental reductions pursuant to section 781(c), energy-intensive, trade-exposed industries pursuant to subsection (e)(2) of this section, deployment of carbon capture and sequestration technology pursuant to subsection (f)(2) of this section, or supplemental agriculture and renewable energy pursuant to subsection (u)(2) of this section, the Administrator shall—

''(A) use the undistributed allowances to increase for the same vintage year—

''(i) the allocation of allowances to be auctioned for deficit reduction pursuant to subsection (q) or for consumer refunds pursuant to subsection (r);

''(ii) the allocation of allowances to be auctioned for low income consumers pursuant to subsection (d); or

''(iii) a combination of both; and

''(B) except as provided in paragraph (2)—

''(i) decrease by the same amount for the following vintage year the allocation for the purpose for which the allocation was increased pursuant to subparagraph (A); and

''(ii) increase by the same amount for the following vintage year the allocation for the purpose for which the undistributed allowances were originally allocated.

''(2) EXCESS UNDISTRIBUTED ALLOWANCES.—(A) For each vintage year for which this subsection applies, the Administrator shall determine whether—

''(i) the total quantity of undistributed allowances for that vintage year that were allocated pursuant to section 781(c), and subsections (e)(2), (f)(2), and (u)(2) of this section, exceeds

''(ii) the total quantity of allowances allocated pursuant to subsection (d), (q) and (r) for the following vintage year, decreased by the quantity of allowances for that following vintage year set aside for the reserve established by section 791(f).

''(B) If the Administrator determines under subparagraph (A) that the quantity described in subparagraph (A)(i) exceeds the quantity described in subparagraph (A)(ii), paragraph (1)(B)(ii) of this subsection shall not apply. Instead, for each purpose described in section 781(c), or subsections (e)(2), (f)(2), and (u)(2) of this section for which undistributed allowances for a given vintage year were allocated, the Administrator shall increase the allocation for the following vintage year by the amount that is the product of—

''(i) the number of undistributed allowances for that purpose, times

''(ii) the quantity described in subparagraph (A)(ii) divided by the quantity described in subparagraph (A)(i).

''(t) COMPENSATION FOR EARLY ACTORS.—For vintage year 2012, the Administrator shall allocate for compensation for early actors 1 percent of emission allowances established under section 721(a), to be distributed in accordance with section 795 of the American Clean Energy and Security Act of 2009.

''(u) SUPPLEMENTAL AGRICULTURE AND RENEWABLE ENERGY.—

''(1) IN GENERAL.—For vintage years 2012 through 2016, the Administrator shall allocate 0.28 percent of emission allowances established under section 721(a), to be distributed in accordance with section 788 of the American Clean Energy and Security Act of 2009.

''(2) CARRYOVER.—After the Administrator distributes emission allowances pursuant to section 788 for any given vintage year, any emission allowances allocated to supplemental agriculture and renewable energy pursuant to this subsection that have not been so distributed shall, in accordance with subsection (s), be exchanged for allowances from the following vintage year and treated as part of the allocation to such entities for that later vintage year.

''SEC. 783. ELECTRICITY CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COAL-FUELED UNIT.—The term 'coal-fueled unit' means a utility unit that derives at least 85 percent of its heat input from coal, petroleum coke, or any combination of these 2 fuels.

''(2) ELECTRICITY LOCAL DISTRIBUTION COMPANY.—The term 'electricity local distribution company' means an electric utility—

''(A) that has a legal, regulatory, or contractual obligation to deliver electricity directly to retail consumers in the United States, regardless of whether that entity or another entity sells the electricity as a commodity to those retail consumers; and

''(B) the retail rates of which, except in the case of an electric cooperative, are regulated or set by—

''(i) a State regulatory authority;

''(ii) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing); or

''(iii) an Indian tribe pursuant to tribal law.

''(3) ELECTRICITY SAVINGS; RENEWABLE ENERGY RESOURCE.—The terms 'electricity savings' and 'renewable energy resource' shall have the meaning given those terms in section 610 of the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of the American Clean Energy and Security Act of 2009).

''(4) INDEPENDENT POWER PRODUCTION FACILITY.—The term 'independent power production facility' means a facility—

''(A) that is used for the generation of electric energy, at least 80 percent of which is sold at wholesale; and

''(B) the sales of the output of which are not subject to retail rate regulation or setting of retail rates by—

''(i) a State regulatory authority;

''(ii) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing);

''(iii) an electric cooperative; or

''(iv) an Indian tribe pursuant to tribal law.

''(5) LONG-TERM CONTRACT GENERATOR.—The term 'long-term contract generator' means a qualifying small power production facility, a qualifying cogeneration facility), an independent power production facility, or a facility for the production of electric energy for sale to others that is owned and operated by an electric cooperative that is—

''(A) a covered entity; and

''(B) as of the date of enactment of this title—

''(i) a facility with 1 or more sales or tolling agreements executed before March 1, 2007, that govern the facility's electricity sales and provide for sales at a price (whether a fixed price or a price formula) for electricity that does not allow for recovery of the costs of compliance with the limitation on greenhouse gas emissions under this title, provided that such agreements are not between entities that are affiliates of one another; or

''(ii) a facility consisting of 1 or more cogeneration units that makes useful thermal energy available to an industrial or commercial process with 1 or more sales agreements executed before March 1, 2007, that govern the facility's useful thermal energy sales and provide for sales at a price (whether a fixed price or price formula) for useful thermal energy that does not allow for recovery of the costs of compliance with the limitation on greenhouse gas emissions under this title, provided that such agreements are not between entities that are affiliates of one another.

''(6) MERCHANT COAL UNIT.—The term 'merchant coal unit' means a coal-fueled unit that—

''(A) is or is part of a covered entity;

''(B) is not owned by a Federal, State, or regional agency or power authority; and

''(C) generates electricity solely for sale to others, provided that all or a portion of such sales are made by a separate legal entity that—

''(i) has a full or partial ownership or leasehold interest in the unit, as certified in accordance with such requirements as the Administrator shall prescribe; and

''(ii) is not subject to retail rate regulation or setting of retail rates by—

''(I) a State regulatory authority;

''(II) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing);

''(III) an electric cooperative; or

''(IV) an Indian tribe pursuant to tribal law.

''(7) MERCHANT COAL UNIT SALES.—The term 'merchant coal unit sales' means sales to others of electricity generated by a merchant coal unit that are made by the owner or leaseholder described in paragraph (6)(C).

''(8) NEW COAL-FUELED UNIT.—The term 'new coal-fueled unit' means a coal-fueled unit that commenced operation on or after January 1, 2009 and before January 1, 2013.

''(9) NEW MERCHANT COAL UNIT.—The term 'new merchant coal unit' means a merchant coal unit—

''(A) that commenced operation on or after January 1, 2009 and before January 1, 2013; and

''(B) the actual, on-site construction of which commenced prior to January 1, 2009.

''(10) QUALIFYING SMALL POWER PRODUCTION FACILITY; QUALIFYING COGENERATION FACILITY.—The terms 'qualifying small power production facility' and 'qualifying cogeneration facility' have the meanings given those terms in section 3(17)(C) and 3(18)(B) of the Federal Power Act (16 U.S.C. 796(17)(C) and 796(18)(B)).

''(11) SMALL LDC.—The term 'small LDC' means, for any given year, an electricity local distribution company that delivered less than 4,000,000 megawatt hours of electric energy directly to retail consumers in the preceding year.

''(12) STATE REGULATORY AUTHORITY.—The term 'State regulatory authority' has the meaning given that term in section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)).

''(13) USEFUL THERMAL ENERGY.—The term 'useful thermal energy'has the meaning given that term in section 371(7) of the Energy Policy and Conservation Act (42 U.S.C. 6341(7)).

''(b) ELECTRICITY LOCAL DISTRIBUTION COMPANIES.—

''(1) DISTRIBUTION OF ALLOWANCES.—Not later than September 30 of 2011 and each calendar year thereafter through 2028, the Administrator shall distribute to electricity local distribution companies for the benefit of retail ratepayers the quantity of emission allowances allocated for the following vintage year pursuant to section 782(a)(1). Notwithstanding the preceding sentence, the Administrator shall withhold from distribution under this subsection a quantity of emission allowances equal to the lesser of 14.3 percent of the quantity of emission allowances allocated under section 782(a)(1) for the relevant vintage year, or 105 percent of the emission allowances for the relevant vintage year that the Administrator anticipates will be distributed to merchant coal units and to long-term contract generators, respectively, under subsections (c) and (d). If not required by subsections (c) and (d) to distribute all of these reserved allowances, the Administrator shall distribute any remaining emission allowances to electricity local distribution companies in accordance with this subsection.

''(2) DISTRIBUTION BASED ON EMISSIONS.—

''(A) IN GENERAL.—For each vintage year, 50 percent of the emission allowances available for distribution under paragraph (1), after reserving allowances for distribution under subsections (c) and (d), shall be distributed by the Administrator among individual electricity local distribution companies ratably based on the annual average carbon dioxide emissions attributable to generation of electricity delivered at retail by each such company during the base period determined under subparagraph (B).

''(B) BASE PERIOD.—

''(i) VINTAGE YEARS 2012 AND 2013.—For vintage years 2012 and 2013, an electricity local distribution company's base period shall be—

''(I) calendar years 2006 through 2008; or

''(II) any 3 consecutive calendar years between 1999 and 2008, inclusive, that such company selects, provided that the company timely informs the Administrator of such selection.

''(ii) VINTAGE YEARS 2014 AND THEREAFTER.—For vintage years 2014 and thereafter, the base period shall be—

''(I) the base period selected under clause (i); or

''(II) calendar year 2012, in the case of an electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by a new coal-fueled unit, provided that such company timely informs the Administrator of its election to use 2012 as its base period.

''(C) DETERMINATION OF EMISSIONS.—

''(i) DETERMINATION FOR 1999-2008.—As part of the regulations promulgated pursuant to subsection, the Administrator, after consultation with the Energy Information Administration, shall determine the average amount of carbon dioxide emissions attributable to generation of electricity delivered at retail by each electricity local distribution company for each of the years 1999 through 2008, taking into account entities' electricity generation, electricity purchases, and electricity sales. In the case of any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by, a coal-fueled unit that commenced operation after January 1, 2006 and before December 31, 2008, the Administrator shall adjust the emissions attributable to such company's retail deliveries in calendar years 2006 through 2008 to reflect the emissions that would have occurred if the relevant unit were in operation during the entirety of such 3-year period.

''(ii) ADJUSTMENTS FOR NEW COAL-FUELED UNITS.—

''(I) VINTAGE YEARS 2012 AND 2013.—For purposes of emission allowance distributions for vintage years 2012 and 2013, in the case of any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by, a new coal-fueled unit, the Administrator shall adjust the emissions attributable to such company's retail deliveries in the applicable base period to reflect the emissions that would have occurred if the new coal-fueled unit were in operation during such period.

''(II) VINTAGE YEAR 2014 AND THEREAFTER.—Not later than necessary for use in making emission allowance distributions under this subsection for vintage year 2014, the Administrator shall, for any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by a new coal-fueled unit and has selected calendar year 2012 as its base period pursuant to subparagraph (B)(ii)(II), determine the amount of carbon dioxide emissions attributable to generation of electricity delivered at retail by such company in calendar year 2012. If the relevant new coal-fueled unit was not yet operational by January 1, 2012, the Administrator shall adjust such determination to reflect the emissions that would have occurred if such unit were in operation for all of calendar year 2012.

''(iii) REQUIREMENTS.—Determinations under this paragraph shall be as precise as practicable, taking into account the nature of data currently available and the nature of markets and regulation in effect in various regions of the country. The following requirements shall apply to such determinations:

''(I) The Administrator shall determine the amount of fossil fuel-based electricity delivered at retail by each electricity local distribution company, and shall use appropriate emission factors to calculate carbon dioxide emissions associated with the generation of such electricity.

''(II) Where it is not practical to determine the precise fuel mix for the electricity delivered at retail by an individual electricity local distribution company, the Administrator may use the best available data, including average data on a regional basis with reference to Regional Transmission Organizations or regional entities (as that term is defined in section 215(a)(7) of the Federal Power Act (16 U.S.C. 824o(a)(7)), to estimate fuel mix and emissions. Different methodologies may be applied in different regions if appropriate to obtain the most accurate estimate.

''(3) DISTRIBUTION BASED ON DELIVERIES.—

''(A) INITIAL FORMULA.—Except as provided in subparagraph (B), for each vintage year, the Administrator shall distribute 50 percent of the emission allowances available for distribution under paragraph (1), after reserving allowances for distribution under subsections (c) and (d), among individual electricity local distribution companies ratably based on each electricity local distribution company's annual average retail electricity deliveries for calendar years 2006 through 2008, unless the owner or operator of the company selects 3 other consecutive years between 1999 and 2008, inclusive, and timely notifies the Administrator of its selection.

''(B) UPDATING.—Prior to distributing 2015 vintage year emission allowances under this paragraph and at 3-year intervals thereafter, the Administrator shall update the distribution formula under this paragraph to reflect changes in each electricity local distribution company's service territory since the most recent formula was established. For each successive 3-year period, the Administrator shall distribute allowances ratably among individual electricity local distribution companies based on the product of—

''(i) each electricity local distribution company's average annual deliveries per customer during calendar years 2006 through 2008, or during the 3 alternative consecutive years selected by such company under subparagraph (A); and

''(ii) the number of customers of such electricity local distribution company in the most recent year in which the formula is updated under this subparagraph.

''(4) PROHIBITION AGAINST EXCESS DISTRIBUTIONS.—The regulations promulgated under subsection shall ensure that, notwithstanding paragraphs (2) and (3), no electricity local distribution company shall receive a greater quantity of allowances under this subsection than is necessary to offset any increased electricity costs to such company's retail ratepayers, including increased costs attributable to purchased power costs, due to enactment of this title. Any emission allowances withheld from distribution to an electricity local distribution company pursuant to this paragraph shall be distributed among all remaining electricity local distribution companies ratably based on emissions pursuant to paragraph (2).

''(5) USE OF ALLOWANCES.—

''(A) RATEPAYER BENEFIT.—Emission allowances distributed to an electricity local distribution company under this subsection shall be used exclusively for the benefit of retail ratepayers of such electricity local distribution company and may not be used to support electricity sales or deliveries to entities or persons other than such ratepayers.

''(B) RATEPAYER CLASSES.—In using emission allowances distributed under this subsection for the benefit of ratepayers, an electricity local distribution company shall ensure that ratepayer benefits are distributed—

''(i) among ratepayer classes ratably based on electricity deliveries to each class; and

''(ii) equitably among individual ratepayers within each ratepayer class, including entities that receive emission allowances pursuant to part F.

''(C) LIMITATION.—In general, an electricity local distribution company shall not use the value of emission allowances distributed under this subsection to provide to any ratepayer a rebate that is based solely on the quantity of electricity delivered to such ratepayer. To the extent an electricity local distribution company uses the value of emission allowances distributed under this subsection to provide rebates, it shall, to the maximum extent practicable, provide such rebates with regard to the fixed portion of ratepayers' bills or as a fixed credit or rebate on electricity bills.

''(D) INDUSTRIAL RATEPAYERS.—Notwithstanding subparagraph (C), if compliance with the requirements of this title results (or would otherwise result) in an increase in electricity costs for industrial retail ratepayers of any given electricity local distribution company (including entities that receive emission allowances pursuant to part F), such electricity local distribution company—

''(i) shall pass through to industrial retail ratepayers their ratable share (based on deliveries to each ratepayer class) of the value of the emission allowances distributed to such company under this subsection, to reduce electricity cost impacts on such ratepayers; and

''(ii) may do so based on the quantity of electricity delivered to individual industrial retail ratepayers.

''(E) GUIDELINES.—As part of the regulations promulgated under subsection, the Administrator shall, after consultation with State regulatory authorities, prescribe guidelines for the implementation of the requirements of this paragraph. Such guidelines shall include requirements to ensure that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of the allowances distributed to each electricity local distribution company pursuant to this subsection.

''(6) REGULATORY PROCEEDINGS.—

''(A) REQUIREMENT.—No electricity local distribution company shall be eligible to receive emission allowances under this subsection or subsection (e) unless the State regulatory authority with authority over such company's retail rates, or the entity with authority to regulate or set retail electricity rates of an electricity local distribution company not regulated by a State regulatory authority, has—

''(i) after public notice and an opportunity for comment, promulgated a regulation or completed a rate proceeding (or the equivalent, in the case of a ratemaking entity other than a State regulatory authority) that provides for the full implementation of the requirements of paragraph (5) of this subsection and the requirements of subsection (e); and

''(ii) made available to the Administrator and the public a report describing, in adequate detail, the manner in which the requirements of paragraph (5) and the requirements of subsection (e) will be implemented.

''(B) UPDATING.—The Administrator shall require, as a condition of continued receipt of emission allowances under this subsection by an electricity local distribution company, that a new regulation be promulgated or rate proceeding be completed , after public notice and an opportunity for comment, and a new report be made available to the Administrator and the public, pursuant to subparagraph (A), not less frequently than every 5 years.

''(7) PLANS AND REPORTING.—

''(A) REGULATIONS.—As part of the regulations promulgated under subsection, the Administrator shall prescribe requirements governing plans and reports to be submitted in accordance with this paragraph.

''(B) PLANS.—Not later than April 30 of 2011 and every 5 years thereafter through 2026, each electricity local distribution company shall submit to the Administrator a plan, approved by the State regulatory authority or other entity charged with regulating tor setting the retail rates of such company, describing such company's plans for the disposition of the value of emission allowances to be received pursuant to this subsection and subsection (e), in accordance with the requirements of this subsection and subsection (e). Such plan shall include a description of the manner in which the company will provide to industrial retail ratepayers (including entities that receive emission allowances under part F) their ratable share of the value of such allowances.

''(C) REPORTS.—Not later than June 30 of 2013 and each calendar year thereafter through 2031, each electricity local distribution company shall submit a report to the Administrator, and to the relevant State regulatory authority or other entity charged with regulating or setting the retail electricity rates of such company, describing the disposition of the value of any emission allowances received by such company in the prior calendar year pursuant to this subsection and subsection (e), including—

''(i) a description of sales, transfer, exchange, or use by the company for compliance with obligations under this title, of any such emission allowances;

''(ii) the monetary value received by the company, whether in money or in some other form, from the sale, transfer, or exchange of any such emission allowances;

''(iii) the manner in which the company's disposition of any such emission allowances complies with the requirements of this subsection and of subsection (e), including each of the requirements of paragraph (5) of this subsection, including the requirement that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of such allowances; and

''(iv) such other information as the Administrator may require pursuant to subparagraph (A).

''(D) PUBLICATION.—The Administrator shall make available to the public all plans and reports submitted under this subsection, including by publishing such plans and reports on the Internet.

''(8) AUDITS.—Each year, the Administrator shall audit a representative sample of electricity local distribution companies to ensure that emission allowances distributed under this subsection have been used exclusively for the benefit of retail ratepayers and that such companies are complying with the requirements of this subsection and of subsection (e), including the requirement that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of such allowances. In selecting companies for audit, the Administrator shall take into account any credible evidence of noncompliance with such requirements. The Administrator shall make available to the public a report describing the results of each such audit, including by publishing such report on the Internet.

''(9) ENFORCEMENT.—A violation of any requirement of this subsection or of subsection (e) shall be a violation of this Act. Each emission allowance the value of which is used in violation of the requirements of this subsection or of subsection (e) shall be a separate violation.

''(c) MERCHANT COAL UNITS.—

''(1) QUALIFYING EMISSIONS.—The qualifying emissions for a merchant coal unit for a given calendar year shall be the product of the number of megawatt hours of merchant coal unit sales generated by such unit in such calendar year and the average carbon dioxide emissions per megawatt hour generated by such unit during the base period under paragraph (2), provided that the number of megawatt hours in a given calendar year for purposes of such calculation shall be reduced in proportion to the portion of such unit's carbon dioxide emissions that are either—

''(A) captured and sequestered in such calendar year; or

''(B) attributable to the combustion or gasification of biomass, to the extent that the owner or operator of the unit is not required to hold emission allowances for such emissions.

''(2) BASE PERIOD.—For purposes of this subsection, the base period for a merchant coal unit shall be—

''(A) calendar years 2006 through 2008; or

''(B) in the case of a new merchant coal unit—

''(i) the first full calendar year of operation of such unit, if such unit commences operation before January 1, 2012;

''(ii) calendar year 2012, if such unit commences operation on or after January 1, 2012.

''(iii) calendar year 2013, if such unit commences operation on or after October 1, 2012, and before January 1, 2013.

''(3) PHASE-DOWN SCHEDULE.—The Administrator shall identify an annual phase-down factor, applicable to distributions to merchant coal units for each of vintage years 2012 through 2029, that corresponds to the overall decline in the amount of emission allowances allocated to the electricity sector in such years pursuant to section 782(a)(1). Such factor shall—

''(A) for vintage year 2012, be equal to 1.0;

''(B) for each of vintage years 2013 through 2029, correspond to the quotient of—

''(i) the quantity of emission allowances allocated under section 782(a)(1) for such vintage year; divided by

''(ii) the quantity of emission allowances allocated under section 782(a)(1) for vintage year 2012.

''(4) DISTRIBUTION OF EMISSION ALLOWANCES.—Not later than March 1 of 2013 and each calendar year through 2030, the Administrator shall distribute emission allowances of the preceding vintage year to the owner or operator of each merchant coal unit described in subsection (a)(6)(C) in an amount equal to the product of—

''(A) 0.5;

''(B) the qualifying emissions for such merchant coal unit for the preceding year, as determined under paragraph (1); and

''(C) the phase-down factor for the preceding calendar year, as identified under paragraph (3).

''(5) ADJUSTMENT.—

''(A) STUDY.—Not later than July 1, 2014, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall complete a study to determine whether the allocation formula under paragraph (3) is resulting in, or is likely to result in, windfall profits to merchant coal generators or substantially disparate treatment of merchant coal generators operating in different markets or regions.

''(B) REGULATION.—If the Administrator, in consultation with the Federal Energy Regulatory Commission, makes an affirmative finding of windfall profits or disparate treatment under subparagraph (A), the Administrator shall, not later than 18 months after the completion of the study described in subparagraph (A), promulgate regulations providing for the adjustment of the allocation formula under paragraph (3) to mitigate, to the extent practicable, such windfall profits, if any, and such disparate treatment, if any.

''(6) LIMITATION ON ALLOWANCES.—Notwithstanding paragraph (4) or (5), for each vintage year the Administrator shall distribute under this subsection no more than 10 percent of the total quantity of emission allowances available for such vintage year for distribution to the electricity sector under section 782(a)(1). If the quantity of emission allowances that would otherwise be distributed pursuant to paragraph (4) or (5) for any vintage year would exceed such limit, the Administrator shall distribute 10 percent of the total emission allowances available for distribution under section 782(a)(1) for such vintage year ratably among merchant coal generators based on the applicable formula under paragraph (4) or (5).

''(7) ELIGIBILITY.—The owner or operator of a merchant coal unit shall not be eligible to receive emission allowances under this subsection for any vintage year for which such owner or operator has elected to receive emission allowances for the same unit under subsection (d).

''(d) LONG-TERM CONTRACT GENERATORS.—

''(1) DISTRIBUTION.—Not later than March 1 of 2013 and each calendar year through 2030, the Administrator shall distribute to the owner or operator of each long-term contract generator a quantity of emission allowances of the preceding vintage year that is equal to the sum of—

''(A) the number of tons of carbon dioxide emitted as a result of a qualifying electricity sales agreement referred to in subsection (a)(5)(B)(i); and

''(B) the incremental number of tons of carbon dioxide emitted solely as a result of a qualifying thermal sales agreement referred to in subsection (a)(5)(B)(ii), provided that in no event shall the Administrator distribute more than 1 emission allowance for the same ton of emissions.

''(2) LIMITATION ON ALLOWANCES.— Notwithstanding paragraph (1), for each vintage year the Administrator shall distribute under this subsection no more than 4.3 percent of the total quantity of emission allowances available for such vintage year for distribution to the electricity sector under section 782(a)(1). If the quantity of emission allowances that would otherwise be distributed pursuant to paragraph (1) for any vintage year would exceed such limit, the Administrator shall distribute 4.3 percent of the total emission allowances available for distribution under section 782(a)(1) for such vintage year ratably among long-term contract generators based on paragraph (1).

''(3) ELIGIBILITY.—

''(A) FACILITY ELIGIBILITY.—The owner or operator of a facility shall cease to be eligible to receive emission allowances under this subsection upon the earliest date on which the facility no longer meets each and every element of the definition of a long-term contract generator under subsection (a)(5).

''(B) CONTRACT ELIGIBILITY.—The owner or operator of a facility shall cease to be eligible to receive emission allowances under this subsection based on an electricity or thermal sales agreement referred to in subsection (a)(5)(B) upon the earliest date that such agreement—

''(i) expires;

''(ii) is terminated; or

''(iii) is amended in any way that changes the location of the facility, the price (whether a fixed price or price formula) for electricity or thermal energy sold under such agreement, the quantity of electricity or thermal energy sold under the agreement, or the expiration or termination date of the agreement.

''(4) DEMONSTRATION OF ELIGIBILITY.—To be eligible to receive allowance distributions under this subsection, the owner or operator of a long-term contract generator shall submit each of the following in writing to the Administrator within 180 days after the date of enactment of this title, and not later than September 30 of each vintage year for which such generator wishes to receive emission allowances:

''(A) A certificate of representation described in section 700(15).

''(B) An identification of each owner and each operator of the facility.

''(C) An identification of the units at the facility and the location of the facility.

''(D) A written certification by the designated representative that the facility meets all the requirements of the definition of a long-term contract generator.

''(E) The expiration date of each qualifying electricity or thermal sales agreement referred to in subsection (a)(5)(B).

''(F) A copy of each qualifying electricity or thermal sales agreement referred to in subsection (a)(5)(B).

''(5) NOTIFICATION.—Not later than 30 days after, in accordance with paragraph (3), a facility or an agreement ceases to meet the eligibility requirements for distribution of emission allowances pursuant to this subsection, the designated representative of such facility shall notify the Administrator in writing when, and on what basis, such facility or agreement ceased to meet such requirements.

''(e) SMALL LDCs.—

''(1) DISTRIBUTION.—Not later than September 30 of each calendar year from 2011 through 2028, the Administrator shall, in accordance with this subsection, distribute emission allowances allocated pursuant to section 782(a)(2) for the following vintage year. Such allowances shall be distributed ratably among small LDCs based on historic emissions in accordance with the same measure of such emissions applied to each such small LDC for the relevant vintage year under subsection (b)(2) of this section.

''(2) USES.—A small LDC receiving allowances under this section shall use such allowances exclusively for the following purposes:

''(A) Cost-effective programs to achieve electricity savings, provided that such savings shall not be transferred or used for compliance with section 610 of the Public Utility Regulatory Policies Act of 1978.

''(B) Deployment of technologies to generate electricity from renewable energy resources, provided that any Federal renewable electricity credits issued based on generation supported under this section shall be submitted to the Federal Energy Regulatory Commission for voluntary retirement and shall not be used for compliance with section 610 of the Public Utility Regulatory Policies Act of 1978.

''(C) Assistance programs to reduce electricity costs for low-income residential ratepayers of such small LDC, provided that such assistance is made available equitably to all residential ratepayers below a certain income level, which shall not be higher than 200 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(3) REQUIREMENTS.—As part of the regulations promulgated under subsection, the Administrator shall prescribe—

''(A) after consultation with the Federal Energy Regulatory Commission, requirements to ensure that programs and projects under paragraph (2)(A) and (B) are consistent with the standards established by, and effectively supplement electricity savings and generation of electricity from renewable energy resources achieved by, the Combined Efficiency and Renewable Electricity Standard established under section 610 of the Public Utility Regulatory Policies Act of 1978;

''(B) eligibility criteria and guidelines for consumer assistance programs for low-income residential ratepayers under paragraph (2)(C); and

''(C) such other requirements as the Administrator determines appropriate to ensure compliance with the requirements of this subsection.

''(4) REPORTING.—Reports submitted under subsection (b)(7) shall include, in accordance with such requirements as the Administrator may prescribe—

''(A) a description of any facilities deployed under paragraph (2)(A), the quantity of resulting electricity generation from renewable energy resources;

''(B) an assessment demonstrating the cost-effectiveness of, and electricity savings achieved by, programs supported under paragraph (2)(B); and

''(C) a description of assistance provided to low-income retail ratepayers under paragraph (2)(C).

(f) CERTAIN COGENERATION FACILITIES.—

(1) ELIGIBLE COGENERATION FACILITIES.—For purposes of this subsection, an ''eligible cogeneration facility'' is a facility that—

(A) is a qualifying co-generation facility (as that term is defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B));

(B) derives 80 percent or more of its heat input from coal, petroleum coke, or any combination of these 2 fuels;

(C) has a nameplate capacity of 100 megawatts or greater;

(D) was in operation as of January 1, 2009, and remains in operation as of the date of any distribution of emission allowances under this subsection;

(E) in calendar years 2006 through 2008 sold, and as of the date of any distribution of emission allowances under this section sells, steam or electricity directly and solely to multiple, separately-owned industrial or commercial facilities co-located at the same site with the cogeneration facility; and

(F) is not eligible to receive allowances under any other subsection of this section or under part F of this title.

(2) DISTRIBUTION.—The Administrator shall distribute the emission allowances allocated pursuant to section 782(a)(3) to owners or operators of eligible cogeneration facilities ratably based on the carbon dioxide emissions of each such facility in calendar years 2006 through 2008. The Administrator—

(A) shall not, in any year, distribute emission allowances under this subsection to the owner or operator of any eligible cogeneration facility in excess of the amount necessary to offset such facility's cost of compliance with the requirements of this title in that year; and

(B) may distribute such allowances over a period of years if annual distributions under this subsection would otherwise exceed the limitation in subparagraph (A), provided that in no event shall distributions be made under this subsection after calendar year 2025.

(3) REQUIREMENTS.—The Administrator shall, by regulation, establish requirements to ensure that the value of any emission allowances distributed pursuant to this subsection are passed through, on an equitable basis, to the facilities to which the relevant cogeneration facility provides electricity or steam deliveries, including any facility owned or operated by the owner or operator of the cogeneration facility.

''(g) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall promulgate regulations to implement the requirements of this section.

''SEC. 784. NATURAL GAS CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COST-EFFECTIVE.—The term 'cost-effective', with respect to an energy efficiency program, means that the program meets the Total Resource Cost Test, which requires that the net present value of economic benefits over the life of the program, including avoided supply and delivery costs and deferred or avoided investments, is greater than the net present value of the economic costs over the life of the program, including program costs and incremental costs borne by the energy consumer.

''(2) NATURAL GAS LOCAL DISTRIBUTION COMPANY.—The term 'natural gas local distribution company' means a natural gas local distribution company that is a covered entity.

''(3) NON-COVERED ENTITY.—The term 'non-covered entity' means, when used in reference to a date or period prior to the enactment of this title, an entity that would not have been a covered entity if this title had been in effect during such date or period.

''(4) STATE REGULATORY AUTHORITY.—The term 'State regulatory authority' has the meaning given the term 'State commission' in section 2(8) of the Natural Gas Act (15 U.S.C. 717a(8)).

''(b) DISTRIBUTION.—Not later than June 30 of 2015 and each calendar year thereafter through 2028, the Administrator shall distribute to natural gas local distribution companies for the benefit of retail ratepayers the quantity of emission allowances allocated for the following vintage year pursuant to section 782(b). Such allowances shall be distributed among local natural gas distribution companies based on the following formula:

''(1) INITIAL FORMULA.—Except as provided in paragraph (2), for each vintage year, the Administrator shall distribute emission allowances among natural gas local distribution companies ratably based on each such company's annual average retail natural gas deliveries for 2006 through 2008 to customers that were non-covered entities, unless the owner or operator of the company selects 3 other consecutive years between 1999 and 2008, inclusive, and timely notifies the Administrator of its selection.

''(2) UPDATING.—Prior to distributing 2019 vintage year emission allowances and at 3-year intervals thereafter, the Administrator shall update the distribution formula under this subsection to reflect changes in each natural gas local distribution company's service territory since the most recent formula was established. For each successive 3-year period, the Administrator shall distribute allowances ratably among natural gas local distribution companies based on the product of—

''(A) each natural gas local distribution company's average annual natural gas deliveries per customer to customers that were non-covered entities during calendar years 2006 through 2008, or during the 3 alternative consecutive years selected by such company under paragraph (1); and

''(B) the number of customers of such natural gas local distribution company that are not covered entities in the most recent year in which the formula is updated under this paragraph.

''(c) USE OF ALLOWANCES.—

''(1) RATEPAYER BENEFIT.—Emission allowances distributed to a natural gas local distribution company under this section shall be used exclusively for the benefit of retail ratepayers of such natural gas local distribution company other than covered entities and may not be used to support natural gas sales or deliveries to entities or persons other than such ratepayers.

''(2) RATEPAYER CLASSES.—In using emission allowances distributed under this section for the benefit of ratepayers, a natural gas local distribution company shall ensure that ratepayer benefits are distributed—

''(A) among ratepayer classes ratably based on natural gas deliveries to each class, excluding deliveries to covered entities; and

''(B) equitably among individual ratepayers other than covered entities within each ratepayer class.

''(3) LIMITATION.—In general, a natural gas local distribution company shall not use the value of emission allowances distributed under this section to provide to any ratepayer a rebate that is based solely on the quantity of natural gas delivered to such ratepayer. To the extent a natural gas local distribution company uses the value of emission allowances distributed under this section to provide rebates, it shall, to the maximum extent practicable, provide such rebates with regard to the fixed portion of ratepayers' bills or as a fixed creditor rebate on natural gas bills.

''(4) INDUSTRIAL RATEPAYERS.—Notwithstanding paragraph (3), if compliance with the requirements of this title results (or would otherwise result) in an increase in natural gas costs for industrial retail ratepayers of any given natural gas local distribution company that are not covered entities (including entities that receive emission allowances pursuant to part F), such natural gas local distribution company—

''(A) shall pass through to industrial retail ratepayers that are not covered entities their ratable share (based on deliveries to each ratepayer class) of the value of the emission allowances distributed to such company under this subsection, to reduce natural gas cost impacts on such ratepayers; and

''(B) may do so based on the quantity of natural gas delivered to individual industrial retail ratepayers.

''(5) ENERGY EFFICIENCY PROGRAMS.—The value of no less than one third of the emission allowances distributed to natural gas local distribution companies pursuant to this section in any calendar year shall be used for cost-effective energy efficiency programs for natural gas consumers. Such programs must be authorized and overseen by the State regulatory authority, or by the entity with authority to regulate or set retail natural gas rates in the case of a natural gas local distribution company that is not regulated by a State regulatory authority.

''(6) CERTAIN INTRACOMPANY DELIVERIES.—If a natural gas local distribution company makes an intracompany delivery of natural gas to a customer that is not a covered entity, for which such company is required to hold emission allowances under section 722, such customer shall, for purposes of this section, be considered a retail ratepayer and a member of a ratepayer class to be determined by the relevant State regulatory authority, or other entity with authority to regulate or set natural gas rates in the case of a company not regulated by a State regulatory authority.

''(7) GUIDELINES.—As part of the regulations promulgated under subsection (h), the Administrator shall, after consultation with State regulatory authorities, prescribe guidelines for the implementation of the requirements of this subsection. Such guidelines shall include requirements to ensure that industrial retail ratepayers that are not covered entities (including entities that receive emission allowances under part F) receive their ratable share of the value of the allowances distributed to each natural gas local distribution company pursuant to this section.

''(d) REGULATORY PROCEEDINGS.—

''(1) REQUIREMENT.—No natural gas local distribution company shall be eligible to receive emission allowances under this section unless the State regulatory authority with authority over the retail rates of such company, or the entity with authority to regulate or set retail rates of a natural gas local distribution company not regulated by a State regulatory authority, has—

''(A) after public notice and an opportunity for comment, promulgated a regulation or completed a public rate proceeding (or the equivalent, in the case of a ratemaking entity other than a State regulatory authority) that provides for the full implementation of the requirements of subsection (c); and

''(B) made available to the Administrator and the public a report describing, in adequate detail, the manner in which the requirements of subsection (c) will be implemented.

''(2) UPDATING.—The Administrator shall require, as a condition of continued receipt of emission allowances under this section, that a new regulation be promulgated or rate proceeding be completed, after public notice and an opportunity for comment, and a new report be made available to the Administrator and the public, pursuant to paragraph (1), not less frequently than every 5 years.

''(e) PLANS AND REPORTING.—

''(1) REGULATIONS.—As part of the regulations promulgated under subsection (h), the Administrator shall prescribe requirements governing plans and reports to be submitted in accordance with this subsection.

''(2) PLANS.—Not later than April 30 of 2015 and every 5 years thereafter through 2025, each natural gas local distribution company shall submit to the Administrator a plan, approved by the State regulatory authority or other entity charged with regulating or setting the retail rates of such company, describing such company's plans for the disposition of the value of emission allowances to be received pursuant to this section, in accordance with the requirements of this section.

''(3) REPORTS.—Not later than June 30 of 2017 and each calendar year thereafter through 2031, each natural gas local distribution company shall submit a report to the Administrator, approved by the relevant State regulatory authority or other entity charged with regulating or setting the retail natural gas rates of such company, describing the disposition of the value of any emission allowances received by such company in the prior calendar year pursuant to this section, including—

''(A) a description of sales, transfer, exchange, or use by the company for compliance with obligations under this title, of any such emission allowances;

''(B) the monetary value received by the company, whether in money or in some other form, from the sale, transfer, or exchange of emission allowances received by the company under this section;

''(C) the manner in which the company's disposition of emission allowances received under this section complies with the requirements of this section, including each of the requirements of subsection (c);

''(D) the cost-effectiveness of, and energy savings achieved by, energy efficiency programs supported through such emission allowances; and

''(E) such other information as the Administrator may require pursuant to paragraph (1).

''(4) PUBLICATION.—The Administrator shall make available to the public all plans and reports submitted by natural gas local distribution companies under this subsection, including by publishing such plans and reports on the Internet.

''(f) AUDITS.—Each year, the Administrator shall audit a representative sample of natural gas local distribution companies to ensure that emission allowances distributed under this section have been used exclusively for the benefit of retail ratepayers and that such companies are complying with the requirements of this section. In selecting companies for audit, the Administrator shall take into account any credible evidence of noncompliance with such requirements. The Administrator shall make available to the public a report describing the results of each such audit, including by publishing such report on the Internet.

''(g) ENFORCEMENT.—A violation of any requirement of this section shall be a violation of this Act. Each emission allowance the value of which is used in violation of the requirements of this section shall be a separate violation.

''(h) REGULATIONS.—Not later than January 1, 2014, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall promulgate regulations to implement the requirements of this section.

''SEC. 785. HOME HEATING OIL, PROPANE, AND KEROSENE CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CARBON CONTENT.—The term 'carbon content' means the amount of carbon dioxide that would be emitted as a result of the combustion of a fuel.

''(2) COST-EFFECTIVE.—The term 'cost-effective' has the meaning given that term in section 784(a)(1).

''(3) OILHEAT FUEL.—The term 'oilheat fuel' means fuel that—

''(A) is—

''(i) No. 1 distillate;

''(ii) No. 2 dyed distillate;

''(iii) a liquid blended with No. 1 distillate or No. 2 dyed distillate; or

''(iv) a biobased liquid; and

''(B) is used as a fuel for nonindustrial commercial or residential space or hot water heating.

''(b) DISTRIBUTION AMONG STATES.—Not later than September 30 of each of calendar years 2011 through 2028, the Administrator shall distribute among the States, in accordance with this section, the quantity of emission allowances allocated for the following vintage year pursuant to section 782(c). The Administrator shall distribute emission allowances among the States under this section each year ratably based on the ratio of—

''(1) the carbon content of oilheat fuel, propane, and kerosene sold to consumers within each State in the preceding year for residential or commercial uses; to

''(2) the carbon content of oilheat fuel, propane, and kerosene sold to consumers within the United States in the preceding year for residential or commercial uses.

''(c) USE OF ALLOWANCES.—

''(1) IN GENERAL.—States shall use emission allowances distributed under this section exclusively for the benefit of consumers of oilheat fuel, propane, or kerosene for residential or commercial purposes. Such proceeds shall be used exclusively for—

''(A) cost-effective energy efficiency programs for consumers that use oilheat fuel, propane, or kerosene for residential or commercial purposes; or

''(B) rebates or other direct financial assistance programs for consumers of oilheat fuel, propane, or kerosene used for residential or commercial purposes.

''(2) ADMINISTRATION AND DELIVERY MECHANISMS.—In administering programs supported by this section, States shall

''(A) use no less than 50 percent of the value of emission allowances received under this section for cost-effective energy efficiency programs to reduce consumers' overall fuel costs;

''(B) to the extent practicable, deliver consumer support under this section through existing energy efficiency and consumer energy assistance programs or delivery mechanisms, including, where appropriate, programs or mechanisms administered by parties other than the State; and

''(C) seek to coordinate the administration and delivery of energy efficiency and consumer energy assistance programs supported under this section, with one another and with existing programs for various fuel types, so as to deliver comprehensive, fuel-blind, coordinated programs to consumers.

''(d) REPORTING.—Each State receiving emission allowances under this section shall submit to the Administrator, within 12 months of each receipt of such allowances, a report, in accordance with such requirements as the Administrator may prescribe, that—

''(1) describes the State's use of emission allowances distributed under this section, including a description of the energy efficiency and consumer assistance programs supported with such allowances;

''(2) demonstrates the cost-effectiveness of, and the energy savings and greenhouse gas emissions reductions achieved by, energy efficiency programs supported under this section; and

''(3) includes a report prepared by an independent third party, in accordance with such regulations as the Administrator may promulgate, evaluating the performance of the energy efficiency and consumer assistance programs supported under this section.

''(e) ENFORCEMENT.—If the Administrator determines that a State is not in compliance with this section, the Administrator may withhold a portion of the emission allowances, the quantity of which is equal to up to twice the quantity of the allowances that the State failed to use in accordance with the requirements of this section, that such State would otherwise be eligible to receive under this section in later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States ratably in accordance with the formula in subsection (b).

''SEC. 787. ALLOCATIONS TO REFINERIES.

''(a) PURPOSE.—The purpose of this section is to provide emission allowance rebates to petroleum refineries in the United States in a manner that promotes energy efficiency and a reduction in greenhouse gas emissions at such facilities.

''(b) DEFINITIONS.—In this section:

''(1) EMISSIONS.—The term 'emissions' includes direct emissions from fuel combustion, process emissions, and indirect emissions from the generation of electricity, steam, and hydrogen used to produce the output of a petroleum refinery or the petroleum refinery sector.

''(2) PETROLEUM REFINERY.—The term 'petroleum refinery' means a facility classified under code 324110 of the North American Industrial Classification System of 2002.

''(3) SMALL BUSINESS REFINER.—The term 'small business refiner' means a refiner that meets the applicable Federal refinery capacity and employee limitations criteria described in section 45H(c)(1) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this section and without regard to section 45H(d)). Eligibility of a small business refiner under this paragraph shall not be recalculated or disallowed on account of (i) its merger with another small business refiner or refiners after December 31, 2002 or (ii) its acquisition of another small business refiner (or refinery of such refiner) after December 31, 2002.

''(c) IN GENERAL.—For each vintage year between 2014 and 2026, the Administrator shall distribute allowances pursuant to this section to owners and operators of petroleum refineries, including small business refiners, in the United States.

''(d) DISTRIBUTION SCHEDULE.—The Administrator shall distribute emission allowances pursuant to the regulations issued under subsection (e) for each vintage year no later than October 31 of the preceding calendar year.

''(e) REGULATIONS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Administrator of the Energy Information Administration, shall promulgate regulations that establish a formula for distributing emission allowances consistent with the purpose of this section. In establishing such formula, the Administrator shall consider the relative complexity of refinery processes and appropriate mechanisms to take energy efficiency and greenhouse gas reductions into account. If a petroleum refinery's electricity provider received a free allocation of emission allowances pursuant to section 782(a), the Administrator shall take this free allocation into account when establishing such formula to avoid rebates to a petroleum refinery for costs that the Administrator determines were not incurred by the petroleum refinery because the allowances were freely allocated to the petroleum refinery's electricity provider and used for the benefit of the petroleum refinery. This formula shall apply separately to the distribution of allowances allocated pursuant to section 782(j)(1) and to those allocated under section 782(j)(2).

"SEC. 788. SUPPLEMENTAL AGRICULTURE AND RENEWABLE ENERGY INCENTIVES PROGRAMS.

''(a) IN GENERAL.—Emission allowances allocated pursuant to section 782(u) shall be distributed by the Administrator at the direction of the Secretary of Energy and the Secretary of Agriculture in accordance with this section. Not less than 50 percent of the allowances shall be available for the program established pursuant to subsection (b).

''(b) AGRICULTURE INCENTIVES PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish by rule a program to provide incentives in the form of emission allowances for activities undertaken in the agriculture sector that reduce greenhouse gas emissions or sequester carbon. Under this program, the Secretary of Agriculture shall provide incentives for projects and activities that—

''(A) reduce or avoid greenhouse gas emissions, or sequester greenhouse gases, but do not meet the criteria for offset credits established under the American Clean Energy and Security Act of 2009;

''(B) support actions to adapt to climate change; or

''(C) prevent conversion of land that would increase greenhouse gas emissions (including projects and activities that complement or supplement conservation programs administered by the Secretary).

''(2) CONSIDERATIONS.—In designing this program, the Secretary shall ensure that it provides support for—

''(A) development and demonstration of practices to reduce greenhouse gas emissions or sequester carbon in agricultural operations where there are limited recognized opportunities to achieve such emissions reductions or sequestration; and

''(B) projects that reduce greenhouse gas emissions or increase sequestration of greenhouse gases and also achieve other significant environmental benefits, such as the improvement of water or air quality.

''(3) RESEARCH.—The Secretary shall establish by rule a program to conduct research to develop additional projects and activities for crops to find additional techniques and methods to reduce greenhouse gas emissions or sequester greenhouse gases that may or may not meet the criteria for offset credits established under the American Clean Energy and Security Act of 2009.

''(4) USE OF INFORMATION.—Information and data generated by this program should, where relevant, be used to inform the development of additional offset practices and methodologies.

''(c) RENEWABLE ENERGY INCENTIVES PROGRAM.—The Secretary of Energy and the Administrator shall establish by rule a program to provide allowances to State and local governments to support the deployment of renewable energy infrastructure.''.

"SEC. 789. CLIMATE CHANGE CONSUMER REFUNDS.

''(a) REFUND.—In each year after deposits are made to the Climate Change Consumer Refund Account, the Secretary of the Treasury shall provide tax refunds on a per capita basis to each household in the United States that shall collectively equal the amount deposited into the Climate Change Consumer Refund Account.

''(b) LIMITATIONS.—The Secretary of the Treasury shall establish procedures to ensure that individuals who are not—

''(1) citizens or nationals of the United States; or

''(2) immigrants lawfully residing in the United States,

are excluded for the purpose of calculating and distributing refunds under this section.

"SEC. 790. EXCHANGE FOR STATE-ISSUED ALLOWANCES.

''(a) IN GENERAL.—Not later than one year after the date of enactment of this title, the Administrator shall issue regulations allowing any person in the United States to exchange greenhouse gas emission allowances issued before December 31, 2011, by the State of California or for the Regional Greenhouse Gas Initiative, or the Western Climate Initiative (in this section referred to as 'State allowances') for emission allowances established by the Administrator under section 721(a).

''(b) REGULATIONS.—Regulations issued under subsection (a) shall—

''(1) provide that a person exchanging State allowances under this section receive emission allowances established under section 721(a) in the amount that is sufficient to compensate for the cost of obtaining and holding such State allowances;

''(2) establish a deadline by which persons must exchange the State allowances;

''(4) require that, once exchanged, the credit or other instrument be retired for purposes of use under the program by or for which it was originally issued.

''(5) provide that the Federal emission allowances disbursed pursuant to this section shall be deducted from the allowances to be auctioned pursuant to section 782(d); and

''(c) COST OF OBTAINING STATE ALLOWANCE.—For purposes of this section, the cost of obtaining a State allowance shall be the average auction price, for emission allowances issued in the year in which the State allowance was issued, under the program under which the State allowance was issued.

"SEC. 791. AUCTION PROCEDURES.

''(a) IN GENERAL.—To the extent that auctions of emission allowances by the Administrator are authorized by this part, such auctions shall be carried out pursuant to this section and the regulations established hereunder.

''(b) INITIAL REGULATIONS.—Not later than 12 months after the date of enactment of this title, the Administrator, in consultation with other agencies, as appropriate, shall promulgate regulations governing the auction of allowances under this section. Such regulations shall include the following requirements:

''(1) FREQUENCY; FIRST AUCTION.—Auctions shall be held four times per year at regular intervals, with the first auction to be held no later than March 31, 2011.

''(2) AUCTION SCHEDULE; CURRENT AND FUTURE VINTAGES.—The Administrator shall, at each quarterly auction under this section, offer for sale both a portion of the allowances with the same vintage year as the year in which the auction is being conducted and a portion of the allowances with vintage years from future years. The preceding sentence shall not apply to auctions held before 2012, during which period, by necessity, the Administrator shall auction only allowances with a vintage year that is later than the year in which the auction is held. Beginning with the first auction and at each quarterly auction held thereafter, the Administrator may offer for sale allowances with vintage years of up to four years after the year in which the auction is being conducted, except as provided in section 782(p).

''(3) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

''(4) PARTICIPATION; FINANCIAL ASSURANCE.—Auctions shall be open to any person, except that the Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

''(5) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in the auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

''(6) PURCHASE LIMITS.—No person may, directly or in concert with another participant, purchase more than 5 percent of the allowances offered for sale at any quarterly auction.

''(7) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the identities of winning bidders, the quantity of allowances obtained by each winning bidder, and the auction clearing price.

''(8) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator, in consultation with other agencies, as appropriate, considers appropriate to promote effective, efficient, transparent, and fair administration of auctions under this section.

''(c) REVISION OF REGULATIONS.—The Administrator may, in consultation with other agencies, as appropriate, at any time, revise the initial regulations promulgated under subsection (b) by promulgating new regulations. Such revised regulations need not meet the requirements identified in subsection (b) if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this subsection, the Administrator shall not consider maximization of revenues to the Federal Government.

''(d) RESERVE AUCTION PRICE.—The minimum reserve auction price shall be $10 (in constant 2009 dollars) for auctions occurring in 2012. The minimum reserve price for auctions occurring in years after 2012 shall be the minimum reserve auction price for the previous year increased by 5 percent plus the rate of inflation (as measured by the Consumer Price Index for all urban consumers).

''(e) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

''(f) SMALL BUSINESS REFINER RESERVE.—The Administrator shall, in accordance with this subsection, issue regulations setting aside a specified number of allowances that small business refiners may purchase at the average auction price and may use to demonstrate compliance pursuant to section 722. These regulations shall provide the following:

''(1) AMOUNT.—The Administrator shall place in the small business refiner reserve account allowances that are to be sold at auction pursuant to the allocations in section 782 in an amount equal to—

''(A) 6.2 percent of the emission allowances established under section 721(a) for each vintage year from 2012 through 2013;

''(B) 5.4 percent of the emission allowances established under section 721(a) for each vintage year from 2014 through 2015; and

''(C) 4.9 percent of the emission allowances established under section 721(a) for each vintage year from 2016 through 2024.

''(2) ALLOWED PURCHASES.—From January 1 of the calendar year that matches the vintage year for which allowances have been placed in the reserve, through January 14 of the following year, small business refiners (as defined in section 787(b)) may purchase allowances from this reserve at the price determined pursuant to paragraph (3).

''(3) PRICE.—The price for allowances purchased from this reserve shall be the average auction price for allowances of the same vintage year purchased at auctions conducted pursuant to this section during the 12 months preceding the purchase of the allowances.

''(4) USE OF ALLOWANCES.—Allowances purchased from this reserve shall only be used by the purchaser to demonstrate compliance pursuant to section 722 for attributable greenhouse gas emissions in the calendar year that matches the vintage year of the purchased allowance. Allowances purchased from this reserve may not be banked, traded or borrowed.

''(5) LIMITATIONS ON PURCHASE AMOUNT.—The Administrator, by regulation adopted after public notice and an opportunity for comment, shall establish procedures to distribute the ability to purchase allowances from the reserve fairly among all small business refiners interested in purchasing allowances from this reserve so as to address the potential that requests to purchase allowances exceed the number of allowances available in the reserve. This regulation may place limits on the number of allowances a small business refiner may purchase from the reserve.

''(6) UNSOLD ALLOWANCES.—Vintage year allowances not sold from the reserve on or before January 15 of the calendar year following the vintage year shall be sold at an auction conducted pursuant to this section no later than March 31 of the calendar year following the vintage year. If significantly more allowances are being placed in the reserve than are being purchased from the reserve several years in a row, the Administrator may adjust either the percent of allowances placed in the reserve or the date by which allowances may be purchased from the reserve.

''SEC. 792. AUCTIONING ALLOWANCES FOR OTHER ENTITIES.

''(a) CONSIGNMENT.—Any entity holding emission allowances or compensatory allowances may request that the Administrator auction, pursuant to section 791, the allowances on consignment.

''(b) PRICING.—When the Administrator acts under this section as the agent of an entity in possession of emission allowances or compensatory allowances, the Administrator is not obligated to obtain the highest price possible for the allowances, and instead shall auction consignment allowances in the same manner and pursuant to the same rules as auctions of other allowances under section 791. The Administrator may permit the entity offering the allowance for sale to condition the sale of its allowances pursuant to this section on a minimum reserve price that is different than the reserve auction price set pursuant to section 791(d).

''(c) PROCEEDS.—For emission allowances and compensatory allowances auctioned pursuant to this section, notwithstanding section 3302 of title 31, United States Code, or any other provision of law, within 90 days of receipt, the United States shall transfer the proceeds from the auction to the entity which held the allowances auctioned. No funds transferred from a purchaser to a seller of emission allowances or compensatory allowances under this subsection shall be held by any officer or employee of the United States or treated for any purpose as public monies.

''(d) UNSOLD ALLOWANCES.—Allowances offered for sale under this section that are not sold shall be returned to the entity in possession of the allowance, notwithstanding section 726(b)(2)(A).

''(e) REGULATIONS.—The Administrator shall issue regulations within 24 months after the date of enactment of this title to implement this section.

''SEC. 793. ESTABLISHMENT OF FUNDS.

''There is hereby established in the Treasury of the United States the following separate accounts:

''(1) The Strategic Reserve Fund.

''(2) The Climate Change Consumer Refund Account.

''(3) The Climate Change Worker Adjustment Assistance Fund.

''SEC. 794. OVERSIGHT OF ALLOCATIONS.

''(a) IN GENERAL.—Not later than January 1, 2014, and every 2 years thereafter, the Comptroller General of the United States shall carry out and report to Congress on the results of a review of programs administered by the Federal Government that distribute emission allowances or funds from any Federal auction of allowances.

''(b) CONTENTS.—Each such report shall include a comprehensive evaluation of the administration and effectiveness of each program, including—

''(1) the efficiency, transparency, and soundness of the administration of each program;

''(2) the performance of activities receiving assistance under each program;

''(3) the cost-effectiveness of each program in achieving the stated purposes of the program; and

''(4) recommendations, if any, for legislative, regulatory, or administrative changes to each program to improve its effectiveness.

''(c) FOCUS.—In evaluating program performance, each review under this section review shall address the effectiveness of such programs in—

''(1) creating and preserving jobs;

''(2) ensuring a manageable transition for working families and workers;

''(3) reducing the emissions, or enhancing sequestration, of greenhouse gases;

''(4) developing clean technologies; and

''(5) building resilience to the impacts of climate change.

''SEC. 795. EXCHANGE FOR EARLY ACTION OFFSET CREDITS.

''(a) IN GENERAL.—Emission allowances allocated pursuant to section 782(t) shall be distributed by the Administrator in accordance with this section. Not later than one year after the date of enactment of this title, the Administrator shall issue regulations allowing—

''(1) any person in the United States to exchange instruments in the nature of offset credits issued before January 1, 2009, by a State or voluntary offset program with respect to which the Administrator has made an affirmative determination under section 740(a)(2), for emissions allowances established by the Administrator under section 721(a); and

''(2) the Administrator to provide compensation in the form of emission allowances to entities that do not meet the criteria of paragraph (1) and meet the criteria of this paragraph for documented early reductions or avoidance of greenhouse gas emissions or greenhouse gases sequestered before January 1, 2009, from projects begun before January 1, 2009, where—

''(A) the entity publicly stated greenhouse gas reduction goals and publicly reported against those goals;

''(B) the entity demonstrated entity-wide net greenhouse gas reductions; and

''(C) the entity demonstrates the actual projects undertaken to make reductions and documents the reductions (e.g., through documentation of engineering projects).

''(b) REGULATIONS.—Regulations issued under subsection (a) shall—

''(1) provide that a person exchanging credits under subsection (a)(1) receive emission allowances established under section 721(a) in an amount for which the monetary value is equivalent to the average monetary value of the credits during the period from January 1, 2006, to January 1, 2009, as adjusted for inflation to reflect current dollar values at the time of the exchange;

''(2) provide that a person receiving compensation for documented early action under subsection (a)(2) shall receive emission allowances established under section 721(a) in an amount that is approximately equivalent in value to the carbon dioxide equivalent per ton value received by entities in exchange for credits under paragraph (1) (as adjusted for inflation to reflect current dollar values at the time of the exchange), as determined by the Administrator;

''(3) provide that only reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, achieved by activities in the United States between January 1, 2001, and January 1, 2009, may be compensated under this section, and only credits issued for such activities may be exchanged under this section;

''(4) provide that only credits that have not been retired or otherwise used to meet a voluntary or mandatory commitment, and have not expired, may be exchanged under subsection (a)(1);

''(5) require that, once exchanged, the credit be retired for purposes of use under the program by or for which it was originally issued; and

''(6) establish a deadline by which persons must exchange the credits or request compensation for early action under this section.

''(c) PARTICIPATION.—Participation in an exchange of credits for allowances or compensation for early action authorized by this section shall not preclude any person from participation in an offset credit program established under the American Clean Energy and Security Act of 2009.

''(d) DISTRIBUTION.—Of the emission allowances distributed under this section, a quantity equal to 0.75 percent of vintage year 2012 emission allowances established under section 721(a) shall be distributed pursuant to subsection (a)(1), and a quantity equal to 0.25 percent of vintage year 2012 emission allowances established under section 721(a) shall be distributed pursuant to subsection (a)(2).''.

Subtitle C—Additional Greenhouse Gas Standards

SEC. 331. GREENHOUSE GAS STANDARDS.

The Clean Air Act (42 U.S.C. 7401 and following), as amended by subtitles A and B of this title, is further amended by adding the following new title after title VII:

''TITLE VIII—ADDITIONAL GREENHOUSE GAS STANDARDS

''SEC. 801. DEFINITIONS.

''For purposes of this title, terms that are defined in title VII, except for the term 'stationary source', shall have the meaning given those terms in title VII.

"PART A—STATIONARY SOURCE STANDARDS

"SEC. 811. STANDARDS OF PERFORMANCE.

''(a) UNCAPPED STATIONARY SOURCES.—

''(1) INVENTORY OF SOURCE CATEGORIES.—(A) Within 12 months after the date of enactment of this title, the Administrator shall publish under section 111(b)(1)(A) an inventory of categories of stationary sources that consist of those categories that contain sources that individually had uncapped greenhouse gas emissions greater than 10,000 tons of carbon dioxide equivalent and that, in the aggregate, were responsible for emitting at least 20 percent annually of the uncapped greenhouse gas emissions.

''(B) The Administrator shall include in the inventory under this paragraph each source category that is responsible for at least 10 percent of the uncapped methane emissions in 2005. Notwithstanding any other provision, the inventory required by this section shall not include sources of enteric fermentation. The list under this paragraph shall include industrial sources, the emissions from which, when added to the capped emissions from industrial sources, constitute at least 95 percent of the greenhouse gas emissions of the industrial sector.

''(C) For purposes of this subsection, emissions shall be calculated using tons of carbon dioxide equivalents. In promulgating the inventory required by this paragraph and the schedule required under by paragraph (2)(C), the Administrator shall use the most current emissions data available at the time of promulgation, except as provided in subparagraph (B).

''(D) Notwithstanding any other provisions, the Administrator may list under 111(b) any source category identified in the inventory required by this subsection without making a finding that the source category causes or contributes significantly to, air pollution with may be reasonably anticipated to endanger public health or welfare.

''(2) STANDARDS AND SCHEDULE.—(A) For each category identified as provided in paragraph (1), the Administrator shall promulgate standards of performance under section 111 for the uncapped emissions of greenhouse gases from stationary sources in that category and shall promulgate corresponding regulations under section 111(d).

''(B) The Administrator shall promulgate standards as required by this subsection for stationary sources in categories identified as provided in paragraph (1) as expeditiously as practicable, assuring that—

''(i) standards for identified source categories that, combined, emitted 80 percent or more of the greenhouse gas emissions of the identified source categories shall be promulgated not later than 3 years after the date of enactment of this title and shall include standards for natural gas extraction; and

''(ii) for all other identified source categories—

''(I) standards for not less than an additional 25 percent of the identified categories shall be promulgated not later than 5 years after the date of enactment of this title;

''(II) standards for not less than an additional 25 percent of the identified categories shall be promulgated not later than 7 years after the date of enactment of this title; and

''(III) standards for all the identified categories shall be promulgated not later than 10 years after the date of enactment of this title.

''(C) Not later than 24 months after the date of enactment of this title and after notice and opportunity for comment, the Administrator shall publish a schedule establishing a date for the promulgation of standards for each category of sources identified pursuant to paragraph (1). The date for each category shall be consistent with the requirements of subparagraph (B). The determination of priorities for the promulgation of standards pursuant to this paragraph is not a rulemaking and shall not be subject to judicial review, except that failure to promulgate any standard pursuant to the schedule established by this paragraph shall be subject to review under section 304(a)(2).

''(D) Notwithstanding section 307, no action of the Administrator listing a source category under paragraph (1) shall be a final agency action subject to judicial review, except that any such action may be reviewed under section 307 when the Administrator issues performance standards for such category.

''(b) CAPPED SOURCES.—No standard of performance shall be established under section 111 for capped greenhouse gas emissions from a capped source unless the Administrator determines that such standards are appropriate because of effects that do not include climate change effects. In promulgating a standard of performance under section 111 for the emission from capped sources of any air pollutant that is not a greenhouse gas, the Administrator shall treat the emission of any greenhouse gas by those entities as a nonair quality public health and environmental impact within the meaning of section 111(a)(1).

''(c) PERFORMANCE STANDARDS.—For purposes of setting a performance standard for source categories identified pursuant to subsection (a)—

''(1) The Administrator shall take into account the goal of reducing total United States greenhouse gas emissions as set forth in section 702.

''(2) The Administrator may promulgate a design, equipment, work practice, or operational standard, or any combination thereof, under section 111 in lieu of a standard of performance under that section without regard to any determination of feasibility that would otherwise be required under section 111(h).

''(3) Notwithstanding any other provision, in setting the level of each standard required by this section, the Administrator shall take into account projections of allowance prices, such that the marginal cost of compliance (expressed as dollars per ton of carbon dioxide equivalent reduced) imposed by the standard would not, in the judgement of the Administrator, be expected to exceed the Administrator's projected allowance prices over the time period spanning from the date of initial compliance to the date that the next revisions of the standard would come into effect pursuant to the schedule under section 111(b)(1)(B).

''(d) DEFINITIONS.—In this section, the terms 'uncapped greenhouse gas emissions' and 'uncapped methane emissions' mean those greenhouse gas or methane emissions, respectively, to which section 722 would not have applied if the requirements of this title had been in effect for the same year as the emissions data upon which the list is based.

''(e) STUDY OF THE EFFECTS OF PERFORMANCE STANDARDS.—

''(1) STUDY.—The Administrator shall conduct a study of the impacts of performance standards required under this section, which shall evaluate the effect of such standards on the—

''(A) costs of achieving compliance with the economy-wide reduction goals specified in section 702 and the reduction targets specified in section 703;

''(B) available supply of offset credits; and

''(C) ability to achieve the economy-wide reduction goals specified in section 702 and any other benefits of such standards.

''(2) REPORT.—The Administrator shall submit to the House Energy and Commerce Committee a report that describes the results of the study not later than 18 months after the publication of the standards required under subsection (a)(2)(B)(i).

"PART C—EXEMPTIONS FROM OTHER PROGRAMS

"SEC. 831. CRITERIA POLLUTANTS.

''As of the date of the enactment of the Safe Climate Act, no greenhouse gas may be added to the list under section 108(a) on the basis of its effect on global climate change.

"SEC. 832. INTERNATIONAL AIR POLLUTION.

''Section 115 shall not apply to an air pollutant with respect to that pollutant's contribution to global warming.

"SEC. 833. HAZARDOUS AIR POLLUTANTS.

''No greenhouse gas may be added to the list of hazardous air pollutants under section 112 unless such greenhouse gas meets the listing criteria of section 112(b) independent of its effects on global climate change.

"SEC. 834. NEW SOURCE REVIEW.

''The provisions of part C of title I shall not apply to a major emitting facility that is initially permitted or modified after January 1, 2009, on the basis of its emissions of any greenhouse gas.

"SEC. 835. TITLE V PERMITS.

''Notwithstanding any provision of title III or V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely because the source emits any greenhouse gases that are regulated solely because of their effect on global climate change.''.

SEC. 332. HFC REGULATION.

(a) IN GENERAL.—Title VI of the Clean Air Act (42 U.S.C. 7671 et seq.) (relating to stratospheric ozone protection) is amended by adding at the end the following:

"SEC. 619. HYDROFLUOROCARBONS (HFCS).

''(a) TREATMENT AS CLASS II, GROUP II SUBSTANCES.—Except as otherwise provided in this section, hydrofluorocarbons shall be treated as class II substances for purposes of applying the provisions of this title. The Administrator shall establish two groups of class II substances. Class II, group I substances shall include all hydrochlorofluorocarbons (HCFCs) listed pursuant to section 602(b). Class II, group II substances shall include each of the following:

''(1) Hydrofluorocarbon-23 (HFC-23).
''(2) Hydrofluorocarbon-32 (HFC-32).
''(3) Hydrofluorocarbon-41 (HFC-41).
''(4) Hydrofluorocarbon-125 (HFC-125).
''(5) Hydrofluorocarbon-134 (HFC-134).
''(6) Hydrofluorocarbon-134a (HFC-134a).
''(7) Hydrofluorocarbon-143 (HFC-143).
''(8) Hydrofluorocarbon-143a (HFC-143a).
''(9) Hydrofluorocarbon-152 (HFC-152).
''(10) Hydrofluorocarbon-152a (HFC-152a).
''(11) Hydrofluorocarbon-227ea (HFC-227ea).
''(12) Hydrofluorocarbon-236cb (HFC-236cb).
''(13) Hydrofluorocarbon-236ea (HFC-236ea).
''(14) Hydrofluorocarbon-236fa (HFC-236fa).
''(15) Hydrofluorocarbon-245ca (HFC-245ca).
''(16) Hydrofluorocarbon-245fa (HFC-245fa).
''(17) Hydrofluorocarbon-365mfc (HFC-365mfc).
''(18) Hydrofluorocarbon-43-10mee (HFC-43-10mee).
''(19) Hydrofluoroolefin-1234yf (HFO-1234yf).
''(20) Hydrofluoroolefin-1234ze (HFO-1234ze).

Not later than 6 months after the date of enactment of this title, the Administrator

shall publish an initial list of class II, group II substances, which shall include the substances listed in this subsection. The Administrator may add to the list of class II, group II substances any other substance used as a substitute for a class I or II substance if the Administrator determines that 1 metric ton of the substance makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide. Within 24 months after the date of enactment of this section, the Administrator shall amend the regulations under this title (including the regulations referred to in sections 603, 608, 609, 610, 611, 612, and 613) to apply to class II, group II substances.

''(b) CONSUMPTION AND PRODUCTION OF CLASS II, GROUP II SUBSTANCES.—

''(1) IN GENERAL.—

''(A) CONSUMPTION PHASE DOWN.—In the case of class II, group II substances, in lieu of applying section 605 and the regulations thereunder, the Administrator shall promulgate regulations phasing down the consumption of class II, group II substances in the United States, and the importation of products containing any class II, group II substance, in accordance with this subsection within 18 months after the date of enactment of this section. Effective January 1, 2012, it shall be unlawful for any person to produce any class II, group II substance, import any class II, group II substance, or import any product containing any class II, group II substance without holding one consumption allowance or one destruction offset credit for each carbon dioxide equivalent ton of the class II, group II substance. Any person who exports a class II, group II substance for which a consumption allowance was retired may receive a refund of that allowance from the Administrator following the export.

''(B) PRODUCTION.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, that restricts the production of class II, group II substances, the Administrator shall promulgate regulations establishing a baseline for the production of class II, group II substances in the United States and phasing down the production of class II, group II substances in the United States, in accordance with such multilateral agreement and subject to the same exceptions and other provisions as are applicable to the phase down of consumption of class II, group II substances under this section (except that the Administrator shall not require a person who obtains production allowances from the Administrator to make payment for such allowances if the person is making payment for a corresponding quantity of consumption allowances of the same vintage year). Upon the effective date of such regulations, it shall be unlawful for any person to produce any class II, group II substance without holding one consumption allowance and one production allowance, or one destruction offset credit, for each carbon dioxide equivalent ton of the class II, group II substance.

''(C) INTEGRITY OF CAP.—To maintain the integrity of the class II, group II cap, the Administrator may, through rulemaking, limit the percentage of each person's compliance obligation that may be met through the use of destruction offset credits or banked allowances.

''(D) COUNTING OF VIOLATIONS.—Each consumption allowance, production allowance, or destruction offset credit not held as required by this section shall be a separate violation of this section.

''(2) SCHEDULE.—Pursuant to the regulations promulgated pursuant to paragraph (1)(A), the number of class II, group II consumption allowances established by the Administrator for each calendar year beginning in 2012 shall be the following percentage of the baseline, as established by the Administrator pursuant to paragraph (3):

''Calendar Year	Percent of Baseline
2012	90
2013	87.5
2014	85
2015	82.5
2016	80
2017	77.5
2018	75
2019	71
2020	67
2021	63
2022	59
2023	54
2024	50
2025	46
2026	42
2027	38
2028	34
2029	30
2030	25
2031	21
2032	17
after 2032	15

''(3) BASELINE.—(A) Within 12 months after the date of enactment of this section, the Administrator shall promulgate regulations to establish the baseline for purposes of paragraph (2). The baseline shall be the sum, expressed in metric tons of carbon dioxide equivalents, of—

''(i) the annual average consumption of all class II substances in calendar years 2004, 2005, and 2006; plus

''(ii) the annual average quantity of all class II substances contained in imported products in calendar years 2004, 2005, and 2006.

''(B) Notwithstanding subparagraph (A), if the Administrator determines that the baseline is higher than 370 million metric tons of carbon dioxide equivalents, then the Administrator shall establish the baseline at 370 million metric tons of carbon dioxide equivalents.

''(C) Notwithstanding subparagraph (A), if the Administrator determines that the baseline is lower than 280 million metric tons of carbon dioxide equivalents, then the Administrator shall establish the baseline at 280 million metric tons of carbon dioxide equivalents.

''(4) DISTRIBUTION OF ALLOWANCES.—

''(A) IN GENERAL.—Pursuant to the regulations promulgated under paragraph (1)(A), for each calendar year beginning in 2012, the Administrator shall sell consumption allowances in accordance with this paragraph.

''(B) ESTABLISHMENT OF POOLS.—The Administrator shall establish two allowance pools. Eighty percent of the consumption allowances available for a calendar year shall be placed in the producer-importer pool, and 20 percent of the consumption allowances available for a calendar year shall be placed in the secondary pool.

''(C) PRODUCER-IMPORTER POOL.—

''(i) AUCTION.—(I) For each calendar year, the Administrator shall offer for sale at auction the following percentage of the consumption allowances in the producer-importer pool:

''Calendar Year	Percent Available for Auction
2012	10
2013	20
2014	30
2015	40
2016	50
2017	60
2018	70
2019	80
2020 and thereafter	90

''(II) Any person who produced or imported any class II substance during calendar year 2004, 2005, or 2006 may participate in the auction. No other persons may participate in the auction unless permitted to do so pursuant to subclause (III).

''(III) Not later than three years after the date of the initial auction and from time to time thereafter, the Administrator shall determine through rulemaking whether any persons who did not produce or import a class II substance during calendar year 2004, 2005, or 2006 will be permitted to participate in future auctions. The Administrator shall base this determination on the duration, consistency, and scale of such person's purchases of consumption allowances in the secondary pool under subparagraph (D)(ii)(III), as well as economic or technical hardship and other factors deemed relevant by the Administrator.

''(IV) The Administrator shall set a minimum bid per consumption allowance of the following:

''(aa) For vintage year 2012, $1.00.

''(bb) For vintage year 2013, $1.20.

''(cc) For vintage year 2014, $1.40.

''(dd) For vintage year 2015, $1.60.

''(ee) For vintage year 2016, $1.80.

''(ff) For vintage year 2017, $2.00.

''(gg) For vintage year 2018 and thereafter, $2.00 adjusted for inflation after vintage year 2017 based upon the producer price index as published by the Department of Commerce.

''(ii) NON-AUCTION SALE.—(I) For each calendar year, as soon as practicable after auction, the Administrator shall offer for sale the remaining consumption allowances in the producer-importer pool at the following prices:

''(aa) A fee of $1.00 per vintage year 2012 allowance.

''(bb) A fee of $1.20 per vintage year 2013 allowance.

''(cc) A fee of $1.40 per vintage year 2014 allowance.

''(dd) For each vintage year 2015 allowance, a fee equal to the average of $1.10 and the auction clearing price for vintage year 2014 allowances.

''(ee) For each vintage year 2016 allowance, a fee equal to the average of $1.30 and the auction clearing price for vintage year 2015 allowances.

''(ff) For each vintage year 2017 allowance, a fee equal to the average of $1.40 and the auction clearing price for vintage year 2016 allowances.

''(gg) For each allowance of vintage year 2018 and subsequent vintage years, a fee equal to the auction clearing price for that vintage year.

''(II) The Administrator shall offer to sell the remaining consumption allowances in the producer-importer pool to producers of class II, group II substances and importers of class II, group II substances in proportion to their relative allocation share.

''(III) Such allocation share for such sale shall be determined by the Administrator using such producer's or importer's annual average data on class II substances from calendar years 2004, 2005, and 2006, on a carbon dioxide equivalent basis, and—

''(aa) shall be based on a producer's production, plus importation, plus acquisitions and purchases from persons who produced class II substances in the United States during calendar years 2004, 2005, or 2006, less exportation, less transfers and sales to persons who produced class II substances in the United States during calendar years 2004, 2005, or 2006; and

''(bb) for an importer of class II substances that did not produce in the United States any class II substance during calendar years 2004, 2005, and 2006, shall be based on the importer's importation less exportation.

For purposes of item (aa), the Administrator shall account for 100 percent of class II, group II substances and 60 percent of class II, group I substances. For purposes of item (bb), the Administrator shall account for 100 percent of class II, group II substances and 100 percent of class II, group I substances.

''(IV) Any consumption allowances made available for nonauction sale to a specific producer or importer of class II, group II substances but not purchased by the specific producer or importer shall be made available for sale to any producer or importer of class II substances during calendar years 2004, 2005, or 2006. If demand for such consumption allowances exceeds supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances that may include pro rata shares, historic production and importation, economic or technical hardship, or other factors deemed relevant by the Administrator. If the supply of such consumption allowances exceeds demand, the Administrator may offer such consumption allowances for sale in the secondary pool as set forth in subparagraph (D).

''(D) SECONDARY POOL.—(i) For each calendar year, as soon as practicable after the auction required in subparagraph (C), the Administrator shall offer for sale the consumption allowances in the secondary pool at the prices listed in subparagraph (C)(ii).

''(ii) The Administrator shall accept applications for purchase of secondary pool consumption allowances from—

''(I) importers of products containing class II, group II substances;

''(II) persons who purchased any class II, group II substance directly from a producer or importer of class II, group II substances for use in a product containing a class II, group II substance, a manufacturing process, or a reclamation process;

''(III) persons who did not produce or import a class II substance during calendar year 2004, 2005, or 2006, but who the Administrator determines have subsequently taken significant steps to produce or import a substantial quantity of any class II, group II substance; and

''(IV) persons who produced or imported any class II substance during calendar year 2004, 2005, or 2006.

''(iii) If the supply of consumption allowances in the secondary pool equals or exceeds the demand for consumption allowances in the secondary pool as presented in the applications for purchase, the Administrator shall sell the consumption allowances in the secondary pool to the applicants in the amounts requested in the applications for purchase. Any consumption allowances in the secondary pool not purchased in a calendar year may be rolled over and added to the quantity available in the secondary pool in the following year.

''(iv) If the demand for consumption allowances in the secondary pool as presented in the applications for purchase exceeds the supply of consumption allowances in the secondary pool, the Administrator shall sell the consumption allowances as follows:

''(I) The Administrator shall first sell the consumption allowances in the secondary pool to any importers of products containing class II, group II substances in the amounts requested in their applications for purchase. If the demand for such consumption allowances exceeds supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances among importers of products containing class II, group II substances that may include pro rata shares, historic importation, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(II) The Administrator shall next sell any remaining consumption allowances to persons identified in subclauses (II) and (III) of clause (ii) in the amounts requested in their applications for purchase. If the demand for such consumption allowances exceeds remaining supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances among subclauses (II) and (III) applicants that may include pro rata shares, historic use, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(III) The Administrator shall then sell any remaining consumption allowances to persons who produced or imported any class II substance during calendar year 2004, 2005, or 2006 in the amounts requested in their applications for purchase. If demand for such consumption allowances exceeds remaining supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances that may include pro rata shares, historic production and importation, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(IV) Each person who purchases consumption allowances in a non-auction sale under this subparagraph shall be required to disclose the person or entity sponsoring or benefitting from the purchases if such person or entity is, in whole or in part, other than the purchaser or the purchaser's employer.

''(E) DISCRETION TO WITHHOLD ALLOWANCES.—Nothing in this paragraph prevents the Administrator from exercising discretion to withhold and retire consumption allowances that would otherwise be available for auction or nonauction sale. Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations establishing criteria for withholding and retiring consumption allowances.

''(5) BANKING.—A consumption allowance or destruction offset credit may be used to meet the compliance obligation requirements of paragraph (1) in—

''(A) the vintage year for the allowance or destruction offset credit; or

''(B) any calendar year subsequent to the vintage year for the allowance or destruction offset credit.

''(6) AUCTIONS.—

''(A) INITIAL REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations governing the auction of allowances under this section. Such regulations shall include the following requirements:

''(i) FREQUENCY; FIRST AUCTION.—Auctions shall be held one time per year at regular intervals, with the first auction to be held no later than October 31, 2011.

''(ii) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

''(iii) FINANCIAL ASSURANCE.—The Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

''(iv) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in the auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

''(v) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the number of bidders, number of winning bidders, the quantity of allowances sold, and the auction clearing price.

''(vi) BIDDING LIMITS IN 2012.—In the vintage year 2012 auction, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the greater of—

''(I) the number of allowances which, when added to the number of allowances available for purchase by the participant in the producer-importer pool non-auction sale, would equal the participant's annual average consumption of class II, group II substances in calendar years 2004, 2005, and 2006; or

''(II) the number of allowances equal to the product of—

''(aa) 1.20 multiplied by the participant's allocation share of the producer-importer pool non-auction sale as determined under paragraph (4)(C)(ii); and

''(bb) the number of vintage year 2012 allowances offered at auction.

''(vii) BIDDING LIMITS IN 2013.—In the vintage year 2013 auction, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the product of—

''(I) 1.15 multiplied by the ratio of the total number of vintage year 2012 allowances purchased by the participant from the auction and from the producer-importer pool non-auction sale to the total number of vintage year 2012 allowances in the producer-importer pool; and

''(II) the number of vintage year 2013 allowances offered at auction.

''(viii) BIDDING LIMITS IN SUBSEQUENT YEARS.—In the auctions for vintage year 2014 and subsequent vintage years, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the product of—

''(I) 1.15 multiplied by the ratio of the highest number of allowances required to be held by the participant in any of the three prior vintage years to meet its compliance obligation under paragraph (1) to the total number of allowances in the producer-importer pool for such vintage year; and

''(II) the number of allowances offered at auction for that vintage year.

''(ix) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator considers necessary to promote effective, efficient, transparent, and fair administration of auctions under this section.

''(B) REVISION OF REGULATIONS.—The Administrator may, at any time, revise the initial regulations promulgated under subparagraph (A) based on the Administrator's experience in administering allowance auctions by promulgating new regulations. Such revised regulations need not meet the requirements identified in subparagraph (A) if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this paragraph, the Administrator shall not consider maximization of revenues to the Federal Government.

''(C) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may, by delegation or contract, provide for the conduct of auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

''(7) PAYMENTS FOR ALLOWANCES.—

''(A) INITIAL REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations governing the payment for allowances purchased in auction and non-auction sales under this section. Such regulations shall include the requirement that, in the event that full payment for purchased allowances is not made on the date of purchase, equal payments shall be made one time per calendar quarter with all payments for allowances of a vintage year made by the end of that vintage year.

''(B) REVISION OF REGULATIONS.— The Administrator may, at any time, revise the initial regulations promulgated under subparagraph (A) based on the Administrator's experience in administering collection of payments by promulgating new regulations. Such revised regulations need not meet the requirements identified in subparagraph (A) if the Administrator determines that an alternative payment structure or frequency would be more effective, taking into account factors including cost of administration, transparency, and fairness. In determining whether and how to revise the initial regulations under this paragraph, the Administrator shall not consider maximization of revenues to the Federal Government.

''(C) PENALTIES FOR NON-PAYMENT.—Failure to pay for purchased allowances in accordance with the regulations promulgated pursuant to this paragraph shall be a violation of the requirements of subsection (b). Section 113(c)(3) shall apply in the case of any person who knowingly fails to pay for purchased allowances in accordance with the regulations promulgated pursuant to this paragraph.

''(8) IMPORTED PRODUCTS.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, which restricts the production or consumption of class II, group II substances—

''(A) as of the date on which such agreement or amendment enters into force, it shall no longer be unlawful for any person to import from a party to such agreement or amendment any product containing any class II, group II substance whose production or consumption is regulated by such agreement or amendment without holding one consumption allowance or one destruction offset credit for each carbon dioxide equivalent ton of the class II, group II substance;

''(B) the Administrator shall promulgate regulations within 12 months of the date the United States becomes a party or otherwise adheres to such agreement or amendment, or the date on which such agreement or amendment enters into force, whichever is later, to establish a new baseline for purposes of paragraph (2), which new baseline shall be the original baseline less the carbon dioxide equivalent of the annual average quantity of any class II substances regulated by such agreement or amendment contained in products imported from parties to such agreement or amendment in calendar years 2004, 2005, and 2006;

''(C) as of the date on which such agreement or amendment enters into force, no person importing any product containing any class II, group II substance may, directly or in concert with another person, purchase any consumption allowances for sale by the Administrator for the importation of products from a party to such agreement or amendment that contain any class II, group II substance restricted by such agreement or amendment; and

''(D) the Administrator may adjust the two allowance pools established in paragraph (4) such that up to 90 percent of the consumption allowances available for a calendar year are placed in the producer-importer pool with the remaining consumption allowances placed in the secondary pool.

''(9) OFFSETS.—

''(A) CHLOROFLUOROCARBON DESTRUCTION.—Within 18 months after the date of enactment of this section, the Administrator shall promulgate regulations to provide for the issuance of offset credits for the destruction, in the calendar year 2012 or later, of chlorofluorocarbons in the United States. The Administrator shall establish and distribute to the destroying entity a quantity of destruction offset credits equal to 0.8 times the number of metric tons of carbon dioxide equivalents of reduction achieved through the destruction. No destruction offset credits shall be established for the destruction of a class II, group II substance.

''(B) DEFINITION.—For purposes of this paragraph, the term 'destruction' means the conversion of a substance by thermal, chemical, or other means to another substance with little or no carbon dioxide equivalent value and no ozone depletion potential.

''(C) REGULATIONS.—The regulations promulgated under this paragraph shall include standards and protocols for project eligibility, certification of destroyers, monitoring, tracking, destruction efficiency, quantification of project and baseline emissions and carbon dioxide equivalent value, and verification. The Administrator shall ensure that destruction offset credits represent real and verifiable destruction of chlorofluorocarbons or other class I or class II, group I, substances authorized under subparagraph (D).

''(D) OTHER SUBSTANCES.—The Administrator may promulgate regulations to add to the list of class I and class II, group I, substances that may be destroyed for destruction offset credits, taking into account a candidate substance's carbon dioxide equivalent value, ozone depletion potential, prevalence in banks in the United States, and emission rates, as well as the need for additional cost containment under the class II, group II cap and the integrity of the class II, group II cap. The Administrator shall not add a class I or class II, group I substance to the list if the consumption of the substance has not been completely phased-out internationally (except for essential use exemptions or other similar exemptions) pursuant to the Montreal Protocol.

''(E) EXTENSION OF OFFSETS.—(i) At any time after the Administrator promulgates regulations pursuant to subparagraph (A), the Administrator may, pursuant to the requirements of part D of title VII and based on the carbon dioxide equivalent value of the substance destroyed, add the types of destruction projects authorized to receive destruction offset credits under this paragraph to the list of types of projects eligible for offset credits under section 733. If such projects are added to the list under section 733, the issuance of offset credits for such projects under part D of title VII shall be governed by the requirements of such part D, while the issuance of offset credits for such projects under this paragraph shall be governed by the requirements of this paragraph. Nothing in this paragraph shall affect the issuance of offset credits under section 740.

''(ii) The Administrator shall not make the addition under clause (i) unless the Administrator finds that insufficient destruction is occurring or is projected to occur under this paragraph and that the addition would increase destruction.

''(iii) In no event shall more than one destruction offset credit be issued under title VII and this section for the destruction of the same quantity of a substance.

''(10) LEGAL STATUS OF ALLOWANCES AND CREDITS.—None of the following constitutes a property right:

''(A) A production or consumption allowance.

''(B) A destruction offset credit.

''(c) DEADLINES FOR COMPLIANCE.—Notwithstanding the deadlines specified for class II substances in sections 608, 609, 610, 612, and 613 that occur prior to January 1, 2009, the deadline for promulgating regulations under those sections for class II, group II substances shall be January 1, 2012.

''(d) EXCEPTIONS FOR ESSENTIAL USES.—Notwithstanding any phase down of production and consumption required by this section, to the extent consistent with any applicable multilateral agreement to which the United States is a party or otherwise adheres, the Administrator may provide the following exceptions for essential uses:

''(1) MEDICAL DEVICES.—The Administrator, after notice and opportunity for public comment, and in consultation with the Commissioner of the Food and Drug Administration, may provide an exception for the production and consumption of class II, group II substances solely for use in medical devices.

''(2) AVIATION AND SPACE VEHICLE SAFETY.—The Administrator, after notice and opportunity for public comment, may authorize the production and consumption of limited quantities of class II, group II substances solely for the purposes of aviation or space vehicle safety if either the Administrator of the Federal Aviation Administration or the Administrator of the National Aeronautics and Space Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation or space flight safety purposes.

''(e) DEVELOPING COUNTRIES.—Notwithstanding any phase down of production required by this section, the Administrator, after notice and opportunity for public comment, may authorize the production of limited quantities of class II, group II substances in excess of the amounts otherwise allowable under this section solely for export to, and use in, developing countries. Any production authorized under this subsection shall be solely for purposes of satisfying the basic domestic needs of such countries as provided in applicable international agreements, if any, to which the United States is a party or otherwise adheres.

''(f) NATIONAL SECURITY; FIRE SUPPRESSION, ETC.—The provisions of subsection (f) and paragraphs (1) and (2) of subsection (g) of section 604 shall apply to any consumption and production phase down of class II, group II substances in the same manner and to the same extent, consistent with any applicable international agreement to which the United States is a party or otherwise adheres, as such provisions apply to the substances specified in such subsection.

''(g) ACCELERATED SCHEDULE.—In lieu of section 606, the provisions of paragraphs (1), (2), and (3) of this subsection shall apply in the case of class II, group II substances.

''(1) IN GENERAL.—The Administrator shall promulgate initial regulations not later than 18 months after the date of enactment of this section, and revised regulations any time thereafter, which establish a schedule for phasing down the consumption (and, if the condition in subsection (b)(1)(B) is met, the production) of class II, group II substances that is more stringent than the schedule set forth in this section if, based on the availability of substitutes, the Administrator determines that such more stringent schedule is practicable, taking into account technological achievability, safety, and other factors the Administrator deems relevant, or if the Montreal Protocol, or any applicable international agreement to which the United States is a party or otherwise adheres, is modified or established to include a schedule or other requirements to control or reduce production, consumption, or use of any class II, group II substance more rapidly than the applicable schedule under this section.

''(2) PETITION.—Any person may submit a petition to promulgate regulations under this subsection in the same manner and subject to the same procedures as are provided in section 606(b).

''(3) INCONSISTENCY.—If the Administrator determines that the provisions of this section regarding banking, allowance rollover, or destruction offset credits create a significant potential for inconsistency with the requirements of any applicable international agreement to which the United States is a party or otherwise adheres, the Administrator may promulgate regulations restricting the availability of banking, allowance rollover, or destruction offset credits to the extent necessary to avoid such inconsistency.

''(h) EXCHANGE.—Section 607 shall not apply in the case of class II, group II substances. Production and consumption allowances for class II, group II substances may be freely exchanged or sold but may not be converted into allowances for class II, group I substances.

''(i) LABELING.—(1) In applying section 611 to products containing or manufactured with class II, group II substances, in lieu of the words 'destroying ozone in the upper atmosphere' on labels required under section 611 there shall be substituted the words 'contributing to global warming'.

''(2) The Administrator may, through rulemaking, exempt from the requirements of section 611 products containing or manufactured with class II, group II substances determined to have little or no carbon dioxide equivalent value compared to other substances used in similar products.

''(j) NONESSENTIAL PRODUCTS.—For the purposes of section 610, class II, group II substances shall be regulated under section 610(b), except that in applying section 610(b) the word 'hydrofluorocarbon' shall be substituted for the word 'chlorofluorocarbon' and the term 'class II, group II' shall be substituted for the term 'class I'. Class II, group II substances shall not be subject to the provisions of section 610(d).

''(k) INTERNATIONAL TRANSFERS.—In the case of class II, group II substances, in lieu of section 616, this subsection shall apply. To the extent consistent with any applicable international agreement to which the United States is a party or otherwise adheres, including any amendment to the Montreal Protocol, the United States may engage in transfers with other parties to such agreement or amendment under the following conditions:

''(1) The United States may transfer production allowances to another party to such agreement or amendment if, at the time of the transfer, the Administrator establishes revised production limits for the United States accounting for the transfer in accordance with regulations promulgated pursuant to this subsection.

''(2) The United States may acquire production allowances from another party to such agreement or amendment if, at the time of the transfer, the Administrator finds that the other party has revised its domestic production limits in the same manner as provided with respect to transfers by the United States in the regulations promulgated pursuant to this subsection.

''(l) RELATIONSHIP TO OTHER LAWS.—

''(1) STATE LAWS.—For purposes of section 116, the requirements of this section for class II, group II substances shall be treated as requirements for the control and abatement of air pollution.

''(2) MULTILATERAL AGREEMENTS.—Section 614 shall apply to the provisions of this section concerning class II, group II substances, except that for the words 'Montreal Protocol' there shall be substituted the words 'Montreal Protocol, or any applicable multilateral agreement to which the United States is a party or otherwise adheres that restricts the production or consumption of class II, group II substances,' and for the words 'Article 4 of the Montreal Protocol' there shall be substituted 'any provision of such multilateral agreement regarding trade with non-parties'.

''(3) FEDERAL FACILITIES.—For purposes of section 118, the requirements of this section for class II, group II substances and corresponding State, interstate, and local requirements, administrative authority, and process and sanctions shall be treated as requirements for the control and abatement of air pollution within the meaning of section 118.

''(m) CARBON DIOXIDE EQUIVALENT VALUE.—(1) In lieu of section 602(e), the provisions of this subsection shall apply in the case of class II, group II substances. Simultaneously with establishing the list of class II, group II substances, and simultaneously with any addition to that list, the Administrator shall publish the carbon dioxide equivalent value of each listed class II, group II substance, based on a determination of the number of metric tons of carbon dioxide that makes the same contribution to global warming over 100 years as 1 metric ton of each class II, group II substance.

''(2) Not later than February 1, 2017, and not less than every 5 years thereafter, the Administrator shall—

''(A) review, and if appropriate, revise the carbon dioxide equivalent values established for class II, group II substances based on a determination of the number of metric tons of carbon dioxide that makes the same contributions to global warming over 100 years as 1 metric ton of each class II, group II substance; and

''(B) publish in the Federal Register the results of that review and any revisions.

''(3) A revised determination published in the Federal Register under paragraph (2)(B) shall take effect for production of class II, group II substances, consumption of class II, group II substances, and importation of products containing class II, group II substances starting on January 1 of the first calendar year starting at least 9 months after the date on which the revised determination was published.

''(4) The Administrator may decrease the frequency of review and revision under paragraph (2) if the Administrator determines that such decrease is appropriate in order to synchronize such review and revisions with any similar review process carried out pursuant to the United Nations Framework Convention on Climate Change, an agreement negotiated under that convention, The Vienna Convention for the Protection of the Ozone Layer, or an agreement negotiated under that convention, except that in no event shall the Administrator carry out such review and revision any less frequently than every 10 years.

''(n) REPORTING REQUIREMENTS.—In lieu of subsections (b) and (c) of section 603, paragraphs (1) and (2) of this subsection shall apply in the case of class II, group II substances:

''(1) IN GENERAL.—On a quarterly basis, or such other basis (not less than annually) as determined by the Administrator, each person who produced, imported, or exported a class II, group II substance, or who imported a product containing a class II, group II substance, shall file a report with the Administrator setting forth the carbon dioxide equivalent amount of the substance that such person produced, imported, or exported, as well as the amount that was contained in products imported by that person, during the preceding reporting period. Each such report shall be signed and attested by a responsible officer. If all other reporting is complete, no such report shall be required from a person after April 1 of the calendar year after such person permanently ceases production, importation, and exportation of the substance, as well as importation of products containing the substance, and so notifies the

Administrator in writing. If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, that restricts the production or consumption of class II, group II substances, then, if all other reporting is complete, no such report shall be required from a person with respect to importation from parties to such agreement or amendment of products containing any class II, group II substance restricted by such agreement or amendment, after April 1 of the calendar year following the year during which such agreement or amendment enters into force.

''(2) BASELINE REPORTS FOR CLASS II, GROUP II SUBSTANCES.—

''(A) IN GENERAL.—Unless such information has been previously reported to the Administrator, on the date on which the first report under paragraph (1) of this subsection is required to be filed, each person who produced, imported, or exported a class II, group II substance, or who imported a product containing a class II substance, (other than a substance added to the list of class II, group II substances after the publication of the initial list of such substances under this section), shall file a report with the Administrator setting forth the amount of such substance that such person produced, imported, exported, or that was contained in products imported by that person, during each of calendar years 2004, 2005, and 2006.

''(B) PRODUCERS.—In reporting under subparagraph (A), each person who produced in the United States a class II substance during calendar years 2004, 2005, or 2006 shall—

''(i) report all acquisitions or purchases of class II substances during each of calendar years 2004, 2005, and 2006 from all other persons who produced in the United States a class II substance during calendar years 2004, 2005, or 2006, and supply evidence of such acquisitions and purchases as deemed necessary by the Administrator; and

''(ii) report all transfers or sales of class II substances during each of calendar years 2004, 2005, and 2006 to all other persons who produced in the United States a class II substance during calendar years 2004, 2005, or 2006, and supply evidence of such transfers and sales as deemed necessary by the Administrator.

''(C) ADDED SUBSTANCES.—In the case of a substance added to the list of class II, group II substances after publication of the initial list of such substances under this section, each person who produced, imported, exported, or imported products containing such substance in calendar year 2004, 2005, or 2006 shall file a report with the Administrator within 180 days after the date on which such substance is added to the list, setting forth the amount of the substance that such person produced, imported, and exported, as well as the amount that was contained in products imported by that person, in calendar years 2004, 2005, and 2006.

''(o) STRATOSPHERIC OZONE AND CLIMATE PROTECTION FUND.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a Stratospheric Ozone and Climate Protection Fund.

''(2) DEPOSITS.—The Administrator shall deposit all proceeds from the auction and non-auction sale of allowances under this section into the Stratospheric Ozone and Climate Protection Fund.

''(3) USE.—Amounts deposited into the Stratospheric Ozone and Climate Protection Fund shall be available, subject to appropriations, exclusively for the following purposes:

''(A) RECOVERY, RECYCLING, AND RECLAMATION.—The Administrator may utilize funds to establish a program to incentivize the recovery, recycling, and reclamation of any Class II substances in order to reduce emissions of such substances.

''(B) MULTILATERAL FUND.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, which restricts the production or consumption of class II, group II substances, the Administrator may utilize funds to meet any related contribution obligation of the United States to the Multilateral Fund for the Implementation of the Montreal Protocol or similar multilateral fund established under such multilateral agreement.

''(C) BEST-IN-CLASS APPLIANCES DEPLOYMENT PROGRAM.—The Secretary of Energy is authorized to utilize funds to carry out the purposes of section 214 of the American Clean Energy and Security Act of 2009.

''(D) LOW GLOBAL WARMING PRODUCT TRANSITION ASSISTANCE PROGRAM.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, may utilize funds in fiscal years 2012 through 2022 to establish a program to provide financial assistance to manufacturers of products containing class II, group II substances to facilitate the transition to products that contain or utilize alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential.

''(ii) DEFINITION.—In this subparagraph, the term 'products' means refrigerators, freezers, dehumidifiers, air conditioners, foam insulation, technical aerosols, fire protection systems, and semiconductors.

''(iii) FINANCIAL ASSISTANCE.—The Administrator may provide financial assistance to manufacturers pursuant to clause (i) for—

''(I) the design and configuration of new products that use alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential; and

''(II) the redesign and retooling of facilities for the manufacture of products in the United States that use alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential.

''(iv) REPORTS.—For any fiscal year during which the Administrator provides financial assistance pursuant to this subparagraph, the Administrator shall submit a report to the Congress within 3 months of the end of such fiscal year detailing the amounts, recipients, specific purposes, and results of the financial assistance provided.''.

(b) TABLE OF CONTENTS.—The table of contents of title VI of the Clean Air Act (42 U.S.C. 7671 et seq.) is amended by adding the following new item at the end thereof:

''Sec. 619. Hydrofluorocarbons (HFCs).''.

(c) FIRE SUPPRESSION AGENTS.—Section 605(a) of the Clean Air Act (42 U.S.C. 7671(a)) is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding the following new paragraph after paragraph (3):

''(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).''.

(d) MOTOR VEHICLE AIR CONDITIONERS.—

(1) Section 609(e) of the Clean Air Act (42 U.S.C. 7671h(e)) is amended by inserting '', group I'' after each reference to ''class II'' in the text and heading.

(2) Section 609 of the Clean Air Act (42 U.S.C. 7671h) is amended by adding the following new subsection after subsection (e):

''(f) CLASS II, GROUP II SUBSTANCES.—

''(1) REPAIR.—The Administrator may promulgate regulations establishing requirements for repair of motor vehicle air conditioners prior to adding a class II, group II substance.

''(2) SMALL CONTAINERS.—(A) The Administrator may promulgate regulations establishing servicing practices and procedures for recovery of class II, group II substances from containers which contain less than 20 pounds of such class II, group II substances.

''(B) Not later than 18 months after enactment of this subsection, the Administrator shall either promulgate regulations requiring that containers which contain less than 20 pounds of a class II, group II substance be equipped with a device or technology that limits refrigerant emissions and leaks from the container and limits refrigerant emissions and leaks during the transfer of refrigerant from the container to the motor vehicle air conditioner or issue a determination that such requirements are not necessary or appropriate.

''(C) Not later than 18 months after enactment of this subsection, the Administrator shall promulgate regulations establishing requirements for consumer education materials on best practices associated with the use of containers which contain less than 20 pounds of a class II, group II substance and prohibiting the sale or distribution, or offer for sale or distribution, of any class II, group II substance in any container which contains less than 20 pounds of such class II, group II substance, unless consumer education materials consistent with such requirements are displayed and available at point-of-sale locations, provided to the consumer, or included in or on the packaging of the container which contain less than 20 pounds of a class II, group II substance.

''(D) The Administrator may, through rulemaking, extend the requirements established under this paragraph to containers which contain 30 pounds or less of a class II, group II substance if the Administrator determines that such action would produce significant environmental benefits.

''(3) RESTRICTION OF SALES.—Effective January 1, 2014, no person may sell or distribute or offer to sell or distribute or otherwise introduce into interstate commerce any motor vehicle air conditioner refrigerant in any size container unless the substance has been found acceptable for use in a motor vehicle air conditioner under section 612.''.

(e) SAFE ALTERNATIVES POLICY.—Section 612(e) of the Clean Air Act (42 U.S.C. 7671k(e)) is amended by inserting ''or class II'' after each reference to ''class I''.

SEC. 333. BLACK CARBON.

(a) DEFINITION.—As used in this section, the term ''black carbon'' means primary light absorbing aerosols, as defined by the Administrator, based on the best available science.

(b) BLACK CARBON ABATEMENT REPORT.—Not later than one year after the date of enactment of this section, the Administrator shall, in consultation with other appropriate Federal agencies, submit to Congress a report regarding black carbon emissions. The report shall include the following:

(1) A summary of the current information and research that identifies—

(A) an inventory of the major sources of black carbon emissions in the United States and throughout the world, including—

(i) an estimate of the quantity of current and projected future emissions; and

(ii) the net climate forcing of the emissions from such sources, including consideration of co-emissions of other pollutants;

(B) effective and cost-effective control technologies, operations, and strategies for additional domestic and international black carbon emissions reductions, such as diesel retrofit technologies on existing on-road, non-road, and stationary engines and programs to address residential cookstoves, and forest and agriculture-based burning;

(C) potential metrics and approaches for quantifying the climatic effects of black carbon emissions, including its radiative forcing and warming effects, that may be used to compare the climate benefits of different mitigation strategies, including an assessment of the uncertainty in such metrics and approaches; and

(D) the public health and environmental benefits associated with additional controls for black carbon emissions.

(2) Recommendations regarding—

(A) development of additional emissions monitoring techniques and capabilities, modeling, and other black carbon-related areas of study;

(B) areas of focus for additional study of technologies, operations, and strategies with the greatest potential to reduce emissions of black carbon and associated public health, economic, and environmental impacts associated with these emissions; and

(C) actions, in addition to those identified by the Administrator under section 851 of the Clean Air Act (as added by subsection (c)), the Federal Government may take to encourage or require reductions in black carbon emissions.

(c) BLACK CARBON MITIGATION.—Title VIII of the Clean Air Act, as added by section 331 of this Act, and amended by section 222 of this Act, is further amended by adding after part D the following new part:

''PART E—BLACK CARBON

''SEC. 851. BLACK CARBON.

''(a) DOMESTIC BLACK CARBON MITIGATION.—Not later than 18 months after the date of enactment of this section, the Administrator, taking into consideration the public health and environmental impacts of black carbon emissions, including the effects on global and regional warming, the Arctic, and other snow and ice-covered surfaces, shall propose regulations under the existing authorities of this Act to reduce emissions of black carbon or propose a finding that existing regulations promulgated pursuant to this Act adequately regulate black carbon emissions. Not later than two years after the date of enactment of this section, the Administrator shall promulgate final regulations under the existing authorities of this Act or finalize the proposed finding. Such regulations shall not apply to specific types, classes, categories, or other suitable groupings of emissions sources that the Administrator finds are subject to adequate regulation.

''(b) INTERNATIONAL BLACK CARBON MITIGATION.—

''(1) REPORT.—Not later than one year after the date of enactment of this section, the Administrator, in coordination with the Secretary of State and other appropriate Federal agencies, shall transmit a report to Congress on the amount, type, and direction of all present United States financial, technical, and related assistance to foreign countries to reduce, mitigate, and otherwise abate black carbon emissions.

''(2) OTHER OPPORTUNITIES.—The report required under paragraph (1) shall also identify opportunities and recommendations, including action under existing authorities, to achieve significant black carbon emission reductions in foreign countries through technical assistance or other approaches to—

''(A) promote sustainable solutions to bring clean, efficient, safe, and affordable stoves, fuels, or both stoves and fuels to residents of developing countries that are reliant on solid fuels such as wood, dung, charcoal, coal, or crop residues for home cooking and heating, so as to help reduce the public health, environmental, and economic impacts of black carbon emissions from these sources by—

''(i) identifying key regions for large-scale demonstration efforts, and key partners in each such region; and

''(ii) developing for each such region a large-scale implementation strategy with a goal of collectively reaching 20,000,000 homes over 5 years with interventions that will—

''(I) increase stove efficiency by over 50 percent (or such other goal as determined by the Administrator);

''(II) reduce emissions of black carbon by over 60 percent (or such other goal as determined by the Administrator); and

''(III) reduce the incidence of severe pneumonia in children under 5 years old by over 30 percent (or such other goal as determined by the Administrator);

''(B) make technological improvements to diesel engines and provide greater access to fuels that emit less or no black carbon;

''(C) reduce unnecessary agricultural or other biomass burning where feasible alternatives exist;

''(D) reduce unnecessary fossil fuel burning that produces black carbon where feasible alternatives exist;

''(E) reduce other sources of black carbon emissions; and

''(F) improve capacity to achieve greater compliance with existing laws to address black carbon emissions.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 334. STATES.

Section 116 of the Clean Air Act (42 U.S.C. 7416) is amended by adding the following at the end thereof: ''For the purposes of this section, the phrases 'standard or limitation respecting emissions of air pollutants' and 'requirements respecting control or abatement of air pollution' shall include any provision to: cap greenhouse gas emissions, require surrender to the State or a political subdivision thereof of emission allowances or offset credits established or issued under this Act, and require the use of such allowances or credits as a means of demonstrating compliance with requirements established by a State or political subdivision thereof.''.

SEC. 335. STATE PROGRAMS.

Title VIII of the Clean Air Act, as added by section 331 of this Act and amended by several sections of this Act, is further amended by adding after part E (as added by section 333(c) of this Act) the following new part:

''PART F—MISCELLANEOUS

''SEC. 861. STATE PROGRAMS.

''Notwithstanding section 116, no State or political subdivision thereof shall implement or enforce a cap and trade program that covers any capped emissions emitted during the years 2012 through 2017. For purposes of this section, the term 'cap and trade program' means a system of greenhouse gas regulation under which a State or political subdivision issues a limited number of tradable instruments in the nature of emission allowances and requires that sources within its jurisdiction surrender such tradeable instruments for each unit of greenhouse gases emitted during a compliance period. For purposes of this section, a 'cap-and-trade program' does not include a target or limit on greenhouse gas emissions adopted by a State or political subdivision that is implemented other than through the issuance and surrender of a limited number of tradable instruments in the nature of emission allowances, nor does it include any other standard, limit, regulation, or program to reduce greenhouse gas emissions that is not implemented through the issuance and surrender of a limited number of tradeable instruments in the nature of emission allowances. For purposes of this section, the term 'cap and trade program' does not include, among other things, fleetwide motor vehicle emission requirements that allow greater emissions with increased vehicle production, or requirements that fuels, or other products, meet an average pollution emission rate or lifecycle greenhouse gas standard.

''SEC. 862. GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS.

''The Administrator is authorized to make grants to air pollution control agencies pursuant to section 105 for purposes of assisting in the implementation of programs to address global warming established under the Safe Climate Act.''.

SEC. 336. ENFORCEMENT.

(a) REMAND.—Section 307(b) of the Clean Air Act (42 U.S.C. 7607(b)) is amended by adding the following new paragraphs at the end thereof:

''(3) If the court determines that any action of the Administrator is arbitrary, capricious, or otherwise unlawful, the court may remand such action, without vacatur, if vacatur would impair or delay protection of the environment or public health or otherwise undermine the timely achievement of the purposes of this Act.

''(4) If the court determines that any action of the Administrator is arbitrary, capricious, or otherwise unlawful, and remands the matter to the Administrator, the Administrator shall complete final action on remand within an expeditious time period no longer than the time originally allowed for the action or one year, whichever is less, unless the court on motion determines that a shorter or longer period is necessary, appropriate, and consistent with the purposes of this Act. The court of appeals shall have jurisdiction to enforce a deadline for action on remand under this subparagraph.''.

(b) PETITION FOR RECONSIDERATION.—Section 307(d)(7)(B) of the Clean Air Act (42 U.S.C. 7607(d)(7)(B)) is amended as follows:

(1) By inserting after the second sentence ''If a petition for reconsideration is filed, the Administrator shall take final action on such petition, including promulgation of final action either revising or determining not to revise the action for which reconsideration is sought, within 150 days after the petition is received by the Administrator or the petition shall be deemed denied for the purpose of judicial review.''.

(2) By amending the third sentence to read as follows: ''Such person may seek judicial review of such denial, or of any other final action, by the Administrator, in response to a petition for reconsideration, in the United States court of appeals for the appropriate circuit (as provided in subsection (b)).''.

SEC. 337. CONFORMING AMENDMENTS.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended as follows:

(1) In subsection (a)(3), by striking ''or title VI,'' and inserting ''title VI, title VII, or title VIII''.

(2) In subsection (b), by striking ''or a major stationary source'' and inserting ''a major stationary source, or a covered EGU under title VIII'' in the material preceding paragraph (1).

(3) In paragraph (2) of subsection (b), by striking ''or title VI'' and inserting ''title VI, title VII, or title VIII''.

(4) In subsection (c)—

(A) in the first sentence of paragraph (1), by striking ''or title VI (relating to stratospheric ozone control),'' and inserting ''title VI, title VII, or title VIII,''; and

(B) in the first sentence of paragraph (3), by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(5) In subsection (d)(1)(B), by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(6) In subsection (f), in the first sentence, by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(b) RETENTION OF STATE AUTHORITY.—Section 116 of the Clean Air Act (42 U.S.C. 7416) is amended as follows:

(1) By striking ''and 233'' and inserting ''233''.

(2) By striking ''of moving sources)'' and inserting ''of moving sources), and 861 (preempting certain State greenhouse gas programs for a limited time)''.

(c) INSPECTIONS, MONITORING, AND ENTRY.—Section 114(a) of the Clean Air Act (42 U.S.C. 7414(a)) is amended by striking ''section 112,'' and all that follows through ''(ii)'' and inserting the following: ''section 112, or any regulation of greenhouse gas emissions under title VII or VIII, (ii)''.

(d) ENFORCEMENT.—Subsection (f) of section 304 of the Clean Air Act (42 U.S.C. 7604(f)) is amended as follows:

(1) By striking ''; or'' at the end of paragraph (3) thereof and inserting a comma.

(2) By striking the period at the end of paragraph (4) thereof and inserting '', or''.

(3) By adding the following after paragraph (4) thereof:

''(5) any requirement of title VII or VIII.''.

(e) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended as follows:

(1) In subsection (a), by striking '', or section 306'' and inserting ''section 306, or title VII or VIII''.

(2) In subsection (b)(1)—

(A) by striking '',,'' and inserting '','' in each place such punctuation appears; and

(B) by striking ''section 120,'' in the first sentence and inserting ''section 120, any final action under title VII or VIII,''.

(3) In subsection (d)(1) by amending subparagraph (S) to read as follows:

''(S) the promulgation or revision of any regulation under title VII or VIII,''.

SEC. 338. DAVIS-BACON COMPLIANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, to receive emission allowances or funding under this Act, or the amendments made by this Act, the recipient shall provide reasonable assurances that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act, or the amendments made by this Act, or by any entity established in accordance with this Act, or the amendments made by this Act, including the Carbon Storage Research Corporation, will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act''). With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(b) EXEMPTION.—Neither subsection (a) nor the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to retrofitting of the following:

(1) Single family homes (both attached and detached) under section 202.

(2) Owner-occupied residential units in larger buildings that have their own dedicated space-conditioning systems under section 202.

(3) Residential buildings (as defined in section 202(a)(5)) if designed for residential use by less than 4 families.

(4) Nonresidential buildings (as defined in section 202(a)(1)) if the net interior space of such nonresidential building is less than 6,500 square feet.

SEC. 339. NATIONAL STRATEGY FOR DOMESTIC BIOLOGICAL CARBON SEQUESTRATION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, the Secretary of Agriculture, the Secretary of the Interior, and the heads of such other relevant Federal agencies as the President may designate, shall submit to Congress a report setting forth a unified and comprehensive strategy to address the key legal, regulatory, technological, and other barriers to maximizing the potential for sustainable biological sequestration of carbon within the United States.

SEC. 340. REDUCING ACID RAIN AND MERCURY POLLUTION.

Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that analyzes the effects of different carbon dioxide reduction strategies and technologies on the emissions of mercury, sulfur dioxide, and nitrogen oxide, which cause acid rain, particulate matter, ground level ozone, mercury contamination, and other environmental problems. The report shall assess a variety of carbon reduction technologies, including the application of various carbon capture and sequestration technologies for both new and existing power plants. The report shall assess the current scientific and technical understanding of the interplay between the various technologies and emissions of air pollutants, identify hurdles to strategies that could cost-effectively reduce emissions of multiple pollutants, and make appropriate recommendations.

Subtitle D—Carbon Market Assurance

SEC. 341. CARBON MARKET ASSURANCE.

(a) AMENDMENT.—The Federal Power Act (16 U.S.C. 791a and following) is amended by adding at the end the following:

''PART IV—CARBON MARKET ASSURANCE

''SEC. 401. OVERSIGHT AND ASSURANCE OF CARBON MARKETS.

''(a) DEFINITIONS.—In this section:

''(1) CONTRACT OF SALE.—The term 'contract of sale' includes sales, agreements of sale, and agreements to sell.

''(1) COVERED ENTITY.—The term 'covered entity' shall have the meaning given in section 700 of the Clean Air Act.

''(2) REGULATED ALLOWANCE.—The term 'regulated allowance' means any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009.

''(3) REGULATED INSTRUMENT.—The term 'regulated instrument' means a regulated allowance or a regulated allowance derivative.

''(b) REGULATED ALLOWANCE MARKET.—

''(1) AUTHORITY.—The Commission shall promulgate regulations for the establishment, operation, and oversight of markets for regulated allowances not later than 18 months after the date of the enactment of this section, and from time to time thereafter as may be appropriate.

''(2) REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall—

''(A) provide for effective and comprehensive market oversight;

''(B) prohibit fraud, market manipulation, and excess speculation, and provide measures to limit unreasonable fluctuation in the prices of regulated allowances;

''(C) facilitate compliance with title VII of the Clean Air Act by covered entities;

''(D) ensure market transparency and recordkeeping deemed necessary and appropriate by the Commission to provide for efficient price discovery; prevention of fraud, market manipulation, and excess speculation; and compliance with title VII of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978;

''(E) as necessary, ensure that position limitations for individual market participants are established with respect to each class of regulated allowances;

''(F) as necessary, ensure that margin requirements are established for each class of regulated allowances;

''(G) provide for the formation and operation of a fair, orderly and liquid national market system that allows for the best execution in the trading of regulated allowances;

''(H) limit or eliminate counterparty risks, market power concentration risks, and other risks associated with trading regulated allowances outside of trading facilities

''(I) establish standards for qualification as, and operation of, trading facilities for regulated allowances;

''(J) establish standards for qualification as, and operation of, clearing organizations for trading facilities for regulated allowances; and

''(K) include such other requirements as necessary to preserve market integrity and facilitate compliance with title VII of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978 and the regulations promulgated under such title and such section.

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—If the Commission determines, after notice and an opportunity for a hearing on the record, that any entity has violated any rule or order issued by the Commission under this subsection, the Commission may issue an order—

''(i) prohibiting the entity from trading on a trading facility for regulated allowances registered with the Commission, and requiring all such facilities to refuse the entity all privileges for such period as may be specified in the order;

''(ii) if the entity is registered with the Commission in any capacity, suspending for a period of not more than 6 months, or revoking, the registration of the entity;

''(iii) assessing the entity a civil penalty of not more than $1,000,000 per day per violation

for as long as the violation continues (and in determining the amount of a civil penalty, the Commission shall take into account the nature and seriousness of the violation and the efforts to remedy the violation); and

''(iv) requiring disgorgement of unjust profits, restitution to entities harmed by the violation as determined by the Commission, or both.

''(B) AUTHORITY TO SUSPEND OR REVOKE REGISTRATION.—The Commission may suspend for a period of not more than 6 months, or revoke, the registration of a trading facility for regulated allowances or of a clearing organization registered by the Commission if, after notice and opportunity for a hearing on the record, the Commission finds that—

''(i) the entity violated any rule or order issued by the Commission under this subsection; or

''(ii) a director, officer, employee, or agent of the entity has violated any rule or order issued by the Commission under this subsection.

''(C) CEASE AND DESIST PROCEEDINGS.—

''(i) IN GENERAL.—If the Commission determines that any entity may be violating, may have violated, or may be about to violate any provision of this part, or any regulation promulgated by, or any restriction, condition, or order made or imposed by, the Commission under this Act, and if the Commission finds that the alleged violation or threatened violation, or the continuation of the violation, is likely to result in significant harm to covered entities or market participants, or significant harm to the public interest, the Commission may issue a temporary order requiring the entity—

''(I) to cease and desist from the violation or threatened violation;

''(II) to take such action as is necessary to prevent the violation or threatened violation; and

''(III) to prevent, as the Commission determines to be appropriate—

''(aa) significant harm to covered entities or market participants;

''(bb) significant harm to the public interest; and

''(cc) frustration of the ability of the Commission to conduct the proceedings or to redress the violation at the conclusion of the proceedings.

''(ii) TIMING OF ENTRY.—An order issued under clause (i) shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing before entry would be impracticable or contrary to the public interest.

''(iii) EFFECTIVE DATE.—A temporary order issued under clause (i) shall—

''(I) become effective upon service upon the entity; and

''(II) unless set aside, limited, or suspended by the Commission or a court of competent jurisdiction, remain effective and enforceable pending the completion of the proceedings.

''(D) PROCEEDINGS REGARDING DISSIPATION OR CONVERSION OF ASSETS.—

''(i) IN GENERAL.—In a proceeding involving an alleged violation of a regulation or order promulgated or issued by the Commission, if the Commission determines that the alleged violation or related circumstances are likely to result in significant dissipation or conversion of assets, the Commission may issue a temporary order requiring the respondent to take such action as is necessary to prevent the dissipation or conversion of assets.

''(ii) TIMING OF ENTRY.—An order issued under clause (i) shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing before entry would be impracticable or contrary to the public interest.

''(iii) EFFECTIVE DATE.—A temporary order issued under clause (i) shall—

''(I) become effective upon service upon the respondent; and

''(II) unless set aside, limited, or suspended by the Commission or a court of competent jurisdiction, remain effective and enforceable pending the completion of the proceedings.

''(E) REVIEW OF TEMPORARY ORDERS.—

''(i) APPLICATION FOR REVIEW.—At any time after a respondent has been served with a temporary cease-and-desist order pursuant to subparagraph (C) or order regarding the dissipation or conversion of assets pursuant to subparagraph (D), the respondent may apply to the Commission to have the order set aside, limited, or suspended.

''(ii) NO PRIOR HEARING.—If a respondent has been served with a temporary order entered without a prior hearing of the Commission—

''(I) the respondent may, not later than 10 days after the date on which the order was served, request a hearing on the application; and

''(II) the Commission shall hold a hearing and render a decision on the application at the earliest practicable time.

''(iii) JUDICIAL REVIEW.—

''(I) IN GENERAL.—An entity shall not be required to submit a request for rehearing of a temporary order before seeking judicial review in accordance with this subparagraph.

''(II) TIMING OF REVIEW.—Not later than 10 days after the date on which a respondent is served with a temporary cease-and-desist order entered with a prior hearing of the Commission, or 10 days after the date on which the Commission renders a decision on an application and hearing under clause (i) with respect to any temporary order entered without such a prior hearing—

''(aa) the respondent may obtain a review of the order in a United States circuit court having jurisdiction over the circuit in which the respondent resides or has a principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order; and

''(bb) the court shall have jurisdiction to enter such an order.

''(III) NO PRIOR HEARING.—A respondent served with a temporary order entered without a prior hearing of the Commission may not apply to the applicable court described in subclause (II) except after a hearing and decision by the Commission on the application of the respondent under clauses (i) and (ii).

''(iv) PROCEDURES.—Section 222 and Part III shall apply to—

''(I) an application for review of an order under clause (i); and

''(II) an order subject to review under clause (iii).

''(v) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under clause (iii) shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

''(F) ACTIONS TO COLLECT CIVIL PENALTIES.—If any person fails to pay a civil penalty assessed under this subsection after an order assessing the penalty has become final and unappealable, the Commission shall bring an action to recover the amount of the penalty in any appropriate United States district court.

''(4) TRANSACTION FEES.—

''(A) IN GENERAL.—The Commission shall, in accordance with this paragraph, establish and collect transaction fees designed to recover the costs to the Federal Government of the supervision and regulation of regulated allowance markets and market participants, including related costs for enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

''(B) INITIAL FEE RATE.—Each trading facility on or through which regulated allowances are transacted shall pay to the Commission a fee at a rate of not more than $15 per $1,000,000 of the aggregate dollar amount of sales of regulated allowances transacted through the facility.

''(C) ANNUAL ADJUSTMENT OF FEE RATE.—The Commission shall, on an annual basis—

''(i) assess the rate at which fees are to be collected as necessary to meet the cost recovery requirement in subparagraph (A); and

''(ii) consistent with subparagraph (B), adjust the rate as necessary in order to meet the requirement.

''(D) REPORT ON ADEQUACY OF FEES IN RECOVERING COSTS.—The Commission, shall, on an annual basis, report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the adequacy of the transaction fees in providing funding for the Commission to regulate the regulated allowance markets.

''(5) JUDICIAL REVIEW.—Judicial review of actions taken by the Commission under this subsection shall be pursuant to part III.

''(6) ADDITIONAL EMPLOYEES REPORT AND APPOINTMENT.—Within 18 months after the date of the enactment of this section, the Commission shall submit to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, a report that contains recommendations as to how many additional employees would be necessary to provide robust oversight and enforcement of the regulations promulgated under this subsection. As soon as practicable after the completion of the report, subject to appropriations, the Commission shall appoint the recommended number of additional employees for such purposes.

''(e) WORKING GROUP.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the President shall establish an interagency working group on carbon market oversight, which shall include the Administrator of the Environmental Protection Agency and representatives of other relevant agencies, to make recommendations to the Commodity Futures Trading Commission regarding proposed regulations for the establishment, operation, and oversight of markets for regulated allowance derivatives.

''(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and biennially thereafter, the interagency working group shall submit a written report to the President and Congress that includes its recommendations to the Commodity Futures Trading Commission regarding proposed regulations for the establishment, operation, and oversight of markets for regulated allowance derivatives and any recommendations to Congress for statutory changes needed to ensure the establishment, operation, and oversight of transparent, fair, stable, and efficient markets for regulated allowance derivatives.

''(d) PENALTY FOR FRAUD AND FALSE OR MISLEADING STATEMENTS.—A person convicted under section 1041 of title 18, United States Code, may be prohibited from holding or trading regulated allowances for a period of not more than 5 years pursuant to the regulations promulgated under this section, except that, if the person is a covered entity, the person shall be allowed to hold sufficient regulated allowances to meet its compliance obligations.

''(e) RELATION TO STATE LAW.—Nothing in this section shall preclude, diminish or qualify any authority of a State or political subdivision thereof to adopt or enforce any unfair competition, antitrust, consumer protection, securities, commodities or any other law or regulation, except that no such State law or regulation may relieve any person of any requirement otherwise applicable under this section.

''(f) MARKET REPORTS.—

''(1) COLLECTION AND ANALYSIS OF INFORMATION.—The Commission, in conjunction with the Commodity Futures Trading Commission shall, on a continuous basis, analyze the following information on the functioning of the markets for regulated instruments established under this part:

''(A) The status of, and trends in, the markets, including prices, trading volumes, transaction types, and trading channels and mechanisms.

''(B) Spikes, collapses, and volatility in prices of regulated instruments, and the causes therefor.

''(C) The relationship between the market for regulated allowances and allowance derivatives, and the spot and futures markets for energy commodities, including electricity.

''(D) The economic effects of the markets, including to macro- and micro-economic effects of unexpected significant increases and decreases in the price of regulated instruments.

''(E) Any changes in the roles, activities, or strategies of various market participants.

''(F) Regional, industrial, and consumer responses to the markets, and energy investment responses to the markets.

''(G) Any other issue related to the markets that the Commission, Commodity Futures Trading Commission, deems appropriate.

''(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 1 month after the end of each calendar year, the Commission, in conjunction with the Federal agency, shall submit to the President, the Committee on Agriculture and Committee on Energy and Commerce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and Committee on Energy and Natural Resources of the Senate, and make available to the public, a report on the matters described in paragraph (1) with respect to the year, including recommendations for any administrative or statutory measures the Commission, and the Commodity Futures Trading Commission consider necessary to address any threats to the transparency, fairness, or integrity of the markets in regulated instruments.

''SEC. 402. APPLICABILITY OF PART III PROVISIONS.

''(a) SECTIONS 301, 304, AND 306.—Sections 301, 304, and 306 shall not apply to this part.

''(b) SECTION 315.—In applying section 315(a) to this part, the words ''person or entity'' shall be substituted for the words ''licensee or public utility''. In applying section 315(b) to this part, the words ''an entity'' shall be substituted for the words ''a licensee or public utility'' and the words ''such entity'' shall be substituted for the words ''such licensee or public utility.''

''(c) SECTION 316.—Section 316(a) shall not apply to section 401(d).''.

(b) CRIMINAL PROHIBITION AGAINST FRAUD AND FALSE OR MISLEADING STATEMENTS.—

(1) Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Fraud and false statements in connection with regulated allowances

''Whoever in connection with a transaction involving a regulated allowance (as defined in section 401(a) of the Federal Power Act, as added by section 341 of the American Clean Energy and Security Act of 2009), knowingly—

''(1) makes or uses a materially false or misleading statement, writing, representation, scheme, or device; or

''(2) falsifies, conceals, or covers up by any trick, scheme, or device any material fact,

shall be fined not more than $5,000,000 (or $25,000,000 in the case of an organization) or imprisoned not more than 20 years, or both.''.

(2) The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1041. Fraud and false statements in connection with regulated allowances.''.

SEC. 342. CARBON DERIVATIVE MARKETS.

(a) Section 1a(14) of the Commodity Exchange Act (7 U.S.C. 1a(14)) is amended by striking ''or an agricultural commodity'' and inserting '', an agricultural commodity, or any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009''.

(b) Section 4(c) of such Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

''(6) This subsection does not apply to any agreement, contract, or transaction for any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009.''.

Subtitle E—Additional Market Assurance

SEC. 351. REGULATION OF CERTAIN TRANSACTIONS IN DERIVATIVES INVOLVING ENERGY COMMODITIES.

(a) ENERGY COMMODITY DEFINED.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) in paragraph (14), by inserting '', an energy commodity,'' after ''excluded commodity'';

(2) by redesignating paragraphs (13) through (21) and paragraphs (22) through (34) as paragraphs (14) through (22) and paragraphs (24) through (36), respectively;

(3) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity (excluding financial transmission rights which are subject to regulation and oversight by the Federal Energy Regulatory Commission);

''(D) natural gas; and

''(E) any other substance (other than an excluded commodity, a metal, or an agricultural commodity) that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''; and

(4) by inserting after paragraph (22) (as so redesignated by paragraph (2) of this subsection) the following:

''(23) INCLUDED ENERGY TRANSACTION.—The term 'included energy transaction' means a contract, agreement, or transaction in an energy commodity for future delivery that provides for a delivery point of the energy commodity in the United States or a territory or possession of the United States, or that is offered or transacted on or through a computer terminal located in the United States.''.

(b) EXTENSION OF REGULATORY AUTHORITY TO SWAPS INVOLVING ENERGY TRANSACTIONS.—Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''or an energy commodity'' after ''agricultural commodity''.

(c) ELIMINATION OF EXEMPTION FOR OVER-THE-COUNTER SWAPS INVOLVING ENERGY COMMODITIES.—Section 2(h)(1) of such Act (7 U.S.C. 2(h)(1)) is amended by inserting ''(other than an energy commodity)'' after ''exempt commodity''.

(d) EXTENSION OF REGULATORY AUTHORITY TO INCLUDED ENERGY TRANSACTIONS ON FOREIGN BOARDS OF TRADE.—Section 4 of such Act (7 U.S.C. 6) is amended—

(1) in subsection (a), by inserting '', and which is not an included energy transaction'' after ''territories or possessions'' the 2nd place it appears; and

(2) in subsection (b), by adding at the end the following: ''The preceding sentence shall not apply with respect to included energy transactions.''.

(e) LIMITATION OF GENERAL EXEMPTIVE AUTHORITY OF THE CFTC WITH RESPECT TO INCLUDED ENERGY TRANSACTIONS.—

(1) IN GENERAL.—Section 4(c) of such Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

''(6) The Commission may not exempt any included energy transaction from the requirements of subsection (a), unless the Commission provides 60 days advance notice to the Congress and the Position Limit Energy Advisory Group and solicits public comment about the exemption request and any proposed Commission action.''.

(2) NULLIFICATION OF NO-ACTION LETTER EXEMPTIONS TO CERTAIN REQUIREMENTS APPLICABLE TO INCLUDED ENERGY TRANSACTIONS.—Beginning 180 days after the date of the enactment of this Act, any exemption provided by the Commodity Futures Trading Commission that has allowed included energy transactions (as defined in section 1a(13) of the Commodity Exchange Act) to be conducted without regard to the requirements of section 4(a) of such Act shall be null and void.

(f) REQUIREMENT TO ESTABLISH UNIFORM SPECULATIVE POSITION LIMITS FOR ENERGY TRANSACTIONS.—

(1) IN GENERAL.—Section 4a(a) of such Act (7 U.S.C. 6a(a)) is amended—

(A) by inserting ''(1)'' after ''(a)'';

(B) by inserting after the 2nd sentence the following: ''With respect to energy transactions, the Commission shall fix limits on the aggregate number of positions which may be held by any person for each month across all markets subject to the jurisdiction of the Commission.'';

(C) in the 4th sentence by inserting '', consistent with the 3rd sentence,'' after ''Commission''; and

(D) by adding after and below the end the following:

''(2)(A) Not later than 60 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Energy Advisory Group consisting of representatives from—

''(i) 7 predominantly commercial short hedgers of the actual energy commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual energy commodity for future delivery;

''(iii) 4 non-commercial participants in markets for energy commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the energy commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the energy commodity.

''(B) Not later than 60 days after the date on which the advisory group is convened under subparagraph (A), and annually thereafter, the advisory group shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (1).

''(C) The Commission shall have exclusive authority to grant exemptions for bona fide hedging transactions and positions from position limits imposed under this Act on energy transactions.''.

(2) CONFORMING AMENDMENTS.—

(A) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7) of such Act (7 U.S.C. 2(h)(7)) is amended—

(i) in subparagraph (A)—

(I) by inserting ''of this paragraph and section 4a(a)'' after ''(B) through (D)''; and

(II) by inserting ''of this paragraph'' before the period; and

(ii) in subparagraph (C)(ii)(IV)—

(I) in the heading, by striking ''LIMITATIONS OR''; and

(II) by striking ''position limitations or''.

(B) CONTRACTS TRADED ON OR THROUGH DESIGNATED CONTRACT MARKETS.—Section 5(d)(5) of such Act (7 U.S.C. 7(d)(5)) is amended—

(i) in the heading by striking ''LIMITATIONS OR''; and

(ii) by striking ''position limitations or''.

(C) CONTRACTS TRADED ON OR THROUGH DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended—

(i) in the heading by striking ''LIMITATIONS OR''; and

(ii) by striking ''position limits or''.

(g) ELIMINATION OF THE SWAPS LOOPHOLE.—Section 4a(c) of such Act (7 U.S.C. 6a(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding after and below the end the following:

''(2) For the purposes of contracts of sale for future delivery and options on such contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions made or to be made or positions taken or to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (d), (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

(h) DETAILED REPORTING AND DISAGGREGATION OF MARKET DATA.—Section 4 of such Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) DETAILED REPORTING AND DISAGGREGATION OF MARKET DATA.—

''(1) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for any positions of such entities in contracts traded on designated contract markets, over-the-counter markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(f), and electronic trading facilities with respect to significant price discovery contracts not later than 120 days after the date of the enactment of this subsection, and issue a final rule within 180 days after such date of enactment.

''(2) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN MARKETS.—Subject to section 8 and beginning within 60 days of the issuance of the final rule required by paragraph (1), the Commission shall disaggregate and make public weekly—

''(A) the number of positions and total notional value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all markets to the extent such information is available; and

''(B) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.

''(3) DISCLOSURE OF IDENTITY OF HOLDERS OF POSITIONS IN INDEXES IN EXCESS OF POSITION LIMITS.—The Commission shall include in its weekly Commitment of Trader reports the identity of each person who holds a position in an index in excess of a limit imposed under section 4i.''.

(i) AUTHORITY TO SET LIMITS TO PREVENT EXCESSIVE SPECULATION IN INDEXES.—

(1) IN GENERAL.—Section 4a of such Act (7 U.S.C. 6a) is amended by adding at the end the following:

''(f) The provisions of this section shall apply to the amounts of trading which may be done or positions which may be held by any person under contracts of sale of an index for future delivery on or subject to the rules of any contract market, derivatives transaction execution facility, or over-the-counter market, or on an electronic trading facility with respect to a significant price discovery contract, in the same manner in which this section applies to contracts of sale of a commodity for future delivery.''.

(2) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations under section 4a(f) of the Commodity Exchange Act within 180 days after the date of the enactment of this Act.

SEC. 352. NO EFFECT ON AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:.

''(j) This Act shall not be interpreted to affect the jurisdiction of the Federal Energy Regulatory Commission with respect to the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.), the Natural Gas Act (15 U.S.C. 717 et seq.), or other law to obtain information, carry out enforcement actions, or otherwise carry out the responsibilities of the Federal Energy Regulatory Commission.''.

SEC. 353. INSPECTOR GENERAL OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) ELEVATION OF OFFICE.—

(1) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—

(A) Section 12(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Chairman of the Commodity Futures Trading Commission;''.

(B) Section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, or the Commodity Futures Trading Commission,''.

(2) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(b) PROVISIONS RELATING TO PAY AND PERSONNEL AUTHORITY.—

(1) PROVISION RELATING TO THE POSITION OF INSPECTOR GENERAL OF THE CFTC.—In the case of the Inspector General of the Commodities Futures Trading Commission, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110-409) shall apply in the same manner as if the Commission was a designated Federal entity under section 8G. The Inspector General of the Commodities Futures Trading Commission shall not be subject to section 3(e) of such Act.

(2) PROVISION RELATING TO OTHER PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Commodities Futures Trading Commission may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Commodities Futures Trading Commission.

(c) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

(2) TRANSITION RULE.—An individual serving as Inspector General of the Commodity Futures Trading Commission on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) may continue so serving until the President makes an appointment under section 3(a) of such Act consistent with the amendments made by this section; and

(B) shall, while serving under subparagraph (A), remain subject to the provisions of section 8G of such Act which apply with respect to the Commodity Futures Trading Commission.

SEC. 354. SETTLEMENT AND CLEARING THROUGH REGISTERED DERIVATIVES CLEARING ORGANIZATIONS.

(a) IN GENERAL.—

(1) APPLICATION TO EXCLUDED DERIVATIVE TRANSACTIONS.—

(A) Section 2(d)(1) of the Commodity Exchange Act (7 U.S.C. 2(d)(1)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), the agreement, contract, or transaction is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(B) Section 2(d)(2) of such Act (7 U.S.C. 2(d)(2)) is amended—

(i) by striking ''and'' at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) except as provided in section 4(f), the agreement, contract, or transaction is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(2) APPLICATION TO CERTAIN SWAP TRANSACTIONS.—Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(C) by adding at the end the following:

''(4) except as provided in section 4(f), settled and cleared through a derivatives clearing organization registered with the Commission.''.

(3) APPLICATION TO CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

(A) Section 2(h)(1) of such Act (7 U.S.C. 2(h)(1)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(B) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), settled and cleared through a derivatives clearing organization registered with the Commission.''.

(4) GENERAL EXEMPTIVE AUTHORITY.—Section 4(c)(1) of such Act (7 U.S.C. 6(c)(1)) is amended by inserting ''the agreement, contract, or transaction, except as provided in section 4(h), will be settled and cleared through a derivatives clearing organization registered with the Commission and'' before ''the Commission determines''.

(5) CONFORMING AMENDMENT RELATING TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(D) of such Act (7 U.S.C. 2(h)(7)(D)) is amended by striking the designation and heading for the subparagraph and all that follows through ''As part of'' and inserting the following:

''(D) REVIEW OF IMPLEMENTATION.—As part of''.

(b) ALTERNATIVES TO CLEARING THROUGH DESIGNATED CLEARING ORGANIZATIONS.—Section 4 of such Act (7 U.S.C. 6), as amended by section 351(h) of this Act, is amended by adding at the end the following:

''(f) ALTERNATIVES TO CLEARING THROUGH DESIGNATED CLEARING ORGANIZATIONS.—

''(1) SETTLEMENT AND CLEARING THROUGH CERTAIN OTHER REGULATED ENTITIES.—An agreement, contract, or transaction, or class thereof, relating to an excluded commodity, that would otherwise be required to be settled and cleared by section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), or 2(h)(3)(C) of this Act, or subsection (c)(1) of this section may be settled and cleared through an entity listed in subsections (a) or (b) of section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

''(2) WAIVER OF CLEARING REQUIREMENT.—

''(A) The Commission, in its discretion, may exempt an agreement, contract, or transaction, or class thereof, that would otherwise be required by section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), or 2(h)(3)(C) of this Act, or subsection (c)(1) of this section to be settled and cleared through a derivatives clearing organization registered with the Commission from such requirement.

''(B) In granting exemptions pursuant to subparagraph (A), the Commission shall consult with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System regarding exemptions that relate to excluded commodities or entities for which the Securities Exchange Commission or the Board of Governors of the Federal Reserve System serve as the primary regulator.

''(C) Before granting an exemption pursuant to subparagraph (A), the Commission shall find that the agreement, contract, or transaction, or class thereof—

''(i) is highly customized as to its material terms and conditions;

''(ii) is transacted infrequently;

''(iii) does not serve a significant price-discovery function in the marketplace; and

''(iv) is being entered into by parties who can demonstrate the financial integrity of the agreement, contract, or transaction and their own financial integrity, as such terms and standards are determined by the Commission. The standards may include, with respect to any federally regulated financial entity for which net capital requirements are imposed, a net capital requirement associated with any agreement, contract, or transaction subject to an exemption from the clearing requirement that is higher than the net capital requirement that would be associated with such a transaction were it cleared

''(D) Any agreement, contract, or transaction, or class thereof, which is exempted pursuant to subparagraph (A) shall be reported to the Commission in a manner designated by the Commission, or to such other entity the Commission deems appropriate.

''(E) The Commission, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System shall enter into a memorandum of understanding by which the information reported to the Commission pursuant to subparagraph (D) with regard to excluded commodities or entities for which the Securities Exchange Commission or the Board of Governors of the Federal Reserve System serve as the primary regulator may be provided to the other agencies.

''(g) SPOT AND FORWARD EXCLUSION.—The settlement and clearing requirements of section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C), or 4(c)(1) shall not apply to an agreement, contract, or transaction of any cash commodity for immediate or deferred shipment or delivery, as defined by the Commission.''.

(c) ADDITIONAL REQUIREMENTS APPLICABLE TO APPLICANTS FOR REGISTRATION AS A DERIVATIVE CLEARING ORGANIZATION.—Section 5b(c)(2) of such Act (7 U.S.C. 7a-1(c)(2)) is amended by adding at the end the following:

''(O) DISCLOSURE OF GENERAL INFORMATION.—The applicant shall disclose publicly and to the Commission information concerning—

''(i) the terms and conditions of contracts, agreements, and transactions cleared and settled by the applicant;

''(ii) the conventions, mechanisms, and practices applicable to the contracts, agreements, and transactions;

''(iii) the margin-setting methodology and the size and composition of the financial resource package of the applicant; and

''(iv) other information relevant to participation in the settlement and clearing activities of the applicant.

''(P) DAILY PUBLICATION OF TRADING INFORMATION.—The applicant shall make public daily information on settlement prices, volume, and open interest for contracts settled or cleared pursuant to the requirements of section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C) or 4(c)(1) of this Act by the applicant if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

''(Q) FITNESS STANDARDS.—The applicant shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, and members of the applicant, and any other persons with direct access to the settlement or clearing activities of the applicant, including any parties affiliated with any of the persons described in this subparagraph.''.

(d) AMENDMENTS.—

(1) Section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4422) is amended by adding at the end the following:

''(c) CLEARING REQUIREMENT.—A multilateral clearing organization described in subsections (a) or (b) of this section shall comply with requirements similar to the requirements of sections 5b and 5c of the Commodity Exchange Act.''.

(2) Section 407 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27e) is amended by inserting ''and the settlement and clearing requirements of sections 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C), and 4(c)(1) of such Act'' after ''the clearing of covered swap agreements''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 150 days after the date of the enactment of this Act.

(f) TRANSITION RULE.—Any agreement, contract, or transaction entered into before the date of the enactment of this Act or within 150 days after such date of enactment, in reliance on subsection (d), (g), (h)(1), or (h)(3) of section 2 of the Commodity Exchange Act or any other exemption issued by the Commission Futures Trading Commission by rule, regulation, or order shall, within 90 days after such date of enactment, unless settled and cleared through an entity registered with the Commission as a derivatives

clearing organization or another clearing entity pursuant to section 4(f) of such Act, be reported to the Commission in a manner designated by the Commission, or to such other entity as the Commission deems appropriate.

SEC. 355. LIMITATION ON ELIGIBILITY TO PURCHASE A CREDIT DEFAULT SWAP.

(a) IN GENERAL.—Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

''(h) LIMITATION ON ELIGIBILITY TO PURCHASE A CREDIT DEFAULT SWAP.—It shall be unlawful for any person to enter into a credit default swap unless the person—

''(1) owns a credit instrument which is insured by the credit default swap;

''(2) would experience financial loss if an event that is the subject of the credit default swap occurs with respect to the credit instrument; and

''(3) meets such minimum capital adequacy standards as may be established by the Commission, in consultation with the Board of Governors of the Federal Reserve System, or such more stringent minimum capital adequacy standards as may be established by or under the law of any State in which the swap is originated or entered into, or in which possession of the contract involved takes place.''.

(b) ELIMINATION OF PREEMPTION OF STATE BUCKETING LAWS REGARDING NAKED CREDIT DEFAULT SWAPS.—Section 12(e)(2)(B) of such Act (7 U.S.C. 16(e)(2)(B)) is amended by inserting ''(other than a credit default swap in which the purchaser of the swap would not experience financial loss if an event that is the subject of the swap occurred)'' before ''that is excluded''.

(c) DEFINITION OF CREDIT DEFAULT SWAP.—Section 1a of such Act (7 U.S.C. 1a), as amended by section 351(a) of this Act, is amended by adding at the end the following:

''(37) CREDIT DEFAULT SWAP.—The term 'credit default swap' means a contract which insures a party to the contract against the risk that an entity may experience a loss of value as a result of an event specified in the contract, such as a default or credit downgrade. A credit default swap that is traded on or cleared by a registered entity shall be excluded from the definition of a security as defined in this Act and in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934, except it shall be deemed a security solely for purpose of enforcing prohibitions against insider trading in sections 10 and 16 of the Securities Exchange Act of 1934.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective for credit default swaps (as defined in section 1a(37) of the Commodity Exchange Act) entered into after 60 days after the date of the enactment of this section.

SEC. 356. TRANSACTION FEES.

(a) IN GENERAL.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and inserting after subsection (d) the following:

''(e) CLEARING FEES.—

''(1) IN GENERAL.—The Commission shall, in accordance with this subsection, charge and collect from each registered clearing organization, and each such organization shall pay to the Commission, transaction fees at a rate calculated to recover the costs to the Federal Government of the supervision and regulation of futures markets, except those directly related to enforcement.

''(2) FEES ASSESSED PER SIDE OF CLEARED CONTRACTS.—

''(A) IN GENERAL.—The Commission shall determine the fee rate referred to in paragraph (1), and shall apply the fee rate per side of any transaction cleared.

''(B) AUTHORITY TO DELEGATE.— The Commission may determine the procedures by which the fee rate is to be applied on the transactions subject to the fee, or delegate the authority to make the determination to any appropriate derivatives clearing organization.

''(3) EXEMPTIONS.—The Commission may not impose a fee under paragraph (1) on—

''(A) a class of contracts or transactions if the Commission finds that it is in the public interest to exempt the class from the fee; or

''(B) a contract or transaction cleared by a registered derivatives clearing organization that is—

''(i) subject to fees under section 31 of the Securities Exchange Act of 1934; or

''(ii) a security as defined in the Securities Act of 1933 or the Securities Exchange Act of 1934.

''(4) DATES FOR PAYMENT OF FEES.—The fees imposed under paragraph (1) shall be paid on or before—

''(A) March 15 of each year, with respect to transactions occurring on or after the preceding September 1 and on or before the preceding December 31; and

''(B) September 15 of each year, with respect to transactions occurring on or after the preceding January 1 and on or before the preceding August 31.

''(5) ANNUAL ADJUSTMENT OF FEE RATES.—

''(A) IN GENERAL.—Not later than April 30 of each fiscal year , the Commission shall, by order, adjust each fee rate determined under paragraph (2) for the fiscal year to a uniform adjusted rate that, when applied to the estimated aggregate number of cleared sides of transactions for the fiscal year, is reasonably likely to produce aggregate fee receipts under this subsection for the fiscal year equal to the target offsetting receipt amount for the fiscal year.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) ESTIMATED AGGREGATE NUMBER OF CLEARED SIDES OF TRANSACTIONS.—The term 'estimated aggregate number of cleared sides of transactions' means, with respect to a fiscal year, the aggregate number of cleared sides of transactions to be cleared by registered derivatives clearing organizations during the fiscal year, as estimated by the Commission, after consultation with the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(ii) TARGET OFFSETTING RECEIPT AMOUNT.—The term 'target offsetting receipt amount' means, with respect to a fiscal year, the total level of Commission budget authority for all non-enforcement activities of the Commission, as contained in the regular appropriations Acts for the fiscal year.

''(C) NO JUDICIAL REVIEW.—An adjusted fee rate prescribed under subparagraph (A) shall not be subject to judicial review.

''(6) PUBLICATION.—Not later than April 30 of each fiscal year, the Commission shall cause to be published in the Federal Register notices of the fee rates applicable under this subsection for the succeeding fiscal year, and any estimate or projection on which the fee rates are based.

''(7) ESTABLISHMENT OF FUTURES AND OPTIONS TRANSACTION FEE ACCOUNT; DEPOSIT OF FEES.—There is established in the Treasury of the United States an account which shall be known as the 'Futures and Options Transaction Fee Account'. All fees collected under this subsection for a fiscal year shall be deposited in the account. Amounts in the account are authorized to be appropriated to fund the expenditures of the Commission.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning 30 or more days after the date of the enactment of this Act.

(c) TRANSITION RULE.—If this section becomes law after March 31 and before September 1 of a fiscal year, then paragraphs (5)(A) and (6) of section 12(e) of the Commodity Exchange Act shall be applied, in the case of the 1st fiscal year beginning after the date of the enactment of this Act, by substituting ''August 31'' for ''April 30''.

SEC. 357. NO EFFECT ON ANTITRUST LAW OR AUTHORITY OF THE FEDERAL TRADE COMMISSION.

(a) Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term ''antitrust laws'' has the meaning given it in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such term applies to unfair methods of competition.

(b) Nothing in this subtitle shall be construed to affect or diminish the jurisdiction or authority of the Federal Trade Commission with respect to its authorities under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or the Energy Independence and Security Act of 2007 (Public Law 110–140) to obtain information, to carry out enforcement activities, or otherwise to carry out the responsibilities of the Federal Trade Commission.

SEC. 358. EFFECT OF DERIVATIVES REGULATORY REFORM LEGISLATION.

(a) STATUTES.—Upon the passage of legislation that includes derivatives regulatory reform, sections 351, 352, 354, 355, 356, and 357 shall be repealed.

(b) REGULATIONS.—Upon the passage of legislation that includes derivatives regulatory reform, any regulations promulgated under section 351, 352, 354, 355, 356, or 357 shall be considered null and void.

SEC. 359. CEASE-AND-DESIST AUTHORITY.

(a) NATURAL GAS ACT.—Section 20 of the Natural Gas Act (15 U.S.C. 717s) is amended by adding the following at the end:

''(e) CEASE-AND-DESIST PROCEEDINGS; TEMPORARY ORDERS; AUTHORITY OF THE COMMISSION.—

''(1) IN GENERAL.—If the Commission finds, after notice and opportunity for hearing, that any entity may be violating, may have violated, or may be about to violate any provision of this Act, or any rule, regulation, restriction, condition, or order made or imposed by the Commission under the authority of this Act, the Commission may publish its findings and issue an order requiring such entity, and any other entity that is, was, or would be a cause of the violation, due to an act or omission the entity knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring an entity to cease and desist from committing or causing a violation, require such entity to comply, to provide an accounting and disgorgement, or to take steps to effect compliance, with such provision, rule, or regulation, upon such terms and conditions and within such time as the Commission may

specify in such order. Any such order may, as the Commission deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Commission may specify.

''(2) TIMING OF ENTRY.—An order issued under this subsection shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing prior to entry would be impracticable or contrary to the public interest.

''(f) HEARING.—The notice instituting proceedings pursuant to subsection (e) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Commission with the consent of any respondent so served.

''(g) TEMPORARY ORDER.—Whenever the Commission determines that—

''(1) a respondent may take actions to dissipate or convert assets prior to the completion of the proceedings referred to in subsection (e), and such assets would be necessary to comply with or otherwise satisfy a final enforcement order of the Commission pursuant to alleged violations or threatened violations specified in the notice instituting proceedings; or

''(2) a respondent is engaged in actual or threatened violations of this Act or a Commission rule, regulation, restriction or order referred to in subsection (e),

the Commission may issue a temporary order requiring the respondent to take such action to prevent dissipation or conversion of assets, significant harm to energy consumers, or substantial harm to the public interest, frustration of the Commission's ability to conduct the proceedings, or frustration of the Commission's ability to redress said violation at the conclusion of the proceedings, as the Commission deems appropriate pending completion of such proceedings.

''(h) REVIEW OF TEMPORARY ORDERS.—

''(1) COMMISSION REVIEW.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to subsection (g), the respondent may apply to the Commission to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior Commission hearing, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Commission shall hold a hearing and render a decision on such application at the earliest possible time.

''(2) JUDICIAL REVIEW.—Within—

''(A) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior Commission hearing; or

''(B) 10 days after the Commission renders a decision on an application and hearing under paragraph (1),

with respect to any temporary cease-and-desist order entered without a prior Commission hearing, the respondent may apply to the United States circuit court having jurisdiction over the circuit in which the respondent resides or has its principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior Commission hearing may not apply to the court except after hearing and decision by the Commission on the respondent's application under paragraph (1) of this subsection.

''(3) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

''(4) EXCLUSIVE REVIEW.—Sections 19(d) and 24 shall not apply to a temporary order entered pursuant to this section.

''(i) IMPLEMENTATION.—The Commission is authorized to adopt rules, regulations, and orders as it deems appropriate to implement this section.''.

(c) NATURAL GAS POLICY ACT OF 1978.—Section 504 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414) is amended by adding the following at the end:

''(d) CEASE-AND-DESIST PROCEEDINGS; TEMPORARY ORDERS; AUTHORITY OF THE COMMISSION.—

''(1) IN GENERAL.—If the Commission finds, after notice and opportunity for hearing, that any entity may be violating, may have violated, or may be about to violate any provision of this Act, or any rule, regulation, restriction, condition, or order made or imposed by the Commission under the authority of this Act, the Commission may publish its findings and issue an order requiring such entity, and any other entity that is, was, or would be a cause of the violation, due to an act or omission the entity knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring an entity to cease and desist from committing or causing a violation, require such entity to comply, to provide an accounting and disgorgement, or to take steps to effect compliance, with such provision, rule, or regulation, upon such terms and conditions and within such time as the Commission may specify in such order. Any such order may, as the Commission deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Commission may specify.

''(2) TIMING OF ENTRY.—An order issued under this subsection shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing prior to entry would be impracticable or contrary to the public interest.

''(3) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Commission with the consent of any respondent so served.

''(4) TEMPORARY ORDER.—Whenever the Commission determines that—

''(A) a respondent may take actions to dissipate or convert assets prior to the completion of the proceedings referred to in paragraph (1) and such assets would be necessary to comply with or otherwise satisfy a final enforcement order of the Commission pursuant to alleged violations or threatened violations specified in the notice instituting proceedings; or

''(B) a respondent is engaged in actual or threatened violations of this Act or a Commission rule, regulation, restriction or order referred to in paragraph (1),

the Commission may issue a temporary order requiring the respondent to take such action to prevent dissipation or conversion of assets, significant harm to energy consumers, or substantial harm to the public interest, frustration of the Commission's ability to conduct the proceedings, or frustration of the Commission's ability to redress said violation at the conclusion of the proceedings, as the Commission deems appropriate pending completion of such proceedings.

''(5) REVIEW OF TEMPORARY ORDERS.—

''(A) COMMISSION REVIEW.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (4), the respondent may apply to the Commission to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior Commission hearing, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Commission shall hold a hearing and render a decision on such application at the earliest possible time.

''(B) JUDICIAL REVIEW.—Within—

''(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior Commission hearing; or

''(ii) 10 days after the Commission renders a decision on an application and hearing under subparagraph (A), with respect to any temporary cease-and-desist order entered without a prior Commission hearing, the respondent may apply to the United States circuit court having jurisdiction over the circuit in which the respondent resides or has its principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior Commission hearing may not apply to the court except after hearing and decision by the Commission on the respondent's application under paragraph (1) of this subsection.

''(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) of this paragraph shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

''(6) IMPLEMENTATION.—The Commission is authorized to adopt rules, regulations, and orders as it deems appropriate to implement this subsection.''.

SEC. 360. PRESIDENTIAL REVIEW OF REGULATIONS.

Not later than 24 months after the date of enactment of this Act, the President shall review the offset regulations and derivatives regulations promulgated pursuant to the American Clean Energy and Security Act of 2009. The President shall determine whether such regulations adequately protect the United States financial system from systemic risk.

TITLE IV—TRANSITIONING TO A CLEAN ENERGY ECONOMY

Subtitle A—Ensuring Real Reductions in Industrial Emissions

SEC. 401. ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS.

Title VII of the Clean Air Act is amended by inserting after part E the following new part:

"PART F—ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS

"SEC. 761. PURPOSES.

''(a) PURPOSES OF PART.—The purposes of this part are—

''(1) to promote a strong global effort to significantly reduce greenhouse gas emissions, and, through this global effort, stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system; and

''(2) to prevent an increase in greenhouse gas emissions in countries other than the United States as a result of direct and indirect compliance costs incurred under this title.

''(b) PURPOSES OF SUBPART 1.—The purposes of subpart 1 are additionally—

''(1) to provide a rebate to the owners and operators of entities in domestic eligible industrial sectors for their greenhouse gas emission costs incurred under this title, but not for costs associated with other related or unrelated market dynamics;

''(2) to design such rebates in a way that will prevent carbon leakage while also rewarding innovation and facility-level investments in energy efficiency performance improvements; and

''(3) to eliminate or reduce distribution of emission allowances under subpart 1 when such distribution is no longer necessary to prevent carbon leakage from eligible industrial sectors.

''(c) PURPOSES OF SUBPART 2.—The purposes of subpart 2 are additionally—

''(1) to induce foreign countries, and, in particular, fast-growing developing countries, to take substantial action with respect to their greenhouse gas emissions consistent with the Bali Action Plan developed under the United Nations Framework Convention on Climate Change; and

''(2) to ensure that the measures described in subpart 2 are designed and implemented in a manner consistent with applicable international agreements to which the United States is a party.

"SEC. 762. DEFINITIONS.

''In this part:

''(1) CARBON LEAKAGE.—The term 'carbon leakage' means any substantial increase (as determined by the Administrator) in greenhouse gas emissions by industrial entities located in other countries if such increase is caused by an incremental cost of production increase in the United States resulting from the implementation of this title.

''(2) COVERED GOOD.—The term 'covered good' means a good that, as identified by the Administrator by regulation, is either—

''(A) entered under a heading or subheading of the Harmonized Tariff Schedule of the United States that corresponds to the NAICS code for an eligible industrial sector, as established in the concordance between NAICS codes and the Harmonized Tariff Schedule of the United States prepared by the United States Census Bureau; or

''(B) a manufactured item for consumption.

''(3) ELIGIBLE INDUSTRIAL SECTOR.—The term 'eligible industrial sector' means an industrial sector determined by the Administrator under section 763(b) to be eligible to receive emission allowance rebates under subpart 1.

''(4) INDUSTRIAL SECTOR.—The term 'industrial sector' means any sector that is in the manufacturing sector (as defined in NAICS codes 31, 32, and 33) or that beneficiates or otherwise processes (including agglomeration) metal ores, including iron and copper ores, soda ash, or phosphate. The extraction of metal ores, soda ash, or phosphate shall not be considered to be an industrial sector.

''(5) MANUFACTURED ITEM FOR CONSUMPTION.—

''(A) IN GENERAL.—The term 'manufactured item for consumption' means any good—

''(i) that includes in substantial amounts one or more goods like the goods produced by an eligible industrial sector;

''(ii) with respect to which an international reserve allowance program pursuant to subpart 2 is in effect with regard to the eligible industrial sector and the quantity of international reserve allowances is not zero pursuant to section 768(b);

''(iii) with respect to which the trade intensity of the industrial sector that produces the good, as measured consistent with section 763(b)(2)(A)(iii), is at least 15 percent; and

''(iv) for which the domestic producers of the good have demonstrated, and the Administrator has determined, that the application of the international reserve allowance program pursuant to subpart 2 is technically and administratively feasible and appropriate to achieve the purposes of this part, taking into account the energy and greenhouse gas intensity of the industrial sector that produces the good, as measured consistent with section 763(b)(2)(A)(ii), and the ability of such producers to pass on cost increases and other appropriate factors.

''(B) RULE OF CONSTRUCTION.—A determination of the Administrator under subparagraph (A)(iv) shall not be considered to be a determination of the President under section 767(b).

''(6) NAICS.—The term 'NAICS' means the North American Industrial Classification System of 2002.

''(7) OUTPUT.—The term 'output' means the total tonnage or other standard unit of production (as determined by the Administrator) produced by an entity in an industrial sector. The output of the cement sector is hydraulic cement, and not clinker.

"Subpart 1—Emission Allowance Rebate Program

"SEC. 763. ELIGIBLE INDUSTRIAL SECTORS.

''(a) LIST.—

''(1) INITIAL LIST.—Not later than June 30, 2011, the Administrator shall publish in the Federal Register a list of eligible industrial sectors pursuant to subsection (b). Such list shall include the amount of the emission allowance rebate per unit of production that shall be provided to entities in each eligible industrial sector in the following two calendar years pursuant to section 764.

''(2) SUBSEQUENT LISTS.—Not later than February 1, 2013, and every four years thereafter, the Administrator shall publish in the Federal Register an updated version of the list published under paragraph (1).

''(b) ELIGIBLE INDUSTRIAL SECTORS.—

''(1) IN GENERAL.—Not later than June 30, 2011, the Administrator shall promulgate a rule designating, based on the criteria under paragraph (2), the industrial sectors eligible for emission allowance rebates under this subpart.

''(2) PRESUMPTIVELY ELIGIBLE INDUSTRIAL SECTORS.—

''(A) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—An owner or operator of an entity shall be eligible to receive emission allowance rebates under this subpart if such entity is in an industrial sector that is included in a six-digit classification of the NAICS that meets the criteria in both clauses (ii) and (iii), or the criteria in clause (iv).

''(ii) ENERGY OR GREENHOUSE GAS INTENSITY.—As determined by the Administrator, the industrial sector had—

''(I) an energy intensity of at least 5 percent, calculated by dividing the cost of purchased electricity and fuel costs of the sector by the value of the shipments of the sector, based on data described in subparagraph (D); or

''(II) a greenhouse gas intensity of at least 5 percent, calculated by dividing—

''(aa) the number 20 multiplied by the number of tons of carbon dioxide equivalent greenhouse gas emissions (including direct emissions from fuel combustion, process emissions, and indirect emissions from the generation of electricity used to produce the output of the sector) of the sector based on data described in subparagraph (D); by

''(bb) the value of the shipments of the sector, based on data described in subparagraph (D).

''(iii) TRADE INTENSITY.—As determined by the Administrator, the industrial sector had a trade intensity of at least 15 percent, calculated by dividing the value of the total imports and exports of such sector by the value of the shipments plus the value of imports of such sector, based on data described in subparagraph (D).

''(iv) VERY HIGH ENERGY OR GREENHOUSE GAS INTENSITY.—As determined by the Administrator, the industrial sector had an energy or greenhouse gas intensity, as calculated under clause (ii)(I) or (II), of at least 20 percent.

''(B) METAL AND PHOSPHATE PRODUCTION CLASSIFIED UNDER MORE THAN ONE NAICS CODE.—For purposes of this section, the Administrator shall—

''(i) aggregate data for the beneficiation or other processing (including agglomeration) of metal ores, including iron and copper ores, soda ash, or phosphate with subsequent steps in the process of metal and phosphate manufacturing, regardless of the NAICS code under which such activity is classified; and

''(ii) aggregate data for the manufacturing of steel with the manufacturing of steel pipe and tube made from purchased steel in a nonintegrated process.

''(C) EXCLUSION.—The petroleum refining sector shall not be an eligible industrial sector.

''(D) DATA SOURCES.—

''(i) ELECTRICITY AND FUEL COSTS, VALUE OF SHIPMENTS.—The Administrator shall determine electricity and fuel costs and the value of shipments under this subsection from data from the United States Census Annual Survey of Manufacturers. The Administrator shall take the average of data from as many of the years of 2004, 2005, and 2006 for which such data are available. If such data are unavailable, the Administrator shall make a determination based upon 2002 or 2006 data from the most detailed industrial classification level of Energy Information Agency's Manufacturing Energy Consumption Survey (using 2006 data if it is available) and the 2002 or 2007 Economic Census of the United States (using 2007 data if it is available). If data from the Manufacturing Energy Consumption Survey or Economic Census are unavailable for any sector at the six-digit classification level in the NAICS, then the Administrator may extrapolate the information necessary to determine the eligibility of a sector under this paragraph from available Manufacturing Energy Consumption Survey or Economic Census data pertaining to a broader industrial category classified in the NAICS. If data relating to the beneficiation

or other processing (including agglomeration) of metal ores, including iron and copper ores, soda ash, or phosphate are not available from the specified data sources, the Administrator shall use the best available Federal or State government data and may use, to the extent necessary, representative data submitted by entities that perform such beneficiation or other processing (including agglomeration), in making a determination. Fuel cost data shall not include the cost of fuel used as feedstock by an industrial sector.

''(ii) IMPORTS AND EXPORTS.—The Administrator shall base the value of imports and exports under this subsection on United States International Trade Commission data. The Administrator shall take the average of data from as many of the years of 2004, 2005, and 2006 for which such data are available. If data from the United States International Trade Commission are unavailable for any sector at the six-digit classification level in the NAICS, then the Administrator may extrapolate the information necessary to determine the eligibility of a sector under this paragraph from available United States International Trade Commission data pertaining to a broader industrial category classified in the NAICS.

''(iii) PERCENTAGES.—The Administrator shall round the energy intensity, greenhouse gas intensity, and trade intensity percentages under subparagraph (A) to the nearest whole number.

''(iv) GREENHOUSE GAS EMISSION CALCULATIONS.—When calculating the tons of carbon dioxide equivalent greenhouse gas emissions for each sector under subparagraph (A)(ii)(II)(aa), the Administrator—

''(I) shall use the best available data from as many of the years 2004, 2005, and 2006 for which such data is available; and

''(II) may, to the extent necessary with respect to a sector, use economic and engineering models and the best available information on technology performance levels for such sector.

''(3) ADMINISTRATIVE DETERMINATION OF ADDITIONAL ELIGIBLE INDUSTRIAL SECTORS.—

''(A) UPDATED TRADE INTENSITY DATA.—The Administrator shall designate as eligible to receive emission allowance rebates under this subpart an industrial sector that—

''(i) met the energy or greenhouse gas intensity criteria in paragraph (2)(A)(ii) as of the date of promulgation of the rule under paragraph (1); and

''(ii) meets the trade intensity criteria in paragraph (2)(A)(iii), using data from any year after 2006.

''(B) INDIVIDUAL SHOWING PETITION.—

''(i) PETITION.—In addition to designation under paragraph (2) or subparagraph (A) of this paragraph, the owner or operator of an entity in an industrial sector may petition the Administrator to designate as eligible industrial sectors under this subpart an entity or a group of entities that—

''(I) represent a subsector of a six-digit section of the NAICS code; and

''(II) meet the eligibility criteria in both clauses (ii) and (iii) of paragraph (2)(A), or the eligibility criteria in clause (iv) of paragraph (2)(A).

''(ii) DATA.—In making a determination under this subparagraph, the Administrator shall consider data submitted by the petitioner that is specific to the entity, data solicited by the Administrator from other entities in the subsector, if such other entities exist, and data specified in paragraph (2)(D).

''(iii) BASIS OF SUBSECTOR DETERMINATION.—The Administrator shall determine an entity or group of entities to be a subsector of a six-digit section of the NAICS code based only upon the products manufactured and not the industrial process by which the products are manufactured, except that the Administrator may determine an entity or group of entities that manufacture a product from primarily virgin material to be a separate subsector from another entity or group of entities that manufacture the same product primarily from recycled material.

''(iv) USE OF MOST RECENT DATA.—In determining whether to designate a sector or subsector as an eligible industrial sector under this subparagraph, the Administrator shall use the most recent data available from the sources described in paragraph (2)(D), rather than the data from the years specified in paragraph (2)(D), to determine the trade intensity of such sector or subsector, but only for determining such trade intensity.

''(v) FINAL ACTION.—The Administrator shall take final action on such petition no later than 6 months after the petition is received by the Administrator.

''SEC. 764. DISTRIBUTION OF EMISSION ALLOWANCE REBATES.

''(a) DISTRIBUTION SCHEDULE.—

''(1) IN GENERAL.—For each vintage year, the Administrator shall distribute pursuant to this section emission allowances made available under section 782(e), no later than October 31 of the preceding calendar year. The Administrator shall make such annual distributions to the owners and operators of each entity in an eligible industrial sector in the amount of emission allowances calculated under subsection (b), except that—

''(A) for vintage years 2012 and 2013, the distribution for a covered entity shall be pursuant to the entity's indirect carbon factor as calculated under subsection (b)(3);

''(B) for vintage year 2026 and thereafter, the distribution shall be pursuant to the amount calculated under subsection (b) multiplied by, except as modified by the President pursuant to section 767(d)(1)(C) for a sector—

''(i) 90 percent for vintage year 2026;

''(ii) 80 percent for vintage year 2027;

''(iii) 70 percent for vintage year 2028;

''(iv) 60 percent for vintage year 2029;

''(v) 50 percent for vintage year 2030;

''(vi) 40 percent for vintage year 2031;

''(vii) 30 percent for vintage year 2032;

''(viii) 20 percent for vintage year 2033;

''(ix) 10 percent for vintage year 2034; and

''(x) 0 percent for vintage year 2035 and thereafter.

''(2) RESUMPTION OF REDUCTION.—If the President has modified the percentage stated in paragraph (1)(B) under section 767(d)(1)(C), and the President subsequently makes a determination under section 767(c) for an eligible industrial sector that more than 85 percent of United States imports for that sector are produced or manufactured in countries that have met at least one of the criteria in that section, then the 10-year reduction schedule set forth in paragraph (1)(B) of this subsection shall begin in the next vintage year, with the percentage reduction based on the amount of the distribution of emission allowances under this section in the previous year.

''(3) NEWLY ELIGIBLE SECTORS.—In addition to receiving a distribution of emission allowances under this section in the first distribution occurring after an industrial sector is designated as eligible under section 763(b)(3), the owner or operator of an entity in that eligible industrial sector may receive a prorated share of any emission allowances made available for distribution under this section that were not distributed for the year in which the petition for eligibility was granted under section 763(b)(3)(A).

''(4) CESSATION OF QUALIFYING ACTIVITIES.—If, as determined by the Administrator, a facility is no longer in an eligible industrial sector designated under section 763—

''(A) the Administrator shall not distribute emission allowances to the owner or operator of such facility under this section; and

''(B) the owner or operator of such facility shall return to the Administrator all allowances that have been distributed to it for future vintage years and a pro-rated amount of allowances distributed to the facility under this section for the vintage year in which the facility ceases to be in an eligible industrial sector designated under section 763.

''(b) CALCULATION OF DIRECT AND INDIRECT CARBON FACTORS.—

''(1) IN GENERAL.—

''(A) COVERED ENTITIES.—Except as provided in subsection (a), for covered entities that are in eligible industrial sectors, the amount of emission allowance rebates shall be based on the sum of the covered entity's direct and indirect carbon factors.

''(B) OTHER ELIGIBLE ENTITIES.—For entities that are in eligible industrial sectors but are not covered entities, the amount of emission allowance rebates shall be based on the entity's indirect carbon factor.

''(C) NEW ENTITIES.—Not later than 2 years after the date of enactment of this title, the Administrator shall issue regulations governing the distribution of emission allowance rebates for the first and second years of operation of a new entity in an eligible industrial sector. These regulations shall provide for—

''(i) the distribution of emission allowance rebates to such entities based on comparable entities in the same sector; and

''(ii) an adjustment in the third and fourth years of operation to reconcile the total amount of emission allowance rebates received during the first and second years of operation to the amount the entity would have received during the first and second years of operation had the appropriate data been available.

''(2) DIRECT CARBON FACTOR.—The direct carbon factor for a covered entity for a vintage year is the product of—

''(A) the average annual output of the covered entity for the two years preceding the year of the distribution; and

''(B) the most recent calculation of the average direct greenhouse gas emissions (expressed in tons of carbon dioxide equivalent) per unit of output for all covered entities in the sector, as determined by the Administrator under paragraph (4).

''(3) INDIRECT CARBON FACTOR.—

''(A) IN GENERAL.—The indirect carbon factor for an entity for a vintage year is the product obtained by multiplying the average annual output of the entity for the two years preceding the year of the distribution by both the electricity emissions intensity factor determined pursuant to subparagraph (B) and the electricity efficiency factor determined pursuant to subparagraph (C) for the year concerned.

''(B) ELECTRICITY EMISSIONS INTENSITY FACTOR.—

''(i) IN GENERAL.—Each person selling electricity to the owner or operator of an entity in any sector designated as an eligible industrial sector under section 763(b) shall provide the owner or operator of the entity and the

Administrator, on an annual basis, the electricity emissions intensity factor for the entity. The electricity emissions intensity factor for the entity, expressed in tons of carbon dioxide equivalents per kilowatt hour, is determined by dividing—

''(I) the annual sum of the hourly product of—

''(aa) the electricity purchased by the entity from that person in each hour (expressed in kilowatt hours); multiplied by

''(bb) the marginal or weighted average tons of carbon dioxide equivalent per kilowatt hour that are reflected in the electricity charges to the entity, as determined by the entity's retail rate arrangements; by

''(II) the total kilowatt hours of electricity purchased by the entity from that person during that year.

''(ii) USE OF OTHER DATA TO DETERMINE FACTOR.—Where it is not possible to determine the precise electricity emissions intensity factor for an entity using the methodology in clause (i), the person selling electricity shall use the monthly average data reported by the Energy Information Administration or collected and reported by the Administrator for the utility serving the entity to determine the electricity emissions intensity factor.

''(C) ELECTRICITY EFFICIENCY FACTOR.—The electricity efficiency factor is the average amount of electricity (in kilowatt hours) used per unit of output for all entities in the relevant sector, as determined by the Administrator based on the best available data, including data provided under paragraph (6).

''(D) INDIRECT CARBON FACTOR REDUCTION.—If an electricity provider received a free allocation of emission allowances pursuant to section 782(a), the Administrator shall adjust the indirect carbon factor to avoid rebates to the eligible entity for costs that the Administrator determines were not incurred by the eligible entity because the allowances were freely allocated to the eligible entity's electricity provider and used for the benefit of industrial consumers.

''(4) GREENHOUSE GAS INTENSITY CALCULATIONS.—The Administrator shall calculate the average direct greenhouse gas emissions (expressed in tons of carbon dioxide equivalent) per unit of output and the electricity efficiency factor for all covered entities in each eligible industrial sector every four years, using an average of the four most recent years of the best available data. For purposes of the lists required to be published no later than February 1, 2013, the Administrator shall use the best available data for the maximum number of years, up to 4 years, for which data are available.

''(5) ENSURING EFFICIENCY IMPROVEMENTS.—When making greenhouse gas calculations, the Administrator shall—

''(A) limit the average direct greenhouse gas emissions per unit of output, calculated under paragraph (4), for any eligible industrial sector to an amount that is not greater than it was in any previous calculation under this subsection;

''(B) limit the electricity emissions intensity factor, calculated under paragraph (3)(B) and resulting from a change in electricity supply, for any entity to an amount that is not greater than it was during any previous year; and

''(C) limit the electricity efficiency factor, calculated under paragraph (3)(C), for any eligible industrial sector to an amount that is not greater than it was in any previous calculation under this subsection.

''(6) DATA SOURCES.—For the purposes of this subsection—

''(A) the Administrator shall use data from the greenhouse gas registry established under section 713, where it is available; and

''(B) each owner or operator of an entity in an eligible industrial sector and each department, agency, and instrumentality of the United States shall provide the Administrator with such information as the Administrator finds necessary to determine the direct carbon factor and the indirect carbon factor for each entity subject to this section.

''(c) TOTAL MAXIMUM DISTRIBUTION.—Notwithstanding subsections (a) and (b), the Administrator shall not distribute more allowances for any vintage year pursuant to this section than are allocated for use under this subpart pursuant to section 782(e) for that vintage year. For any vintage year for which the total emission allowance rebates calculated pursuant to this section exceed the number of allowances allocated pursuant to section 782(e), the Administrator shall reduce each entity's distribution on a pro rata basis so that the total distribution under this section equals the number of allowances allocated under section 782(e).

''(d) IRON AND STEEL SECTOR.—For purposes of this section, the Administrator shall consider as in different industrial sectors—

''(1) entities using integrated iron and steelmaking technologies (including coke ovens, blast furnaces, and other iron-making technologies); and

''(2) entities using electric arc furnace technologies.

''(e) METAL, SODA ASH, OR PHOSPHATE PRODUCTION CLASSIFIED UNDER MORE THAN ONE NAICS CODE.—For purposes of this section, the Administrator shall not aggregate data for the beneficiation or other processing (including agglomeration) of metal ores, soda ash, or phosphate with subsequent steps in the process of metal, soda ash, or phosphate manufacturing. The Administrator shall consider the beneficiation or other processing (including agglomeration) of metal ores, soda ash, or phosphate to be in separate industrial sectors from the metal, soda ash, or phosphate manufacturing sectors. Industrial sectors that beneficiate or otherwise process (including agglomeration) metal ores, soda ash, or phosphate shall not receive emission allowance rebates under this section related to the activity of extracting metal ores, soda ash, or phosphate.

''(f) COMBINED HEAT AND POWER.—For purposes of this section, and to achieve the purpose set forth in section 761(b)(2), the Administrator may consider entities to be in different industrial sectors or otherwise take into account the differences among entities in the same industrial sector, based upon the extent to which such entities use combined heat and power technologies.

''Subpart 2—Promoting International Reductions in Industrial Emissions

''SEC. 765. INTERNATIONAL NEGOTIATIONS.

''(a) FINDING.—Congress finds that the purposes of this subpart, as set forth in section 761(c), can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change, and in other appropriate fora, to establish binding agreements, including sectoral agreements, committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse gas emissions.

''(c) NOTIFICATION OF FOREIGN COUNTRIES.—

''(1) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the President shall provide a notification on climate change described in paragraph (2) to each foreign country the products of which are not exempted under section 768(a)(1)(E).

''(2) NOTIFICATION DESCRIBED.—A notification described in this paragraph is a notification that consists of—

''(A) a statement of the policy of the United States described in subsection (b); and

''(B) a declaration—

''(i) requesting the foreign country to take appropriate measures to limit the greenhouse gas emissions of the foreign country; and

''(ii) indicating that, beginning on January 1, 2020, the international reserve requirements of this subpart may apply to a covered good.

''SEC. 766. UNITED STATES NEGOTIATING OBJECTIVES WITH RESPECT TO MULTILATERAL ENVIRONMENTAL NEGOTIATIONS.

''(a) IN GENERAL.—The negotiating objectives of the United States with respect to multilateral environmental negotiations described in this subpart are—

''(1) to reach an internationally binding agreement in which all major greenhouse gas-emitting countries contribute equitably to the reduction of global greenhouse gas emissions;

''(2)(A) to include in such international agreement provisions that recognize and address the competitive imbalances that lead to carbon leakage and may be created between parties and non-parties to the agreement in domestic and export markets; and

''(B) not to prevent parties to such agreement from addressing the competitive imbalances that lead to carbon leakage and may be created by the agreement among parties to the agreement in domestic and export markets ; and

''(3) to include in such international agreement agreed remedies for any party to the agreement that fails to meet its greenhouse gas reduction obligations in the agreement.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(2) shall be construed to require the United States to alter the provisions of section 764 .

''SEC. 767. PRESIDENTIAL REPORTS AND DETERMINATIONS.

''(a) REPORT.—Not later than January 1, 2017, and every 2 years thereafter, the President shall submit a report to Congress on the effectiveness of the distribution of emission allowance rebates under subpart 1 in mitigating carbon leakage in eligible industrial sectors. Such report shall also include—

''(1) an assessment, for each eligible industrial sector receiving emission allowance rebates, as to whether, and by how much, the per unit cost of production has increased for that sector as a result of compliance with section 722 (as determined in a manner consistent with section 764(b)), taking into account the provision of the emission allowance rebates to that industrial sector and the benefit received by that industrial sector from the provision of free allowances to electricity providers pursuant to section 782(a);

''(2) recommendations on how to better achieve the purposes of this subpart, including an assessment of the feasibility and usefulness of an international reserve allowance program for the eligible industrial sector under section 768;

''(3) to the extent the President determines that an international reserve allowance program would not be useful for the eligible industrial sector because its exposure to carbon leakage is the result of competition in

export markets with goods produced in countries not implementing similar greenhouse gas emission reduction policies, an identification of, and to the extent appropriate a description of how the President will implement, alternative actions or programs consistent with the purposes of this subpart (and, in such case, the President may determine not to apply an international reserve allowance program to the eligible industrial sector under subsection (b)); and

''(4) an assessment of the amount and duration of assistance, including distribution of free allowances, being provided to industrial sectors in other developed countries to mitigate costs of compliance with domestic greenhouse gas reduction programs in such countries.

''(b) PRESIDENTIAL DETERMINATION.—

''(1) IN GENERAL.—If, by January 1, 2018, a multilateral agreement consistent with the negotiating objectives set forth in section 766 has not entered into force with respect to the United States, the President shall establish an international reserve allowance program for each eligible industrial sector to the extent provided under section 768 unless—

''(A) the President determines and certifies to the Congress with respect to such eligible industrial sector that such program would not be in the national economic interest or environmental interest of the United States; and

''(B) not later than 90 days after the President transmits the certification described in subparagraph (A), a joint resolution is enacted into law that approves the determination of the President described in subparagraph (A).

''(2) CONTENTS OF JOINT RESOLUTION.—For purposes of this subsection, the term 'joint resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the determination of the President under section 768(b)(1)(A) of the Clean Air Act transmitted to the Congress on _____.', the blank space being filled with the appropriate date.

''(3) CONGRESSIONAL PROCEDURES.—Subsections (c), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), (e), and (f)) shall apply to a joint resolution under this subsection to the same extent as such subsections apply to a joint resolution under section 152 of such Act.

''(4) RULE OF CONSTRUCTION.—For purposes of this section and section 768, if the President transmits a multilateral agreement to Congress (regardless of whether it is transmitted as a treaty for ratification by the Senate or another international agreement for implementation by law enacted by the Congress) indicating that the agreement is consistent with the negotiating objectives set forth in section 766, such agreement will be considered to be consistent with such negotiating objectives as of the date on which the Senate ratifies the treaty, or legislation is enacted implementing such other agreement, unless the Senate (in the case of ratification) or the implementing legislation expressly provides that the multilateral agreement shall not be treated as consistent with such negotiating objectives for purposes of this section and section 768.

''(c) DETERMINATIONS WITH RESPECT TO ELIGIBLE INDUSTRIAL SECTORS.—If the President establishes an international reserve allowance program pursuant to subsection (b), then not later than June 30, 2018, and every four years thereafter, the President, in consultation with the Administrator and other appropriate agencies, shall determine, for each eligible industrial sector, whether or not more than 85 percent of United States imports of covered goods with respect to that sector are produced or manufactured in countries that have met at least one of the following criteria:

''(1) The country is a party to an international agreement to which the United States is a party that includes a nationally enforceable and economy-wide greenhouse gas emissions reduction commitment for that country that is at least as stringent as that of the United States.

''(2) The country is a party to a multilateral or bilateral emission reduction agreement for that sector to the which the United States is a party.

''(3) The country has an annual energy or greenhouse gas intensity, as described in section 763(b)(2)(A)(ii), for the sector that is equal to or less than the energy or greenhouse gas intensity for such industrial sector in the United States in the most recent calendar year for which data are available.

''(d) EFFECT OF PRESIDENTIAL DETERMINATION.—

''(1) REQUIRED ACTIONS.—If the President makes a determination under subsection (c) with respect to an eligible industrial sector that 85 percent or less of United States imports of covered goods with respect to the sector are produced or manufactured in countries that have met one or more of the criteria in subsection (c), then the President shall, not later than June 30, 2018, and every four years thereafter—

''(A) assess the extent to which the emission allowance rebates provided pursuant to subpart 1 and the benefit received by that industrial sector from the provision of free allowances to electricity providers pursuant to section 782(a) have mitigated or addressed, or could mitigate or address, carbon leakage in that sector;

''(B) assess the extent to which an international reserve allowance program has mitigated or addressed, or could mitigate or address, carbon leakage in that sector; and

''(C) with respect to that sector—

''(i) modify the percentage by which direct and indirect carbon factors will be multiplied under section 764(a)(1)(B); and

''(ii) apply or continue to apply an international reserve allowance program under section 768 with respect to imports of covered goods with respect to that sector.

''(2) PROHIBITED ACTIONS.—If the President makes a determination under subsection (c) with respect to an eligible industrial sector that more than 85 percent of United States imports of covered goods with respect to the sector are produced or manufactured in countries that have met one or more of the criteria in subsection (c), then the President may not apply or continue to apply an international reserve allowance program under section 768 with respect to imports of covered goods with respect to that sector.

''(e) REPORT TO CONGRESS.—Not later than June 30, 2018, and every four years thereafter, the President shall transmit to the Congress a report providing notice of any determination made under subsection (c), explaining the reasons for such determination, and identifying the actions taken by the President under subsection (d).

''SEC. 768. INTERNATIONAL RESERVE ALLOWANCE PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator, with the concurrence of Commissioner responsible for U.S. Customs and Border Protection, shall issue regulations—

''(A) establishing an international reserve allowance program for the sale, exchange, purchase, transfer, and banking of international reserve allowances for covered goods with respect to the eligible industrial sector;

''(B) ensuring that the price for purchasing the international reserve allowances from the United States on a particular day is equivalent to the auction clearing price for emission allowances under section 722 for the most recent emission allowance auction;

''(C) establishing a general methodology for calculating the quantity of international reserve allowances that a United States importer of any covered good must submit;

''(D) requiring the submission of appropriate amounts of such allowances for covered goods with respect to the eligible industrial sector that enter the customs territory of the United States;

''(E) exempting from the requirements of subparagraph (D) such products that are the origin of—

''(i) any country determined to meet any of the standards provided in section 767(c);

''(ii) any foreign country that the United Nations has identified as among the least developed of developing countries; or

''(iii) any foreign country that the President has determined to be responsible for less than 0.5 percent of total global greenhouse gas emissions and less than 5 percent of United States imports of covered goods with respect to the eligible industrial sector;

''(F) specifying the procedures that U.S. Customs and Border Protection will apply for the declaration and entry of covered goods with respect to the eligible industrial sector into the customs territory of the United States; and

''(G) establishing procedures that prevent circumvention of the international reserve allowance requirement for covered goods with respect to the eligible industrial sector that are manufactured or processed in more than one foreign country.

''(2) PURPOSE OF PROGRAM.—The Administrator shall establish the program under paragraph (1) consistent with international agreements to which the United States is a party, in a manner that minimizes the likelihood of carbon leakage as a result of differences between—

''(A) the direct and indirect costs of complying with section 722; and

''(B) the direct and indirect costs, if any, of complying in other countries with greenhouse gas regulatory programs, requirements, export tariffs, or other measures adopted or imposed to reduce greenhouse gas emissions.

''(b) EMISSION ALLOWANCE REBATES.—In establishing a general methodology for purposes of subsection (a)(1)(C), the Administrator shall include an adjustment to the quantity of international reserve allowances based on the value of emission allowance rebates distributed under subpart 1 and the benefit received by the eligible industrial sector concerned from the provision of free allowances to electricity providers pursuant to section 782(a) and may, if appropriate, determine that the quantity of international reserve allowances should be reduced as low as to zero.

''(c) EFFECTIVE DATE.—The international reserve allowance program may not apply to imports of covered goods entering the customs territory of the United States before January 1, 2020.

''(d) COVERED ENTITIES.—International reserve allowances may not be used by covered entities to comply with section 722.

''SEC. 769. IRON AND STEEL SECTOR.

''For purposes of this subpart, the Administrator shall consider to be in the same eligible industrial sector—

''(1) entities using integrated iron and steelmaking technologies (including coke ovens, blast furnaces, and other iron-making technologies); and

''(2) entities using electric arc furnace technologies.''.

Subtitle B—Green Jobs and Worker Transition

PART 1—GREEN JOBS

SEC. 421. CLEAN ENERGY CURRICULUM DEVELOPMENT GRANTS.

(a) AUTHORIZATION.—The Secretary of Education is authorized to award grants, on a competitive basis, to eligible partnerships to develop programs of study (containing the information described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342)), that are focused on emerging careers and jobs in the fields of clean energy, renewable energy, energy efficiency, climate change mitigation, and climate change adaptation. The Secretary of Education shall consult with the Secretary of Labor and the Secretary of Energy prior to the issuance of a solicitation for grant applications.

(b) ELIGIBLE PARTNERSHIPS.—For purposes of this section, an eligible partnership shall include—

(1) at least 1 local educational agency eligible for funding under section 131 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351) or an area career and technical education school or education service agency described in such section;

(2) at least 1 postsecondary institution eligible for funding under section 132 of such Act (20 U.S.C. 2352); and

(3) representatives of the community including business, labor organizations, and industry that have experience in fields as described in subsection (a).

(c) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Applications shall include—

(1) a description of the eligible partners and partnership, the roles and responsibilities of each partner, and a demonstration of each partner's capacity to support the program;

(2) a description of the career area or areas within the fields as described in subsection (a) to be developed, the reason for the choice, and evidence of the labor market need to prepare students in that area;

(3) a description of the new or existing program of study and both secondary and postsecondary components;

(4) a description of the students to be served by the new program of study;

(5) a description of how the program of study funded by the grant will be replicable and disseminated to schools outside of the partnership, including urban and rural areas;

(6) a description of applied learning that will be incorporated into the program of study and how it will incorporate or reinforce academic learning;

(7) a description of how the program of study will be delivered;

(8) a description of how the program will provide accessibility to students, especially economically disadvantaged, low performing, and urban and rural students;

(9) a description of how the program will address placement of students in nontraditional fields as described in section 3(20) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(20)); and

(10) a description of how the applicant proposes to consult or has consulted with a labor organization, labor management partnership, apprenticeship program, or joint apprenticeship and training program that provides education and training in the field of study for which the applicant proposes to develop a curriculum.

(d) PRIORITY.—The Secretary shall give priority to applications that—

(1) use online learning or other innovative means to deliver the program of study to students, educators, and instructors outside of the partnership; and

(2) focus on low performing students and special populations as defined in section 3(29) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(29)).

(e) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations regarding the selection of grantees. Members of the peer review committee shall include—

(1) educators who have experience implementing curricula with comparable purposes; and

(2) business and industry experts in fields as described in subsection (a).

(f) USES OF FUNDS.—Grants awarded under this section shall be used for the development, implementation, and dissemination of programs of study (as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2342(c)(1)(A))) in career areas related to clean energy, renewable energy, energy efficiency, climate change mitigation, and climate change adaptation.

SEC. 422. INCREASED FUNDING FOR ENERGY WORKER TRAINING PROGRAM.

(a) AUTHORIZATION.—Section 171(e)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)(8)) is amended by striking ''$125,000,000'' and inserting ''$150,000,000''.

(b) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a separate account that shall be known as the Energy Efficiency and Renewable Energy Worker Training Fund.

(c) AVAILABILITY OF AMOUNTS.—Subject to subtitle F of title IV, all amounts deposited into the Energy Efficiency and Renewable Energy Worker Training Fund shall be available to the Secretary to carry out section 171(e)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)(8)) subject to further appropriation.

SEC. 423. DEVELOPMENT OF INFORMATION AND RESOURCES CLEARINGHOUSE FOR VOCATIONAL EDUCATION AND JOB TRAINING IN RENEWABLE ENERGY SECTORS.

(a) DEVELOPMENT OF CLEARINGHOUSE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor, in collaboration with the Secretary of Energy and the Secretary of Education, shall develop an internet based information and resources clearinghouse to aid career and technical education and job training programs for the renewable energy sectors. In establishing the clearinghouse, the Secretary shall—

(1) collect and provide information that addresses the consequences of rapid changes in technology and regional disparities for renewable energy training programs and provides best practices for training and education in light of such changes and disparities;

(2) place an emphasis on facilitating collaboration between the renewable energy industry and job training programs and on identifying industry and technological trends and best practices, to better help job training programs maintain quality and relevance; and

(3) place an emphasis on assisting programs that cater to high-demand middle-skill, trades, manufacturing, contracting, and consulting careers.

(b) SOLICITATION AND CONSULTATION.—In developing the clearinghouse pursuant to subsection (a), the Secretary shall solicit information and expertise from businesses and organizations in the renewable energy sector and from institutions of higher education, career and technical schools, and community colleges that provide training in the renewable energy sectors. The Secretary shall solicit a comprehensive peer review of the clearinghouse by such entities not less than once every 2 years. Nothing in this subsection should be interpreted to require the divulgence of proprietary or competitive information.

(c) CONTENTS OF CLEARINGHOUSE.—

(1) SEPARATE SECTION FOR EACH RENEWABLE ENERGY SECTOR.—The clearinghouse shall contain separate sections developed for each of the following renewable energy sectors:

(A) Solar energy systems.

(B) Wind energy systems.

(C) Energy transmission systems.

(D) Geothermal systems of energy and heating.

(E) Energy efficiency technical training.

(2) ADDITIONAL REQUIREMENTS.—In addition to the information required in subsection (a), each section of the clearinghouse shall include information on basic environmental science and processes needed to understand renewable energy systems, Federal government and industry resources, and points of contact to aid institutions in the development of placement programs for apprenticeships and post graduation opportunities, and information and tips about a green workplace, energy efficiency, and relevant environmental topics and information on available industry recognized certifications in each area.

(d) DISSEMINATION.—The clearinghouse shall be made available via the Internet to the general public. Notice of the completed clearinghouse and any major revisions thereto shall also be provided—

(1) to each Member of Congress; and

(2) on the websites of the Departments of Education, Energy, and Labor.

(e) REVISION.—The Secretary of Labor shall revise and update the clearinghouse on a regular basis to ensure its relevance.

SEC. 424. MONITORING PROGRAM EFFECTIVENESS.

The Secretary of Labor shall monitor the potential growth of affected and displaced workers to ensure that the necessary funding continues to support the number of workers affected.

SEC. 424A. GREEN CONSTRUCTION CAREERS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT AND AUTHORITY.—The Secretary of Labor, in consultation with the Secretary of Energy, shall, not later than 180 days after the enactment of this Act, establish a Green Construction Careers demonstration project by rules, regulations, and guidance in accordance with the provisions of this section. The purpose of the demonstration project shall be to promote middle class careers and quality employment practices in the green construction sector among targeted workers and to advance efficiency and performance on construction projects related to this Act. In order to advance these purposes, the Secretary shall

identify projects, including residential retrofitting projects, funded directly by or assisted in whole or in part by or through the Federal Government pursuant to this Act or by any other entity established in accordance with this Act, to which all of the following shall apply.

(b) REQUIREMENTS.—The Secretaries may establish such terms and conditions for the demonstration projects as the Secretaries determine are necessary to meet the purposes of subsection (a), including establishing minimum proportions of hours to be worked by targeted workers on such projects. The Secretaries may require the contractors and subcontractors performing construction services on the project to comply with the terms and conditions as a condition of receiving funding or assistance from the Federal Government under this Act.

(c) EVALUATION.—The Secretaries shall evaluate the demonstration projects against the purposes of this section at the end of 3 years from initiation of the demonstration project. If the Secretaries determine that the demonstration projects have been successful, the Secretaries may identify further projects to which of the provisions of this section shall apply.

(d) GAO REPORT.—The Comptroller General shall prepare and submit a report to the Committee on Health, Education, Labor and Pensions and the Committee on Energy and Natural Resources of the Senate and the Committee on Education and Labor and the Committee on Energy and Commerce of the House of Representatives not later than 5 years after the date of enactment of this Act, which shall advise the committees of the results of the demonstration projects and make appropriate recommendations.

(e) DEFINITION AND DESIGNATION OF TARGETED WORKERS.—As used in this section, the term ''targeted worker'' means an individual who resides in the same labor market area (as defined in section 101(18) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(18))) as the project and who—

(1) is a member of a targeted group, within the meaning of section 51 of the Internal Revenue Code of 1986, other than an individual described in subsection (d)(1)(C) of such section;

(2)(A) resides in a census tract in which not less than 20 percent of the households have incomes below the Federal poverty guidelines; or

(B) is a member of a family that received a total family income that, during the 2-year period prior to employment on the project or admission to the pre-apprenticeship program, did not exceed 200 percent of the Federal poverty guidelines (exclusive of unemployment compensation, child support payments, payments described in section 101(25)(A) of the Workforce Investment Act (29 U.S.C. 2801(25)(A)), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402); or

(3) is a displaced homemaker, as such term is defined in section 3(10) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(10)).

(f) QUALIFIED PRE-APPRENTICESHIP PROGRAM.—A qualified pre-apprenticeship program is a pre-apprenticeship program that has demonstrated an ability to recruit, train, and prepare for admission to apprenticeship programs individuals who are targeted workers.

(g) QUALIFIED APPRENTICESHIP AND OTHER TRAINING PROGRAMS.—

(1) PARTICIPATION BY EACH CONTRACTOR REQUIRED.—Each contractor and subcontractor that seeks to provide construction services on projects identified by the Secretaries pursuant to subsection (a) shall submit adequate assurances with its bid or proposal that it participates in a qualified apprenticeship or other training program, with a written arrangement with a qualified pre-apprenticeship program, for each craft or trade classification of worker that it intends to employ to perform work on the project.

(2) DEFINITION OF QUALIFIED APPRENTICESHIP OR OTHER TRAINING PROGRAM.—

(A) IN GENERAL.—For purposes of this section, the term ''qualified apprenticeship or other training program'' means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(B) CERTIFICATION OF OTHER PROGRAMS IN CERTAIN LOCALITIES.—In the event that the Secretary of Labor certifies that a qualified apprenticeship or other training program (as defined in subparagraph (A)) for a craft or trade classification of workers that a prospective contractor or subcontractor intends to employ, is not operated in the locality where the project will be performed, an apprenticeship or other training program that is not an employee welfare benefit plan (as defined in such section) may be certified by the Secretary as a qualified apprenticeship or other training program provided it is registered with the Office of Apprenticeship of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship for Federal purposes.

(h) FACILITATING COMPLIANCE.—The Secretary may require Federal contracting agencies, recipients of Federal assistance, and any other entity established in accordance with this Act to require contractors to enter into an agreement in a manner comparable with the standards set forth in sections 3 and 4 of Executive Order 13502 in order to achieve the purposes of this section, including any requirements established by subsection (b).

(i) LIMITATION.—The requirements of this section shall not apply to any project funded under this Act in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the United States Virgin Islands, unless participation is requested by the governor of such territories within 1 year of the promulgation of rules under this Act.

PART 2—CLIMATE CHANGE WORKER ADJUSTMENT ASSISTANCE

SEC. 425. PETITIONS, ELIGIBILITY REQUIREMENTS, AND DETERMINATIONS.

(a) PETITIONS.—

(1) FILING.—A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this part may be filed by any of the following:

(A) The group of workers.

(B) The certified or recognized union or other duly authorized representative of such workers.

(C) Employers of such workers, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), including State employment security agencies, or the State dislocated worker unit established under title I of such Act, on behalf of such workers.

The petition shall be filed simultaneously with the Secretary of Labor and with the Governor of the State in which such workers' employment site is located.

(2) ACTION BY GOVERNORS.—Upon receipt of a petition filed under paragraph (1), the Governor shall—

(A) ensure that rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and

(B) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.

(3) ACTION BY THE SECRETARY.—Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register and on the website of the Department of Labor that the Secretary has received the petition and initiated an investigation.

(4) HEARINGS.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under paragraph (3) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under subsection (a) if—

(A) the group of workers is employed in—

(i) energy producing and transforming industries;

(ii) industries dependent upon energy industries;

(iii) energy-intensive manufacturing industries;

(iv) consumer goods manufacturing; or

(v) other industries whose employment the Secretary determines has been adversely affected by any requirement of title VII of the Clean Air Act;

(B) the Secretary determines that a significant number or proportion of the workers in such workers' employment site have become totally or partially separated, or are threatened to become totally or partially separated from employment; and

(C) the sales, production, or delivery of goods or services have decreased as a result of any requirement of title VII of the Clean Air Act, including—

(i) the shift from reliance upon fossil fuels to other sources of energy, including renewable energy, that results in the closing of a facility or layoff of employees at a facility that mines, produces, processes, or utilizes fossil fuels to generate electricity;

(ii) a substantial increase in the cost of energy required for a manufacturing facility to produce items whose prices are competitive in the marketplace, to the extent the cost is not offset by allowance allocation to the facility pursuant to title VII of the Clean Air Act; or

(iii) other documented occurrences that the Secretary determines are indicators of an adverse impact on an industry described in subparagraph (A) as a result of any requirement of title VII of the Clean Air Act.

(2) WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for climate change adjustment assistance pursuant to a petition filed if the Secretary determines that a significant number or proportion of the workers in the public agency

have become totally or partially separated from employment, or are threatened to become totally or partially separated as a result of any requirement of title VII of the Clean Air Act.

(3) ADVERSELY AFFECTED SERVICE WORKERS.—A group of workers shall be certified as eligible to apply for climate change adjustment assistance pursuant to a petition filed if the Secretary determines that—

(A) a significant number or proportion of the service workers at an employment site where a group of workers has been certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to paragraph (1) have become totally or partially separated from employment, or are threatened to become totally or partially separated; and

(B) a loss of business in the firm providing service workers to an employment site is directly attributable to one or more of the documented occurrences listed in paragraph (1)(C).

(c) AUTHORITY TO INVESTIGATE AND COLLECT INFORMATION.—

(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under subsection (d), obtain information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate from—

(A) the workers' employer;

(B) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

(C) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

(2) VERIFICATION OF INFORMATION.—The Secretary shall require an employer, union, or one-stop operator or partner to certify all information obtained under paragraph (1) from the employer, union, or one-stop operator or partner (as the case may be) on which the Secretary relies in making a determination under subsection (d), unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

(3) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the employer submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the employer subsequently consents to the release of the information. Nothing in this paragraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

(d) DETERMINATION BY THE SECRETARY OF LABOR.—

(1) IN GENERAL.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 40 days after that date, the Secretary, in consultation with the Secretary of Energy and the Administrator, as necessary, shall determine whether the petitioning group meets the requirements of subsection (b) and shall issue a certification of eligibility to apply for assistance under this part covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin. Upon reaching a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination.

(2) ONE YEAR LIMITATION.—A certification under this section shall not apply to any worker whose last total or partial separation from the employment site before the worker's application under section 426(a) occurred more than 1 year before the date of the petition on which such certification was granted.

(3) REVOCATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any certification of eligibility of the workers of an employment site, that total or partial separations from such site are no longer a result of the factors specified in subsection (b)(1), the Secretary shall terminate such certification and promptly have notice of such termination published in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary.

(e) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (d) with respect to a domestic industry the Secretary of Labor shall notify the representatives of the domestic industry affected by the determination, employers publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

(1) the adjustment allowances, training, and other benefits available under this part;

(2) the manner in which to file a petition and apply for such benefits; and

(3) the availability of assistance in filing such petitions;

(4) notify the Governor of each State in which one or more employers in such industry are located of the Secretary's determination and the identity of the employers; and

(5) upon request, provide any assistance that is necessary to file a petition under subsection (a).

(f) BENEFIT INFORMATION TO WORKERS, PROVIDERS OF TRAINING.—

(1) IN GENERAL.—The Secretary shall provide full information to workers about the adjustment allowances, training, and other benefits available under this part and about the petition and application procedures, and the appropriate filing dates, for such allowances, training and services. The Secretary shall provide whatever assistance is necessary to enable groups of workers to prepare petitions or applications for program benefits. The Secretary shall make every effort to insure that cooperating State agencies fully comply with the agreements entered into under section 426(a) and shall periodically review such compliance. The Secretary shall inform the State Board for Vocational Education or equivalent agency, the one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801), and other public or private agencies, institutions, and employers, as appropriate, of each certification issued under subsection (d) and of projections, if available, of the needs for training under as a result of such certification.

(2) NOTICE BY MAIL.—The Secretary shall provide written notice through the mail of the benefits available under this part to each worker whom the Secretary has reason to believe is covered by a certification made under subsection (d)—

(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment before such certification, or—

(B) at the time of the total or partial separation of the worker from the adversely affected employment, if subparagraph (A) does not apply.

(3) NEWSPAPERS; WEBSITE.—The Secretary shall publish notice of the benefits available under this part to workers covered by each certification made under subsection (d) in newspapers of general circulation in the areas in which such workers reside and shall make such information available on the website of the Department of Labor.

SEC. 426. PROGRAM BENEFITS.

(a) CLIMATE CHANGE ADJUSTMENT ALLOWANCE.—

(1) ELIGIBILITY.—Payment of a climate change adjustment allowance shall be made to an adversely affected worker covered by a certification under section 425(b) who files an application for such allowance for any week of unemployment which begins on or after the date of such certification, if the following conditions are met:

(A) Such worker's total or partial separation before the worker's application under this part occurred—

(i) on or after the date, as specified in the certification under which the worker is covered, on which total or partial separation began or threatened to begin in the adversely affected employment;

(ii) before the expiration of the 2-year period beginning on the date on which the determination under section 425(d) was made; and

(iii) before the termination date, if any, determined pursuant to section 425(d)(3).

(B) Such worker had, in the 52-week period ending with the week in which such total or partial separation occurred, at least 26 weeks of full-time employment or 1,040 hours of part time employment in adversely affected employment, or, if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary. For the purposes of this paragraph, any week in which such worker—

(i) is on employer-authorized leave for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training;

(ii) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States;

(iii) had his employment interrupted in order to serve as a full-time representative of a labor organization in such firm; or

(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided such active duty is ''Federal service'' as defined in section 8521(a)(1) of title 5, United States Code, shall be treated as a week of employment.

(C) Such worker is enrolled in a training program approved by the Secretary under subsection (b)(2).

(2) INELIGIBILITY FOR CERTAIN OTHER BENEFITS.—An adversely affected worker receiving a payment under this section shall be ineligible to receive any other form of unemployment insurance for the period in which such worker is receiving a climate change adjustment allowance under this section.

(3) REVOCATION.—If—

(A) the Secretary determines that—

(i) the adversely affected worker—

(I) has failed to begin participation in the training program the enrollment in which meets the requirement of paragraph (1)(C); or

(II) has ceased to participate in such training program before completing such training program; and

(ii) there is no justifiable cause for such failure or cessation; or

(B) the certification made with respect to such worker under section 425(d) is revoked under paragraph (3) of such section,

no adjustment allowance may be paid to the adversely affected worker under this part for the week in which such failure, cessation, or revocation occurred, or any succeeding week, until the adversely affected worker begins or resumes participation in a training program approved by the Secretary under section (b)(2).

(4) WAIVERS OF TRAINING REQUIREMENTS.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (b)(2) if the Secretary determines that it is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

(A) RECALL.—The worker has been notified that the worker will be recalled by the employer from which the separation occurred.

(B) MARKETABLE SKILLS.—

(i) IN GENERAL.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term ''marketable skills'' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.

(C) RETIREMENT.—The worker is within 2 years of meeting all requirements for entitlement to either—

(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefor); or

(ii) a private pension sponsored by an employer or labor organization.

(D) HEALTH.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

(E) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

(F) TRAINING NOT AVAILABLE.—Training described in subsection (b)(2) is not reasonably available to the worker from either governmental agencies or private sources (which may include area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

(5) WEEKLY AMOUNTS.—The climate change adjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 70 percent of the average weekly wage of such worker, but in no case shall such amount exceed the average weekly wage for all workers in the State where the adversely affected worker resides.

(6) MAXIMUM DURATION OF BENEFITS.—An eligible worker may receive a climate change adjustment allowance under this subsection for a period of not longer than 156 weeks.

(b) EMPLOYMENT SERVICES AND TRAINING.—

(1) INFORMATION AND EMPLOYMENT SERVICES.—The Secretary shall make available, directly or through agreements with the States under section 427(a) to adversely affected workers covered by a certification under section 425(a) the following information and employment services:

(A) Comprehensive and specialized assessment of skill levels and service needs, including through—

(i) diagnostic testing and use of other assessment tools; and

(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(B) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(C) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

(D) Information on training programs and other services provided by a State pursuant to title I of the Workforce Investment Act of 1998 and available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

(E) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

(F) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(G) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a climate change adjustment allowance or training under this part, and after receiving such training for purposes of job placement.

(H) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in such labor market areas;

(ii) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

(iii) information relating to local occupations that are in demand and earnings potential of such occupations; and

(iv) skills requirements for local occupations described in subparagraph (C).

(I) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(2) TRAINING.—

(A) APPROVAL OF AND PAYMENT FOR TRAINING.—If the Secretary determines, with respect to an adversely affected worker that—

(i) there is no suitable employment (which may include technical and professional employment) available for an adversely affected worker;

(ii) the worker would benefit from appropriate training;

(iii) there is a reasonable expectation of employment following completion of such training;

(iv) training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (including area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006, and employers);

(v) the worker is qualified to undertake and complete such training; and

(vi) such training is suitable for the worker and available at a reasonable cost,

the Secretary shall approve such training for the worker. Upon such approval, the worker shall be entitled to have payment of the costs of such training (subject to the limitations imposed by this section) paid on the worker's behalf by the Secretary directly or through a voucher system.

(B) DISTRIBUTION.—The Secretary shall establish procedures for the distribution of the funds to States to carry out the training programs approved under this paragraph, and shall make an initial distribution of the funds made available as soon as practicable after the beginning of each fiscal year.

(C) ADDITIONAL RULES REGARDING APPROVAL OF AND PAYMENT FOR TRAINING.—

(i) For purposes of applying subparagraph (A)(iii), a reasonable expectation of employment does not require that employment opportunities for a worker be available, or offered, immediately upon the completion of training approved under such subparagraph.

(ii) If the costs of training an adversely affected worker are paid by the Secretary under subparagraph (A), no other payment for such costs may be made under any other provision of Federal law. No payment may be made under subparagraph (A) of the costs of training an adversely affected worker or an adversely affected incumbent worker if such costs—

(I) have already been paid under any other provision of Federal law; or

(II) are reimbursable under any other provision of Federal law and a portion of such costs have already been paid under such other provision of Federal law.

The provisions of this clause shall not apply to, or take into account, any funds provided under any other provision of Federal law which are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if such use has the effect of indirectly paying or reducing any portion of

the costs involved in training the adversely affected worker.

(D) TRAINING PROGRAMS.—The training programs that may be approved under subparagraph (A) include—

(i) employer-based training, including—

(I) on-the-job training if approved by the Secretary under subsection (c); and

(II) joint labor-management apprenticeship programs;

(ii) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998;

(iii) any training program approved by a private industry council established under section 102 of such Act;

(iv) any programs in career and technical education described in section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2006;

(v) any program of remedial education;

(vi) any program of prerequisite education or coursework required to enroll in training that may be approved under this paragraph;

(vii) any training program for which all, or any portion, of the costs of training the worker are paid—

(I) under any Federal or State program other than this part; or

(II) from any source other than this part;

(viii) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

(I) obtaining a degree or certification; or

(II) completing a degree or certification that the worker had previously begun at an accredited institution of higher education; and

(ix) any other training program approved by the Secretary.

(3) SUPPLEMENTAL ASSISTANCE.—The Secretary may, as appropriate, authorize supplemental assistance that is necessary to defray reasonable transportation and subsistence expenses for separate maintenance in a case in which training for a worker is provided in a facility that is not within commuting distance of the regular place of residence of the worker.

(c) ON-THE-JOB TRAINING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

(A) the Secretary determines that on-the-job training—

(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

(ii) is compatible with the skills of the worker;

(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

(B) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (A).

(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but may not exceed 156 weeks in any case.

(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

(A) continued, long-term employment as regular employees; and

(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

(d) ADMINISTRATIVE AND EMPLOYMENT SERVICES FUNDING.—

(1) ADMINISTRATIVE FUNDING.—In addition to any funds made available to a State to carry out this section for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds and shall—

(A) use not more than ⅔ of such payment for the administration of the climate change adjustment assistance for workers program under this part, including for—

(i) processing waivers of training requirements under subsection (a)(4);

(ii) collecting, validating, and reporting data required under this part; and

(iii) administering the Climate Change Adjustment Assistance Allowance payments; and

(B) use not less than ⅓ of such payment for information and employment services under subsection (b)(1).

(2) EMPLOYMENT SERVICES FUNDING.—

(A) IN GENERAL.—In addition to any funds made available to a State to carry out subsection (b)(2) and the payment under paragraph (1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a reasonable payment for the purpose of providing employment and services under subsection (b)(1).

(B) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under subparagraph (A) may decline or otherwise return such payment to the Secretary.

(e) JOB SEARCH ALLOWANCES.—The Secretary of Labor may provide adversely affected workers a one-time job search allowance in accordance with regulations prescribed by the Secretary. Any job search allowance provided shall be available only under the following circumstances and conditions:

(1) The worker is no longer eligible for the climate change adjustment allowance under subsection (a) and has completed the training program required by subsection (a)(1)(E).

(2) The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

(3) An allowance granted shall provide reimbursement to the worker of all necessary job search expenses as prescribed by the Secretary in regulations. Such reimbursement under this subsection may not exceed $1,500 for any worker.

(f) RELOCATION ALLOWANCE AUTHORIZED.—

(1) IN GENERAL.—Any adversely affected worker covered by a certification issued under section 425 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this subsection.

(2) CONDITIONS FOR GRANTING ALLOWANCE.—A relocation allowance may be granted if all of the following terms and conditions are met:

(A) ASSIST AN ADVERSELY AFFECTED WORKER.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

(C) TOTAL SEPARATION.—The worker is totally separated from employment at the time relocation commences.

(D) SUITABLE EMPLOYMENT OBTAINED.—The worker—

(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

(ii) has obtained a bona fide offer of such employment.

(E) APPLICATION.—The worker filed an application with the Secretary at such time and in such manner as the Secretary shall specify by regulation.

(3) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under paragraph (1) includes—

(A) all reasonable and necessary expenses (including, subsistence and transportation expenses at levels not exceeding amounts prescribed by the Secretary in regulations) incurred in transporting the worker, the worker's family, and household effects; and

(B) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of $1,500.

(4) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—

(A) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

(B) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under subsection (b)(2).

(g) HEALTH INSURANCE CONTINUATION.—Not later than 1 year after the date of enactment of this part, the Secretary of Labor shall prescribe regulations to provide, for the period in which an adversely affected worker is participating in a training program described in subsection (b)(2), 80 percent of the monthly premium of any health insurance coverage that an adversely affected worker was receiving from such worker's employer prior to the separation from employment described in section 425(b), to be paid to any health care insurance plan designated by the adversely affected worker receiving an allowance under this section.

SEC. 427. GENERAL PROVISIONS.

(a) AGREEMENTS WITH STATES.—

(1) IN GENERAL.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this section as ''cooperating States'' and ''cooperating States agencies'' respectively). Under such an agreement, the cooperating State agency—

(A) as agent of the United States, shall receive applications for, and shall provide, payments on the basis provided in this part;

(B) in accordance with paragraph (6), shall make available to adversely affected workers

covered by a certification under section 425(d) the employment services described in section 426(b)(1);

(C) shall make any certifications required under section 425(d);

(D) shall otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

Each agreement under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(2) FORM AND MANNER OF DATA.—Each agreement under this section shall—

(A) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this part; and

(B) specify the form and manner in which any such data requested by the Secretary shall be reported.

(3) RELATIONSHIP TO UNEMPLOYMENT INSURANCE.—Each agreement under this section shall provide that an adversely affected worker receiving a climate change adjustment allowance under this part shall not be eligible for unemployment insurance otherwise payable to such worker under the laws of the State.

(4) REVIEW.—A determination by a cooperating State agency with respect to entitlement to program benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

(5) COORDINATION.—Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under section 426 and under title I of the Workforce Investment Act of 1998 upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this part.

(6) RESPONSIBILITIES OF COOPERATING AGENCIES.—Each cooperating State agency shall, in carrying out paragraph (1)(B)—

(A) advise each worker who applies for unemployment insurance of the benefits under this part and the procedures and deadlines for applying for such benefits;

(B) facilitate the early filing of petitions under section 425(a) for any workers that the agency considers are likely to be eligible for benefits under this part;

(C) advise each adversely affected worker to apply for training under section 426(b) before, or at the same time, the worker applies for climate change adjustment allowances under section 426(a);

(D) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under section 426(a) with respect to assistance and benefits available under this part;

(E) make employment services described in section 426(b)(1) available to adversely affected workers and adversely affected incumbent workers covered by a certification under section 425(d) and, if funds provided to carry out this part are insufficient to make such services available, make arrangements to make such services available through other Federal programs; and

(F) provide the benefits and reemployment services under this part in a manner that is necessary for the proper and efficient administration of this part, including the use of state agency personnel employed in accordance with a merit system of personnel administration standards, including—

(i) making determinations of eligibility for, and payment of, climate change readjustment allowances and health care benefit replacement amounts;

(ii) developing recommendations regarding payments as a bridge to retirement and lump sum payments to pension plans in accordance with this subsection; and

(iii) the provision of reemployment services to eligible workers, including referral to training services.

(7) In order to promote the coordination of workforce investment activities in each State with activities carried out under this part, any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 221(a)(2)(A).

(8) CONTROL MEASURES.—

(A) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the climate change adjustment assistance program under this part, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

(B) DEFINITION.—For purposes of subparagraph (A), the term ''control measures'' means measures that—

(i) are internal to a system used by a State to collect data; and

(ii) are designed to ensure the accuracy and verifiability of such data.

(9) DATA REPORTING.—

(A) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

(i) the core indicators of performance described in subparagraph (B)(i);

(ii) the additional indicators of performance described in subparagraph (B)(ii), if any; and

(iii) a description of efforts made to improve outcomes for workers under the climate change adjustment assistance program.

(B) CORE INDICATORS DESCRIBED.—

(i) IN GENERAL.—The core indicators of performance described in this subparagraph are—

(I) the percentage of workers receiving benefits under this part who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

(II) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

(III) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

(ii) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the climate change adjustment assistance program under this part, as appropriate.

(C) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by subparagraph (A), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.

(10) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

(A) IN GENERAL.—An agreement under this section shall provide that the State shall periodically redetermine that a worker receiving benefits under this part who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this part. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

(B) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this paragraph.

(b) ADMINISTRATION ABSENT STATE AGREEMENT.—

(1) In any State where there is no agreement in force between a State or its agency under subsection (a), the Secretary shall promulgate regulations for the performance of all necessary functions under section 426, including provision for a fair hearing for any worker whose application for payments is denied.

(2) A final determination under paragraph (1) with respect to entitlement to program benefits under section 426 is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

(c) PROHIBITION ON CONTRACTING WITH PRIVATE ENTITIES.—Neither the Secretary nor a State may contract with any private for-profit or nonprofit entity for the administration of the climate change adjustment assistance program under this part.

(d) PAYMENT TO THE STATES.—

(1) IN GENERAL.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to make payments provided for by this part.

(2) RESTRICTION.—All money paid a State under this subsection shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this section, to the Secretary of the Treasury.

(3) BONDS.—Any agreement under this section may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this part.

(e) LABOR STANDARDS.—

(1) PROHIBITION ON DISPLACEMENT.—An individual in an apprenticeship program or on-the-job training program under this part shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any employed employee.

(2) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An apprenticeship program or on-the-job raining program under this Act shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) ADDITIONAL STANDARDS.—The Secretary, or a State acting under an agreement described in subsection (a) may pay the costs of on-the-job training, notwithstanding any other provision of this section, only if—

(A) in the case of training which would be inconsistent with the terms of a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

(B) the job for which such adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals;

(C) such training is not for the same occupation from which the worker was separated and with respect to which such worker's group was certified pursuant to section 425(d);

(D) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training; and

(E) the employer has not received payment under with respect to any other on-the-job training provided by such employer which failed to meet the requirements of subparagraphs (A) through (D).

(f) DEFINITIONS.—As used in this part the following definitions apply:

(1) The term ''adversely affected employment'' means employment at an employment site, if workers at such site are eligible to apply for adjustment assistance under this part.

(2) The term ''adversely affected worker'' means an individual who has been totally or partially separated from employment and is eligible to apply for adjustment assistance under this part.

(3) The term ''average weekly wage'' means 1/13 of the total wages paid to an individual in the quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(4) The term ''average weekly hours'' means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(5) The term ''benefit period'' means, with respect to an individual—

(A) the benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation; or

(B) the equivalent to such a benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

(6) The term ''consumer goods manufacturing'' means the electrical equipment, appliance, and component manufacturing industry and transportation equipment manufacturing.

(7) The term ''employment site'' means a single facility or site of employment.

(8) The term ''energy-intensive manufacturing industries'' means all industrial sectors, entities, or groups of entities that meet the energy or greenhouse gas intensity criteria in section 765(b)(2)(A)(i) of the Clean Air Act based on the most recent data available.

(9) The term ''energy producing and transforming industries'' means the coal mining industry, oil and gas extraction, electricity power generation, transmission and distribution, and natural gas distribution.

(10) The term ''industries dependent on energy industries'' means rail transportation and pipeline transportation.

(11) The term ''on-the-job training'' means training provided by an employer to an individual who is employed by the employer.

(12) The terms ''partial separation'' and ''partially separated'' refer, with respect to an individual who has not been totally separated, that such individual has had—

(A) his or her hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment; and

(B) his or her wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(13) The term ''public agency'' means a department or agency of a State or political subdivision of a State or of the Federal government.

(14) The term ''Secretary'' means the Secretary of Labor.

(15) The term ''service workers'' means workers supplying support or auxiliary services to an employment site.

(16) The term ''State agency'' means the agency of the State which administers the State law.

(17) The term ''State law'' means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(18) The terms ''total separation'' and ''totally separated'' refer to the layoff or severance of an individual from employment with an employer in which adversely affected employment exists.

(19) The term ''unemployment insurance'' means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act. The terms ''regular compensation'', ''additional compensation'', and ''extended compensation'' have the same respective meanings that are given them in section 205(2), (3), and (4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note.)

(20) The term ''week'' means a week as defined in the applicable State law.

(21) The term ''week of unemployment'' means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

(g) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

(1) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may waive any requirement of this part that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a climate change adjustment allowance, training, and other benefits under this part in the same manner and to the same extent as if the worker had not served the period of duty.

(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under this part, the worker—

(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

(h) FRAUD AND RECOVERY OF OVERPAYMENTS.—

(1) RECOVERY OF PAYMENTS TO WHICH AN INDIVIDUAL WAS NOT ENTITLED.—If the Secretary or a court of competent jurisdiction determines that any person has received any payment under this part to which the individual was not entitled, such individual shall be liable to repay such amount to the Secretary, as the case may be, except that the Secretary shall waive such repayment if such agency or the Secretary determines that—

(A) the payment was made without fault on the part of such individual; and

(B) requiring such repayment would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household).

(2) MEANS OF RECOVERY.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this part, under any Federal unemployment compensation law or other Federal law administered by the Secretary which provides for the payment of assistance or an allowance with respect to unemployment. Any amount recovered under this section shall be returned to the Treasury of the United States.

(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

(j) STUDY ON OLDER WORKERS.—The Secretary shall conduct a study examine the circumstances of older adversely affected workers and the ability of such workers to access their retirement benefits. The Secretary shall transmit a report to Congress not later than 2 years after the date of enactment of this part on the findings of the study and the Secretary's recommendations on how to ensure that adversely affected workers within 2 years of retirement are able to access their retirement benefits.

[(k) SPENDING LIMIT.—For each fiscal year, the total amount of funds disbursed for the

purposes described in section 426 shall not exceed the amount deposited in that fiscal year into the Climate Change Worker Assistance Fund established under section [782(j)] of the Clean Air Act. The annual spending limit for any succeeding year shall be increased by the difference, if any, between the amount of the prior year's disbursements and the spending limitation for that year. The Secretary shall promulgate rules to ensure that this spending limit is not exceeded. Such rules shall provide that workers who receive any of the benefits described in section 426 receive full benefits, and shall include the establishment of a waiting list for workers in the event that the requests for assistance exceed the spending limit.]

Subtitle C—Consumer Assistance

SEC. 431. ENERGY REFUND PROGRAM.

The Social Security Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXII—ENERGY REFUND PROGRAM

"SEC. 2201. ENERGY REFUND PROGRAM.

''(a) IN GENERAL.—The Secretary shall formulate and administer the program provided for in this section, which shall be known as the 'Energy Refund Program', and under which eligible low-income households are provided cash payments to reimburse the households for the estimated loss in their purchasing power resulting from the American Clean Energy and Security Act of 2009.

''(b) ENTITLEMENT OF ELIGIBLE HOUSEHOLDS TO CASH PAYMENTS.—At the request of the State agency of a State, each eligible low-income household in the State shall be entitled to receive monthly cash payments under this section in an amount equal to the monthly energy refund amount determined under subsection (d).

''(c) ELIGIBILITY.—

''(1) ELIGIBLE HOUSEHOLDS.—A household shall be considered to be an eligible low-income household for purposes of this section if—

''(A) the gross income of the household does not exceed the greater of—

''(i) 150 percent of the poverty line; or

''(ii) the greatest amount of household gross income in respect of which a benefit could be payable under subsection (d)(2)(B);

''(B) the State agency of the State in which the household is located determines that the household is participating in—

''(i) the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(ii) the Food Distribution Program on Indian Reservations authorized by section 4(b) of such Act (7 U.S.C. 2013(b)); or

''(iii) the program for nutrition assistance in Puerto Rico or American Samoa under section 19 of such Act (7 U.S.C. 2028);

''(C) the household consists of a single individual or a married couple, and—

''(i) receives the subsidy described in section 1860D–14 of this Act (42 U.S.C. 1395w–114); or

''(ii)(I) participates in the program under title XVIII of this Act; and

''(II) meets the income requirements described in section 1860D–14(a)(1) or (a)(2) of this Act (42 U.S.C. 1395w–114(a)(1) or (a)(2)); or

''(D) the household consists of a single individual or a married couple, and receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381–1383f).

''(2) STREAMLINED PARTICIPATION FOR CERTAIN BENEFICIARIES.—The Secretary shall—

''(A) periodically estimate the number of eligible beneficiaries and households, and the number of participating beneficiaries and households, for the Energy Refund Program; and

''(B) develop procedures, in consultation with the Commissioner of Social Security, the Railroad Retirement Board, the Secretary of Veterans Affairs, and the State agencies, to ensure that low-income beneficiaries of the benefit programs administered by such entities receive the energy refund for which the beneficiaries are eligible under the Energy Refund Program.

''(3) LIMITATION.—Notwithstanding any other provision of law, the Secretary shall provide refunds to United States citizens, United States nationals, and individuals lawfully residing in the United States who qualify for a refund under paragraph (1)(A), and shall establish procedures to ensure that other individuals do not receive refunds.

''(4) NATIONAL STANDARDS.—The Secretary shall consult with the Secretary of Agriculture and establish uniform national standards of eligibility ensuring that States may seamlessly co-administer the energy refund program with the Supplemental Nutrition Assistance Program in accordance with the provisions of this section. No State agency shall impose any other standard or requirement as a condition of eligibility or refund receipt under the program. Assistance in the Energy Refund Program shall be furnished promptly to all eligible households who make application for such participation or are already enrolled in any program referred to in paragraph (1).

''(d) MONTHLY ENERGY REFUND AMOUNT.—

''(1) ESTIMATED ANNUAL TOTAL LOSS IN PURCHASING POWER.—Not later than August 31 of each fiscal year, the Energy Information Administration shall estimate the annual total loss in purchasing power that will result from American Clean Energy and Security Act of 2009 in the next fiscal year for households of each size with gross income equal to 150 percent of the poverty line, based on the projected total market value of all compliance costs (including, but not limited to, the emissions allowances used to demonstrate compliance with title VII of the Clean Air Act in the next fiscal year, and excluding costs that are not projected to be incurred by households as a result of allowances freely allocated and intended for residential consumer assistance pursuant to sections 783 through 785 of the Clean Air Act), in a way generally recognized as suitable by experts.

''(2) MONTHLY ENERGY REFUND.—The monthly energy refund amount for an eligible household under this section shall be—

''(A) if the gross income of the household does not exceed 150 percent of the poverty line applicable to the household—

''(i) if the household has 1, 2, 3, or 4 members, 1/12 of the amount estimated under paragraph (1) for a household of the same size, rounded to the nearest whole dollar amount; or

''(ii) if the household has 5 or more members, 1/12 of the arithmetic mean value of the amounts estimated under paragraph (1) for households with 5 or more members, rounded to the nearest whole dollar amount; or

''(B) if the gross income of the household exceeds 150 percent of the poverty line applicable to the household, 1/12 of the amount (if any) by which—

''(i) the amount estimated under paragraph (1) for a household of the same size; exceeds

''(ii) 20 percent of the amount by which the gross income of the household exceeds 150 percent of the poverty line.

''(e) DELIVERY MECHANISM.—

''(1) Subject to standards and an implementation schedule set by the Secretary, the energy refund shall be provided in monthly installments via—

''(A) direct deposit into the eligible household's designated bank account;

''(B) the State's electronic benefit transfer system; or

''(C) another Federal or State mechanism, if such a mechanism is approved by the Secretary.

''(2) Such standards shall include—

''(A)(i) defining the required level of recipient protection regarding privacy;

''(ii) guidance on how recipients are offered choices, when relevant, about the delivery mechanism;

''(iii) guidance on ease of use and access to the refund, including the prohibition of fees charged to recipients for withdrawals or other services; and

''(iv) cost-effective protections against improper accessing of the energy refund;

''(B) operating standards that provide for interoperability between States and law enforcement monitoring; and

''(C) other standards, as determined by the Secretary or the Secretary's designee.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of refunds and the control and accountability thereof.

''(2) PROCEDURES.—Under standards established by the Secretary, the State agency shall establish procedures governing the administration of the Energy Refund Program that the State agency determines best serve households in the State, including households with special needs, such as households with elderly or disabled members, households in rural areas, homeless individuals, and households residing on reservations as defined in the Indian Child Welfare Act of 1978 and the Indian Financing Act of 1974. In carrying out this paragraph, a State agency—

''(A) shall provide timely, accurate, and fair service to applicants for, and participants in, the Energy Refund Program;

''(B) shall permit an applicant household to apply to participate in the program at the time that the household first contacts the State agency, and shall consider an application that contains the name, address, and signature of the applicant to be sufficient to constitute an application for participation;

''(C) shall screen any applicant household for the Supplemental Nutrition Assistance Program, the State's medical assistance program under section XIX of this Act, State Childrens Health Insurance Program under section XXI of this Act, and a State program that provides basic assistance under a State program funded under title IV of this Act or with qualified State expenditures as defined in section 409(a)(7) of this Act for eligibility for the Energy Refund Program and, if eligible, shall enroll such applicant household in the Energy Refund Program;

''(D) shall complete certification of and provide a refund to any eligible household not later than 30 days following its filing of an application;

''(E) shall use appropriate bilingual personnel and materials in the administration of the program in those portions of the State in which a substantial number of members of low-income households speak a language other than English; and

''(F) shall utilize State agency personnel who are employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed by the Office of Personnel

Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728) modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis to make all tentative and final determinations of eligibility and ineligibility.

''(3) REGULATIONS.—

''(A) Except as provided in subparagraph (B), the Secretary shall issue such regulations consistent with this section as the Secretary deems necessary or appropriate for the effective and efficient administration of the Energy Refund Program, and shall promulgate all such regulations in accordance with the procedures set forth in section 553 of title 5, United States Code.

''(B) Without regard to section 553 of title 5 of such Code, the Administrator may by rule promulgate as final, to be effective until no later than two years after the date of the enactment of the American Clean Energy and Security Act of 2009, any procedures that are substantially the same as the procedures governing the Supplemental Nutrition Assistance Program in section 273.2, 273.12, or 273.15 of title 7, Code of Federal Regulations.

''(C) Notwithstanding subsection (i)(4), the Secretary may promulgate regulations allowing for streamlined eligibility determinations for some or all households which include individuals receiving assistance under a State plan approved under title XIX or XXI of this Act. The regulations may institute procedures whereby the income and family size information used for determining eligibility under such title XIX or XXI may be the basis for determining eligibility for the Energy Refund Program.

''(D) Notwithstanding any other provision of this section, the Secretary may authorize States to provide benefits under this section on a quarterly basis if the Secretary determines that the amount of the benefits that would be provided on a monthly basis to households is insufficient to be efficiently paid on a monthly basis in light of the administrative expenses of the Energy Refund Program.

''(g) TREATMENT.—The value of the refund provided under this section shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to an income tax, or public assistance programs (including, but not limited to, health care, cash aid, child care, nutrition programs, and housing assistance) and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of a refund under this section.

''(h) PROGRAM INTEGRITY.—For purposes of ensuring program integrity and complying with the requirements of the Improper Payment Information Act of 2002, the Secretary shall, to the maximum extent possible, rely on and coordinate with the quality control sample and review procedures of paragraphs (2), (3), (4), and (5) of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)).

''(i) DEFINITIONS.—

''(1) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services or the head of another agency designated by the Secretary of Health and Human Services.

''(2) ELECTRONIC BENEFIT TRANSFER SYSTEM.—The term 'electronic benefit transfer system' means a system by which household benefits or refunds defined under subsection (e) are issued from and stored in a central databank via electronic benefit transfer cards.

''(3) GROSS INCOME.—The term 'gross income' means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) and its implementing regulations.

''(4) HOUSEHOLD.—

''(A) The term 'household' means—

''(i) in subparagraphs (A) and (B) of subsection (c)(1) of this section, except as provided in subparagraph (C) of this paragraph, an individual or a group of individuals who are a household under section 3(n) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n));

''(ii) in subsection (c)(1)(C) of this section, a single individual or married couple that receives benefits under section 1860D–14 of this Act (42 U.S.C. 1395w–114); and

''(iii) in subsection (c)(1)(D) of this section, a single individual or married couple that receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381–1383f).

''(B) The Secretary shall establish rules for providing the energy refund in an equitable and administratively simple manner to households where the group of individuals who live together includes members not all of whom are described in a single clause of subparagraph (A), or includes additional members not described in any such clause.

''(C) The Secretary shall establish rules regarding the eligibility and delivery of the energy refund to groups of individuals described in section 3(n)(4) or (5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n)).

''(5) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

''(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.

''(7) STATE AGENCY.—The term 'State agency' means an agency of State government, including the local offices thereof, that has responsibility for administration of the 1 or more federally aided public assistance programs within the State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs.

''(8) OTHER TERMS.—Other terms not defined in this title shall have the same meaning applied in the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless the Secretary finds for good cause that application of a particular definition would be detrimental to the purposes of the Energy Refund Program.''.

SEC. 432. MODIFICATION OF EARNED INCOME CREDIT AMOUNT FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN.

(a) IN GENERAL.—Subsection (b) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN WHO ARE AFFECTED BY THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009.—

''(A) IN GENERAL.—In the case of any household which the Secretary determines experienced a reduction in purchasing power as a result of the provisions of, or amendments made by, the American Clean Energy and Security Act of 2009 (determined without regard to this paragraph and section 2201 of the Social Security Act)—

''(i) INCREASE IN CREDIT PERCENTAGE AND PHASEOUT PERCENTAGE.—The table contained in paragraph (1)(A) shall be applied by substituting '15.3' for '7.65'.

''(ii) INCREASE IN BEGINNING PHASEOUT AMOUNT.—The table contained in paragraph (2)(A) shall be applied by substituting '$11,640' for '$5,280'.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2012, the $11,640 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (i) in the same manner as if such increase were under paragraph (1) of subsection (j).

''(iii) COORDINATION WITH OTHER INFLATION ADJUSTMENTS.—Paragraph (1) of subsection (j) shall not apply to the dollar amount substituted under subparagraph (A)(ii).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 433. PROTECTION OF SOCIAL SECURITY AND MEDICARE TRUST FUNDS.

(a) OASDI TRUST FUNDS.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

''(o) The Secretary of the Treasury shall transfer from time to time to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, from amounts in the general fund of the Treasury that are not otherwise appropriated, such sums as the Chief Actuary of the Social Security Administration calculates as necessary (and so certifies to such Secretary) for any fiscal year, on account of changes in benefit costs and changes in tax revenue attributable to the provisions of the American Clean Energy and Security Act of 2009 and the amendments made thereby, in order to place each of such Trust Funds in the same position at the end of such fiscal year as the position in which such Trust Fund would have been if such changes had not occurred.''.

(b) HI TRUST FUND.—Section 1817 of such Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

''(l) TRANSFERS TO ACCOUNT FOR CHANGES IN BENEFIT COSTS AND CHANGES IN TAX REVENUE ATTRIBUTABLE TO THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009.—The Secretary of the Treasury shall transfer from time to time to the Trust Fund, from amounts in the general fund of the Treasury that are not otherwise appropriated, such sums as the Chief Actuary of the Centers for Medicare & Medicaid Services calculates as necessary (and so certifies to such Secretary) for any fiscal year, on account of changes in benefit costs and changes in tax revenue attributable to the provisions of the American Clean Energy and Security Act of 2009 and the amendments made thereby, in order to place the Trust Fund in the same position at the end of such fiscal year as the position in which it would have been if such changes had not occurred.''.

Subtitle D—Exporting Clean Technology

SEC. 441. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Protecting Americans from the impacts of climate change requires global reductions in greenhouse gas emissions.

(2) Although developing countries are historically least responsible for the cumulative greenhouse gas emissions that are causing climate change and continue to have very low per capita greenhouse gas emissions, their overall greenhouse gas emissions are increasing as they seek to grow their economies and reduce energy poverty for their populations.

(3) Many developing countries lack the financial and technical resources to adopt clean energy technologies and absent assistance their greenhouse gas emissions will continue to increase.

(4) Investments in clean energy technology cooperation can substantially reduce global greenhouse gas emissions while providing developing countries with incentives to adopt policies that will address competitiveness concerns related to regulation of United States greenhouse gas emissions.

(5) Investments in clean technology in developing countries will increase demand for clean energy products, open up new markets for United States companies, spur innovation, and lower costs.

(6) Under Article 4 of the United Nations Framework Convention on Climate Change, developed country parties, including the United States, committed to ''take all practicable steps to promote, facilitate, and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other parties, particularly developing country parties, to enable them to implement the provisions of the Convention''.

(7) Under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to ''enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,'' including, inter alia, consideration of ''improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties''.

(8) Intellectual property rights are a key driver of investment and research and development in, and the global deployment of, clean technologies.

(9) Innovative clean technologies, including U.S. and multilateral financing mechanisms for their deployment, are critical to mitigating global warming pollution, preventing catastrophic changes to the climate, and developing robust economies around the world.

(10) Any weakening of intellectual property rights protection poses a substantial competitive risk to U.S. companies and the creation of high-quality U.S. jobs, inhibiting the creation of new ''green'' employment and the transformational shift to the ''Green Economy'' of the 21st Century.

(11) Any U.S. funding directed toward assisting developing countries with regard to exporting clean technology should promote the robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C.3511(d)(15) and in applicable intellectual property provisions of bilateral trade agreements.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide United States assistance and leverage private resources to encourage widespread implementation, in developing countries, of activities that reduce, sequester, or avoid greenhouse gas emissions; and

(2) to provide such assistance in a manner that—

(A) encourages such countries to adopt policies and measures, including sector-based and cross-sector policies and measures, that substantially reduce, sequester, or avoid greenhouse gas emissions;

(B) promotes the successful negotiation of a global agreement to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change; and

(C) promotes robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and in applicable intellectual property provisions of bilateral trade agreements.

SEC. 442. DEFINITIONS.

In this subtitle:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Energy and Commerce, Foreign Affairs, and Financial Services of the House of Representatives; and

(B) the Committees on Environment and Public Works, Energy and Natural Resources, and Foreign Relations of the Senate.

(3) CONVENTION.—The term ''Convention'' means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, and entered into force on March 21, 1994.

(4) DEVELOPING COUNTRY.—The term ''developing country'' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

(5) ELIGIBLE COUNTRY.—The term ''eligible country'' means a developing country that is determined by the interagency group under section 444 to be eligible to receive assistance under this subtitle.

(6) INTERAGENCY GROUP.—The term ''interagency group'' means the group established by the President under section 443 to administer the program established under this subtitle.

(7) LEAST DEVELOPED COUNTRY.—The term ''least developed country'' means a foreign country the United Nations has identified as among the least developed of developing countries.

(8) QUALIFYING ACTIVITY.—The term ''qualifying activity'' means an activity that meets the criteria in section 445.

(9) QUALIFYING ENTITY.—The term ''qualifying entity'' means a national, regional, or local government in, or a nongovernmental organization or private entity located or operating in, an eligible country.

SEC. 443. GOVERNANCE.

(a) OVERSIGHT.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the interagency group established under subsection (b), shall oversee distributions of allowances allocated under section 782(o) of the Clean Air Act (as added by section 321 of this Act) for distribution pursuant to this subtitle.

(b) INTERAGENCY GROUP.—The President shall establish an interagency group to administer the program established under this subtitle. The Members of the interagency group shall include—

(1) the Secretary of State;

(2) the Administrator of the Environmental Protection Agency;

(3) the Secretary of Energy;

(4) the Secretary of the Treasury;

(5) the Secretary of Commerce;

(6) the Administrator of the United States Agency for International Development; and

(7) any other head of a Federal agency or executive branch appointee that the President may designate.

(c) CHAIRPERSON.—The Secretary of State shall serve as the chairperson of the interagency group.

(d) SUPPLEMENT NOT SUPPLANT.—Allowances distributed pursuant to this subtitle shall be used to supplement, and not to supplant, any other Federal, State, or local resources available to carry out activities that are qualifying activities under this subtitle.

SEC. 444. DETERMINATION OF ELIGIBLE COUNTRIES.

(a) IN GENERAL.—The interagency group shall determine a country to be an eligible country for the purposes of this subtitle if a country meets the following criteria:

(1) The country is a developing country that—

(A) has entered into an international agreement to which the United States is a party, under which such country agrees to take actions to produce measurable, reportable, and verifiable greenhouse gas emissions mitigation; or

(B) is determined by the interagency group to have in force national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emissions mitigation.

(2) The country has developed a nationally appropriate mitigation strategy that seeks to achieve substantial reductions, sequestration, or avoidance of greenhouse gas emissions, relative to business-as-usual levels.

(3) Subject to subsection (b)(1), such other criteria as the President determines will serve the purposes of this subtitle or other United States national security, foreign policy, environmental, or economic objectives including robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and in applicable intellectual property provisions of bilateral trade agreements.

(b) EXCEPTIONS.—

(1) Subsection (a)(3) applies only to bilateral assistance under section 446(c)(4).

(2) The eligibility criteria in this section do not apply in the case of least developed countries receiving assistance under section 445(7) for the purpose of building capacity to meet such eligibility criteria.

SEC. 445. QUALIFYING ACTIVITIES.

Assistance under this subtitle may be provided only to qualifying entities for clean

technology activities (including building relevant technical and institutional capacity) that contribute to substantial, measurable, reportable, and verifiable reductions, sequestration, or avoidance of greenhouse gas emissions including—

(1) deployment of technologies to capture and sequester carbon dioxide emissions from electric generating units or large industrial sources (except that assistance under this subtitle for such deployment shall be limited to the cost of retrofitting existing facilities with such technologies or the incremental cost of purchasing and installing such technologies at new facilities);

(2) deployment of renewable electricity generation from wind, solar, sustainably produced biomass, geothermal, marine, or hydrokinetic sources;

(3) substantial increases in the efficiency of electricity transmission, distribution, and consumption;

(4) deployment of low- or zero emissions technologies that are facing financial or other barriers to their widespread deployment which could be addressed through support under this subtitle in order to reduce, sequester, or avoid emission;

(5) reduction in transportation sector emissions through increased transportation system and vehicle efficiency or use of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives;

(6) reduction in black carbon emissions; or

(7) capacity building activities, including—

(A) developing and implementing methodologies and programs for measuring and quantifying greenhouse gas emissions and verifying emissions mitigation;

(B) assessing, developing, and implementing technology and policy options for greenhouse gas emissions mitigation and avoidance of future emissions, including sector and cross-sector mitigation strategies; and

(C) providing other forms of technical assistance to facilitate the qualification for, and receipt of, assistance under this Act.

SEC. 446. ASSISTANCE.

(a) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, is authorized to provide assistance, through the distribution of allowances, allocated for such purpose under section 782(o) of the Clean Air Act (as added by section 321 of this Act) for qualifying activities that take place in eligible countries, in accordance with the requirements of this subtitle.

(b) DEFINITION.—For the purposes of this section the term ''clean technology'' means any technology or service related to the qualifying activities identified in section 445.

(c) DISTRIBUTION OF ALLOWANCES.—

(1) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, after consultation with the interagency group, shall distribute allowances under this subtitle—

(A) in the form of bilateral assistance in accordance with paragraph (4);

(B) to multilateral funds or institutions pursuant to the Convention or an agreement negotiated under the Convention; or

(C) through some combination of the mechanisms identified in subparagraphs (A) and (B).

(2) GLOBAL ENVIRONMENT FACILITY.—For any allowances provided to the Global Environment Facility pursuant to paragraph (1)(B), the President shall designate the Secretary of the Treasury to distribute those allowances to the Global Environment Facility.

(3) DISTRIBUTION THROUGH INTERNATIONAL FUND OR INSTITUTION.—If allowances are distributed to a multilateral fund or institution, as authorized in paragraph (1), the Secretary of State, or such other Federal agency head as the President may designate, shall seek to ensure the establishment and implementation of adequate mechanisms to—

(A) apply and enforce the criteria for determination of eligible countries and qualifying activities under sections 444 and 445, respectively;

(B) require public reporting describing the process and methodology for selecting the ultimate recipients of assistance and a description of each activity that received assistance, including the amount of obligations and expenditures for assistance; and

(C) require that no funds be expended for the benefit of any qualifying activity where that activity or any activity relating to a qualifying activity under section 445 undermines the robust compliance with and enforcement of existing legal requirements for the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

(4) BILATERAL ASSISTANCE.—

(A) IN GENERAL.—Bilateral assistance under paragraph (1) shall be carried out by the Administrator of the United States Agency for International Development, in consultation with the interagency group.

(B) LIMITATIONS.—Not more than 15 percent of allowances made available to carry out bilateral assistance under this subtitle in any year shall be distributed to support activities in any single country.

(C) SELECTION CRITERIA.—Not later than 2 years after the date of enactment of this subtitle, the Administrator of the United States Agency for International Development, after consultation with the interagency group, shall develop and publish a set of criteria to be used in evaluating activities within eligible countries for bilateral assistance under this subtitle.

(D) CRITERIA REQUIREMENTS.—The criteria under subparagraph (C) shall require that—

(i) the activity is a qualifying activity;

(ii) the activity will be conducted as part of an eligible country's nationally appropriate mitigation strategy or as part of an eligible country's actions towards providing a nationally appropriate mitigation strategy to reduce, sequester, or avoid emissions being implemented by the eligible country;

(iii) the activity will not have adverse effects on human health, safety, or welfare, the environment, or natural resources;

(iv) any technologies deployed through bilateral assistance under this subtitle will be properly implemented and maintained;

(v) the activity will not cause any net loss of United States jobs or displacement of United States production;

(vi) costs of the activity will be shared by the host country government, private sector parties, or a multinational development bank, except that this clause does not apply to least developed countries;

(vii) the activity would not undermine the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and applicable intellectual property provisions of bilateral trade agreements; and

(viii) the activity meets such other requirements as the interagency group determines appropriate to further the purposes of this subtitle.

(E) CRITERIA PREFERENCES.—The criteria under subparagraph (C) shall give preference to activities that—

(i) promise to achieve large-scale greenhouse gas reductions, sequestration, or avoidance at a national, sectoral or cross-sectoral level;

(ii) have the potential to catalyze a shift within the host country towards widespread deployment of low- or zero-carbon energy technologies;

(iii) build technical and institutional capacity and other activities that are unlikely to be attractive to private sector funding; or

(iv) maximize opportunities to leverage other sources of assistance and catalyze private-sector investment.

(d) MONITORING, EVALUATION, AND ENFORCEMENT.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the interagency group, shall establish and implement a system to monitor and evaluate the performance of activities receiving assistance under this subtitle. The Secretary of State, or such other Federal agency head as the President may designate, shall have the authority to suspend or terminate assistance in whole or in part for an activity if it is determined that the activity is not operating in compliance with the approved proposal.

(e) COORDINATION WITH U.S. FOREIGN ASSISTANCE.—Subject to the direction of the President, the Secretary of State shall, to the extent practicable, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

(f) ANNUAL REPORTS.—Not later than March 1, 2012, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the assistance provided under this subtitle during the prior fiscal year. Such report shall include—

(1) a description of the amount and value of allowances distributed during the prior fiscal year;

(2) a description of each activity that received assistance during the prior fiscal year, and a description of the anticipated and actual outcomes;

(3) an assessment of any adverse effects to human health, safety, or welfare, the environment, or natural resources as a result of activities supported under this subtitle;

(4) an assessment of the success of the assistance provided under this subtitle to improving the technical and institutional capacity to implement substantial emissions reductions;

(5) an estimate of the greenhouse gas emissions reductions, sequestration, or avoidance achieved by assistance provided under this subtitle during the prior fiscal year; and

(6) an assessment whether any funds expended for the benefit of any qualifying activity undermined the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and applicable intellectual property provisions of bilateral trade agreements.

(g) NOT ELIGIBLE FOR OFFSET CREDIT.—Activities that receive support under this subtitle shall not be issued offset credits for the

greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, produced by such activities.

Subtitle E—Adapting to Climate Change

PART 1—DOMESTIC ADAPTATION

Subpart A—National Climate Change Adaptation Program

SEC. 451. GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Global Change Research and Data Management Act of 2009''.

(b) GLOBAL CHANGE RESEARCH.—

(1) PURPOSE.—The purpose of this subsection is to provide for the continuation and coordination of a comprehensive and integrated United States observation, research, and outreach program which will assist the Nation and the world to understand, assess, predict, and respond to the effects of human-induced and natural processes of global change.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''global change'' means human-induced or natural changes in the global environment (including alterations in climate, land productivity, oceans or other water resources, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of the Earth to sustain life;

(B) the term ''global change research'' means study, monitoring, assessment, prediction, and information management activities to describe and understand—

(i) the interactive physical, chemical, and biological processes that regulate the total Earth system;

(ii) the unique environment that the Earth provides for life;

(iii) changes that are occurring in the Earth system; and

(iv) the manner in which such system, environment, and changes are influenced by human actions;

(C) the term ''interagency committee'' means the interagency committee established under paragraph (3);

(D) the term ''Plan'' means the National Global Change Research and Assessment Plan developed under paragraph (5);

(E) the term ''Program'' means the United States Global Change Research Program established under paragraph (4); and

(F) the term ''regional climate change'' means the natural or human-induced changes manifested in the local or regional environment (including alterations in weather patterns, land productivity, water resources, sea level rise, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of a specific region to support current or future social and economic activity or natural ecosystems.

(3) INTERAGENCY COOPERATION AND COORDINATION.—

(A) ESTABLISHMENT.—The President shall establish or designate an interagency committee to ensure cooperation and coordination of all Federal research activities pertaining to processes of global change for the purpose of increasing the overall effectiveness and productivity of Federal global change research efforts. The interagency committee shall include research and program representatives of agencies conducting global change research, agencies with authority over resources likely to be affected by global change, and agencies with authority to mitigate human-induced global change.

(B) FUNCTIONS OF THE INTERAGENCY COMMITTEE.—The interagency committee shall—

(i) serve as the forum for developing the Plan and for overseeing its implementation;

(ii) serve as the forum for developing the vulnerability assessment under paragraph (7);

(iii) ensure cooperation among Federal agencies with respect to global change research activities;

(iv) work with academic, State, industry, and other groups conducting global change research, to provide for periodic public and peer review of the Program;

(v) cooperate with the Secretary of State in—

(I) providing representation at international meetings and conferences on global change research in which the United States participates; and

(II) coordinating the Federal activities of the United States with programs of other nations and with international global change research activities;

(vi) work with appropriate Federal, State, regional, and local authorities to ensure that the Program is designed to produce information needed to develop policies to mitigate human-induced global change and to reduce the vulnerability of the United States and other regions to global change;

(vii) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities; and

(viii) identify additional decisionmaking groups that may use information generated through the Program.

(4) UNITED STATES GLOBAL CHANGE RESEARCH PROGRAM.—

(A) ESTABLISHMENT.—The President shall establish an interagency United States Global Change Research Program to improve understanding of global change, to respond to the information needs of communities and decisionmakers, and to provide periodic assessments of the vulnerability of the United States and other regions to global and regional climate change. The Program shall be implemented in accordance with the Plan.

(B) LEAD AGENCY.—The lead agency for the United States Global Change Research Program shall be the Office of Science and Technology Policy.

(C) INTERAGENCY PROGRAM ACTIVITIES.—The Director of the Office of Science and Technology Policy, in consultation with the interagency committee, shall identify activities included in the Plan that involve participation by 2 or more agencies in the Program, and that do not fall within the current fiscal year budget allocations of those participating agencies, to fulfill the requirements of this section. The Director of the Office of Science and Technology Policy shall allocate funds to the agencies to conduct the identified interagency activities. Such activities may include—

(i) development of scenarios for climate, land-cover change, population growth, and socioeconomic development;

(ii) calibration and testing of alternative regional and global climate models;

(iii) identification of economic sectors and regional climatic zones; and

(iv) convening regional workshops to facilitate information exchange and involvement of regional, State, and local decisionmakers, non-Federal experts, and other stakeholder groups in the activities of the Program.

(D) WORKSHOPS.—The Director shall ensure that at least one workshop is held per year in each region identified by the Plan under paragraph (5)(B)(xi) to facilitate information exchange and outreach to regional, State, and local stakeholders as required by this section.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Science and Technology Policy for carrying out this paragraph $10,000,000 for each of the fiscal years 2009 through 2014.

(5) NATIONAL GLOBAL CHANGE RESEARCH AND ASSESSMENT PLAN.—

(A) IN GENERAL.—The President shall develop a National Global Change Research and Assessment Plan for implementation of the Program. The Plan shall contain recommendations for global change research and assessment. The President shall submit an outline for the development of the Plan to the Congress within 1 year after the date of enactment of this Act, and shall submit a completed Plan to the Congress within 3 years after the date of enactment of this Act. Revised Plans shall be submitted to the Congress at least once every 5 years thereafter. In the development of each Plan, the President shall conduct a formal assessment process under this paragraph to determine the needs of appropriate Federal, State, regional, and local authorities and other interested parties regarding the types of information needed by them in developing policies to mitigate human-induced global change and to reduce society's vulnerability to global change and shall utilize these assessments, including the reviews by the National Academy of Sciences and the National Governors Association under subparagraphs (E) and (F), in developing the Plan.

(B) CONTENTS OF THE PLAN.—The Plan shall—

(i) establish, for the 10-year period beginning in the year the Plan is submitted, the goals and priorities for Federal global change research which most effectively advance scientific understanding of global change and provide information of use to Federal, State, regional, and local authorities in the development of policies relating to global change;

(ii) describe specific activities, including efforts to determine user information needs, research activities, data collection, database development, and data analysis requirements, development of regional scenarios, assessment of model predictability, assessment of climate change impacts, participation in international research efforts, and information management, required to achieve such goals and priorities;

(iii) identify relevant programs and activities of the Federal agencies that contribute to the Program directly and indirectly;

(iv) set forth the role of each Federal agency in implementing the Plan;

(v) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(vi) make recommendations for the coordination of the global change research and assessment activities of the United States with such activities of other nations and international organizations, including—

(I) a description of the extent and nature of international cooperative activities;

(II) bilateral and multilateral efforts to provide worldwide access to scientific data and information; and

(III) improving participation by developing nations in international global change research and environmental data collection;

(vii) detail budget requirements for Federal global change research and assessment activities to be conducted under the Plan;

(viii) catalog the type of information identified by appropriate Federal, State, regional, and local decisionmakers needed to

develop policies to reduce society's vulnerability to global change and indicate how the planned research will meet these decisionmakers' information needs;

(ix) identify the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observation systems that may be needed to ensure adequate data collection and monitoring of global change;

(x) describe specific activities designed to facilitate outreach and data and information exchange with regional, State, and local governments and other user communities; and

(xi) identify and describe regions of the United States that are likely to experience similar impacts of global change or are likely to share similar vulnerabilities to global change.

(C) RESEARCH ELEMENTS.—The Plan shall include at a minimum the following research elements:

(i) Global measurements, establishing worldwide to regional scale observations prioritized to understand global change and to meet the information needs of decisionmakers on all relevant spatial and time scales.

(ii) Information on economic, demographic, and technological trends that contribute to changes in the Earth system and that influence society's vulnerability to global and regional climate change.

(iii) Development of indicators and baseline databases to document global change, including changes in species distribution and behavior, extent of glaciations, and changes in sea level.

(iv) Studies of historical changes in the Earth system, using evidence from the geological and fossil record.

(v) Assessments of predictability using quantitative models of the Earth system to simulate global and regional environmental processes and trends.

(vi) Focused research initiatives to understand the nature of and interaction among physical, chemical, biological, land use, and social processes related to global and regional climate change.

(vii) Focused research initiatives to determine and then meet the information needs of appropriate Federal, State, and regional decisionmakers.

(D) INFORMATION MANAGEMENT.—The Plan shall incorporate, to the extent practicable, the recommendations relating to data acquisition, management, integration, and archiving made by the interagency climate and other global change data management working group established under subsection (c)(3).

(E) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The President shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(i) evaluate the scientific content of the Plan; and

(ii) recommend priorities for future global and regional climate change research and assessment.

(F) NATIONAL GOVERNORS ASSOCIATION EVALUATION.—The President shall enter into an agreement with the National Governors Association Center for Best Practices under which that Center shall—

(i) evaluate the utility to State, local, and regional decisionmakers of each Plan and of the anticipated and actual information outputs of the Program for development of State, local, and regional policies to reduce vulnerability to global change; and

(ii) recommend priorities for future global and regional climate change research and assessment.

(G) PUBLIC PARTICIPATION.—In developing the Plan, the President shall consult with representatives of academic, State, industry, and environmental groups. Not later than 90 days before the President submits the Plan, or any revision thereof, to the Congress, a summary of the proposed Plan shall be published in the Federal Register for a public comment period of not less than 60 days.

(6) BUDGET COORDINATION.—

(A) IN GENERAL.—The President shall provide general guidance to each Federal agency participating in the Program with respect to the preparation of requests for appropriations for activities related to the Program.

(B) CONSIDERATION IN PRESIDENT'S BUDGET.—The President shall submit, at the time of his annual budget request to Congress, a description of those items in each agency's annual budget which are elements of the Program.

(7) VULNERABILITY ASSESSMENT.—

(A) REQUIREMENT.—Within 1 year after the date of enactment of this Act, and at least once every 5 years thereafter, the President shall submit to the Congress an assessment which—

(i) integrates, evaluates, and interprets the findings of the Program and discusses the scientific uncertainties associated with such findings;

(ii) analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years;

(iii) based on indicators and baselines developed under paragraph (5)(C)(iii), as well as other measurements, analyzes changes to the natural environment, land and water resources, and biological diversity in—

(I) major geographic regions of the United States; and

(II) other continents;

(iv) analyzes the effects of global change, including the changes described in clause (iii), on food and fiber production, energy production and use, transportation, human health and welfare, water availability and coastal infrastructure, and human social and economic systems, including providing information about the differential impacts on specific geographic regions within the United States, on people of different income levels within those regions, and for rural and urban areas within those regions; and

(v) summarizes the vulnerability of different geographic regions of the world to global change and analyzes the implications of global change for the United States, including international assistance, population displacement, food and resource availability, and national security.

(B) USE OF RELATED REPORTS.—To the extent appropriate, the assessment produced pursuant to this paragraph may coordinate with, consider, incorporate, or otherwise make use of related reports, assessments, or information produced by the United States Global Change Research Program, regional, State, and local entities, and international organizations, including the World Meteorological Organization and the Intergovernmental Panel on Climate Change.

(8) POLICY ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, and at least once every 4 years thereafter, the President shall enter into a joint agreement with the National Academy of Public Administration and the National Academy of Sciences under which the Academies shall—

(A) document current policy options being implemented by Federal, State, and local governments to mitigate or adapt to the effects of global and regional climate change;

(B) evaluate the realized and anticipated effectiveness of those current policy options in meeting mitigation and adaptation goals;

(C) identify and evaluate a range of additional policy options and infrastructure for mitigating or adapting to the effects of global and regional climate change;

(D) analyze the adoption rates of policies and technologies available to reduce the vulnerability of society to global change with an evaluation of the market and policy obstacles to their adoption in the United States; and

(E) evaluate the distribution of economic costs and benefits of these policy options across different United States economic sectors.

(9) ANNUAL REPORT.—Each year at the time of submission to the Congress of the President's budget request, the President shall submit to the Congress a report on the activities conducted pursuant to this subsection, including—

(A) a description of the activities of the Program during the past fiscal year;

(B) a description of the activities planned in the next fiscal year toward achieving the goals of the Plan; and

(C) a description of the groups or categories of State, local, and regional decisionmakers identified as potential users of the information generated through the Program and a description of the activities used to facilitate consultations with and outreach to these groups, coordinated through the work of the interagency committee.

(10) RELATION TO OTHER AUTHORITIES.—The President shall—

(A) ensure that relevant research, assessment, and outreach activities of the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global and regional climate change research and assessment efforts; and

(B) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities through programs authorized in the National Climate Program Act (15 U.S.C. 2901 et seq.).

(11) REPEAL.—The Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.) is amended by striking titles I and III thereof.

(12) GLOBAL CHANGE RESEARCH INFORMATION.—The President shall establish or designate a Global Change Research Information Exchange to make scientific research and other information produced through or utilized by the Program which would be useful in preventing, mitigating, or adapting to the effects of global change accessible through electronic means.

(13) ICE SHEET STUDY AND REPORT.—

(A) STUDY.—

(i) REQUIREMENT.—The Director of the National Science Foundation and the Administrator of National Oceanic and Atmospheric Administration shall enter into an arrangement with the National Academy of Sciences to complete a study of the current status of ice sheet melt, as caused by climate change, with implications for global sea level rise.

(ii) CONTENTS.—The study shall take into consideration—

(I) the past research completed related to ice sheet melt as reviewed by Working Group I of the Intergovernmental Panel on Climate Change;

(II) additional research completed since the fall of 2005 that was not included in the Working Group I report due to time constraints; and

(III) the need for an accurate assessment of changes in ice sheet spreading, changes in ice sheet flow, self-lubrication, the corresponding effect on ice sheets, and current modeling capabilities.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subparagraph (A), along with recommendations for additional research related to ice sheet melt and corresponding sea level rise.

(14) HURRICANE FREQUENCY AND INTENSITY STUDY AND REPORT.—

(A) STUDY.—

(i) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the National Science Foundation shall enter into an arrangement with the National Academy of Sciences to complete a study of the current state of the science on the potential impacts of climate change on patterns of hurricane and typhoon development, including storm intensity, track, and frequency, and the implications for hurricane-prone and typhoon-prone coastal regions.

(ii) CONTENTS.—The study shall take into consideration—

(I) the past research completed related to hurricane and typhoon development, track, and intensity as reviewed by Working Groups I and II of the Intergovernmental Panel on Climate Change;

(II) additional research completed since the fall of 2005 that was not included in the Working Group I and II reports due to time constraints;

(III) the need for accurate assessment of potential changes in hurricane and typhoon intensity, track, and frequency and of the current modeling and forecasting capabilities and the need for improvements in forecasting of these parameters; and

(IV) the need for additional research and monitoring to improve forecasting of hurricanes and typhoons and to understand the relationship between climate change and hurricane and typhoon development.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subparagraph (A).

(c) CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT.—

(1) PURPOSES.—The purposes of this subsection are to establish climate and other global change data management and archiving as Federal agency missions, and to establish Federal policies for managing and archiving climate and other global change data.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''metadata'' means information describing the content, quality, condition, and other characteristics of climate and other global change data, compiled, to the maximum extent possible, consistent with the requirements of the ''Content Standard for Digital Geospatial Metadata'' (FGDC–STD–001–1998) issued by the Federal Geographic Data Committee, or any successor standard approved by the working group; and

(B) the term ''working group'' means the interagency climate and other global change data management working group established under paragraph (3).

(3) INTERAGENCY CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT WORKING GROUP.—

(A) ESTABLISHMENT.—The President shall establish or designate an interagency climate and other global change data management working group to make recommendations for coordinating Federal climate and other global change data management and archiving activities.

(B) MEMBERSHIP.—The working group shall include the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Director of the United States Geological Survey, the Archivist of the United States, the Administrator of the Environmental Protection Agency, the Secretary of the Smithsonian Institution, or their designees, and representatives of any other Federal agencies the President considers appropriate.

(C) REPORTS.—Not later than 1 year after the date of enactment of this Act, the working group shall transmit a report to the Congress containing the elements described in subparagraph (D). Not later than 4 years after the initial report under this subparagraph, and at least once every 4 years thereafter, the working group shall transmit reports updating the previous report. In preparing reports under this subparagraph, the working group shall consult with expected users of the data collected and archived by the Program.

(D) CONTENTS.—The reports and updates required under subparagraph (C) shall—

(i) include recommendations for the establishment, maintenance, and accessibility of a catalog identifying all available climate and other global change data sets;

(ii) identify climate and other global change data collections in danger of being lost and recommend actions to prevent such loss;

(iii) identify gaps in climate and other global change data and recommend actions to fill those gaps;

(iv) identify effective and compatible procedures for climate and other global change data collection, management, and retention and make recommendations for ensuring their use by Federal agencies and other appropriate entities;

(v) develop and propose a coordinated strategy for funding and allocating responsibilities among Federal agencies for climate and other global change data collection, management, and retention;

(vi) make recommendations for ensuring that particular attention is paid to the collection, management, and archiving of metadata;

(vii) make recommendations for ensuring a unified and coordinated Federal capital investment strategy with respect to climate and other global change data collection, management, and archiving;

(viii) evaluate the data record from each observing system and make recommendations to ensure that delivered data are free from time-dependent biases and random errors before they are transferred to long-term archives; and

(ix) evaluate optimal design of observation system components to ensure a cost-effective, adequate set of observations detecting and tracking global change.

SEC. 452. NATIONAL CLIMATE SERVICE.

(a) SHORT TITLE.—This section may be cited as the ''National Climate Service Act of 2009''.

(b) PURPOSE.—The purpose of this section is to establish a National Climate Service and to define the activities to be undertaken within the National Oceanic and Atmospheric Administration to—

(1) advance understanding of climate variability and change at the global, national, regional, and local levels;

(2) provide forecasts, warnings, and other information to the public on variability and change in weather and climate that affect geographic areas, natural resources, infrastructure, economic sectors, and communities; and

(3) support development of adaptation and response plans by Federal agencies, State, local, and tribal governments, the private sector, and the public.

(c) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Climate Service Advisory Committee established under subsection (f).

(2) DIRECTOR.—The term ''Director'' means the Director of the Climate Service Office.

(3) REPRESENTATIVE.—The term ''representative'' means an individual who is not a full-time or part-time employee of the Federal Government and who is appointed to an advisory committee to represent the views of an entity or entities outside the Federal Government.

(4) SPECIAL GOVERNMENT EMPLOYEE.—The term ''Special Government Employee'' has the same meaning as in section 202(a) of title 18, United States Code.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

(d) INTERAGENCY DEVELOPMENT OF A NATIONAL CLIMATE SERVICE.—

(1) IN GENERAL.—The President shall—

(A) initiate a process within 30 days after the date of enactment of this Act through the Committee on Environment and Natural Resources of the National Science and Technology Council and led by the Director of the Office of Science and Technology Policy, to evaluate alternative structures to support a collaborative, interagency research and operational program that will achieve the goal of meeting the needs of decisionmakers in—

(i) Federal agencies;

(ii) State, local, and tribal governments;

(iii) regional entities and other stakeholders and users,

for reliable, timely, and relevant information related to climate variability and change;

(B) within 1 year after the date of enactment of this Act complete pursuant to paragraph (2) a survey of the needs of current and future users of information related to climate variability and change;

(C) within 2 years after the date of enactment of this Act report to Congress under paragraph (3) the results of the evaluation described in subparagraph (A) and provide a plan to establish a collaborative, interagency research and operational program to deliver information related to climate variability and change to all users; and

(D) within 3 years after the date of enactment of this Act, and after delivery of the report to Congress required under subparagraph (C), establish a National Climate Service, based upon the information obtained through the process described in subparagraph (A), that meets the goal described in subparagraph (A).

(2) SURVEY OF NEED FOR CLIMATE SERVICES.—

(A) IN GENERAL.—The Director of the Office of Science and Technology Policy, through the Committee on Environment and Natural Resources, shall provide a report to Congress within 1 year after the date of enactment of this Act that compiles information on the current climate products being delivered by each Federal agency and its partner organizations to users and stakeholders, and on the needs of users and stakeholders for new climate products and services.

(B) CONTENTS OF THE REPORT.—The report shall identify—

(i) specific user groups and stakeholders that currently are served by each Federal agency and its partner organizations;

(ii) the type of climate products and services currently delivered to specific users groups and stakeholders, and the specific Federal agency office, program, or partner organization that delivers these products and services;

(iii) potential user groups and stakeholders that may be served by expanding climate products and services;

(iv) specific needs for new climate products and services to be delivered by each Federal agency and its partner organizations identified by user groups and stakeholders;

(v) a characterization of the different user and stakeholder groups that were surveyed by each Federal agency; and

(vi) a list of non-Federal entities that deliver climate products and services.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the President and the Congress on a proposal, prepared through the Committee on Environment and Natural Resources, to establish and operate a National Climate Service. The report shall include—

(i) a description of the alternative structures considered;

(ii) a description of the structure proposed for a National Climate Service, including a discussion of the benefits of this structure as compared to the alternatives considered;

(iii) designation of a specific office or agency that will lead the National Climate Service and that shall be accountable for the daily operation of the National Climate Service;

(iv) a description of the role and capability of each Federal agency, including a list of all entities within each agency or supported with agency funds that currently provide or may provide climate products or services;

(v) a description of the mechanisms that will be used to ensure ongoing communication and information exchange among the Federal agencies and between Federal agencies and their respective user and stakeholder communities including—

(I) mechanisms to facilitate ongoing dialogue with non-Federal organizations providing climate services;

(II) mechanisms to facilitate ongoing dialogue with regional, State, local, and tribal governments, the private sector, and other users and stakeholders on the development and delivery of climate services;

(III) mechanisms to collect information, observations, and other data relevant for improving climate products and services; and

(IV) designation of points of contact for each Federal agency with responsibilities to deliver climate services;

(vi) a detailed description of the processes and procedures that will be necessary to coordinate observations and information collection by different Federal agencies to ensure the compatibility of information and to facilitate data and information exchange among Federal agencies and with non-Federal entities, and a designation of the agency or agencies that would be responsible for ongoing oversight of these functions;

(vii) a detailed description of how research findings and climate impact assessments produced through the United States Global Change Research Program and the other activities undertaken within the United States Global Change Research Program would be integrated with the activities undertaken by a National Climate Service;

(viii) a list of the existing observation and monitoring systems or programs operated by each Federal agency that provide data, observations, and other information that may be used to develop or improve climate products and services;

(ix) a description of new infrastructure, equipment, personnel or other resources, by agency, that may be needed to achieve the goals of a National Climate Service, and the time period over which these new resources will be allocated;

(x) an identification of the activities that may be undertaken in cooperation with international partners;

(xi) the mechanisms established to provide quality assurance and quality control of climate service products and services, and the agency or agencies designated to conduct and oversee these mechanisms;

(xii) an identification of non-Federal entities that provide climate products and services, and a description of the relationship envisioned between a National Climate Service and the non-Federal entities providing climate services; and

(xiii) responses to the comments received during the public comment period.

(B) DRAFT REPORT.—Prior to the submission of the final report, the Director of the Office of Science and Technology Policy shall publish a draft report in the Federal Register with a comment period of at least 30 days.

(C) CONSULTATION.—In developing the report, the Director of the Office of Science and Technology Policy shall consult with State, local, and tribal governments, regional entities, the private sector, and other users and stakeholder groups, and Congress.

(4) ANNUAL REPORT.—The Director of the Office of Science and Technology Policy shall transmit to the Congress at the time of the President's fiscal year 2013 budget request, and annually thereafter, a report on the annual anticipated cost of carrying out the research and operational activities of the National Climate Service, with a description of the budget for each Federal agency's activities.

(e) CLIMATE SERVICE PROGRAM.—

(1) IN GENERAL.—The Under Secretary, building upon the resources of the National Weather Service and other weather and climate programs in the National Oceanic and Atmospheric Administration, shall establish a Climate Service Program.

(2) CLIMATE SERVICE OFFICE.—The Under Secretary shall establish a Climate Service Office and shall appoint a Director of the Office to collaborate with the leadership of the National Oceanic and Atmospheric Administration line offices to perform the duties assigned to the Office. The Climate Service Office shall—

(A) coordinate programs at the National Oceanic and Atmospheric Administration to ensure the timely production and distribution of data and information on global, national, regional, and local climate variability and change over all time scales relevant for planning and response, including intraseasonal, interannual, decadal, and multidecadal time periods;

(B) ensure exchange of information between the research and operational offices at the National Oceanic and Atmospheric Administration to identify research needs for improving climate products and services and ensure the timely and orderly transition of research findings, improved technologies, models, and other tools to the National Oceanic and Atmospheric Administration's operations;

(C) ensure operational quality control of all Climate Service Program products including a transparent and open accounting of all the assumptions built into the global, national, regional, and local weather and climate computer models upon which such products are based;

(D) ensure a continuous level of high-quality data collected through a national observation and monitoring infrastructure, including at a minimum performing regular maintenance and verification, and periodic upgrades;

(E) serve as liaison to and exchange information with other Federal agencies that provide climate services in order to—

(i) ensure the timely dissemination of data and information on weather and climate produced by the National Oceanic and Atmospheric Administration to other Federal agencies;

(ii) ensure that data and information collected by other Federal agencies relevant to improving climate services are made available to the National Oceanic and Atmospheric Administration;

(iii) facilitate the development and delivery of climate products and services to relevant stakeholders; and

(iv) obtain information from other Federal agencies to improve the development and dissemination by the National Oceanic and Atmospheric Administration of information on weather and climate to other Federal agencies for the development of climate service products by those agencies;

(F) ensure cooperation and collaboration, as appropriate, of the Climate Service Program with State, local, and tribal governments, regional entities, academic and nonprofit research organizations, and private sector entities, including weather information providers and other stakeholders; and

(G) ensure exchange of data, information, and research with the United States Global Change Research Program to support the development of assessments required under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(3) CLIMATE SERVICE PROGRAM.—

(A) IN GENERAL.—The Under Secretary shall operate the Climate Service Program through a national center, the Climate Service Office, and a network of regional and local facilities, including the established regional and local offices of the National Weather Service, 6 Regional Climate Centers, the offices of the Regional Integrated Sciences and Assessments program, the National Integrated Drought Information System, and any other National Oceanic and Atmospheric Administration or National Oceanic and Atmospheric Administration-supported regional and local entities, as appropriate.

(B) REGIONAL CLIMATE CENTERS PROGRAM.—The Under Secretary shall maintain a network of 6 Regional Climate Centers to work cooperatively with the State Climate Offices to—

(i) collect and exchange data and information needed to characterize, understand, and forecast regional and local weather and climate;

(ii) facilitate collection and exchange of data and information between the States and Federal Government on weather and climate in conjunction with the National Climatic Data Center;

(iii) support research and observations;

(iv) obtain input on stakeholder needs for weather and climate information and products; and

(v) support State and local adaptation and response planning.

(C) REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS PROGRAM.—The Under Secretary shall maintain a network of offices as part of the Regional Integrated Sciences and Assessments Program. Such offices shall engage in cooperative research, development, and demonstration projects with the academic community, State Climate Offices, Regional Climate Offices, and other users and stakeholders on climate products, technologies, models, and other tools to improve understanding and forecasting of regional and local climate variability and change and the effects on economic activities, natural resources, and water availability, and other effects on communities, to facilitate development of regional and local adaptation plans to respond to climate variability and change, and any other needed research identified by the Under Secretary or the Advisory Committee.

(D) OTHER OFFICES.—In carrying out the functions of the Climate Service Program, the Under Secretary shall utilize the assets and expertise of—

(i) the National Weather Service to—

(I) deliver operational weather and climate forecasts, warnings, products, and information through the Climate Service Programs Division, Local Weather Forecast Offices, Weather Service Offices, and River Forecast Centers; and

(II) develop climate forecast models and tools through the National Centers for Environmental Prediction;

(ii) the National Environmental Satellite, Data, and Information Service to provide data services and support for product development and operations through the National Climatic Data Center and the Regional Climate Centers;

(iii) the Office of Oceanic and Atmospheric Research to—

(I) provide research on product development;

(II) improve weather and climate forecast models;

(III) provide new technologies and methods of observation; and

(IV) oversee the National Oceanic and Atmospheric Administration supported research performed by the Joint Cooperative Institutes, universities, and other non-Federal entities;

(iv) the National Integrated Drought Information System to—

(I) provide an effective drought warning system;

(II) coordinate and integrate Federal research on droughts;

(III) collect and integrate information on key indicators of drought;

(IV) make usable, reliable, and timely forecasts and assessments of drought, including assessments of the severity of drought conditions and effects;

(V) communicate drought forecasts, conditions, and effects to Federal, State, tribal, and local governments, regional entities, the private sector, and the public; and

(VI) coordinate with State Climate Offices and RISA teams to assess management practices and technologies, and the effects of both, used for drought mitigation at the local, State, and regional levels; and

(v) any other National Oceanic and Atmospheric Administration offices or programs, as appropriate.

(E) MISSION.—The Under Secretary shall ensure that the core functions and missions of the National Weather Service, the National Integrated Drought Information System, and any other programs within the National Oceanic and Atmospheric Administration are not diminished or neglected by the establishment of the Climate Service Program or the duties imposed on such offices or programs under this paragraph.

(F) PROGRAM ELEMENTS.—The Climate Service Program shall—

(i) conduct analyses of and studies relating to the effects of weather and climate on communities, including effects on agricultural production, natural resources, energy supply and demand, recreation, and other sectors of the economy;

(ii) carry out observations, data collection, and monitoring of atmospheric and oceanic conditions on a statewide, regional, national, and global basis;

(iii) provide information and technical support for Federal, regional, State, tribal, and local government efforts to assess and respond to climate variability and change;

(iv) develop systems for the management and dissemination of data, information, and assessments, including mechanisms for consultation with current and potential users and other stakeholders;

(v) conduct research to improve forecasting, characterization, and understanding of weather and climate variability and change and its effects on communities, including its effects on agricultural production, natural resources, energy supply and demand, recreation, and other sectors of the economy; and

(vi) develop tools to facilitate the use of climate information by local and regional stakeholders.

(f) CLIMATE SERVICE ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Under Secretary shall establish a Climate Service Advisory Committee to provide advice on—

(A) climate service product development;

(B) delivery of services to decisionmakers and other stakeholders;

(C) infrastructure to support observations and monitoring;

(D) computation and modeling needs, research needs, and other resources needed to develop, distribute, and ensure the utility of climate data, products, and services; and

(E) any other topics as may be requested by the Under Secretary or Congress.

(2) MEMBERS.—

(A) IN GENERAL.—The Advisory Committee shall be composed of at least 25 members appointed by the Under Secretary. Each member of the Advisory Committee shall be qualified either—

(i) by education, training, and experience to evaluate scientific and technical information on matters referred to the Advisory Committee under this subsection; or

(ii) to evaluate the utility and need for climate products by planners, decisionmakers, the private sector, and the public.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once, and shall serve at the discretion of the Under Secretary. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(C) CHAIRPERSON.—The Under Secretary shall designate a chairperson from among the members of the Advisory Committee. The designated Chairperson shall alternate between a member who is appointed as a representative and a member who is appointed as a Special Government Employee.

(D) SUBCOMMITTEES.—

(i) ESTABLISHMENT.—The Advisory Committee shall establish—

(I) a Subcommittee on Science and Technology to advise the Climate Service Program on needed research, technology development, and additional observations, and on any other scientific or technical issues as appropriate; and

(II) a Subcommittee on Product Development and Delivery composed primarily of representatives of the community of potential users of the products developed and delivered by the Climate Service Program.

The Advisory Committee may establish such additional subcommittees of its members as may be necessary.

(ii) APPOINTMENT.—

(I) FULL ADVISORY COMMITTEE.—At least 50 percent of the members of the Advisory Committee shall be appointed as Special Government Employees.

(II) SUBCOMMITTEES.—At least 75 percent of the members of the Subcommittee on Science and Technology shall be appointed as Special Government Employees. Not more than 25 percent of the members of the Subcommittee on Product Development and Delivery shall be appointed as Special Government Employees.

(3) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The Advisory Committee shall report to the Under Secretary and the appropriate requesting party.

(B) ADMINISTRATIVE SUPPORT.—The Under Secretary shall provide administrative support to the Advisory Committee.

(C) MEETINGS.—The Advisory Committee shall meet at least twice each year and at other times at the call of the Under Secretary or the Chairperson.

(D) COMPENSATION AND EXPENSES.—A member of the Advisory Committee shall not be compensated for service on the Advisory Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(4) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Climate Service Advisory Committee.

(g) REPEAL.—The National Climate Program Act (15 U.S.C. 2901 et seq.) is repealed.

(h) ESTABLISHMENT OF REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS TEAMS.—

(1) IN GENERAL.—In maintaining the network of Regional Integrated Sciences and Assessments (RISA) Teams under subsection (e)(3)(C), the Under Secretary shall utilize a competitive, peer-reviewed selection process. Teams shall conduct applied regional climate research and projects to address the needs of local and regional decisionmakers for information and tools to develop adaptation and response plans to climate variability and change. The awards shall be administered through a cooperative agreement between the National Oceanic and Atmospheric Administration and the RISA Team. Each award shall be for a period of five years.

(2) RISA TEAMS.—Teams shall be composed of multi-institutional partnerships whose individual members may include—

(A) institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(B) minority serving institutions, as defined in section 371(a) of the Higher Education Act of 1965; and

(C) nongovernmental research organizations, Federal agencies, State and local agencies, tribal organizations, and for-profit entities.

(3) CONSIDERATIONS.—In making awards under this subsection, the Under Secretary shall consider—

(A) the overall geographic distribution of RISA Teams and existing gaps in applied research to support local and regional decisionmakers;

(B) the team's ability to contribute to the National Oceanic and Atmospheric Administration's efforts to deliver climate services in the region; and

(C) the team's proposal to integrate social and physical sciences research to address the effects of climate variability and change on the ecology, economy, infrastructure, and communities in the region.

(i) SURVEY OF NEED FOR CLIMATE SERVICES.—

(1) IN GENERAL.—The Under Secretary shall provide a report to Congress within 9 months after the date of enactment of this Act that compiles information on the current climate products being delivered by the National Oceanic and Atmospheric Administration and its partner organizations to users and stakeholders and on the needs of users and stakeholders for new climate products and services.

(2) CONTENTS OF REPORT.—The report shall identify—

(A) specific user groups and stakeholders that currently are served by the National Oceanic and Atmospheric Administration and its partner organizations;

(B) the type of climate products and services currently delivered to specific user groups and stakeholders and the specific National Oceanic and Atmospheric Administration office or partner organization that delivers these products and services;

(C) potential user groups and stakeholders that may be served by expanding climate products and services; and

(D) specific needs for new climate products and services identified by user groups and stakeholders.

(3) CONSULTATION.—The Under Secretary shall consult with the Climate Service Advisory Committee in the preparation of this report.

(j) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Under Secretary shall prepare a plan for creating a Climate Service Program in the National Oceanic and Atmospheric Administration and delivering climate products and services to the National Oceanic and Atmospheric Administration users and stakeholders. The plan shall be submitted to the President and the Congress within 1 year after the date of enactment of this Act.

(2) DRAFT PLAN.—Prior to the submission of the final plan, the Under Secretary shall publish a draft plan in the Federal Register with a public comment period of at least 30 days.

(3) CONTENTS.—The plan shall—

(A) identify the current gaps in climate services and outline the process and resources the National Oceanic and Atmospheric Administration will use to fill these gaps;

(B) describe the roles of the National Oceanic and Atmospheric Administration line offices and the National Oceanic and Atmospheric Administration partner organizations in the development and delivery of climate products and services;

(C) describe the development and implementation of quality assurance and control mechanisms for climate products and services delivered by the National Oceanic and Atmospheric Administration and its partner organizations;

(D) identify the mechanisms and opportunities for determining user needs and engaging in a two-way dialogue with users that will inform climate product and service development and delivery of authoritative, timely, and useful information on climate variability and change and the effects on local, State, regional, national, and global scales;

(E) identify new responsibilities or tasks to be undertaken by existing National Oceanic and Atmospheric Administration line offices and partner organizations;

(F) identify new infrastructure, equipment, personnel, or other resources needed to implement the proposed plan; and

(G) include responses to the comments received during the public comment period.

(4) CONTINUITY OF SERVICE.—During the development of the implementation plan, the public comment period, and final plan, the National Oceanic and Atmospheric Administration shall continue to provide climate services to the user community.

(5) CONSULTATION.—In developing the plan, the Under Secretary shall consult with user groups and stakeholders, State Climate Offices, Regional Climate Centers, other Federal agencies, the Climate Service Advisory Committee, and Congress.

(6) COORDINATION WITH INTERAGENCY DEVELOPMENT OF A NATIONAL CLIMATE SERVICE.—In preparing the plan required under this subsection, the Under Secretary shall consult with the Director of the Office of Science and Technology Policy to ensure that the program developed by the Agency will serve the needs of a National Climate Service.

(k) SUMMER INSTITUTES PROGRAM AT THE REGIONAL CLIMATE CENTERS.—

(1) DEFINITIONS.—In this subsection:

(A) SUMMER INSTITUTE.—The term ''summer institute'' means an institute, operated during the summer, that—

(i) is hosted by a Regional Climate Center or an eligible partner;

(ii) is operated for a period of not less than 2 weeks; and

(iii) provides direct interaction of middle school and high school teacher and undergraduate student participants with personnel of the Regional Climate Centers or eligible partners who have scientific expertise in weather and climate.

(B) ELIGIBLE PARTNER.—The term ''eligible partner'' means—

(i) the science, engineering, or mathematics department at an institution of higher education; or

(ii) a nonprofit entity with expertise in providing educational enrichment experiences for students.

(2) SUMMER INSTITUTES PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Under Secretary shall establish a summer institutes program, to be conducted in cooperation with the Regional Climate Centers, which may include an eligible partner. The purpose of the program is to provide training and professional enrichment by providing opportunities for interaction between participants and climate scientists in a research and operational setting to—

(i) enable middle school and high school teachers to integrate weather and climate sciences into their curricula: and

(ii) encourage undergraduate students to pursue further study and careers in weather and climate sciences.

(B) REQUIRED ACTIVITIES.—Funds authorized under this subsection shall be used for—

(i) providing educational opportunities for middle school and high school teachers and undergraduate students not achievable inside the classroom;

(ii) exposing such teachers and students to researchers, scientists, or engineers who can demonstrate their daily activities to the teachers and students;

(iii) exposing teachers and students to scientific methods in a research discovery setting; and

(iv) assisting teachers with curriculum development in the areas of weather and climate science.

(3) PRIORITY.—The Under Secretary shall ensure that each summer institute program authorized under paragraph (2) includes students from groups underrepresented in the fields of science, technology, engineering, and mathematics teaching, including women and members of minority groups.

(4) REPORT TO CONGRESS.—The Under Secretary shall submit to Congress a biennial report on the activities conducted under this subsection, including the number of participants and the new curricula developed in atmospheric and climate sciences.

(l) CLEARINGHOUSE OF FEDERAL CLIMATE SERVICE PRODUCTS AND LINKS TO FEDERAL AGENCIES PROVIDING CLIMATE SERVICES.—

(1) IN GENERAL.—The Under Secretary shall establish and maintain a clearinghouse to inform State, local, and tribal governments and the public about the information and services available to—

(A) assess the impacts of climate variability and change at different geographic scales;

(B) characterize and forecast climate variability and change for specific regions, resources, and economic sectors; and

(C) develop and implement adaptation strategies to reduce vulnerabilities to climate variability and change.

(2) OTHER RESOURCES.—The clearinghouse shall include hyperlinks to Internet sites that describe the activities, information, and resources of—

(A) the Federal Government;

(B) State and local governments;

(C) the private sector;

(D) nongovernmental and nonprofit entities and organizations; and

(E) international organizations.

(m) FINANCIAL BURDEN.—Nothing in this section shall be construed as authorizing the National Climate Service or the Climate Service Program at the National Oceanic and Atmospheric Administration to require State, tribal, or local governments to develop adaptation or response plans or to take any other action in response to variations in climate that may result in an increased financial burden to such governments.

SEC. 453. STATE PROGRAMS TO BUILD RESILIENCE TO CLIMATE CHANGE IMPACTS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4

of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) VINTAGE YEAR.—The term ''vintage year'' has the meaning given that term under section 700 of the Clean Air Act (as added by section 312 of this Act).

(b) REGULATIONS; COORDINATION.—Not later than 2 years after the date of enactment of this Act, the Administrator, or such Federal agency head or heads as the President may designate, shall promulgate regulations to implement the requirements of this section. If the President designates more than 1 Federal agency to implement this section, the President shall require such agencies to establish a memorandum of understanding providing for coordination of rulemaking and other implementing activities, in accordance with the requirements of this section.

(c) DISTRIBUTION OF ALLOWANCES.—

(1) IN GENERAL.—Not later than September 30 of each of calendar years 2011 through 2049, the Administrator shall distribute, in accordance with this section, allowances allocated for the following vintage year pursuant to section 782(l) of the Clean Air Act (as added by section 321 of this Act). The Administrator shall reserve 1 percent of such allowances for distribution to Indian tribes in accordance with subsection (d). The remainder of such allowances shall be distributed ratably among the States based on the product of—

(A) each State's population; and

(B) each State's allocation factor as determined under paragraph (2).

(2) STATE ALLOCATION FACTORS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the allocation factor for a State shall be the quotient of—

(i) the per capita income of all individuals in the United States, divided by

(ii) the per capita income of all individuals in such State.

(B) LIMITATION.—If the allocation factor for a State as calculated under subparagraph (A) would exceed 1.2, then the allocation factor for such State shall be 1.2. If the allocation factor for a State as calculated under subparagraph (A) would be less than 0.8, then the allocation factor for such State shall be 0.8.

(C) PER CAPITA INCOME.—For purposes of this paragraph, per capita income shall be—

(i) determined at 2-year intervals; and

(ii) subject to subparagraph (D), equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

(D) REVENUE DIRECTLY RESULTING FROM A PRESIDENTIALLY DECLARED MAJOR DISASTER.—For purposes of this paragraph, per capita income from one or more of the following sources shall be reduced or excluded if the Secretary of Commerce (in consultation with the Administrator and the secretaries or administrators of the departments or agencies involved) determines that the income accrues to persons as the result of a Major Disaster (as declared by the President of the United States) and if the Secretary finds that the inclusion of one or more of these income sources, in whole or in part, results in a transitory, rather than a sustainable, increase in a State's per capita income level relative to the national average:

(i) Property and casualty insurance (including homeowners and renters insurance).

(ii) The National Flood Insurance Program of the Federal Emergency Management Agency.

(iii) The Individual and Family Grants Program of the Federal Emergency Management Agency.

(iv) The Disaster Housing Program of the Federal Emergency Management Agency.

(v) The Community Development Block Grant Program of the Department of Housing and Urban Development.

(vi) The Disaster Unemployment Assistance Program of the Department of Labor.

(vii) Any other source determined appropriate by the Administrator.

(d) DISTRIBUTION TO INDIAN TRIBES.—The Administrator, or such Federal agency head or heads as the President may designate, shall promulgate regulations establishing a program to distribute allowances on a competitive basis to Indian tribes, in accordance with the requirements of this section. Such allowances shall be used exclusively in accordance with the requirements of subsection (e). Beginning with vintage year 2015, Indian tribes with a tribal adaptation plan approved pursuant to subsection (f) shall be given priority in selection of programs or projects for receipt of emission allowances under this subsection.

(e) USE OF ALLOWANCES.—

(1) IN GENERAL.—States and Indian tribes shall use allowances distributed under this section exclusively for the implementation of projects, programs, or measures to build resilience to the impacts of climate change, including—

(A) extreme weather events such as flooding and tropical cyclones;

(B) more frequent heavy precipitation events;

(C) water scarcity and adverse impacts on water quality;

(D) stronger and longer heat waves;

(E) more frequent and severe droughts;

(F) rises in sea level;

(G) ecosystem disruption;

(H) increased air pollution; and

(I) effects on public health.

(2) PRIORITY IN PROJECTS TO REDUCE FLOOD EVENTS.—When implementing any project, program, or measure supported under this section and designed to reduce flood events, a State or Indian tribe should consider prioritizing projects that seek to—

(A) mitigate the destructive impacts of climate-related increases in the duration, frequency, or magnitude of rainfall or runoff, including snowmelt runoff, as well as hurricanes;

(B) improve flood protection for densely populated urban areas; and

(C) mitigate the destructive impact of ocean-related climate change effects, including effects on bays, estuaries, populated barrier islands and other ocean-related features, through a variety of means and measures, including the construction of jetties, levies, and other coastal structures in densely populated coastal areas impacted by climate change.

(3) STATE AND TRIBAL ADAPTATION PLANS.—Upon approval of a State or tribal climate adaptation plan under subsection (f), allowances received by a State under this section shall be used in accordance with such plan.

(4) SUPPLEMENT, NOT SUPPLANT.—It is the intent of the Congress that allowances distributed to carry out this section should be used to supplement, and not replace, existing sources of funding used to build resilience to the impacts of climate change identified in paragraph (1).

(5) RESEARCH ON HURRICANES.—The authorized uses of allowances under this section shall include establishment of projects or programs to conduct research and monitoring on the effect of ongoing climate change on the frequency and intensity of hurricanes.

(f) STATE AND TRIBAL CLIMATE ADAPTATION PLANS.—

(1) IN GENERAL.—The regulations promulgated pursuant to subsection (b) shall include requirements for submission and approval of State or tribal climate adaptation plans under this section. Beginning with vintage year 2015, distribution of allowances to a State pursuant to this section shall be contingent on approval of a State climate adaptation plan for such State that meets the requirements of such regulations. Requirements for tribal climate adaptation plans may vary from those of State adaptation plans to the extent necessary to account for the special circumstances of Indian tribes.

(2) REQUIREMENTS.—Regulations promulgated under this section shall require, at minimum, that State and tribal climate adaptation plans—

(A) assess and prioritize the State's or Indian tribe's vulnerability to a broad range of impacts of climate change, based on the best available science;

(B) include an assessment of potential for carbon reduction through changes to land management policies (including enhancement or protection of forest carbon sinks);

(C) identify and prioritize specific cost-effective projects, programs, and measures to build resilience to current and predicted impacts of climate change;

(D) ensure that the State or Indian tribe fully considers and undertakes, to the maximum extent practicable, initiatives that—

(i) protect or enhance natural ecosystem functions, including protection, maintenance, or restoration of natural infrastructure such as wetlands, reefs, and barrier islands to buffer communities from floodwaters or storms, watershed protection to maintain water quality and groundwater recharge, or floodplain restoration to improve natural flood control capacity; or

(ii) use non-structural approaches including practices that utilize, enhance, or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse;

(E) be revised and resubmitted for approval not less frequently than every 5 years; and

(F) be consistent with Federal conservation and environmental laws and, to the maximum extent practicable, avoid environmental degradation.

(3) COORDINATION WITH PRIOR PLANNING EFFORTS.—In implementing this subsection, the Administrator, or such Federal agency head or heads as the President may designate, shall—

(A) draw upon lessons learned and best practices from preexisting State and tribal climate adaptation planning efforts;

(B) seek to avoid duplication of such efforts; and

(C) ensure that the plans developed under this section reflect and are fully consistent with State natural resources adaptation plans developed under section 479 of this Act.

(g) REPORTING.—Each State or Indian tribe receiving allowances under this section shall submit to the Administrator, or such Federal agency head or heads as the President may designate, within 12 months after each receipt of such allowances and once every 2 years thereafter until the value of any allowances received under this section has been fully expended, a report that—

(1) provides a full accounting for the State's or Indian tribe's use of allowances distributed under this section, including a description of the projects, programs, or measures supported using such allowances;

(2) includes a report prepared by an independent third party, in accordance with such regulations as are promulgated by the Administrator or such other Federal agency head or heads as the President may designate, evaluating the performance of the projects, programs, or measures supported under this section; and

(3) identifies any use by the State or Indian tribe of allowances distributed under this section for the reduction of flood and storm damage and the effects of climate change on water and flood protection infrastructure.

(h) ENFORCEMENT.—If the Administrator, or such Federal agency head or heads as the President may designate, determines that a State or Indian tribe is not in compliance with this section, the Administrator or such other agency head may withhold a quantity of the allowances equal to up to twice the quantity of allowances that the State or Indian tribe failed to use in accordance with the requirements of this section, that such State or Indian tribe would otherwise be eligible to receive under this section in 1 or more later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States or Indian tribes ratably in accordance with the formula in subsection (c) in the case of allowances withheld from a State, or in accordance with subsection (d) in the case of allowances withheld from an Indian tribe.

Subpart B—Public Health and Climate Change

SEC. 461. SENSE OF CONGRESS ON PUBLIC HEALTH AND CLIMATE CHANGE.

It is the sense of the Congress that the Federal Government, in cooperation with international, State, tribal, and local governments, concerned public and private organizations, and citizens, should use all practicable means and measures—

(1) to assist the efforts of public health and health care professionals, first responders, States, tribes, municipalities, and local communities to incorporate measures to prepare health systems to respond to the impacts of climate change;

(2) to ensure—

(A) that the Nation's health professionals have sufficient information to prepare for and respond to the adverse health impacts of climate change;

(B) the utility and value of scientific research in advancing understanding of—

(i) the health impacts of climate change; and

(ii) strategies to prepare for and respond to the health impacts of climate change;

(C) the identification of communities vulnerable to the health effects of climate change and the development of strategic response plans to be carried out by health professionals for those communities;

(D) the improvement of health status and health equity through efforts to prepare for and respond to climate change; and

(E) the inclusion of health policy in the development of climate change responses;

(3) to encourage further research, interdisciplinary partnership, and collaboration among stakeholders in order to—

(A) understand and monitor the health impacts of climate change; and

(B) improve public health knowledge and response strategies to climate change;

(4) to enhance preparedness activities, and public health infrastructure, relating to climate change and health;

(5) to encourage each and every American to learn about the impacts of climate change on health; and

(6) to assist the efforts of developing nations to incorporate measures to prepare health systems to respond to the impacts of climate change.

SEC. 462. RELATIONSHIP TO OTHER LAWS.

Nothing in this subpart in any manner limits the authority provided to or responsibility conferred on any Federal department or agency by any provision of any law (including regulations) or authorizes any violation of any provision of any law (including regulations), including any health, energy, environmental, transportation, or any other law or regulation.

SEC. 463. NATIONAL STRATEGIC ACTION PLAN.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, within 2 years after the date of the enactment of this Act, on the basis of the best available science, and in consultation pursuant to paragraph (2), shall publish a strategic action plan to assist health professionals in preparing for and responding to the impacts of climate change on public health in the United States and other nations, particularly developing nations.

(2) CONSULTATION.—In developing or making any revision to the national strategic action plan, the Secretary shall—

(A) consult with the Director of the Centers for Disease Control and Prevention, the Administrator of the Environmental Protection Agency, the Director of the National Institutes of Health, the Secretary of Energy, other appropriate Federal agencies, Indian tribes, State and local governments, public health organizations, scientists, and other interested stakeholders; and

(B) provide opportunity for public input.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and other appropriate Federal agencies, shall assist health professionals in preparing for and responding effectively and efficiently to the health effects of climate change through measures including—

(A) developing, improving, integrating, and maintaining domestic and international disease surveillance systems and monitoring capacity to respond to health-related effects of climate change, including on topics addressing—

(i) water, food, and vector borne infectious diseases and climate change;

(ii) pulmonary effects, including responses to aeroallergens;

(iii) cardiovascular effects, including impacts of temperature extremes;

(iv) air pollution health effects, including heightened sensitivity to air pollution;

(v) hazardous algal blooms;

(vi) mental and behavioral health impacts of climate change;

(vii) the health of refugees, displaced persons, and vulnerable communities;

(viii) the implications for communities vulnerable to health effects of climate change, as well as strategies for responding to climate change within these communities; and

(ix) local and community-based health interventions for climate-related health impacts;

(B) creating tools for predicting and monitoring the public health effects of climate change on the international, national, regional, State, and local levels, and providing technical support to assist in their implementation;

(C) developing public health communications strategies and interventions for extreme weather events and disaster response situations;

(D) identifying and prioritizing communities and populations vulnerable to the health effects of climate change, and determining actions and communication strategies that should be taken to inform and protect these communities and populations from the health effects of climate change;

(E) developing health communication, public education, and outreach programs aimed at public health and health care professionals, as well as the general public, to promote preparedness and response strategies relating to climate change and public health, including the identification of greenhouse gas reduction behaviors that are health-promoting; and

(F) developing academic and regional centers of excellence devoted to—

(i) researching relationships between climate change and health;

(ii) expanding and training the public health workforce to strengthen the capacity of such workforce to respond to and prepare for the health effects of climate change;

(iii) creating and supporting academic fellowships focusing on the health effects of climate change; and

(iv) training senior health ministry officials from developing nations to strengthen the capacity of such nations to—

(I) prepare for and respond to the health effects of climate change; and

(II) build an international network of public health professionals with the necessary climate change knowledge base;

(G) using techniques, including health impact assessments, to assess various climate change public health preparedness and response strategies on international, national, State, regional, tribal, and local levels, and make recommendations as to those strategies that best protect the public health;

(H)(i) assisting in the development, implementation, and support of State, regional, tribal, and local preparedness, communication, and response plans (including with respect to the health departments of such entities) to anticipate and reduce the health threats of climate change; and

(ii) pursuing collaborative efforts to develop, integrate, and implement such plans;

(I) creating a program to advance research as it relates to the effects of climate change on public health across Federal agencies, including research to—

(i) identify and assess climate change health effects preparedness and response strategies;

(ii) prioritize critical public health infrastructure projects related to potential climate change impacts that affect public health; and

(iii) coordinate preparedness for climate change health impacts, including the development of modeling and forecasting tools;

(J) providing technical assistance for the development, implementation, and support of preparedness and response plans to anticipate and reduce the health threats of climate change in developing nations; and

(K) carrying out other activities determined appropriate by the Secretary to plan for and respond to the impacts of climate change on public health.

(c) REVISION.—The Secretary shall revise the national strategic action plan not later than July 1, 2014, and every 4 years thereafter, to reflect new information collected pursuant to implementation of the national strategic action plan and otherwise, including information on—

(1) the status of critical environmental health parameters and related human health impacts;

(2) the impacts of climate change on public health; and

(3) advances in the development of strategies for preparing for and responding to the impacts of climate change on public health.

(d) IMPLEMENTATION.—

(1) IMPLEMENTATION THROUGH HHS.—The Secretary shall exercise the Secretary's authority under this subpart and other provisions of Federal law to achieve the goals and measures of the national strategic action plan.

(2) OTHER PUBLIC HEALTH PROGRAMS AND INITIATIVES.—The Secretary and Federal officials of other relevant Federal agencies shall administer public health programs and initiatives authorized by provisions of law other than this subpart, subject to the requirements of such statutes, in a manner designed to achieve the goals of the national strategic action plan.

(3) CDC.—In furtherance of the national strategic action plan, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the head of any other appropriate Federal agency, shall—

(A) conduct scientific research to assist health professionals in preparing for and responding to the impacts of climate change on public health; and

(B) provide funding for—

(i) research on the health effects of climate change; and

(ii) preparedness planning on the international, national, State, tribal, regional, and local levels to respond to or reduce the burden of health effects of climate change; and

(C) carry out other activities determined appropriate by the Director or the head of such agency to prepare for and respond to the impacts of climate change on public health.

SEC. 464. ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a permanent science advisory board comprised of not less than 10 and not more than 20 members.

(b) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the members of the science advisory board from among individuals—

(1) who have expertise in public health and human services, climate change, and other relevant disciplines; and

(2) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(c) FUNCTIONS.—The science advisory board shall—

(1) provide scientific and technical advice and recommendations to the Secretary on the domestic and international impacts of climate change on public health, populations and regions particularly vulnerable to the effects of climate change, and strategies and mechanisms to prepare for and respond to the impacts of climate change on public health; and

(2) advise the Secretary regarding the best science available for purposes of issuing the national strategic action plan.

SEC. 465. REPORTS.

(a) NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into, by not later than 6 months after the date of the enactment of this Act, an agreement with the National Research Council and the Institute of Medicine to complete a report that—

(A) assesses the needs for health professionals to prepare for and respond to climate change impacts on public health; and

(B) recommends programs to meet those needs.

(2) SUBMISSION.—The agreement under paragraph (1) shall require the completed report to be submitted to the Congress and the Secretary and made publicly available not later than 1 year after the date of the agreement.

(b) CLIMATE CHANGE HEALTH PROTECTION AND PROMOTION REPORTS.—

(1) IN GENERAL.—The Secretary, in consultation with the advisory board established under section 464, shall ensure the issuance of reports to aid health professionals in preparing for and responding to the adverse health effects of climate change that—

(A) review scientific developments on health impacts of climate change; and

(B) recommend changes to the national strategic action plan.

(2) SUBMISSION.—The Secretary shall submit the reports required by paragraph (1) to the Congress and make such reports publicly available not later than July 1, 2013, and every 4 years thereafter.

SEC. 466. DEFINITIONS.

In this subpart:

(1) HEALTH IMPACT ASSESSMENT.—The term ''health impact assessment'' means a combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

(2) NATIONAL STRATEGIC ACTION PLAN.—The term ''national strategic action plan'' means the plan issued and revised under section 463.

(3) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 467. CLIMATE CHANGE HEALTH PROTECTION AND PROMOTION FUND.

(a) ESTABLISHMENT OF FUND.—Subject to subtitle F of title IV, there is hereby established in the Treasury a separate account that shall be known as the Climate Change Health Protection and Promotion Fund.

(b) AVAILABILITY OF AMOUNTS.—Subject to Subtitle F of title IV, all amounts deposited into the Climate Change Health Protection and Promotion Fund shall be available to the Secretary to carry out this subpart subject to further appropriation.

(c) DISTRIBUTION OF FUNDS BY HHS.—In carrying out this subpart, the Secretary may make funds deposited in the Climate Change Health Protection and Promotion Fund available to—

(1) other departments, agencies, and offices of the Federal Government;

(2) foreign, State, tribal, and local governments; and

(3) such other entities as the Secretary determines appropriate.

(d) SUPPLEMENT, NOT REPLACE.—It is the intent of Congress that funds made available to carry out this subpart should be used to supplement, and not replace, existing sources of funding for public health.

Subpart C—Natural Resource Adaptation

SEC. 471. PURPOSES.

The purposes of this subpart are to—

(1) establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification; and

(2) provide financial support and incentives for programs, strategies, and activities that protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification.

SEC. 472. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION POLICY.

It is the policy of the Federal Government, in cooperation with State and local governments, Indian tribes, and other interested stakeholders to use all practicable means and measures to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

SEC. 473. DEFINITIONS.

In this subpart:

(1) COASTAL STATE.—The term ''coastal State'' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(2) CORRIDORS.—The term ''corridors'' means areas that provide connectivity, over different time scales (including seasonal or longer), of habitat or potential habitat and that facilitate the ability of terrestrial, marine, estuarine, and freshwater fish, wildlife, or plants to move within a landscape as needed for migration, gene flow, or dispersal, or in response to the impacts of climate change and ocean acidification or other impacts.

(3) ECOLOGICAL PROCESSES.—The term ''ecological processes'' means biological, chemical, or physical interaction between the biotic and abiotic components of an ecosystem and includes—

(A) nutrient cycling;

(B) pollination;

(C) predator-prey relationships;

(D) soil formation;

(E) gene flow;

(F) disease epizootiology;

(G) larval dispersal and settlement;

(H) hydrological cycling;

(I) decomposition; and

(J) disturbance regimes such as fire and flooding.

(4) HABITAT.—The term ''habitat'' means the physical, chemical, and biological properties that are used by fish, wildlife, or plants for growth, reproduction, survival, food, water, and cover, on a tract of land, in a body of water, or in an area or region.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATURAL RESOURCES.—The term ''natural resources'' means the terrestrial, freshwater, estuarine, and marine fish, wildlife, plants, land, water, habitats, and ecosystems of the United States.

(7) NATURAL RESOURCES ADAPTATION.—The term ''natural resources adaptation'' means the protection, restoration, and conservation of natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

(8) RESILIENCE.—Each of the terms ''resilience'' and ''resilient'' means the ability to resist or recover from disturbance and preserve diversity, productivity, and sustainability.

(9) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa.

SEC. 474. COUNCIL ON ENVIRONMENTAL QUALITY.

The Chair of the Council on Environmental Quality shall—

(1) advise the President on implementation and development of—

(A) a Natural Resources Climate Change Adaptation Strategy required under section 476; and

(B) Federal natural resource agency adaptation plans required under section 478;

(2) serve as the Chair of the Natural Resources Climate Change Adaptation Panel established under section 475; and

(3) coordinate Federal agency strategies, plans, programs, and activities related to protecting, restoring, and maintaining natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

SEC. 475. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION PANEL.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subpart, the President shall establish a Natural Resources Climate Change Adaptation Panel, consisting of—

(1) the head, or their designee, of each of—

(A) the National Oceanic and Atmospheric Administration;

(B) the Forest Service;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service;

(E) the Bureau of Land Management;

(F) the United States Geological Survey;

(G) the Bureau of Reclamation;

(H) the Bureau of Indian Affairs;

(I) the Environmental Protection Agency; and

(J) the Army Corps of Engineers;

(2) the Chair of the Council on Environmental Quality; and

(3) the heads of such other Federal agencies or departments with jurisdiction over natural resources of the United States, as determined by the President.

(b) FUNCTIONS.—The Panel shall serve as a forum for interagency consultation on and the coordination of the development and implementation of a national Natural Resources Climate Change Adaptation Strategy required under section 476.

(c) CHAIR.—The Chair of the Council on Environmental Quality shall serve as the Chair of the Panel.

SEC. 476. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION STRATEGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this subpart, the President, through the Natural Resources Climate Change Adaptation Panel established under section 475, shall develop a Natural Resources Climate Change Adaptation Strategy to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification and to identify opportunities to mitigate those impacts.

(b) DEVELOPMENT AND REVISION.—In developing and revising the Strategy, the Panel shall—

(1) base the strategy on the best available science;

(2) develop the strategy in close cooperation with States and Indian tribes;

(3) coordinate with other Federal agencies as appropriate;

(4) consult with local governments, conservation organizations, scientists, and other interested stakeholders;

(5) provide public notice and opportunity for comment; and

(6) review and revise the Strategy every 5 years to incorporate new information regarding the impacts of climate change and ocean acidification on natural resources and advances in the development of strategies for becoming more resilient and adapting to those impacts.

(c) CONTENTS.—The National Resources Adaptation Strategy shall include—

(1) an assessment of the vulnerability of natural resources to climate change and ocean acidification, including the short-term, medium-term, long-term, cumulative, and synergistic impacts;

(2) a description of current research, observation, and monitoring activities at the Federal, State, tribal, and local level related to the impacts of climate change and ocean acidification on natural resources, as well as identification of research and data needs and priorities;

(3) identification of natural resources that are likely to have the greatest need for protection, restoration, and conservation because of the adverse effects of climate change and ocean acidification;

(4) specific protocols for integrating climate change and ocean acidification adaptation strategies and activities into the conservation and management of natural resources by Federal departments and agencies to ensure consistency across agency jurisdictions and resources;

(5) specific actions that Federal departments and agencies shall take to protect, conserve, and restore natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, including a timeline to implement those actions;

(6) specific mechanisms for ensuring communication and coordination among Federal departments and agencies, and between Federal departments and agencies and State natural resource agencies, United States territories, Indian tribes, private landowners, conservation organizations, and other nations that share jurisdiction over natural resources with the United States;

(7) specific actions to develop and implement consistent natural resources inventory and monitoring protocols through interagency coordination and collaboration; and

(8) a process for guiding the development of detailed agency- and department-specific adaptation plans required under section 478 to address the impacts of climate change and ocean acidification on the natural resources in the jurisdiction of each agency.

(d) IMPLEMENTATION.—Consistent with its authorities under other laws and with Federal trust responsibilities with respect to Indian lands, each Federal department or agency with representation on the National Resources Climate Change Adaptation Panel shall consider the impacts of climate change and ocean acidification and integrate the elements of the strategy into agency plans, environmental reviews, programs, and activities related to the conservation, restoration, and management of natural resources.

SEC. 477. NATURAL RESOURCES ADAPTATION SCIENCE AND INFORMATION.

(a) COORDINATION.—Not later than 90 days after the date of the enactment of this subpart, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall establish a coordinated process for developing and providing science and information needed to assess and address the impacts of climate change and ocean acidification on natural resources. The process shall be led by the National Climate Change and Wildlife Science Center established within the United States Geological Survey under subsection (d) and the National Climate Service of the National Oceanic and Atmospheric Administration.

(b) FUNCTIONS.—The Secretaries shall ensure that such process avoids duplication and that the National Oceanic and Atmospheric Administration and the United States Geological Survey shall—

(1) provide technical assistance to Federal departments and agencies, State and local governments, Indian tribes, and interested private landowners in their efforts to assess and address the impacts of climate change and ocean acidification on natural resources;

(2) conduct and sponsor research and provide Federal departments and agencies, State and local governments, Indian tribes, and interested private landowners with research products, decision and monitoring tools and information, to develop strategies for assisting natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification; and

(3) assist Federal departments and agencies in the development of the adaptation plans required under section 478.

(c) SURVEY.—Not later than one year after the date of enactment of this subpart and every 5 years thereafter, the Secretary of Commerce and the Secretary of the Interior shall undertake a climate change and ocean acidification impact survey that—

(1) identifies natural resources considered likely to be adversely affected by climate change and ocean acidification;

(2) includes baseline monitoring and ongoing trend analysis;

(3) uses a stakeholder process to identify and prioritize needed monitoring and research that is of greatest relevance to the ongoing needs of natural resource managers to address the impacts of climate change and ocean acidification; and

(4) identifies decision tools necessary to develop strategies for assisting natural resources to become more resilient and adapt to and withstand the impacts of climate change and ocean acidification.

(d) NATIONAL CLIMATE CHANGE AND WILDLIFE SCIENCE CENTER.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall establish the National Climate Change and Wildlife Science Center within the United States Geological Survey.

(2) FUNCTIONS.—The Center shall, in collaboration with Federal and State natural resources agencies and departments, Indian tribes, universities, and other partner organizations—

(A) assess and synthesize current physical and biological knowledge and prioritize scientific gaps in such knowledge in order to forecast the ecological impacts of climate change on fish and wildlife at the ecosystem, habitat, community, population, and species levels;

(B) develop and improve tools to identify, evaluate, and, where appropriate, link scientific approaches and models for forecasting the impacts of climate change and adaptation on fish, wildlife, plants, and their habitats, including monitoring, predictive models, vulnerability analyses, risk assessments, and decision support systems to help managers make informed decisions;

(C) develop and evaluate tools to adaptively manage and monitor the effects of climate change on fish and wildlife at national, regional, and local scales; and

(D) develop capacities for sharing standardized data and the synthesis of such data.

(e) SCIENCE ADVISORY BOARD.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subpart, the Secretary of Commerce and the Secretary of the Interior shall establish and appoint the members of a Science Advisory Board, to be comprised of not fewer than 10 and not more than 20 members—

(A) who have expertise in fish, wildlife, plant, aquatic, and coastal and marine biology, ecology, climate change, ocean acidification, and other relevant scientific disciplines;

(B) who represent a balanced membership among Federal, State, Indian tribes, and local representatives, universities, and conservation organizations; and

(C) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(2) DUTIES.—The Science Advisory Board shall—

(A) advise the Secretaries on the state-of-the-science regarding the impacts of climate change and ocean acidification on natural resources and scientific strategies and mechanisms for protecting, restoring, and conserving natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification; and

(B) identify and recommend priorities for ongoing research needs on such issues.

(3) COLLABORATION.—The Science Advisory Board shall collaborate with other climate change and ecosystem research entities in other Federal agencies and departments.

(4) AVAILABILITY TO THE PUBLIC.—The advice and recommendations of the Science Advisory Board shall be made available to the public.

SEC. 478. FEDERAL NATURAL RESOURCE AGENCY ADAPTATION PLANS.

(a) DEVELOPMENT.—Not later than 1 year after the date of the development of a Natural Resources Climate Change Adaptation Strategy under section 476, each department or agency that has a representative on the Natural Resources Climate Change Adaptation Panel established under section 475 shall—

(1) complete an adaptation plan for that department or agency, respectively, implementing the Natural Resources Climate Change Adaptation Strategy under section 476 and consistent with the Natural Resources Climate Change Adaptation Policy under section 472, detailing the department's or agency's current and projected efforts to address the potential impacts of climate change and ocean acidification on natural resources within the department's or agency's jurisdiction and necessary additional actions, including a timeline for implementation of those actions;

(2) provide opportunities for review and comment on that adaptation plan by the public, including in the case of a plan by the Bureau of Indian Affairs, review by Indian tribes; and

(3) submit such plan to the President for approval.

(b) REVIEW BY PRESIDENT AND SUBMISSION TO CONGRESS.—

(1) REVIEW BY PRESIDENT.—The President shall—

(A) approve an adaptation plan submitted under subsection (a)(3) if the plan meets the requirements of subsection (c) and is consistent with the strategy developed under section 476;

(B) decide whether to approve the plan within 60 days after submission; and

(C) if the President disapproves a plan, direct the department or agency to submit a revised plan to the President under subsection (a)(3) within 60 days after such disapproval.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date of approval of such adaptation plan by the President, the department or agency shall submit the approved plan to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the committees of the House of Representatives and the Senate with principal jurisdiction over the department or agency.

(c) REQUIREMENTS.—Each adaptation plan shall—

(1) establish programs for assessing the current and future impacts of climate change and ocean acidification on natural resources within the department's or agency's, respectively, jurisdiction, including cumulative and synergistic effects, and for identifying and monitoring those natural resources that are likely to be adversely affected and that have need for conservation;

(2) identify and prioritize the department's or agency's strategies and specific conservation actions to address the current and future impacts of climate change and ocean acidification on natural resources within the scope of the department's or agency's jurisdiction and to develop and implement strategies to protect, restore, and conserve such resources to become more resilient, adapt to, and better withstand those impacts, including—

(A) the protection, restoration, and conservation of terrestrial, marine, estuarine, and freshwater habitats and ecosystems;

(B) the establishment of terrestrial, marine, estuarine, and freshwater habitat linkages and corridors;

(C) the restoration and conservation of ecological processes;

(D) the protection of a broad diversity of native species of fish, wildlife, and plant populations across their range; and

(E) the protection of fish, wildlife, and plant health, recognizing that climate can alter the distribution and ecology of parasites, pathogens, and vectors;

(3) describe how the department or agency will integrate such strategies and conservation activities into plans, programs, activities, and actions of the department or agency, related to the conservation and management of natural resources and establish new plans, programs, activities, and actions as necessary;

(4) establish methods for assessing the effectiveness of strategies and conservation actions taken to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, and for updating those strategies and actions to respond to new information and changing conditions;

(5) include a description of current and proposed mechanisms to enhance cooperation and coordination of natural resources adaptation efforts with other Federal agencies, State and local governments, Indian tribes, and nongovernmental stakeholders;

(6) include specific written guidance to resource managers to—

(A) explain how managers are expected to address the effects of climate change and ocean acidification;

(B) identify how managers are to obtain any site-specific information that may be necessary; and

(C) reflect best practices shared among relevant agencies, while also recognizing the unique missions, objectives, and responsibilities of each agency; and

(7) identify and assess data and information gaps necessary to develop natural resources adaptation plans and strategies.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Upon approval by the President, each department or agency that serves on the Natural Resources Climate Change Adaptation Panel shall implement its adaptation plan through existing and new plans, policies, programs, activities, and actions to the extent not inconsistent with existing authority.

(2) CONSIDERATION OF IMPACTS.—

(A) IN GENERAL.—To the maximum extent practicable and consistent with applicable law, every natural resource management decision made by the department or agency shall consider the impacts of climate change and ocean acidification on those natural resources.

(B) GUIDANCE.—The Council on Environmental Quality shall issue guidance for Federal departments and agencies for considering those impacts.

(e) REVISION AND REVIEW.—Not less than every 5 years, each adaptation plan under this section shall be reviewed and revised to incorporate the best available science and other information regarding the impacts of climate change and ocean acidification on natural resources.

SEC. 479. STATE NATURAL RESOURCES ADAPTATION PLANS.

(a) REQUIREMENT.—In order to be eligible for funds under section 480, not later than 1 year after the development of a Natural Resources Climate Change Adaptation Strategy required under section 476 each State shall prepare a State natural resources adaptation plan detailing the State's current and projected efforts to address the potential impacts of climate change and ocean acidification on natural resources and coastal areas within the State's jurisdiction.

(b) REVIEW OR APPROVAL.—

(1) IN GENERAL.—Each State adaptation plan shall be reviewed and approved or disapproved by the Secretary of the Interior and, as applicable, the Secretary of Commerce. Such approval shall be granted if the plan meets the requirements of subsection (c) and is consistent with the Natural Resources Climate Change Adaptation Strategy required under section 476.

(2) APPROVAL OR DISAPPROVAL.—Within 180 days after transmittal of such a plan, or a revision to such a plan, the Secretary of the Interior and, as applicable, the Secretary of Commerce shall approve or disapprove the plan by written notice.

(3) RESUBMITTAL.—Within 90 days after transmittal of a resubmitted adaptation plan as a result of disapproval under paragraph (3), the Secretary of the Interior and, as applicable, the Secretary of Commerce, shall approve or disapprove the plan by written notice.

(c) CONTENTS.—A State natural resources adaptation plan shall—

(1) include a strategy for addressing the impacts of climate change and ocean acidification on terrestrial, marine, estuarine, and freshwater fish, wildlife, plants, habitats, ecosystems, wildlife health, and ecological processes, that—

(A) describes the impacts of climate change and ocean acidification on the diversity and health of the fish, wildlife and plant populations, habitats, ecosystems, and associated ecological processes;

(B) establishes programs for monitoring the impacts of climate change and ocean

acidification on fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes;

(C) describes and prioritizes proposed conservation actions to assist fish, wildlife, plant populations, habitats, ecosystems, and associated ecological processes in becoming more resilient, adapting to, and better withstanding those impacts;

(D) includes strategies, specific conservation actions, and a time frame for implementing conservation actions for fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes;

(E) establishes methods for assessing the effectiveness of strategies and conservation actions taken to assist fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes in becoming more resilient, adapt to, and better withstand the impacts of climate changes and ocean acidification and for updating those strategies and actions to respond appropriately to new information or changing conditions;

(F) is incorporated into a revision of the State wildlife action plan (also known as the State comprehensive wildlife strategy)—

(i) that has been submitted to the United States Fish and Wildlife Service; and

(ii) that has been approved by the Service or on which a decision on approval is pending; and

(G) is developed—

(i) with the participation of the State fish and wildlife agency, the State coastal agency, the State agency responsible for administration of Land and Water Conservation Fund grants, the State Forest Legacy program coordinator, and other State agencies considered appropriate by the Governor of such State; and

(ii) in coordination with the Secretary of the Interior, and where applicable, the Secretary of Commerce and other States that share jurisdiction over natural resources with the State; and

(2) include, in the case of a coastal State, a strategy for addressing the impacts of climate change and ocean acidification on the coastal zone that—

(A) identifies natural resources that are likely to be impacted by climate change and ocean acidification and describes those impacts;

(B) identifies and prioritizes continuing research and data collection needed to address those impacts including—

(i) acquisition of high resolution coastal elevation and nearshore bathymetry data;

(ii) historic shoreline position maps, erosion rates, and inventories of shoreline features and structures;

(iii) measures and models of relative rates of sea level rise or lake level changes, including effects on flooding, storm surge, inundation, and coastal geological processes;

(iv) habitat loss, including projected losses of coastal wetlands and potentials for inland migration of natural shoreline habitats;

(v) ocean and coastal species and ecosystem migrations, and changes in species population dynamics;

(vi) changes in storm frequency, intensity, or rainfall patterns;

(vii) saltwater intrusion into coastal rivers and aquifers;

(viii) changes in chemical or physical characteristics of marine and estuarine systems;

(ix) increased harmful algal blooms; and

(x) spread of invasive species;

(C) identifies and prioritizes adaptation strategies to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, including—

(i) protection, maintenance, and restoration of ecologically important coastal lands, coastal and ocean ecosystems, and species biodiversity and the establishment of habitat buffer zones, migration corridors, and climate refugia; and

(ii) improved planning, siting policies, and hazard mitigation strategies;

(D) establishes programs for the long-term monitoring of the impacts of climate change and ocean acidification on the ocean and coastal zone and to assess and adjust, when necessary, such adaptive management strategies;

(E) establishes performance measures for assessing the effectiveness of adaptation strategies intended to improve resilience and the ability of natural resources in the coastal zone to adapt to and withstand the impacts of climate change and ocean acidification and of adaptation strategies intended to minimize those impacts on the coastal zone and to update those strategies to respond to new information or changing conditions; and

(F) is developed with the participation of the State coastal agency and other appropriate State agencies and in coordination with the Secretary of Commerce and other appropriate Federal agencies.

(d) PUBLIC INPUT.—States shall provide for solicitation and consideration of public and independent scientific input in the development of their plans.

(e) COORDINATION WITH OTHER PLANS.—The State plan shall take into consideration research and information contained in, and coordinate with and integrate the goals and measures identified in, as appropriate, other natural resources conservation strategies, including—

(1) the national fish habitat action plan;

(2) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(3) the Federal, State, and local partnership known as ''Partners in Flight'';

(4) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(5) federally approved regional fishery management plants and habitat conservation activities under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the national coral reef action plan;

(7) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(8) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(9) other Federal, State, and tribal plans for imperiled species;

(10) State or tribal hazard mitigation plans;

(11) State or tribal water management plans; and

(12) other State-based strategies that comprehensively implement adaptation activities to remediate the effects of climate change and ocean acidification on terrestrial, marine, and freshwater fish, wildlife, plants, and other natural resources.

(f) UPDATING.—Each State plan shall be updated not less than every 5 years.

(g) FUNDING.—

(1) IN GENERAL.—Funds allocated to States under section 480 shall be used only for activities that are consistent with a State natural resources adaptation plan that has been approved by the Secretaries of Interior and Commerce.

(2) FUNDING PRIOR TO THE APPROVAL OF A STATE PLAN.—Until the earlier of the date that is 3 years after the date of the enactment of this subpart or the date on which a State receives approval for the State strategy, a State shall be eligible to receive funding under section 480 for adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, where appropriate, other natural resources conservation strategies; and

(B) in accordance with a workplan developed in coordination with—

(i) the Secretary of the Interior; and

(ii) the Secretary of Commerce, for any coastal State subject to the condition that coordination with the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(3) PENDING APPROVAL.—During the period for which approval by the applicable Secretary of a State plan is pending, the State may continue receiving funds under section 480 pursuant to the workplan described in paragraph (2)(B).

SEC. 480. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION FUND.

(a) ALLOCATIONS TO STATES.—100 percent of the emission allowances made available for each year to carry out this subpart shall be provided to States to carry out natural resources adaptation activities in accordance with State natural resources adaptation plans approved under section 479. Specifically—

(1) 84.4 percent shall be available to State wildlife agencies in accordance with the apportionment formula established under the second subsection (c) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c), as added by section 902(e) of H.R. 5548 as introduced in the 106th Congress and enacted into law by section 1(a)(2) of Public Law 106–553 (114 Stat. 2762A–119); and

(2) 15.6 percent shall be available to State coastal agencies pursuant to the formula established by the Secretary of Commerce under section 306(c) of the Coastal Management Act of 1972 (16 U.S.C. 1455(c)).

(b) ESTABLISHMENT OF FUND.—

(1) ESTABLISHMENT.—Subject to Subtitle F of title IV, there is hereby established in the Treasury a separate account that shall be known as the Natural Resources Climate Change Adaptation Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to Subtitle F of this title IV, there are authorized to be appropriated for subsection (c) such sums as are deposited in the Natural Resources Climate Change Fund, and the amounts appropriated for subsection (c) shall be no less than the total estimated annual deposits in the Natural Resources Climate Change Adaptation Fund.

(c) ALLOCATIONS TO FEDERAL AGENCIES.—

(1) DEPARTMENT OF THE INTERIOR.—Of the amounts made available for each fiscal year to carry out this subpart—

(A) 27.6 percent shall be allocated to the Secretary of the Interior for use in funding—

(i) natural resources adaptation activities carried out—

(I) under endangered species, migratory species, and other fish and wildlife programs administered by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Land Management;

(II) on wildlife refuges, National Park Service land, and other public land under the jurisdiction of the United States Fish and

Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, or the National Park Service; or

(III) within Federal water managed by the Bureau of Reclamation and the National Park Service; and

(ii) for the implementation of the National Fish and Wildlife Habitat and Corridors Identification Program pursuant to section 481;

(B) 8.1 percent shall be allocated to the Secretary of the Interior for natural resources adaptation activities carried out under cooperative grant programs, including—

(i) the cooperative endangered species conservation fund authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535);

(ii) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iii) the Neotropical Migratory Bird Conservation Fund established by section 478(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(iv) the Coastal Program of the United States Fish and Wildlife Service;

(v) the National Fish Habitat Action Plan;

(vi) the Partners for Fish and Wildlife Program;

(vii) the Landowner Incentive Program;

(viii) the Wildlife Without Borders Program of the United States Fish and Wildlife Service; and

(ix) the Migratory Species Program and Park Flight Migratory Bird Program of the National Park Service; and

(C) 4.9 percent shall be allocated to the Secretary of the Interior to provide financial assistance to Indian tribes to carry out natural resources adaptation activities through the Tribal Wildlife Grants Program of the United States Fish and Wildlife Service and in accordance with the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450(f).

(2) LAND AND WATER CONSERVATION FUND.—

(A) DEPOSITS.—

(i) IN GENERAL.—Of the amounts made available for each fiscal year to carry out this subpart, 19.5 percent shall be deposited into the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5).

(ii) USE OF DEPOSITS.— (I) Deposits into the Land and Water Conservation Fund under this paragraph shall be supplemental to authorizations provided under section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6), which shall remain available for nonadaptation needs.

(II) There are authorized to be appropriated for activities in this subpart such sums as are deposited in the Land and Water Conservation Fund pursuant to section 480(c)(3)(A)(ii), and the amounts appropriated for this paragraph shall be no less than the total estimated annual deposits in the Land and Water Conservation Fund.

(B) ALLOCATIONS.—Of the amounts deposited under this paragraph into the Land and Water Conservation Fund—

(i) ⅙ shall be allocated to the Secretary of the Interior and made available on a competitive basis to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)—

(I) to States in accordance with their natural resources adaptation plans, and to Indian tribes;

(II) notwithstanding section 5 of that Act (16 U.S.C. 4601–7); and

(III) in addition to any funds provided pursuant to annual appropriations Acts, the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), or any other authorization for nonadaptation needs;

(ii) ⅓ shall be allocated to the Secretary of the Interior to carry out natural resources adaptation activities through the acquisition of lands and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9);

(iii) ⅙ shall be allocated to the Secretary of Agriculture and made available to the States and Indian tribes to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Forest Legacy Program under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c); and

(iv) ⅓ shall be allocated to the Secretary of Agriculture to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(C) EXPENDITURE OF FUNDS.—In allocating funds under subparagraph (B), the Secretary of the Interior and the Secretary of Agriculture shall take into consideration factors including—

(i) the availability of non-Federal contributions from State, local, or private sources;

(ii) opportunities to protect fish and wildlife corridors or otherwise to link or consolidate fragmented habitats;

(iii) opportunities to reduce the risk of catastrophic wildfires, drought, extreme flooding, or other climate-related events that are harmful to fish and wildlife and people; and

(iv) the potential for conservation of species or habitat types at serious risk due to climate change, ocean acidification, and other stressors.

(3) FOREST SERVICE.—Of the amounts made available for each fiscal year to carry out this subpart, 8.1 percent shall be allocated to the Secretary of Agriculture for use in funding natural resources adaptation activities carried out on national forests and national grasslands under the jurisdiction of the Forest Service and for natural resource adaptation activities on state and private lands carried out under the Cooperative Forestry Assistance Act of 1978.

(4) DEPARTMENT OF COMMERCE.—Of the amounts made available for each fiscal year to carry out this subpart, 11.5 percent shall be allocated to the Secretary of Commerce for use in funding natural resources adaptation activities to protect, maintain, and restore coastal, estuarine, and marine resources, habitats, and ecosystems, including such activities carried out under—

(A) the coastal and estuarine land conservation program;

(B) the community-based restoration program;

(C) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), that are specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of climate change and ocean acidification;

(D) the Open Rivers Initiative;

(E) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

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

(H) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(I) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.); and

(J) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.).

(5) ENVIRONMENTAL PROTECTION AGENCY.—Of the amounts made available each fiscal year to carry out this section, 12.2 percent shall be allocated to the Administrator for use in natural resources adaptation activities restoring and protecting—

(A) large-scale freshwater aquatic ecosystems, such as the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, Chattahoochee, and Flint River System, the Connecticut River, and the Yellowstone River;

(B) large-scale estuarine ecosystems, such as Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, the San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound; and

(C) freshwater and estuarine ecosystems, watersheds, and basins identified as priorities by the Administrator, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners.

(6) CORPS OF ENGINEERS.—Of the amounts made available each fiscal year to carry out this section, 8.1 percent shall be available to the Secretary of the Army for use by the Corps of Engineers to carry out natural resources adaptation activities restoring—

(A) large-scale freshwater aquatic ecosystems, such as the ecosystems described in paragraph (5)(A);

(B) large-scale estuarine ecosystems, such as the ecosystems described in paragraph (5)(B);

(C) freshwater and estuarine ecosystems, watersheds, and basins identified as priorities by the Corps of Engineers, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners; and

(D) habitats and ecosystems through the implementation of estuary habitat restoration projects authorized by the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.), project modifications for improvement of the environment, aquatic restoration and protection projects authorized by section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), and other appropriate programs and activities.

(d) USE OF FUNDS BY FEDERAL DEPARTMENTS AND AGENCIES.—Funds allocated to Federal departments and agencies under this section shall only be used for natural resources adaptation activities that are consistent with an adaptation plan developed and approved by the President under section 478.

(e) STATE COST SHARING.—Notwithstanding any other provision of law, a State that receives a grant with amounts allocated under this section shall use funds from non-Federal sources to pay at least 10 percent of the costs of each activity carried out using amounts provided under the grant.

SEC. 481. NATIONAL WILDLIFE HABITAT AND CORRIDORS INFORMATION PROGRAM.

(a) ESTABLISHMENT.—Within 6 months of the date of enactment of this subpart, the Secretary of the Interior, in cooperation with the States and Indian tribes, shall establish a National Fish and Wildlife Habitat

and Corridors Information Program in accordance with the requirements of this section.

(b) PURPOSE.—The purpose of this program is to—

(1) support States and Indian tribes in the development of a geographic information system database of fish and wildlife habitat and corridors that would inform planning and development decisions within each State and Indian tribe, enable each State and Indian tribe to model climate impacts and adaptation, and provide geographically specific enhancements of State and tribal wildlife action plans;

(2) ensure the collaborative development, with the States and Indian tribes, of a comprehensive, national geographic information system database of maps, models, data, surveys, informational products, and other geospatial information regarding fish and wildlife habitat and corridors, that—

(A) is based on consistent protocols for sampling and mapping across landscapes that take into account regional differences; and

(B) that utilizes—

(i) existing and planned State- and tribal-based geographic information system databases; and

(ii) existing databases, analytical tools, metadata activities, and other information products available through the National Biological Information Infrastructure maintained by the Secretary and nongovernmental organizations; and

(3) facilitate the use of such databases by Federal, State, local, and tribal decisionmakers to incorporate qualitative information on fish and wildlife habitat and corridors at the earliest possible stage to—

(A) prioritize and target natural resources adaptation strategies and activities;

(B) avoid, minimize, and mitigate the impacts on fish and wildlife habitat and corridors in siting energy development, water, transmission, transportation, and other land use projects;

(C) assess the impacts of existing development on habitats and corridors; and

(D) develop management strategies to enhance the ability of fish, wildlife, and plant species to migrate or respond to shifting habitats within existing habitats and corridors.

(c) HABITAT AND CORRIDORS INFORMATION SYSTEM.—

(1) IN GENERAL.—The Secretary, in cooperation with the States and Indian tribes, shall develop a Habitat and Corridors Information System.

(2) CONTENTS.—The System shall—

(A) include maps, data, and descriptions of fish and wildlife habitat and corridors, that—

(i) have been developed by Federal agencies, State wildlife agencies and natural heritage programs, Indian tribes, local governments, nongovernmental organizations, and industry;

(ii) meet accepted Geospatial Interoperability Framework data and metadata protocols and standards;

(B) include maps and descriptions of projected shifts in habitats and corridors of fish and wildlife species in response to climate change;

(C) assure data quality and make the data, models, and analyses included in the System available at scales useful to decisionmakers—

(i) to prioritize and target natural resources adaptation strategies and activities;

(ii) to assess the impacts of proposed energy development, water, transmission, transportation, and other land use projects and avoid, minimize, and mitigate those impacts on habitats and corridors;

(iii) to assess the impacts of existing development on habitats and corridors; and

(iv) to develop management strategies to enhance the ability of fish, wildlife, and plant species to migrate or respond to shifting habitats within existing habitats and corridors;

(D) establish a process for updating maps and other information as landscapes, habitats, corridors, and wildlife populations change or as other information becomes available;

(E) encourage the development of collaborative plans by Federal and State agencies and Indian tribes to monitor and evaluate the efficacy of the System to meet the needs of decisionmakers;

(F) identify gaps in habitat and corridor information, mapping, and research that should be addressed to fully understand and assess current data and metadata, and to prioritize research and future data collection activities for use in updating the System and provide support for those activities;

(G) include mechanisms to support collaborative research, mapping, and planning of habitats and corridors by Federal and State agencies, Indian tribes, and other interested stakeholders;

(H) incorporate biological and geospatial data on species and corridors found in energy development and transmission plans, including renewable energy initiatives, transportation, and other land use plans;

(I) be based on the best scientific information available; and

(J) identify, prioritize, and describe key parcels of non-Federal land located within the boundaries of units of the National Park System, National Wildlife Refuge System, National Forest System, or National Grassland System that are critical to maintenance of wildlife habitat and migration corridors.

(d) FINANCIAL AND OTHER SUPPORT.—The Secretary may provide support to the States and Indian tribes, including financial and technical assistance, for activities that support the development and implementation of the System.

(e) COORDINATION.—The Secretary, in cooperation with the States and Indian tribes, shall make recommendations on how the information developed in the System may be incorporated into existing relevant State and Federal plans affecting fish and wildlife, including land management plans, the State Comprehensive Wildlife Conservation Strategies, and appropriate tribal conservation plans, to ensure that they—

(1) prevent unnecessary habitat fragmentation and disruption of corridors;

(2) promote the landscape connectivity necessary to allow wildlife to move as necessary to meet biological needs, adjust to shifts in habitat, and adapt to climate change; and

(3) minimize the impacts of energy, development, water, transportation, and transmission projects and other activities expected to impact habitat and corridors.

(f) DEFINITIONS.—In this section:

(1) GEOSPATIAL INTEROPERABILITY FRAMEWORK.—The term ''Geospatial Interoperability Framework'' means the strategy utilized by the National Biological Information Infrastructure that is based upon accepted standards, specifications, and protocols adopted through the International Standards Organization, the Open Geospatial Consortium, and the Federal Geographic Data Committee, to manage, archive, integrate, analyze, and make accessible geospatial and biological data and metadata.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 482. ADDITIONAL PROVISIONS REGARDING INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this subpart is intended to amend, alter, or give priority over the Federal trust responsibility to Indian tribes.

(b) EXEMPTION FROM FOIA.—Information received by a Federal agency pursuant to this Act relating to the location, character, or ownership of human remains of a person of Indian ancestry; or resources, cultural items, uses, or activities identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature to the Indian tribe; shall not be subject to disclosure under section 552 of title 5, United States Code, if the head of the agency, in consultation with the Secretary of the Interior and an affected Indian tribe, determines that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the human remains or resources, cultural items, uses, or activities; or

(3) impede the use of a traditional religious site by practitioners.

(c) APPLICATION OF OTHER LAW.—The Secretary of the Interior may apply the provisions of Public Law 93–638 where appropriate in the implementation of this subpart.

PART 2—INTERNATIONAL CLIMATE CHANGE ADAPTATION PROGRAM

SEC. 491. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Global climate change is a potentially significant national and global security threat multiplier and is likely to exacerbate competition and conflict over agricultural, vegetative, marine, and water resources and to result in increased displacement of people, poverty, and hunger within developing countries.

(2) The strategic, social, political, economic, cultural, and environmental consequences of global climate change are likely to have disproportionate adverse impacts on developing countries, which have less economic capacity to respond to such impacts.

(3) The countries most vulnerable to climate change, due both to greater exposure to harmful impacts and to lower capacity to adapt, are developing countries with very low industrial greenhouse gas emissions that have contributed less to climate change than more affluent countries.

(4) To a much greater degree than developed countries, developing countries rely on the natural and environmental systems likely to be affected by climate change for sustenance, livelihoods, and economic growth and stability.

(5) Within developing countries there may be varying climate change adaptation and resilience needs among different communities and populations, including impoverished communities, children, women, and indigenous peoples.

(6) The consequences of global climate change, including increases in poverty and destabilization of economies and societies, are likely to pose long-term challenges to the national security, foreign policy, and economic interests of the United States.

(7) It is in the national security, foreign policy, and economic interests of the United States to recognize, plan for, and mitigate the international strategic, social, political, cultural, environmental, health, and economic effects of climate change and to assist

developing countries to increase their resilience to those effects.

(8) Under Article 4 of the United Nations Framework Convention on Climate Change, developed country parties, including the United States, committed to ''assist the developing country parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects''.

(9) Under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to ''enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,'' including, inter alia, consideration of ''improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties''.

(b) PURPOSES.—The purposes of this part are—

(1) to provide new and additional assistance from the United States to the most vulnerable developing countries, including the most vulnerable communities and populations therein, in order to support the development and implementation of climate change adaptation programs and activities that reduce the vulnerability and increase the resilience of communities to climate change impacts, including impacts on water availability, agricultural productivity, flood risk, coastal resources, timing of seasons, biodiversity, economic livelihoods, health and diseases, and human migration; and

(2) to provide such assistance in a manner that protects and promotes the national security, foreign policy, environmental, and economic interests of the United States to the extent such interests may be advanced by minimizing, averting, or increasing resilience to climate change impacts.

SEC. 492. DEFINITIONS.

In this part:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives; and

(B) the Committees on Environment and Public Works and Foreign Relations of the Senate.

(3) DEVELOPING COUNTRY.—The term ''developing country'' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

(4) MOST VULNERABLE DEVELOPING COUNTRIES.—The term ''most vulnerable developing countries'' means, as determined by the Administrator of USAID, developing countries that are at risk of substantial adverse impacts of climate change and have limited capacity to respond to such impacts, considering the approaches included in any international treaties and agreements.

(5) MOST VULNERABLE COMMUNITIES AND POPULATIONS.—The term ''most vulnerable communities and populations'' means communities and populations that are at risk of substantial adverse impacts of climate change and have limited capacity to respond to such impacts, including impoverished communities, children, women, and indigenous peoples.

(6) PROGRAM.—The term ''Program'' means the International Climate Change Adaptation Program established under section 493.

(7) USAID.—The term ''USAID'' means the United States Agency for International Development.

(8) UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.—The term ''United Nations Framework Convention on Climate Change'' or ''Convention'' means the United Nations Framework Convention on Climate Change done at New York on May 9, 1992, and entered into force on March 21, 1994.

SEC. 493. INTERNATIONAL CLIMATE CHANGE ADAPTATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of USAID, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency, shall establish an International Climate Change Adaptation Program in accordance with the requirements of this part.

(b) ALLOWANCE ACCOUNT.—Allowances allocated pursuant to section 782(n) of the Clean Air Act shall be available for distribution to carry out the Program established under subsection (a).

(c) SUPPLEMENT NOT SUPPLANT.—Assistance provided under this part shall be used to supplement, and not to supplant, any other Federal, State, or local resources available to carry out activities of the type carried out under the Program.

SEC. 494. DISTRIBUTION OF ALLOWANCES.

(a) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, after consultation with the Secretary of the Treasury, the Administrator of USAID, and the Administrator of the Environmental Protection Agency, shall direct the distribution of allowances to carry out the Program—

(1) in the form of bilateral assistance pursuant to the requirements under section 495;

(2) to multilateral funds or international institutions pursuant to the Convention or an agreement negotiated under the Convention; or

(3) through a combination of the mechanisms identified under paragraphs (1) and (2).

(b) LIMITATION.—

(1) CONDITIONAL DISTRIBUTION TO MULTILATERAL FUNDS OR INTERNATIONAL INSTITUTIONS.—In any fiscal year, the Secretary of State, or such other Federal agency head as the President may designate, in consultation with the Administrator of USAID, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency, shall distribute at least 40 percent and up to 60 percent of the allowances available to carry out the Program to one or more multilateral funds or international institutions that meet the requirements of paragraph (2), if any such fund or institution exists, and shall annually certify in a report to the appropriate congressional committees that any multilateral fund or international institution receiving allowances under this section meets the requirements of paragraph (2) or that no multilateral fund or international institution that meets the requirements of paragraph (2) exists, as the case may be. The Secretary of State shall notify the appropriate congressional committees not less than 15 days prior to any transfer of allowances to a multilateral fund or international institution pursuant to this section.

(2) MULTILATERAL FUND OR INTERNATIONAL INSTITUTION ELIGIBILITY.—A multilateral fund or international institution is eligible to receive allowances available to carry out the Program—

(A) if—

(i) such fund or institution is established pursuant to—

(I) the Convention; or

(II) an agreement negotiated under the Convention; or

(ii) the allowances are directed to one or more multilateral development banks or international development institutions, pursuant to an agreement negotiated under such Convention; and

(B) if such fund or institution—

(i) specifies the terms and conditions under which the United States is to provide allowances to the fund or institution, and under which the fund or institution is to provide assistance to recipient countries;

(ii) ensures that assistance from the United States to the fund or institution and the principal and income of the fund or institution are disbursed only for purposes that are consistent with those described in section 491(b)(1);

(iii) requires a regular meeting of a governing body of the fund or institution that includes representation from countries among the most vulnerable developing countries and provides public access;

(iv) requires that local communities and indigenous peoples in areas where any activities or programs are planned are engaged through adequate disclosure of information, public participation, and consultation; and

(v) prepares and makes public an annual report that—

(I) describes the process and methodology for selecting the recipients of assistance from the fund or institution, including assessments of vulnerability;

(II) describes specific programs and activities supported by the fund or institution and the extent to which the assistance is addressing the adaptation needs of the most vulnerable developing countries, and the most vulnerable communities and populations therein;

(III) describes the performance goals for assistance authorized under the fund or institution and expresses such goals in an objective and quantifiable form, to the extent practicable;

(IV) describes the performance indicators to be used in measuring or assessing the achievement of the performance goals described in subclause (III);

(V) provides a basis for recommendations for adjustments to assistance authorized under this part to enhance the impact of such assistance; and

(VI) describes the participation of other nations and international organizations in supporting and governing the fund or institution.

(c) OVERSIGHT.—

(1) DISTRIBUTION TO MULTILATERAL FUNDS OR INTERNATIONAL INSTITUTIONS.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the Administrator of USAID, shall oversee the distribution of allowances available to carry out the Program to a multilateral fund or international institution under subsection (b).

(2) BILATERAL ASSISTANCE.—The Administrator of USAID, in consultation with the Secretary of State, shall oversee the distribution of allowances available to carry out the Program for bilateral assistance under section 495.

SEC. 495. BILATERAL ASSISTANCE.

(a) ACTIVITIES AND FOREIGN AID.—

(1) IN GENERAL.—In order to achieve the purposes of this part, the Administrator of

USAID may carry out programs and activities and distribute allowances to any private or public group (including international organizations and faith-based organizations), association, or other entity engaged in peaceful activities to—

(A) provide assistance to the most vulnerable developing countries for—

(i) the development of national or regional climate change adaptation plans, including a systematic assessment of socioeconomic vulnerabilities in order to identify the most vulnerable communities and populations;

(ii) associated national policies; and

(iii) planning, financing, and execution of adaptation programs and activities;

(B) support investments, capacity-building activities, and other assistance, to reduce vulnerability and promote community-level resilience related to climate change and its impacts in the most vulnerable developing countries, including impacts on water availability, agricultural productivity, flood risk, coastal resources, timing of seasons, biodiversity, economic livelihoods, health, human migration, or other social, economic, political, cultural, or environmental matters;

(C) support climate change adaptation research in or for the most vulnerable developing countries;

(D) reduce vulnerability and provide increased resilience to climate change for local communities and livelihoods in the most vulnerable developing countries by encouraging—

(i) the protection and rehabilitation of natural systems;

(ii) the enhancement and diversification of agricultural, fishery, and other livelihoods; and

(iii) the reduction of disaster risks;

(E) support the deployment of technologies to help the most vulnerable developing countries respond to the destabilizing impacts of climate change and encourage the identification and adoption of appropriate renewable and efficient energy technologies that are beneficial in increasing community-level resilience to the impacts of global climate change in those countries; and

(F) encourage the engagement of local communities through disclosure of information, consultation, and the communities' informed participation relating to the development of plans, programs, and activities to increase community-level resilience to climate change impacts.

(2) LIMITATIONS.—Not more than 10 percent of the allowances made available to carry out bilateral assistance under this part in any year shall be distributed to support activities in any single country.

(3) PRIORITIZING ASSISTANCE.—In providing assistance under this section, the Administrator of USAID shall give priority to countries, including the most vulnerable communities and populations therein, that are most vulnerable to the adverse impacts of climate change, determined by the likelihood and severity of such impacts and the country's capacity to adapt to such impacts.

(b) COMMUNITY ENGAGEMENT.—

(1) IN GENERAL.—The Administrator of USAID shall ensure that local communities, including the most vulnerable communities and populations therein, in areas where any programs or activities are carried out pursuant to this section are engaged in, through disclosure of information, public participation, and consultation, the design, implementation, monitoring, and evaluation of such programs and activities.

(2) CONSULTATION AND DISCLOSURE.—For each country receiving assistance under this section, the Administrator of USAID shall establish a process for consultation with, and disclosure of information to, local, national, and international stakeholders regarding any programs and activities carried out pursuant to this section.

(c) COORDINATION.—

(1) ALIGNMENT OF ACTIVITIES.—Subject to the direction of the President and the Secretary of State, the Administrator of USAID shall, to the extent practicable, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

(2) COORDINATION OF ACTIVITIES.—The Administrator of USAID shall ensure that there is coordination among the activities under this section, subtitle D of this title, and part E of title VII of the Clean Air Act, in order to maximize the effectiveness of United States assistance to developing countries.

(d) REPORTING.—

(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this part, the Administrator of USAID, in consultation with the Secretary of State, shall submit to the President and the appropriate congressional committees an initial report that—

(A) based on the most recent information available from reliable public sources or knowledge obtained by USAID on a reliable basis, as determined by the Administrator of USAID, identifies the developing countries, including the most vulnerable communities and populations therein, that are most vulnerable to climate change impacts and in which assistance may have the greatest and most sustainable benefit in reducing vulnerability to climate change; and

(B) describes the process and methodology for selecting the recipients of assistance under subsection (a)(1).

(2) ANNUAL REPORTS.—Not later than 18 months after the date on which the initial report is submitted pursuant to paragraph (1), and annually thereafter, the Administrator of USAID, in consultation with the Secretary of State, shall submit to the President and the appropriate congressional committees a report that—

(A) describes the extent to which global climate change, through its potential negative impacts on sensitive populations and natural resources in the most vulnerable developing countries, may threaten, cause, or exacerbate political, economic, environmental, cultural, or social instability or international conflict in those regions;

(B) describes the ramifications of any potentially destabilizing impacts climate change may have on the national security, foreign policy, and economic interests of the United States, including—

(i) the creation of environmental migrants and internally displaced peoples;

(ii) international or internal armed conflicts over water, food, land, or other resources;

(iii) loss of agricultural and other livelihoods, cultural stability, and other causes of increased poverty and economic destabilization;

(iv) decline in availability of resources needed for survival, including water;

(v) increased impact of natural disasters (including droughts, flooding, and other severe weather events);

(vi) increased prevalence or virulence of climate-related diseases; and

(vii) intensified urban migration;

(C) describes how allowances available under this section were distributed during the previous fiscal year to enhance the national security, foreign policy, and economic interests of the United States and assist in avoiding the economically, politically, environmentally, culturally, and socially destabilizing impacts of climate change in most vulnerable developing countries;

(D) identifies and recommends the developing countries, including the most vulnerable communities and populations therein, that are most vulnerable to climate change impacts and in which assistance may have the greatest and most sustainable benefit in reducing vulnerability to climate change, including in the form of deploying technologies, investments, capacity-building activities, and other types of assistance for adaptation to climate change impacts and approaches to reduce greenhouse gases in ways that may also provide community-level resilience to climate change impacts; and

(E) describes cooperation undertaken with other nations and international organizations to carry out this part.

(e) MONITORING AND EVALUATION.—

(1) IN GENERAL.—The Administrator of USAID shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this section in order to maximize the long-term sustainable development impact of such assistance, including the extent to which such assistance is meeting the purposes of this part and addressing the adaptation needs of developing countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator of USAID shall—

(A) in consultation with national governments in recipient countries, establish performance goals for assistance authorized under this section and express such goals in an objective and quantifiable form, to the extent practicable;

(B) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in subparagraph (A), including an evaluation of—

(i) the extent to which assistance under this section provided for disclosure of information to, consultation with, and informed participation by local communities;

(ii) the extent to which local communities participated in the design, implementation, and evaluation of programs and activities implemented pursuant to this section; and

(iii) the impacts of such participation on the goals and objectives of the programs and activities implemented under this section;

(C) provide a basis for recommendations for adjustments to assistance authorized under this section to enhance the impact of such assistance; and

(D) include, in the annual report to the appropriate congressional committees and other relevant agencies required under subsection (d)(2), findings resulting from the monitoring and evaluation of programs and activities under this section.

Subtitle F—Deficit Neutral Budgetary Treatment

SEC. 496. DEFICIT NEUTRALITY.

(a) FUNDS ESTABLISHED.—Funds established under sections 422, 467, and 480 of this Act are to be treated as separate accounts in the Treasury and shall be known as ''the Funds''.

(b) AVAILABILITY.—Funds appropriated or made available pursuant to sections 422(b), 467(b), and 480(b)(2) are only available for the purposes set forth under this Act. Receipts in the Funds and appropriations therefrom shall not be available and are precluded from obligation for any other purpose.

(c) ESTIMATION OF BUDGETARY IMPACT.—For the purposes of estimating the revenue and spending effects of this Act;

(1) the revenue assumed to be deposited into the Funds established under sections 422, 467, and 480, shall be attributed to this Act; and

(2) the authorization or availability of appropriations from the Funds shall be treated as new direct spending and attributed to this Act.

(d) BUDGETARY TREATMENT.—For the purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Funds, and amounts subsequently appropriated or made available for the purposes for which such Funds were established, shall be deemed to be included on the list of appropriations referenced under section 250(c)(17) of that Act. Such appropriations from each Fund shall not be in excess of the amounts deposited into the respective Fund in the previous year.

TITLE V—AGRICULTURAL AND FORESTRY RELATED OFFSETS

Subtitle A—Offset Credit Program From Domestic Agricultural and Forestry Sources

SEC. 501. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) ADDITIONAL.—The term ''additional'', when used with respect to reductions or avoidance of greenhouse gas emissions, or to sequestration of greenhouse gases, means reductions, avoidance, or sequestration that result in a lower level of net greenhouse gas emissions or atmospheric concentrations than would occur in the absence of an offset project.

(2) ADDITIONALITY.—The term ''additionality'' means the extent to which reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, are additional.

(3) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(4) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee established under section 1245(f) of the Food Security Act of 1985 (16 U.S.C. 3845).

(5) GREENHOUSE GAS.—The term ''greenhouse gas'' means any of the following:

(A) Carbon dioxide.

(B) Methane.

(C) Nitrous oxide.

(D) Sulfur hexafluoride.

(E) Hydrofluorocarbons from a chemical manufacturing process at an industrial stationary source.

(F) Any perfluorocarbon.

(G) Nitrogen trifluoride.

(H) Any other anthropogenic gas designated as a greenhouse gas by the Administrator.

(6) LEAKAGE.—The term ''leakage'' means a significant and quantifiable increase in greenhouse gas emissions, or a significant and quantifiable decrease in sequestration, which is caused by an offset practice and occurs outside the boundaries of the offset practice.

(7) OFFSET CREDIT.—The term ''offset credit'' means a tradeable compliance instrument that—

(A) represents the reduction, avoidance, or sequestration of 1 ton of carbon dioxide equivalent; and

(B) is issued pursuant to this title.

(8) OFFSET PRACTICE.—The term ''offset practice'' means an activity that reduces, avoids, or sequesters greenhouse gas emissions, and for which offset credits may be issued pursuant to this title.

(9) OFFSET PRODUCER.—The term ''offset producer'' means an owner, operator, landlord, tenant, or sharecropper who has or shares responsibility for ensuring that an offset practice is established and maintained during the crediting period for purposes of an offset credit.

(10) OFFSET PROJECT.—The term ''offset project'' means a practice or set of practices that reduce or avoid greenhouse gas emissions, or sequester greenhouse gases as implemented by an offset producer.

(11) OFFSET PROJECT DEVELOPER.—The term ''offset project developer'' means the offset producer or designee of the offset producer.

(12) PRACTICE TYPE.—The term ''practice type'' means a discrete category of offset practices for which the Secretary develops a standardized methodology to accurately estimate the amount of greenhouse gas emissions reduced or avoided or greenhouse gases sequestered.

(13) REVERSAL.—The term ''reversal'' means an intentional or unintentional loss of sequestered greenhouse gases to the atmosphere.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) SEQUESTRATION AND SEQUESTERED.—The terms ''sequestered'' and ''sequestration'' mean the separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Secretary. The terms include biological sequestration, but do not include ocean fertilization techniques.

(16) TERM OFFSET CREDIT.—The term ''term offset credit'' means a compliance instrument authorized under section 504(d).

(b) AGRICULTURAL AND FORESTRY EXCEPTION TO DEFINITION OF CAPPED SECTOR.—For purposes of this title and title III of this Act, and amendments made by such titles, the term ''capped sector'' means a sector of economic activity that directly emits capped emissions, including the industrial sector, the electricity generation sector, the transportation sector, and the residential and commercial sectors (to the extent they burn oil or natural gas), but not including the agricultural or forestry sectors.

SEC. 502. ESTABLISHMENT OF OFFSET CREDIT PROGRAM FROM DOMESTIC AGRICULTURAL AND FORESTRY SOURCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this title, the Secretary shall establish a program governing the generation of offset credits from domestic agricultural and forestry sources.

(b) REQUIREMENTS.—The program described in subsection (a) shall—

(1) ensure that offset credits represent verifiable and additional greenhouse gas emission reductions or avoidance, or increases in sequestration; and

(2) ensure that offset credits issued for sequestration offset projects are only issued for greenhouse gas reductions that result in a permanent net reduction in atmospheric greenhouse gases.

(c) DUTIES OF SECRETARY.—In addition to the duties described in subsection (a) and section 1245 of the Food Security Act of 1985 (16 U.S.C. 3845), the Secretary shall, with respect to practices relating to offset credits from agricultural and forestry sources—

(1) establish by rule methodologies by practice types for quantifying greenhouse gas benefits;

(2) establish by rule methodologies for each practice type for establishing activity baselines and determining additionality;

(3) establish by rule methodologies by practice types for accounting for and mitigating potential leakage;

(4) establish rules to account for and address reversals;

(5) establish rules to require third-party verification;

(6) provide technical assistance to offset project developers using funds appropriated to the Conservation Operations account;

(7) establish rules for approval of offset project plans;

(8) establish rules for certification of implementation of offset project plans;

(9) establish by rule requirements for reporting and record keeping; and

(10) conduct audits.

SEC. 503. LIST OF ELIGIBLE DOMESTIC AGRICULTURAL AND FORESTRY OFFSET PRACTICE TYPES.

(a) LIST REQUIRED.—

(1) PREPARATION AND PUBLICATION.—Not later than 1 year after the date of enactment of this title, the Secretary shall prepare and publish in the Federal Register a list of domestic agricultural and forestry practice types that are eligible to generate offset credits under this title because the practices avoid or reduce greenhouse gas emissions or sequester greenhouse gases.

(2) RECOMMENDATIONS.—In preparing the list under paragraph (1), the Secretary shall take into consideration the recommendations of the Advisory Committee.

(b) INITIAL LIST.—At a minimum, the list prepared under this section shall include those practices that avoid or reduce greenhouse gas emissions or sequester greenhouse gases, such as—

(1) agricultural, grassland, and rangeland sequestration and management practices, including—

(A) altered tillage practices;

(B) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(C) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(D) reduction in the frequency and duration of flooding of rice paddies;

(E) reduction in carbon emissions from organic soils;

(F) reduction in greenhouse gas emissions from manure and effluent; and

(G) reduction in greenhouse gas emissions due to changes in animal management practices, including dietary modifications;

(2) changes in carbon stocks attributed to land use change and forestry activities, including—

(A) afforestation or reforestation of acreage that is not forested;

(B) forest management resulting in an increase in forest carbon stores including but not limited to harvested wood products;

(C) management of peatland or wetland;

(D) conservation of grassland and forested land;

(E) improved forest management, including accounting for carbon stored in wood products;

(F) reduced deforestation or avoided forest conversion;

(G) urban tree-planting and maintenance;

(H) agroforestry; and

(I) adaptation of plant traits or new technologies that increase sequestration by forests; and

(3) manure management and disposal, including—

(A) waste aeration;

(B) biogas capture and combustion; and

(C) application to fields as a substitute for commercial fertilizer.

(c) ADDITIONS AND REVISIONS TO LIST.—

(1) PERIODIC REVISION.—Not later than 2 years after the date of enactment of this title, and every 2 years thereafter, the Secretary, after public notice and opportunity for comment, shall add to and revise the types of offset practices to the list established under subsection (a) if those types of practices meet the standards for environmental integrity that are consistent with the purposes of this title.

(2) CONSIDERATION OF PETITIONS.—The Secretary shall—

(A) consider petitions to add types of offset practices to the list established under subsection (a); and

(B) add those types of offset practices to the list if the types of offset practices meet standards for environmental integrity consistent with the purposes of this title.

(3) TIME FOR CONSIDERATION OF PETITIONS.—Not later than 1 year after the receipt of a petition under paragraph (2), the Secretary shall make a decision to either grant or deny the petition and publish a written explanation of the reasons for the Secretary's decision. The Secretary may not deny a petition under this subsection on the basis of inadequate Department of Agriculture resources at the time of the review.

SEC. 504. REQUIREMENTS FOR DOMESTIC AGRICULTURAL AND FORESTRY PRACTICES.

(a) METHODOLOGIES.—

(1) IN GENERAL; CONDITION.—In promulgating regulations under section 502, the Secretary shall establish methodologies for domestic agricultural and forestry practices listed under section 503, if the Secretary determines that methodologies can be established for such practices that meet each of the requirements of this section. The Secretary shall only issue offset credits under this title pursuant to promulgated methodologies applicable to the offset practice that avoided or reduced greenhouse gas emissions or sequestered greenhouse gases.

(2) SPECIFIED METHODOLOGIES.—The Secretary shall establish the following methodologies under this section:

(A) ACTIVITY BASELINES.—A standardized methodology for establishing activity baselines for an offset practice of that type. The Secretary shall set activity baselines to reflect a conservative estimate of performance or activities for the relevant type of practice (excluding changes in performance or activities due to the availability of offset credits) such that the baseline provides an adequate margin of safety to ensure the environmental integrity of offset credits calculated in reference to such baseline.

(B) ADDITIONALITY.—A standardized methodology for determining the additionality of greenhouse gas emissions reduction or avoidance, or greenhouse gas sequestration, achieved by an offset practice of that type. Such methodology shall ensure, at a minimum, that any greenhouse gas emission reduction or avoidance, or any greenhouse gas sequestration, is considered additional only to the extent that it results from activities that—

(i) are not required by existing government regulations, as determined by the Secretary;

(ii) were not commenced prior to January 1, 2009, except in the case of—

(I) offset project activities that commenced after January 1, 2001, and were registered as of the date of enactment of this title under an offset program with respect to which an affirmative determination has been made under section 740 of the Clean Air Act; or

(II) activities that are readily reversible, with respect to which the Secretary may set an alternative earlier date under this subparagraph that is not earlier than January 1, 2001, where the Secretary determines that setting such an alternative date may produce an environmental benefit by removing an incentive to cease and then reinitiate activities that began prior to January 1, 2009; and

(iii) exceed the applicable activity baseline established under paragraph (2).

(C) QUANTIFICATION METHODS.—A standardized methodology for determining the extent to which greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset practice of that type exceeded a relevant activity baseline, including methods for monitoring and accounting for uncertainty.

(D) LEAKAGE.—A standardized methodology for accounting for and mitigating potential leakage, if any, from an offset practice of that type, taking uncertainty into account, excluding international indirect land use changes unless a positive determination is made under section 211(o)(13)(C)(iii) of the Clean Air Act.

(b) SPECIAL CONSIDERATIONS.—

(1) EXISTING OFFSET PRACTICES.—In establishing the methodologies under subsection (a), the Secretary shall give due consideration to methodologies for offset practices existing as of the date of the enactment of this title.

(2) CERTAIN FACTORS.—As part of the methodologies established under subsection (a), the Secretary shall establish a formula that takes into account the components of the practice, the characteristics of the land on which the practice is applied, the crop produced, and such other factors as determined appropriate by the Secretary.

(c) ACCOUNTING FOR REVERSALS.—

(1) IN GENERAL.—Except as provided in subsection (d) with respect to issuance of a term offset credit, for each type of practice listed under section 503, the Secretary shall establish requirements to account for and address reversals, including—

(A) a requirement to report any reversal with respect to an offset practice for which offset credits have been issued under this title;

(B) provisions to require emission allowances or offset credits to be held in amounts to fully compensate for greenhouse gas emissions attributable to reversals, and to assign responsibility for holding such emission allowances; and

(C) any other provisions that the Secretary determines to be necessary to account for and address reversals.

(2) MECHANISMS.—

(A) IN GENERAL.—The Secretary shall prescribe mechanisms to ensure that any sequestration of greenhouse gases, with respect to which an offset credit is issued under this title, results in a permanent net increase in sequestration of greenhouse gases, and that full account is taken of any actual or potential reversal of such sequestration, with an adequate margin of safety.

(B) SPECIFIC MECHANISMS.—The Secretary shall make available one or more of the following mechanisms to meet the requirements of this paragraph:

(i) An offsets reserve, pursuant to paragraph (3).

(ii) Insurance that provides for purchase and provision to the Secretary for retirement of a quantity of offset credits or emission allowances equal in number to the tons of carbon dioxide equivalents of greenhouse gas emissions released due to reversal.

(iii) Another mechanism if the Secretary determines it is necessary to satisfy the requirements of this title, taking into account whether the reversal was intentional or unintentional.

(3) OFFSETS RESERVE.—

(A) IN GENERAL.—An offsets reserve referred to in paragraph (2)(B)(i) is a program under which, before issuance of offset credits under this title, the Secretary shall—

(i) subtract and reserve from the quantity to be issued a quantity of offset credits based on the risk of reversal;

(ii) hold those reserved offset credits in the offsets reserve; and

(iii) register the holding of the reserved offset credits in an offset registry.

(B) PRACTICE REVERSAL.—

(i) IN GENERAL.—If a reversal has occurred with respect to an offset practice within an offset project, for which offset credits are reserved under this paragraph, the Secretary shall retire offset credits from the offsets reserve to fully account for the tons of carbon dioxide equivalent that are no longer sequestered.

(ii) INTENTIONAL REVERSALS.—If the Secretary determines that a reversal was intentional, the offset practice developer for the relevant offset practice shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to the number of reserve offset credits that were retired pursuant to clause (i).

(iii) UNINTENTIONAL REVERSALS.—If the Secretary determines that a reversal was unintentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to half the number of offset credits that were reserved for that offset project, or half the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i), whichever is less, except that the Secretary may lower this amount based on undue hardship in the event of a catastrophic occurrence.

(C) USE OF RESERVED OFFSET CREDITS.—Offset credits placed into the offsets reserve under this paragraph may not be used to comply with section 722 of the Clean Air Act.

(d) TERM OFFSET CREDITS.—

(1) APPLICABILITY.—With respect to a practice listed under section 503 that sequesters greenhouse gases and has a crediting period of no more than five years, the Secretary may address reversals pursuant to this subsection in lieu of permanently accounting for reversals pursuant to subsection (c).

(2) ACCOUNTING FOR REVERSALS.—For such practices or projects implementing such practices, the Secretary shall require only reversals that occur during the crediting period to be accounted for and addressed pursuant to subsection (c).

(3) CREDITS ISSUED.—For practices or projects regulated pursuant to paragraph (2), the Secretary shall issue under section 507 a term offset credit, in lieu of an offset credit, for each ton of carbon dioxide equivalent that has been sequestered.

(e) CREDITING PERIODS.—

(1) IN GENERAL.—For each offset practice type within an offset project, the Secretary shall specify a crediting period, and establish provisions for reenrollment for a subsequent crediting period, in accordance with this subsection.

(2) DURATION.—The crediting period shall have a term of up to—

(A) 5 years for agricultural sequestration practices;

(B) 20 years for forestry sequestration practices; and

(C) 10 years for other practice types that reduce or avoid greenhouse gas emissions or sequester greenhouse gases.

(3) ELIGIBILITY.—An offset practice, within an offset project, shall—

(A) be eligible to generate offset credits under this title only during the crediting period of the offset practice; and

(B) remain eligible to generate offset credits, only during the crediting period, subject to the methodologies and practice type eligibility list that applied as of the date of the project approval.

(4) REENROLLMENT FOR SUBSEQUENT CREDITING PERIOD.—

(A) REENROLLMENT AUTHORIZED; TIME FOR REENROLLMENT.—An offset project developer may reenroll for a subsequent crediting period, to commence after termination of the current crediting period, subject to the methodologies and practice type eligibility list in effect at the time of reenrollment. Reenrollment may not occur more than 18 months before the end of the crediting period then in effect.

(B) LIMITATION.—The Secretary may limit the number of subsequent crediting periods available for a particular practice type.

(f) ENVIRONMENTAL INTEGRITY.—In establishing the requirements under this section, the Secretary shall apply conservative assumptions or methods to ensure the environmental integrity of the cap established under section 703 of the Clean Air Act is not compromised.

SEC. 505. PROJECT PLAN SUBMISSION AND APPROVAL.

(a) PROJECT PLAN REQUIRED.—An offset project developer shall submit to the Secretary an offset project plan for approval.

(b) REQUIREMENTS.—As part of the regulations promulgated under this title, the Secretary shall include provisions for, and shall specify, the required components of an offset project plan, including—

(1) designation of an offset project developer;

(2) a list and schedule of the practices to be implemented;

(3) any other information that the Secretary considers to be necessary—

(A) to determine whether the offset practice, within the offset project, is eligible for issuance of offset credits under regulations promulgated under this title; and

(B) to achieve the purposes of this title.

(c) TIME FOR CONSIDERATION; NOTIFICATION.—Not later than 90 days after receiving a complete offset project plan under subsection (a), the Secretary shall—

(1) approve the plan in writing and include an estimate of the offset project credits that will be earned if the plan is implemented, subject to verification of all project-specific variables; or

(2) if the plan is denied, provide the reasons for denial in writing.

(d) APPEAL.—The Secretary shall establish procedures for appeal and review of determinations made under this section.

(e) RESUBMISSION.—After an offset project plan is approved, the offset project developer shall not be required to resubmit a project plan during the crediting period.

SEC. 506. VERIFICATION OF OFFSET PRACTICES.

(a) IN GENERAL.—As part of the regulations promulgated under this title, the Secretary shall establish requirements to verify—

(1) that offset practices in an approved offset project plan have been implemented; and

(2) the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from an offset practice and project.

(b) VERIFICATION REPORTS.—

(1) IN GENERAL.—The regulations described in subsection (a) shall require an offset project developer to submit a report, prepared by a third-party verifier accredited under subsection (c).

(2) REQUIREMENTS.—The Secretary shall specify the components of a verification report required under paragraph (1), including—

(A) the name and contact information for the offset project developer;

(B) a certification that the project plan has been implemented;

(C) the quantity of greenhouse gases reduced, avoided, or sequestered;

(D) a certification establishing that the conflict of interest requirements in the regulations promulgated under this title have been complied with;

(E) any other information that the Secretary requires to determine the quantity of greenhouse gas emission reduction or avoidance, or sequestration of greenhouse gases, resulting from the offset practice and project; and

(F) any other information that the Secretary considers to be necessary to achieve the purposes of this title.

(c) VERIFIER ACCREDITATION.—

(1) IN GENERAL.—As part of the regulations promulgated under this title, the Secretary shall establish a process and requirements for periodic accreditation of third-party verifiers for offset credits under this program to ensure that those verifiers are professionally qualified and have no conflicts of interest.

(2) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this subsection shall be listed in a publicly accessible database, which shall be maintained and updated by the Secretary.

SEC. 507. CERTIFICATION OF OFFSET CREDITS.

(a) DETERMINATION AND NOTIFICATION.—Not later than 90 days after receiving a complete verification report, the Secretary shall—

(1) make a determination of the quantity of greenhouse gas emissions that have been reduced or avoided, or greenhouse gases that have been sequestered, by the offset practice in an approved and verified offset project plan; and

(2) notify the offset project developer in writing of the determination.

(b) ISSUANCE OF OFFSET CREDITS.—The Secretary shall issue 1 offset credit to an offset project developer for each ton of carbon dioxide equivalent that the Secretary determines has been reduced, avoided, or sequestered during the crediting period. Offset credits may be issued only for greenhouse gas emissions reduced, avoided, or sequestered after January 1, 2009.

(c) APPEAL.—The Secretary shall establish procedures for appeal and review of determinations made under subsection (a).

(d) TIMING.—Offset credits meeting the criteria described in subsection (b) shall be issued by the Secretary not later than 14 days after the date on which the Secretary makes a determination under subsection (a).

(e) REGISTRATION.—The Secretary shall obtain from the Administrator a unique serial number to allow for the registration of each offset credit to be issued under this title.

SEC. 508. OWNERSHIP AND TRANSFER OF OFFSET CREDITS.

(a) OWNERSHIP.—Initial ownership of an offset credit shall lie with the offset project developer, unless otherwise specified in a legally binding contract or agreement.

(b) TRANSFERABILITY.—An offset credit issued under this title may be sold, traded, or transferred, unless the offset credit has expired or been retired.

SEC. 509. PROGRAM REVIEW AND REVISION.

At least once every 5 years, the Secretary shall review and, based on new or updated information and taking into consideration the recommendations of the Advisory Board, update and revise—

(1) the list of eligible practice types established under section 503;

(2) the methodologies established, including specific activity baselines, under section 504(a);

(3) the reversal requirements and mechanisms established or prescribed under subsections (c) and (d) of section 504;

(4) measures to improve the accountability of the offsets program; and

(5) any other requirements established under this title to ensure the environmental integrity and effective operation of this title.

SEC. 510. ENVIRONMENTAL CONSIDERATIONS.

If the Secretary lists forestry practices as eligible offset practice types under section 503, the Secretary, in consultation with appropriate Federal agencies, shall promulgate regulations for the selection and use of species in forestry and other relevant land management-related offset practices—

(1) to ensure that native species are given primary consideration in such practices;

(2) to encourage the conservation of biological diversity in such practices;

(3) to prohibit the use of federally designated or State-designated noxious weeds;

(4) to prohibit the use of a species listed by a regional or State invasive plant authority within the applicable region or State; and

(5) in accordance with widely accepted, environmentally sustainable forestry practices.

SEC. 511. AUDITS.

(a) AUDITS REQUIRED.—The Secretary shall conduct, on an annual basis, random audits of offset projects, offset credits, and the practices of third-party verifiers. At a minimum, the Secretary shall conduct audits each year for a representative sample of practice types and geographical areas.

(b) ADDITIONAL AUTHORITY.—Nothing in this section prevents the Secretary from conducting any audit the Secretary considers to be necessary.

Subtitle B—USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee

SEC. 531. ESTABLISHMENT OF USDA GREENHOUSE GAS EMISSION REDUCTION AND SEQUESTRATION ADVISORY COMMITTEE.

Section 1245 of the Food Security Act of 1985 (16 U.S.C. 3854), as added by section 2709 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1809), is amended by adding at the end the following new subsection:

''(f) USDA GREENHOUSE GAS EMISSION REDUCTION AND SEQUESTRATION ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of the American Clean Energy and Security Act of 2009, the Secretary shall establish an independent advisory committee, to be known as the 'USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee', to provide scientific and technical advice on establishing, implementing, and ensuring the overall environmental integrity of an offset program for domestic agricultural and forestry practices that reduce or

avoid greenhouse gas emissions, or sequester greenhouse gases.

''(2) MEMBERSHIP.—The Advisory Committee shall be comprised of nine members, including a chairperson and vice-chairperson, appointed by the Secretary. Each member shall be qualified by education, training, and experience to evaluate scientific and technical information for domestic agricultural and forestry offset practices that reduce or avoid greenhouse gas emissions or sequester greenhouse gases.

''(3) TERMS.—Terms shall be 3 years in length, except for the initial terms, which may be up to 5 years in length to allow staggered terms. Members may be reappointed only once for an additional 3-year term, and such term may follow directly after a first term.

''(4) DUTIES.—The Advisory Committee shall—

''(A) provide options and recommendations, not later than 180 days after the date of the enactment of the American Clean Energy and Security Act of 2009, to the Secretary regarding the establishment of methodologies as described in section 504 of such Act, taking into account relevant scientific information, including—

''(i) the availability of representative data for use in developing an activity baseline for a land area, forest, soil, industry sector, and facility type;

''(ii) the potential for accurate quanitification of greenhouse gas reduction, or sequestration for an offset practice type;

''(iii) the potential level of scientific and measurement uncertainty associated with an offset practice type; and

''(iv) the use of practice methodologies that account for common practice or other direct comparisons within a relevant land area, industry sector, forest, soil, or facility type;

''(B) make available to the Secretary options and recommendations for the program as a whole and on offset methodologies for each practice type that should be considered under regulations promulgated pursuant to section 504 of the American Clean Energy and Security Act of 2009, including methodologies to address the issues of additionality, activity baselines, measurement, leakage, including the application of sector specific leakage factors, uncertainty, permanence, and environmental integrity;

''(C) make available to the Secretary advice and comment on areas where further knowledge is required to appraise the adequacy of existing, revised, or proposed methodologies and describe the research efforts necessary to provide the required information;

''(D) make available to the Secretary advice and comments on other ways to improve or safeguard the environmental integrity of the offset practice types listed under section 503 of the American Clean Energy and Security Act of 2009; and

''(E) provide options and recommendations regarding new practice types.

''(5) SCIENTIFIC REVIEW OF OFFSET PROGRAM.—Not later than January 1, 2017, and at 5-year intervals thereafter, the Advisory Committee shall—

''(A) submit to the Secretary and make available to the public an analysis of relevant scientific and technical information regarding agricultural and forestry offset practices that reduce or avoid greenhouse gas emissions or sequester greenhouse gases;

''(B) review approved and potential practice types, methodologies, scientific studies, offset project monitoring, offset project verification reports, reporting of reversals, audits related to the offset program, and other relevant information needed to evaluate the offset program;

''(C) evaluate the net emission effects of implemented offset projects; and

''(D) recommend changes to offset methodologies, procedures, practice types, or the overall program to ensure that—

''(i) the offset practices result in reduced or avoided greenhouse gas emissions or sequestration of greenhouse gases;

''(ii) the offset credits issued by the Secretary do not compromise the integrity of the annual emissions reductions established under section 703 of the Clean Air Act; and

''(iii) the offset program avoids or minimizes adverse affects to human health and the environment.

''(6) COORDINATION.—To avoid duplication, the Advisory Committee shall coordinate its activities with those of any other Federal advisory committees working in related areas, and shall to the maximum extent possible use research data and services of the research, education, extension agencies of the Department of Agriculture.

''(7) CONSULTATION.—On a periodic basis, the Advisory Committee shall consult with, and be informed by the views of, the Offsets Integrity Advisory Board established under section 731 of the Clean Air Act.

''(8) MEETING.—The Advisory Committee shall meet on at least a quarterly basis each year.

''(9) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary may provide such administrative and funding support as necessary to enable the Advisory Committee to carry out its duties under this section.

''(10) REPORT.—For each fiscal year, the Secretary shall submit to Congress a report on—

''(A) the status and progress on the offset practices;

''(B) the general status of cooperation and research and development; and

''(C) the plans for addressing future issues and concerns.''.

Subtitle C—Miscellaneous

SEC. 551. INTERNATIONAL INDIRECT LAND USE CHANGES.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following

''(13) INTERNATIONAL INDIRECT LAND USE CHANGES.—

''(A) EXCLUSION FROM REGULATORY REQUIREMENTS REGARDING LIFECYCLE GREENHOUSE GAS EMISSIONS.—Notwithstanding the definition of 'lifecycle greenhouse gas emissions' in paragraph (1)(H), for purposes of determining whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i), the Administrator shall exclude emissions from indirect land use changes outside the renewable fuel's feedstock's country of origin.

''(B) NATIONAL ACADEMIES OF SCIENCE REPORT.—(i) Not later than 6 months after the date of enactment of this paragraph, the Administrator and the Secretary of Agriculture shall jointly arrange for the National Academies of Science to review and report on specified issues related to indirect greenhouse gas emissions related to transportation fuels.

''(ii) The report shall evaluate and report on whether there are economic and environmental models and methodologies that individually, or as a system, can project with reliability, predictability, and confidence—

''(I) for purposes of determining whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i), indirect land use changes that are related to the production of renewable fuels and that may occur outside the country in which the feedstocks are grown, and the impacts of these changes on greenhouse gas emissions; and

''(II) indirect effects, both domestic and international, related to the production and importation of non-renewable transportation fuels that have significant greenhouse gas emissions, and the impact of these effects on greenhouse gas emissions.

''(iii) The report shall include a review and assessment of all pertinent scientific studies, methodologies and data, shall evaluate potential methodologies for calculating such emissions (including an evaluation of methods for annualizing emissions associated with forest degradation or land conversion), and shall make appropriate recommendations. The recommendations shall address indirect effects, both domestic and international, related to the production and importation of non-renewable transportation fuels that have significant greenhouse gas emissions. The report shall use appropriate validation procedures, including sensitivity analyses, of how results change as assumptions change. The evaluation shall include for a model, a methodology, or a system of models—

''(I) an assessment of how reliably the models, methodologies, or systems track actual outcomes over historical periods using available historical data; and

''(II) an assessment of how reliably the models, methodologies or systems will project future outcomes.

''(iv) The report shall be publicly available and shall include sufficient information and data such that economists and other scientists with relevant expertise that are not on the National Academies of Science panel can fully evaluate the conclusions of the report.

''(v) The report shall be completed within three years of the date of enactment of this paragraph.

''(C) DETERMINATION.—(i) The Administrator and the Secretary of Agriculture shall, after notice and an opportunity for public comment, determine whether, for purposes of determining compliance with the percent reductions in lifecycle greenhouse gas emissions specified in paragraph (1) for various renewable fuels, scientifically valid models and methodologies exist to project indirect land use changes that are related to the production of renewable fuels and that occur outside the country in which the feedstocks are grown, and the impact of these changes on greenhouse gas emissions.

''(ii) The determination shall take into account the findings and recommendations of the report required under subparagraph (B), as well as other available scientific, economic, and other relevant information. The Administrator and the Secretary may also consider methods used by the Environmental Protection Agency, the Department of Agriculture, and other Federal agencies to assess or guide their related policies.

''(iii) The Administrator and the Secretary of Agriculture shall publish a proposed determination not later than 4 years after date of enactment of this paragraph, and shall publish a final determination not later than 5 years after date of enactment of this paragraph. An explanation and justification of the determination shall be included in the proposed and final actions, together with a response to comments received.

''(D) RESPONSE TO DETERMINATION.—(i) In the event of a positive determination under

subparagraph (C), the Administrator and the Secretary of Agriculture shall, after notice and an opportunity for public comment, by the same date jointly establish a methodology (or methodologies) to calculate greenhouse gas emissions from indirect land use changes that are attributable to the production of renewable fuels and that occur outside the country in which feedstocks are grown for purposes of calculating a renewable fuel's lifecycle greenhouse gas emissions to determine whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i). The exclusion in subparagraph (A) shall end, and the Administrator shall issue a regulation by the same date that shall include emissions from indirect land use changes outside the renewable fuel's feedstock's country of origin for purposes of calculating a renewable fuel's lifecycle greenhouse gas emissions to determine whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i) for renewable fuels sold in the calendar year following the year of the positive determination. The effective date of the regulation shall be six years after the date of enactment of this paragraph.

''(ii) A negative determination under subparagraph (C) shall include a statement of the basis for the determination.

''(E) ACCOUNTABILITY.—The joint duties and actions of the Administrator and the Secretary of Agriculture shall be subject to sections 304 and 307 of this Act as if they were the duties and actions of the Administrator alone.''.

SEC. 552. BIOMASS-BASED DIESEL.

Section 211(o)(2)(A) of the Clean Air Act (42 U.S.C. 7545(o)(2)(A)) is amended by adding at the end the following new clause:

''(v) GRANDFATHERING BIOMASS-BASED DIESEL.—The Administrator shall promulgate regulations exempting from the lifecycle greenhouse gas requirements in subparagraphs (B) and (D) of paragraph (1) up to the greater of 1 billion gallons or the volume mandate adopted pursuant to subparagraph (B)(ii) of biomass-based diesel annually from facilities that commenced construction before the date of enactment of the Energy Independence and Security Act of 2007.''.

SEC. 553. MODIFICATION OF DEFINITION OF RENEWABLE BIOMASS.

(a) NATIONAL ACADEMY OF SCIENCES REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Federal Energy Regulatory Commission shall jointly arrange for the National Academy of Sciences to evaluate how sources of renewable biomass contribute to the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(b) MODIFICATION.—

(1) EPA MODIFICATION AUTHORITY.—After reviewing the report required by subsection (a), the Administrator of the Environmental Protection Agency, in concurrence with the Secretary of Agriculture, may, by regulation and after public notice and comment, modify the non-Federal lands portion of the definition of ''renewable biomass'' in sections 211(o)(1)(I) and 700 of the Clean Air Act in order to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(2) FERC MODIFICATION AUTHORITY.—After reviewing the report required by subsection (a), the Federal Energy Regulatory Commission, in concurrence with the Secretary of Agriculture, may, by regulation and after public notice and comment, modify the non-Federal lands portion of the definition of ''renewable biomass'' in section 610 of the Public Utility Regulatory Policies Act of 1978 in order to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(c) FEDERAL LANDS.—

(1) SCIENTIFIC REVIEW.—The Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall conduct a joint scientific review, within one year after the date of enactment of this Act, to evaluate how sources of biomass from Federal lands could contribute to the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(2) MODIFICATION AUTHORITY.—Based on the scientific review, the agencies may, by rule, modify the definition of ''renewable biomass'' from Federal lands in sections 211(o)(1)(I) and 700 of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978 as appropriate to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

The SPEAKER pro tempore. After 3 hours of debate on the bill, as amended, with 2½ hours equally divided and controlled by the Chair and ranking minority member of the Committee on Energy and Commerce and 30 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Ways and Means, it shall be in order to consider a further amendment in the nature of a substitute printed in part B of the report, if offered, by the gentleman from Virginia (Mr. FORBES) or his designee, which shall be considered read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 1 hour and 15 minutes. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 15 minutes of debate on the bill.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

Today we are taking a decisive and historic action to promote America's energy security and to create millions of clean-energy jobs that will drive our economic recovery and long-term growth.

This bill, when enacted into law, will break our dependence on foreign oil, make our Nation the world leader in clean-energy jobs and technology, and cut global warming pollution. As a result of these new policy settings, we will create millions of clean-energy jobs for America and restore our technological leadership in clean energy. We are also protecting consumers.

The bill tackles big problems that have been ignored for far too long. It proposes solutions that will transform our economic and clean-air environment.

There is a remarkable coalition behind this bill. Electric utilities support the bill. Manufacturers support the bill. Farmers support the bill, and so do the Nation's leading environmental organizations, labor unions, and faith-based groups.

There are many Members responsible for this remarkable coalition. On the Energy and Commerce Committee, JOHN DINGELL helped forge compromises with the auto industry. RICK BOUCHER developed ideas that will provide a future for coal. MIKE DOYLE addressed the concerns of the steel industry and other trade-vulnerable industries. The chairman of the Ways and Means Committee worked with us to make sure that the interest of low-income families are fully protected. And the chairman of the Agriculture Committee made sure the legislation addresses the concerns of farmers and makes them part of our energy future.

The need to act is clear and urgent. There is a national security imperative to act. This legislation at long last begins to break our addiction to imported foreign oil and put us on a path to true energy security.

There is a scientific imperative to act. The evidence on global warming, on the consequences of carbon emission is overwhelming, and we have based our bill on the science. And there is a moral imperative to act. We have obligations to protect and preserve the environment for our children and the generations that follow.

And there is an economic imperative to act. This legislation is an enormous jobs bill for America. It will promote investment and growth for decades ahead, creating jobs for the new-energy economy of the 21st century.

People in industry have told us that as soon as this legislation becomes law, we will find billions of dollars invested in infrastructure over the next 5 years. We can see an incredible lost opportunity if we don't act now. There are amazing developing new technological centers around the U.S., and we can see those jobs going overseas and that technological superiority going overseas as well.

And this bill is affordable. Contrary to what we will hear from our friends on the other side of the aisle, the Congressional Budget Office found that

this legislation will cost households an average of only $175 in 2020, less than 50 cents a day. EPA's analysis put the cost at 22 to 30 cents a day, less than the cost of a single postage stamp, while lowering utility bills by 7 percent.

This bill is a tremendous opportunity to prevent a dangerous threat while creating millions of new jobs and driving economic growth. It will end our dependence on foreign oil and keep us more secure. This bill will drive a new era of sustainable growth and innovation, and I urge all Members to support it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 24, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2454, the American Clean Energy and Security Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking any formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by forgoing further consideration of H.R. 2454 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, June 19, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you. regarding H.R. 2454, the American Clean Energy and Security Act of 2009. This legislation was initially referred to the Committee on Energy and Commerce and in addition to the Committees on Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation. and-Infrastructure, Natural Resources, Agriculture, and Ways and Means.

H.R. 2454 was reported to the House by the Committee on Energy and Commerce on June 5, 2009. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 2454.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill on the House floor.

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

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 24, 2009.

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

DEAR CHAIRMAN GORDON: Thank you for your letter regarding H.R. 2454, the ''American Clean Energy and Security Act of 2009.'' The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Science and Technology under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Science and Technology in these provisions. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Science and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 25, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, House Committee on Oversight and Government Reform, Washington DC.

DEAR CHAIRMAN TOWNS: Thank you for your letter regarding H.R. 2454, the ''American Clean Energy and Security Act of 2009.'' The letter noted that provisions of the bill are within the jurisdiction of the Committee on Oversight and Government Reform under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Oversight and Government Reform in these provisions. We appreciate your agreement to work with us without sequential referral, and I concur that this agreement does not in any way prejudice the Committee on Oversight with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I also agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 25, 2009.

Hon. HENRY A. WAXMAN,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I am writing regarding H.R. 2454, the ''American Clean Energy and Security Act of 2009''. I appreciate your commitment and willingness to work with the Committee on Oversight and Government Reform on the provisions of H.R. 2454 that fall within the Oversight Committee's jurisdiction. These provisions include matters such as, but not limited to, federal procurement requirements and the elevation of the Inspector General of the Commodity Futures Trading Commission.

In the interest of expediting consideration of H.R. 2454, the Oversight Committee agreed to work with you on these provisions without a sequential referral of the bill. This should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 2454 that fall within the jurisdiction of the Committee.

The Committee maintains its interest in any provisions of the bill that are within the Committee's jurisdiction. I therefore request your support for the appointment of conferees from the Oversight Committee should H.R. 2454 or a similar bill be considered in conference with the Senate.

I also respectfully request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 26, 2009.

Hon. HOWARD L. BERMAN,
Chairman, House Committee on Foreign Affairs, Washington DC.

DEAR CHAIRMAN BERMAN: Thank you for your letter regarding H.R. 2454, the ''American Clean Energy and Security Act of 2009.'' The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Foreign Affairs under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Foreign Affairs in these provisions. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I also agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 26, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 2454, the American Clean Energy and Security Act of 2009.

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

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the Congressional Record during floor consideration of H.R. 2454.

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

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 26, 2009.

Hon. HOWARD L. BERMAN,
Chairman, House Committee on Foreign Affairs, Washington DC.

DEAR CHAIRMAN BERMAN: Thank you for your letter regarding H.R. 2454, the ''American Clean Energy and Security Act of 2009.'' The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Foreign Affairs under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Foreign Affairs in these provisions. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I also agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, June 25, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding Congressman Boccieri's amendment to the amendment in the nature of a substitute to H.R. 2454, the American Clean Energy and Security Act of 2009.

It is my understanding that you are seeking my support to have this amendment made in order for floor consideration. I will support this amendment being made in order, but only with the understanding that the programs contained in this amendment are within the sole jurisdiction of the Committee on Science and Technology based on our Rule X jurisdiction over the National Institutes of Standards and Technology. In addition, I ask for your commitment that the Science and Technology Committee will be given deference in any House-Senate conference on any matters relating to this provision or any similar provision.

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

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 25, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your letter regarding Congressman Boccieri's amendment to the amendment in the nature of a substitute to H.R. 2454, the American Clean Energy and Security Act of 2009.

I agree that the programs contained within this amendment would receive an exclusive referral to the Committee on Science and Technology. I also agree that the inclusion of this provision in H.R. 2454 should not be construed to give the Committee on Energy and Commerce a jurisdictional claim to the provision. In addition, I agree to defer to the Science and Technology Committee in any House-Senate conference on any matters relating to this provision or any similar provision.

I appreciate your support of this amendment, and I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that the ranking member of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS), control the first 15 minutes of debate on the minority side.

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

There was no objection.

Mr. LUCAS. Madam Speaker, I thank the gentleman from Texas, and I yield myself such time as I may consume.

The Waxman-Markey bill promises to destroy our standard of living and the quality of life with higher energy costs, higher food prices, and lost jobs. The bill is the single largest economic threat to our farmers and ranchers in decades. We have more than 115 agricultural and food groups who publicly oppose this bill as of today, and I ask that the list be entered in the RECORD.

Do you know why? The greatest threat to our agricultural producers is ignored. Under H.R. 2454, input costs will escalate as a direct result of the energy tax. Meanwhile, the markets for their crops will shrink because of foreign competitors whose governments will not place burdens on their farmers. They will be able to undersell us.

And what about the billions of dollars annually that farmers are supposed to garner selling offset credits? Many farmers will not be able to participate. Soil sequestration of carbon was going to be the way for farmers to generate credits, but if the producer started soil tillage practices before 2001, they will be ineligible to participate.

The amendment does not exempt agriculture from performance standards in the bill, which means the EPA could tell our producers how to manage their farms.

This bill will tax you. This bill will destroy the livelihoods of those who live and work in rural America, those who work every day to consistently provide our Nation and the world with a safe, affordable, abundant food and fiber supply. Agriculture sits squarely in the crosshairs of this bill because it is energy intensive. Whether it is the fuel for the tractor, the fertilizer for the crops, or the delivery of food to the grocery store, agriculture uses a great deal of energy throughout production and processing.

Although USDA hasn't devoted any time or resources to complete an economic analysis of how this bill will impact farmers, the Heritage Foundation has. A recent study from the Heritage Foundation revealed that by the year 2035, the average net income for farms will be decreased by 57 percent. And also by 2035, gasoline and diesel costs are expected to be 58 percent higher and electric rates 90 percent higher. For example, residents in Oklahoma can expect their electric rates to increase by $300 million.

So why are we doing this bill? So the U.S. can lead on climate change in the world? We can lead when China and India have refused to participate? We can lead when Europe is willing to do half of what this bill calls for? We can lead when the rest of the developing world is unable to do anything at all about climate change?

Some of my idealistic colleagues will say we have to set a standard for the rest of the world. But I say I will not make any constituents poor—poorer—so that others can get richer at our expense. My friends, this is the wrong bill at the wrong time for the wrong reason.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, at this time I am delighted to yield to the gentleman from Massachusetts (Mr. MARKEY), the chairman of the Subcommittee on Energy and the Environment as well as the Select Committee on Global Warming. He has played the fundamental role of shepherding this bill through our committee and working to get it to the floor today. I yield to Mr. MARKEY 3 minutes.

Mr. MARKEY of Massachusetts. I thank the gentleman from California, and I thank him and his staff for the outstanding leadership and vision which he has provided on this legislation. This is the culmination of a career of work for the gentleman from California, and it is my honor to have been allowed to partner with him in order to construct this legislation that we bring to the floor here today.

I want to thank, as the gentleman from California has noted, the other Members who have worked on this legislation: Mr. DINGELL, Mr. BOUCHER, Mr. DOYLE, Mr. INSLEE, Mr. GREEN, Mr. BUTTERFIELD, Mr. STUPAK, Mr. RUSH. So many Members, including Members off the committee like HENRY CUELLAR from the State of Texas who worked with us on natural gas-related issues. We would not be here unless we had the cooperation of so many Members across the full spectrum of the House.

During this process, we have received valuable input and expertise from other leaders in the House, like Chairman RANGEL on trade issues, Chairman PETERSON on agriculture issues, amongst, again, many others.

The legislation we have before us today is the most important energy and environment legislation to ever have been considered in the history of the United States. The consequences for our country are great unless we act to deal with these issues.

This legislation sets a new course for our country, creating millions of new, clean-energy jobs while reducing our dependence upon imported oil. And when it becomes law, and it will, for the first time in the history of the United States Congress, for the first time in the history of our country, we will put enforceable limits on global warming pollution.

At its core, however, this is a jobs bill. It will create millions of new, clean-energy jobs in whole new industries with incentives to drive competition in the energy marketplace. It sets ambitious and achievable standards for energy efficiency and renewable energy from solar, wind, geothermal, biomass so that by 2020, 20 percent of America's energy will be clean.

It saves consumers money by updating efficiency standards for new buildings, appliances, and lighting systems. It invests $10 billion a year in energy efficiency programs in States across this country.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WAXMAN. Madam Speaker, I yield the gentleman an additional minute.

Mr. MARKEY of Massachusetts. And it starts the much-needed process of making our electric grid a smart grid so we can plug in the hybrid and electric cars of the future into an advanced, efficient energy network that by the year 2030 we will be raising a generation of children who know not how to receive gasoline at a gasoline station but, rather, by plugging their cars into a plug so that the electricity that we are generating ensures that those vehicles are being run for the benefit of our people.

This is a revolution. This is a moment in history. This is what the American people were calling for in the election of 2008, a fundamental change that breaks our dependence upon imported oil, creates millions of new jobs, reduces the amount of pollution that we send up into the atmosphere, and points us in a new direction in our country that breaks with the pattern of cyclical dependence on imported oil coming from OPEC that holds our Nation hostage.

I urge an ''aye'' vote on this bill.

Madam Speaker, I rise in strong support of H.R. 2454, the Waxman-Markey American Clean Energy and Security Act.

I want to start by thanking the Chairman of the Energy and Commerce Committee and my partner in this legislation, HENRY WAXMAN. He and I and our staffs have worked tirelessly on this bill, and his leadership, patience and fortitude have been remarkable.

And I want to thank all of my Energy and Commerce colleagues, especially RICK BOUCHER, JOHN DINGELL, MIKE DOYLE, JAY INSLEE, GENE GREEN, GK BUTTERFIELD, BART STUPAK and so many others. And special thanks to Speaker NANCY PELOSI on her outstanding leadership on these issues since she became Speaker.

And during this process we have received valuable input and expertise from other leaders in the House like Chairman RANGEL on trade issues and Mr. PETERSON on agriculture issues.

The legislation we have before us today is the most important energy and environmental legislation in the history of our country. It sets a new course for our country, one that steers us away from foreign oil and towards a path of clean American energy.

It will create millions of new clean energy jobs while reducing our dependence on foreign oil.

And when it becomes law, it will, for the first time in the history of the United States Congress, put enforceable limits on global warming pollution.

I also want to take time to commend my colleague JOHN MCHUGH for his outstanding leadership on acid rain and air pollution control.

His state and my state both share a common problem of transported air pollution which falls in New York and New England as acid rain.

JOHN MCHUGH has worked tirelessly to protect public health and the environment from the deleterious effects of air pollution, especially the problems of acid rain and toxic mercury pollution.

Reducing emissions of greenhouse gases must be done immediately to stop global warming, but we must also continue to reduce emissions of NO_X SO_X and mercury.

The technologies that we will use to reduce global warming pollution will also reduce other pollutants that kill our citizens and damage our environment.

We need to get the programs, including the Clean Air Interstate Rule and facility-specific mercury regulations, back on track.

Representative MCHUGH has introduced H.R. 1841, legislation that would help protect public health and fight acid rain.

That legislation describes well the problems we face today in fighting acid rain, soot and smog and sets forth thoughtful solutions to those problems. I agree with the gentleman that:

(1) reductions of atmospheric sulfur dioxide and nitrogen oxide from utility plants, in addition to the reductions required under the Clean Air Act (42 U.S.C. 7401 et seq.), are needed to reduce acid deposition and its serious adverse effects on public health, natural resources, building structures, sensitive ecosystems, and visibility; (2) sulfur dioxide and nitrogen oxide contribute to the development of fine particulates, suspected of causing human mortality and morbidity to a significant extent; (3) regional nitrogen oxide reductions of 75 percent in the Eastern United States, in addition to the reductions required under the Clean Air Act, may be necessary to protect sensitive watersheds from the effects of nitrogen deposition; (4) since the Clean Air Act Amendments of 1990 were enacted, some acidic lakes in the Adirondacks in the State of New York have started to slowly show chemical recovery from acid rain, demonstrating that sulfur dioxide and nitrogen oxide regulations can be implemented in a cost-effective manner, but the recovery is progressing at a slower rate than originally intended; (5) nitrogen oxide is highly mobile and can lead to ozone formation hundreds of miles from the emitting source; (6) on March 10, 2005, the Environmental Protection Agency (EPA) issued the Clean Air Interstate Rule (CAIR) to require additional reductions in sulfur dioxide and nitrogen oxide in 28 Eastern States and the District of Columbia; (7) these reductions represent approximately a 70 percent reduction in sulfur dioxide and a 60 percent reduction in nitrogen oxide in the affected States; (8) on July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit vacated CAIR and on December 23, 2008, the same court remanded the rule back to the EPA without vacature; (9) fossil fuel-fired electric generating units emit approximately 1/3 of the total mercury emissions in the United States; (10) mercury is considered a neurotoxin which can bioaccumulate as it moves its way up the food chain and is especially harmful to young children and developing fetuses; (11) according to the EPA, there were 3,080 fish advisories for mercury in 2006; there are over 90 fish advisories for mercury in New York alone, with blanket warning for the Adirondack and Catskill Mountains; (12) on March 15, 2005, EPA issued the Clean Air Mercury Rule (CAMR), which for the first time sought to regulate mercury emissions from power plants, but used a less restrictive cap-and-trade approach for this very harmful substance and would take a full decade to implement; (13) on February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit vacated CAMR; and (14) on February 23, 2009, the Supreme Court denied a request to reconsider the decision.

This bill includes a study on the effects of different carbon reduction strategies on reducing emissions of NO_X, SO_X and mercury. Such a study will ensure that as we move to control greenhouse gas emissions, particularly from coal fired power plants that emit mercury, NO_X and SO_X, we do not lose the opportunity to implement the most cost effective ways of controlling soot, smog and mercury.

This is exactly the type of very thoughtful work that JOHN MCHUGH has done during his many years in Congress to protect public health and fight acid rain and I am proud to stand beside this champion of environmental protection as we move to pass this legislation.

At its core, this is a jobs bill. It will create millions of new, clean energy jobs in whole new industries with incentives to drive competition in the energy marketplace.

It sets ambitious and achievable standards for energy efficiency and renewable energy from solar, wind, geothermal and biomass, so that by 2020, 20 percent of America's energy will be clean.

It saves consumers money by updating efficiency standards for our new buildings and the appliances and lighting systems we use. It invests $10 billion a year in energy efficiency programs in states across the country.

And it starts the much-needed process of making our electric grid a Smart Grid, so we can plug in the hybrid and electric cars of the future into an advanced, efficient, domestically-powered energy network that will give consumers more control of their power bill.

It makes nearly $200 billion in investments in clean energy technologies, including $20 billion in vital clean energy research and development.

And it does all this while nearly doubling the size of the economy by 2030, remaining budget neutral, and costing the average American family less than a postage stamp a day—a small price to pay as we transition off foreign oil once and for all.

By bringing competition and efficiency back to the energy marketplace, Waxman-Markey will deliver consumer savings. America's low-income families will actually benefit by $40 a year in 2020, and the energy efficiency policies alone will save American families more than $200 every year by 2030.

This bill address a technological imperative to lead on clean energy, the economic imperative to compete in a global clean energy race, and the moral imperative to protect our planet and the rights of all to live and prosper for generations to come.

This bill has the goals of the moon landing, the moral imperative of the Civil Rights Act, and the scope of the Clean Air Act, wrapped up in one.

I believe this is the most important vote we will take in our lives. The entire world is watching us. Our children and grandchildren are watching us. We have a choice to make and the fate of the planet hangs in the balance.

We cannot afford to be governed by fear and cling to the failed policies that have brought us to this crisis. As the President said yesterday: ''We cannot be afraid of the future, and we can't be prisoners of the past.''

Scientists say that global warming is a dangerous man-made problem.

Today we are saying clean energy will be the American-made solution.

This is an historic bill. This is a historic vote. This is a historic choice.

I urge my colleagues to support the Waxman-Markey American Clean Energy and Security Act. Vote ''aye.''

□ 1300

Mr. LUCAS. Madam Speaker, I recognize the gentleman from Virginia (Mr. GOODLATTE) for 2 minutes.

Mr. GOODLATTE. Madam Speaker, I rise in strong opposition to this bill.

I agree with one thing the gentleman from Massachusetts had to say and, that is, this bill has very important consequences, but those consequences are devastating for the future of the economy of this country, and it's in pursuit of the fantasy of thinking that this legislation will cause us to be able to turn down the thermostat of the world by reducing CO_2 gas emissions when China and India and other nations are pumping more and more CO_2 gas into the atmosphere all the time.

We would be far better served with legislation that devotes itself to developing new technologies before we slam the door on our traditional sources of energy like coal and oil and natural gas and nuclear power, the most CO_2-free emission that we have; and this bill does nothing to promote it.

It stifles the ability of the people of this country to have the kind of competitiveness they need in the world to be able to get inexpensive sources of energy. So I strongly oppose this legislation.

You know, we, Republicans and Democrats, offered over 200 amendments to try to improve this bill. They made in order one. In shutting down this democratic process, the Speaker of the House has taken away the voice of the American people. The simple truth behind this legislation is it raises taxes, kills jobs, and will lead to more government intrusion.

It is estimated this bill will raise electricity rates 90 percent, gasoline prices 74 percent, natural gas prices 55 percent—and that's in addition to the expected rise in all of those sources of energy because this Congress, for the last 2½ years, has refused to take up a real American energy plan to devote more to producing domestic sources of all of our traditional sources of energy and developing new sources.

We support the effort for energy efficiency. We support the effort to promote new and alternative forms of energy. We do not support this kind of suicide for the American economy.

I urge my colleagues to oppose this legislation.

It would be true democracy to allow the people's representatives to have a say about what is in this legislation. However, committees with jurisdiction, including the Agriculture Committee, were not allowed to mark-up the bill and make changes.

The simple truth behind this legislation—it raises taxes, kills jobs and will lead to more government intrusion. Many have said the ''Peterson compromise'' is a win for farmers. Let me be clear, this legislation is not a win for American famers. Agriculture is an energy intensive industry, and this legislation will make the cost of energy even higher for everyone.

In effect this legislation turns off the ability to produce energy from reliable sources in favor of energy technologies that have not proven that they can meet the energy demands of our nation. We cannot ignore that America's economy is intrinsically linked to the availability and affordability of energy. During this economic slow-down we should adopt policies that seek to rebuild our economy and create more jobs. We need reliable and affordable energy supplies. Unfortunately, cap and trade legislation would only further cripple our economy.

Mr. WAXMAN. Madam Speaker, I want to yield now to the gentleman who had been the chairman of the Energy Subcommittee on our full committee last Congress and who was instrumental in getting the first draft of the legislation that we worked off, but more importantly, as a knowledgeable individual of this area and from a constituency that has a special concern about the problems, he was able to negotiate with us so that we could reach some of the accommodations in this legislation that has made it a much better bill.

I yield, with great admiration, 5 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. I thank the gentleman from California for yielding and congratulate him on the tremendous leadership that he has shown in bringing this measure to the House floor this afternoon.

Madam Speaker, I rise in strong support of the bill, and I urge its approval by the House. It achieves broad reductions in greenhouse gases, enhances America's energy security, and by placing a price on carbon dioxide emissions, will unleash investments in clean-energy technologies that will create millions of new American jobs.

These energy technologies will evolve from America's laboratories; they will be deployed at home; they will be exported around the world; they will be the foundation for our next technology revolution. And it all starts here with passage today of the Clean Energy Security Act.

Approximately 80 percent of the electricity in the district that I represent is coal-generated. Coal production is one of our region's major industries, and it is a major employer of our constituents. Not surprisingly, my focus in the shaping of the bill in the Energy and Commerce Committee was to keep electricity rates affordable and to enable utilities to continue using coal,

which accounts for fully 51 percent of America's electricity generation. Both of these goals have been achieved in the bill that is before us today.

Electricity rates will be only modestly affected. The nonpartisan Congressional Budget Office says that by 2020, the cost of the entire program for the typical American family will be $175 per year. The Environmental Protection Agency projects that the nearer-term cost for the typical family from all elements of this legislation will be between $80 and $110 per year; that's about 20 cents a day for the typical American family. And so the claims by the opponents that this legislation will impose enormous electricity price increases are simply wrong.

The Environmental Protection Agency projects that by 2020, the usage of coal in our economy will grow as compared to today's usage. Now, that may seem somewhat counterintuitive in a bill that regulates greenhouse gas emissions, so let me repeat that: the EPA projects that by 2020, coal usage in America, under the terms of this bill, will actually grow.

As transportation electrifies and the demand for electricity increases, coal, our most abundant fuel, will still be the fuel of choice to meet that rising demand. The claims of opponents that the CO_2 controls under the bill will force utilities to surrender coal use, causing an overreliance on natural gas with attendant broad economic harm to the Nation, are also simply wrong.

This is a responsible measure. It is carefully balanced; it reduces greenhouse gases by 83 percent by the year 2050 as compared to 2005 levels; it keeps electricity rates affordable; it enables coal usage to grow as the demand for electricity increases nationwide; and it opens the door to a more secure energy future and the creation of millions of new jobs, innovating, deploying and exporting to the world the new, low-carbon-dioxide-emitting technologies that will power our energy future.

Now, these are sound reasons to approve the bill; but for those who still harbor doubts, let me make a more practical argument to vote for passage.

In March of 2007, the Supreme Court held that carbon dioxide is a pollutant. Under that ruling, and the terms of the existing Clean Air Act, the Environmental Protection Agency is now effectively required to regulate CO_2 emissions, and so Federal regulation for greenhouse gases is now inevitable. It is not a question of whether we are going to have regulation. The only question is whether the regulation will be our carefully balanced, congressionally adopted, economically sustainable regulation, as contained within the bill before us today, or whether we will have EPA's regulation under the blunt instrument of the Clean Air Act where economic considerations cannot be fully waived.

Given that choice, and the path this bill charts for affordable electricity, for increased coal use, and for new job creation, I would urge the Members to make the reasonable decision to approve today the Clean Energy Security Act.

Mr. LUCAS. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman for yielding.

Madam Speaker, there is an assertion, a story around Congress today that with the adoption of the Peterson amendment, the negotiations between the chairman of the Agriculture Committee and the chairman of the Commerce Committee, that this bill somehow now becomes acceptable, something advantageous for those of us who represent rural America. I can assure my colleagues, Republican or Democrat, who come from rural America and who represent agricultural interests that nothing could be further from the truth. While the Peterson amendment substantially improves the bill, at least modestly improves the bill, the end result is nothing but something that is disadvantageous and negative for rural economies.

Agriculture had thought at one point in time there would be something they could gain from sequestering carbon in the soil, and yet this bill still provides no assurance that the EPA—not the Department of Agriculture, but that the EPA will allow that to occur. If they would, then the Department of Agriculture is involved; but once again, agriculture is not even mentioned in this bill in regard to offsets.

In addition to that, the electric cooperatives are still disadvantaged. If you come from rural America, the allowances that this bill allows are advantages to those who live on the west and east coasts, and yet those of us who represent some of the poor areas of the country, we will be transferring our income and wealth to those coasts.

This bill, in my opinion, is a jobs bill, as indicated by the gentleman from Massachusetts, but it is a jobs elimination bill. This bill creates a significant competitive disadvantage for American small business and agriculture as we try to compete in the global economy in which other countries do not abide by these caps, rules, or regulations.

I would assert that during my time in Congress there is no piece of legislation that will be more damaging to the future of rural America, to the future of small farms and businesses than the bill that is before us today. This bill—a jobs bill, as described by the gentleman from Massachusetts—is a job elimination bill, not a job creation bill. I urge my colleagues, both Republicans and Democrats, who come from the Midwest, who come from rural America to vote ''no.''

Mr. WAXMAN. Madam Speaker, it is my privilege now to yield 1 minute to a very important member of the committee, Mr. ENGEL.

Mr. ENGEL. I thank the chairman for yielding to me, and I rise in support of this bill as I supported it in committee.

I think this bill goes a great step in the right direction. It will revitalize our economy by creating millions of clean-energy jobs, increase our national security by reducing our dependence on foreign oil, and help preserve our planet by reducing greenhouse gas emissions.

But I want to mention, as I did in committee, my disappointment that the bill does not contain strong enough language in terms of flex-fuel cars in this country. I believe very strongly that the United States needs to move towards cars manufactured in America that can run on methanol, ethanol, and gasoline. If you give gasoline competition with ethanol and methanol, I believe that it will reduce the price of gasoline. So I am disappointed that while the bill goes a step in that direction, it doesn't go totally in the direction that I would like to see.

Yesterday, Energy Secretary Chu said all new cars should have flex-fuel capacity in this country. And I would like to enter this into the RECORD from The Des Moines Register.

Madam Speaker, flex-fuel vehicles would only cost $90 or $100 per car, and it would be very important to moving us in that direction.

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

Mr. WAXMAN. I yield the gentleman 1 minute.

Mr. ENGEL. I thank the chairman.

Just 6 months ago, the CEOs of GM, Chrysler and Ford appeared before the House Financial Services Committee, and each committed to making 50 percent of their cars flex-fuel vehicles by 2012. They are reneging now, and I believe that we should have strong language to move them back to their original position. I really believe that flex-fuel cars are the way to go.

But we have a bill before us, and the bill is much, much more positive than anything else. It is a big step in the right direction. And I think that our colleagues who are on the fence—as I pointed out, the bill doesn't give everything to everybody and it doesn't do nearly what I would like it to do, but I think it does enough so that we ought to move this country in the right direction to make ourselves energy independent, to reduce the warming of our planet, and to reduce the greenhouse gases.

So I would urge my colleagues for a ''yes'' vote. We can work afterwards to make the bill better, we can work afterwards to have the policies that we want to see, but rejection of this bill would be a terrible step in the wrong direction.

I urge my colleagues to vote ''yes.''

[From the Des Moines Register, June 22, 2009]

CHU: ALL NEW CARS SHOULD HAVE FLEX-FUEL CAPACITY

(By Thomas Beaumont)

U.S. Energy Secretary Steven Chu said in Des Moines today the nation's car manufacturers ought to make all new automobiles able to run on E85 ethanol-blended fuel.

But Chu said the government could face resistance should it insist on the new standard, despite two of the nation's three main automakers' having recently filed for bankruptcy protection.

Chu, in Iowa awarding the state a share of its federal stimulus money, later said all pumps ought to offer at least a blend of 15 percent ethanol.

''We should think about doing the following. I've been told it costs about $100 in gaskets and fuel lines to turn a car so that it can go all the way to E85,'' Chu said, addressing public officials and news media at the Des Moines Botanical Center.

E85 is a blend of 85 percent ethanol and 15 percent gasoline. Iowa is the nation's leading producer of ethanol.

''But a new car, it would only cost $100 out of $15,000. Wouldn't it be nice to put in those fuel lines and gaskets so that we can use any ratio we wanted,'' Chu added. ''It's just a thought, I don't think you're going to get any objections in this audience.''

Chu stopped short of saying the Obama administration would require the companies to build all vehicles as flex-fuel-ready.

''It's beginning to be discussed,'' Chu said. ''But, again, it's one of those things where I think with virtually anything, once the government steps in the natural tendency is to resist government intervention.''

General Motors and Chrysler have recently sought bankruptcy. The federal government would become a majority shareholder in GM.

There is legislation pending in Congress that would require all domestic automobiles to eventually make all vehicles capable of running on E85.

Monte Shaw, executive director of the Iowa Renewable Fuel Association said the government's new financial stake in the auto industry means it can require the higher renewable fuel standard.

''Clearly, if the White House decided they wanted GM and Chrysler to do this, they would do it,'' Shaw said. ''I think it would be good. Once one company goes that way, I think it puts pressure on the other automakers not to be left out.''

Mr. LUCAS. Madam Speaker, I recognize the gentleman from Ohio (Mr. LATTA) for 1 minute.

Mr. LATTA. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to this massive national energy tax.

You know, we are all for clean energy. And Republicans have put forth an all-of-the-above strategy, and that's the strategy we need to do in this country. We can't pick winners and losers.

I represent a very interesting district in Ohio. Not only do I represent the largest manufacturing district in the State of Ohio, I represent the largest agricultural district. Ohio uses 87 percent of its coal for our generation. What this bill is going to do is kill jobs in Ohio, and we are struggling right now. It's tough.

One of the things that a lot of people don't realize out there because we have so few farmers out there that are left, less than 1 percent in Ohio, is that we have so many of our farmers, my relatives included, that not only work a full day on the farm, but they go out and work all night on another job. But we've got to have jobs going both ways parallel with each other.

This bill is not going to help these people out there. This bill is going to kill jobs across this country. And when the Secretary of Agriculture was before us not too long ago, I posed this question: Is China going to comply with what we're going to do? And the answer was, Well, maybe not this month, or maybe not next month, but it's going to happen.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LUCAS. I yield the gentleman an additional 15 seconds.

Mr. LATTA. We can't put the American farmer behind the proverbial eight ball. We've got to be able to compete against the world, and this bill is going to kill that ability to do that.

I thank the gentleman for yielding.

□ 1315

Mr. WAXMAN. Madam Speaker, it's my distinct honor to yield 2 minutes to the chairman emeritus of our committee who has been the leader in fashioning so many important legislative proposals that are now law and are serving our country so well, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my good friend from California for his kind remarks, and I express my appreciation to him.

Madam Speaker, I rise in support of the Clean Energy Security Act. But before I address my remarks, I want to congratulate you on your distinguished service here and wish you well in the future and express my personal distress that you are leaving us.

Now, my colleagues on the Republican side, they are very anxious to criticize the bill. And there are criticisms that can be had. There is not one of the 435 of us that could not come forward with statements in saying that the bill could be improved and that there are faults in the bill. Both of those statements are true.

But the harsh fact of the matter is it is urgent that we commence acting upon this legislation. It is based largely on the recommendations of USCAP, which is a diverse group of environmental groups and industry with a shared desire for a commonsense bill to address climate change. That process began last year with the drafting of the initial versions of this legislation, which were taken and which were then handled by my friend from California. I would note that those proposals have undergone significant improvement by reason of the work of Members of this Congress and this committee.

Now, there are some hard facts to be addressed. There's a scientific consensus that we need to address climate change quickly and effectively. We need and industry needs certainty. This bill gives certainty to American industry. Without this certainty new expansion and new investment in this difficult time is not going to occur. There will be jobs which will flow from this legislation.

Actions by the Supreme Court, and I urge my colleagues to be scared to death of this——

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

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. DINGELL. Actions by the Supreme Court in a recent endangerment finding by EPA makes it critically important that we act. Otherwise, greenhouse gases will be regulated by EPA. And if you want something to shudder about, I beg you to take a look at that because we will see better than 300 different kinds of regulations coming from Federal and State bodies if we're charged with this.

Now, the bill does protect the consumers. It's going to cost consumers about $175 a year. It will also protect American manufacturing, and there are provisions in the legislation for that. And it has, in addition to that, additional programs which will meet the concerns of all of our branches of industry—coal, electric utility, manufacturing, chemicals—and also the securities market, which will be controlled under an amendment offered by our good friend and colleague Mr. STUPAK.

I am happy that this bill does have a dedicated allowance for natural resource adaptation and significant protection in acquisition of lands.

This is a good bill. I urge my colleagues to support it.

Madam Speaker, I rise in support of the American Clean Energy and Security Act.

Is the bill before us perfect? No. But I have long told my friends on both the right and the left, we must not let the perfect be the enemy of the good.

The legislation before us is largely based on the recommendations of USCAP, a diverse group of environmental groups and industry with a shared desire for a commonsense bill to address climate change.

One might ask why such a diverse group would agree on a matter like this. Well, the answer is three-fold:

1. There is scientific consensus that we need to address climate change quickly and effectively.

2. We need, and industry needs, certainty. Without this certainty, expansion and new investment is not going to happen.

3. Actions by the Supreme Court which led to the recent endangerment finding by EPA makes it critically important we act. If we do

not, we will face regulation under the Clean Air Act—and I assure you, the Clean Air Act was not designed to regulate greenhouse gases.

I am pleased with the provisions of the bill to protect consumers—the legislation will cost consumers on average only $175 per year—and protect American manufacturing and pave the way for the green jobs of the future. In fact, my home state of Michigan just had some wonderful news today: General Electric has decided to locate a new research & development facility, working on renewable energy technologies and other green jobs in the 15th District, which I have the honor of representing. We have the best workers in the world in Michigan and I look forward to many more green job announcements just like this thanks to provisions in this bill. However, job protection and creation warrants a very watchful eye to ensure the United States does not face job leakage and these matters will need to be readdressed if we do see such consequences.

We have seen remarkable innovations from our automakers and this bill builds on those successes by providing allowance values for retooling existing plants to make the cars of the future and new, green job creation here at home.

I am very pleased the bill includes an amendment I offered to establish a Clean Energy Bank. As we transition to clean energy, we must fund the R&D as well as deployment of these energy sources to meet the mounting demand for zero-carbon technology to dramatically reduce our greenhouse gas emissions.

Finally, I am very pleased that this bill includes a dedicated allowance for natural resource adaptation. The great conservationist and the 26th President of these United States, Theodore Roosevelt, taught us that conservation is a great moral issue—that it is our duty, as it insures the safety and continuance of the nation.

This is a good bill and I urge my colleagues to support it.

Mr. LUCAS. Madam Speaker, I wish to recognize the gentleman from Texas (Mr. CONAWAY) for 1 minute.

Mr. CONAWAY. Madam Speaker, I too congratulate you on your long distinguished service.

There's an old Western movie entitled ''Bad Day at Black Rock.'' Madam Speaker, if this bill passes today, this will be a bad day at Black Rock for America.

This bill will raise energy costs. Our President has said they will skyrocket. Claims of higher coal usage at lower costs are nonsensical on their face. The sense of urgency is muted by the fact that we delay implementation of many of these provisions for years and years in order to convince people to vote for this nonsense. It has no meaningful effect.

We all want to breathe clean air. We all want to drink clean water. God has put us on this Earth as responsible stewards of these resources, and we ought to use them responsibly. This bill does not do it. In fact, it does nothing good. The only meaningful thing that it might do is provide a relatively meaningless photo op for our President in December in Copenhagen as he stands to brag about what America has done while the leaders of India and China laugh at us behind his back.

A vote for this bill is a vote to lower living standards for all Americans for the foreseeable future. I urge my colleagues to vote against this bill. It does nothing good.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to my colleague from California (Ms. ESHOO), who is a very important member for our committee.

Ms. ESHOO. I thank our very distinguished chairman for yielding.

First, Madam Speaker, congratulations to you and God speed.

There may be no more critical issue facing our Nation today than that of our energy future and the desperate need for new policies that will dramatically and forever change how we live and work in our country. Our national security is irrevocably linked to it. Our economic stability depends on it. The future of our planet, the legacy of health and prosperity we all want to leave for our children cannot be assured without it. So it's time to take up this energy bill.

In this season of days we are granted in this honorable institution, this is truly a historic moment. By passing this act, we are guaranteeing an investment of $190 billion in new, clean-energy technologies and energy efficiency, creating jobs, spurring on new industries, and fulfilling the desire of all Americans that each of us in our own way can make this a better world.

In my home district of Silicon Valley, dozens of burgeoning companies at the cutting edge of green and clean-energy technology are poised for an explosion in innovation and healthy, sustainable economic growth.

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

Mr. WAXMAN. I yield another 30 seconds to the gentlewoman.

Ms. ESHOO. I thank the gentleman.

It's a particular pride for me to have had the opportunity to work on this act and to influence some of its outcome. I'm proud that my own bill, H.R. 1742, the Electric Vehicle Infrastructure Act, which will allow State and local governments to apply for financial assistance for the deployment of regional infrastructure to support the widespread use of electric vehicles, is included.

We are a hardworking people, Madam Speaker, who face the future with optimism and hope. This act embodies these qualities, a vehicle for our willingness to work hard, to innovate, to imagine a better future, and then to reach out and grasp it.

Mr. LUCAS. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Oklahoma for yielding.

Madam Speaker, first I would say that the canard of this court case that says the EPA will regulate CO_2 regardless, it takes a little change in Interior approps to fix that. We're the United States Congress. We don't capitulate to cap-and-tax because a court made a ruling; we tell them what the American people think.

Second, this bill freezes or rolls back oil, natural gas, coal, nuclear, and biofuels. We'll have less. We are not going to break dependency on foreign oil with less energy. Iowa no-till corn farmers, 6.2 million acres; 5 million of them went in before 2001, and only 25 percent of those that went in afterwards will be able to qualify because they rotate. So we're down to 4.8 percent of the guys doing it right. One out of 20 are going to get any benefit out of the Peterson amendment that's been incorporated into this bill.

And, furthermore, when Speaker PELOSI set up the cap-and-trade and bought the carbon credits, I can't verify that any of that changed any behavior for the positive. The ones I could verify had already been in place.

We've seen the example in Spain. It's a colossal mistake there, a political and an economic error. This could be the most colossal mistake ever made in the history of the United States Congress.

Mr. WAXMAN. Madam Speaker, I am pleased at this point to yield 1 minute to my good friend and colleague from southern California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise with great pride today to express my support for the American Clean Energy and Security Act.

Over the last two Congresses, thanks to tremendous leadership, we have built a record on energy and climate policy that indicates that the time for action is now. America is ready. The world is watching. We must transition to a clean-energy economy so that we can create jobs, achieve energy independence, and protect our planet.

We have before us a powerful, thorough, and effective bill. It includes a nationwide renewable electricity standard. It contains critical investments in energy efficiency. It requires immediate significant reductions in greenhouse gas emissions that are harming the health of our people and our planet.

The bill also makes substantial investments in domestic, international, natural resource, and public health adaptations that are crucial to the continuing prosperity of our Nation and our world.

Madam Speaker, to protect our health, to protect our economy, our national security, and our planet, we must enact comprehensive climate legislation and we must enact it now. We cannot sit idly by. I hope others will

join me in seizing this opportunity to transition our economy to a new, clean-energy economy.

I urge a ''yes'' vote on this bill.

Mr. LUCAS. Madam Speaker, once again I would like to yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my friend from Oklahoma for yielding.

I have more concerns with this legislation than I even have time to discuss. But since agriculture is Pennsylvania's number one industry and because I'm a member of the House Agriculture Committee, I would like to focus on the alarming effects cap-and-trade will have on the farmers in my home State.

This legislation, through mandates, attempts to decrease our use of fossil fuels. The whole point of cap-and-trade is to make fossil fuels, or 85 percent of the energy we consume, more expensive. Fossil fuels are essential for energy and electrical generation and also are equally important to use as a feedstock in many goods that we utilize.

Agriculture is an energy-intensive industry, and natural gas will be capped under this legislation. Natural gas is a basic ingredient in fertilizer, which is a building block for all of the food the U.S. supplies. We can't make our food without fertilizer, and we can't make fertilizer without natural gas.

The dairy industry in my State is having a difficult time making profits because of falling milk prices. And while there are many reasons for low milk prices, energy costs are certainly part of that equation.

This legislation will do nothing to reduce our carbon emissions or help Pennsylvania agriculture and will only cause more economic hardship for many small farmers and businesses.

I urge my colleagues to reject this misguided measure.

Mr. WAXMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN), who played a very significant role in developing this legislation.

Mr. GENE GREEN of Texas. Madam Speaker, like my colleagues, we will miss you and good luck in your new endeavor in the administration.

Today the House is set to consider the first comprehensive climate program in the history of the House of Representatives, and I support H.R. 2454.

This bill represents efforts to reach a consensus across our diverse membership and produce legislation that seeks to reduce greenhouse gas emissions both at home but also abroad. If Congress does nothing, greenhouse gas emissions could be regulated administratively through the EPA without input from Members that represent diverse constituencies nationwide.

I represent the Port of Houston, a petrochemical complex that stretches along the Texas gulf coast and is home to thousands of chemical industry and petroleum refining jobs. We cannot allow the petrochemical and refining industries to migrate out of America. They are vital to our economy and to our national security, and we cannot outsource that capability.

These energy-intensive industries could be left vulnerable to foreign competitors not facing carbon regulations if we do not carefully craft transitional policies to prevent job loss and strengthen U.S. industries at home.

I want to thank Congressman INSLEE and Congressman DOYLE for putting forth a proposal to provide 15 percent of the free allowances to emission-intensive industries to address competitive concerns, especially in the chemical industry. If a manufacturing facility is energy intensive and trade exposed, allowances will be provided to that facility on a production output basis, providing rebates for both the direct and indirect costs of complying with the climate program. These rebates will level the playing field relative to imports while encouraging emission reductions.

The bill also helps protects the U.S. domestic refining industry while creating a climate-change program. Our domestic refiners will face a competitive disadvantage with foreign competitors that are not subject to carbon regulations. U.S. refiners in this bill will receive 2 percent of the allowances starting in 2014 and ending in 2026, plus an additional .25 percent for small business refiners.

□ 1330

That's over one-half of the projected 4 percent of refined emissions. This funding will help defray expenses associated with direct and indirect costs and their stationary source of emissions under the cap as well as help improve the efficiency of refineries through technical and feedstock changes.

To level the playing field, foreign importers of refined oil must pay for carbon content of imported fuel, just as our domestic producers have to do, Madam Speaker.

And that's why I think this bill is a good first step. If I were writing it, it would be different.

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If a manufacturing facility is energy-intensive and trade-exposed, allowances will be provided to that facility on a production output basis, providing rebates for both the direct and indirect costs of complying with the climate program.

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Our domestic refiners will face a competitive disadvantage with foreign competitors that are not subject to carbon regulations.

U.S. refiners will receive 2 percent of allowances starting in 2014 and ending in 2026, plus an additional .25 percent for small business refiners. That's over one-half of the projected 4 percent of refinery emissions.

This funding will help defray expenses associated with the direct and indirect costs of their stationary source emissions under the cap, as well as help improve the energy efficiency of refineries through technological and feedstock changes.

To level the playing field, foreign importers of refined oil must pay for the carbon content of imported fuel, as do domestic refiners.

While I believe the refining industry could use additional assistance, and I hope any final agreement does so, this is a reasonable first step to protecting our energy infrastructure and keeping good-paying jobs here at home.

These proposals, however, cannot substitute for the need for a strong international agreement with binding carbon reductions amongst the world's largest emitters, including developing countries.

Mr. LUCAS. Madam Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman has 3¾ minutes remaining.

Mr. LUCAS. Madam Speaker, my fellow Members, let me rise to conclude the House Agriculture Republican portion of this discussion this evening and remind my colleagues one more time that this bill has a tremendous effect on rural America and production agriculture. When 115 farm groups send in letters, and food groups, expressing their opposition to the bill, that says something, 115 groups.

Madam Speaker, I submit a list of these groups for the RECORD.

Agriculture Groups Oppose to Waxman-Markey—as of June 26, 2009

1. Agribusiness Association of Iowa
2. Agricultural Retailers Association
3. Agrium Inc.
4. Alabama Farmers Federation
5. American Agri-Women
6. American Farm Bureau Association
7. American Farmers & Ranchers
8. American Feed Industry Association
9. American Frozen Food Institute
10. American Meat Institute
11. American Plant Food Corporation
12. AmeriFlax
13. Associated Industries of Florida
14. Beck' Superior Hybrids
15. Brandt Consolidated
16. CF Industries
17. Chemical Industry Council of Illinois
18. CHS Inc.
19. Corn Producers Association of Texas
20. D.B. Western, Inc.
21. Far West Agribusiness Association
22. Florida Chamber of Commerce
23. Florida Farm Bureau Federation
24. Florida Fertilizer & Agrichemical Association
25. Florida Strawberry Growers Association
26. Food Industry Environmental Council
27. GROWMARK
28. Hardee County Farm Bureau (FL)
29. Hillsborough County Farm Bureau (FL)
30. Illinois Farm Bureau
31. Illinois Fertilizer & Chemical Association
32. Indiana Beef Cattle Association
33. Indiana Farm Bureau
34. Indiana Grain & Feed Association
35. Indiana Office of Energy Development
36. Indiana Plant Food & Ag Chemicals Association
37. Indiana Pork Producers Association
38. Indiana Professional Dairy Producers
39. Indiana State Department of Agriculture
40. Indiana State Poultry Association
41. Institute for Shortening and Edible Oils
42. International Raw Materials, Ltd.
43. J.R. Simplot Company
44. Kansas Agribusiness Retailers Association
45. Kansas Grain and Feed Association
46. Minnesota Agri-Growth Council
47. Minnesota Corn Growers Association
48. Minnesota Crop Production Retailers
49. Missouri Agribusiness Association
50. Missouri Farm Bureau
51. Montana Agricultural Business Association
52. National Cattlemen's Beef Association
53. National Chicken Council
54. National Grain and Feed Association
55. National Grange
56. National Meat Association
57. National Oilseed Processors Association
58. National Pork Producers Council
59. National Turkey Federation
60. Nebraska Farm Bureau
61. NCRA
62. Nebraska Agri-Business Association
63. New Mexico Peanut Growers Association
64. North American Millers Association
65. North Carolina Peanut Growers Association
66. North Dakota Agricultural Association
67. North Dakota Barley Council
68. North Dakota Farm Bureau
69. North Dakota Grain Dealers Association
70. North Dakota Grain Growers Association
71. North Dakota Soybean Growers Association
72. North Dakota Stockmen's Association
73. North Dakota Wheat Commission
74. Northern Canola Growers Association
75. Northern Pulse Growers Association
76. Ohio Corn Growers Association
77. Ohio Farm Bureau
78. Ohio Poultry Association
79. Ohio Rural Electric Cooperatives, Inc.
80. Ohio Wheat Growers Association
81. Oklahoma Ag Retailers Association
82. Oklahoma Grain & Feed Association
83. Oklahoma Peanut Commission
84. Oklahoma Seed Trade Association
85. Oklahoma Wheat Growers Association
86. Panhandle Peanut Growers Association
87. Peace River Valley Citrus Growers Association
88. Peanut Growers Cooperative Marketing Association
89. Polk County Farm Bureau (FL)
90. PotashCorp
91. Rocky Mountain Agribusiness Association
92. Sarasota County Farm Bureau (FL)
93. Society of American Florists
94. South Carolina Fertilizer & Agrichemicals Association
95. South Carolina Peanut Growers Association
96. South Dakota Agri-Business Association
97. South Dakota Farm Bureau
98. South Dakota Grain & Feed Association
99. Southern Crop Production Association
100. Southwest Council of Agribusiness
101. Terra Industries Inc.
102. Texas Agricultural Cooperative Council
103. Texas Cattle Feeders Association
104. Texas Farm Bureau
105. Texas Grain & Feed Association
106. Texas Peanut Producers Board
107. Texas Sheep & Goat Raisers Association
108. Texas Wheat Producers Association
109. The Andersons, Inc.
110. The Fertilizer Institute
111. The McGregor Company
112. Todd Staples, Commissioner, Texas Department of Agriculture
113. Tom Farms (Kip Tom, CEO)
114. United Egg Producers
115. USA Rice Federation
116. Virginia Peanut Growers Association
117. W.B. Johnston Grain Co.
118. Western Peanut Growers Association
119. Western Plant Health Association
120. Wyoming Stock Growers Association

Madam Speaker, I would also be remiss if I didn't express my appreciation and the appreciation of my colleagues on the Republican side of the Agriculture Committee to Chairman PETERSON. He made, we believe, good-faith efforts with Chairman WAXMAN to try to correct the worst features of this bill. Unfortunately, good faith in the legislative process doesn't always cure every problem.

The fundamental underlying issue still is this bill will raise the cost of energy for production agriculture, an energy-intensive business. It will reduce our competitiveness with our competitors around the world, South America, Asia, Europe. But look at the way the so-called grand compromise on agriculture was put together. ''Compromise'' is a phrase used in one of the electronic publications this morning.

Indirect land use, where an agency of the Federal Government can determine how your corn farm or your wheat farm affects farms on other continents and tell you to change the way you do your business? Now, I know the bill says that can't happen for 5 years, and we will have a study and a moratorium for another year. But 6 years from now, 6 years from now, it comes at us like a brick bat.

The section of the bill talking about farms being able to be rewarded for good stewardship, carbon sequestration and those kinds of matters, the bill says the amendment adopted, the practices can only be rewarded if they began after 2001. You heard my friend from Iowa talk about the percentage of corn farmers who adopted those good practices before 2001.

How do you explain to the folks back home that the good farmers, the good stewards, don't get anything, but the bad farmers who waited until they were shamed or embarrassed into adopting the best practices get rewarded?

Renewable fuel. Yes, we protect facilities that were under construction or have been completed or in production in 2007 and before, but that doesn't apply to everything since then. If you have got a mature ethanol plant, you are in good shape. But does that mean no one else can build an ethanol plant?

We, on the minority side of the Ag Committee, view ourselves as the conscience of the body. We have a responsibility to defend rural America and production agriculture. We thank Chairman PETERSON for what he tried to accomplish, but we believe it is not enough to protect the future of farming and ranching and the folks out in rural America. That's why we have to be united in our opposition against this bill.

I am a farmer by trade. I may not always be a Member of this body, but I am going home to Oklahoma. I can't vote for this and go home to Oklahoma.

Mr. WAXMAN. Madam Speaker, I am pleased to yield to the vice chairman of the Commerce Committee, the gentlewoman from Colorado (Ms. DEGETTE) for 90 seconds

Ms. DEGETTE. Madam Speaker, I rise today in support of this important energy and environmental legislation, probably the most important this body has ever considered.

And I will say to my friends who say it's not enough, that we need to remember how important it is for us to put together a framework in place so that we can assure energy independence and create jobs.

In Colorado, Madam Speaker, in 2004, our voters passed a renewable energy standard, the first time that it was done in any State by ballot initiative. Industry opposed it universally, but yet it passed 53–47 percent. That standard was 10 percent by 2015, and we exceeded that standard within 2 years.

Two years later, we came back to the Colorado Legislature. We doubled that standard. It was bipartisan and industry supported it.

When people see the wonderful framework we are putting in place today for energy independence, which will create jobs, they will embrace this concept. They will embrace the concept of becoming independent from foreign oil and making sure that we develop clean alternative sources of energy, which are going to benefit our children and our children's children.

One last thing. According to the Congressional Budget Office, this bill will cost the typical family less than that of a postage stamp per day.

And I will say, once we develop these clean alternative energy sources, we will benefit, because we will regain our place in the world as a leader in technology and as a leader in clean alternative sources of energy.

I want to urge my colleagues to support this legislation, which relies on scientific evidence to set our Nation's policy.

Mr. BARTON of Texas. Madam Speaker, I want to yield 3 minutes to the deputy ranking member of the Energy and Commerce Committee, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding.

Madam Speaker, you and I came to the House of Representatives at the same time. We have often voted differently, but I have always appreciated your public service and will continue to and wish you well in the new responsibility that you are taking and well in the other announcement that you made today.

I think this bill, Madam Speaker, heads the country very much in the wrong direction. It's the wrong direction for America. It's the wrong direction for our economy. It puts us at a competitive disadvantage. The Republican alternative that many Democrats could easily support would look for more American energy, would look for more ways to conserve the energy we use, and would invest in the future in a way that makes our energy future make sense.

We have 28 percent to 30 percent of all the coal in the world. If this was something that the majority wanted to do, the majority would be saying, if this country could put a man on the Moon in a decade, we could find a way to use coal in a way that doesn't create an immediate penalty on every coal-producing utility in America. In Mr. WAXMAN's State, I have great respect for him, the primary sponsor of the bill, less than 4 percent of California's electricity comes from coal.

In Mr. MARKEY's State, less than 24 percent of the electricity comes from coal. In Missouri, more than 85 percent of the electricity comes from coal, and we are not the top State. We are in the top 10. We will be affected by this dramatically, but so will everybody from, say, Pittsburgh to Wyoming.

This is going to impact utility bills unfairly. It will impact job opportunity unfairly. And, frankly, the jobs we lose in our part of the country, and in the country generally, are not likely to relocate somewhere else in America. They are more likely—these manufacturing jobs use lots of energy—to locate in a country that has less environmental standards than we do, the ultimate lose-lose. We lose the jobs. You actually put more of these things in the air than you would otherwise, and Americans suffer because of that.

In our State, the estimate is that utility bills would go up 40 percent in the first 5 years, 80 percent in the first 10 years, and even more after the various allowances are gone. This is unfair to American families, and, frankly, the less you can afford to put in new windows, new insulation, new everything else, the harder a burden this is going to be.

I urge my colleagues to vote this bill down and work together to have a better bill for America.

Mr. WAXMAN. Madam Speaker, I want to yield to the gentleman from Pennsylvania (Mr. DOYLE) a minute, with an option for another one, if he needs it. And I want to point out the essential role that he played in making sure this legislation protected those industries that are vulnerable to trade that might be at their disadvantage. I thank him for the work he has done.

Mr. DOYLE. Madam Speaker, today we have a historic opportunity to create thousands of clean-energy jobs, to secure this country's energy future, and to give our kids and grandkids a brighter, cleaner planet. Madam Speaker, we do that while protecting our basic industries like steel, aluminum, cement, and our ratepayers, both residential, commercial and industrial.

I was proud to work on this committee with my friend and colleague JAY INSLEE to develop a formula that looks at our carbon intensive industries like steel, that have trade pressures, and level the playing field for them so that we don't lose jobs. This bill wasn't going to cause any jobs to be lost. This is a job-creating bill, and you don't need to take my word for it.

I have a letter from the international president of the steelworkers union—people whose very jobs would be on the line if we didn't get this right—who endorses this bill, who says this bill will create more jobs for steelworkers in Pittsburgh.

And we do that by rewarding efficiencies. We say to our carbon-intensive industries, Be average in your sector. We will make you whole for the cost of this program.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. DOYLE. For those industries that invest and become more efficient, we give them more rewards. We encourage efficiency in our markets at the same time, giving them a level playing field with their competitors. We do the same thing in the electricity markets.

Every one of my constituents get their electricity from coal. We protect those ratepayers. Thirty-five percent of the allocations in this bill go towards protecting residential, commercial and industrial ratepayers. This is not a job loser. This is not a rate hike for consumers; $173 a year for the average family in America as a result of this bill. That's a small price to pay for a cleaner planet and more jobs for America.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished Representative from Washington State, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Madam Speaker, this bill was written in a fantasy land where unemployment isn't reaching 10 percent, thousands haven't lost homes to foreclosure, and millions haven't witnessed half their retirement savings disappear. By imposing this national energy tax and creating a massive new bureaucracy to regulate the entire economy, this bill will drive up the cost of doing business in America, sending jobs overseas to China and India, nations that flat out refuse to reduce their own carbon emissions.

We are told America must lead by example. Are we to believe that after the government drives America's economy further into the gutter, the rest of the world will do the same?

Madam Speaker, America should not be the first lemming to jump off the cliff just because NANCY PELOSI and Al Gore are convinced that China, India and Russia and others will follow us over the ledge. Republicans have an all-of-the-above energy plan to build more nuclear power and invest in cleaner alternative energies funded by drilling oil here in America. Yet, Madam Speaker, Democrats refuse to even allow a vote on this plan.

So I urge my colleagues to vote ''no'' on this bill.

Madam Speaker, this bill has been written in a fantasyland where unemployment isn't reaching 10 percent, thousands haven't lost their homes to foreclosure, and millions haven't witnessed half of their 401k's and retirement savings disappear.

By imposing a national energy tax, our economy will shrink in size, millions of jobs will be lost, energy costs will, to use the President's own word, ''skyrocket'', and gas prices will again reach record highs.

By creating a massive new government bureaucracy to regulate the entire economy, this bill will drive up the cost of doing business in America, sending jobs overseas to countries

like China and India, nations that flat-out reject reducing their carbon emissions, and that are building coal-fired energy plants at a breakneck pace.

Democrats are trying to impose a high-priced, gourmet energy plan that restricts and dictates what specific sources of energy America should use. What our country actually needs is Republicans' all-of-the-above approach that says yes to nuclear power, yes to alternative energy, yes to wind and solar power, yes to energy from wood-waste and biomass, yes to hydro power, and, yes to opening more areas to drilling for oil and natural gas in America to reduce our vulnerability to spikes in prices at the pump because of turmoil in overseas oil nations.

America's economy can't afford this Democrat plan to cherry-pick a few high-priced energy sources. Creating green jobs makes good sense, but creating nuclear jobs, drilling jobs, green jobs and all new energy jobs is far, far better for America's economy.

America's economy is ailing, and enacting a new national energy tax is like a doctor ordering his sick patient to go stand outside in the cold rain. Our economy needs to recover, not be made sicker.

We're told America must lead by example, and then the rest of the world will follow. Are we to believe that after the federal government drives America's economy further into the gutter, the rest of world will do the same?

Yet, Democrats have refused to condition putting this national energy tax into force upon reciprocal action by China and the world's other nations.

Madam Speaker, America should not be the first lemming to jump off the cliff just because NANCY PELOSI and Al Gore are convinced that China, India, Russia and others will follow us over the ledge.

And what would this Democrat scheme do with the hundreds of billions of dollars taxed away from families and businesses? Shockingly, this bill would give away billions in foreign aid. In fact, this bill pays four times as much in foreign aid than it provides to the over two and half million Americans who will lose their jobs because of this bill. And on top of that foreign aid, it pays five times as much to countries to protect tropical trees than it does to help jobless Americans.

We don't need the biggest job-killing tax in history to reduce carbon emissions and put in place cleaner energy sources.

We can promote nuclear power that emits no carbon and we can invest in new alternative energies funded by revenues from simply getting our oil here in America rather than from volatile foreign nations.

This is the Republicans' all-of-the-above energy plan—called the American Energy Act. Yet the Democrats refuse to even allow a vote on it.

Democrats are forcing Congress to either accept or reject their national energy tax and high-priced, gourmet energy mandates. The only right choice to protect our economy and American jobs is to vote no.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 1½ minutes to the gentleman from Illinois, who made sure in this legislation, among other important contributions, that we looked out for the interests of low-income people.

Mr. RUSH. Madam Speaker, today marks a historic chance to move our great country forward and transform our economy for the demands of the 21st century.

I fully support this bill. It will not only make our country more substantive and energy efficient, but it would also provide jobs and economic opportunities for all of our citizens while opening an entirely new sector of our economy. I really must begin by thanking Chairman WAXMAN and Chairman MARKEY for their hard-working staffs and for all the work that they have done to improve this bill as it made its way through the legislative process and onto the floor today.

With the chairman's help, we were able to strengthen this legislation by not only protecting low-, moderate-, and middle-income families from rising energy costs, but also providing real assistance for communities like the one I represent for new career pathways to move out of poverty and to move into quality, career-oriented jobs in construction and energy-related fields.

□ 1345

Some of these provisions that we were able to get in the bill are the low-income allowances, 60 percent of all the total allowances go to low-income people; local targeted hiring for middle class careers in construction; Low-Income Community Energy-Efficiency programs. The LICEEP program, the Low Income Community Energy-Efficiency Program, will provide loans, technical assistance, and grants to community development organizations to provide financing to minority entrepreneurs.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. RUSH. The Public Housing Retrofit program, which I worked with the gentlelady from California, Ms. WATERS, as well as my colleague from Vermont, Mr. WELCH. It's a new program that provides grants to public housing agencies for energy retrofits and green investments in property.

Madam Speaker, this is a great bill. This is a good bill. This bill should pass. I urge all of my colleagues to vote in support of this bill.

Mr. BARTON of Texas. Madam Speaker, I'd like to yield 2 minutes to a member of the committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, my appreciation for your years in the House and your great service here. Congratulations and great success in your new endeavor.

I agree, Madam Speaker, with President Obama and Warren Buffett: under this bill, ''Electricity rates will necessarily skyrocket.'' Under this bill, we create the single largest energy tax in United States history. Warren Buffett called it ''a huge tax, and there's no sense calling it anything else. Very poor people are going to pay a lot more for electricity.''

Last night, in my district, a utility company calculated its estimate of what this bill will cost the families in my district. It will increase their electric rates $500 a year—not your statistics from those who don't live in a place like Michigan; $500 a year. And that doesn't incorporate the fact that their clothes will now be more expensive, their groceries will now be more expensive, their school supplies will now be more expensive.

If you haven't noticed, people are hurting around the United States. Adding costs today is absolutely the wrong direction. It will destroy $1,400 in wages for the average family in my district. $1,400. That's a $2,000 swing. People in Michigan, who are already under assault, want to know what they're getting for that $2,000 swing.

Well, they won't get a new nuclear plant. Not one. They will not get the modern electric grid that they need to carry clean electricity. Not going to get that. And they will not get a level playing field with China and India. And—make no mistake—they want to steal the jobs that make up our middle class. They're active and aggressive in doing it. You pass this bill, you won't be able to build anything in the United States of America. Their jobs are going overseas.

They will also see their gas prices rise, on average, 70 cents—70 cents a gallon to families who are already under financial crisis. And who gets their money? Wall Street will.

This bill takes millions, billions out of families' budgets and launders it through Wall Street. The same people who brought you the credit default swap in the housing market are now going to sell you carbon offset swaps. Billions of dollars from average Americans sent to Wall Street. That's no solution.

If you want an economy built on foreign manufacturing and financial engineering, vote ''yes.'' But if you still want to live in a country that makes things, in a country that grows its own food and actually produces its own energy, vote ''no.''

Mr. WAXMAN. Madam Speaker, at this time I yield 2 minutes to the very distinguished chairman of the House Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I certainly thank the gentleman for yielding. Madam Speaker, as a farm State Representative, I have said for quite some time that any climate change legislation approved by

the House must take into consideration the unique needs of rural America, including those of farmers and rural electric cooperatives.

Since first being introduced, the climate change measure has improved a great deal, thanks in large part to the work of House Agriculture Committee Chairman COLLIN PETERSON and his negotiations with House Energy and Commerce Committee Chairman HENRY WAXMAN.

I first approached this legislation with a great deal of skepticism. I have since been pleased that some, though not all, concerns of utilities, electric cooperatives, and farmers have been addressed in the version of the bill that is being considered today.

As this bill was being drafted, I have heard the views of Fourth District residents and have raised them with the House leaders. To be sure, the measure before us is not perfect, but it's a step in the right direction.

I think it's important that we move this bill forward. After we pass it in the House, the measure will receive additional refinement in the other body. I think that the congressional leadership and the administration understand the concerns of rural America, and I will keep working to ensure our point of view is more completely addressed in the final bill.

Truth be told, Congress has an obligation to enact energy reform this year, especially given that the U.S. Environmental Protection Agency, that is the EPA, is working right now to create tough, costly regulations on greenhouse gases emitted by livestock, farms, factories, and utilities. Without congressional action, the EPA will have free rein. That is unacceptable to me, and ought to be unacceptable to every farmer and business owner in Missouri.

Unlike the EPA proposal, the House bill would exempt livestock and farms from greenhouse gas regulation, and it would provide farmers an opportunity to potentially profit from their carbon-friendly farm practices by participating in the carbon market.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. SKELTON. Also, for farmers, the legislation would correct a problem that has been lingering since enactment of the 2007 energy bill. For the next 5 years, it would prevent EPA from calculating indirect land use when determining how to implement our Nation's renewable fuel standard.

This is good news for ethanol and biodiesel production facilities and for the farmers who sell the goods to these facilities.

Energy reform is not just a matter of wanting to keep our air and planet clean, as worthy and important as those goals are. It's also a matter of national security.

In recent years, the Pentagon has taken a hard look at how climate change could have an impact on global security and stability.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to a member of the committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, we are at a crossroads. Our Nation faces significant challenges, with unemployment nearing 10 percent and trillion-dollar deficits piling up decades of debt for our children and our grandchildren.

However, congressional Democrats should not be so shortsighted to think that we cannot make a bad situation significantly worse by enacting legislation like this bill that will only knock more Americans off the assembly line and into the unemployment line.

This bill will impose the Pelosi Global Warming Tax on every single American household and business, raising home electricity costs and annual energy costs by almost $3,000 for every family, and the only reduction will be in our Nation's gross domestic product by almost $10 trillion and in the number of Americans employed by the millions.

Madam Speaker, Washington cannot save this country. Only the American people and American ingenuity can. Unfortunately, congressional Democrats have already allowed the Federal Government to take over our banking industry, the automobile industry, and now this House may very well vote to take over America's energy, with control over health care not far behind.

Let's stop the insanity and wake up to the reality imposed in the Global Pelosi Warming Tax and, in the words of another Californian, our distinguished former first lady, Nancy Reagan: Just say no.

Mr. WAXMAN. Madam Speaker, may I inquire about the time each side has remaining.

The SPEAKER pro tempore. The gentleman from California has 44½ minutes remaining; the gentleman from Texas has 53½ minutes remaining.

Mr. WAXMAN. Thank you. At this time I'd like to yield 1 minute to a distinguished member of our committee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H.R. 2454 and congratulate Mr. WAXMAN for his leadership.

For over a century, the United States has embraced an energy policy based almost entirely on fossil fuels that have several dangerous consequences for today. This outdated policy has compromised our national security by making us reliant on foreign oil, has led the United States to lag behind other countries in the research and development of new energy technologies that would have created jobs, and has poison our planet. Now, today, we have the opportunity to change directions.

When I was back in my district last recess, I could feel the crackling of new innovation. S&C Electric is making our electric grid much smarter and more reliable. Northwestern University is enabling entrepreneurs who are utilizing nanotechnology and applying it to the energy field. Republic Doors and Windows, a Chicago business that made Energy Star windows, shut down. But those 260 skilled workers were rehired with help from the recovery bill that we passed.

These are just a few of the thousands of success stories around the country, and the 1.7 million good jobs that will be created with the passage of H.R. 2454.

Mr. BARTON of Texas. I'd like to yield 1 minute to a member of the committee, the gentleman from Nebraska, (Mr. TERRY).

Mr. TERRY. There's a vigorous debate about the anthropologic impact on our climate. I believe that we do have an obligation to reduce CO_2, if we can. But this must be balanced with an equal obligation to treat our constituents in a manner that preserves our Nation's economic competitiveness.

Advocates for the cap-and-trade bill state that it will not significantly increase economic burdens on our constituents. This is just not true. The cap-and-tax bill also contains a renewable electric standard and other elements which will significantly increase costs to utilities and consumers. The Omaha Public Power District in my district conducted an independent analysis of the cost to my constituents, free of political interference like the one put out by the EPA.

Even with the free allowances allocated under the Waxman-Markey cap-and-tax bill, Nebraskans will have to suffer a $74 million bill in 2012, and increased to $410 million a year by 2030 in the most optimistic case.

Vote against this bill.

Mr. WAXMAN. Madam Speaker, it's my privilege at this time to yield 1½ minutes to a gentleman who has worked successfully with Members representing disparate interests in different parts of the country to find workable solutions that helped lead to the consensus product we have today, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, this bill renews some basic American values of confidence in ourselves, optimism about our future, and a ''can-do'' spirit. We support this bill because we believe Americans still have the right stuff that we had in the 1960s when we went to the Moon.

This bill calls forward Americans' future to get off of foreign oil, to put millions of people to work in clean technology, and to give our grandkids a chance at a future with a decent atmosphere like we grew up with.

The people who are against this bill, I urge them to avoid the pessimism and the lack of imagination that I have heard on the floor of this House.

Now, will this have some investment cost? Yes. And what is the best assessment of that cost? It is the Congressional Budget Office, a nonpartisan group that Republicans typically rely upon, and what have they said? They said this will cost a typical family of four 47 cents, a little more than the cost of a stamp.

Will we pay the cost of a stamp to get rid of five million barrels of oil a day from the Mid East? You bet we will. And this bill will do that. Will we pay a stamp to give our grandkids a future of an environment that's not going to destroy their health? You bet we will. Will we pay a stamp to give people at the Bright Source Company a chance? You bet we will.

We're going to put a stamp on America's future for the price of a stamp. It's a good deal for our future.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished chairman of the Republic Policy Committee, the gentleman from Michigan (Mr. MCCOTTER).

□ 1400

Mr. MC COTTER. Today we consider a bill that claims the government can control the weather by raising your taxes, taking your job and dictating your life. In my State of Michigan, with a 15 percent unemployment rate, we know we cannot afford this cap-and-tax bill. Others, however, disagree.

''Make no mistake,'' President Obama pronounced, ''this is a jobs bill.'' He is correct. This bill will destroy jobs. But then again, this comes from an administration that claimed its trillion-dollar stimulus bill would stop unemployment from going over 8 percent.

The argument for this bill is nuts on its face. Government cannot design our economy and prosperity. It can only engineer our decline in poverty. But such feelings explain why this job-killing cap-and-tax bill is a fundamental shift from a manufacturing economy to an old green economy called hunting and gathering.

Passing this abominable energy tax on working families in a recession shows this job-killing, budget-busting government doesn't understand how much real Americans are hurting for work. This is the hubris of Big Government, the delusion that our families' economic futures rest in the manicured hands of Congress rather than the hardworking hands of the American people.

I disagree, and I urge the rejection of this bill.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 1½ minutes to the gentlelady from Wisconsin (Ms. BALDWIN) who is an important member of our committee in both the energy and the health areas.

Ms. BALDWIN. Thank you, Mr. Chairman.

Madam Speaker, the Waxman-Markey American Clean Energy and Security Act represents our Nation's response to a challenge that has consequences of epic proportions. Global climate change must be addressed in a real and meaningful manner. Our greenhouse gas emissions have put our global environment, our security and our very social structure at risk; and if we fail to act, the impact will reverberate throughout this century with the loss of human lives, species destruction, destruction of ecosystems, declines in health and increased social conflict.

Climate change is a unique challenge in that our greatest obligation in tackling this threat is to the generations of Americans and people throughout the world who haven't even been born yet, the ones who will inhabit this planet long after we're all gone. The legislation we have before us addresses global climate change while spurring innovation, creating clean energy jobs and containing costs. It brings what we need in terms of leadership and commitment as we look toward Copenhagen and beyond. It recognizes that our Nation's security, our planet's sustainability and our children's future hang in the balance.

I urge my colleagues to support this bill and commit to a clean energy economy that creates jobs and protects our health, national security and planet for generations to come.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to a distinguished gentleman on the committee, a member of the Energy Solutions Group and a tireless worker on behalf of energy solutions for America, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, this bill is a disaster, and let me just explain who is opposed. Rural America is opposed to this bill. The manufacturing sector is opposed to this bill. Utilities are opposed to this bill. The transportation sector is opposed to this bill. Why? Because they believe Democrats. They believe JOHN DINGELL when he says, Nobody in this country realizes that a cap-and-trade is a tax, and it is a very big one. They believe Barack Obama when he said, Under my plan of a cap-and-trade system, electricity costs would necessarily skyrocket. What's the result? They believe the Pennsylvania Public Utility Commission that says, 66,000 Pennsylvanians will lose their jobs. Why am I so impassioned? These are miners who lost their jobs the last time we came to the well on climate legislation, when 1,200 miners lost their jobs, 35,000 miners lost their jobs in the State of Ohio.

What will this do to the average American? Here's one example. When the Democrats came into power, a gallon of gas was $2.33. Today it's $2.66. Add the cap-and-trade tax, 77 cents per gallon, and you're going to be paying $3.43. Now that's okay in the big city; but in rural America where you've got to drive long distances to get to school, to get to the grocery store, to get to health care, rural America is poor. Why do we have the rich areas of this country attack the rural poor of America? This is a shame. How dare you do that to my constituents.

Mr. WAXMAN. Madam Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER) who has been a very constructive and important member of our committee and has played a very essential role in having us recognize the essential part that transportation efforts can play in reducing carbon emissions.

Mr. WEINER. The chairman will be recognized for generations to come for confronting the challenges that we face. You know, the fact of the matter is that the EPA, under a court's decision, is going to have the ability to write these regulations. We're taking the responsibility to do it here in this Congress. The fact of the matter is, despite some of the contrarian views on this floor, there is a real global crisis that we face. Despite the objections of my colleagues on the other side, there is a need to create new jobs, and this bill would create 1.7 million of them. But I want to give you one other reason that we should support this change in our policy. Ahmadinejad, the Saudi kingdom, they want exactly what my Republican friends are advocating—Don't do anything. Keep pumping the same amount of petroleum. Keep using the same amount of oil. Every time we put the pump to our gas tanks, we are helping the tyrants in Iran and the tyrants in Saudi Arabia export their terrorism. Why do we keep doing it? We need to change our behavior, and this bill recognizes it. It reduces carbon emissions and makes our Earth safer, of course; but it also creates new jobs and takes away the lifeblood to these terrorist regimes. We can't come to the floor and say I'm outraged at what's going on in Iran, I'm outraged at what's going on around the world with the exporting of terrorism and then continue the same policies where we pay for them. That's what our present policy does. Our policies are paying for the terrorists around the world, whether we like it or not. The American people understand that. We need energy independence. We need a thriving economy that creates 1.7 million new jobs. We need to reduce the carbon emissions, despite the fact that still some people in this House deny it's a necessity. We need to act, and that's what the Democrats are doing.

GLOBAL WARMING WOW FACTS

The number of Category 4 and 5 hurricanes has almost doubled in the last 30 years. Source: Inconvenient Truth

Average global temperatures could increase 11 degrees Fahrenheit by the end of the century, with greater overall increases in the United States exceeding global averages, Source: US Global Change Research Program

By 2030, local temperatures in NYC could rise by two degrees. This compounds an existing problem, known as the ''urban heat island effect.'' This is due to the fact the NYC's urban infrastructure absorbing and retaining heat. As a result, NYC is often four to seven degrees warmer than the surrounding suburbs, Source: PlaNYC 2030

KEY PROVISIONS IN THE BILL

Keep costs low for American families: the bill directs 15% of the allowances be auctioned with the proceeds going to consumers through a combination of refundable tax credits and electronic benefit payments. EPA and C130 estimate that the bill will cost American families less than 50 cents per day.

Bill will cut foreign dependence on oil: Would require electric utilities to meet 20% of their electricity demand through renewable energy sources and energy efficiency by 2020.

Cut Greenhouse gases: Bill reduces carbon emissions from major U.S. sources by 17% by 2020 and over 80% by 2050 compared to 2005 levels.

ECONOMIC BENEFITS

The stimulus bill and the energy bill will create 1.7 million new clean energy jobs nationwide, Source: Center for American Progress

The energy efficiency provisions alone in the Waxman-Markey bill will generate 770,000 jobs nationwide by 2030. Source: American Council for an Energy-Efficient Economy

Clean-energy investments create over 16 jobs for every $1 million in spending. Spending on fossil fuels, by contrast, generates 5 jobs per $1 million in spending. Source: Center for American Progress

NYS will see 109,000 new jobs and a net increase of about $10 billion in clean-energy investments. Source: Center for American Progress

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the gentleman from California, Mr. ''Surf's Up'' ROHRABACHER.

Mr. ROHRABACHER. Thank you very much.

Wake up, America. What's happening on the floor today is a power grab that will leave you with empty pockets and no jobs. The jobs will go to China, and the economy will go to hell. Worse than that, the scientific basis for the claims being made to frighten us into accepting this economy-destroying legislation are wrong.

Wake up, America. There hasn't been any global warming, which is what we heard over and over and over again—there hasn't been any global warming for 10 years. In fact, the ice caps are melting, which we see over and over again. Yeah, they're melting on Mars too, which in any honest discussion would lead to the conclusion that the ice caps are melting and these things are happening because of solar activity, not because of the activity of human beings.

The science is wrong. The economics is wrong. You're going to cause great damage to the people of this country, to their well-being, in the name of phony science. There are hundreds and hundreds of scientific leaders, like Dr. Lindzen of the Massachusetts Institute of Technology, that have refuted the arguments. They are pleading with us. Pay attention to the good science. Don't hurt our people based on the false claim of global warming, which they don't even use that language anymore.

Mr. WAXMAN. Madam Speaker, I am pleased now to yield 1½ minutes to an important and distinguished member of the Energy and Commerce Committee, the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I want to thank the chairman of the committee for giving me this very precious time this afternoon.

Madam Speaker, the House of Representatives is ready today to pass this historic legislation that will literally save the planet. You can call it a cap-and-tax all you want. You can say that the science does not support this legislation. You can say that the scientists are wrong. But I say, Republicans are wrong on this issue. We cannot afford to wait any longer to enact this legislation that will reduce greenhouse gas emissions. Chairman WAXMAN and Chairman MARKEY should each be commended for their extraordinary work in reaching a good compromise that will now allow this legislation to advance to the other body.

It saddens me that our Republican friends were not partners with us as we crafted this legislation, but Democrats understand the mandate of the American people, and we are moving forward. One of my roles as the vice chairman of the Energy subcommittee was to ensure that any increase in costs to consumers would be painless. So 15 percent of the allowances will be dedicated to providing a safety net for the lowest-income Americans. My district is one of the poorest districts in America. My constituents are low-income families, and they need the assurance that their goods and services will not dramatically increase. I am pleased with the report from the Congressional Budget Office that estimates that low-income households will actually see a net gain, not a loss, of $40 per year as a result of the legislation in 2020. The CBO also says that it is estimated that as a result of this legislation, the average cost per household will be, as the gentleman from the State of Washington said, 48 cents a day.

I ask my colleagues to join with me in voting ''yes'' on this important legislation.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the gentlelady on the committee from Nashville, Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, this is not an energy bill. This is a tax bill. They're going to tax the air you breathe. It is a transfer-of-wealth bill. The American people are figuring this out. Our friends across the aisle have, indeed, become the party of punishment, and my constituents in Tennessee are being punished.

Listen to this: By 2012 we will lose 33,000 jobs. For the next 23 years, every year it is estimated this bill will cause us to lose 25,600 jobs. The American people are figuring this out. We want them to know it. When my colleagues come down here and talk about it being important and talk about it being historic, it's all from the negative. The impacts of this bill will shut small businesses. It will close family farms. It will shutter manufacturing plants, and those jobs will end up in China, in India. It will increase our taxes. The President told us so. Every household is going to pay between $1,300 and $3,100 in new taxes every year. The cost of products will increase. The American people know that the bill chooses winners and losers, and the taxpayer is the big loser.

Mr. WAXMAN. Madam Speaker, I wish to yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to salute Chairman WAXMAN and Chairman MARKEY for their tremendous work on this bill.

When it comes to energy policy, the United States has been a sleeping giant; but the giant is beginning to stir. And with the passage of this legislation today, we'll awaken to a new era of possibility. That's what makes this so exciting.

This bill, the American Clean Energy and Security Act, is going to create a new framework and new space so that ordinary citizens and entrepreneurs can jump into that space and take us to the next level. And what most excites me is that this is about the future. The next generation is going to take these clean technologies, they're going to take this knowledge, and they're going to lead us to a new place.

I urge passage of this bill, and I congratulate its architects.

Mr. BARTON of Texas. I yield 1 minute to the distinguished gentleman from Oklahoma (Mr. COLE).

□ 1415

Mr. COLE. Madam Speaker, I rise today to speak against this flawed cap-and-trade, or rather, cap-and-tax legislation. There is no good time for a bad idea, Madam Speaker. This bad bill is nothing more or less than a national energy tax. The legislation will force American families to pay on average more than $3,000 a year in additional energy costs.

The majority would like us to believe that passing this legislation will benefit all Americans. Nothing could be further from the truth. Under this bill, energy-producing States like Oklahoma will be economically punished

and devastated. Residents in rural areas who must commute long distances to work will be disproportionately affected. Rising fuel prices, coupled with rising home energy costs, will force people to make ever tougher choices. Many will face reduced living standards; spending less, saving less, and going without many of the items they need for a decent life.

Madam Speaker, for over 100 years, the people in my State and my district have worked hard to produce the energy that this country needs. Now that energy is going to be taxed. Taking away their choices, their jobs and their future just isn't bad policy. It is punitive, and it is shameful.

Mr. WAXMAN. May I inquire how much time we have for the Energy and Commerce Committee?

The SPEAKER pro tempore. The gentleman from California has 36½ minutes remaining.

The gentleman from Texas has 46¾ minutes remaining.

Mr. WAXMAN. At this time, I would like to yield to my colleague from California (Mr. MCNERNEY) 1 minute.

Mr. MCNERNEY. Thank you, Mr. Chairman.

Madam Speaker, I rise in strong support of the American Clean Energy and Security Act. I would also like to thank Chairman WAXMAN and Chairman MARKEY for their leadership on this issue.

Before I came to Congress, I developed new energy technologies. I have seen firsthand these industries develop by leaps and bounds. The economic benefits of the American Clean Energy and Security Act will be profound. This bill will create jobs across the country in fields as diverse as construction, engineering, education and others. These jobs will lay the foundation for long-term prosperity.

The American Clean Energy and Security Act is also a serious commitment to combating climate change. It is long past time for our country to lead in addressing this threat. Fewer emissions will mean cleaner, healthier air for our children and grandchildren.

I am also proud that the legislation includes key provisions that I wrote, including language that will spur the development of a more efficient electrical grid and provide funding for clean-energy job training. I also encourage that during the conference committee process, the opportunity is seized to strengthen the renewable energy standard. This will help ensure that the new energy projects created by this bill will utilize American-made components manufactured by American workers.

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

Mr. BARTON of Texas. I want to yield 1 minute to the distinguished ranking member of the Financial Services Committee, our expert on derivatives, Mr. SPENCER BACHUS.

Mr. BACHUS. Madam Speaker, as Under Secretary Robert Shapiro, under the Clinton administration, said, we are going to create a multitrillion dollar derivative market overnight. These will be based on carbon offsets.

These projects, most of them, we anticipate, will be in underdeveloped countries or foreign countries, almost all of them. And when you start a project, a clean-coal project in China or India, or you plant trees in Borneo and Brazil, who pays for it? The American taxpayers. Does it reduce discharges and pollution here? No. It absolutely allows you to discharge carbon dioxide into the environment here in the United States.

Before you vote for this bill, ask yourself, if the subprime lending market was hard to police, how do you police the derivatives market based on projects in China and Borneo? Ask yourself, am I going to stick my constituents with the cost of clean-coal projects in China? Go home and explain that to your constituents. Go home and explain how you're going to plant trees in Brazil. They are going to pay for it. It is going to allow more pollution here.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Members are reminded to address their comments to the Chair.

Mr. WAXMAN. I wish to yield 1 minute to the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, I rise in support of this legislation, and I want to thank the chairman for his leadership and for working with me and other Members of this House to address our concerns about manufacturing and jobs in this bill.

This bill isn't perfect. I have yet to see a bill that is. But the status quo is not the right choice. We must unleash the entrepreneurial spirit of this country and provide the economic opportunities that our constituents need. This bill is part of that mission. It is not the entire answer to all that ails us. But let there be no mistake. This is a jobs bill. This bill has support from groups that represent workers; the United Steel Workers, the UAW, the SEIU, CWA, Building and Construction Trades and the AFL–CIO are all urging a ''yes'' vote on this legislation.

Madam Speaker, the people I represent are facing difficult times. They are looking for jobs, and sometimes they can't find them the way they used to. The inaction of the past has cost them dearly.

There are those who complain that this bill is not perfect. They say it won't do this or it won't do that. But we have got to get started and keep acting until we get it right and provide them with the chance that they need for a change in direction.

Mr. BARTON of Texas. I want to yield 1 minute to ''Mr. Iowa Agriculture,'' Mr. LATHAM of Iowa.

Mr. LATHAM. I thank the gentleman.

Everyone understands that we are in the middle of a very difficult downturn in the economy, a recession. It is difficult enough today to create jobs. We have the second-highest tax rate in the world. We have the most onerous regulatory burden in the world. We have the most litigation in the world. So how do we create new jobs? Well, it is not with this tax-and-cap bill.

I will tell you, in China today they must think that Christmas is coming in June. If you look at this box here, it says ''To China from the U.S. Congress.'' Well, let's see what is inside of it, okay?

What is inside of it is U.S. jobs. This is going to cost 17,000 jobs in Iowa in 2012 and each year after that. Nationwide, 2½ to 3 million jobs will be lost because of this bill.

If we are going to do anything to help the economy, let's not put another burden, let's not make us less competitive in the world, and let's not destroy hope for the next generation, which this bill does.

Please vote ''no'' and save our country.

Mr. WAXMAN. Madam Speaker, I'm pleased at this time to yield to a real leader from the State of Iowa who has taken an active role in this and so many other policy areas, Mr. BRALEY, for 1 minute.

Mr. BRALEY of Iowa. Madam Speaker, this is a defining moment in our country's history. And last night out at the White House, I saw the chairman holding his grandchild in his hands. The question every Member of this body is going to have to face when they look into the eyes of their children and grandchildren is, Where were you on this pivotal vote in our country's history? Where were you when we tried to free ourselves from our dependency on foreign oil? Where were you when we tried to create a new energy policy based on clean energy like the clean-energy revolution taking place in my State of Iowa?

This bill won't cost jobs in Iowa. It will create thousands of jobs in clean energy. That is what the message is I'm sending to my children. That is the message I'm sending to my grandchildren. This is the time to break away from Middle East oil oligarchs, set a new policy for our energy future, and send a message to the world that we will be leaders, not followers, when it comes to climate change.

Mr. BARTON of Texas. Madam Speaker, I want to yield myself 30 seconds just briefly.

According to David Sokol, the CEO of MidAmerican Energy, which serves most of the utility customers in the State of Iowa, the bill before us will

raise utility prices, for every residential customer in Iowa, $110 a month, or $1,320 a year. That is not a job creator in Iowa; that is a job killer in Iowa.

I now want to yield 1 minute to a distinguished member of the committee from the great Keystone State, Mr. TIM MURPHY of Pennsylvania, 1 minute.

Mr. TIM MURPHY of Pennsylvania. A headline in yesterday's Pittsburgh paper said ''More Pa. Residents Suffering in Recession, Poll Shows.'' And this is the time to give people in Pennsylvania, and throughout the Nation, hope.

Pennsylvania and the Pittsburgh area is the area that was built upon energy. We had abundant supplies of coal, natural gas and water. That is why steel was there. We invested in the National Energy Technology labs, and we still have hundreds of years of coal.

Folks, this is a time when we need to improve the efficiency of wind and solar so we can have them as energy resources. But let's not abandon steel because you can't make it without coal. Let's not abandon coal. And let's make sure we invest in clean coal. This is a time when we say to kids that right now we get about 35 percent of our energy out of a lump of coal. And it does pollute. What we have to do is clean it up, invest in that and build clean-coal plants. Whoever figures out how to do that, that is Nobel Prize material. It is the scientific, technological, and educational challenge of our generation.

And what's more, you can't have lights on without doing that. Let's do all of the things we need to do. But this bill is not the way to do it. We can solve these problems. But we can't rush into it the way we are doing it now.

Mr. WAXMAN. Madam Speaker, at this time, I want to yield to the distinguished sole representative from the State of Vermont, a man we are very pleased to have on our committee and who has been a leader in some of the areas on this bill. He reminds us that efficiency is the way to go to use less fuel. I yield 1 minute to Mr. WELCH.

Mr. WELCH. Thank you, Mr. WAXMAN.

Madam Speaker, although some dispute it, there is little doubt that oil is a finite resource and we are at or near peak oil, that global warming is real, that the threat to our economy is immediate and that the need to act is urgent.

And while our friends on the other side raise questions about how our actions will affect jobs and utility bills, those very legitimate concerns have been exhaustively addressed in this legislation.

But what they fail to acknowledge is that the cost of inaction is great in lost opportunity for jobs, a cleaner environment and a stronger economy. Many of the new jobs in Vermont and around the country are related to the new clean-energy economy.

Madam Speaker, today Congress will make a very fundamental decision. Will America confidently and directly declare a policy of American energy independence? Will it unleash the talents of our scientists and engineers, empower our entrepreneurs and manufacturers? Will it put to work our farmers, carpenters, masons, electricians and plumbers through efficiency, through renewable energy and through the new technology for coal?

The great decisions a nation makes, Madam Speaker, are always about facing our problems, not retreating from them, and about the conquest of hope over fear.

I first wanted to thank Chairman WAXMAN, Chairman MARKEY, and the Energy and Commerce Committee staff for their tremendous work and leadership on this legislation. To bring to the floor the first ever bill to address our global warming crisis was no small feat, and while we would all like to see changes in this bill, it represents the best step forward toward charting a new energy future for our country.

If civil rights was the issue of my generation, addressing climate change is the issue of today's. The young people and students across this country deserve great credit for providing the energy—renewable, of course—behind this historic legislation. They have the most at stake; they will inherit this planet and the economy we leave them. Their future must be addressed now.

Earlier this year when we first began taking testimony on this legislation, I had the opportunity to ask executives of some of the world's largest companies whether Congressional inaction for addressing climate change threatened their bottom line, their viability, and our economy. One by one, they each responded: "yes . . . yes . . . yes." These were our nation's economic leaders unanimously recognizing the urgent need for a new, post-carbon economy.

The scientific facts are clear: global warming is real, it is urgent and it threatens our economy, our national security, and our way of life if unaddressed. We must tackle this challenge squarely, like the confident nation that we are.

Addressing this challenge presents us with opportunity—an opportunity to create new, green jobs and build a stronger economy; an opportunity to make our country more secure and energy independent; and an opportunity to save on electric bills at home and turn better profits at the workplace.

This legislation sets us toward the bright future of a post-carbon economy. If we don't make this commitment now, nations like Japan, Germany, Brazil—countries around the world will outpace us and leave us far behind.

In this legislation, we take the bold steps necessary—with a firm cap on carbon pollution, new renewable energy and energy efficiency standards, and investments in renewable energy development. But we also make policy changes throughout our energy economy that will help hard working Americans get and stay ahead.

We create a national Certified Clean Stove Program, building on Vermont's success to encourage those who heat their homes with wood stoves to install cleaner-burning stoves.

We establish the nation's first energy efficiency improvement target.

Among many consumer protection previsions, but critical for states like Vermont, we establish consumer rebates and weatherization efficiency investments to residents in states that rely upon home heating oil.

And we establish The Retrofit for Energy and Environmental Performance (REEP) Program to provide billions of dollars in financial incentives to homeowners and business owners to encourage them to retrofit the nation's existing buildings, which account for 10 percent of global carbon emissions. This program, supported by the Home Builders, Realtors, NRDC and others, will create thousands of jobs and help homeowners and business owners save on energy bills.

At less than the cost of a postage stamp a day, through this bold legislation we will make our nation more secure, create a new, more efficiency, more productive, more prosperous energy future.

When President Kennedy said we would put a man on the moon, many thought it wasn't possible. We did it. Today, we take the bold and necessary step to address one of the most pressing and urgent challenges in generations.

As the author of the provisions of this bill that creates the Retrofit for Energy and Environmental Performance (REEP) Program Act, it is my goal to ensure the greatest possible participation in efforts to reduce energy consumption in residential and commercial buildings.

It has come to my attention that real estate investment trusts (REITs) may be reluctant to participate in this program as it is currently crafted. They are concerned that they may lose their REIT status unless the REEP grants are considered qualifying assets that generate qualifying income for the purposes of the REIT income and asset tests.

Listed REITs own and manage over 6 billion square feet of commercial real estate. This is a significant amount of property that, if retrofitted, could yield significant energy savings.

Therefore it is my hope that as this bill moves through the legislative process we will include the necessary clarifications to ensure that REITs will be able to fully participate in the REEP program.

Mr. BARTON of Texas. Madam Speaker, could I inquire as to when the majority is prepared to go to the Ways and Means Committee's time?

Mr. WAXMAN. If the gentleman would yield to me, when our time expires for both committees. Perhaps we ought to let you take additional time at this point, because we have used far more than you have.

Mr. BARTON of Texas. I have agreed to do that. But my question is, when is it the intention to allow the Ways and Means Committee to use their time? Is that in the next 15 minutes or is it around 3 o'clock? When is your inclination?

Mr. WAXMAN. If the gentleman would yield, perhaps we can inquire of the Chair how much time is still available to the Energy and Commerce Committee.

The SPEAKER pro tempore. The gentleman from California has 32½ minutes remaining.

The gentleman from Texas has 43¼ minutes remaining.

Mr. BARTON of Texas. I just need a planning estimate to tell the Members on my side when we are going to go to the Ways and Means. I'm not being argumentative.

Mr. WAXMAN. Why don't we discuss that informally?

Mr. BARTON of Texas. At this time, I want to yield to another distinguished member of the Energy and Commerce Committee from the Pelican State, Mr. SCALISE, 1 minute.

Mr. SCALISE. Madam Speaker, I want to thank the gentleman from Texas for yielding.

I stand here to strongly oppose this cap-and-trade national energy tax that is being proposed to be created here today.

One of the things we have heard is about jobs. Let's talk about jobs. The National Association of Manufacturers estimates the United States will lose 3 to 4 million jobs if this bill becomes law. The President's own budget director has said American families will see a $1,200 increase per year on their electricity bill if this bill becomes law. That is the policy that they are trying to pass. That is the policy we are standing up and opposing today.

Let's talk about job loss. If you look at the bill, they have 55 pages in this bill dedicated to job losses. Now why would they put 55 pages in the bill dedicated to job losses if they didn't think this was going to lose jobs and run those jobs over to China and India?

And the real irony is for those who think that we need to reduce carbon emissions, this bill will actually increase carbon emissions because when that steel mill moves from the United States to Brazil, four times more carbon is emitted to produce steel in Brazil than in the United States. And not only do we lose jobs, they emit more carbon. This is a horrible way to wreck the American economy. We need to defeat it.

□ 1430

Mr. WAXMAN. Madam Speaker, I wish to yield to the gentleman from Michigan and chairman emeritus of our committee (Mr. DINGELL) so he and I could engage in a colloquy.

Mr. DINGELL. Madam Speaker, I ask my good friend to join in a colloquy about the electric transmission provisions. I support renewable power, as does he. However, there is a delicate State-Federal balance of authority in this area.

I yield to my good friend.

Mr. WAXMAN. I agree we must be sensitive to the State and Federal roles, but we must also move forward on transmission policy. My goal here is to take the first step.

Mr. DINGELL. I have concerns about the wisdom of splitting the country in two parts, into eastern and western interconnections, for the purpose of regulating transmissions. Does my colleague agree we should have a unified national transmission policy?

Mr. WAXMAN. Yes, that is my preference. However, there is more consensus about how to move forward in the western interconnect than there is in the eastern interconnect, and we should make the progress we can in the west. I will continue to work towards a policy that is comprehensive and effective.

Mr. DINGELL. I thank my good friend. I have a further question. I am also concerned that wilderness areas and conservation easements be fully protected, particularly in the eastern interconnection.

Mr. WAXMAN. This proposal leaves in place the current environmental protection in the eastern interconnection. The changes in the west account for the very sensitive nature of the lands there, including Federal lands.

Mr. DINGELL. Reclaiming my time, finally, the effect of this language on existing law is unclear, which might only lead to more litigation and delay.

Mr. WAXMAN. Well, we need a policy that is clear and can be implemented. This is only a partial step forward, as I have said, and I look forward to having your help in adopting a workable policy.

Mr. BARTON of Texas. I yield 1 minute to a distinguished senior member of the committee from the great State of Georgia, Mr. DEAL.

Mr. DEAL of Georgia. I thank the gentleman for yielding. There are many issues that need to be discussed. I rise in opposition to this legislation. One of the topics is that of jobs. We are told we are going to gain jobs. By most reasonable estimates, we are going to lose jobs. The best example of that is to look at what happened in Spain. Spain has traveled this path of renewables and green energy. Their estimate is that for every job they gained, they lost over two. I don't consider that to be a direction that our country needs to go, especially in these difficult economic times.

The second thing that needs to be said is that there is a disparity that is being created in the renewable portfolio requirements. For portions of the country such as Georgia and the Southeast, in general, we don't have the volume of alternatives that are allowed under this legislation, especially if we are not going to get credit for the nuclear plants that we are trying to bring on board in our State. Therefore, we will have to purchase those credits from some other part of the country, something that I think will have an undoubtable, definite negative effect on the power bills of the citizens of my State.

I rise in opposition to the legislation and urge my colleagues to vote against it.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT) for the purpose of a colloquy.

Mr. SCOTT of Georgia. Madam Speaker, let me thank Chairman WAXMAN for the excellent job he has done in providing leadership and for expanding the renewable energy standard to reflect the interests of my constituents in Georgia, and certainly the Energy Star home labeling program.

As you know, Mr. Chairman, there is one issue that I have discussed with you that I am very concerned about that we are working our way through, and I would like to enter into a colloquy with you. I am concerned about the jurisdiction of derivatives.

I serve on the Agriculture Committee and the Financial Services Committee. We feel very strongly that any language in this dealing with the regulation of derivatives certainly should be handled by the Financial Services and Agriculture Committees, and you and I have discussed that, and I would like to know how that is done, particularly in view of the fact that 95 percent of the 500 largest global corporations use derivatives for risk management.

I yield to the gentleman.

Mr. WAXMAN. You and others have expressed concern about this issue. This matter will be determined by the work of the Financial Services Committee and the Agriculture Committee. We have a placeholder in the bill. Once they agree on the issue that is within their jurisdiction, it will be placed in the bill.

I want to point out that you have a unique role in that because you are on both committees and have a special interest on this question. So I look forward to seeing your work on that matter.

Mr. SCOTT of Georgia. I thank you, and with that I will certainly support the bill and urge my colleagues to support the bill.

Mr. BARTON of Texas. I yield myself 15 seconds.

We have just experienced something somewhat revolutionary. We have a bill before us that has a placeholder in the bill. We are passing a bill with a placeholder to be determined later. I have never seen a final passage on a bill that had a placeholder in the bill.

With that, I yield to Mr. PITTS, a member of the committee from the State of Pennsylvania, for 1 minute.

Mr. PITTS. Madam Speaker, like all of us, I believe we should work to decrease the amount of greenhouse gas emissions in our atmosphere, and we should be good stewards of this Earth and its resources. However, I don't believe this bill will accomplish a dramatic decrease in greenhouse gas emissions; yet I do believe it will have a

crippling effect on our economy for years.

No matter how you doctor or tailor it, it is a tax, a national energy tax that will hurt each and every household. It will destroy sectors of our economy and cause job losses at an unprecedented rate.

Here is a chart that shows the jobs losses in thousands of jobs here, nearly 2 million jobs, 2012; 2035, over 2 million jobs a year. We should be protecting our environment through innovation, through entrepreneurship and cooperation, but this bill tries to cut carbon emissions through punishment taxation, heavy hand of government, and litigation.

The bill as originally introduced, analyzed by the PUC, a bipartisan group in Pennsylvania, said it would cost Pennsylvanians 66,000 jobs by the year 2020.

I urge my colleagues to consider just how irresponsible it is to move legislation that is going to cost so many jobs, so much damage to our economy, and yet it is anticipated to slow temperature increases by only two-tenths of 1 degree Fahrenheit by the end of the century. There is a better way.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD) for the purposes of a colloquy.

Mr. MICHAUD. I rise for a colloquy with the chairman of the Agriculture Committee, Chairman PETERSON. I want to thank Chairman PETERSON for his hard work on that legislation, and I seek clarification of two provisions in section 788 of the bill relative to the forest land and forestry sector.

Specifically, on page 198, line 14 of the bill, I would like to know if the agricultural sector language includes forest lands and forestry sector. Also, on page 199, line 22 of the bill, I would like to know, does the term ''projects'' include sustainable forest practices, such as avoided deforestation agreement?

Mr. PETERSON. I want to thank the gentleman for his work on improving the definition in this bill and assure him that, just as with many USDA conservation programs, forest land fully qualifies for this energy incentive program and it is our intent that it be included in this section. Both the terms ''agriculture sector'' and ''projects'' in 788 are inclusive of forest land and could be used to provide incentives for private forest land owners who may not otherwise qualify to participate in the ag offset program.

I will continue to work with the gentleman. He can be assured this will be included.

Mr. MICHAUD. I thank the gentleman for that.

Mr. BARTON of Texas. I yield myself another 15 seconds.

I want to tell all of the Members, if you haven't made your deal yet, come on down to the floor. What we are seeing is unprecedented. We're making deals on the floor. I want to commend Mr. WAXMAN; at least he is now doing it in public. I mean, that is unprecedented, but at least it is transparent.

With that, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Members are reminded to address their remarks to the Chair.

Mr. STEARNS. Madam Speaker, you know, this is a defining moment. And ''where were you when this legislation came on the floor'' is going to be something that you're going to remember.

As the ranking member has indicated, the lobbying on this by Vice President Gore and the President and all of the people has been tremendous, and there is a possibility that they still don't have the votes. One of the reasons is there is not a fairness factor here.

China adds more CO_2 to the atmosphere each year than any other nation in the world. However, they have consistently said they reject any binding international cap on such emissions and claim the right to continue to increase its release of greenhouse gases while at the same time we are going to pass—attempt to pass this legislation.

My colleagues, without equivalent efforts by China and India to limit greenhouse gas emissions, the United States stands to lose many hundreds of thousands of jobs to these countries that will profit from this bill today.

The proponents of this legislation say we should make unilateral reductions, unilateral disarmament, which will in turn impose moral pressure on other countries. I find it hard to believe that China and India will reduce their economic growth and idle their people because they are willing to adopt a cap-and-trade. The cap-and-trade is flawed. China and India are not going to go forward. Any meaningful effort to achieve long-term, sustainable reductions in global greenhouse gas emissions depend on the development and deployment of new energy technologies, we all agree, we must include clean coal technologies, carbon capture and sequestration, and advanced nuclear power generations. I had an amendment that was designed to do this. It was not allowed.

The rapid development demonstration of widespread deployment of such technologies are of paramount importance in any reasonable and any effective effort to address CO_2 reductions. The massive new regulatory burdens imposed by this cap-and-trade scheme will invariably cut the growth and innovation in this country and we will lose jobs. Let's foster new technology. Let's not pass this bill.

Last night, I offered two substantive amendments to improve this flawed legislation. One of my amendments would have allowed states that have existing nuclear power plants to more easily meet the Renewable Electricity Standard by excluding all electricity generated by nuclear power from a retail electric suppliers bases amount. My other amendment would have eliminated the home Energy Star labeling program that will further reduce property values at a time when many homeowners have seen their equity and retirement savings vanish. Unfortunately, both of these amendments were struck down by the Rules Committee along with 221 other amendments.

Quoting from yesterday's Wall Street Journal editorial, Americans should know that those Members who vote for this climate bill are voting for what is likely to be the biggest tax in American history.''

In fact this cap and tax scheme could cost families up to $3,100 more per year and result in real GDP losses of $9.6 trillion over the life of the bill, especially if we do it alone.

China adds more CO_2 to the atmosphere each year than any other nation in the world, however they have consistently rejected any binding international cap on such emissions and claims the right to continue to increase its release of greenhouse gases. Without equivalent efforts by China and India to limit greenhouse gas emissions, the U.S. stands to lose many hundreds of thousands of jobs to these countries that will profit from this bill.

The proponents of this legislation say we should make unilateral reductions, which will in turn impose moral pressure on other countries to reduce their emissions. I find it hard to believe that other nations would follow the United States in reducing economic growth and idling millions of workers. Although cap and trade is flawed, there is much that we can do to reduce carbon emissions and our dependence on imported energy sources.

Any meaningful effort to achieve long-term, sustainable reductions in global greenhouse gas emissions will depend on the development and deployment of new energy technologies, including advanced clean coal technologies, carbon capture and sequestration and advanced nuclear power generators. The rapid development, demonstration and widespread deployment of such technologies are of paramount importance in any reasoned and effective effort to address carbon dioxide reductions.

The massive new regulatory burdens imposed by this cap and trade tax scheme will inevitably undercut the growth and innovation we desperately need to build lasting and effective solutions. Fostering new technology and scientific research across all sectors of the economy, not capping our economy and trading U.S. jobs, will guard our nations security and increase our energy independence.

I encourage all my colleagues to join me in strong opposition to this legislation.

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

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), the distinguished minority whip.

Mr. CANTOR. Madam Speaker, if there is one thing everyone in this Chamber should be able to agree on, it is that we need to focus on job creation and relieve the burden on middle-class

families, not increase it. Yet the evidence suggests that by taking up this cap-and-trade bill, we are abandoning this fundamental mission.

According to an MIT study, the legislation before us will force America's middle-class families to pay as much as $3,100 in higher prices every year. The EPA, meanwhile, estimates that a family of four will eventually pay an additional average of $1,100 each year.

The impact on jobs is equally dismal. A CRA International study finds the legislation, when fully implemented, will cost America 2.3 to 2.7 million jobs. This, at a time when hundreds of thousands of workers are losing their jobs every month.

In the midst of a severe recession, why would we even contemplate a plan that amounts to a growth-killing millstone around the neck of small businesses and all American consumers.

Madam Speaker, it is not the utilities, the oil companies, and the other producers who will bear the cost of this new regime. We already know that the companies will pass their higher costs along to the consumers and small businesses that rely on their services. This means more expensive bills for all Americans on everything from electricity to heating to gasoline to groceries.

We also can't forget that this national energy tax comes down hardest on the poor. The highest income quintile spends less than 5 percent of its income on energy-intensive products, but our families in the lowest income quintile spend over 20 percent on those items—this, according to CBO.

□ 1445

Madam Speaker, with a watchful eye toward the consequences for jobs and economic growth, let us give thoughtful consideration to the limited benefits this unilateral action will bring about. Even if the bill cuts U.S. carbon emissions to 83 percent of current levels by 2050, we still are only anticipated to slow global temperature increases by a mere two-tenths of a degree.

And then there's the real elephant in the room, India and China. Both of these freewheeling nations are growing rapidly and not prepared to slow down. Do we really want to hamstring U.S. industry and put it at a competitive disadvantage to Asia? Can we be so naive to assume our businesses, jobs—and emissions—won't emigrate to China and India?

Moving to eliminate CO_2 from the atmosphere is a noble endeavor, but taking this kind of action without enforceable carbon commitments from our competitors is only an exercise in futility.

Madam Speaker, Republicans remain committed to bringing a swift end to the recession and paving the path to prosperity. We intend to focus on policies that will put people back to work and grow the economy. That does not include this cap-and-trade proposal. With stakes so high, gambling the house away on such a high-cost, low-reward program is a grave mistake that Republicans will not support.

Mr. BARTON of Texas. I yield 1 minute to the distinguished gentlelady from West Virginia, Congresswoman CAPITO.

Mrs. CAPITO. Madam Speaker, at a time when families are already struggling to meet their basic needs, the last thing we need is a new energy tax on all consumers, and that's exactly what this cap-and-trade bill is. It is a national energy tax that will burden consumers, burden businesses, and particularly burden the lower-income families in this country. It picks regional winners and losers, with coal-dependent States like mine, West Virginia, bearing the brunt of this bill.

Under this bill, we will actually be penalized for our lower-cost power and will have to pay more to continue using our greatest resource, coal. We should be innovating towards clean coal and carbon sequestration where we can continue to use our most abundant resource.

We all want cleaner sources of fuel and more efficient energy, but this cap-and-trade bill is not the way forward. This bill is a jobs killer. This bill has real costs for real people. Vote ''no'' on this bill.

The SPEAKER pro tempore. The gentleman from New York is recognized for 15 minutes.

Mr. RANGEL. Mr. Speaker, I rise today in support of the American Clean Energy and Security Act of 2009 and urge my colleagues to support it.

Listening to the beginning of this debate, I'm convinced that—one of the people on the other side said that our voting today will be well remembered, not by Democrats and Republicans, but by the entire world. We know that we have a crisis. It is a universal crisis; it's a crisis that affects our country and our communities. But the ironic thing about it with the other side, all of their comments have been in criticism of the great work that has been done by Congressmen WAXMAN and MARKEY and their committee, the Ways and Means Committee, and those that were concerned about perfecting something to protect the people of this Earth. And just as they will remember the courageous and political forces that were put together to make this great contribution to humankind, they also will remember the negative political shots that have been taken and the absence of any positive program that the minorities have brought forward.

I congratulate our great Speaker for coordinating this effort. People call it, on the other side, ''deals,'' when they don't have any ideas to put forward. But ''deals,'' if it means bringing people together and getting a better bill and moving forward in order to provide a majority, then I'm proud to be on this side of the aisle.

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

Mr. BARTON of Texas. I yield 1 minute to the member of the committee from the Golden State of California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I rise in strong opposition to the global cap-and-tax bill that is on the floor today. You don't have to look any further than my own beloved State of California to see environmental alarmism at its worst. California has adopted its own renewable energy standard and carbon cap-and-trade scheme. It's killing business in California and driving people out of the State in record numbers.

Rural and agricultural communities will be most affected by this bill, forcing local agriculture producers to pay more for seed, equipment, machinery, steel, and other supplies. If you like getting your oil from Hugo Chavez, with cap-and-tax you're going to love getting breakfast, lunch and dinner from him too.

If we were truly interested in achieving dramatic reductions in CO_2 emissions without destroying our economy, we should preserve our robust economy and allow the free market to continue to produce commercially viable energy efficiencies and clean-energy technologies.

I urge my colleagues to do something good for the economy and the environment and put this bill where it belongs, in the recycle bin.

Mr. BARTON of Texas. Will the gentleman from New York yield for a procedural inquiry?

Mr. RANGEL. I would be glad to.

Mr. BARTON of Texas. I've got two nonmembers of the Ways and Means Committee that I would like to go out of order to get us in balance so Mr. CAMP and you can balance each other.

Mr. RANGEL. I yield to the gentleman.

Mr. BARTON of Texas. I yield 1 minute to the gentleman from New York (Mr. LEE), and I want to thank Mr. RANGEL for his courtesy.

Mr. LEE of New York. I thank my friend for yielding.

The people in my district know only too well that when Washington applies itself to a problem, it overregulates and always hides the true cost to the taxpayer. This bill is truly no different with it being over 1,100 pages in length and 50 pages dedicated to regulating light bulbs.

In order to garner enough votes, the majority has tried to shift the most punitive cost of this bill to later years so they can get it passed. Early on, it will be the government footing this enormous bill with your tax dollars, and then down the road this subsidy will

shift to consumers who will pay directly to sustain this program through higher, job-killing energy prices. Either way, it's the taxpayer who bears the burden.

This bill is truly a pipe dream. We need to focus on an energy solution that rewards innovation using American-made energy, not trying to find a way to tax our way to prosperity and continue this horrific job loss. That is why I urge my colleagues to oppose this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished Congresswoman from Illinois, a member of the Science Committee, Congresswoman BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the American Clean Energy and Security Act.

In my home State of Illinois, we depend on nuclear, coal, and natural gas for our electricity. Because this bill discriminates against these energy sources, Illinois will be hit especially hard. Gas prices could rise by 77 cents a gallon and diesel by 88 cents a gallon. This is part of an entirely arbitrary penalty on oil and gas that is passed straight on to the consumer.

H.R. 2454 does little to incentivize new nuclear production, despite the fact that nuclear power is safe and emissions free, and what little it does is grossly inadequate concerning the overall goal of this bill.

I am deeply concerned also that there is no framework for an international agreement on climate change in this bill. In the absence of such framework, and in agreement from developing nations, my district can count on losing thousands of jobs to countries like India and China if this legislation is enacted.

Mr. Speaker, I oppose this bill and urge my colleagues to do the same.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, Chairman LEVIN.

Mr. LEVIN. Action on climate change is a policy, indeed, a moral imperative. Prompt action is a vital part of our legacy to the Nation, and to our children and grandchildren.

As we act, we can and must ensure that the U.S. energy-intensive industries are not placed at a competitive disadvantage by nations that have not made a similar commitment to reduce greenhouse gases.

After discussions between the Energy and Commerce and the Ways and Means Committees and the administration, we have developed reasonable and effective provisions which involve the President and the Congress in taking action—no more than necessary—to ensure that this important legislation is trade-neutral for our energy-intensive industries.

We want to see a meaningful international agreement. If we are unable to do so through an international agreement, this legislation ensures that the U.S. will avoid carbon leakage in its energy-intensive and trade-sensitive industries.

There are some critics—and we may hear from them today—who claim that these changes make the bill subject to trade challenges. They are wrong. Just today, the World Trade Organization and the U.N. Environment Program issued a report which confirms that ''WTO rules do not trump environmental requirements.''

Mr. CAMP. Mr. Speaker, I yield myself 3 minutes.

As a candidate, the President stated that under his energy plan ''electricity rates would necessarily skyrocket.'' I give him credit, he was being honest with the American people.

Today, the Nation's unemployment level is fast approaching 10 percent. That means one out of every 10 Americans will soon be without a job and without a paycheck to provide for themselves and their families. Yet, this national energy tax will drive up prices while making jobs scarcer. In fact, one utility which is even supporting this legislation has already applied to State regulators to raise their electricity rates in anticipation of the cost of complying with this national energy tax.

While the Speaker wants us to pay more in energy taxes, China and India have repeatedly said they will not follow suit. They will not impose those hardships on their people. This shouldn't surprise us. As our mothers used to ask, if everyone else jumped off a cliff, would you? Of course not. Neither will China and India. They recognize enacting these caps is like jumping off an economic cliff.

So what does a ''yes'' vote mean? It means more American manufacturing jobs move to China and India, fewer Americans have jobs, and there is no reduction in global greenhouse gases. And because this bill was rushed to the floor, because the American people were not given a chance to review it because their Representatives were not given a chance to improve it through the committee process, this bill contains numerous flaws.

The border measures, which the Committee on Ways and Means has not reviewed, are an area open for our trading partners to retaliate against our goods and against our workers. How does this help our economy? How does this help families? How does this help our environment? It doesn't.

Now, I know promises have been made that your constituents won't be harmed by this bill, that it contains plenty of consumer protections. What are those protections? Who's going to get them? Not the middle class. Not the people the President promised to protect, families making less than $250,000 a year. Somewhere in this House late at night someone made the decision to eliminate the tax credits designed to help middle class families pay for these high energy prices.

Here are the plain and simple facts: under the Speaker's national energy tax, a family of four with income over $33,000 per year will lose under this bill. They, and 235 million other Americans, will pay higher costs and receive no help in offsetting those costs. Let's be clear what this means: three out of every four Americans will pay more under this bill.

The Speaker's national energy tax is bad for our economy, bad for families who are already struggling to make ends meet, and it will do nothing to reduce global greenhouse gas emissions. It's all pain and no gain. I urge my colleagues to vote ''no'' on this bill.

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

Mr. RANGEL. When the Republican Party becomes the protector of the poor, it's a day that I've been waiting for.

I would like to yield 2 minutes to Mr. LARSON, an outstanding leader of the Democratic Party.

Mr. LARSON of Connecticut. I thank the distinguished chairman.

Mr. Speaker, it has been an interesting day in listening to the claims that have emanated from the other side of the aisle, claims about honesty, claims about being forthright. The President of the previous administration, President Bush, stood on the floor and claimed our addiction to oil, and everybody put their head in the sand and did nothing as we continued to send and export American dollars overseas.

We send American taxpayer dollars overseas to Russia, to Saudi Arabia, to Libya, to Venezuela, all the people that you have chimed in about today. That's the real tax that we are paying because of our increasing addiction and our need to stand up and rid ourselves of dependency on foreign soil.

So the challenge faces us once again—it was here 30 years ago, and we didn't have the courage to make the stand, nor the patriotic fervor or fiber to stand up and do the right thing.

□ 1500

Stop this addiction. If T. Boone Pickens can get out front across this country and talk about this awful addiction, and, as Thomas Friedman said very eloquently, if the American policy of the previous administration is to ''leave no mullah behind'' and find our funds that we pay with American taxpayers going to fund our enemies' efforts against our own troops in our efforts against terrorism, that is what this is about in the final analysis. It's about this great country of ours and making a stand for what we believe in, standing up for American dominance and superiority.

Yes, the Chinese and Indian nations are out there competing. We want to compete against them because we have better technology. We just have to make the investment here and not in Saudi Arabia and Libya and Venezuela and Russia. That's what the policy of previous administrations have led us to. And that's where it must end today, on this floor.

Mr. CAMP. Mr. Speaker, I wish the gentleman's passion was directed at bringing the bill before the Ways and Means Committee.

With that, Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, not only is this legislation not the right thing; this legislation is one of the most overreaching, damaging pieces of legislation that has ever come before this House of Representatives.

This national energy tax is a job killer and will cost American families over $3,000 per year while doing very little to affect global temperatures. Rural America, low- and middle-income families, and our farmers will suffer the most under this new tax.

Mr. Speaker, we all want to protect our environment. But we should accomplish that through innovation and investment, not by government micromanagement that undercuts Americans' ability to compete globally.

I urge all Members to protect the American economy and livelihoods of millions of American families and say ''no'' to this gigantic national energy tax.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Massachusetts, Chairman NEAL.

Mr. NEAL of Massachusetts. I want to commend Mr. RANGEL and Mr. WAXMAN and Mr. MARKEY, who have attempted against long odds to forge a consensus on this legislation.

Mr. Speaker, the bottom line to this legislation as proposed today is it will make America less dependent on foreign oil. And, remember, despite protestations to the contrary from our friends on the other side, there is an element on the other side who rejects to this day the concept of climate change and global warming. It is very difficult to find middle ground if there's a side that simply rejects the science of our times. Part of our job in leadership in governing is to make some difficult decisions and, indeed, some very tough choices. This climate-change bill we have before us today makes those tough choices for our future and our children's future. It's in the interest of America, but just as importantly, it's in the interest of the world. America leads the way, and this is an opportunity for us to reclaim that leadership.

This legislation will lead our consumers, our businesses, and our communities towards smarter, cleaner, and more efficient energy use. And it will not be alone. Strong trade enforcement mechanisms will mean that the American business community will not be disadvantaged by importers who skirt the rules. This long legislation is a vote for innovation and environmental stewardship.

I almost would be remiss if I didn't mention this as well. For the previous 8 years, the administration rejected the idea of global warming. The other side was given fancy talking points to grudgingly acknowledge that perhaps it might be happening but to spin the argument that it presented a peril to our times. You would be hard pressed to find scientists anywhere across this globe who have not at least forged a consensus on identifying and defining the problem. As is always the case in public life, it is difficult once definition has settled in to offer a solution. This legislation today offers a solution.

Mr. CAMP. Mr. Speaker, I yield 1 minute to a true American hero, a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, as a clean-energy advocate, I believe we should be good stewards of the Earth and its resources.

We're in the midst of a long recession. Yet the Democrats want to impose a massive new energy tax on American families and businesses, costing every American family heavily. Americans are sick and tired of Democrats spending too much, taxing too much, and borrowing too much.

With the price at the pump rising 65 percent this year, the Democrats would create a 70-cent-per-gallon tax hike. With unemployment close to 10 percent, the Democrats would kill 2½ million jobs per year. My district alone would lose 3,000 jobs per year.

Democrat Congressman JOHN DINGELL said it best, Nobody in this country realizes that cap-and-trade is a tax, and it's a great big one.

This is America. Let's don't sell it down the river.

Mr. RANGEL. Mr. Speaker, it's my honor to yield 1 minute to Mr. BLUMENAUER, an outstanding advocate of prevention of global warming.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

For the last 2½ years, I have had the privilege of working with the Speaker's Select Committee on Global Warming, driving home the reality of climate change. Today we have a major opportunity to rebuild and renew America while protecting the planet.

I want to thank the Ways and Means Committee and the Commerce Committee for working with me to harness billions of dollars over the life of this bill to develop transportation that reduces carbon footprint for transit, bike, and pedestrian, development patterns, things that will make a difference for a country that emits more carbon with its transportation than China, India, and Europe combined. We have an opportunity to protect the planet, but unless you're prepared to lead, China and India will continue to pollute more and more.

This is the first step in this leadership, and I urge the courage to vote ''yes'' on this legislation today.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the chairman for yielding.

Mr. Speaker, I will submit a statement for the RECORD, but I'm not going to read that statement. I want to respond to the gentleman from Connecticut, who said we need some honesty in this discussion, and the gentleman from Illinois this morning on the rule. The gentleman from Illinois said on the rule that there are zero peer-reviewed articles by scientists who disagree with the notion that humans are causing global warming.

That will come as a surprise to Professor Morner from the University of Stockholm, who has written 520 himself on sea levels. He's the world's foremost expert on sea levels. Or Richard Lindzen from MIT, the Alfred P. Sloan professor of meteorology at MIT, who has written many peer-reviewed articles. He is a denier. Professor Willie Soon from MIT, one of the world's foremost scientists on precipitation. John Christy and Roy Spencer from Huntsville, Alabama. Fred Singer, who was responsible for leading the charge to get all of our weather satellites in the air from Northern Virginia.

And the five authors of the first IPCC report who wrote in their scientific reports that there is no evidence that humans are causing any of this. And those five sentences were removed by a bureaucrat who replaced them with one sentence that said, It's clear that humans are the cause. In a court action under oath, that bureaucrat was asked why he removed those sentences and replaced them, and he said because of intense pressure from the top of the United States Government.

There are 32,000 scientists, 9,000 Ph.D.s and 23,000 masters in science who signed a petition against this silliness that we're discussing, and they want to join the deniers Galileo and Einstein. Einstein questioned Newton's 200 years of settled science, and he was sent a letter by 100 of the most important scientists in the world who challenged him on his questioning of that settled science, and he showed the letter to his friend, and he said, You would think one of them might have produced a fact.

That's all we ask from you is a fact. Not a computer model but a fact.

''Energy Stamps'' in Democrat Bill Is the Biggest Welfare Program Ever—16 Times Bigger than the Current Welfare Program

Mr. Chairman, some Members deny this bill is a massive tax hike. To them, I can only say you're not paying attention. Everything takes energy. If you raise the price of energy, as this bill does, you raise the price of everything. CBO admits it, again and again.

The authors know very well their bill is a massive tax hike. That's why, as this chart shows, they create the largest welfare program in U.S. history, to relieve some. This legislation would pay checks—call them energy stamps—to 16 times as many people as are on welfare now.

Here's what it says on page 1010:

''The Secretary shall . . . administer . . . the 'Energy Refund Program' . . . under which eligible low-income households are provided cash payments to reimburse the households for the estimated loss in their purchasing power resulting from (this bill) . . . each eligible low-income household . . . shall be entitled to receive monthly cash payments . . . if . . . the gross income of the household does not exceed . . . 150 percent of the poverty line . . .''

65 million Americans fall below 150 percent of poverty. Every one would receive a monthly energy stamp check, on top of any welfare or other benefits they collect now.

Amazingly, this number is down from prior versions because Democrats, predictably, removed any vestige of middle class tax relief.

So the other 235 million Americans would get nothing but a new National Energy Tax. Every family of four earning over $33,000 ''loses''—getting no energy stamps but all the energy tax hikes.

So much for the President's pledge to cut taxes for 95 percent of Americans. And so much for the Speaker's pledge this won't raise costs for American families.

In his 1935 State of the Union Address, Franklin Roosevelt said ''continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.''

On that President Roosevelt was right, as surely as this legislation is wrong.

Vote ''no.''

Mr. RANGEL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, it is an honor to speak in support of this historic legislation. Congress has never faced a challenge of such magnitude, complexity, or urgency. Global climate change is an existential threat that undermines our national security and imperils our coastal cities, agricultural heartland, and economic vitality.

After enduring eight years of intransigence, denial, and fealty to special interests, we are poised to transform the marketplace and spur a new generation of technological and industrial innovation.

By creating incentives for clean energy we will jump-start job creation and investment in production of advanced batteries, wind turbines, solar panels, geothermal systems, carbon capture and storage, and cellulosic biofuels. The dozens of companies that support this legislation have told us that they are poised to make these investments.

Although we have seen an alarming rise in greenhouse gas pollution, we also know that it is not too late to act. From New Orleans to Glacier National Park to the Everglades, by acting now we will protect America's iconic places and our national identity.

I thank Chairman WAXMAN, Chairman MARKEY, and their committee for leading the effort to write this legislation. Like many of my colleagues, I ran for Congress in order to restore economic growth, reform health care, and address global warming. We have made progress on the first pledge and are embarking on the second. With my vote for this bill I redeem my pledge to begin to address global warming and ask my colleagues to join me.

I also wish to thank Chairman WAXMAN, Chairman MARKEY, and the staff of the Energy and Commerce Committee for their collaboration in drafting this bill. When this discussion draft was released in March, the American Clean Energy and Security Act did not provide dedicated funding for local governments through the State Energy and Environmental Development (SEED) or Retrofit for Energy and Environmental Performance (REEP) programs. I wrote to Chairman Waxman and requested that a portion of funding through these programs be dedicated to local governments, to support local efforts to improve buildings' efficiency and reduce greenhouse gas pollution. The Committee responded to my request by dedicating SEED funding to local governments and by ensuring that REEP funding would support local weatherization programs. These important changes ensure that Northern Virginia localities can continue to lead efforts to reduce residents' electric bills and greenhouse gas pollution. These changes are very significant for Virginia. According to the Congressional Research Service, Virginia will receive between $108 and $216 million in SEED funding in 2012. As a result of the changes I requested, between $13.5 and $27 million should flow directly to local government programs to reduce pollution.

In my letter to Chairman WAXMAN, I also requested reforms to the transmission line siting process in order to protect environmental and cultural resources. Northern Virginians know that we must act to correct deficiencies to the 2005 Energy Policy Act, which created a National Interest Electric Transmission Corridor process that granted unprecedented authority for federal agencies to site transmission lines without regard for the impact on environmental and cultural resources or property values. Fortunately, the manager's amendment that is incorporated in the American Clean Energy and Security Act takes the important first step of ensuring that state and federal environmental agencies and land managers have a seat at the table in the planning process. Although additional reform of the transmission siting process is still needed, this change will better enable us to protect important Northern Virginia resources such as Manassas National Battlefield Park, Prince William Forest Park, and Shenandoah National Park.

I also applaud Chairman WAXMAN for incorporating an amendment proposed by the Sustainable Energy and Environment Caucus, of which I am a member. This amendment ensures that the Federal government will derive 20% of its energy from renewable sources by 2020. This proposal, which Chairman WAXMAN incorporated into the manager's amendment, is particularly important for Northern Virginia because it will result in renewable energy deployment to power Federal facilities in the National Capital Region. This is important because we must move to clean energy generation if our region is to achieve ground level ozone reductions, which are essential for public health, as recommended by the Environmental Protection Agency.

Finally, I thank Mr. WAXMAN for incorporating language that expresses the sense of Congress that the International Civil Aviation Association limit aviation-related emissions worldwide. Following Committee passage of H.R. 2454, the Washington Airports Task Force asked members of the Northern Virginia delegation to identify a role for the International Civil Aviation Association in limiting emissions, and I asked the Committee to see if they could address the Washington Airports Task Force's request. I believe that the language incorporated in Mr. Waxman's manager's amendment is a step in the right direction, and appreciate his willingness to address this issue at such a late point in the legislative process.

In summary, Chairman WAXMAN, Chairman MARKEY, and the staff on the Energy and Commerce Committee have been very responsive to my requests for changes to this bill that benefit Northern Virginia. I greatly appreciate their willingness to work with members like me to ensure that this legislation will benefit residents of Northern Virginia and across the country. As important as it is to have sound overarching legislation, I believe it also is essential that the legislative process allow individuals and businesses from across the country to have a role in crafting any bill. Because of the outstanding work by Chairman WAXMAN, Chairman MARKEY, and their committee, this bill has evolved to reflect the needs of Northern Virginians and others from across the country.

Finally, I would like to offer special praise to my colleague from Virginia, Mr. BOUCHER. As a senior member of the Energy and Commerce Committee, Mr. BOUCHER played a central role in writing the American Clean Energy and Security Act. He is the only Virginia Congressman on that Committee, and I believe he did an outstanding job representing the interests of the Commonwealth. Specifically, he ensured that coal-reliant states like ours can transition to cleaner energy sources without creating price spikes and without negatively impacting regions where coal extraction is important economically. This was a difficult balance to strike, and required the skill and experience of a legislator of Mr. BOUCHER's caliber. Years from now, when coal extraction and electricity generation is substantially cleaner than today, and when Virginia finally has significant renewable electricity generation, we may look back and thank Mr. BOUCHER for his role in crafting this legislation that made such a transition possible.

Congress has never dealt with such a complex bill of such fundamental importance to

our economy, environment, and quality of life. Led by Mr. WAXMAN and Mr. MARKEY, the American Clean Energy and Security Act reflects a carefully crafted consensus that has the support of large utilities like Dominion and environmental organizations alike. While forging this consensus the Committee found time to address requests from members representing diverse regions of the nation with competing needs. I thank Chairman WAXMAN, Chairman MARKEY, and I am proud to cast my vote for the American Clean Energy and Security Act.

Mr. RANGEL. Mr. Speaker, at this time it's my pleasure to yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), an outstanding member of the Committee on Ways and Means.

Ms. BERKLEY. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of this bill. It addresses climate change, promotes the development of clean-energy sources, and brings us closer to our goal of securing America's energy independence. This bill also takes extra steps to protect consumers while creating new green jobs.

Nevada is in the forefront of renewable energy use. In 1997 Nevada enacted a renewable portfolio standard requiring that 20 percent of our electricity comes from renewable sources by 2015. Nevada's solar potential, coupled with our State's geothermal and wind resources, will bring jobs to Nevada and make us a leader in the use of production of clean energy.

In contrast, the alternative proposed by the House Republicans continues the same old failed policies, including the Yucca Mountain project. It doubles the amount of nuclear waste that can be shipped to Nevada and jams twice as much of this radioactive garbage down our throats. The Republican plan to more than double the size of the Yucca Mountain dump would only double the danger to families in Nevada and across our Nation at a cost of hundreds of billions of dollars.

I urge all of my colleagues to support this bill.

Mr. CAMP. Mr. Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee and the ranking member on the House Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, this bill is not about science, it's not about costs and benefits; it's about ideology. Because if you look at the costs and benefits, the goal of this bill is to reduce global warming by 2/10 of a degree over a hundred years, hit our economy with this massive tax increase on homeowners, on people buying gasoline, heating their homes, hit manufacturing at a time when our competitors will not do this. This bill will result in jobs leaving the Midwest and jobs leaving America and going to other countries. And for every 1 ton of greenhouse gases we reduce, what will China do? They'll increase greenhouse gases by 3 tons. And that means more dirty air. That means more greenhouse gases. What will the U.S. have achieved? They will have pushed production off our shores. Jobs will be lost. Prices will go up. And other countries will take those jobs and put more greenhouse gases in the atmosphere.

This unilateral big government, Big Brother bill is not good for the planet. It's not good for our economy. And it sure as heck is not good for the Midwest. And I encourage my colleagues not to vote ideology, vote your districts and your constituents.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to an outstanding Democratic leader, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, this is an historic day for this House of Representatives. After years of delay and inaction, we're finally poised to embrace America's clean-energy future and adopt an energy strategy for the 21st century.

This act delivers on the change that President Obama has called for in our energy policy. It will strengthen our national security by slashing our dependence on foreign oil by as much as 2 million barrels a day by 2030, which is as much as we export from the Persian Gulf today. We will use those hundreds of billions of dollars instead right here at home on homegrown, clean energy. And by doing so, we're going to create millions of jobs, high-skilled, well-paying jobs that will focus on renewable energy and energy efficiency. And we will do all that without adding a single penny to our national debt.

Mr. Speaker, I especially want to thank Mr. RANGEL, Mr. WAXMAN, Mr. MARKEY, Mr. DINGELL, Mr. INSLEE, Mr. GORDON, and their staff for the collaborative effort that went into the final provisions establishing a Clean Energy Deployment Administration. As a result of this effort, America is going to have an independent——

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The time of the gentleman has expired.

Mr. VAN HOLLEN. Well capitalized bank charged with the exclusive mission of accelerating the deployment of clean energy.

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

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Mr. CAMP. Mr. Speaker, at this time, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. You know, this bill started out as the cap-and-tax bill, then it became the clean energy bill because my colleagues on the other side of the aisle realized it wasn't selling anymore at home. It should really be called the Let's Send More Jobs to China Act.

This bill is going to cost people in the State of Florida an additional $500 on their utility bills, but let's look at the jobs that are going to be lost. In my district alone, we will lose 2,100 manufacturing jobs, 3,200 construction jobs, and 1,900 retail and wholesale jobs.

Personal income loss for Florida's Fifth District in 2012 will be over $508 million. America cannot afford this at a time when our economy is so fragile. Gasoline prices under this will rise substantially. Electricity prices will rise up to 90 percent.

This is a bad bill. This is a bill that is going to cost Americans not only more in their wallets but certainly jobs going elsewhere.

Mr. RANGEL. Mr. Speaker, I would like to recognize the gentleman from Chicago, Illinois (Mr. DAVIS) for 1 minute.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 2454.

I want to commend Chairman WAXMAN, Chairman RANGEL, Mr. BARTON, Chairman PETERSON, Chairman MARKEY, Mr. DINGELL, and all of those who have worked so hard to reach compromises which help to make this legislation possible. Especially do I want to commend Representative BOBBY RUSH for his hard work to protect low-income consumers, Representative BUTTERFIELD for making sure that Historically Black Colleges and Universities and predominantly black institutions had an opportunity to be involved in the research and job creation.

And I also want to thank Representatives JAN SCHAKOWSKY and DONNA CHRISTENSEN for their hard work on environmental issues to help reduce health disparities. It's a good bill, Mr. Speaker, and I urge all of my colleagues to vote in favor of it.

Mr. CAMP. At this time, I yield 1 minute, Mr. Speaker, to a distinguished gentleman from the Ways and Means Committee, Mr. DAVIS.

Mr. DAVIS of Kentucky. Mr. Speaker, this legislation will increase utility bills, raise the price of a gallon of gas, push fuel prices and food prices to new heights, and increase the cost of nearly every consumer product. It is a national energy tax. Let's make that clear. This will punish middle class families, farmers, the elderly, and small businesses both in Kentucky and especially across the Nation.

America needs a comprehensive energy plan, not a national energy tax. Local, State and Federal officials have stressed the need for policy to create jobs. This cap-and-trade proposal will fail to do that when America needs them most. We will lose jobs. Manufacturers will simply move their plants to other countries with cheaper energy and lower taxes, hurting American workers and the environment globally.

In the past 4½ years, I have watched House Democrats defeat every meaningful proposal for energy independence and job creation that has been proposed in this Chamber, and we have got to bring an end to that.

This bill is nothing more than the economic colonization of the heartland by the coastal States like New York and California.

The one thing that I will tell you is it is not about energy. It is about confiscation of wealth. Vote ''no'' to protect our children's future.

Mr. RANGEL. At this time, I would like to inquire—I only have one speaker, that would be me, to conclude, so I would like to see whether the other side has more than one speaker.

Mr. CAMP. We have five speakers remaining.

Mr. RANGEL. I reserve the balance of my time.

Mr. CAMP. At this time, Mr. Speaker, I yield 1 minute to the distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I have two young children, so the environment is very important to me, but I question the benefits of this bill and strongly oppose its devastating cost.

This bill won't impact the natural cycle of the Earth's temperature. It will cost Texas families dearly in bigger utility bills, higher energy costs, and losing nearly 200,000 jobs, many of them in southeast Texas in our energy refining, paper, steel, and ag industries. And with China and India not likely to go along, this will have no environmental benefits at all.

The protectionist trade measures added in secret at the 11th hour are so rigid, they undermine our ability to reach an international agreement on carbon emissions, which is the best way to protect American jobs here. And they are written so poorly, it will be difficult to defend the measure against trade challenges by our competitors. And I should point out, that WTO report referenced earlier today doesn't even deal with the border measures that are under consideration in this bill.

Instead of rushing this 1,200-page bill through Congress with no time to read it, a better solution is for both parties to get serious about increasing cleaner-burning fuel, like nuclear and natural gas, accelerating research.

That makes more sense, creates jobs and produces real environmental results without the devastating cost to families and businesses from cap and trade.

Mr. RANGEL. The gentleman from Ohio (Mr. RYAN), not a member of the committee but an outstanding Member of this body, I would like to yield 1 minute to him.

Mr. RYAN of Ohio. I would like to thank the gentleman and thank the chairman for this bill. You know, we hear a lot from the other side about, if we pass this bill, all these jobs are going to go to China; if we pass this bill, gas is going to go up higher.

The jobs already went to China. That's what this bill is all about. Come to Youngstown, Ohio. See how many jobs have already gone to China.

This bill is about revitalizing manufacturing. And your energy policy has already been implemented, and it gave us $4 a gallon gas here. And we have a $700 billion transfer in wealth from this country to states that want to fly planes into our building.

And this bill is about creating programs like the green bank that will loan $750 billion to companies that want to create alternative energy resources. This bill has in it $30 billion for auto suppliers, medium and small auto suppliers, to refurbish and retool so that they can sell their products into these windmill companies.

Everyone is talking about losing jobs. Come to my district. Parker-Hannifin Corporation in Cleveland, they make the hydraulics that go into windmills. Thomas Steel, they make the specialty steel that goes into solar panels. When these businesses explode—Roth Brothers makes an electrical system that goes into a wind cube that will sit on top of the buildings. In Youngstown, Ohio, in Akron, Ohio, there will be jobs because this bill passes. We need to nudge this industry and unleash the creative power.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana.

Mr. BOUSTANY. I thank our ranking member.

This bill is a unilateral blueprint for economic disarmament of the United States, let's be clear. Responsible energy production in the Gulf of Mexico is the backbone of American energy security and it creates good, high-paying jobs. This bill, their bill, dramatically increases taxes and will kill American jobs.

Now, I have repeatedly questioned Secretary Geithner about the job loss that's going to be caused by new taxes on American energy producers. I have asked the administration to prove its claim of saving jobs, and they can't do it.

And no one can define what a green job is and how these displaced workers will transition to one. Secretary Geithner says, ''The administration believes that oil and gas preferences distort markets by encouraging more investment in the oil and gas industry that would occur under a neutral system.''

Again, he goes on to say, ''To the extent the credit encourages overproduction of oil, it is detrimental to long-term energy security.'' Who in this country believes we have enough American-made energy?

If we want to move towards cleaner energy and renewable energy, as this bill purports to do, it's clear we need a transition strategy that involves natural gas. It must be part of that. This administration must stop its attack on American business and American independent oil and gas producers if we are going to make this a reality.

The American public deserves a comprehensive energy plan that creates jobs, spurs innovation, and unleashes American genius. That's how we will solve this problem.

Mr. CAMP. I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. Thank you. I appreciate the Member for yielding.

Here is the bill again. I think we have seen this a couple of times. Here is the bill. It is 1,201 pages. What does this cost the American taxpayer? It is $700 million a page for this bill. What does this bill do? Every time you flip on your light switch, you are taxed. Every time you drive your kids to school, you are taxed. Every time you cook your family dinner, you are taxed. Air travel, food prices, electricity costs, gas prices, transportation cost, all will skyrocket under this bill.

This bill will cost my district a half billion dollars in economic activity. It will cost my district 5,500 jobs. It will cost my district nearly 650 million in personal income loss in just the first year.

Nevada, as a whole, will lose 14,000 jobs. Mining, housing, farming, ranching, tourism industries will be devastated at a time when Nevadans are hurting. The majority can't afford the time for hearings or debate, but Americans can't afford this bill.

Mr. CAMP. Madam Speaker, at this time, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

You know what's happening in suburban Chicago is there are businesses who are really in a touch-and-go position right now. They are treading water. They are barely keeping their heads above the surface of the water. And what they expect from this Congress is for us to come along and literally throw them a lifeline. But you know what this bill is? This bill is a bowling ball. It comes along, it says, Hey, there you go. Hit that with a thud right on your chest. Deal with it, because we are debating ideology today.

My district says let's do the right thing, let's do the transformational thing, but let's not give our markets over to the Chinese, where they have clearly said they are not in this game. Let's not give our markets over to the Indians where they say they are not in this game. Let's not put an additional

$3,100 tax on a family of four. Let's offer a lifeline to the American public. Let's pull the plug on this bill.

Mr. CAMP. At this time, Madam Speaker, I have one speaker remaining.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman has 1 minute remaining.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from the Ways and Means Committee, the gentleman from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, don't be deceived by the comments of the Democratic Party. This bill is a tax increase. This bill is the largest tax increase in American history.

I ask my Democratic friends, Is this really what you have come to? Do you want to throw away the economic prosperity for nothing, because that's what this bill does. And for what, to satisfy the twisted desires of radical environmentalists.

I would ask my colleagues one more question. How will you force China, India, and anyone else to accept this economic suicide pact? The dirty little secret is that you can't.

While you congratulate each other today, I remind my colleagues the State of California is out of water. We have communities with 40 percent unemployment. And in the meantime, Democrats bring up fairy-tale legislation to the floor, phantom green job legislation.

However, we agree on one thing. We should try to reduce our carbon emissions. Republicans have a plan, an all-the-above plan where we drill for American resources, we drill for oil in America. We take the revenue and we put it into solar, wind, nuclear technologies. That's a real plan, Madam Speaker. This bill is a scam.

Mr. RANGEL. I would like to yield to Mr. FATTAH of Pennsylvania for the purpose of a unanimous consent request.

Mr. FATTAH. I thank the gentleman for yielding.

Madam Speaker, I rise for a unanimous consent in support of this very important bill on behalf of my four children and for millions of young Americans who we hope never to see another die on a foreign battlefield trying to get oil from some other place in the world. We need independence in our energy.

Mr. RANGEL. Madam Speaker, I would just like to conclude, this is a very historic moment in our Nation's life where we have an opportunity to provide leadership to the whole world to prevent the continuation of the global warming. I wish it had been more positive from the other side that they would have had some contribution to make in order to make certain that our Nation maintains the leadership that it has.

I would like to yield the balance of my time to Chairman WAXMAN of the Energy and Commerce Committee, with your kind permission.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

□ 1530

Mr. WAXMAN. At this point I'd like to yield 1 minute for the purpose of a colloquy to the gentleman from Florida (Mr. GRAYSON).

Mr. GRAYSON. I rise to enter into a colloquy with the chairman of the Energy and Commerce Committee, Mr. WAXMAN.

My attention today is to draw attention to the need for further research and work concerning the effect of ongoing changes in climate and on the frequency and intensity and effects of hurricanes.

As you know, damages from hurricanes—in terms of human lives, infrastructure, and property—have grown in scope and cost; and it is critical that we continue to make progress in furthering our understanding of the science behind hurricanes. Doing so will ultimately help vulnerable communities in my district, in Florida, and elsewhere in the United States prepare for and reduce the impacts from hurricanes.

I ask that a portion of the allowance value in H.R. 2454 be directed towards research on hurricanes at a new $50 million National Hurricane Research Center in my district in Orlando. The National Hurricane Research Center in Orlando will be a worldwide center of expertise in the 21st-century science of meteorology.

In a world already affected by global warming, it will help to develop both short-range and long-range hurricane forecasting, conduct practical research on mitigation of hurricane damage, disseminate to the public realtime information on hurricanes——

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

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. GRAYSON. Advise policymakers and the public, and expand knowledge on what can and should be done to impact the frequency, course, and human and property consequences of hurricanes.

Mr. WAXMAN. I share the gentleman's concern about the need for research on hurricane intensity and frequency and effects. The harm from hurricanes is only going to increase with global warming, and we need to better understand the connections and impacts.

H.R. 2454 includes domestic adaptation provisions giving States substantial resources to study and adapt to climate change. Based on our estimates, the bill will provide up to $1 billion per year from 2012, when the program starts, through 2021. From 2022 through 2026, the amount will be over $2 billion annually.

Research on hurricanes is explicitly listed as an authorized use of these revenues. The project the gentleman mentions is among the type of activity that would be eligible to received funding under these provisions.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. GRAYSON. Mr. Chairman, I understand that H.R. 2454 includes provisions directing allowance value towards State adaptation. I hope that we will be able to work together as this bill moves forward to make certain that hurricane research receives full funding and that we are able to ensure that the work of the National Hurricane Research Center will be supported.

Mr. WAXMAN. The gentleman has discussed this project with me, and I think it's a very worthwhile project. I look forward to working on it and making it a priority as the legislative process moves on.

Mr. GRAYSON. I thank the chairman for his support of our efforts to ensure that our hurricane research efforts are adequately supported.

Mr. BARTON of Texas. Can I inquire how much time we have on the last part of the debate?

The SPEAKER pro tempore. The gentleman from Texas has 30¾ minutes remaining. The gentleman from California has 28½ minutes remaining.

Mr. BARTON of Texas. Well, I want to compliment Chairman WAXMAN on apparently getting another vote—of Congressman GRAYSON—at the cost of 4,100 jobs in Congressman GRAYSON's district in the year 2012.

With that, I want to yield 1 minute to a distinguished member of the committee, the gentleman from Kentucky (Mr. WHITFIELD.)

Mr. WHITFIELD. Mr. Speaker, I rise to speak in opposition to the bill. This legislation is not so much about stopping the import of foreign oil as it is designed to change the way we produce electricity in America.

Today, 52 percent of all electricity produced is produced with coal, and this bill will require the use of permits to burn coal. In my State of Kentucky, the utilities believe—and they have looked at this closely—that in order to comply with this legislation, they will have to spend an additional $500 million.

As we look around the country, we see that only about eight States will really benefit in the sense that their electricity rates will not go up. The problem with this is that as you increase the cost to produce electricity, that makes the United States less competitive in the global marketplace, because when companies decide where they're going to locate and build new plants, they look at cost of production, and one big cost is electricity.

And so those of us who oppose it do so genuinely because we believe that at a time when we are in an economic recession, we should not be jeopardizing more jobs.

Mr. WAXMAN. I'm pleased at this time to yield 1 minute to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Speaker, I thank the gentleman for yielding. Chairman WAXMAN, I'm pleased, as I know you are, with the work of the Energy and Commerce and Agriculture Committee and what we have done to address the concerns of agriculture producers and forest landowners in this historic bill.

I would like to clarify provisions in this bill regarding section 795, Exchange for Early Action Offset Credits, and section 740, Requirement of Early Offset Supply. These provisions attempt to fairly compensate farmers and others who have been enrolled in voluntary offset programs since 2001.

I have noted the legislative goal of providing equity and fairness to those early actors and believe that further clarity would improve the understanding of those who are eligible under the requirements in section 740. Therefore, to remove the possibility of uncertainty of economic harm to the holders of potential credits under section 740 and those that would be compensated under section 795, it is my understanding that registries like the Chicago Climate Exchange and their partners should qualify in all respects to the provisions——

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

Mr. WAXMAN. I yield the gentlewoman an additional 30 seconds.

Mrs. HALVORSON. Provisions in section 740(a)(2). I believe this is in the spirit and intention of the legislation. Is that the chairman's understanding?

Mr. WAXMAN. The gentlewoman is correct that the provisions of section 795 and 740 are intended to fairly compensate farmers and their partners who have enrolled in voluntary programs and have taken early action to reduce carbon pollution.

All existing voluntary offset programs with strong standards for environmental integrity would meet the requirements of section 740. We expect that offset credits registered with the Chicago Climate Exchange, along with the credits from other recognized voluntary programs, will provide an important source of offset credits in the early years of the program.

Mr. BARTON of Texas. I planted some trees on my grandfather's farm 30 years ago. I hope that that qualifies under that section of the bill.

I want to yield 2 minutes to the distinguished member of the committee, the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding. Passing this bill at this time will be a tragic error. It simply cannot be justified on a cost-benefit analysis. Every day we make decisions in our lives by balancing the costs of our decisions with the benefits of those decisions; and on that basis, this bill can't be justified.

As a Republican who crossed my leadership on many major-profile bills, I urge my colleagues on the other side who are being pressured and all my colleagues who have doubts to carefully think through this vote. Crossing your leadership is not fun or easy, but sometimes its the right thing to do. I know. I've done it.

First, while we have been told that the science on this issue is settled, it clearly is not and is becoming less and less settled every day. Carbon dioxide emissions in the United States have gone up every year since 2001, but global temperatures have remained flat.

Carbon dioxide emissions are going up; global temperatures have been flat since 2001. They have stopped going up almost a decade ago.

More and more scientists are coming forward every day casting doubt on the alleged consensus that greenhouse gases are causing global warming.

Joanne Simpson, the first woman in America to receive a meteorological Ph.D., expressed relief upon her retirement last year, saying she could now speak freely about her nonbelief. Dr. Kiminori Itoh, a Japanese environmental physical chemist, recently said—and he contributed to the U.N. climate report—he called man-made warming the worst scientific scandal in history.

Second, even if you assume that man-made greenhouse gases and carbon dioxide are causing global warming, this bill can't be justified because it doubles the cost of reducing carbon dioxide emissions.

Witnesses testified before our committee that they can control CO_2, but that the cost of doing so under this bill would be twice as much. And why is that? It's because they have to pay first to buy carbon credits and then they have to spend the capital to improve their plants.

Mr. BARTON of Texas. I yield the gentleman 15 seconds.

MR. SHADEGG. Those costs get passed on to American consumers. Why should we double those costs? My colleagues on the other side want the revenue of the carbon credits that have to be purchased. That money ought to go into the capital cost of reducing carbon emissions, but that money won't do one bit for that cause.

I urge my colleagues to vote against this dangerous bill.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 1 minute for the purpose of a colloquy to the distinguished chairman of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON. I want to thank Chairman WAXMAN for his leadership and cooperation on this bill and would ask him to engage in a colloquy regarding subtitle E of title III, which contains a host of provisions amending the Commodity Exchange Act.

Mr. WAXMAN. I'd be pleased to do so.

Mr. PETERSON. These provisions are among those that triggered the referral of H.R. 2454 to the Agriculture Committee, which has jurisdiction over the CEA. Some of these provisions would deal with over-the-counter energy derivatives and credit default swaps, mirror provisions in legislation, H.R. 977, passed by our committee in February. Other provisions are similar, and still others are wholly different. H.R. 977 is awaiting action in the Financial Services Committee.

As the gentleman knows the Financial Services and Agriculture Committees will be working on financial regulation reform, part of which will include derivatives regulation reform. As such, Chairman FRANK and I initially resisted the inclusion of these CEA amendments in H.R. 2454. However, we understand that some Members feel strongly about sending a signal to address potential excessive speculation in derivative markets and rein in some of the current trading practices on Wall Street.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. PETERSON. To that end, we agreed not to object to the inclusion of the CEA amendment subject to the understanding that the ultimate resolution of these provisions would take place in the context of financial regulation reform legislation. I want to confirm this understanding we have among the chairmen.

Mr. WAXMAN. The gentleman has correctly described our understanding.

Mr. PETERSON. I want to thank the distinguished chairman for his confirmation, and I look forward to working with him on this bill as it moves through the legislative process.

Mr. BARTON of Texas. I yield myself 15 seconds to explain what they just said. What they just said was, Mr. Speaker, is that you have got something in the bill that we don't agree with, but we're going to let you put it in the bill with the understanding we will take it out later on in Agriculture and Financial Services. I commend the Agriculture chairman for his strong resistance to that part of the bill.

I want to yield 2 minutes to a distinguished member of the committee, the ranking member of the Oversight and Investigation Subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to talk about a couple of things here involving this bill: process, cost, and language.

This is the 309 pages that were printed at 1:34 in the morning and submitted to the Rules Committee sometime around 2:49 this morning. Nobody—it's impossible—I can't imagine anybody's read this.

I've just discovered they change the hydro language so that—it used to say before 1992 it counted, now they have gone back 4 years. Somewhere in the middle of the night we have added 4 years of hydro as renewable. It's page after page after page of technical changes that have major, major impact.

There were nine committees this bill was referred to, and yet only one of them was allowed to have a markup on the bill, the Energy and Commerce Committee. The other eight waived. So a lot of this got put together in the dark of night, backroom deals, whatever you want to say, private conversations; but no committees held a hearing on this new bill, 309 pages, amending the 1,201 that are sitting there on the desk.

Costs. Look at fuel costs: $811 more for Oregonians in 2012. If you're a PacifiCorp customer in Oregon, you can expect in 2012 to pay 17.7 percent higher electricity costs. They have run the numbers according to the bill.

You want to talk about a massive new welfare program for energy? It's in here too. In fact, this energy tax refund, in effect, this proposed energy stamp bill, 16 times the current U.S. welfare program, the TANF program. Sixteen times. It's a whole new welfare program for energy.

□ 1545

If energy costs aren't going up on the rest of us, why do they have to have this? Because it does drive up energy costs. That's going to hurt small businesspeople. It's going to hurt families. It's going to cost jobs. And we don't know for sure what else it does because I can't imagine anybody on this floor has read every word of this bill that was filed at 2:49 a.m. in the Rules Committee and been able to juxtapose what's here against the 1,201 pages.

I urge a ''no'' vote on this bill.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 1 minute to the very distinguished Representative from the State of Iowa (Mr. BOSWELL).

Mr. BOSWELL. I will say, with some reservation, that I support H.R. 2454, the American Clean Energy and Security Act. I am pleased with the deal between Chairman PETERSON and Chairman WAXMAN to protect America's farmers and ensure many of agriculture's concerns were resolved. They both should be commended for their hard work. This bill makes tremendous progress on jobs, energy, national security and the environment. However, one troubling issue remains. A formula partially based on retail sales means consumers in coal-reliant States, like Iowa and the Midwest, who need the most help will see greater rate increases than consumers in other parts of the country.

When Iowa's unemployment rate is at its highest in over 20 years, Iowans are struggling to repay student loans, pay rent, and put food on the table, why are we asking those of us in the heartland to shoulder more of the burden than others? This is neither fair nor equitable because it creates winners and losers.

I am not giving up. This bill is worth supporting; but it is my hope that when the House addresses this legislation again, the allocation formula will be more equitable for Iowans and Midwesterners alike.

I rise today with some reservation to support for H.R. 2454, the American Clean Energy and Security Act. I am proud that this legislation preempts potentially devastating regulation by the EPA, and responds to our constituents' demands to prevent that from happening. I am also proud that it would harness the most innovative workforce in the world to create a clean energy future, creating millions of jobs in the process. Energy independence is vital to our national security and economic future, and this legislation advances this goal while confronting the serious challenge of climate change.

However, when we started this process I had a list of many things which concerned me and needed to be addressed, such as fixing the indirect land use issues under the Renewable Fuel Standard-2, a robust agricultural offset provision which recognized early adaptors and was exclusively operated by USDA to implement and oversee the agriculture and forestry offset program, and the 50–50 allocation formula. I was pleased with the deal that was struck between Chairman PETERSON and Chairman WAXMAN to ensure many of those issues were resolved. They both should be commended for their hard work.

However, one key concern has yet to be addressed. As currently written, this legislation provides local distribution companies with allowances through a formula equally weighted between historic emissions and retail sales. Since the intent of the legislation is to reduce emissions, and the intent of providing allowances is to protect consumers from price increases, basing allowances on retail sales reduces the legislation's effectiveness. While certain providers will receive enough allowances to offset 100 percent of the cost of compliance, many companies throughout the Midwest will be forced to purchase numerous allowances, passing those prices on to their consumers. Consumers in coal-reliant states such as Iowa—who need the most help—will see far greater rate increases than consumers in other parts of the country.

This doesn't have to happen. Congressman LOEBSACK and I offered an amendment to change the formula so that allowances will be distributed based solely on historic emissions. I am gravely disappointed that the Rules Committee did not make this amendment in order.

Under the amendment I had hoped to offer on the floor today, a utility would receive emission allowances based only on its emitting assets, like coal and natural gas-fired plants. It would not receive emission allowances for non-emitting nuclear and hydro assets, because they don't need them.

As such, there will not be enough allowances for higher-emitting electric utilities in the Midwest that need them to comply with H.R. 2454. This makes the bill very different from the Clean Air Act, which distributed sulfur dioxide emission allowances only to utilities that actually had sulfur dioxide emissions to reduce.

Under the current formula, utilities in my area will only receive 65 percent of compliance costs at most, and less than 50 percent in some areas—the shortfall will cost hundreds of millions of dollars. When you compare this to other regions of the country they will receive 100 percent of the needed allocations. Because of this inequity consumers in the Midwest will have to make up the difference; their rates will go up far more than consumers in other areas. This is neither fair nor equitable, because it creates winners and losers.

The retail sales component of the formula benefits companies like FPL and Exelon with heavy nuclear or hydro assets, because they will receive emission allowances for assets that don't emit.

They don't need these windfall allowances to comply with the bill's cap, so they can sell them in a carbon trading market for a profit.

If you don't believe that, just read a June 10th Bernstein Research analysis, in which Exelon's CEO, John Rowe, predicted that H.R. 2454 ''will add $700 to $750 million to Exelon's annual revenues.''

In these tough economic times when Iowa's unemployment rate is at its highest in over 20 years, when Iowan's are struggling to repay student loans, pay rent, and put food on the table, why are we asking those of us in the heartland to shoulder more of the burden than others?

I would also like to take a moment to talk about another amendment I tried to offer. My amendment would have provided a government backed loan guarantee for the construction of a renewable fuel pipeline.

Transporting fuels by rail and truck has higher energy input requirements and much higher greenhouse gas emissions. CO_2 emissions are reduced by 30 percent when comparing liquid fuel transported by pipelines vs. railcars and 87 percent when comparing pipelines to trucks.

Even though my amendment to bring equity to the formula was not ruled in order I am not giving up. I plan to work with my colleagues in the other body to bring this serious issue to light and to work towards a solution that works for Iowa families. It is my hope that when the House addresses this legislation again the allocation formula will be more equitable for Iowan's and Midwesterners alike.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the ranking member of the Energy and Air Quality Subcommittee, Mr. UPTON of Michigan.

Mr. UPTON. Madam Speaker, there's an old saying, ''Will the last one out please turn out the lights.'' Well, this bill turns out the lights for many

Americans. And no matter what you say, this bill does not have the job protections that will prevent jobs from leaving our country and going to India or China. What do you tell that small refinery that came to our committee a couple of weeks ago, a small refinery that's got 1,200 jobs—that it's going to cost $150 million to ramp up the changes that they're going to have to do, and they're going to end up going out of business? That asphalt and that petroleum is going to be made someplace else—India.

What do you tell that small company that I visited last month in Niles, Michigan, a company that figures out that their energy costs are going to increase by perhaps as much as $20,000 dollars a month? Well, they're thinking about it. They want to stay in business. They're thinking about telling the folks not to come to work anymore during the day so they can do the night shift, and they can maybe pay lower utility rates. There are more coal-fired plants in China than there are in the United States, India and Britain combined; and it's going to double by the year 2030. Emissions in China are going to grow by 86 percent.

What does this bill do about emissions in China or India? It does nothing. Environmental restrictions in this country, protections, are the reason why steel, per ton, has one-third the emissions in this country than in China. We want those jobs to stay in this country and not go to China. Michigan, my State, we're already at 15 percent unemployment and headed maybe towards 20. We were told earlier this week that we're going to have as many as 100,000 people, unemployed folks, lose their benefits that they're receiving today because those benefits are going to be exhausted. I didn't come up with the figure that gasoline costs were going to increase by 77 cents a gallon because of this legislation or that diesel prices were going up 88 cents a gallon. It wasn't me. It was the CBO who said that. I hope and pray that they're wrong because I want to protect our workers here to make sure that we can grow jobs, not lose them.

Consumers Energy came up with a study, a major utility in my part of the State, that shows that the estimate of the impact, including certain requirements in this bill, are going to grow as much as 38 percent by the year 2024. Some folks say that it's only going to cost a postage stamp. Well, I'm glad I bought a lot of promise stamps because these stamps are good for life. If they're not worth 44 cents, these may be worth thousands of dollars apiece based on what these costs are going to do to the average consumer.

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

Mr. UPTON. Let me just close. We as Members of Congress may have to declare these in our financial disclosure reports if we bought more than 10 of them.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman very much. As he knows, we've been working on this because I come from an area that certainly has vested in the energy industry with a number of jobs that are tied, huge numbers of jobs.

To my constituents, we are working on your behalf today. This bill does not discount your jobs or your commitment to this Nation because 1.7 million jobs will be created, $750 per household will occur in savings and $29 billion in consumer savings will occur.

Also, I appreciate the chairman for working with me to ensure that we are investing in small business, guaranteeing that minority- and women-owned businesses will be involved in energy-innovative competition, language and amendments that I got into this legislation.

In addition, we are still working on the question of whether or not our older homes will be impacted negatively. The language in the bill says new construction only. I want to continue to work with the chairman to ensure that we will also have additional protection for older homes. Jobs—we are going to protect jobs.

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

Mr. WAXMAN. I yield the gentlelady 30 additional seconds.

Ms. JACKSON-LEE of Texas. There is language in the bill that I wish my friends would read because we insist that the Secretary of Labor shall monitor the potential growth of affected and displaced workers, if any, and continue to have the funding that I got in the bill to ensure that they're not left out in the cold. Mr. Chairman, in spite of the good work, there are those who are saying that our breakthroughs in alternative low-carbon technologies will not be fast enough, that we're going to lose petroleum jobs, we're going to lose jobs. I believe we can work through this and we will not lose jobs but gain jobs because of the new technology. However there is still time to work on this issue of the large and small refineries so that can be efficient and operational. Also manufacturing under this bill will only be efficient not extinguished.

I would like to yield to the chairman.

Mr. WAXMAN. I say to you that they are wrong. This bill is going to produce breakthroughs. It pushes the development of new technology, and it's going to lead to more jobs.

Ms. JACKSON-LEE of Texas. Will you continue to work with me?

Mr. WAXMAN. I look forward to working with you. You have played an important role and made enormous contributions to this legislation. I thank the gentlelady.

Mr. BARTON of Texas. Could I inquire as to the time remaining on both sides, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 22¼ minutes remaining. The gentleman from California has 23 minutes remaining.

Mr. BARTON of Texas. I yield 1 minute to a member of the committee from Denton, Texas, or actually Flower Mound, Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman for yielding.

Madam Speaker, last night I offered an amendment that would prohibit the transfer of or receipt of carbon and credit derivatives. And why is that important? Well, this bill will ensure a price for carbon, and it's going to ensure a market for trading carbon credits. This is a breeding ground for financial malfeasance. We are aware that if something has a price, Wall Street will find a way to create a financial instrument to option, swap or hedge and create fees for trading those instruments and drive value from the price of the underlying asset. The current financial crisis has heightened our awareness of the use of derivatives. Here is the problem: None of us can visualize a ton of carbon dioxide, yet that's what we're going to be buying and selling in these credits. Where would you put a ton of carbon dioxide? What kind of container would it come in? In fact, we've had multiple hearings in our committee about problems with the futures market in trading oil. But at least someone eventually has to take possession of that oil. No one has to take possession of that chunk of blue sky that we are going to call a ton of carbon dioxide. My amendment would have stopped the invention of carbon credit derivatives before it starts. It would have stopped the next Enron before it starts. Unfortunately my attempt to prohibit this activity was denied. I can only ask why.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT) for the purpose of a colloquy.

Mr. HOLT. Madam Speaker, I thank the Chair.

Energy, climate and environment are principal subjects that I have spoken about and worked on for decades, before and since I first came to Congress and to work on these issues, I believe, is a principal reason my constituents sent me to Congress. I admire the chairman's skill in assembling a bill, and I fully support the chairman's efforts to reduce the release of greenhouse gases. However, I'm deeply concerned that the bill does not include the research funding necessary to reach the target of 80 percent emission reduction set in the bill. We must transform the way we produce and use energy. We cannot meet this goal with today's technologies; and this bill, as written, will not provide the billions of

dollars needed to fund and develop the future technologies.

So I'm here to ask the chairman of the committee if I may have his assurance that he will work with me to increase the amount of research and development funding in this bill and other legislation that we need in order to reduce our reliance on foreign fuels and to slow the rate of growth of climate change.

Mr. WAXMAN. I thank the gentleman for his comments. There is much in this bill to promote research and to bring about the necessary innovation.

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

Mr. WAXMAN. I yield myself another 10 seconds.

However, I agree that we will need billions more in research and development funding into new innovative ways to produce and use energy. I pledge to work with you to provide additional funding for energy research and development in this bill as this bill moves forward.

Mr. BARTON of Texas. I yield for a unanimous consent request to a member of the committee, Mr. BUYER of Indiana.

Mr. BUYER. Madam Speaker, I rise in opposition to this legislation.

I rise in defense of the Midwest and the State of Indiana to oppose this carbon cap and tax bill. This is the most economically disastrous energy policy our nation has ever considered. It's over 1200 pages and full of last minute changes! This is not the way, or the time, to consider a rushed policy that will devastate our economy. The American people deserve more from their Representatives than a bill of empty promises that will send their jobs overseas, raise the cost of living, and increase our dependence on energy from foreign countries.

Over the past few years, I have participated in multiple hearings concerning carbon dioxide emission control. During the mark-up of H.R. 2454 by the Energy and Commerce Committee, I, along with my colleagues, continued to raise concerns about this policy's negative effects on American ratepayers, businesses and industry. Importantly, we offered many amendments in the mark-up we would like to consider on the Floor today, but we have been denied the opportunity. We would have added nuclear energy—the cleanest and most efficient energy generation—but were denied. Other amendments would have offered off-ramps should this legislation prove too costly to the American people. Unfortunately, no significant changes providing off-ramps or safety-valves have been offered to the American people, and our concerns have not been addressed.

H.R. 2454 would hand down the single biggest energy tax in the history of our country. Now is not the time! The unemployment rate is at the highest we have seen in over 25 years. Our automotive industry is just beginning new business plans. This week we are selling off more of our national debt to foreign countries, and next month we are considering a national healthcare plan projected to cost $3.4 trillion! It is not the time to pass a policy that will result in an annual additional cost of $1,241 more in energy costs for a family of four. It is not the time to pass a policy that will drive up the price of goods and services, or export our hard-earned jobs to countries like China. This legislation will kill jobs. Let's talk numbers. An estimated 1,145,000 will be lost under cap and trade. There is a whole section dedicated to unemployment with a price tag to the taxpayer of over a billion dollars! Farmers will also suffer. This act would lower farm profits by 28: percent in 2012 alone, and 57 percent from 2012–2035. Projections show this would result in total gross domestic product losses averaging $383 billion annually from 2012–2035 and cost our country a total of $9.4 trillion dollars. Where will that money come from?

Well, under this proposal, the Midwest, for one. This cap and tax bill unfairly targets the heartland of our nation. Indiana is the sixth highest carbon dioxide emitting state in the nation. As a state reliant on coal for 96 percent of its electricity, Indiana would be unfairly burdened by the current legislative proposal for producing American-made goods with American-made energy. What kind of energy policy is that? Under the current language, permits are allocated to utilities using a basis of 50 percent of their emissions and 50 percent of their retail sales—providing utilities without emissions access to allowances. Sending allowances to those that do not require them does not benefit the people or states that need them most. I offered an amendment in Rules to correct this bad policy. My amendment would have modified the utility allocation formula to being strictly based on 100% of a utility's emissions. It is common sense: the utilities reliant on the costlier fuel should be the ones receiving the help. We shouldn't be handing out allowances to those who do not need them! Under the current formula, utilities of similar size in California would get 2.43 times the allowances of an Indiana utility—and a Washington utility would receive 8.84 times the allowances of a utility in Indiana! That is not acceptable! Under the current bill, our rates will rise by a projected 90 percent by 2035, driving our manufacturing jobs elsewhere and the costs of goods sky high. The State of Indiana has worked hard over the past several years to bring new jobs and industries to Hoosiers. This bill could undo all the progress we have made. Unfortunately, my amendment was denied by the Rules Committee.

I call upon my colleagues to see this is not the time for this bill. An energy tax anticipated to slow temperature increases by merely hundredths of a single degree Fahrenheit by 2050 is not good policy. I strongly urge Members to protect the economic well-being of the American people and vote no on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the climate change committee and the former chairman of both the Judiciary and the Science Committees, Mr. SENSENBRENNER of Wisconsin.

Mr. SENSENBRENNER. Madam Speaker, this bill is not only everything that the opponents have said it is, but it is also a massive transfer of wealth from the United States to foreign countries. And the reason it is that is because this bill legalizes offsets. Over 40 percent of the offsets that have been created under the Kyoto Protocol have come from China. The $2.2 trillion that will be transferred through purchase of offsets in foreign countries will be the largest non-military foreign aid bill that this House of Representatives has ever passed.

The chart that is beside me here shows that the $2.2 trillion in foreign giveaways is equal to 210 times the amount of money we give to help people with domestic heating oil and propane; 119 times the amount of money we give for making buildings more efficient; 111 times the money we give for clean vehicle technology; 33 times the money that we give for domestic natural gas consumers; 11 times the amount that we give for the domestic industrial sector; and five times the amount that we give to help out our domestic electric consumers.

Madam Speaker, this money should be spent at home. We have enough problems at home that we have to deal with, and I think the Congress has recognized this today. But let's not send more money overseas, money that will come through higher prices at the pump, higher bills from our utilities, higher food prices when we buy them in the supermarket.

Vote this bill down, and keep the money at home.

Mr. WAXMAN. Madam Speaker, at this time I yield 2 minutes to the gentleman from Massachusetts, Chairman FRANK, for purposes of a colloquy.

□ 1600

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, I yield to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Chairman FRANK.

Madam Speaker, I rise today to thank Chairman FRANK, Chairman WAXMAN, Chairman MARKEY and Chairman PETERSON for agreeing to include in this good piece of legislation the manager's amendment language that makes clear that the sections of this bill that relate to the regulation of energy commodity derivatives shall be superseded by future Congressional financial regulatory reform if it comes forward.

Specifically, the manager's amendment would add section 358 that renders ''null and void'' the sections of the American Clean Energy and Security Act dealing with energy commodity derivatives, as well as all related agency regulations, after Congress adopts future derivative reform legislation.

I and many of my colleagues in the New Democratic Coalition have expressed concerns about many of the provisions included in subtitles D and E of this bill. The energy bill is not the place to set regulatory policy over our financial services industry.

In coordination with the New Dems Financial Services Task Force, I'm in the process of crafting a bill that will take some of the best ideas of the President and the Congress to forge a consensus that protects American jobs and financial innovation. And while I and many of my colleagues would have liked to strike altogether much of the derivatives language from this bill, we understand the need to move this process forward and section 358 will allow us to provide a clean slate when we take up comprehensive reform this year.

Despite the mess at AIG, the over-the-counter derivative market helps companies manage risks and create jobs. We also live in an age of a truly global economy. And if we don't get this right, many of our financial sector jobs, particularly in New York, will just disappear or be shipped offshore.

Again, Madam Speaker, I thank our chairmen for the inclusion of section 358 in the manager's amendment. I and the New Dems look forward to working with you and having future discussions with the Senate and the White House.

Mr. FRANK of Massachusetts. Madam Speaker, I will take back my time. You now have the answer, listening to the gentleman address myself, Mr. WAXMAN, Mr. MARKEY and Mr. PETERSON, to that age-old question of how many chairmen does it take to answer a colloquy?

I ask the gentleman from Massachusetts for 1 additional minute to finish the response to the colloquy.

Mr. MARKEY. I yield further.

Mr. FRANK of Massachusetts. And I want to say that the gentleman from New York has been a very articulate advocate for the very important functions of the financial community in New York in which many of the people in his district live, and he is very well informed about it. We agree with him, myself and members of the Financial Services Committee and the Agriculture Committee. Chairman PETERSON, the gentleman from Minnesota, and I have worked with the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from California (Mr. WAXMAN). And we have the agreement he alluded to.

We are hard at work on a comprehensive, and I believe responsible, proposal for regulation of financial derivatives in their entirety. And it will, under the terms of this bill, become the operative word. So what we have here is a placeholder to tell Members we are aware of it.

Earlier today, Chairman Gensler of the CFTC and Chairwoman Shapiro, in case we didn't have enough chair people in this, met with Mr. PETERSon and myself. I am optimistic that we will have a proposal that responsibly, appropriately and toughly regulates derivatives without doing them harm. The gentleman is to be congratulated for making sure that that will be what will be in the bill.

Mr. MCMAHON. Thank you, Chairman FRANK, and to all the chairmen for your strong leadership in crafting this important piece of legislation and reaching out to form this consensus.

With that, I urge my colleagues to support H.R. 2454.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GOHMERT. Madam Speaker, in order to find out what we are doing, how much damage we are doing to the country, I tried to get a copy of the bill. We have out here on the table H.R. 2454 that has 1,090 pages in it. But I understood since debate in here that there are another 300 pages that were added in the middle of the night.

My inquiry is how do I get a copy of the other 300 pages that people here on the floor haven't had a chance to read or see? Where do we get that before we slam this and cram this down on the American people?

The SPEAKER pro tempore. The amendment is printed in the Rules Committee report.

Mr. GOHMERT. In the Rules Committee report. And Madam Speaker, where would I get that report?

The SPEAKER pro tempore. The rule was passed earlier today.

Mr. GOHMERT. Rules passed it earlier today?

The SPEAKER pro tempore. The rule was passed earlier today.

Mr. GOHMERT. That says basically we are going to the floor without everybody being able to get a copy in the Speaker's Lobby as is normally required?

The SPEAKER pro tempore. The gentleman is not asking a parliamentary inquiry.

Mr. GOHMERT. Well, I'm asking an inquiry because I really want to know. Normally, the rules require we have access to a copy of the bill so we can look at it.

The SPEAKER pro tempore. The amendment was included in the Rules Committee report.

Mr. GOHMERT. My inquiry is, where is it? There is one copy in the Rules Committee? Is that the answer?

The SPEAKER pro tempore. It was part of the Rules Committee report that was part of the rule that was passed earlier today.

Mr. GOHMERT. It was part of the rule passed earlier today. But where is a physical copy I can get, read and look at?

The SPEAKER pro tempore. The Chair is not responsible for dissemination of documents.

Mr. GOHMERT. The Chair is not responsible for disseminating copies. I appreciate that. I was just asking for where I can get a copy. I know that your hands are full. And congratulations on the position. I think the President did a great thing. But I'm still needing a copy of the other 300 mysterious pages that we don't get to see here.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Madam Speaker, I'm going to ask a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Is there somewhere physically in the House of Representatives a copy of what we are voting on?

The SPEAKER pro tempore. The engrossing paper is at the desk. As to copies, the gentleman has not stated a parliamentary inquiry that the Chair can answer.

Mr. BARTON of Texas. All right. Let me digest that, Madam Speaker.

In the meantime, I want to yield 1 minute to the distinguished Congressman from California (Mr. MCCLINTOCK) 1 minute.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, when we talk about Herbert Hoover's mishandling of the recession of 1929, the very first thing that economists point to is the Smoot-Hawley Tariff Act that imposed new taxes on over 20,000 imported products.

I believe the Waxman-Markey bill is going to be looked back upon as our generation's Smoot-Hawley Act. In fact, it is worse. It imposes new taxes on an infinitely larger number of domestic products on a scale that utterly dwarfs Smoot-Hawley. At least Hoover could argue that Smoot-Hawley made domestic products more competitive with imports. Waxman-Markey disadvantages American products.

When California adopted similar carbon restrictions 3 years ago, we too were promised an explosion of green jobs. Instead, California's unemployment rate has skyrocketed to one of the highest in the country.

I believe that if this bill becomes law, history guarantees us two things. Number one, the planet will continue to warm and to cool as it has been doing for billions of years; and two, Congress will have just delivered a staggering blow to our Nation's economy just at the time when it is most vulnerable.

Mr. MARKEY. We would like to reserve at this time.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Is there a rule of the House that requires a copy of the pending legislation to be present in or near the body?

The SPEAKER pro tempore. The official papers are at the desk. The Chair is not aware of a rule concerning additional copies.

Mr. BARTON of Texas. So there is no such rule?

The SPEAKER pro tempore. The Chair is not aware of one.

Mr. BARTON of Texas. I appreciate that honest answer.

I want to yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Speaker, I rise in strong opposition to this national energy tax. This bill is all cost and no benefit. And I want to read some excerpts from a letter that was sent to me from the Pennsylvania Public Utility Commission:

''This policy will have a profound adverse impact on the Commonwealth of Pennsylvania. If the Waxman-Markey bill were to pass, Pennsylvania is looking at a bleak scenario, a net loss of as many as 66,000 jobs, a sizeable hike in the electric bills of residential customers, an increase in natural gas prices, and significant downward pressure on our gross State product.''

''The cost estimates are staggering.''

''Congress has a responsibility to ensure that legislation enacted on this important topic is in the best interests of every State and region in the United States.''

''Residents of Pennsylvania will be severely and disproportionately harmed. It will be impossible to rapidly or immediately stop using power generated at existing coal-fired or natural gas-fired power plants without causing severe and protracted reliability problems.''

''Is Pennsylvania ready to acquiesce behind Federal legislation that will choke off our economy by displacing thousands of jobs and increasing utility bills for residential taxpayers? We hope not.''

That is the Pennsylvania PUC. I say, save jobs. Save money. Vote ''no.''

Mr. MARKEY. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 1 minute.

Mr. LANGEVIN. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of the American Clean Energy and Security Act. I thank our leaders who made this bill a priority, especially Chairman WAXMAN and the gentleman from Massachusetts (Mr. MARKEY) who worked tirelessly to bring this bill to the floor today.

I have long been an advocate for reducing harmful carbon emissions and investing in a clean-energy economy. The effects of climate change are already beginning, and we must act now not only for this generation but for generations yet to come. By increasing the renewable energy standard, capping carbon emissions and investing in the creation of domestic clean-energy jobs, this bill is directing our Nation towards a sustainable and economically viable energy future.

This bill also establishes five programs to protect consumers from energy price increases. I want to say that again. It establishes programs to protect consumers from energy price increases.

I urge my colleagues to vote ''yes'' on the American Clean Energy and Security Act. It is time for America once again to lead on sustainable energy.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have one more parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. If a bill for which there is no copy were to actually pass this body, could the bill without a copy be sent to the Senate for its consideration, having no copy?

The SPEAKER pro tempore. The official copy will be at the desk. The Chair cannot comment about extra copies.

Mr. BARTON of Texas. The official copy will be at the desk. Could I inquire as to when that copy will be at the desk? Is it necessary that the official copy be at the desk in order for final passage to occur?

The SPEAKER pro tempore. The official copy is always at the desk during consideration of the bill.

Mr. BARTON of Texas. Then where is it, Madam Speaker?

The SPEAKER pro tempore. At the desk.

Mr. BARTON of Texas. Is it now at the desk? Is it now—I appreciate the Congressman who brought it in. Oh, that is not it. That is not at the desk.

Well, while we research whether the official copy is at the desk, I'm going to yield 1 minute to the gentlelady from Oklahoma, Congresswoman FALLIN, for 1 minute.

Ms. FALLIN. Madam Speaker, I have to say that I am outraged. Here we are getting ready to vote on a piece of legislation, and we haven't even seen 300 pieces of this legislation. No one can even find the bill or even knows where it is at. And here we are talking about major policy that could change the face of America, that will certainly be a large tax increase to our taxpayers. And here we don't even know where the bill is. I'm just shocked at the way we are running this House today before we leave to go on our Independence Day holiday.

And I will say that the government's first priority right now should be addressing our economy and jobs. And economists can tell you that one of the surest ways to prolong a recession and to damage an economy is to raise taxes. My friends on the other side of the aisle apparently didn't get that memo.

This plan for carbon emissions taxes amounts to a $646 billion tax increase on the American public. It will have a negative effect upon every American family, upon business and upon family farms. Family energy costs will increase. In fact, it is said that utility costs can go up anywhere from 30 to 50 percent, not to even mention what cost increases will be upon manufacturing.

So Madam Speaker, I will just tell you that I hope we get a copy of the bill so we can at least look at it before we enact this policy.

Mr. MARKEY. I continue to reserve.

Mr. BARTON of Texas. Madam Speaker, I'm going to ask unanimous consent for a brief recess to find the official copy that includes everything passed at the Rules Committee last night, because I am told that what is at the desk is missing 300 pages. That cannot be the official copy.

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

Mr. MARKEY. I would object, but ask the gentleman to yield to me if he would.

Mr. BARTON of Texas. Why don't you reserve the right to object?

Mr. MARKEY. I reserve the right to object.

Mr. BARTON of Texas. I will be happy to yield to my friend from Massachusetts on his reservation.

Mr. MARKEY. The manager's amendment, which I think is what is of concern to him, is on the Rules Committee Web site that can be accessed right now, and has been there and available for any Member or any citizen of the United States to be able to read. It is on the Web site.

Mr. BARTON of Texas. Do Members have access to the Web site on the floor of the House?

Mr. MARKEY. In the Cloakroom there is access to it. We have these similar technological capacities in our cloak room, yes.

Mr. BARTON of Texas. In the Cloakroom, but not on the floor.

Mr. MARKEY. It is also available at the desk.

□ 1615

Mr. BARTON of Texas. Reclaiming my time on the gentleman's reservation on my unanimous consent request, what is at the desk for any Member of this body who is engaged in the debate is not apparently the official copy. It is missing 300 pages. Now what is on the Web site is almost immaterial because it is unprecedented in this gentleman's history in the Congress to not have some, usually at least two copies that both sides can access during the debate on the floor.

I am just asking for a 15-minute recess to get an actual copy that we can access.

I yield to the gentleman on his reservation.

Mr. MARKEY of Massachusetts. I continue to reserve my right to objection, there is a copy up there on the Speaker's podium at the desk.

Mr. BARTON of Texas. It is missing 300 pages.

Mr. MARKEY of Massachusetts. It is not missing the 300 pages. They are all up there. Everything you are looking for is up there next to the Speaker, and it is available on the Rules Committee Web site for anyone and everyone to have access to. But it is sitting right up there. The 300 pages are right up there.

Mr. BARTON of Texas. I am going to ask a unanimous consent request to give me a minute to go down and look at that and see if it is actually 1,300 pages.

Mr. MARKEY of Massachusetts. I would have to object at this time because the actual document is sitting there right now, and has been sitting there, as it has been on the Web site for the entirety of this debate.

Mr. BARTON of Texas. So the gentleman does object?

Mr. MARKEY of Massachusetts. I do object, yes.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas will state his parliamentary inquiry.

Mr. GOHMERT. My parliamentary inquiry, I was just at the dais and the clerks, as always, were immensely helpful. But apparently the official copy of the 1,090 pages are there, and then the additional 300 pages are sitting beside it, and the Clerk is having to go through and is in the process as we speak of going through and figuring out where the extra 300 pages that has been added goes in the official copy. So even as I speak, Madam Speaker, the official copy is not truly an official copy because it doesn't have all of the amendments in it.

And since the rule says there is an official copy at the desk, my inquiry is whether it is truly an official copy if it, as yet, does not have all of the pages in the official copy.

The SPEAKER pro tempore. The Clerk is currently executing the order of the House in House Resolution 587.

Mr. GOHMERT. Right, to put the extra pages into the official copy. But is it required that it actually be a full official copy put together before you satisfy the requirement of having an official copy at the desk?

The SPEAKER pro tempore. The two components of the official copy are there together, so it is, in effect, the official copy.

Mr. GOHMERT. So the two together in two different piles that are being worked out together is the official copy. I appreciate the explanation.

Mr. BARTON of Texas. I am parliamentary inquiried out, Madam Speaker, so I am going to yield 1 minute to the chairman of the Republican Study Committee, Mr. PRICE from Georgia.

Mr. PRICE of Georgia. Madam Speaker, this would be humorous if it weren't so doggone sad.

This national energy tax bill will impose a massive tax that even the President's own aides have admitted would cost $2 trillion to taxpayers.

The President himself boasted about the enormous cost saying, ''under my plan of cap-and-trade system, electricity rates would necessarily skyrocket.''

Indeed, this plan would increase taxes on American families by $3,100 and raise their energy bill by $1,500 a year. This national energy tax will force many businesses to outsource jobs overseas or close their doors altogether, which will cost over a million jobs annually.

Amazingly, it will have little or no impact on the environment. Many experts believe the environment will be adversely affected since many companies will be forced overseas where emission and environmental standards are minimal or nonexistent.

Hundreds of groups such as the NFIB, the U.S. Chamber, and the National Association of Manufacturers oppose this legislation. Tax and government watchdog groups, including the National Taxpayer Union, Americans for Tax Reform, and Citizens Against Government Waste, oppose this legislation.

This bill is bad for the environment and bad for the American people. Just vote ''no.''

Mr. MARKEY of Massachusetts. I continue to reserve.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, as someone who has spent a decade regulating air pollution, I look at this bill, of what I can read of it that is presented, and come to the conclusion that the greatest threat to the environment seems to be all of the smoke coming out of the backroom deals that appear to have been made to put this package together.

People may talk about the aspects of clean coal. Clean coal is as logical as safe cigarettes, and that is trying to be sold in this document.

I have to say, in all fairness, what I see here is a huge tax scheme that doesn't fulfill the mandates that the U.N. Convention on Climate Change set as a minimum. In fact, it not only does not fulfill the need of the environment; it does it 5 years late and short. So it is late and short on this task.

Madam Speaker, we have seen legislation come over this floor before. Twenty years ago this body approved a snake oil called ethanol and methanol and MTBE, and today, we still don't have the bravery to admit the mistake and correct it with this bill. We continue the past mistakes. The difference between the mistake we did with methanol and ethanol is the fact that it will take 150 years to correct the mistake that Congress is about ready to do if we pass this piece of legislation.

I look forward to having to spend the next 100 years having to try to correct this mistake.

Mr. MARKEY of Massachusetts. I continue to reserve.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Arizona will state his parliamentary inquiry.

Mr. SHADEGG. I simply want to clarify the points that the gentleman from Texas (Mr. GOHMERT) was making before and make sure I understand this.

This is the printed version of the bill which apparently went to Rules last night. As I understand it, these are the 304 pages that make up the manager's amendment. And together, as I understand the Chair's ruling, this constitutes the official copy; is that correct?

The SPEAKER pro tempore. The Clerk is currently integrating the pages of the amendments with the original copy of the bill. It is available for Members to see. It is right where it is meant to be, and yes, it is the official version.

Mr. SHADEGG. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. Each of these pages, as I understand it, could change a page in this matter, and so the Clerk is presently trying to meld these together. So you can't read this without also reading this, and this modifies any given page in this; is that correct?

The SPEAKER pro tempore. The Clerk is executing the order of the House according to its terms.

Mr. SHADEGG. I thank the Speaker.

Mr. BARTON of Texas. Madam Speaker, I want to yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I am the ranking member of the Armed Services Subcommittee on Seapower. We have talked a lot about climate change and global things and taxes, but my concern is very specific with this bill.

I have had a chance to tour the huge shipyards where the steel frames go up and the nuclear reactors go into the ships of our mighty Navy, and every single step of the way, there is energy involved in making the steel, in making the aluminum for the aircraft, heavy, heavy uses of energy in welding the steel together.

If this bill passes, it is a major threat to heavy industry because it increases

the cost of energy. When we increase the cost of ships and planes, we are going to be able to buy less because we are not going to have enough money in the defense budget to be able to buy as many, and in that regard we become more vulnerable as a Nation.

This bill, while it has not been talked about in this regard, is a serious threat to our industrial base and, therefore, a threat to the security of our Nation.

Mr. MARKEY of Massachusetts. I continue to reserve.

Mr. BARTON of Texas. Madam Speaker, I have been so confused by all of the parliamentary inquiries, I have lost track of time. How much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 13½ minutes remaining. The gentleman from California has 17¾ remaining.

Mr. BARTON of Texas. I yield 1 minute to the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, one of the sayings we have in Texas is, when someone is pretending to be a cowboy, we say that fella is all hat and no cattle.

A lot of people have come down here today to try to represent that this is an energy bill. Well, let me tell you, it is not an energy bill; it is all tax and no energy.

Some of the people were talking about the fact that we are going to make America more energy independent. We are not. This bill does not make America more energy independent.

Every day we get up and write other countries a check for nearly a billion dollars, $900 million. Now, what we get to do with this new bill is we get to send $15 billion in 2012 to countries so they can plant trees and give us credits. Now doesn't that make a lot of sense?

What this bill is, and I think the title is appropriate, cap-and-trade. It is going to cap energy production in America and trade away American jobs. I think the American people are kind of concerned about jobs right now. We have families that are losing their jobs and we have families that are trying to pay their utility costs and trying to afford their gasoline, and yet we have got a bill down here that evidently is all talk and no bill. Don't vote for this bill.

Mr. WAXMAN. Madam Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Madam Speaker, I'm going to reserve my time because they have got more time than we've got.

Mr. WAXMAN. Madam Speaker, I'm pleased at this time to yield 1 minute to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Madam Speaker, I rise today in strong favor and support of the American Clean Energy and Security Act of 2009. I am going to tell you, I was a reluctant comer, but I really commend Chairman MARKEY and Chairman WAXMAN on their leadership and dedication to this bill. This is a big step toward ensuring that our children live in a cleaner and better environment and that we preserve and protect our planet for future generations.

The Earth is warming and glaciers are melting, and some may question the science, but I am not one of them. By the time a child born today, in 2009, reaches first grade, we will reach peak carbon. And without a doubt, we must use every tool attainable to respond to this crisis. This bill is one of those tools, and perhaps our strongest yet. It is my hope as we continue forward we will increase our investment in renewables, that we will ensure that we preserve and protect our planet and reverse the warming of our Earth.

I want to again thank the chairman. And despite my concerns, I support this bill strongly. I urge my colleagues to join me. And the statements made earlier today questioning global warming underscores the importance of this legislation today.

Mr. TAYLOR. Madam Speaker, I ask unanimous consent to express my opposition to this bill and for permission to insert a statement in the RECORD.

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

There was no objection.

Mr. TAYLOR. Madam Speaker, I rise in opposition to this bill.

One of the provisions of this bill would create a cap and trade system throughout the United States in an effort to reduce the production of global warming gases. This system would limit the amount global warming gases emitted through regulation of ''allowances'' to each company. If a company released more gases than their ''allowances'' permitted the company would be taxed by the federal government.

The system also would establish an ''allowance'' market that would permit companies to buy and sell ''allowances.'' The same speculators who manipulated oil futures last year, pushing gasoline prices over $4 per gallon will be trading in the cap and trade market, trying to figure out how to game the system at the expense of consumers and taxpayers.

I do not believe a cap and trade system is the approach that is best to reduce global warming gases. As a matter of fact I think it is a simple ''Ponzi Scheme'' that will increase energy prices. According to the Congressional Budget Office it will create a complex financial system that allows risky investment in the energy market increasing the cost of living per household by $1600 per year. Additionally, I don't like the idea that a factory in one state is cleaner than it has to be so that another factory is dirtier than it should be. This could potentially leave Mississippi with the cancer causing agents and other states with the credit.

Madam Speaker, I'll be brief.

This is a bad deal for South Mississippi and my nation. I hope that we will defeat this bill.

□ 1630

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to another great Californian, Mr. ROYCE.

Mr. ROYCE. Madam Speaker, I don't know where this ends. This cap-and-trade bill would give Washington 17 percent control of the economy. Nationalizing health care, which is next on the majority agenda here, would give it another 16 percent. The Federal Government right now runs General Motors. The government has a huge equity stake in many of our financial institutions. This Congress is relentlessly politicizing our economy. It has got to stop.

And this bill is an expensive job killer that won't achieve its objectives, and I will just give an example—and that's what's left out of the bill. The bill does nothing to encourage nuclear power plant construction, a sure job creator, a source of clean energy. The Department of Energy reports that the best way for utilities to reduce carbon emissions is nuclear energy, yet nothing here in this bill.

This bill is a bureaucrat's dream, the scheme that we see before us. It gives the EPA, the DOE, the IRS, and many other bureaucracies levers over our energy markets. Some in Congress will have these bureaucrats in their crosshairs aiming to game the system as this massively complex plan is implemented.

I oppose this bill.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Madam Speaker, I commend Chairmen WAXMAN and MARKEY for crafting this historic energy legislation that will help our country make the transition to a new clean-energy economy.

I urge Members to vote in support of the underlying bill. Americans are demanding bold policies that will push our country in a new direction on energy and ensure a clean, secure energy future for America.

This legislation is a positive step forward, but I urge Chairman WAXMAN's leadership to go even further to strengthen the renewable electricity standard during the conference committee.

A strong standard would mean more jobs in the United States and a larger share of domestic and clean energy. Our children and grandchildren are watching. If we don't take this step for them today to leave them with a world that is healthy and more secure, when will we? As a proud grandfather of nine, I urge my colleagues to vote in favor of this legislation.

Mr. BARTON of Texas. Madam Speaker, I reserve at this point.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from the State of Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, Chairman WAXMAN, I appreciate your courtesy as I appreciate your leadership.

It's strange that the debate boils down to our friends from the minority party being unable to access the Web site of the Rules Committee to print out the rule that has been available to any Member of the House. And I understand some of them were waving it earlier in the day talking about provisions that they didn't like. But I guess we shouldn't be surprised because this is the same leadership that continually misrepresents the MIT study, citing $3,000 of costs that has been refuted by the author of that report and asks the Republican leadership to stop misrepresenting his handiwork.

The CBO and the EPA have given estimates that are pennies a day, not thousands of dollars a year. And we're not talking about the long-term benefits of transitioning to an economy of the future.

I appreciate the leadership. On a recent trip to China with the Speaker, we saw the Chinese moving ahead. This legislation is an opportunity for us to keep pace and assume our rightful leadership within an economy for the future.

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

The SPEAKER pro tempore. The gentleman from Texas has 10¼ minutes remaining. The gentleman from California has 16 minutes remaining.

Mr. BARTON of Texas. I yield 1 minute to Mr. POE of Texas.

Mr. POE of Texas. Madam Speaker, I appreciate the gentleman for yielding.

I represent southeast Texas, the energy capital of the United States. Twenty percent of the refineries in this country that help all these folks all over the fruited plain with energy, I represent them.

This week alone, we've had 86 people call and say, Vote for this bill. We've had 1,578 people in my district call and say vote ''no'' on this bill, almost 20 times the number of yes votes.

I'm an advocate for those people in southeast Texas. They believe, as I believe, we're going to close up America's energy with this bill. The CBO and the EPA says there's not going to be much difference in the climate if we pass this deal. Bummer. It's not even going to work.

And it's more important to realize this bill is about control, government control of our lives, our businesses, and everything we do. Washington, D.C. is going to dictate how we live and how we shall live and how our businesses will live. And it's all bad because D.C. is in control and not the people. This is a bad bill. Vote ''no.''

And that's just the way it is.

Mr. WAXMAN. Madam Speaker, I am pleased to yield at this time 1 minute to the gentleman from Colorado (Mr. PERLMUTTER), who has made many important contributions to this effort.

Mr. PERLMUTTER. Thank you, Chairman WAXMAN.

I rise in support of the Clean Energy Act here. And I want to read the first sentence of a letter we received today from the National Association of Realtors. The National Association of Realtors supports H.R. 2998 (2454) the American Clean Energy and Security Act, which addresses a broad and global array of issues.

In closing, the National Association of Realtors ask for the favorable passage of this, as do Duke Energy, American Electric Power, BP Amoco, GE, and the American Institute of Architects.

This bill is designed to help us with national security, the climate, and jobs. My friend, Mr. POE, from Texas says, Just vote no. Well, that's the party of the status quo. Just vote no, we like the status quo.

It is time for a change, ladies and gentlemen. We can't afford the status quo, and this bill brings us in that change and a new direction.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to Mr. GOHMERT of Texas.

Mr. GOHMERT. Madam Speaker, you know, I've been trying to get through what I could of this bill and then finding out, well, actually, it's another bill. And then you have to incorporate all these other pages into it because I'd like to know what we're doing to the American people.

We've had people say we're playing politics on this side. If we wanted to play politics, because we know in our hearts this is bad for America, we would let you pass it and let you lose your jobs. But I've grown kind of fond of some of my friends on the other side; I'd like to keep you around.

But let me tell you, those who say there won't be any job loss, we're going to create jobs, let me just read you some of the things that are in your bill. The climate change adjustment allowance: when you lose your job, for any week of unemployment you are going to get some unemployment assistance after that. That's in there. You've got some relocation allowance. But the coup de grace is that if you're an older American and you lose your job because of this, we fund a study in here.

So I would encourage my colleagues, if you lose your job because of this bill, you probably are going to be able to get assistance because you lost your job because of this bill. Don't vote for it.

Mr. WAXMAN. Madam Speaker, at this time, I want to yield to my good friend, a leader in environmental areas and many others as well, the gentleman from Texas, Mr. DOGGETT.

Mr. DOGGETT. I thank the gentleman.

Earlier today, I voiced my strong objections to this bill. I voted against the rule to permit this bill because of its rejection of some amendments that I thought were important to improve the legislation.

For three reasons, I'm voting for final passage. First, I've been listening to the debate, not so much those who support the bill that I'm not all that enthusiastic about, but listening to the ''flat earth society,'' the climate denials, some of the most inane arguments that I have heard against refusing to act on this vital national security challenge.

Second, I believe there is still some hope to make improvements to this bill once it gets out of the House. Better to have a seat at the table to try to influence the change that is needed in this legislation.

And, third, I'm convinced that unless we act today, the Senate will not act. And unless we act in this Congress, we will not get the international agreements we need to address this serious challenge.

I am voting ''yes'' in the hopes that we will have a better bill and we will have the international accord that we so desperately need to deal with this critical matter.

Mr. WAXMAN. Madam Speaker, at this time, I have an additional colleague who wants to address this issue before we close. I am very pleased to recognize her for 1 minute because she is a good friend and a very important Member of the House of Representatives, a colleague from California, BARBARA LEE.

Ms. LEE of California. I want to thank the Chair for yielding and also for your leadership. You and Mr. MARKEY, everyone has done a phenomenal job on this bill.

I rise today in support of H.R. 2454, which really does send a clear and unequivocal message that polluting our planet, our communities, and our livelihood no longer comes without a cost. This bill will create millions of high-paying, career-term green jobs that represent a much-needed pathway out of poverty for millions of individuals across this country, and I am pleased to see the inclusion of much-needed funding for the Green Jobs Act.

I must also be clear in saying that in America we should do more to address the climate crisis than provided for in this bill, but this is an unbelievable first start.

I believe we can produce more renewable electricity and achieve more aggressive emission reductions over time. I also recognize that passing the American Clean Energy and Security Act is a major, major bold critical first step toward achieving our goal of realizing a greener future.

As a person of faith, and as a longtime advocate for safeguarding our environment for future generations, Mr.

Chairman, Madam Speaker, I think it's our moral and our ethical imperative and our responsibility to support this bill.

Mr. WAXMAN. Madam Speaker, we reserve the right to close on the debate, so I will now look to the other side to complete their statements.

Mr. PRICE of Georgia. Madam Speaker, unanimous consent request.

The SPEAKER pro tempore. The gentleman will state his request.

Mr. PRICE of Georgia. Madam Speaker, it's been estimated, with great accuracy, that between 2.3 million and 2.7 million jobs will be lost each year with this bill. I would ask unanimous consent that the House rise for a moment of silence to recognize those who will lose their jobs because of this bill.

Mr. WAXMAN. I reserve the right to object.

The SPEAKER pro tempore. The gentleman from California reserves the right to object.

Mr. WAXMAN. I object.

The SPEAKER pro tempore. The gentleman has objected.

Mr. PRICE of Georgia. I thank the Speaker.

Mr. BARTON of Texas. I yield 3 minutes to the distinguished Republican Conference chairman, Mr. PENCE of Indiana.

Mr. PENCE. I thank the gentleman for yielding.

It's hard to know where to start. I've got to think, Madam Speaker, a lot of people who are looking in on this debate and hearing about copies filed, esoteric process really don't care very much about all that because this economy is hurting. American families are struggling under the weight of the worst recession in a generation. Families in my district are losing their jobs, small businesses and family farms are struggling, and all they've seen out of Washington, D.C. so far is a gusher of runaway Federal spending, deficits, debt and bailouts. They didn't think it could get worse, but here we go.

In the midst of the worst recession in a generation, this administration and this majority in Congress are prepared to pass a national energy tax that will raise the cost of energy on every American family. Now, my colleague sporting the green lapel button, who I greatly respect, said that there is a lot of dispute about how much the average American household will pay if this national energy tax becomes law, and that's true. There are estimates ranging from a few hundred dollars a year, to the Heritage Foundation's over $4,000 a year. The estimate I prefer was from candidate Barack Obama, who said in January 2008 to the San Francisco Chronicle, and I shall quote with the deepest respect: ''Under my plan of cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. They''—referring to the utility companies—''They will pass that money on to consumers.'' Now-President Barack Obama.

Now, I know earlier this week the President of the United States said that polluters are going to pay the cost of this national energy tax. That's not what he said last year. Now, I don't know how you all define ''skyrocket'' when the President said electricity rates would necessarily ''skyrocket under my cap-and-trade plan,'' but I would be prepared to defer to you.

□ 1645

I define ''skyrocket'' as a prescription for economic decline. There may be a dispute in the numbers about how much I'll be paying in my electrical bill or how much the costs of goods and services are going to go up. But there is no dispute that this cap-and-trade legislation will cost millions of American jobs. Raising the cost of energy is a bad idea in prosperous times. Raising a national energy tax in the worst recession in a generation is a profoundly bad idea.

But for anyone looking in, Madam Speaker, let me say, we are in the minority, as we have been reminded with some firmness on this debate on occasion today. We don't have the votes to stop this bill. But you do.

If you oppose the national energy tax, call your Congressman right now. If you think we can do better to serve the interests of the American people and achieve energy independence with an all-of-the-above strategy, call your congressman right now.

Alexander Hamilton said it best: ''Here, sir, the people govern.''

We can stop this bill. We can do better. And so we must.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Madam Speaker, I have one more parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Under the rules that we operate on, the leadership on both sides, each is allowed 1 minute to speak at any time. Will that time come out of this debate, or does that time come out of the debate on the Forbes amendment?

The SPEAKER pro tempore. It depends on what part of the debate they are yielded to.

Mr. BARTON of Texas. I'm sorry?

The SPEAKER pro tempore. It depends on what part of the debate they are yielded to.

Mr. BARTON of Texas. Would Mr. WAXMAN yield for a question, then?

I'm trying to figure out if I need to reserve 1 minute for Mr. BOEHNER to speak now or if the Speaker and the majority leader are going to speak later and not in this part of the debate.

Mr. WAXMAN. Will the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield.

Mr. WAXMAN. We're ready to conclude the general debate. We will then move on to the amendment, and in the course of the discussion of the amendment in the nature of a substitute, our leadership plans to speak, and they will close the debate for our side as we move to vote on that amendment and then passage on the bill.

Mr. BARTON of Texas. Then I will yield myself the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Texas has 5¼ minutes remaining.

Mr. BARTON of Texas. Madam Speaker, before I begin I want to compliment you on your speakership of this debate. As always, you've been gracious and temperate and fair, and we wish you the very best in your new position at the Department of State.

As the country western song goes, Madam Speaker, I've got a long way to go and a short time to get there. So I'm trying to get through in the next 5 minutes the major issues on the debate before us.

I want to first start with the so-called compromise the chairman of the Agriculture Committee and the chairman of the Energy and Commerce Committee have worked out. As we have seen during the debate by the number of colloquies, the compromise is a work in process. I've seen it amended and referred and rebutted several times on the majority side.

But if you will look to my far left on this chart, in the base text of the bill, there is a provision that gives the Administrator of the EPA the right at any time, at any time, to designate any man-made gas as a greenhouse gas subject to the regulations of this bill. As far as I can tell, that paragraph trumps everything that Chairman PETERSON has attempted to negotiate with Chairman WAXMAN.

The second thing that I want to point out is the basic math of their allowance system simply doesn't work. The transportation sector today is responsible for 35 percent of the greenhouse gas emissions in the United States, 35 percent. If you count the good work that Mr. DINGELL did and the good work that Mr. Green did on the majority side in getting allowances for the transportation sector, they get a grand total of 4 percent, 4 percent. Well 4 from 35 is 31 percent. When you get down to 2050, you have to reduce CO_2 emissions by 83 percent, which only leaves 17 percent of total emissions from the baseline year. You've got to cut the transportation sector in half. And if you assume that we're not going to develop some sort of a giant rubberband for general aviation, you can't put an electric battery or a nuclear reactor in an airplane. General aviation is going to have to use fossil fuel. You

simply can't get to that 83 percent reduction from the 2005 baseline with the math in their bill. It is a physical impossibility.

The third point: The science is not there to back it up. There is an EPA report that has been suppressed, that was never made a part of the record, that we are trying to get as we speak that raises grave doubts about the endangerment finding. Now, if you don't have an endangerment finding, you don't need this bill. We don't need this bill. And for some reason, the EPA saw fit not to include that in making the decision. We have e-mails that show that the director of the subcabinet agency within the EPA said the decision has been made the report is not helpful. It's not only not helpful; it's harmful. So the science isn't there.

The next point: No matter how you cut it, costs are going up. Just basic math. Just basic math. In Iowa the CEO of the utility that provides most of the electricity for Iowa says in Iowa alone, costs are going to go up $110 a month per residential customer. That's $1,200 a year. Gasoline prices are going to go up somewhere between 40 to 70 cents a gallon. If you take a midpoint of, say, 50 cents a gallon and assume that the husband and wife work outside the home and they each drive a thousand miles a month, you're going to have a gasoline price increase per family in America of about $800. That is $2,000 a year per family in 2012. It's not a postage stamp.

Now, there are estimates as high as $6,000 a year, but as a baseline let's start with $2,000. That's in the first year and every year thereafter. If you look at this chart here on unemployment, if it goes below the bar, that's a negative: 2015, 2.3 million jobs; 2025, 2.7 million. Go on down the road. It averages over 2 million jobs every year.

Now, you talk about a green job revolution. In Spain they have been trying to do that, Madam Speaker. And in Spain for every green job they've created, they have lost two conventional jobs. And the green jobs they have created in Spain have cost about $1.2 million per job created in terms of government subsidies. That's not a revolution that I want to be part of, Madam Speaker.

I simply cannot express enough to get to 83 percent baseline reduction in CO_2 by the year 2050, which doesn't change in this bill, you have to reduce the emissions in the United States to the level that we had in 1910. And if you want to look at it on a per capita basis, assuming the population is going to average about 1 percent growth a year, it takes us back to 1875.

This is a bad bill. It deserves to be defeated. Please vote ''no.''

This legislation threatens to lock the United States into an era of economic stagnation and global decline, thanks to a massive national energy tax that will kill American industry and send jobs overseas.

We are here today voting on one of the most significant pieces of energy legislation ever, and we have only had the final text for a matter of hours. Surely, a majority of the Members have not read any of the bill, and I doubt that one in a hundred have read the 400 new pages that were turned in to the Rules Committee in the dark hours of this morning. This is not the way this Congress should do business. It is not the way the American people expect us to do business. What happened to the promises of the President and the Speaker of transparency?

This bill will cause the average American's electricity bill to increase by 77 percent to 129 percent. Filling up the gas tank will cost anywhere from 60 percent to 144 percent more. That means, at today's prices, gasoline would be well over $4 per gallon. As we all vividly remember from last summer, $4 gas is painful and unsustainable.

The negative economic effects of this bill will hit some parts of the country worse than others. The Democrats cite a recent CBO study, which is now based on outdated text, which says that the negative economic impact will only be $175 per household. I dispute this analysis because it ignores the full negative consequences of this legislation, in that the study completely ignored the economic damage from restricting energy use. Well, gross costs will be closer to $900 per household. And if average gross costs will be $900, then I can only imagine how bad it will be in the Midwest and Southeast who are going to be much harder hit.

The cost of home heating oil and natural gas will nearly double. An independent analysis of the latest Waxman-Markey text explains that when all of the tax impacts have been added up, the lost GDP in 2035 works out to $6,790 per family-of-four and that is before they pay their $4,600 share of the carbon taxes. That puts the costs per family for the whole energy tax aggregated from 2012 to 2035 to $114,915. Do you think the above estimate will help the American economy? Of course not.

If Democrats manage to pass this fiasco, millions of lost American jobs will likely be sent overseas. Already the recession seems to deepen by the day. The national unemployment rate is 9.4 percent and President Obama has already declared that we are going to see it topping 10 percent. All this even though this House passed the President's Stimulus bill in January without even taking the time to read that bill either. Michigan has an unemployment rate of over 14 percent. South Carolina has an unemployment rate of over 12 percent. North Carolina and California have over 11 percent unemployment. Ohio and Indiana have over 10 percent unemployment. Using the latest numbers, in May of 2009, 14 states have double-digit unemployment, with another 5 states between 9 and 10 percent. We should pass legislation that seeks to decrease unemployment—let's not add fuel to the fire.

This bill would create a trillion dollar carbon derivatives market. We introduced an amendment to ban speculators from participating in the market during mark-up because we don't think that our economy can withstand another AIG Credit Default Swap Crisis. And we certainly cannot afford another multi-billion dollar bail-out.

Because there is so little protection for industry jobs that rely heavily on affordable and dependable baseload power, I think we can expect to start buying more Mexican cement, Chinese fertilizer and Indian steel.

How can we cap global greenhouse emissions without the participation of China and India? Not only does China reject any mandatory caps on its emissions, but they demanded that we subsidize them in their quest for better technology. Well, I have good news for China—this bill has plenty of handouts for foreign polluters at the expense of American industry. So, congratulations.

This bill is reckless and does not have a safety valve or exit ramp, even though my colleagues and I introduced several safety valves during the mark-up. It seems to me that it would be a good idea to kill this bill if gas goes up to $5 or electricity bills double because of this legislation. But, obviously my colleagues on the other side of the aisle are willing to roll the dice with the American economy. We filed these amendments with the Rules Committee and were shut out completely. The Democrats are so unconfident in the costs and repercussions of their own bill that they cannot even risk an amendment that would sunset the policies when costs and unemployment resulting from this Act cripple the American economy.

This bill grants near-dictatorial powers to the head of the Environmental Protection Agency to sacrifice the American economy in the cause of suppressing greenhouse gases. If you think suppression is the wrong word, I want you to know that it was just yesterday we learned that the EPA administrator and the Obama Administration suppressed an inconvenient dissent offered by a career EPA official.

It seems clear that officials who already engage in political suppression of opposition opinion are hardly the people in whom we want to invest the future of the U.S. economy.

Let's investigate that scandal, but in the meantime, let's turn back this power grab today and go to work on an all-of-the-above energy solution that includes nuclear and offshore drilling.

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

The gentleman from California has 13 minutes remaining.

Mr. WAXMAN. Madam Speaker, I yield myself the balance of my time. I won't take 13 minutes.

My colleagues, we have a unique historical opportunity today to pass a bill that will lead us to greater independence as a Nation, controlling our own national security. We have an opportunity to transform our economy with new jobs. And we must do something about the carbon emissions that are causing such an enormous problem to our planet. We have this opportunity because President Obama has set this high on his agenda. We have it because of the commitment of Speaker PELOSI. We have it because the scientists are telling us there's an overwhelming consensus that, despite the comments that we have heard from the other side of the aisle, global warming is real, and

it's moving very rapidly, and we may get to a point that will be a tipping point. Our actions will make no difference after that.

Let us not lose this historical opportunity for our national security, for jobs in this country, to protect our environment, to make us the leader once again in the international community, and to get them to join with us in doing what we must to avoid the disasters that many scientists have predicted. Vote for this legislation.

Mr. POLIS. Madam Speaker I rise today in support of this legislation, and urge its passage.

I also would like to thank Chairman WAXMAN for his hard work on this bill, it is of incredible importance and he has taken that responsibility to heart.

I also thank the chairman for including two of my amendments within the manager's amendment, provisions that are important to ensure quality clean energy jobs training programs are accessible to all communities and that state SEED funds can go directly to renewable energy producers ensuring we get the most for our clean energy investment.

Mr. Speaker, today we will be casting an historic vote, a vote of moral responsibility, a vote of economic prosperity, and a vote FOR our nation's future and our nation's leadership on the international stage.

We've heard the arguments against acting, we've heard the nay sayers and those who would rather fear something they don't understand then roll up our sleeves and work to solve a monumental challenge.

To my younger colleagues and the millions of young men and women in this country who are embarking on their adult lives, who are starting young families and are looking to a brighter future I say . . . This is our generation's space race, this is our generations cold war, this is our generation's greatest challenge and it is past time that we accept that challenge to do better rather than shy away in the face of the unknown.

I'd just like to reiterate the scale of this issue, and say that I find it truly troubling that when we are faced with overwhelming credible and independent scientific evidence, and we can see the effects of a changing climate in our daily lives, the delusion it takes to drum up facts and figures paid for by oil companies and promote those as if they were science is truly reaching a new low.

This bill is not a tax. This bill isn't even a preverbal tax, and to paint something as a tax simply because you don't understand it is irresponsible.

We simply can't afford to do nothing.

Opponents of action would continue the status quo of doing nothing, which has cost the average family a $1,000 increase in energy bills over the past eight years.

America's energy costs will increase by $420 billion annually within the next 5 years if we do nothing to reduce our dependence on oil and fossil fuels. That amounts to $3,500 annually for every family in the nation.

This bill has oversight after oversight, and ensures that consumers aren't hurt at all.

This bill is good for our economy. Low income consumers are protected first, the CBO estimates that this bill will save low income consumers $40 by 2020. The energy efficiency provisions in this bill could save $750 per household by 2020 and $3,900 per household by 2030.

My colleague on the other side of the aisle seems to be giving data compiled by the partisan Heritage foundation, espousing to know something about my district.

But Coloradans already know that in our state we already have many of the provisions that this bill makes federal, like a Renewable Energy Portfolio Standard. These policies have made Colorado a clean energy leader and have brought our state high tech and high quality jobs.

I encourage my colleagues and the American people to learn about this critical issue, learn about the science, learn about the market mechanisms that this bill creates . . . and DON'T BUY the falsities that big oil and big energy companies are spending millions to promote.

We've had enough. We've had enough of old ideas, of fear, of just saying no to a better tomorrow and we've had enough of old technology running our country and economy into the ground.

It's time we take a significant step forward, shaking the special interests and act boldly for the good of our country. You might be scared, but don't hurt our country because of that fear.

This bill is our Apollo project, our Manhattan project but now we act for a nobler cause and we must act in bold and decisive terms.

I urge passage of this legislation.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 2454, the American Clean Energy and Security Act of 2009.

For years, the consensus in the scientific community has been that the release of greenhouse gasses into the atmosphere is altering the Earth's climate in ways that are expensive and deadly. This is one of the principle subjects I have spoken about and worked on for decades—before and since I first ran for office—and it is one of the reasons, I believe that my constituents sent me to Congress.

Today the House of Representatives at last is taking sweeping action to cap greenhouse gas emissions, promote the production of renewable energy, and make our homes, cars, and businesses more energy efficient. This legislation would require that we reduce our carbon emissions by 17 percent from 2005 levels by 2020 and 80 percent by 2050. It would implement a Renewable Electricity Standard that would require electric utilities to provide 20 percent of their electricity from renewable sources by 2020. It would make historic investments new clean energy technologies and energy efficiency, including energy efficiency and renewable energy, carbon capture and sequestration, electric and other advanced technology vehicles, and research and development. These provisions would help to slow the rate of global warming and preserve our environment for future generations. Further, a recent report from the Center for American Progress estimates that these provisions would help to create 1.7 million new, high skilled clean energy jobs over the next decade.

Opponents of this bill have argued that it would cost American families over $500 a year in additional energy costs. While it is true that there would be increases in the cost of energy, this bill would return almost 50 percent of the proceeds from the cap-and-trade auction to consumers. In my home state of New Jersey, families who currently pay $100 on their monthly energy bill would see their bill increase by less than $3 a month. If you include the savings that would come through the energy efficiency provisions in this legislation American families could save $4,000 by 2030 on their energy bills.

According to the Environmental Protection Agency, in New Jersey climate change has caused temperatures to be 4 degrees warmer than they were in 1970. Over the past century precipitation has increased by 5 percent and severe weather incidents have increased by 12–20 percent, and sea level along our coast is increasing .14 inches a year. It is worth devoting some money and effort to slow the devastating climate change is having on our state.

I am pleased that several provisions that I wrote were included in this bill. I worked with Rep. GEORGE MILLER and Rep. JERRY MCNERNEY authorize the WaterSense program that would help consumers identify water efficient products. Water efficiency saves energy by reducing the amount of energy used to heat, transport, and clean water. The savings are substantial and real. According to the Environmental Protection Agency, if only one out of every 100 American homes retrofitted their homes with water-efficient fixtures, we would save 100 GWh of electricity, enough energy to power more than 9,000 homes for an entire year, while reducing greenhouse gas emissions by 80,000 tons.

Rep. JARED POLIS and I wrote a provision that would require the Departments of Energy, Labor and Education to compile an online database for a renewable energy curriculum that would be easily accessible to community colleges, vocational schools and universities looking to create training programs but lacking local or technical expertise. The transformation to a clean energy future will require a trained workforce and our amendment would ensure that these communities, whether in rural Wyoming or urban Pittsburg, have easy access to green jobs training in new energy and new manufacturing sectors so they can prosper in a new energy economy.

I worked with Rep. ROSA DELAURO, Rep. TAMMY BALDWIN, and Rep. BRIAN BAIRD to include a provision that would allow the Secretary of Energy to create a research program to study the role that human behavior will play in energy consumption and climate change. Changing consumer behavior offers a promising opportunity to promote energy independence and reduce greenhouse gas emissions, however there is still much to be learned about the forces that drive consumer actions.

As a member of the Committee on Natural Resources, I worked to make sure that sufficient funding from the cap and trade auction would be used for domestic and international adaptation. Funding allocated under this provision would help to ensure the protection, restoration, and conservation of natural resources and enable them to become more resilient, adapt to and withstand the impacts of climate change and ocean acidification. It will require the study of how wildlife corridors will change

as climate change affects migration patterns and identify the steps to minimize the effects of climate change on migratory species. It would be used to protect the public health from the effects of climate change. Internationally, it would be used to prevent the tropical deforestation that is adding billions of tons of carbon to our atmosphere.

I remain deeply concerned that this bill does not include the necessary research and development funding that is needed to reach the 80 percent reduction target set in H.R. 2425. We will not be able to meet this goal with today's technologies, and as written, the bill does not provide the billions of dollars a year that will be needed to develop them. This is not a small or parochial concern. If Americans and others around the world are to embrace a transformation in the way we use and produce energy, they must know that our effort includes the engine to drive the innovation for that transformation. Without a very robust research effort—many billions of dollars—the vision of transformation will be a mirage and the public will know it. I have been assured by Chairman WAXMAN, Chairman MARKEY, Speaker PELOSI, members of the Administration and members of the Senate that they understand this shortcoming and that they will work with me to increase the research funding to drive the innovation we need to transform the way we produce and use energy.

Ultimately, I support this bill because doing nothing is not an option. If we continue on the same path the U.S. Global Change Research Program estimates that average global temperatures will increase 11 degrees Fahrenheit by the end of the century, causing among other effects a rise in sea level of 3 to 4 feet, completely flooding low lying areas like the Everglades and Cape Canaveral or Cape May. By passing this legislation we can slow the rate of climate change, we can create millions of new jobs, save consumers money through energy efficiency, and end our reliance on foreign fossil fuels. I urge my colleagues to support it.

Mr. HIMES. Madam Speaker, I rise in support of the Manager's Amendment to H.R. 2454, the American Clean Energy and Security Act.

According to the Department of Energy the building sector is responsible for 39 percent of total U.S. CO_2 emissions. At long last, and due in part to the improvements contained in this amendment, Congress is acting to decrease the negative effect buildings have on our environment. Over the past year, members of the Financial Services Committee have met with a wide array of housing advocates, nonprofits and agency leaders to craft legislation that improves the energy efficiency of housing while creating sustainable and affordable communities for our citizens.

The result of this painstaking work is a bill known as the Green Resources for Energy Efficient Neighborhoods, or GREEN, Act, led by my esteemed colleague from Colorado Mr. PERLMUTTER and currently contained within the Manager's Amendment to H.R. 2454. Through a broad array of public and private incentives, it seeks to encourage energy efficiency and develop renewable energy sources for housing and commercial buildings in order to achieve the changes in the housing sector that will help build America's clean energy economy for the next century.

A provision I contributed to the GREEN Act provides incentives to lenders and financial institutions to help consumers who build, buy or remodel their homes and businesses to improve their energy efficiency—lowering their energy bills, curbing waste and reducing carbon emissions all at once. I strongly encourage my colleagues to support these priorities by passage of the amendment and of the underlying legislation.

While I support many of the changes in the Manager's Amendment, I do have concerns about provisions in the Amendment which address over-the-counter derivatives, a matter which falls properly within the jurisdiction of the Financial Services Committee, and which I believe would best be addressed in that setting.

These reservations notwithstanding, I strongly encourage the passage of the Manager's Amendment and of the American Clean Energy and Security Act, which marks a historic step toward innovation and energy independence for our Nation.

Mr. MATHESON. Madam Speaker, the two great energy issues our generation faces right now are domestic energy security and climate change. These issues deserve our active attention, and they deserve action. Unfortunately, the bill we are considering today does not appropriately address these issues.

Some continue to argue that climate change is not happening. In fact, scientific consensus has clearly been established that climate change is a very real, significant problem and we need to determine an effective way to reduce global greenhouse gas emissions. However, this legislation has problems.

The early-year carbon reduction targets assume an aggressive pace of new technological development that may be unachievable. These targets received little attention in the debates that have taken place on this bill.

I remain concerned that this energy bill will result in unfair regional wealth transfers. The one-size-fits all renewable electricity standard is not the right approach to address climate change. It is an add-on without a purpose. Data shows that the renewable targets in this bill are only slightly better than business-as-usual. So why are we bothering to dictate these standards when we should encourage the 15 States that currently do not have renewable energy targets to find something workable for their communities?

The bill's distribution of emission allowances also creates regional inequities. The ''50–50'' formula in the bill gives extra, unneeded allowances to utilities with lower fossil fuels resources, and less to utilities with greater reliance on fossil fuel resources. Those regions that receive excessive allowances would sell those allowances to other regions of the country that received less.

With respect to carbon markets, this bill overreaches and will effectively destroy the derivatives market. Many people seem to confuse the different types of markets that exist. The futures market contains listed derivatives—these are standardized exchange-traded agreements. There is also a market for cleared derivatives, which are standard contracts that are privately negotiated but booked with a clearinghouse as a counterparty. And finally, you have the over-the-counter derivatives market where people negotiate deals to fit the needs of everyone ranging from utilities, to airlines, to banks, and finally, regular investors. This is a very complicated financial system and while it is clear that we are not appropriately regulating this market today, we should also avoid gutting the market altogether. I think there is a reasonable way to structure the new carbon market and to address deficiencies in the commodity markets. The provisions in the bill are not the right approach, and these provisions of the bill were never really debated in a House committee hearing.

There are also some changes made to the offsets section which are troubling to me. I have been supportive of the effort to build a strong, accountable offsets program and I am sorry to see that this bill allows USDA to try to establish a much looser, less effective program. This is short-sighted because unless offsets signify real, verifiable carbon reductions, they will be worthless. This is problematic because buying and using offsets is much cheaper for businesses than it is to buy allowances.

I have been advocating for the inclusion of transmission language in order to build much-needed infrastructure. However, this bill only addresses the Western Interconnection, not the whole country. That doesn't get at the underlying problem which is the lack of electricity transmission capacity across the Nation. I wish this bill had taken an approach similar to the one the Senate is considering.

Finally, the issue of energy independence calls for additional items that are not included in today's bill. In the long run, technological advances will provide new options to help this country gain a more secure, stable energy profile. In the interim, we need policies that keep all options on the table for the development and use of conventional energy sources.

As a result of all of these concerns, I will vote against this legislation. However, I will continue to work on the important issues of climate change and energy independence.

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.R. 2454, the American Clean Energy and Security Act of 2009. The reason is simple. It won't address the problem. In fact, it might make the problem worse.

It sets targets that are too weak, especially in the short term, and sets about meeting those targets through Enron-style accounting methods. It gives new life to one of the primary sources of the problem that should be on its way out—coal—by giving it record subsidies. And it is rounded out with massive corporate giveaways at taxpayer expense. There is $60 billion for a single technology which may or may not work, but which enables coal power plants to keep warming the planet at least another 20 years.

Worse, the bill locks us into a framework that will fail. Science tells us that immediately is not soon enough to begin repairing the planet. Waiting another decade or more will virtually guarantee catastrophic levels of warming. But the bill does not require any greenhouse gas reductions beyond current levels until 2030.

Today's bill is a fragile compromise, which leads some to claim that we cannot do better. I respectfully submit that not only can we do better; we have no choice but to do better. Indeed, if we pass a bill that only creates the illusion of addressing the problem, we walk away with only an illusion. The price for that illusion is the opportunity to take substantive action.

There are several aspects of the bill that are problematic:

1. Overall targets are too weak. The bill is predicated on a target atmospheric concentration of 450 parts per million, a target that is arguably justified in the latest report from the Intergovernmental Panel on Climate Change, but which is already out of date. Recent science suggests 350 parts per million is necessary to help us avoid the worst effects of global warming.

2. The offsets undercut the emission reductions. Offsets allow polluters to keep polluting; they are rife with fraudulent claims of emissions reduction; they create environmental, social, and economic unintended adverse consequences; and they codify and endorse the idea that polluters do not have to make sacrifices to solve the problem.

3. It kicks the can down the road. By requiring the bulk of the emissions to be carried out in the long term and requiring few reductions in the short term, we are not only failing to take the action when it is needed to address rapid global warming, but we are assuming the long term targets will remain intact.

4. EPA's authority to help reduce greenhouse gas emissions in the short- to medium-term is rescinded. It is our best defense against a new generation of coal power plants. There is no room for coal as a major energy source in a future with a stable climate.

5. Nuclear power is given a lifeline instead of phasing it out. Nuclear power is far more expensive, has major safety issues including a near release in my own home state in 2002, and there is still no resolution to the waste problem. A recent study by Dr. Mark Cooper showed that it would cost $1.9 trillion to $4.1 trillion more over the life of 100 new nuclear reactors than to generate the same amount of electricity from energy efficiency and renewables.

6. Dirty Coal is given a lifeline instead of phasing it out. Coal-based energy destroys entire mountains, kills and injures workers at higher rates than most other occupations, decimates ecologically sensitive wetlands and streams, creates ponds of ash that are so toxic the Department of Homeland Security will not disclose their locations for fear of their potential to become a terrorist weapon, and fouls the air and water with sulfur oxides, nitrogen oxides, particulates, mercury, polycyclic aromatic hydrocarbons, and thousands of other toxic compounds that cause asthma, birth defects, learning disabilities, and pulmonary and cardiac problems for starters. In contrast, several times more jobs are yielded by renewable energy investments than comparable coal investments.

7. The $60 billion allocated for Carbon Capture and Sequestration (CCS) is triple the amount of money for basic research and development in the bill. We should be pressuring China, India, and Russia, to slow and stop their power plants now instead of enabling their perpetuation. We cannot create that pressure while spending unprecedented amounts on a single technology that may or may not work. If it does not work on the necessary scale, we have then spent 10–20 years emitting more CO_2, which we cannot afford to do. In addition, those who will profit from the technology will not be viable or able to stem any leaks from CCS facilities that may occur 50, 100, or 1000 years from now.

8. Carbon markets can and will be manipulated using the same Wall Street sleights of hand that brought us the financial crisis.

9. It is regressive. Free allocations doled out with the intent of blunting the effects on those of modest means will pale in comparison to the allocations that go to polluters and special interests. The financial benefits of offsets and unlimited banking also tend to accrue to large corporations. And of course, the trillion dollar carbon derivatives market will help Wall Street investors. Much of the benefits designed to assist consumers are passed through coal companies and other large corporations, on whom we will rely to pass on the savings.

10. The Renewable Electricity Standard, RES, is not an improvement. The 15 percent RES standard would be achieved even if we failed to act.

11 Dirty energy options qualify as ''renewable'': The bill allows polluting industries to qualify as ''renewable energy.'' Trash incinerators not only emit greenhouse gases, but also emit highly toxic substances. These plants disproportionately expose communities of color and low-income to the toxics. Biomass burners that allow the use of trees as a fuel source are also defined as ''renewable.'' Under the bill, neither source of greenhouse gas emissions is counted as contributing to global warming.

12. It undermines our bargaining position in international negotiations in Copenhagen and beyond. As the biggest per capita polluter, we have a responsibility to take action that is disproportionately stronger than the actions of other countries. It is, in fact, the best way to preserve credibility in the international context.

13. International assistance is much less than demanded by developing countries. Given the level of climate change that is already in the pipeline, we are going to need to devote major resources toward adaptation. Developing countries will need it the most, which is why they are calling for much more resources for adaptation and technology transfer than is allocated in this bill. This will also undercut our position in Copenhagen.

I offered eight amendments and cosponsored two more that collectively would have turned the bill into an acceptable starting point. All amendments were not allowed to be offered to the full House. Three amendments endeavored to minimize the damage that will be done by offsets, a method of achieving greenhouse gas reductions that has already racked up a history of failure to reduce emissions—increasing emissions in some cases—while displacing people in developing countries who rely on the land for their well being.

Three other amendments would have made the Federal Government a force for change by requiring all Federal energy to eventually come from renewable resources, by requiring the Federal Government to transition to electric and plug-in hybrid cars, and by requiring the installation of solar panels on government rooftops and parking lots. These provisions would accelerate the transition to a green economy.

Another amendment would have moved up the year by which reductions of greenhouse gas emissions were required from 2030 to 2025. It would have encouraged the efficient use of allowances and would have reduced opportunities for speculation by reducing the emission value of an allowance by a third each year.

The last amendment would have removed trash incineration from the definition of renewable energy. Trash incineration is one of the primary sources of environmental injustice in the country. It is a primary source of compounds in the air known to cause cancer, asthma, and other chronic diseases. These facilities are disproportionately sited in communities of color and communities of low income. Furthermore, incinerators emit more carbon dioxide per unit of electricity produced than coal-fired power plants.

Passing a weak bill today gives us a weak bill tomorrow. Rejecting a weak bill today gives us another chance to pass something more in line with the science tomorrow.

Mr. DICKS. Madam Speaker, as the chairman of the Interior Appropriations Subcommittee and someone who is very concerned about the need to safeguard wildlife and ecosystems from global warming, I wish to express my strong support for the ''American Clean Energy and Security Act of 2009.'' I believe that the policy provisions in this legislation, coupled with a new core funding stream for wildlife and natural resources derived from a portion of the Federal revenues from expected cap-and-trade legislation will provide the policy response necessary to tackle this significant challenge.

I am very much aware of the need to take action to address global warming, and I have held hearings to examine the impact of climate change on many of the agencies and resources under my subcommittee's jurisdiction. I have consistently stated my belief that climate change may be the emerging issue of our time. Climate change will alter the face of our planet in ways we cannot yet fully comprehend, and I believe it is our responsibility not only to do as much as possible to halt or slow it, but also to do everything in our power to protect the earth's resources from its impacts so that future generations will be able to benefit from them as we and past generations have done.

Our Nation's wildlife is one critically important resource that is particularly vulnerable to climate change and is also a resource that is a fundamental part of America's history and character. Conservation of wildlife and wildlife habitat is a core value shared by all Americans.

America's wildlife is vital to our Nation for many reasons. Wildlife conservation provides economic, social, educational, recreational, emotional, and spiritual benefits. The economic value of the outdoor recreation industry—hunting, fishing, and wildlife viewing, hiking, paddling—alone is estimated to contribute $730 billion annually to the U.S. economy.

Wildlife habitat, including forests, grasslands, riparian lands, wetlands, rivers and other water bodies, is an essential component of the American landscape, and is protected and valued by Federal, State, and local governments, Tribes, private landowners, and conservation organizations.

Unfortunately, it is becoming increasingly apparent that the effect of climate change on wildlife will be profound. The Intergovernmental Panel on Climate Change reports have made clear that global warming is occurring, that it is exacerbated by human activity, and that it will have devastating impacts on wildlife and wildlife habitat. In addition, a recent report, Global Climate Change in the United States, was released by the Administration and reflects the most current information from our Nation's leading scientists who agree that the impacts from climate change are already being felt and will continue to increase.

Global warming is already impacting all of us: threatening the water we drink, the air we breathe, the medicines we use, the food we eat, the forests and fisheries we depend on, the special places we take our children. Wildlife is suffering from massive changes in habitat, particularly in the arctic, and shifts in ranges and timing of migration and breeding cycles. Continued global warming could lead to large-scale species extinctions. These impacts add to and compound the adverse effects wildlife and its habitat already suffer from land development, energy development, road construction, and other human activities, and from other threats such as invasive species and disease.

According to the IPCC, global warming and associated sea level rise will continue for centuries due to the timescales associated with climate processes and feedbacks, even if greenhouse gas concentrations are stabilized now or in the very near future. I believe that, as a nation, we must craft responses and mechanisms now to help navigate the threats global warming poses to the natural resources that we all depend upon for survival.

To conserve natural resources and wildlife in the face of the far-reaching effects of global warming, there is a need for a coordinated, national strategy based on sound scientific information to ensure that impacts on wildlife that span government jurisdictions are effectively addressed and to ensure that Federal funds are prudently committed. Ensuring strategic and efficient allocation of funding is something of particular interest to me as an appropriator.

To that end, I have acted within my capacity as a lead appropriator on this issue to advance steps necessary to combat the climate change impacts we have already set underway. I have worked to establish the Global Warming and Wildlife Science center at the U.S. Geological Survey, now receiving its second year of funding. Also in the recent FY09 omnibus appropriations bill and the FY2010 Interior Appropriations bill. I have provided direction to the Department of the Interior to develop a national strategy to address global warming's impacts on fish, wildlife, and natural resources.

The American Clean Energy and Security Act will help ensure that the pressing needs that are faced by the agencies and programs under the Interior and Environment appropriations subcommittee to help wildlife and wildlife habitat are addressed strategically, based on a foundation of sound scientific information, and that funding is driven through proven programs at the Federal, State and tribal levels in the most efficient way possible. I have also included significant funding increases. But I can only do so much in the Interior Appropriations bill.

I also have one additional but very significant point to make about funding to address impacts to natural resources and wildlife from global warming. It is essential that actions to safeguard wildlife and the natural resources will all depend upon receiving adequate funding. Addressing the greatest conservation challenge of our time will require long-term investments of the magnitude that only the revenue stream created by comprehensive climate and energy legislation can provide. While I support dedicating more of the allowances under this bill to natural resources adaptation, the 1 percent currently contained in the bill represents an important start of the problem. As I have indicated, the impacts are occurring today and the need is urgent. Paying for these investments through climate revenues takes the burden of protecting these resources off taxpaying citizens and onto the polluting entities responsible for causing global warming pollution.

The Interior and Environment appropriations subcommittee allocation is woefully stressed just dealing with the current needs of the agencies and programs under its jurisdiction. Our Federal land management agencies have tremendous backlogs for operations and maintenance of our national wildlife refuges, parks, forests, and other public lands. This situation was greatly exacerbated under the Bush administration budgets and prior Congresses. Hundreds of important biologist positions have been cut, and the agencies' budgets are far below what they have needed just to keep up with inflation. These programs have been starved to the point where they are on life support. It became apparent in hearings the subcommittee has held on global warming that the land management agencies are already seeing the results of climate change on the ground, but that they have few, if any, resources to deal with these changes. With the effects of global warming only expected to increase in severity in the coming years, I believe it is crucial to infuse a new core funding stream into our efforts to address this crisis, and I am pleased that the American Clean Energy and Security Act provides an important new funding stream.

This is a great Nation with a unique and irreplaceable natural heritage. We must take steps now to protect our wonderful wildlife from the ravages of climate change. With this in mind, I plan to vote for the American Clean Energy and Security Act of 2009.

Mr. CONYERS. Madam Speaker, I rise in support of H.R. 2454, ''The American Clean Energy and Security Act of 2009,'' because, as a nation, we simply cannot afford to delay addressing the cataclysmic economic, national security, and environmental threats posed by global climate change any longer. Although imperfect, this piece of legislation is a necessary precondition for crafting a global solution to climate change. With this vote today, the United States reclaims the mantle of world leadership in addressing the single most important issue facing the planet.

The opponents of this legislation will argue that we are taxing away our economic prosperity and our jobs. This could not be further from the truth. For 22- to 30-cents a day, less than the cost of a stamp, this bill will transform our economy by investing in new energy technologies that will create whole new industries and millions of jobs. All together, this legislation will create 1.7 million new jobs, 53,816 of which will be located in my home State of Michigan. This bill isn't a job killer. In fact, it will unleash a flood of jobs created by a mean, lean, and innovative energy sector.

This bill also furthers other important national priorities. If enacted, this bill would finally break the chokehold the OPEC cartel has over our energy security, provide a lifetime of clean air for our children and their children, and prevent the threats of environmental catastrophes like hurricanes, draughts, and famines.

We must consider the costs of inaction. During the Bush-Cheney years, our dependence on foreign oil increased, average household energy costs went up $1,100, and job growth slowed to a crawl. Throughout this time, the threat of climate change multiplied as the administration ignored reality and the scientific community and turned a blind eye to the plight of future generations.

Although this is not the bill I would have written, the costs of inaction are simply too great to ignore. A vote for this bill is a vote for jobs at home, energy independence, and a livable world for all.

Mr. STUPAK. Madam Speaker, I rise to support and discuss regulations I included in the American Clean Energy and Security Act to prevent excessive energy speculation, which has played a role in the run away energy prices we saw last year, and are seeing in the first half of 2009.

In January, oil was trading at $35 per barrel. Today, it is trading near $70 per barrel. The price for oil has doubled in the midst of a global recession. Oil supplies are at a 20-year high, and demand is at a 10-year low, yet oil prices have skyrocketed since the beginning of the year. If this is based on supply and demand, what is happening to explain rising oil prices? If supply is up and demand is down during this global recession, why would oil continue to climb?

The Federal Energy Regulatory Commission, the Senate, as well as a number of respected oil market traders and analysts, have pointed to excessive speculation in the energy markets as the primary reason we see price spikes and volatility in the marketplace. In May, I introduced the Prevent Unfair Manipulation of Prices Act, or the PUMP Act of 2009. I worked with Energy and Commerce Chairman WAXMAN and Subcommittee Chairman MARKEY to include the bulk of my bill into the American Clean Energy and Security Act, which is on the floor today.

This legislation is not new; I have been introducing this bill in one form or another since April 2006. But new weaknesses in our regulatory structure, brought to light by the financial crisis and spikes in the price of oil last year, are addressed in the 2009 PUMP Act.

The need for this legislation is two fold: 1. the dramatic rise in prices of oil and natural gas, and 2. the new carbon derivatives trading market created by the ACES bill. Some object to the inclusion of regulations on derivatives in this energy bill. I believe ACES proposed cap-and-trade program is fatally flawed without strong regulations to police this market from run-away price swings on carbon.

Addressing excessive energy speculation should be a key part of any new energy policy pursued, because a dramatic spike in oil prices or carbon prices, would further devastate our already weakened economy. According to NYMEX officials, less than 1/10 of one percent of futures trades in crude oil ever result in physical delivery. Most futures traders are not interested in delivery of a product, they are interested in profit. When speculators increase their investments, physical hedgers—businesses like airlines, trucking companies, and other industries that actually use the energy being traded—represent a smaller and smaller portion of the market. They are being squeezed out!

As a growing majority of the market is controlled by speculators, crude oil is morphed from a commodity into a financial asset, traded for its financial value instead of its energy value! As a result, this excessive speculation by index speculators is a significant factor in the price Americans are paying for gasoline, diesel and home heating oil, and has similar affects on agricultural prices. For too long, through loopholes, exemptions, and poor enforcement by the Commodity Futures Trading Commission, energy speculators have been able to avoid position limits. As a result, excessive speculation has exploded.

My legislation in the 2009 PUMP Act and in ACES is comprehensive, and changes the regulations for the energy markets in fundamental ways. It makes the Commodity Futures Trading Commission regulate all over-the-counter trades that are currently not regulated; it regulates foreign boards of trades' energy transactions that trade for delivery in the United States or on a computer located in the United States. These boards are subject to the same regulations as current markets, including large trader reporting, recordkeeping, and prohibitions against fraud and market manipulation.

My bill closes the swaps loophole; no longer allowing energy transactions to be excluded from the requirements of the Commodity Exchange Act. This would require the CFTC to provide greater oversight over these swap transactions. It bans naked credit default swaps. Naked credit default swaps, or one where the holder has no risk obligation on the swap, which creates a moral hazard by incentivizing economic loss. It sets aggregate position limits for energy speculators across all markets; it includes a CFTC Inspector General provision that makes that office independent and accountable. It also requires all trades be cleared through a designated clearing organization, eliminating the unregulated ''dark markets.''

My bill allows the CFTC to collect fees and create an independent funding stream for oversight and enforcement of commodity markets. Finally, it includes carbon derivatives as a regulated energy commodities under the authority of the CFTC. This incorporates all greenhouse gas emissions, offsets, and financial products derived from carbon credits.

As the House works on the ACES bill, it is important that carbon trading not lead to a speculative bubble like we saw in the 2008 oil markets. Congress needs to pass legislation to set strong position limits, and ensure that excessive speculation does not allow speculators to detach carbon or energy prices from supply and demand fundamentals.

I am committed to continuing to work with my colleagues in passing legislation for the President to sign that sets strong position limits and improves CFTC enforcement to end this excessive speculation and provide relief to American consumers.

Ms. WOOLSEY. Madam Speaker, as a mother and grandmother, the health of our earth is at the top of my list of concerns so that my kids and grandkids aren't left with the messes we've created. For too long, we have ignored the warning signs that human activity is having a negative impact on our environment. It's up to us to change our ways, use our brains, and stop our bad behavior.

The facts are clear. The time for debate on whether or not global climate change exists is over. What we need to do now, is address the problem before it's too late. We need to listen to the world scientific community, and act immediately to curb our carbon emissions. That's why I support H.R. 2454, the American Clean Energy and Security Act.

The single most important part of this bill is that it puts in place the federal structure to, for the first time, seriously regulate carbon emissions that are adversely affecting our climate. And with proper oversight and science—with the right people in charge—this bill will do what we need to do.

Now, it's never easy to change the status quo. There's a lot of money out there for people who would continue the practices that we know are harmful to all of us. And we all know how that money can be used to muddy the issues and derail the will of the people.

The plain fact of the matter is this: Without this bill, without a strict regime for controlling carbon emissions, Big Oil and Big Coal Win. And the environment, endangered species, our kids, our grandkids, you, and I will be the losers.

Now, people point to China and India, and all the carbon they emit as a big problem too, and they're right. But the United States leads the world in carbon emissions and, as the world leader, it's our responsibility to lead the world in a new direction. The burden falls on America to set the tone. By instituting a cap and trade system, we are showing the rest of the world that we're serious about addressing the issue, and proving to them that it can be done.

Madam Speaker, I'm not willing to risk our future by doing nothing. I urge my colleagues to support this bill, take a stand, and lead the world in addressing the issue of global climate change.

Mr. KIND. Madam Speaker, I rise today to express my qualified support for the landmark bill before us, H.R. 2454, the American Clean Energy Security Act.

Global climate change poses grave risks to our planet, our economy, and our way of life; it, therefore, cries out for bold action to reverse mankind's contribution to the problem. At the same time, taking such action offers us the tremendous opportunity to remake our energy infrastructure to become less dependent on foreign sources of energy, improve the health of our population and environment, and create high-paying jobs here in America.

The sponsors of H.R. 2454 and its many champions here in the House claim that it will do all of these things—that it will ignite America's leadership in reducing global greenhouse gas emissions to sustainable levels, shift our nation's energy paradigm away from polluting sources and into clean, renewable ones, and create millions of jobs for domestic workers. I also believe this is the case. However, I fear that under this bill, progress toward these goals will come at great cost to American families, particularly in the area of western Wisconsin I represent and others like it. I am disappointed we did not have more time to debate the cost of the legislation and address our concerns through additional consideration of the bill in the Ways and Means Committee.

H.R. 2454 will require utilities and other greenhouse gas emitters to hold an allowance for each ton of these gases they emit. In the beginning of the program, the government will give a large number of these away to regulated utilities with the requirement that the value of these free allowances be used to mitigate the cost to consumers. While some people are very comfortable with this arrangement, I am not so confident that utilities will pass on the full value of these allowances to ratepayers. The initial years of the European Emissions Trading System demonstrated that giving valuable allowances to utilities for free encourages them to pocket the value rather than reducing electricity rates. Whether the bill's additional layers of administration, oversight, and bureaucracy will be effective at preventing this from happening here is an experiment I would rather not impose on my constituents in western Wisconsin.

I am also concerned that the ACES bill is skewed against regions like mine that are rural and heavily dependent on coal for energy. The formula it establishes for doling out the free allowances to utilities provides more to those areas that need them the least—those that have a lot of zero-emission hydro or nuclear power—rather than those areas like Wisconsin that need the allowances because of their higher emissions. The federal government helped subsidize the hydro and nuclear plants in other parts of the country; ratepayers in my district should not have to send more money their way while we seek to realize the same low-carbon generation.

Finally, the bill allocates funds derived from consumers and spends it on such things as international deforestation, investments in technology, and wildlife adaptation. While these are worthwhile goals that will need to be addressed in the context of combating climate change, I do not think we should do so by putting an additional financial burden on those who can least afford it.

That is why I introduced H.R. 2757, the Consumer Assistance Rebate for Energy, or CARE, Act. This bill would have ensured that any money raised by the government as a result of climate change legislation would be

given back to consumers directly to help them cope with any price increases for energy and consumer goods. The EPA stated in its analysis of the ACES bill that this type of approach is the least burdensome on low-income consumers, and that it achieves greenhouse gas reductions at a lower overall cost than the ACES system of free allowances to businesses and utilities.

While I wish my concerns about consumer protection had been addressed more fully in the bill before us, the legislation has changed for the better since being reported out of the Energy and Commerce Committee, and there is enough in the bill to recommend it that I am willing to support its passage today so that it will move to the Senate where it can be improved further.

The American Clean Energy Security Act will live up to its name in many ways. It will transition our energy systems away from unsustainable, polluting fossil fuels and toward clean, renewable resources such as wind, solar, biomass, and hydrogen. It will provide an unprecedented investment in the technologies and industries of tomorrow, creating more than 4,000 jobs in my Congressional District alone, and millions nationwide.

America is the nation that invented solar cell technology decades ago, and the investments we make in the coming years will allow us to regain our leadership in the world and be the center of innovation and industry that will drive the clean energy revolution.

The bill also includes funding to help our natural resources, and fish and wildlife in particular, adapt to the changes in their habitat that have already begun.

Finally, the bill includes opportunities for farmers, ranchers, and foresters to be a part of the climate solution, which is critical for my district, where agriculture remains the largest industry. The USDA, in consultation with EPA, will establish a program where businesses and utilities can meet their greenhouse gas obligations by paying farmers who help sequester carbon. This new revenue stream will be very important in helping the agriculture sector cope with higher costs for energy, fuel, and fertilizer.

Again, I wish we had had more time to deliberate on this extremely large and complex piece of legislation. I wish the bill contained more direct, more transparent ways of compensating consumers. I wish the bill treated regions equitably. But I support strong action on climate change and the creation of millions of new jobs, and I will vote to move this bill forward in the hope that the Senate will pass a bill that works better for more Americans.

Mr. COSTELLO. Madam Speaker, I rise today in opposition to H.R. 2454, the American Clean Energy and Security Act of 2009.

I believe that climate change is occurring, and that increased greenhouse gas emissions have profoundly impacted our climate and our resources. To combat these changes, we need to develop a sustainable energy policy that will meet our energy needs today without compromising the ability of our children and grandchildren to meet their energy needs tomorrow.

For these reasons, I support a balanced energy plan that will increase our energy independence by promoting the development and deployment of 1) renewable domestic sources of energy, such as ethanol and biodiesel, and 2) technology that will use traditional fuels in a cleaner way, such as clean coal carbon capture and storage. These energy sources eventually may satisfy the needs of the entire country, but they are still being developed and expanded. We must ensure that Americans maintain access to affordable and reliable energy until these sources are broadly available.

I oppose H.R. 2454 because it does not provide a bridge for coal and other fossil fuels to develop and demonstrate new technologies to provide reliable energy and meet the necessary reductions in greenhouse gas emissions. The timelines contained in this legislation do not provide sufficient time to put these technologies in place. Manufacturers and utility companies will be forced to stop using the affordable, abundant fuels they use today and transition to far more expensive energy sources. As a result, this bill will force our most affordable domestic energy source, coal, into extinction. Energy costs will skyrocket and workers will face layoffs and plant closures. American families cannot face these additional burdens during these difficult economic times.

In addition, we cannot ignore the fact that climate change is a global problem and requires a global solution. We must consider the consequences of enacting this legislation when other countries, like China and India, have not taken steps to reduce their own carbon emissions. Without some measure of equity on this issue, our emissions may appear to decrease, but they will simply shift overseas, taking jobs and industries with them.

Madam Speaker, I oppose H.R. 2454 because it does not do enough to bridge the transition to clean energy sources, to prevent spikes in electricity costs, to protect workers from new layoffs, or to provide a global solution to climate change. Quite simply, it is the wrong bill at the wrong time. I ask my colleagues to join me in opposing this measure.

Mr. YOUNG of Florida. Madam Speaker, I rise in opposition to H.R. 2454, the so-called American Clean Energy and Security Act. Throughout my time in Congress I have supported protecting America's environment and climate as well as incentives for clean alternative energy, including solar, wind, and biofuels. It is in our county's best interest environmentally, economically, and for our national security to transition away from imported oil to domestically available, renewable, and clean sources of alternative energy.

For instance, I have supported efforts by the City of St. Petersburg to power 40 of the city's parks entirely using a sustainable solar energy network which will allow these parks to be removed from the city's power grid.

In the 110th Congress I was a cosponsor of the Clean Energy Tax Stimulus Act of 2008. This measure would have provided for the continuation of eight clean energy production and efficiency tax benefits in order to incentivize important alternative energy investment and production.

I am also supportive of initiatives to require auto manufacturers to increase the fuel efficiency of the cars sold in America. In fact, in March I signed a letter to President Obama to urge him to take the strongest stand possible to increase the Corporate Average Fuel Economy (CAFE) standards. Last Congress I was a cosponsor of the Fuel Economy Reform Act which would have raised CAFE standards to 35 miles per gallon over the next decade.

And I have long been supportive of protecting Florida's environment and our military's training needs by opposing offshore drilling in the Eastern Gulf of Mexico.

I also believe in creating and supporting new green jobs. At the same time that we encourage conservation and the production of renewable resources, we must also help prepare Americans to work in these new green jobs. That is why I voted in favor of the Green Energy Education Act. This legislation would authorize funds to be made available to support advanced energy and green building training and graduate programs throughout the country.

Despite my support for clean energy and a clean environment, I must oppose this cap and trade legislation which will impose increased costs on American citizens who have done nothing wrong. At a time when the people of Pinellas County and our nation are hurting, it is incomprehensible that the House will knowingly approve legislation that will impose a new energy tax on American citizens, will put American companies at a competitive disadvantage, and will endanger the jobs of American workers.

Supporters of this legislation have tried to claim that the cap and trade scheme will only cost some negligible amount, a postage stamp per day or $15 per month. They claim that a report by the Congressional Budget Office backs up this statement. However, if you actually take the time to read the CBO's report, you will understand that this is simply not true. The analysis only includes one limited portion of the 1,201 page bill. The analysis does not include the effects from the lower incomes and lost jobs that the CBO predicts will occur. The analysis does not include the effects from the decreased retirement accounts that will be realized as the value of stocks decline, as the CBO predicts. The analysis does not include the increased costs of producing goods in the United States, as the CBO predicts. In short, to say that this legislation will not hurt American families is simply misleading.

If this legislation is signed into law, energy costs are going to rise. Even the President acknowledges that electricity rates are going to ''necessarily skyrocket.'' Britain's Taxpayer Alliance estimates that families there are paying $1,300 more in taxes after the implementation of a similar program only a few short years ago. In drafting this legislation, proposals were offered to suspend the cap and trade program if gas prices rose above $5 per gallon, if electricity prices rose by 10 percent, or if the unemployment rate hits an unthinkable 15 percent. All three of these sensible ideas were voted down by supporters of this bill. All Americans will be impacted by these higher energy prices, but the hardest hit will be the low income and the many of my constituents are seniors who live on fixed incomes.

I do not think that I need to remind any of my colleagues of the energy crisis of last summer. I remember all to well the stories from my constituents of the difficulty they had in dealing with $4 per gallon gasoline. However, a study conducted by the American Petroleum

Institute has found that the impact from this legislation will add an additional 77 cents to the price of a gallon of gasoline, and even higher costs for critical diesel fuel. In the last two years alone more than 5,000 trucking companies with at least five trucks went out of business, costing a countless number of jobs. Is this really the type of result we want?

Inexplicably, this legislation would spend seven percent of the cap and trade allowances—paid for by American consumers—in foreign countries. Let me repeat that: this bill will send $302 billion U.S. tax dollars under cap and trade to foreign countries. Most of this money is set aside to plant trees. The Congressional Budget Office has said that ''the allowances spent overseas would impose a net cost on U.S. households: They would bear the cost of the allowances but would not receive the value.''

The cap and trade scheme also creates a new tradable commodity that Wall Street investors will be able to buy and manipulate. The pollution allowances will be traded and sold on the open market to the highest bidder. Companies who will be forced to buy these to provide necessary energy and products will pass on these costs to consumers. Even worse, this bill sets a minimum price for which the allowances can be sold for, not a maximum price to prevent the fleecing of American consumers. After the financial collapse of last year, we should not allow Wall Street speculators and commodity traders to hold the American people hostage in this way. I thought the purpose of this legislation was to protect the environment, not to help Wall Street get richer.

Also included in this bill is a one-size-fits-all nationwide renewable energy standard that favors certain regions of the country at the expense of others. It is estimated that residents in Florida will be forced to pay an additional $339 million in their energy bills within only a few years, while the residents of some states in the northeast and the west coast will be heavily subsidized. Fundamentally, I believe that the federal government must get out of the business of picking winners and losers.

These are just some of the things that we actually know are in the bill. But there is no way for Members to understand everything that is included. The bill itself is 1,201 pages that few, if any of us have read. Then only this morning, the Democrat leadership unveiled and added on a 309 page manager's amendment. The Washington Post says that this is a ''1,201 page measure filled with political compromises, directives, subsidies and selections of winners and losers that members won't be able to analyze before the vote and that leaves us wondering how effective it will be.'' The St. Petersburg Times, which supports the legislation, admits that the bill is ''imperfect'', ''not ideal,'' and that it includes ''weasel language.'' Even the Chairman of the Agriculture Committee COLIN PETERSON, who was one of the principal negotiators of the final bill that we are discussing today, said, ''The truth is, nobody knows for sure how this is going to work.'' Despite the importance of this issue, only one amendment has been allowed to even be considered by the House. The fact of the matter is, this legislation sets emission standards from now until 2050, and will affect our American way of life even further out from there. The initial reaction from my constituents in Pinellas County is that there is no need to rush through this process without understanding the effect on our nation the over the next 40 years. About 80 percent of the calls and e-mails that I have received have opposed this cap and trade bill.

We all agree that the United States must begin the transition to domestically available, renewable, and clean sources of energy. We should work to make it easier for this change to happen, and it is appropriate for the government to provide incentives, not penalties, on those who do the right thing by investing in new sources of energy. We can do this by following in the tradition of the Manhattan Project, where the United States government brought our best and brightest minds together to create the atomic bomb to win World War II. The New Manhattan Project for Energy Independence, which my colleagues and I will have an opportunity to support, will provide funding for American universities, scientists, and inventors to come together and create more energy efficient and affordable cars, buildings, advanced power plants, advanced biofuels, and carbon capturing technology to help clean our air. This can be accomplished without imposing new tax increases on the American people while taking the steps necessary to secure a clean and secure future. We can take this important step by including Democrats and Republicans working together, rather than refusing to even consider suggestions from Republican members or even letting us know of details of this cap and trade bill as it was being written.

This is the right way to approach our future energy and environmental needs. The wrong way is to punish average American citizens simply for going about their everyday lives—picking their children up from school, starting a small business, keeping their family cool in the summer and warm in the winter, or trying to make ends meet. And that's who this bill taxes and punishes.

Madam Speaker, if this was truly an energy bill, there is little doubt in my mind that both sides could come together, as we have done so many times in the past, to find a bipartisan solution that will help this country move in the right direction and reduce our dependence on imported oil, lower our energy costs, and reduce carbon emissions without punishing American families. Unfortunately, this legislation only amounts to imposing a new burden on the American people at a time when they are already overburdened and I cannot support what the Wall Street Journal has called ''the biggest tax in American history.'' Let's vote this down so we can go back and work together and do what's right for America.

Mr. MEEK of Florida. Madam Speaker, I stand for the creation of new American jobs, for less dependence on foreign energy, and for a reduction in the carbon pollution that causes global warming.

This bill is about national security, creating jobs in a new energy economy, and defending consumers through a fiscally responsible bill with consumer protections.

These investments will also spur new jobs. The Political Economy Research Institute estimates that 3.5 jobs will be created in the new green job sector for every 1 job that is fossil fuel source based in Florida. This could mean over 94,000 jobs in Florida alone.

Too often our foreign policy decisions are affected by the regional stability of oil producing countries. In Iraq we are paying for our oil-centric obsession and Floridians have paid over $37 billion for the war there. This legislation offers incentives that promote energy efficiency and that will break our addiction to foreign oil. We must be focused on research and development for green technologies and end the obsession with crude oil that is fueling too much of our economy.

The bill is not perfect—few landmark bills are. Once the Senate takes up the bill later this year, this bill will be further improved and will address the shortcomings that exist in this version. My mission will be to ensure that the final legislation that is passed will include the necessary consumer protections to minimize price increases.

We cannot wait to act on climate change legislation. Florida is already experiencing eroding shorelines, flooding and dying coral reefs. In particular, the Everglades face severely altered water flows and harmful invasive species. This will also have a devastating impact on Florida's economy. In 2007, tourists flocking to Florida's beaches and other priceless environmental areas spent over $65 billion in Florida.

Without aggressively capping carbon emissions, the earth's temperature will continue to rise, causing more extreme storms and altered ocean conditions which will have a devastating effect on Florida's ecosystem.

The American Clean Energy and Security Act (ACES) works to minimize price increases for consumers. On average the EPA estimates that this bill will cost an average household $98 to $140 per year in price increases, while holding those in the lowest income quintile harmless.

Without carbon emissions caps, we have seen energy prices fluctuate drastically. By regulating carbon intensive goods and creating a transparent market this bill will help to stabilize those prices and help protect consumers.

By investing in conservation, efficiency and renewables, Florida residents will see lower costs in energy though building weatherization improvement benefits, and energy efficiency savings.

Mr. TEAGUE. Madam Speaker, as most of my colleague know by this point, I'm an oil man.

Always have been.

Always will be.

When I was 17 years old, my father became sick, so I went to work in the oil fields, making $1.50 an hour on a pulling unit, to help support the family.

I kept at it until I had my own company, employing and providing quality health care for 250 people.

Over the years, I've done just about everything there is to do in oil and gas around New Mexico. People know that HARRY TEAGUE is an oil man, and I am proud of that.

In 2007, when I announced that I would be running for Congress, people were surprised to find an oil man like myself campaigning on a platform that emphasized energy independence through a focus on the development of

full and diverse slate of energy sources. Not only was I advocating increased production of our valuable petroleum resources. I told people in Hobbs, Roswell, Carlsbad and across Southern New Mexico that technologies like wind, solar, and biofuels were not only good for the environment, but would also create jobs in our communities and bolster our national security.

I did not wait long after being sworn in as a Member of the 111th Congress to turn my campaign platform into a legislative record. The very first bill I introduced, H.R. 451, provides a multiyear extension of the Renewable Energy Tax Credit. I worked hard to have that legislation included in the House version stimulus package, and when you signed the American Recovery and Reinvestment Act into law on February 17, 2009, the production credit was included.

I am proud to say that H.R. 451 not only gave one of the largest boosts we have ever given to renewable energy production in this country, but it also saved the oil and gas industry $13.1 billion dollars in prospective tax increases.

As the 111th Congress continued, I likewise continued my work promoting energy production in America. I passed several amendments to various legislation promoting renewable energy, and I worked tirelessly to ensure the Budget Resolution passed by Congress did not include tax hikes on oil and natural gas.

Then came the American Clean Energy and Security Act, which is the bill we're here debating today.

When the legislation was introduced and then reported out of committee, I must say, I was deeply skeptical. I had one central concern:

I worried that this bill would hurt the rural communities and small towns and cities that I represent in Congress.

So, I had a choice. I could stand by and issue my reservations and my opposition from the sidelines. Or I could get involved, and stand up for the good people in New Mexico I represent, and advocate for changes that would help people and businesses in my district.

Madam Speaker, anyone who knows me from the oil fields of Hobbs, New Mexico knows one thing: If there's one thing I know, it's hard work. And if there's a job to be done, I'm going to get it done.

The very first thing I saw to in the bill is that there would be no taxes, no additional costs, and no added red tape at the wellhead. I knew we needed to keep this bill away from production because we need more energy in this country, and putting taxes on the folks who produce it makes then produce less energy, not more.

Once I saw that oil and gas producers would not be covered by the legislation, I noted other improvements that had to be made.

The first thing was that portions of the bill threaten to put small refiners out of business. Smaller refiners process below about 200,000 barrels a day, while larger refiners typically process closer to 1.5 million barrels. The difference is drastic. Despite their small size, small refiners still supply about 11 percent of the United States market, serving mainly rural areas and military installations.

The legislation as reported from committee contained only two percent of available allocations for the entire refining sectors stationary emissions, even though refiners emit 3.8 percent of carbon across our economy. Small refiners operate at extraordinarily thin margins and would be fighting for that limited allocation with super-majors like ExxonPhillips, Chevron, and ConocoPhillips. Smaller companies would likely not survive.

If refiners close in rural areas, gas prices there would have to skyrocket in order to attract supplies from the coasts and other refining centers. Thousands of job losses from refinery closings would also result.

To prevent this terrible situation from coming to pass in rural America, I proposed that small refiners receive an allocation for all of their stationary source emissions and further mechanisms that would limit their exposure to the volatility that may exist in the market for allowances for fuels.

I am very pleased that this provision has been included in the bill.

Additionally, I was deeply concerned with the economic livelihood of 180,000 Southern New Mexicans in my Congressional district who get their power from rural electric coops. While the bill's sponsors claim that electric utilities were ''held whole'' with allowance allocations when the bill was reported out of committee, in reality there were regional disparities that unfairly punished rural electric coops. For example, in regions that possess abundant sources of carbon-neutral electricity like hydro and nuclear, consumers would receive far above their needed allocations. But in New Mexico and other states that rely in large part on coal and other carbon sources for electricity, consumers would only receive a portion of the allowances they need to cover their carbon emissions.

To remedy this problem, I proposed that emission allocations be distributed on the basis of carbon intensity rather than the number of people who receive the electricity and that no utilities should receive more than 100 percent of allocations. Allocations over 100 percent would then be redistributed to consumers in places like New Mexico.

I also proposed the same carbon molecule shouldn't be given allowances twice in its life cycle in one part of the country, while a carbon molecule being used in New Mexico receives zero allocations.

Now, we didn't get everything we asked for. But working with Chairman COLLIN PETERSON of the Agriculture Committee and the National Rural Electric Cooperatives Association, we were able to get language in the bill that will protect rural electric coops from costly rate hikes.

Madam Speaker, this bill is not perfect. In fact, it is far from perfect.

We need to do more for rural coops. We need to improve this bill so that it promotes the use of clean burning natural gas.

I do thank my friends on the Energy and Commerce Committee for working with me to address my concerns regarding small business refiners and rural electric coops.

Mr. JORDAN of Ohio. Madam Speaker, I rise today in opposition to this bill. Simply put, this is bad policy for America, particularly the Midwest. In an independent study, my district is the fourth-most impacted district in the nation by this disastrous legislation. The parts of our nation that are powered by coal-burning plants and are heavy in manufacturing and agriculture—like the part of Ohio I get to represent—will be devastated.

Make no mistake, we are about to vote on the largest tax increase and transfer of wealth in American history. In a misguided attempt by the federal government to put a command and control bureaucracy in charge of our national energy economy, this Congress will raise the energy costs of every American who drives a car or turns on a light switch. And for what? Even supporters of this legislation admit that this bill will have a negligible impact on global temperatures.

By unilaterally disarming ourselves, we become less economically competitive for the 21st century. We are preparing, Madam Speaker, to cede our global leadership role to foreign competitors by capping our growth and innovation, and trading even more manufacturing jobs overseas.

Republicans have a better way forward. We have an all-of-the-above energy solution that increases domestic production and use of our own resources and creates incentives to move us toward clean, renewable, and reliable sources of energy like nuclear, wind, solar, and bio-fuels. And we do it the way America has always done it—through the ingenuity and innovation of the American entrepreneur and worker, not top down federal government mandates. I encourage my colleagues to vote down this National Energy Tax and to support real American energy solutions.

Ms. KILPATRICK of Michigan. Madam Speaker, I rise in strong support of H.R 2454, the American Clean Energy and Security Act (ACES) of 2009. This long overdue, necessary, and needed step will make the earth a better place, reduce our dependence on foreign oil, by cutting our use of foreign oil by more than five million barrels per day. The cost of this legislation is just 22 to 30 cents per day—less than the price of a postage stamp—or $80 to $111 per year, according to the EPA. This bill means more than 1.7 million jobs for our nation, 54,000 for the State of Michigan and 23,000 jobs for the City of Detroit. In order to ensure that we no longer import hundreds of barrels of oil per day, to have cleaner air, cleaner land, cleaner water and a better future for my grandchildren and all children, most, if not all, Americans are willing to make that investment.

This bill represents the largest investment in jobs by our government since the Great Depression. Michigan, and America, must become part of the new technology which is renewable technology. The factories and industries that once built cars and trucks can now build wind turbines, solar panels, and help get our electrical grid more efficient and effective. Replacing our nation's old-fashioned, outdated, outmoded and obsolete fossil fuel based energy production equipment will result in new research, new manufacturing, new energy sources and new jobs. Michigan desperately needs this legislation.

I am blessed to represent the people of the 13th Congressional District of Michigan. The 13th Congressional District of Michigan has the highest percent and number of low income

families in the State of Michigan. Contrary to what opponents of this bill say, this bill will not add to the already burdensome pain our citizens have already endured and continue to endure. Among other things, the bill provides $40 per month to low income families to help offset potential increases in energy. In fact, the Congressional Budget Office (CBO) has estimated that the bill would actually save low income consumers money on their utility bills. The wealthiest twenty percent of American households would only experience modest, affordable rate increases.

This bill will create the largest growth in jobs in the private sector since the Great Depression. According to the Environmental Protection Agency and the Congressional Budget Office, 1.7 million jobs will be created that cannot be resourced to other countries. These are good paying and secure jobs that will restore businesses and bring economic stability to our cities, counties and states. According to the Political Economy Research Institute, Michigan stands to gain 54,000 jobs or 5.4% jobs for every resident in the state. That means 23,000 new jobs in Detroit alone.

This legislation is the work of many Committees and has been carefully crafted to avoid any undue burdens on agriculture and rural families. Farmers spend more money than any other industry on energy, which only underscores the fact that we need new energy policies that will lower their costs and lower their dependence on fuel. This legislation provides farmers and the agricultural industry with unique opportunities to make money in energy, through siting windmills or solar panels on their lands, or growing crops suitable for the production of biofuels. The bill provides assistance to farmers and agricultural businesses as we transition to renewable energy by providing them with free emissions allowances.

This legislation does not force other countries to reduce their emissions. This legislation cannot do that, anyway. It does show the world that the United States is ready to take the lead in the fight against climate change. China and other European countries that have relied on fossil fuels have shown a willingness to start the fight against global warming. This is our opportunity, once again, to be the world leader that we have always been.

The reduction of the greenhouse gases is not only good for our health and our children's health—it sets the nation on a new pathway using Free-Enterprise principles. Polluted air affects our elderly and young people the most. That's why the American Lung Association supports this bill.

This bill is 30 years overdue, if we had started back then, we would not only be much less dependent on foreign oil, but our water, air and earth would be cleaner. For the government to involve itself in the public health, the economy and national security is the oldest role of the government in the United States. This partnership of the government in these goals has added to the quality of the life we enjoy.

We have the opportunity, and I will say the responsibility to grow jobs in Detroit, Michigan and America. We have a duty to promote renewable energy, clean the air, clean the water, clean the earth and deal with climate change. The nation that leads the effort toward clean and renewable energy will not only make our world a better place for our children, our grandchildren, and our families, but it will lead the world economy for the next hundred years. This is that bill, and that is why I voted for H.R. 2454, the American Clean Energy and Security Act of 2009.

Ms. HERSETH SANDLIN. Madam Speaker, today the House is voting on a bill that is designed to shape the course of our nation's economy and way of life for decades to come. Unfortunately, I believe the process has been too rushed, and I cannot support the bill in its current form.

I believe it's imperative for Congress to address climate change. I agree with the scientific consensus that human activity has substantially increased the accumulation of greenhouse gases and is contributing to a rise in average global temperature. This rise threatens to create a number of dramatic and negative impacts. With much of South Dakota's economy dependent on agriculture, which in turn depends on our climate, global warming could have a profound effect on South Dakota's economy and our way of life.

Moreover, the alternative to no action by Congress is action by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act to step in and in a more punitive fashion dictate rules and impose costs on industry. Given the complexity both of the climate change problem and the steps needed to address it, we need to take time to get it right. The stakes are simply too high for a rushed solution that can potentially create more problems than it solves.

While I can't support the bill before the House today, it has already come a long way from where it started both in its discussion draft form and in the form the Energy and Commerce Committee approved. Both of those versions were imperfect and incomplete and would have imposed regional inequities on a greater scale than the legislation before the House today. Since the committee approved its version of the bill, there have been some positive changes made, most notably in the agricultural sector.

Important and common sense improvements have been made that go a long way towards recognizing the value that agricultural producers in South Dakota can bring to the climate change issue. I commend Agriculture Committee Chairman PETERSON'S efforts as he worked together with many members of the Agriculture Committee to ensure that agriculture's concerns are addressed in this legislation. This has been a priority for me over a long period of time, and I am pleased with the progress made.

The inclusion of an agricultural and forestry offsets program will enable farmers, ranchers and forest owners to fully participate in a market-based carbon offset program, earning income for activities they undertake to address global climate change while also ensuring environmental integrity and protecting early actors. Importantly, these provisions put the U.S. Department of Agriculture (USDA), not the EPA, in charge of regulating the use of farm and forestry projects intended to offset carbon dioxide emissions from industrial sources. The EPA itself has estimated that agricultural and forest lands currently sequester approximately 12 percent of our nation's carbon emissions and that the agriculture and forest sectors can sequester up to 25 percent of emissions. As such, the agriculture and forestry industries must play an essential role in efforts to mitigate climate change.

I am pleased that the manager's amendment also corrects the controversial and unproven methods for calculating indirect emissions through the lifecycle greenhouse gas analysis for biofuels. EPA's current indirect land use proposal would be put on hold for five years pending a needed scientific study and consultation with federal agencies and Congress. Importantly, USDA, the Energy Department or EPA could veto the results of the study if it is not based on sound, peer-reviewed science. The bill also makes it very clear that agriculture and forestry sectors will be exempt from the greenhouse gas emission reduction requirements.

Lastly, this bill ensures that Wall Street speculators will not be able to further drive up energy costs through dark market and secretive trading of derivatives of carbon allowances, offset credits, or renewable electricity credits by requiring that all carbon derivatives trading is conducted only on Commodity Futures Trading Commission-regulated markets.

However, while I am supportive of many of the changes made to the bill that stand to benefit agriculture, serious substantive and process concerns remain when it comes to doing right by rural America. The following represent some of my concerns.

I have heard from several utilities serving South Dakota, such as Black Hills Corporation, which serves tens of thousands of South Dakotans, that the allowances for emissions in the bill still aren't fairly distributed and this disparity could mean dramatic rate hikes for its customers in South Dakota.

Additionally, the bill does not adequately fix the flawed definition of renewable biomass in the Renewable Fuels Standard (RFS) or in the proposed Renewable Electricity Standard (RES). Again, the definition of biomass has improved greatly from the highly restrictive definition included in the discussion draft. However, the flawed definition used in the final bill before the House today unnecessarily and unwisely excludes much federally-sourced biomass from counting toward the RFS and a new RES. It also overlooks the essential role forests can and should play in sustainably generating renewable energy, ensuring our nation meets the cellulosic biofuels mandate in the RFS, moving our nation toward energy independence, and creating jobs in rural communities across the nation. I continue to believe strongly that we can take advantage of this amazing potential within the existing protections provided under current environmental laws and responsible forest management policy.

I have worked for nearly two years to broaden the biomass definition to allow for federally-sourced biomass to count toward the RFS and have urged its inclusion in this legislation, as well as the application of this definition to the RES. Overall, a federal RES presents tremendous economic opportunities for South Dakota in large part because of our state's tremendous wind potential. That is why I was a

strong supporter of including an RES in the 2007 Energy Bill, and helped generate support for the RES Amendment when it passed the House. An RES has the potential to create thousands of jobs and generate economic development all across South Dakota, for farmers, ranchers, and rural communities, as well as our sovereign Native American tribes. And much of what is in the RES in this bill presents great opportunity for South Dakota.

However, the definition of biomass added in the manager's amendment is still flawed. I am concerned with the ''harvested in environmentally sustainable quantities'' requirement, which I think invites new analysis, appeals and/or litigation about biomass in general, but more specifically, about trees that have been killed by fires or insect epidemics. Likewise, I'm concerned with the ''old growth'' and ''late-successional'' forest stands restriction because there is no generally accepted definition of either term, and the bill doesn't define either term. So, that would leave an avenue open for challenges, and would leave uncertainty about supply for potential investors. These are some but not all of my concerns regarding the biomass provisions included in the manager's amendment. I hope they will be addressed during the remainder of the legislative process.

Underlying these specific policy concerns are serious concerns about the rushed process for such an important and consequential bill. This bill is intended to help guide the economic future of our nation for decades and I think the process of fixing the bill since it's been approved by the committee has been too rushed, and has raised too many questions about whether the concerns of rural America are adequately addressed. Therefore, I will vote against this bill, but I hope that the legislative process will address these concerns, and ultimately, a bill can be presented to the House that treats South Dakota and rural America fairly as it moves the nation toward the new energy economy and addresses the real threat of climate change for our nation's future.

Mr. ETHERIDGE. Madam Speaker, I rise reluctantly to speak on H.R. 2456, the American Clean Energy and Security Act of 2009.

This is not a perfect bill, and I will work for its improvement before it comes back here for another vote.

However, one thing is clear to most Americans: the time for action is now. Last summer we had gas prices that hit more than $4 per gallon. Last winter some folks could not afford to heat their homes. We need to start a clean energy economy that will reduce our dependence on foreign oil and position America as a leader in a new technological industry.

America has traditionally been a global leader in innovation and economic growth, and this legislation takes a first step to get America running on new energy technologies. We have the technology and the research infrastructure to create new ideas. We have talented people ready to go to work. And we certainly need the jobs, especially in North Carolina. This bill will put people to work creating the industries of the 21st Century.

We have seen that our current energy policy is not working. By doing nothing, or delaying action, we risk further crippling our economy. That is not a risk we can afford. We will continue to use oil, coal and natural gas, solar, wind, hydroelectric, and nuclear, but should also create new sources of energy and develop efficient technologies. We need to start an energy economy today, with a policy of ''all of the above.''

This is an economic imperative, to create jobs and to prevent spikes in energy costs. This is a national security priority, to reduce our dependence on foreign oil and to keep the hundreds of billions of dollars we send overseas here at home. This is a competitiveness issue, to make America a leader in an emerging industry and promote research and development here in the U.S.A.

North Carolina has always been a leader in technology, and has the potential to meet America's energy needs through our agricultural strength. Moving forward towards a clean energy economy will be a boon for North Carolinians and the whole country.

This is not a perfect bill. It contains some protections for low and moderate income families, but does not do enough for the middle class. It makes some efforts to prevent regional price differences, but does not do enough to recognize the investments North Carolina's rate payers have already made. It takes some steps to establish goals for international climate negotiations and to ensure that the United States is not placed at a competitive disadvantage, but it should do more to protect American companies if we take responsible action and other nations do not.

I will reserve the right to work to improve this bill to improve its consumer relief provisions, promote regional fairness, and ensure that our businesses have a level playing field with their international competitors. But I will vote for this bill today to move us forward into the future that America needs and deserves.

Mr. MOORE of Kansas. Madam Speaker, I commend Chairman WAXMAN and Chairman MARKEY for crafting this truly historic energy legislation that will help our country make the transition to a new, clean energy economy.

I want to also thank Chairman WAXMAN for including a bill I drafted, H.R. 2246, in the manager's amendment. This bipartisan legislation, which I introduced with my friend from Illinois, Congresswoman JUDY BIGGERT, will establish the Community Building Code Administration Grant, or CBCAG, Program.

This competitive grant program will help with local building code enforcement by authorizing $100 million over 5 years, capping awards at $1 million per recipient, and requiring recipients to match a portion of funds received.

Much attention has been focused on the huge energy savings that can be achieved by increased energy efficiency in buildings, which consume nearly 40 percent of all energy and 70 percent of the electricity produced in the U.S.

But building codes don't make a difference unless they are enforced by local code officials who are properly trained and have sufficient resources to inspect buildings for compliance. It will save taxpayer dollars as well—according to a study conducted by the National Institute of Building Sciences, for every $1 spent on mitigation saves $4 in future disaster assistance.

H.R. 2246 is supported by the International Code Council, the Alliance to Save Energy and many other organizations. Again, I'm pleased my legislation has been incorporated into the manager's amendment to the American Clean Energy and Security Act.

I support the underlying bill and urge members to vote in favor of passage. But, I also strongly urge Chairman WAXMAN and Leadership to strengthen the Renewable Electricity Standard (R.E.S.) during the Conference Committee.

I commend Chairman WAXMAN and Chairman MARKEY for crafting this truly historic energy legislation that will help our country make the transition to a new clean energy economy.

The strong R.E.S. that we started with has unfortunately been watered down so significantly that it will not even provide an incentive to maintain current levels of renewable deployment.

Kansas utilities, like those of so many other states, are on track to cost-effectively meet a state R.E.S. of 10 percent by 2011. A federal goal of 6 percent by 2012 would provide no incentive for new investments in wind development or manufacturing.

That means that more jobs will be left on the table and that the U.S. will continue to lag behind the 37 countries around the world that have a binding, long-term commitment to renewable energy development.

The global marketplace is watching us. Companies both here and abroad are waiting to see if we enact an R.E.S. that will provide a true commitment to transitioning our economy to cleaner forms of energy.

They are making critical decisions on whether and where to build new manufacturing facilities or retool their companies to create new, high-quality jobs.

We can decide right now if we are going to build more of the new energy components right here in the United States or continue to import them from overseas.

Kansas is thrilled that Siemens chose to build nacelles for wind turbines in Hutchinson, creating 400 jobs in one small town and supply chain opportunities for hundreds of companies in the region. Several recent reports project job growth in the tens of thousands in our industrial heartland if we make a real commitment to renewable energy.

A stronger national R.E.S. is the most important policy tool we have to make sure new energy projects utilize American-made components manufactured by American workers.

Harnessing renewable energy also builds our rural communities—this ''new crop'' sustains farmers and ranchers and keeps the schools, clinics, roads and services strong in America's small towns.

A stronger national R.E.S. would also benefit consumers by holding down energy prices and protecting them against the price spikes of fossil fuels by promoting fuel diversity.

In fact, numerous independent studies have shown that the R.E.S. saves consumers money on their energy bills in all regions of the country.

In addition, a strong national R.E.S. will ensure that currently available clean technology is deployed quickly to help achieve greater emission reductions in the future at a lower cost.

And perhaps most importantly, Americans are demanding bold policies that will push our

country in a new direction on energy and ensure a clean, secure energy future for America.

In April a national poll found that 75 percent of Third District residents support a R.E.S. of 25 percent by 2025. This support is strong across all counties of my state and throughout all regions of the country.

That is why I urge Chairman WAXMAN and House Leadership to strengthen the R.E.S. as this legislation moves forward.

Ms. MARKEY of Colorado. Madam Speaker, I rise today in support of the transmission siting section of the manager's amendment to the American Clean Energy and Security Act of 2009. Yesterday, Congressman INSLEE and I offered this amendment to strengthen siting authority within the Western Interconnection, which extends from Colorado to the west coast.

My home state of Colorado has enormous renewable energy potential, but our outdated transmission infrastructure is inadequate to bring these resources to where they are needed. According to the Renewable Resource Generation Development Areas Task Force, Colorado has eight potential high concentration wind development areas and two potential high concentration solar development areas capable of generating more than 96 GW and 26 GW of energy, respectively. These estimates show that Colorado is more than able to generate excess renewable electricity for export to other states, and does not take into account smaller scale projects or distributed generation.

For western states like Colorado, the renewable energy potential is there, but the areas with the best wind and solar resources are often in remote areas that lack adequate transmission lines to transport the energy to where it is needed. As I travel to the Eastern Plains of Colorado, the landowners often tell me they are more than willing for wind and solar developers to install wind turbines and solar panels on their property, because for them it is an economic development tool. Ranchers can receive compensation by putting wind turbines on their land and their cattle can still graze under the towers.

Our current transmission system has evolved from local demands without an integrated national plan. Implementation of interstate transmission lines requires coordinating the regulatory permitting processes in each of the individual states and localities that the line will traverse. Our amendment builds upon the existing regional planning section of the American Clean Energy and Security Act and adds a siting plan for the Western Interconnection. This siting plan gives the Federal Energy Regulatory Commission backstop siting authority to ensure the construction of high-priority interstate transmission lines. Self identified regional planning entities will build a national transmission plan from the bottom up and with higher priority given to meet the demand of deploying renewable electricity generation projects. Our amendment will give ample deference to states and will encourage state and local participation throughout the planning and siting process.

In addition to the Inslee/Markey transmission siting amendment, I would like to express my strong support of Chairman PETERSON's agriculture amendment. My district in eastern Colorado contains some of the best agricultural land in Colorado. Weld County, in the 4th CD, is the number one ranking county in the state for agricultural products sold and eighth in the nation. I worked hard with my colleagues on the Agriculture committee to ensure that Colorado's farmers and ranchers will be able to benefit from the programs in this legislation.

I support authorizing the Secretary of Agriculture to carry out the agriculture and forestry related offsets programs in Title V of the American Clean Energy and Security Act. The United States Department of Agriculture conservation programs and the Department's extensive knowledge of optimizing agricultural practices leave them well poised to establish measurable and reliable offsets. Furthermore, the multitude of USDA offices near likely offset projects leave the Department in a better position to provide regulatory and technical assistance to farmers and ranchers.

Finally, I would like to express my support of amending the definition of renewable biomass in the renewable electricity standard and the renewable fuels standard of the Energy Independence and Security Act of 2007 to include infested trees removed from public lands. The Forest Service expects this bark beetle outbreak will kill most of the mature lodgepole pines covering 2.2 million acres in Colorado and southern Wyoming within the next 5 years. Some estimates indicate almost 2 million acres the have already been decimated. While it is not our intention to incentivize unnecessary cutting in our public lands, work is already being done in our public lands to remove trees killed by bark beetles to reduce the threat of wildfires and preserve forest health. We should utilize this available waste.

We have an opportunity to be smarter about the way we create and use energy. By utilizing the great renewable electricity potential in the west, we can invest in our future and put Americans back to work.

Mr. FATTAH. Madam Speaker, I thank you for allowing me the time to speak on this topic of paramount importance. Climate change and the problem of rising carbon emissions is one of the most important public policy quandaries that the nation currently faces. Congress needs to take the lead in helping to solve this issue. Therefore, I implore my fellow members of Congress to vote yes and help pass the American Clean Energy and Security Act, H.R. 2454.

As you well know, H.R. 2454 is a broad-based bill that includes a number of initiatives on clean energy, economic development, and climate change. Taken together, these initiatives will create the national policy framework and all important funding streams that are needed to adequately tackle the threat posed by rising carbon emissions.

Moreover, the incentives contained within H.R. 2454 will help strengthen and support those emerging renewable energy industries to help create jobs that will enable millions of Americans to get back to work. I know that these jobs will be created because I have already seen it happening in my home state of Pennsylvania. I have seen the jobs created by the wind and solar manufactures, and I have spoken to the leaders of local Philadelphia business who have told me how important the clean energy industry is to the Philadelphia region.

Moreover, I have read the studies that show how many jobs will be created if Congress passes H.R. 2454. For example, in a 2008 report published by the Clean Air Council entitled ''Job Opportunities for the Green Economy,'' it was estimated that over 533,000 jobs in Pennsylvania alone will see growth or wage increases by putting global energy solutions to work. As the world moves into a less carbon intensive future, these new industries will allow the country to thrive as they become the new economic engines that power future growth.

I believe that our nation needs a comprehensive energy strategy that makes our nation more energy efficient, decreases our reliance on foreign oil, creates jobs, and helps prevent increases in carbon emissions. I am not alone in my beliefs. People throughout the nation want Congress to get moving on reducing carbon emissions. These Americans understand that climate change is one of the most important issues that face the nation today. They understand that the rapidly changing climate that is due to rising carbon emissions is having a profound impact on the nation's forests, coastal areas, drinking water, and other important ecosystems that human beings rely on.

Therefore, I implore my fellow members of Congress to pass the American Clean Energy and Security Act. Help put our nation on track to a cleaner energy future.

Mr. OLSON. Madam Speaker, this Democratic cap-and-tax plan is simply a shell game designed to funnel billions of taxpayer and industry dollars through government to fund their restrictive energy plan. Faced with an outcry over the impact their plan will have on family budgets, Democrats have tried to buy off opposition by offering ''rebates'' to help offset increased costs.

Let's be clear, this rebate is nothing more than the government giving you your own money back. It is typical Washington: steal your wallet, and pat themself on the back for giving you back the spare change. And let's not forget the fundamental failure of this job-killing plan—it doesn't even reduce carbon emissions.

According to analysis from the Heritage Foundation, hard working folks in my congressional district alone will lose nearly 5,000 jobs in 2012 alone. That is just one year of job losses in one district and the numbers only go up from there. And the average household in Texas could pay an additional $1,136 for household goods and services over a given year.

My office has received 680 calls this week on cap-and-tax and 671 of them strongly urged me to oppose this bill. In these times of economic hardship, Congress must be focused on creating and maintaining jobs. My Democratic colleagues who are advocating for this legislation tout the fact that more ''green'' jobs will be created by this job.

What they fail to mention is that good paying jobs that already exist in this country will be shipped overseas and our national unemployment rate will increase. We have already seen this happen in Spain, where a study

found that for every one green job created two other jobs were lost. I do not want this for my constituents, I do not want this for the businesses in the 22nd District of Texas, and I do not want this for the American people.

Madam Speaker, this is simply a scheme to restrict needed energy and decide who is worthy of working in which government approved energy job. That is not the role of government and Americans should be outraged. The stimulus plan was designed to create jobs through billions and billions of tax dollars. It has not created the jobs it promised and this energy shell game will not work either.

Mr. TIAHRT. Madam Speaker, I heard of a climatologist who went to apply for a job recently. During his interview, he was asked, ''What do you predict will happen with the earth's climate next year'?'' He immediately replied, ''Whatever you want me to predict.''

Unfortunately, this joke seems to hit a little too close to home, when we are considering global warming legislation. Rather than responding to serious questions with serious answers, Congress is replying with what we think people want to hear. Rather than considering all angles before offering a solution, Congress is rushing through legislation in hopes to score points with voters back home. And instead of basing a bill on sound scientific data, we will be considering legislation that is devoid of input from this side of the aisle.

I rise today to express my strong opposition to Waxman-Markey ''cap and tax'' bill. I believe there are three interrelated problems with this misguided legislation. I am concerned with the process by which we have arrived at the point we are today. I am concerned with the political showmanship that has gone on as the bill was written. And I am concerned with the policy itself, which bears the tragic scars of both the process and the politics.

Madam Speaker, from the beginning of the 111th Congress to the present, the cap-and-tax bill has been subjected to unfortunate abuses of the legislative process. In April, the Energy and Commerce Committee held four days of hearings, with the intention of, according to the Committee's website, ''examine the views of the Administration and a broad range of stakeholders,'' on a discussion draft of Chairman WAXMAN's bill. However, these hearings reflected only the Chairman's perspective. Only four of the twenty-one witnesses called before the Committee expressed any opposition to cap-and-tax, despite a petition signed by more than thirty thousand meteorologists, climatologists, and other scientists stating their skepticism about the evidence of man-made greenhouse gases being responsible for increases in the earth's temperature. Contrary to claims made by the Committee, and witnesses at the hearing, there is no ''overwhelming consensus'' in favor of the hypothesis of human-caused global warming. There was also a report issued by Republicans on the Senate Environment and Public Works Committee outlining the dissent views of more than 700 scientists opposing the idea of manmade global warming. Clearly, no consensus has been reached.

Madam Speaker, This bill was drafted without input from our side of the aisle. At no point was any Republican consulted regarding the contents of the bill. In the rush to get the legislation passed through Committee, it seems no one had time to read the entire bill, or figure out what it means. Committee members repeatedly asked questions regarding the potential cost of particular provisions or amendments, but received no answers.

All of this raises the question, ''why''? Why was the bill rushed through the Committee, With hardly enough time to read it, let alone determine the impact that it would have on American taxpayers, farms, and businesses? The only answer I can come up with is the desire on the part of some in this body to score points with their voters back home.

Which brings me to the third problem with Chairman WAXMAN's cap and tax bill—its just bad policy. Earlier this week, Investor's Business Daily had a front page article about the failures of Europe's program, called the Emissions Trading Scheme, or ETS. The article cites numerous studies finding that the ETS has significantly increased energy prices, ''with 'uncertain' effects on greenhouse gas emissions.'' That hardly sounds like a model of success that we should be emulating here in the United States.

Proponents of the cap and tax bill claim that they have learned from Europe's mistakes, but I disagree, Madam Speaker. The article identifies the giving away of the program's carbon allowances as the largest reason for the program's failure. This bill follows that same model, giving away roughly 85 percent of the emissions allowances.

The entire idea of a cap and trade program fails in practice. We are told, ''The cost of polluting will be paid by the polluters.'' And believe me, the authors of this bill expect them to pay a hefty price. In fact, President Obama's budget assumes that even with the sale of only 15 percent of the total emissions permits, the federal government will still take in more than $650 billion. As the cap gets lower, and there are fewer permits available, the cost for ''polluters'' is going to grow ever higher. But that is exactly what the authors want. President Obama recently stated that the only way for a cap-and-trade system to work is for energy prices to ''skyrocket.''

There is nothing in the bill to keep the ''polluters'' from passing those skyrocketing costs on to the consumers. In fact, they will be forced to so. Any business that cannot pass the costs on to consumers runs the risk of being driven out of business. In the end, it will be the American taxpayer that foots the bill for this program, in the form of higher prices at the pump, higher home energy bills, and lost economic growth. But don't just take my word for it. Even the director of the Congressional Budget Office has said that, ''under a cap-and-trade program, consumers would ultimately bear most of the costs of emission reductions.''

One analysis of this bill found that if the standards within the bill are met, by 2035 Americans will see gas prices rise 74 percent, electricity prices increase by 90 percent, and a loss of at least 850,000 jobs every year. The average American household will see its annual energy bill go up by nearly $1,500. For my home state of Kansas in particular, we are going to have to purchase an estimated $206.8 million worth of carbon credits. That is $206 million more that Kansans are going to have to pay in energy costs every year. My district will be particularly hard-hit, as estimates show my district standing to lose nearly half a billion dollars of production in 2012, and more than 5,000 non-agriculture jobs. It's this kind of economic pain that advocates are counting on to force a reduction in carbon emissions.

The European system proves this idea doesnt work. With no signs of a reduction in carbon emissions, Europeans have seen their household energy costs rise by 16%, and the industrial energy costs increase by 32%.

Spain is an especially poignant example of the failure of the European system. They committed to reaching the benchmarks set out by the Kyoto Protocol, with renewable energy standards, so-called green-collar jobs, and a commitment to reduce their carbon emission levels. But the high cost of energy in Spain has destroyed their economy, which is currently facing a 17.5% unemployment rate. Proponents of this bill say that we will be creating new, green jobs. But most of these jobs are temporary construction jobs that go away once facilities, like wind farms for example, are built. In Spain, for every 4 jobs that were created, 9 were lost due to the higher cost of doing business under the Emissions Scheme. We should avoid going down this same path.

There is huge potential for exploitation of the system, on multiple levels. Especially with permits being given out, rather than auctioned, government officials are in a prime position to divert additional credits towards industries or companies of their choice. There is also the possibility that utilities here in the United States could follow the lead of one European company that immediately raised their rate by 70%, explaining to customers that the rate hike was necessary to cover the costs of cap-and-trade. But this utility company was given more credits than it needed, and sold them on the open market.

Tack on a renewables standard to this bill, and we have the perfect recipe for failure. No place that has implemented a renewable standard has ever been able to meet the required levels. And there is little to indicate that a federal standard would be any different. As a 2008 article in the Energy Law Journal stated, ''The DOE has little, if any, experience in administering a program on the scale of a national RPS, and has shown no indication that enforcement of a major program is within the agency's capabilities...[this is] an area in which the DOE has already failed to show effective leadership.''

So what we have here is a bill that has been rammed through with no minority input, to create a system that is ripe for abuse, costs the American taxpayer thousands of dollars, cripples our businesses, and in the end, has no measureable result. This is a bill I cannot support, and urge my colleagues to reject as well. Instead, I would encourage my colleagues to join me in supporting the American Energy Act, a comprehensive energy bill that increases access to domestic energy sources, encourages conservation, and promotes the increased use of renewable sources of energy.

Across this country, we are, once again, seeing gas prices rise. Since the beginning of the year, gas prices are up 60 cents, and

crude oil has raised more than $20 a barrel, with no end in sight. Just last week, Russian oil executives predicted that crude prices could reach $250 per barrel.

It is possible for us to relieve some of this pressure by tapping into our own vast resources. The Department of Energy estimates that nearly 20 billion barrels of recoverable oil lie offshore beneath restricted waters, the equivalent to nearly 30 years worth of current imports from Saudi Arabia. Substantial offshore natural gas reserves are also restricted. Even though longstanding restrictions on offshore energy production were lifted last year, the process of leasing these areas falls under the jurisdiction of the Department of the Interior.

Unfortunately, new Secretary of the Interior Ken Salazar refuses to allow additional drilling permits, dredging up every excuse not to produce energy in these areas. The Alaskan National Wildlife Refuge, reported to hold more than 10 billion barrels of oil continues to remain off-limits. He has also sought to block progress on oil shale, a promising source of oil trapped in rock under parts of Colorado, Utah, and Wyoming. The Department of the Interior has even cancelled some existing oil and gas leases.

Often, environmental concerns are cited as the reason for opposing additional drilling. However, technological advances have greatly increased the safety of drilling. During hurricanes Rita and Katrina, less than one cup of oil was spilled in the Gulf of Mexico, despite damage to more than 120 drilling platforms. There is absolutely no reason why permits for additional drilling should be denied. Furthermore, revenue generated by these oil leases will be invested in the development of cleaner, alternative sources of energy. The end result is a reduced dependency on foreign oil, lower levels of pollution, and new jobs for Americans, all without crippling our economy.

Lastly, Madam Speaker, the American Energy Act includes one key source that could provide clean energy without emissions nuclear power. The Department of Energy has stated that the best way for energy companies to reduce their carbon emissions is to increase their use of nuclear energy. Despite encouragement from DoE, and the fact that that it has been proven safe by countries like France, where more than 80% of their electricity is generated by nuclear power, the Waxman-Markey bill does nothing to encourage nuclear power.

Instead, this administration has begun to walk away from the hundreds of millions of dollars spent on the nuclear storage facility at Yucca Mountain, Nevada. The American Energy Act would provide the Nuclear Regulatory Commission authority to complete its review of the Yucca Mountain facility, repeal the limitations on Yucca's Mountain's storage capacity, and establishes a method for recycling spent nuclear fuel in the U.S. Furthermore, it would reduce the bureaucratic hoops and length of time required to receive a permit for the construction of new nuclear plants.

In conclusion, let me again encourage my colleagues to join me in rejecting the Waxman-Markey cap-and-tax bill that would cripple our economy, without addressing their environmental concerns. Instead, lets support the American Energy Act, which provides real solutions for our energy problems in an economically, and environmentally sound manner.

Mr. BURTON of Indiana. Madam Speaker, if this energy tax passes, the estimated job loss or my district is an average of 3,702 jobs per year from 2012 through 2035. If this bill passes it will mean financial ruin for thousands of my constituents.

5th CD Gross State Product Loss for 2012: $361.7 million

5th CD Gross State Product Loss on average from 2012–2035: $720.1 million

5th CD Personal Income Loss in 2012: $458.7 million

5th CD Personal Income Loss on average from 2012–2035: $265.7 million

5th CD Non-farm Job Loss in 2012: 4,552

5th CD Non-farm Job Loss on average from 2012–2035: 3,702

THE CONSEQUENCES OF CAP AND TAX

Over 1,200 pages long, H.R. 2454 contains four sections outlining mandates for renewable energy, mandates for energy efficiency, a cap-and-tax proposal, and a ''transitioning'' section focused on forestalling expected job loss.

HIGHER ENERGY PRICES

Every consumer will pay for this both directly and indirectly.

Independent researchers, CBO, and the President all agree that this cost will be passed to consumers.

every provision in the bill either increases the cost of energy directly or tried to keep it from increasing too much.

Example: new federal renewable electricity standard that would likely cause electricity prices to spike.

This is the ultimate regressive consumption tax to the tune of nearly $3,000 per year according to the Heritage Foundation.

The costs per family for the whole energy tax aggregated from 2012 to 2035 are estimated to be $71,493.

FEWER JOBS

Yesterday in the Rose Garden, President Obama said that Cap-and-Trade was a ''jobs bill.'' Yet many studies reports rampant job loss through the year 2035.

A national energy tax would undoubtedly outsource millions of manufacturing jobs to countries such as China and India.

According to the independent Charles River Associates International, H.R. 2454 would result in a ''net reduction in U.S. employment of 2.3 million to 2.7 million jobs each year of the policy through 2030,'' even after the ''creation'' of new green jobs.

Green Jobs Are a Proven Failure: According to a recent study that reviewed the impact of ''green jobs'' in Spain, the U.S. can expect 2.2 jobs to be destroyed for every 1 renewable job financed by the government. Only 1 in 10 of the jobs actually created through green investment is permanent, and since 2000, Spain has spent 753,778 U.S. dollars to create each ''green job,'' including subsidies of more than $1,319,783 per wind industry job.

GOVERNMENT MANDATES AND INTERVENTION

This includes new federal mandates on everything from outdoor light bulbs and table lamps to water dispensers, commercial hot food cabinets, and Jacuzzis.

Establishes a myriad of new federal agencies intertwined between at least 21 established agencies with the mission of reallocating trillions of taxpayer dollars. According the U.S. Chamber of Commerce, the bill will impose 397 new federal regulations that require traditional agency rulemakings.

The bill transfers wealth from rural areas to cities. States like California, Washington, and New Jersey would receive more emission credits than they need, enabling them to sell surplus credits to smaller facilities in states like Ohio that receive maybe half of the credits they need—making the rich, richer, and the poor, poorer.

The bill would also increase the demand for electricity (to fuel plug-in vehicles via new hybrid incentives) at the same time as the other portions of the bill cause consumer electricity costs to spike.

Although the bill includes ''free'' allowances for some sectors, economists agree that even if 100 percent of the industry's emissions were initially covered by free allocations, the bill's declining carbon cap will force higher and higher costs onto the American public.

According to the Heritage Foundation, by 2035 this legislation would:

Reduce aggregate gross GDP by $9.4 trillion;

Raise electricity rates 90 percent;

Raise gasoline prices by 58 percent;

Raise residential natural gas prices by 55 percent; and

Increase inflation-adjusted federal debt by 26 percent, or $28,728 additional federal debt per person, again after adjusting for inflation.

Furthermore, a recent poll shows that 78 percent of individuals questioned said that a $50 increase in monthly utility bills would be a hardship.

58 percent of respondents say that they are unwilling to pay any more than they currently pay for electricity to combat climate change.

To that end, one-half of those polled oppose enacting a carbon tax to fund energy research (up from 31 percent in 2007).

In addition, the bill:

Creates a Derivatives Market for Companies like AIG: Companies like AIG and ENRON will be participating in a new derivatives market that is much more volatile than housing or natural gas. This new unregulated derivatives market will be more perilous for companies like these than the traditional ones that got them into trouble in the first place. In addition, since the created artificial market contains no transparency, it is more likely to attract traders intent on imposing Ponzi schemes in the same spirit of Bernie Madoff and swindle thousands of Americans.

Devastates Rural America: Rural households spend 58% more on fuel than urban residents as a percentage of their income. The Heritage Foundation estimates farm income will drop by $50 billion by 2035.

Concedes to the Competition: Currently, China accounts for 85% of global growth in coal each year and is the world's largest annual emitter of greenhouse gases. China's energy usage rose by 7.2% last year and they are building approximately two coal fired power plants per week to keep up with demand. Recently, at a U.N. conference, the Chinese government's advisory panel on climate change asserted that the cap and tax targets were too low by stating Given that, it

is natural for China to have some increase in its emissions, so it is not possible for China in that context to accept a binding or compulsory target. In addition, India will not agree to any cap on their total energy production, and many believe India will double their coal-fired-capacity by 2030.

Discriminates Against Developing Nations: The bill creates a new program under USAID to provide U.S. foreign aid to developing countries for their efforts to adapt to climate change. Essentially, the bill is sending taxpayer funds to encourage third world nations to not develop carbon emitting energy sources keeping them at a competitive disadvantage from developed nations for even more decades to come.

Establishes an Unrealistic Renewable Energy Standard (RES): ''Cap and tax'' does not take into account the fact that additional hydropower, nuclear and advanced fossil coal power plants cannot be deployed quickly enough to meet expected growth in electricity demand while also dramatically reducing greenhouse gas (GHG) emissions. Since renewable technology accounts for a small percentage of energy demand, consumers can expect not only higher rates, but more transmission problems during peak hours of demand. Additionally, the bill preempts at least 23 state renewable electricity standards.

Includes Davis-Bacon: ''Cap and tax'' expands Davis-Bacon prevailing wage requirements to many provisions of the bill. This policy has been shown to increase public construction costs by anywhere from 5 to 38 percent above projected costs for the same project in the private sector.

Groups Scoring as a Key Vote: 60 Plus Association, Americans for Prosperity, Americans for Tax Reform (double-rating), Citizens Against Government Waste, Club for Growth, FreedomWorks, Independent Petroleum Association of America, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Cattleman Beef Association, National Federation of Independent Businesses, National Taxpayers Union, Small Business & Entrepreneurship Council (SBE Council).

Mr. PAULSEN. Madam Speaker, it must be a priority to work aggressively and prudently as a nation to cut greenhouse gas emissions. However, I believe we can do this without the current ''cap and trade'' plan we are voting on today.

Reducing emissions and strengthening our environment are important priorities—priorities I support. However, the ''cap and trade'' bill before us today is just a fancy way of masking ''tax and spend''—and it is the wrong approach to addressing this issue.

America needs a comprehensive energy solution to reduce our dependence on foreign oil and jump-start our economy, but it should not be at the expense of every American taxpayer.

Analysis shows cap and trade will raise gas prices, raise electricity prices and eliminate American jobs. Studies have shown up to 2.5 million jobs will be lost, making America less globally competitive.

In the worst recession in over 70 years, this legislation would exacerbate our situation by increasing energy costs for every sector of our economy. If the priority is jobs, it is stunning to me that we're bringing this bill to the floor that will create a national energy tax on every working family and every small business in America.

There are several common sense, bipartisan solutions that invest in new, clean and reliable sources of energy. I'm supporting a plan that aggressively reduces emissions, promotes conservation, creates jobs and strengthens our environment by promoting nuclear energy—a zero emissions, renewable source. It also boosts domestic supplies of both natural gas and oil.

I hope today that we do what is right for America, by voting down this cap and trade proposal and moving forward with a plan that will work for—not against—all Americans.

Mr. OBERSTAR. Madam Speaker, I rise today in support of H.R. 2454, the ''American Clean Energy and Security Act of 2009''.

This bill seeks to promote clean energy use and reduce carbon emissions in the United States. The legislation will create millions of new clean energy jobs, enhance America's energy independence, and protect the environment. Additionally, this bill recognizes the important role that transportation plays in addressing global climate change, and I am pleased that the Committee on Energy and Commerce has worked in concert with the Committee on Transportation and Infrastructure in crafting key provisions of this bill.

According to the U.S. Environmental Protection Agency (EPA), nearly 30 percent of the total greenhouse gas emissions produced by the United States comes from the transportation sector, second only to electricity generation. The U.S. Department of Energy (DOE) reports that the carbon dioxide emissions from the transportation sector grew 25.4 percent between 1990 and 2006, an average of 1.4 percent each year. The most recent DOE data show that transportation produces more metric tons of energy-related carbon dioxide than the residential and commercial sectors, and almost as much as the industrial sector.

Nearly all of these transportation-related emissions come from the use of petroleum products. The transportation sector accounts for 68 percent of the total U.S. petroleum consumption; Americans used almost 14 million barrels of oil each day for transportation purposes in 2006. According to the Federal Highway Administration (FHWA), the amount of miles Americans drive each year has grown three times faster than the U.S. population, and almost twice as fast as vehicle registrations. Private vehicles are now the largest contributor to household ''carbon footprints''—accounting for 55 percent of carbon emissions from U.S. households. Federal policies over the last 50 years, however, have done little to address the growing problem of greenhouse gas emissions.

A February 2008 report by ICF International released by the American Public Transportation Association found that a person who switches a 20-mile round trip commute alone from car to existing public transportation, can reduce his or her annual carbon dioxide emissions by 4,800 pounds per year. This dramatic energy savings is equal to a 10 percent reduction in all greenhouse gas emissions produced by a typical two-adult, two-car household. Furthermore, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

To reduce America's carbon footprint and to encourage the development and expansion of sustainable transportation options, the American Clean Energy and Security Act will implement a number of initiatives to significantly reduce transportation-related greenhouse gas emissions. These provisions represent the next steps to mitigate the negative impact the transportation sector has on climate protection, while increasing the livability of our communities nationwide.

Under the American Clean Energy and Security Act, States will receive allowances for clean energy and energy efficiency investments, and are authorized to use up to 10 percent of these allowances for certain transportation projects. States may use allowances to fulfill the local matching requirement to receive Federal funds for projects like public transportation system improvements, clean fuel buses, or construction of bicycle facilities. While this provision offers only a small portion of the funds needed to address surface transportation-related greenhouse gas emissions, it is a very good first step.

Additional provisions of the legislation expand the scope of current surface transportation planning to include emissions reduction requirements administered by the Department of Transportation (DOT). The Act requires EPA, in consultation with DOT, to set national emission reduction goals, but requires DOT to set transportation-related emissions reduction performance measures for each State and large metropolitan areas. States and metropolitan planning organizations (MPOs) must meet individualized transportation-related emissions reductions targets, and the Act requires public notice of those targets, including an assessment of how well States and MPOs are meeting emission reduction goals.

These important transportation planning provisions are also included in the Surface Transportation Authorization Act of 2009, legislation that the Subcommittee on Highways and Transit passed unanimously this week by voice vote, and which I plan to bring before the full Committee on Transportation and Infrastructure and the House soon after the fourth of July recess.

These transformational changes to our surface transportation planning requirements, especially when coupled with dedicated funding for clean energy transportation projects, will save fuel, reduce emissions, and advance America's long-sought goal of energy independence.

In addition to these important transportation provisions, I am very pleased that agreement has been reached to clarify the definition of renewable biomass. I want to commend the leadership of my Minnesota colleague, COLLIN PETERSON, Chairman of the Committee on Agriculture, for his superb advocacy for rural America and the wood product industry. The new biomass definition and provisions that provide credit for forestry and wood products for carbon sequestration are essential to ensure that our vital wood product sector is not

disadvantaged in the climate change legislation.

I am also very pleased that additional language has been added to ensure that the iron ore sector will receive emission allowances, and I greatly appreciate Chairman WAXMAN's willingness to work with my colleague BART STUPAK and me on this important iron ore mining clarification.

While I am prepared to support this legislation today, I continue to have concerns with the climate change bill regarding the border adjustment mechanism. It is imperative that the final climate change legislation contain strong safeguards to ensure that our manufacturing sector is not disadvantaged by imports from nations that have not implemented carbon reduction technologies.

Without further improvements, it is likely that the steel, wood product, and other energy-intensive sectors of our economy would face unfair competition from nations with insufficient environmental safeguards. I am encouraged by the important contributions that my colleagues MIKE DOYLE, JAY INSLEE, CHARLIE RANGEL, and SANDY LEVIN have made in this area, and I will continue to work with my colleagues to make additional improvements.

We must also ensure that the final climate change bill addresses regional concerns regarding the allocation of emissions allowances to utilities in the Midwest. While I am pleased that improvements were made to assist rural electrical cooperatives, I remain concerned that the current formula, which would allocate emissions allowances to utilities based on a combination of sales and emissions, would unfairly impact Midwestern power producers, and I am hopeful that further refinements can be made to ensure regional equity.

For these reasons and more, I support H.R. 2454, the ''American Clean Energy and Security Act of 2009'', and urge my colleagues to do the same.

Mr. RAHALL. Madam Speaker, the Congress would be unwise to sit by and simply allow the Environmental Protection Agency to regulate a reduction in greenhouse gas emissions, as the agency has been mandated to do by the Supreme Court. Similarly, it would be a mistake to sit back and allow other countries to devise international rules that will affect America's economic and energy interests.

I do not agree with those who advocate for sitting on our hands and just saying no to everything, sight unseen. The international community has no interest in protecting American businesses, and the Environmental Protection Agency is not required by the Supreme Court to consider the views of our constituents or the economic consequences to our communities.

I believe America is the one nation best equipped to lead such a multinational effort and, in doing so, to strike a balance between environmental preservation and the preservation of jobs. The hands-off approach of recent years did nothing to help promote new energy technologies, or to advance carbon capture and sequestration, or to protect American jobs.

It is evident that wishing that this complex issue would simply go away will not lead to better results for our Nation or the people we represent. And ''just saying no'' to any and all proposals, sight unseen, is unrealistic and irresponsible.

For those reasons, I chose to work with my colleagues and with numerous stakeholders—including the coal industry, manufacturers, and labor—to positively influence this bill and America's climate change strategies. And for those reasons our coal miners and responsible industry members have been at the table, too, rather than on the sidelines.

I thank Chairman WAXMAN, who has made many concessions in this bill, and I thank leadership for listening to my concerns about this legislation and moving to help address them.

As well, I commend my colleague RICK BOUCHER, from southwestern Virginia, who serves on the Energy and Commerce Committee and worked in determined fashion to make improvements to the bill that we both sought. I am grateful that he has been so welcoming of my views and supportive of our interests—such as ensuring the availability of $10 billion to advance carbon capture and sequestration technologies and other changes that are beneficial to the people of our neighboring districts.

While this bill is greatly improved from the discussion draft that was first circulated in March of this year—and opponents were saying no even before that draft was written—more improvements are needed to gain my support.

Coal does much more than keep the lights on in big cities across America. In southern West Virginia, it covers the mortgage, puts food on the family dinner table, and keeps open the doors of small businesses. While the emissions target in the early years of this program has been lowered from the 20% cap initially contained in this bill, there remains widespread concern that even the reduced cap—17% in 2020—is still too high and too soon to incentivize rapid development and deployment of carbon capture and sequestration technologies, so as to ensure coal mining jobs for the future. We must allow time for expensive clean coal technologies to come on line.

These technologies are critical to lowering emissions across multiple sectors of our economy. And they are necessary for keeping hardworking coal miners in the jobs they want, providing power for the country they love.

For these reasons, I cannot cast my vote for this bill.

Mr. CALVERT. Madam Speaker, Families in communities across our nation continue to struggle through the most difficult economy most of them have ever experienced. Nationally, our unemployment rate is nearing 10 percent. In California, the unemployment rate has soared to 11 percent and in some of the hardest hit portions of my congressional district it has reached almost 18 percent.

Like many Americans, I am dismayed by the decision of the Democratic leadership to bring such an economically damaging bill to the House floor in the midst of these historically difficult times.

Economic organizations and think tanks from around the country have studied the economic impacts of the bill before us . . . and the results are not good. A study conducted by the National Black Chamber of Commerce determined that by 2030 the Waxman-Markey bill will cut net employment by 2.5 million jobs—even after accounting for new ''green'' jobs. Similar studies by the Brookings Institution and the Heritage Foundation also project huge job losses.

Ironically the Democratic leadership in Congress and the Democratic Administration have made job creation one of their biggest priorities this year. During the consideration of the stimulus bill we repeatedly heard claims that the bill would ''save or create more than 3.5 million jobs.'' As most Americans know, the bill has yet to deliver as promised. I think it is notable that as we consider another major piece of legislation both the Administration and Democratic leadership are eerily silent on their job creation predictions.

The reality is the bill before us will kill jobs, weaken our economic security, and enacts punitive measures that will only make matters worse for families struggling to get by. I urge all of my colleagues to vote against this poorly conceived bill that is being pushed through with little to no time for debate or discussion.

Mr. GARRETT of New Jersey. Madam Speaker, I rise in opposition to the so-called cap & trade legislation before us. While there are countless reasons to oppose it, including the millions of jobs that are expected to be lost, I wanted to take a moment to speak on the amendment that I offered to this legislation. More than 200 amendments were offered to this legislation in addition to my amendment, and all of them, with the exception of one, was rejected by the Democrat majority.

My amendment would have stricken all sections of H.R. 2454 that deal with the regulation of derivatives. This bipartisan effort was supported by six cosponsors, including Democratic Reps. MIKE MCMAHON and DAVID SCOTT as well as FSC Ranking Member BACHUS and several others.

Despite lacking any jurisdiction and expertise, the Energy & Commerce Committee added sections to this bill imposing costly new regulations on this portion of our financial services sector. I think we can all agree that a broader discussion within Congress need to take place on these issues, including at the committees of jurisdiction where there is experience and expertise in dealing with them.

Just one week ago, Congress received an outline of President Obama's financial regulatory reform plan, which includes suggestions for the regulation of derivatives. The Financial Services Committee has not yet had a chance to digest the President's proposal, nor has it fully debated this issue within the context of broader financial regulatory reform, which will continue to be the focus of our committee's work over the next several months.

It is not appropriate to enact language that regulates a portion of the derivatives market, potentially in a manner that conflicts with later consensus on how to regulate the industry at large. Ninety-four percent of the 500 largest global companies use derivatives to manage risk and maintain stable consumer prices. Given the importance of these financial products, Congress needs to tread carefully as it looks at regulatory options for these markets. Over-regulation or improper regulation that might sound good politically could have major unintended negative consequences, not just for our financial markets, but for our broader economy.

The sections that remain in this bill that deal with the regulation of our derivatives markets are but one of many reasons to oppose this massive and massively-flawed piece of legislation.

Ms. SCHWARTZ. Madam Speaker, I rise today in support of the American Clean Energy and Security Act (ACES). This historic initiative will create jobs in new renewable energy industries and energy efficiency, reduce American dependence on imported oil, and decrease the greenhouse gas emissions that are causing global climate change.

The growth of these new industries will enhance the ability of the United States to produce its own energy and reduce the need for oil imports from foreign countries. We currently import nearly 60 percent of our energy needs from abroad. This imbalance makes our country dependent upon foreign countries for the fuel that keeps our economy running. It is estimated that ACES will reduce U.S. oil consumption by 2 million barrels per day by 2030.

Growing our domestic clean energy industry and reducing our use of foreign oil will have an important tangible benefit—reducing the greenhouse gas emissions that are causing global climate change. The Nobel-Prize winning Intergovernmental Panel on Climate Change has determined that significant reductions in greenhouse gas emissions, like carbon dioxide, are necessary to mitigate significant environmental consequences. ACES meets this challenge by creating a framework to reduce U.S. emissions 83 percent below 2005 levels by 2050.

ACES accomplishes these goals while limiting costs to businesses and the consumer. The nonpartisan Congressional Budget Office has determined that implementing this bill would cost the average household about 48-cents per day. ACES also includes assistance for energy-intensive manufacturing industries like steel, cement, and glass to ensure that these industries remain economically competitive in the global marketplace as we strengthen our environmental laws and transitioned to clean energy and greater energy efficiency.

I am proud that this bill includes a provision I spearheaded that will require the Environmental Protection Agency Administrator to create a national strategy to reduce carbon emissions through biologic sequestration. Carbon dioxide can be absorbed from the atmosphere into plants, trees, and other vegetation through the natural process of photosynthesis. My provision would ensure that we utilize natural landscape and green infrastructure to maximize our ability to remove carbon from the atmosphere through a determined strategy for reforestation, improved agricultural practices, and urban greening.

This important legislation defines new energy goals for our nation and enables us to lead the world towards a clean energy future. For businesses and families back home it identifies a way forward to not only reduce harmful carbon emissions but to create new economic opportunities, new ''green'' jobs, conservation and energy efficiency, and alternative, cleaner sources of energy. Together these actions will better ensure our nation's security, economy, and health. I urge my colleagues to vote ''yes'' on this important bill.

Mr. GRIJALVA. Madam Speaker, I rise in support of the legislation before us today.

As the Chair of the Subcommittee on National Parks, Forests and Public Lands of the House Natural Resources Committee, I have held a series of hearings on the impacts that climate change is having, and will have, on our lands, waters, and wildlife. In response, my congressional colleagues and I developed a bill to give state and federal natural resource managers the tools to respond and adapt to these impacts. That bill is included within the American Clean Energy and Security Act which I strongly urge my colleagues to support today.

Any serious attempt to address climate change must include a focus on the management of our nation's natural resources. Our land, water, fish and wildlife resources are critical to public health and the American economy.

These natural resources are also vulnerable to a wide range of physical, biological, economic, and social effects as a result of climate change. At the same time, public lands and resources represent some of the best opportunities we have for implementing natural resource adaptation strategies to help mitigate some of those effects.

Unfortunately, the previous Administration pursued a ''Head in the Sand'' policy regarding climate change and, as a result, the gap between what we know about climate change, and what federal and state resource management agencies are doing about it, has never been wider.

After the Natural Resources Committee held a series of hearings on the impacts that climate change is having, and will have, on our lands, our oceans, and our wildlife, several of my colleagues and I introduced H.R. 2192 to promote a proactive federal-state partnership to address the impacts of climate change on our nation's natural resources and provide the direction and the tools that resource managers will need to develop mitigation and adaptation strategies for our land, water, and wildlife.

We are gratified that the Energy and Commerce Committee shares the belief that this is an important piece of the puzzle and has elected to include our legislation as part of the bill before us today.

The bill establishes a Natural Resources Climate Change Adaptation Panel made up of Federal agencies responsible for managing our Nation's natural resources. The Panel's mission will be to foster the kind of interagency and federal-state cooperation and planning that is both critical in responding to climate change and, so far, sorely lacking.

The Panel will be tasked with developing a comprehensive, national strategy for combating climate change. Once the national strategy is in place, each Federal agency with jurisdiction over natural resources will be required to translate that broader plan into a climate change response tailored specifically to their programs and activities. Furthermore, funding will be authorized to assist states in developing similar state-wide adaptation plans that lead to concrete, on the ground actions to address the impacts of climate change on the natural resources they manage.

In addition, the bill will streamline, centralize and improve the collection and dissemination of climate-related scientific information. This provision will ensure that Federal climate research will be better funded, more aggressive and more easily available to land managers, policy-makers and the public.

Finally, the bill will create a centralized database of geographic mapping information designed to identify significant wildlife habitat and migration corridors. Such areas must be included in any ecosystem-level adaptation planning efforts.

These efforts are belated—we cannot hope to reverse a decade of inaction immediately—but they are important tools and these provisions are an important step forward in developing a response to climate change that will protect the lands and waters owned, and deeply valued, by the American people.

We have wasted valuable time when we should have been working to stop harmful global warming, but with this vote to rein in carbon emissions, we will take a big step toward joining the rest of the world in addressing mankind's impact on our environment. Our existence on this planet depends on our taking action now rather than later, and therefore, I urge passage of the legislation today.

Mr. BACHUS. Madam Speaker, I rise in opposition to the Waxman-Markey bill.

This legislation creates a new multi-trillion dollar market for Carbon Allowance Derivatives overnight, all without one hearing before the Financial Services Committee. This continues a disturbing pattern of conduct of passing sweeping legislative proposals without consideration of the consequences and ramifications.

While Congress and financial regulators continue to work to determine how best to oversee existing derivatives markets, it is ill-advised to rubber stamp the creation of a brand new, hard to price, and convoluted Carbon Allowance Derivative Market. The new market would be open to potential abuse because it will be difficult for regulators to understand and monitor.

Under the Waxman-Markey bill the government would issue allowances (carbon allowance permits) that allow companies to emit a certain amount of greenhouse gases. Companies that emit too much can buy allowances from companies that produce less than their limit. In addition to carbon allowances, there are carbon offsets which allow companies to emit greenhouse gases in excess of the federal cap or limit. They do this by investing in projects that cut emissions and it is anticipated that many of these projects will be in developing countries C.F.T.C. Commissioner Bart Chilton anticipates that overnight the bill will create a $2 trillion dollar market, which he describes as ''the biggest of any commodities derivative product in the next five years.'' Robert Shapiro, a former undersecretary of Commerce in the Clinton administration and a co-founder of the US climate Task Force warns that ''we are on the verge of creating a new trillion dollar market in financial assets that will be securitized, derivatized, and speculated by Wall Street, like the mortgage-backed securities market.'' Mother Jones' Rachel Morris warns that without strong financial regulation of the market you could have abuses, over leveraging and ultimately collapse of the market. Democratic Senator JEFF BINGAMAN has described these offset projects as ''fraught with opportunity for game playing, which will be fully exploited, I'm sure.''

Many of these projects will be created in developing countries. A clean coal project in China or India could be used for carbon offsets, as could a tree planting project in Brazil or Borneo. As much as China needs to clean up their environment, should Americans pay for it? Should a tree planting project in Borneo allow the discharge of more pollution in America? Many of these remote projects will be notoriously difficult to confirm and monitor. Even in America with a well-established regulatory system we witnessed abuses in the subprime mortgage market. The derivatives market has the potential for even greater game playing in remote countries with questionable rule of law and little regulation.

Michele Chan of Friends of the Earth says if not properly regulated the offset derivatives could become what she calls ''subprime carbon''—futures contracts that promise emissions reductions but fail to deliver and then become toxic or worthless. Already the financial markets and speculators are planning how to slice and dice them and sell them to investors. It sounds altogether too familiar—a brand new, hard to price, vast convoluted market of carbon derivatives. And if these warnings are correct, one that certainly could pose a systemic risk in the financial markets.

If you liked what Wall Street did with the securitization of subprime mortgages, you'll love what they are going to do with carbon derivatives.

Finally, ''cap and tax'' will have a devastating impact on my home state of Alabama. The bias against coal and the renewable energy mandates will force consumers in Alabama to buy expensive ''green power'' from other states, which will raise energy costs across the board. One study has projected that the typical family in Alabama could eventually see electricity bills rise by more than $1500 a year. Higher energy costs will make our manufacturers less competitive, and Alabama and the rest of our country will lose jobs to nations like China, Korea, and Mexico which have lower energy costs.

This bill is bad for Alabama, bad for the U.S. economy, and doesn't even begin to solve the serious energy challenges facing our nation.

I urge my colleagues to join me in opposing this legislation.

Mr. STARK. Madam Speaker, I rise today in opposition to the American Clean Energy and Security Act (H.R. 2454). Global warming is real. Man causes it and it threatens nearly every aspect of life. We are right to act with urgency to end our nation's addiction to fossil fuels and combat global warming. But we cannot waste this opportunity by moving a deeply flawed bill that provides too much to special interests and too little to the environment and consumers. I cannot support the American Clean Energy and Security Act in its current form.

This legislation continues the ''clean coal'' myth by providing at least $60 billion for pie in the sky projects that will only continue the destruction of mountains and waterways at the hands of coal mining operations. More importantly, the bill takes away a vital weapon in the fight to defeat new coal burning plants by repealing the EPA's current authority to regulate greenhouse gas emissions, including the emissions of individual power plants. The result will be a rush to build new coal powered plants over the next decade and then an intense lobbying effort to ensure that these plants are grandfathered in by the time the rules are supposedly set to tighten in 2020.

The creation of a massive, trillion-dollar new carbon market should scare all of us. The new, highly complex carbon market will be ripe with opportunities for Wall Street speculation and manipulation. The Commissioner of the Commodity Futures Trading Commission estimates that the carbon market will consist of 180 million contracts within 5 years, making it the world's largest commodity and derivatives market. The subsequent market volatility will hurt consumers by ensuring that energy prices continue to fluctuate. Market volatility will also dissuade long-term investments in clean energy and efficiency. This is the scenario that has played out in the European Union, where prices have swung wildly and some power plants have actually switched back to coal due to the low cost of emissions permits.

Many of these problems could have been dealt with through amendments that were brought before the Committee on Rules yesterday. One amendment that I cosponsored would have reigned in the carbon market by only allowing entities covered under the Cap and Trade program to trade allowances. This amendment would have greatly curtailed the ability of Wall Street to influence the carbon market and would have protected our economy from another financial meltdown. Unfortunately, this amendment was not allowed to come to the floor for a vote. I also cosponsored an amendment that would have continued EPA's current authority to regulate greenhouse gas emissions under the Clean Air Act. This authority would provide a backstop should the new cap and trade regime prove ineffective. Sadly, this amendment was also not allowed to come to the floor.

I commend the emission reduction targets laid out in the legislation. I am not convinced, however, that these targets will be met in the near future due to the many loopholes and dubious offset provisions contained in the bill. This bill unfortunately continues the Congressional tradition of subsidizing the fossil fuel industry. Only this time it is cloaked in the disguise of environmentalism and the subsidies come in the form of free allowances, institutionalization of the ''clean coal'' fiction, and the gutting of EPA authority.

We have the opportunity and the responsibility to confront catastrophic global warming with bold action. Congress should seize that opportunity by passing legislation that would end our addiction to fossil fuels, prove our leadership to the world, and build a foundation for long-term prosperity. This legislation falls short of these goals. Many have said that this vote is a historic one that we will be judged by. In my view, history will judge this legislation as a missed opportunity. I urge my colleagues to oppose the bill in its current form and work to bring a truly progressive bill to the floor.

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of H.R. 2454, the American Clean Energy and Security Act. I thank our leaders who made this bill a priority, especially Speaker PELOSI, Leader HOYER, Chairman WAXMAN, Chairman RANGEL, Chairman PETERSON, and Chairman MARKEY, who worked tirelessly to bring this bill to the floor today.

I have long been an advocate for reducing harmful carbon emissions and investing in a clean energy economy. The path that we are on is unsustainable. Last year's spike in gasoline prices and home heating oil was only a small example of the challenges our nation faces due to our reliance on foreign oil. The effects of climate change are already beginning, and I believe that we must act now if we are to stop—and ultimately reverse—the damage done to our planet and our economy.

I support this legislation because it will set our nation on a path toward an energy independent future. The bill increases the renewable energy standard to 20 percent by 2020, which means that more of the energy we all use at home will come from clean, renewable resources. It caps harmful carbon emissions that are damaging our environment and ecosystem through a responsible and transparent approach, reaching an overall reduction of 83 percent by 2050. With this reduction, it is my hope that we will be the first generation to pass on a healthier planet to our children and our grandchildren.

The $90 billion investment included in this bill will help create 1.7 million clean energy jobs throughout the nation, particularly in manufacturing industries as demand for construction of renewable energy components will dramatically increase. Increased funding for research and development of renewable technologies, including wind, solar, and wave energy, will drive American entrepreneurship and competitiveness to make the U.S. a global leader in clean energy development.

This bill was also carefully written to ensure that consumers are not overburdened by any increase in cost. Allowances are provided to electricity, natural gas, and heating oil companies that must be redirected to their customers. Low-income families are given even further protections in the bill and will receive specific allowances in the form of monthly energy refunds. The Congressional Budget Office (CBO) estimates that protecting our nation through a cap on emissions would cost an average family $175 per year, or less than 50 cents a day, by 2020. Alternatively, if we fail to act and continue to rely on oil, energy prices per household are estimated to reach $3,500 annually. Further, CBO has determined that the bill meets PAYGO requirements and will not increase the deficit.

Lastly, it must be noted that our nation spends over $400 billion for foreign oil each year. The time has come to stop investing our taxpayers dollars overseas, and to bring them home to invest in clean energy jobs and a healthier planet for our citizens. By increasing the renewable energy standard, capping carbon emissions, and investing in the creation of domestic jobs, this bill is directing our nation towards a sustainable and economically viable energy future. I urge my colleagues to invest in the future of this great nation, and vote yes on the American Energy and Security Act.

Mr. BERMAN. Madam Speaker, I rise in strong support of H.R. 2454, the American Clean Energy and Security Act of 2009.

This groundbreaking legislation will help protect our environment and create an estimated 37 million jobs in the United States over the next 20 years by significantly reducing greenhouse gas emissions, implementing a renewable electricity standard, providing incentives for the adoption of energy efficiency measures, and promoting renewable energy technology research and development.

H.R. 2454 also provides assistance to developing countries to help them adapt to the effects of climate change, deploy clean energy technologies, and reduce emissions from deforestation.

Some of the world's poorest countries—including those that have contributed the least to the problem of climate change—will suffer the most immediate and severe consequences of global warming if we don't take action to reverse it.

Many developing countries face the threat of flooding, the loss of arable lands, and the spread of climate-related diseases, such as malaria and cholera.

A recent World Bank study estimated that storm surges resulting from rising sea levels could threaten 52 million people and 29,000 square kilometers of agricultural land in developing coastal countries around the world.

H.R. 2454 will help people in low-income countries prepare for and adapt to climate change by strengthening local planning capacity and promoting the development and implementation of national adaptation programs.

This legislation also provides financial and technical assistance and leverages private sector involvement to mitigate the emissions of greenhouse gases in developing countries.

This will help reduce the impact of climate change here in the United States and benefit the American economy by encouraging innovation in green technologies and the creation of high quality jobs.

Finally, the bill will help reduce greenhouse gas emissions by helping low-income countries reduce emissions associated with deforestation.

Madam Speaker, the programs on international adaptation, clean technology, forestation as well as provisions for international offsets will all require close collaboration between the Environmental Protection Agency, the United States Agency for International Development, and the Department of State.

In international negotiations on framework agreements to carry out these programs, I expect the Department to continue to have responsibility to approve the initiation of such negotiations, consistent with current law and regulations.

I also expect that USAID, which has significant expertise in dealing with a range of environmental activities overseas, will play a central role in planning and helping administer these critical programs.

Madam Speaker, the international provisions in this legislation are crucial for the successful completion of climate change negotiations in Copenhagen later this year.

They will demonstrate to the rest of the world that the United States is truly committed to working cooperatively with other nations to tackle the global challenges of climate change.

I thank my good friends Chairman WAXMAN and Chairman MARKEY for working closely with me to develop and refine the international provisions in this important legislation, and urge all of my colleagues to vote yes.

Mr. MCCAUL. Madam Speaker, ''Electricity rates would necessarily skyrocket.'' That is a direct quote from President Obama describing his ''Cap and Trade'' plan. I agree with the President. That is why we call it Cap and Tax. This is a failed European model that should not be imported into the United States. We've already seen the effects in Europe where household energy prices went up 25% and emissions were not reduced. This is the wrong bill at the wrong time. Imposing a national energy tax on the working families in my district who are already struggling to make ends meet is wrong. And who benefits from this? You guessed it, Wall Street, not Main Street.

While I strongly support investing in alternative energy and green technology, I cannot support this bill.

Overall, in my home state of Texas, energy costs will increase by $1.15 billion imposing an enormous tax each year on every Texas family. All of this for something that simply won't work.

Companies that are not able to meet the cap will simply move their manufacturing facilities overseas to countries with fewer regulations. Nationwide, our country will lose around 2.5 million jobs and Texas alone could lose 277,000 jobs in the first year alone. Perhaps that is why the U.S. Chamber, the National Association of Manufacturers, the Farm Bureau, and dozens of other organizations oppose this plan.

I continue to support the American Energy Act which increases our domestic energy supply by developing more of our resources here in the United States, investing in alternative fuels and offering incentives for better efficiency and conservation—without placing a greater burden on our families, our businesses and our economy.

Mr. POSEY. Madam Speaker, I rise to express my strong concerns about the bill before us—a bill which no one has read. This morning members of Congress were told about the addition of 309 pages that were added to this bill early this morning. No one has read it.

Why the rush? Why does Congress have to pass this bill today, before everyone can read it and understand what this new language is doing? When Congress did this with the stimulus bill earlier this year it was discovered after passage of that bill that it contained bonus payments for AIG employees. But this bill, affecting every segment of our economy, has much broader applications. We and the American people have a right to know what is in this bill, how it will affect the American people, and what impact it will have on our economy. Nobody knows that this morning. We do not even have a cost estimate on this latest version of the bill from the Congressional Budget Office (CBO). No one knows what it will cost. My rule is that if you are not going to give Members of Congress the time to read the bill, a cost estimate of the bill, and an ability to understand its impact on the taxpayers and American businesses, I'm going to vote no.

Supporters of the bill claim that it will only cost the average American $175 per year. This is a fatally flawed estimate for three reasons: (1) this figure is derived from a selective reading of the CBO cost estimate, (2) 3 days after the CBO issued their cost estimate 300 additional pages were added to the bill, and (3) at 3 a.m. last night another 309 pages were added to the bill. This bill has grown by nearly 70% since CBO's cost estimate was prepared.

The CBO estimate has serious deficiencies. In fact if you read the entire CBO estimate you would find that they highlight the deficiencies, deficiencies that are being conveniently ignored. The most critical flaw is that CBO picked a year as the basis for their estimate that is before the most costly parts of the bill take effect. This excludes hundreds of billions of dollars from the cost estimate. The footnote on page 4 of the estimate says that they exclude from the costs estimate the ''decrease in gross domestic product (GDP)'' resulting from the bill. Most estimates conclude that it will result in $1–$2 trillion in lost economic activity in the U.S. translating into a loss of over 2.5 million jobs. The CBO fails to incorporate tens of billions of increased costs to the states which will be passed on through higher state taxes. CBO lists a number of other cost estimate omissions.

When you factor in the deficiencies of the CBO estimate most analyses put the cost estimate at between $750 and $3100 per year. Washington has a habit of underestimating the cost of legislation. They are doing so again today. That's why this bill was significantly changed last night and rushed to the floor before Members of Congress have had a chance to read the bill and understand what the changes do.

This 1200-plus page bill started out as legislation aimed at improving the environment but it has become a means of raising money to pay for larger, more intrusive government while having little impact on the global environment.

The idea behind ''Cap and Trade'' is to purposely increase the cost of energy that is produced using fossil fuels like natural gas, coal or petroleum. Nearly 85% of electricity across the U.S. is generated using these sources of fuel. The price of everything you buy will go up, from gas to food, because there will be a hidden national energy tax built into the price of everything.

Senator CARDIN (D–MD) told the Washington Post that, ''This is the greatest revenue generating [read tax] proposal of our time.'' This bill moves money from the family budget to Washington.

Estimates are that this bill will have a negligible effect on the global environment. It is estimated that if enacted, this bill will lower the global temperature two-tenths of one percent. This is equivalent to the annual fluctuation in global temperatures. Also, this fails to acknowledge the fact that China, India and the rest of the developing world are exempt from such regulations and their emissions will far exceed any reductions that result from this bill.

This costly national energy tax will put American products at a competitive disadvantage and further erode the ability of the American worker to compete with China, India and the rest the developing world. The result will be the loss of millions of jobs as more businesses move to countries that will not impose

these caps on their citizens. Businesses that otherwise might have built facilities in the U.S. will instead open up factories in countries that are exempt from these regulations. It's no wonder China has called for the U.S. to pass this energy tax bill. With a national unemployment rate nearing 10%, it's estimated that this tax will cost Americans another 2.5 million jobs.

I oppose this plan and will vote against it because it is not good for the American worker, small businesses, seniors on fixed incomes, or families struggling to pay their bills and mortgages. Washington doesn't need more of your money, it needs to control spending. Europe adopted a similar plan several years ago and it forced jobs to leave Europe, caused electricity prices to skyrocket, and they have little to show for the costs. It's all pain and no gain. Check out the non-partisan Tax Foundation's online energy tax calculator (*www.taxfoundation.org/capandtrade*) to figure out how much it may cost you.

Finally, it is a sad day for the Congress and the American people that the Speaker chose to rush this bill through the Congress without an open debate and amendment process. Members of Congress asked that 224 amendments be allowed to be considered to this bill. Unfortunately, the Speaker allowed only one amendment to be offered. Among the amendments denied were one to: (1) suspend the bill if gas exceeds $5 per gallon; (2) suspend the bill if electricity prices increase more than 10%; and (3) suspend the bill if unemployment exceeds 15%. These and many more amendments were reasonable and worthy of consideration. They should have been allowed, as they are in the best interest of the American people.

Again, I rise in strong opposition to this bill and urge my colleagues to vote down this bill. It will further harm our economy and slow our economic recovery.

Mr. PAYNE. Madam Speaker, today I rise on behalf of the 1 billion people who live on less than $1.25 a day and who will most acutely feel the impacts of climate change.

At first glance, climate change is a lot about numbers—temperature rise of 2 degrees, 450 parts per million, a 25–40 percent reduction in greenhouse gas emissions, one percent of allowances. The list goes on.

However, climate change is more than science and numbers. At the end of the day, climate change is about people. Climate change is happening far more rapidly than first thought. For the world's poor the climate crisis is not looming on the horizon. It is happening today. The impacts are hitting the world's poorest first and worst—those least responsible for climate change.

Poor communities—individuals eking out an existence on less than $1.25 a day—are the hardest hit and have the fewest resources to adapt. Harsher climate conditions mean these vulnerable communities are facing more severe, more frequent, and more intense floods, droughts, and cyclones—leading to natural disasters and major disruptions in agricultural growing seasons. Climate change is increasing malnutrition as agricultural productivity declines. In Africa, agricultural productivity is predicted to decrease by as much as 50 percent over the next decade. A quarter billion people will be facing water scarcity. The United States will not be isolated from these events. If left unabated, the spillover caused by climate change will be visited upon U.S. shores.

As resources like water and arable land become scarcer, outbreaks of conflict, mass migration, and refugee crises will rise. A recent report released by CARE, UN University, and Columbia University's Center for International Earth Science Information Network reveals that climate change is expected to spur human migration and displacement on a scale never before seen. According to the International Organization for Migration, as many as 200 million climate migrants may be forced to cross borders by 2050.

One man from Niger interviewed for the study said: ''I have been suffering from the rain water shortage, which made the river very shallow and decreased my fish production, which had negative implications on my income. If the situation does not improve, I might leave for another country like some of my friends and relatives did; they left for Nigeria and Burkina Faso and settled there.'' Left unchecked, climate change will force him, and hundreds of thousands like him, to migrate from home.

These negative impacts will be even greater on women and girls. As primary family caretakers, food providers, and health care providers, women will be forced to walk further to fetch ever scarcer water. They will have to work harder to squeeze a harvest out of the earth to feed their families. As the burden increases, children will be pulled out of school—the girl child will undoubtedly be first.

Passing this bill is imperative. It begins our journey of tackling climate change. It begins to assist poor communities in their efforts to adapt to climate impacts. The challenge of climate change is not insurmountable. We know adaptation works—and it can be fairly simple—though it can also require substantial resources. Development assistance organizations like Oxfam and CARE are allies in this struggle. For example, Oxfam is working with communities in El Salvador to plant mangroves as a natural coastal buffer to protect against severe storms. CARE is partnering with women in Bangladesh who identified duck rearing as a viable adaptive alternative to rearing chickens, since chickens were getting wiped out in increasing flood disasters.

The reality for poor vulnerable communities on the receiving end of the effects of climate change is that the situation is dire. The least developed countries face the brunt of the impacts but contribute less than half a percent of global greenhouse gas emissions. Climate change is not something of the future, the impacts are already happening. For over 100 of the countries most vulnerable to the impacts of climate change, international adaptation will be the key that unlocks their commitment to a global agreement on climate change.

Climate change is a study of injustice—those hardest hit by climate change are the least responsible for it. As a global leader, the U.S. has a critical role to play: our leadership can help bring other countries along—we simply cannot tackle climate change alone. As a global problem, climate change requires a global solution based on a shared sense of community. That solution starts here with this bill.

My esteemed colleagues, I call upon you to pass this bill that will begin to provide President Obama with some of the tools he needs to conclude a global climate agreement. While we might focus on the numbers in this bill, let us remember that this issue is really about people everywhere. People matter. The poor matter. Their livelihoods matter. Their survival matters. This bill marks a historic beginning of putting the U.S. back in the fore of global leadership on climate change. Thank you.

Mrs. CHRISTENSEN. Madam Speaker, the American Clean Energy and Security Act of 2009 is about the future. All the decisions that we know must be made, that we have put off for far too long on energy independence, climate change and retooling our economy for the industries of the future must be made now.

As this bill was crafted, I know that we were careful in making sure that all the regions of our country, from the coal producers, to the oil producers, to the environmentalists, to the farmers, to the climate change experts to those concerned about costs and the transition to green jobs were heard from and our committees and membership worked hard on a bill that will be the first foot forward to the goals that we want to achieve for the 21st century.

While this bill is in no way a panacea to the myriad of issues before us, it certainly is a progressive step towards creating clean energy jobs, achieving energy independence, reducing global warming and slowing climate change.

As a representative of one of the offshore territories of the United States, I would reiterate that the U.S. territories, like other distressed economies around the Nation, stand to be disproportionately affected by the impact of climate change. We are also disproportionately dependent on diesel for power generation and vulnerable to its shifting costs.

On the other hand our geography and natural resources have the potential to promote and utilize a diverse portfolio of renewable energy options. I am proud that my colleagues have recognized this and that this legislation contains language that will help us prepare for the coming challenges and the shift to a greener economy.

Madam Speaker, The American Clean Energy and Security Act undoubtedly responds to the call of countless citizens who have clearly articulated this generation and this Congress must invest in renewable energy, green jobs, clean technology, and adaptation strategies—domestically and internationally—to buffer the ramifications of climate change while at the same time ensuring that the cost will not be prohibitive to poor and middle income Americans.

I am proud that we are responding to the President's vision and mandate to meet our country's climate and energy security needs, in the near future and beyond.

We have accomplished an amazing feat by arriving to where we are today. I implore my colleagues here today to put politics aside and keep the interest of the American people at heart throughout this process.

Let us make this a truly historic day as we hold true to the commitment of leading the

world into an economy of 21st century clean technology and industry.

Mr. GRAVES. Madam Speaker, I rise today in strong opposition to the energy tax recklessly being forced through the legislative process only to harm small business owners, farmers, and families in Missouri.

As a 6th generation farmer I can tell you that it is an extremely energy intensive practice. Sixty-five percent of a farmer's costs are dedicated to electricity, fuel, fertilizer, and chemicals; even a slight increase in costs would have a damaging effect on farmers.

When it comes to rising fuel prices, we farmers drive trucks because we have to haul stuff. I would challenge any of my colleagues to come to Missouri and try doing farm chores in a Prius.

Those claiming this bill benefits agriculture don't know a thing about the business. Agriculture producers are price takers on both ends of the equation. It is one of the few industries in the world that purchases its inputs at retail to sell its end product at wholesale.

Farmers have very little ability to pass their own costs onto their customers and even those costs that agriculture producers can pass on will mean only one thing: higher food prices for American families.

Rising food prices will be an indirect tax imposed on American families by this Cap and Tax bill and its effects won't just be confined to agriculture. Business everywhere will be confronted by a new dueling reality of seeing their own energy costs rise and the disposable income of their customers fall. All this can accomplish is to restrain future economic growth and lead to long-term joblessness.

That is if there are any jobs left. None of the regulations or increased costs in this bill will be shouldered by our trading partners and competitors. How can we expect our businesses to remain competitive and create jobs when we are imposing new taxes not only on those same businesses, but their customers as well?

Let's be honest with ourselves. This legislation is nothing more than a thinly veiled attempt to address climate change, while its actual goal is to direct more taxpayer dollars to the government coffers to fund a big government agenda, including the federal takeover of health care.

Today I strongly urge my colleagues to stand with me. It is irresponsible of Congress to use taxation as an answer to our nation's challenges. Voting against this bill will demonstrate your willingness to work together towards real energy solutions for our future and our children's future.

Mr. TONKO. Madam Speaker, today I come to the floor to urge my colleagues to support H.R. 2454, the American Clean Energy Security Act.

As you know, I represent a state that has been a leader in the nation when it comes to renewable energy standards and energy efficiency activity. New York was the first state in the country to adopt a state renewable energy standard and is currently ranked as one of the most energy efficient states per capita in the nation.

I am proud to say H.R. 2454 will allow New York to continue these successful programs and push us even further in a positive direction. Working with, and on behalf of, the New York delegation, I was able to work with Chairman WAXMAN and Chairman MARKEY to include language which allows states like New York to have the flexibility to be in control of their own compliance. This flexibility is vital if New York is to continue its great progress in renewable energy and energy efficiency activities. This bill allows New York State to build upon a strong record of demand reduction. Otherwise, a commitment of several years would be required to set up a new system in our state with its proven results.

In addition to the flexibility language, the bill includes provisions allowing market transformation initiatives to count towards the energy efficiency standard. It also addresses the issue of transportation emissions and transportation planning and makes it consistent with current state policy. Finally, the bill includes an improvement that I recommended concerning efficiency of natural gas turbines. H.R. 2454 creates a $65 million competitive grant program specifically for research and development of more efficient natural gas turbines used for power production. The goal of the program would be to raise the efficiency of these turbines to 65 percent. Currently, the most efficient turbines operate at 60 percent. A one percentage point improvement in efficiency alone, applied to existing turbines, would reduce CO_2 emissions by 4.4 million tons per year and provide fuel savings of more than $1 billion per year.

The innovation and the technology advancement that this bill aims to promote will see benefits for future generations. As we did during the Space Race so many years ago, we must turn towards innovation and leadership on the energy front to lead the world again. This is a global race for clean, green energy that we cannot afford to lose.

Madam Speaker, with the collective energy of the President and the Congress, this bill will create new and enduring policies which will promote cleaner, more efficient, and more independent sources of energy that will positively influence all of America's energy demands as well as jobs and career paths of the future. I urge my colleagues to join me and vote in favor of H.R. 2454.

Ms. DELAURO. Madam Speaker, I rise in support of the American Clean Energy and Security Act—a historic step forward to revitalize our economy and get America running on clean energy.

There is a global race underway to develop clean energy technologies. We have the innovation and manpower to take the lead—but we will not get there unless we muster the political will to keep our nation competitive. This bill makes sure that everyone benefits from the millions of jobs this bill will create through a Green Construction Demo Project and additional Green Jobs Act funding to train workers with the new skills they will need to repower and rebuild this nation.

This bill also makes the U.S. more energy independent by investing in energy efficiency, including for consumers of natural gas, home heating oil, and propane. We know that comprehensive energy efficiency programs can help households save money on energy. I thank the Chairman for providing states with greater flexibility to use allowances under the SEED Program to expand existing cost-effective efficiency programs. And for including a provision I cosponsored with my colleague RUSH HOLT, to jumpstart important research on consumer behavior, energy conservation and efficiency. Moving forward, I hope we will strengthen the combined energy efficiency and renewable energy standard, to maximize efficiency and investments in clean technologies like wind, solar, geothermal, and biomass.

Madam Speaker, this bill is a significant step towards a better future, and a major break from the past eight years of ignoring our energy crisis. For the first time, it would create a system of clean energy incentives designed to jumpstart the economy and reduce the carbon pollution that causes global warming.

Make no mistake—the effects of global warming are visible here and now. In my home state of Connecticut, global warming is a threat to our health, our wetlands, our lobster fisheries, and our economy. This bill is our chance to mitigate that threat—a chance that will not come again soon.

Future generations are counting on us to do the right thing today—to set our country on a path towards a cleaner, more prosperous future. I urge my colleagues to support this bill.

Mrs. MALONEY. Madam Speaker, today, our nation takes a historic step toward a clean energy economy. The American Clean Energy and Security (ACES) Act will revolutionize American energy policy, combat climate change, and provide a unique opportunity to revive our economy and create millions of clean energy jobs.

Some key provisions of the bill include a requirement for electric utilities to meet 20 percent of their electricity demand through renewable energy sources and energy efficiency by 2020, a cap-and-trade global warming reduction plan designed to reduce economy-wide greenhouse gas emissions 17 percent by 2020, and a new building efficiency standard requiring new buildings to be 30 percent more efficient by 2012 and 50 percent by 2016. These and other provisions will encourage new renewable requirements for utilities, studies and incentives regarding new carbon capture and sequestration technologies, energy efficiency incentives for homes and buildings, and grants for green jobs.

In my home state of New York, clean-energy investments will create tens of thousands of jobs. A total of $150 billion in clean-energy investments across the country is estimated to result in about $10 billion in investment revenue and 109,000 jobs in New York State. These additional jobs in the New York labor market would have brought the state's unemployment rate down to 4.3 percent from its actual 2008 level of 5.4 percent.

In addition to creating millions of new jobs, the ACES Act will make our nation more energy independent. Under this legislation, we can significantly reduce our dependence on foreign oil by promoting renewable energy, including wind, solar, geothermal, and biomass energy. New clean energy and energy efficiency technologies, along with more efficient vehicles, will also help reduce our need for oil.

Now, you'll hear some say that this bill will tax individuals for using energy. The truth is that the energy-efficiency and consumer protection provisions in the ACES Act will actually

cut the electricity bill for an average New Yorker by around $5.60 every month. In these tough economic times, the ACES Act is both environmentally sound and economically responsible.

I thank Chairmen WAXMAN and MARKEY and Speaker PELOSI for their leadership in negotiating this important bill, and I am pleased to vote in favor of it.

Mr. CASTLE. Madam Speaker, my priorities, as I represent Delaware in the U.S. House of Representatives today, begin with the economic opportunities and security for all who live here. We are facing serious challenges in both areas. With state budget shortfalls, rising unemployment and stagnant growth in many of the industries on which we typically rely—new ideas and bold strategies for the future are required. Simultaneously, our Nation's military is spread thin across the world in an effort to confront those who seek to do us harm. One major threat to our security and theirs is the current reliance we have on foreign energy sources.

Nations around the world are surging ahead with emission reductions and developing new energy technologies. The United States should be on equal footing, if not leading this effort to remain competitive.

The recent vote in the U.S. House on the American Clean Energy and Security Act was on whether to pursue these new strategies, or hold on to the status quo. I supported the legislation because it is my belief that we cannot turn away from the opportunity to create new jobs and reduce our dependence on foreign sources of energy. With offshore wind, fuel cells, and solar energy initiatives, Delaware is poised to lead such innovation and create new jobs in these important areas while protecting the tourism industry and our very own coastline. We must live in the present but look to the future, and focus on strengthening the economy by driving advancements in industry and new business growth in Delaware. Such a market-driven solution, according to the Center for American Progress, is estimated to bring a net increase of about $460 million in investment revenue and 6,000 jobs to our state.

The real struggle I faced in whether to support this legislation is the cost of implementing new energy policies and addressing greenhouse gas pollution. I worry about the estimates that utility costs for all of us may increase, but I also agonize about the cost of doing nothing. One estimate, done by M.J. Bradley & Associates, using the Energy Information Agency, and EPA analysis, reflects that the average monthly bill in Delaware would increase by $3.00. To prevent increases in energy costs, a portion of the allowances will flow directly back to low- and moderate-income families through tax credits, direct payments, and electronic benefit payments.

Clearly, any rate hike is going to hurt and I continue to work to ensure that we have measures in place to mitigate the impact on all income levels. Several colleagues and I worked to include an amendment to expand the financial tax credit relief for middle-income families, but such an amendment was blocked from consideration. I plan to pursue this change in negotiations with the Senate. I also believe that so many new energy efficiency measures will simultaneously reduce our energy usage and lower the cost of our utility bills. Under this legislation, revenues will be reinvested from the market back to consumers, energy research and development, and job-creation measures.

The legislation establishes a system where greenhouse gas emissions are limited, and where emissions allowances are auctioned by the EPA and bought or sold among polluters.

Delaware is already participating in a regional cap-and-trade program called the Regional Greenhouse Gas Initiative (RGGI). This bill will return revenue to all states, and in fact, will bring more to the state than RGGI, in order to promote the same types of energy efficiency and renewable energy programs.

The legislation also requires that 20 percent of energy produced by electric utilities come from renewable resources and energy savings by 2020, still below Delaware's own standard. A robust renewable electricity standard is the most important policy tool we have to make sure new energy projects utilize American-made components manufactured by American workers, and I believe we should strive to strengthen the national standard.

The coal resource of the U.S. is abundant and the bill creates new programs designed to promote carbon capture and sequestration, and sets new emissions standards for coal-fired power plants. This bill also supports modernizing of electricity infrastructure, including smart grid technologies. And, to aid the U.S. auto manufacturers, the bill aims to assist in the development of improved battery technology and plug-in electric vehicles.

Major technological advancements and tax incentives are already positively influencing the advancement of the wind, solar, fuel cell, and biomass industries right here in Delaware. Green jobs, which could be those involved with electricity generated by wind, those that produce energy-efficient goods and services like mass transit, or those that install energy-conserving products like retrofitting buildings with thermal-pane windows, fuel cells, and solar—are key to the success of a new energy economy. Much work has been done voluntarily over the last several years to reduce greenhouse gas emissions and I was glad to see that the bill takes steps to recognize these early, voluntary actions by industry leaders.

In speaking with Governor Marken, we agree that this legislation will strengthen our domestic economy through innovative and sustainable job creation. I have also heard from leading Delaware businesses who believe in the opportunity of transforming to a clean energy economy. Ion Power said: this bill ''will make a real difference for America, and my business.'' Eclipse Solar has said: ''. . . we also know that clean energy is a great way to make money; supporting solar energy and other renewables will boost our economy and help create more jobs.'' Delaware Technical and Community College offered: ''. . . the College is developing an Applied Energy Education Center that will connect Delawareans to new ''green'' jobs by developing Delaware's green workforce and enabling citizens and businesses to reduce their energy costs through increased energy efficiency, conservation, integration, and management.'' Bluewater Wind wrote: ''By taking bold, concrete steps to address climate change and creating a new national Renewable Electricity Standard (RES), passage of the Waxman-Markey bill will spur hundreds of thousands of new jobs in America's growing renewable energy industry.''

The agriculture sector plays a vital role in Delaware's economy. I was pleased to support U.S. House Agriculture Chairman PETERSON's work to ensure that the interests of the agriculture community were represented in the legislation, including that the U.S. Department of Agriculture will be in charge of working with farmers on the portion of the offset program that involves generating offset credits from U.S. farms and forests.

Complex and detailed proposals must always be weighed thoughtfully and carefully. Ultimately, challenging economic times demand that we look to the future, not cling to the past. Leading experts differ on the economic impact that this legislation will have on each of us and I will remain closely engaged in efforts to reduce any cost increase passed through utility bills. This may not be a silver bullet for turning our economy around overnight. However, I am confident that we must drive innovation, research and market-based strategies to strengthen our immediate economic outlook and instill optimism for tomorrow.

Mr. HARE. Madam Speaker, I rise today in support of H.R. 2454, the American Clean Energy and Security (ACES) Act. While this bill is far from perfect, it truly is the result of multi-region and multi-industry compromise, and I believe it will go a long way toward reducing our nation's carbon footprint.

I commend Energy and Commerce Committee Chairman HENRY WAXMAN and Energy and Environment Subcommittee Chairman EDWARD MARKEY for their efforts in putting together this comprehensive, global climate change legislation. I also commend my friend from Virginia, Representative RICK BOUCHER, for working tirelessly to ensure that coal-producing and coal-consuming states, like my home state of Illinois, can transition to renewable resources in a realistic timeframe.

One of the strongest assets of the ACES Act is its potential to significantly expand the green jobs sector all across America, creating millions of good-paying jobs that cannot be outsourced. Through federal investment in the production of biofuels and manufacture of wind turbines, among other renewable energy technologies and equipment, it is estimated that 3,700 new jobs will be created as a result of this bill in my congressional district alone.

Additionally, the ACES Act protects consumers from steep hikes in utility rates. I am pleased to see that the revenue gained from the allowance process in the bill would partially go toward those Americans most vulnerable to increases in their electric bills. With five separate programs to protect ratepayers from rising costs for natural gas and heating oil, I have full confidence that the residents of West Central Illinois will not experience significant hikes in their utility bills as a result of this legislation. In fact, the non-partisan Congressional Budget Office estimates that for the average household, costs from the ACES legislation would only be about 39 cents per day—less than the cost of a postage stamp.

I also appreciate that the bill takes into consideration rural agricultural districts like mine. By broadening the definition of ''renewable biomass,'' allowing the Department of Agriculture to oversee carbon-offset projects in rural areas, and not including carbon emissions from indirect-land use, this bill would allow the ethanol makers, food producers, and agricultural equipment manufacturers to continue doing what they do best, while reducing greenhouse gas emissions at the same time. While I would have preferred to have seen in the bill a portion of the pollution allowances go to the food-processing agri-business sector, in addition to allocating ''early action credit'' allowances to those companies who have already taken voluntary greening measures to reduce their greenhouse gas emissions, I will vote in favor of this bill with the hope that these concerns will be addressed by the Senate or during conference committee.

As a comprehensive energy bill, the ACES Act also provides for the expansion of new nuclear generating units, and gives bonus allowances to those fossil-fuel units taking advantage of on-site carbon capture and sequestration (CCS) technologies. I am pleased that the bill invests approximately $60 billion in CCS, the next generation of clean-coal technology which reduces harmful emissions by capturing and storing them, thereby preventing them from reaching the atmosphere.

Rural Electric Cooperatives provide much of the power to my constituents. As such, I am happy that the ACES legislation allocates a portion of the total free emission allowances to rural co-ops. This important provision equitably distributes free allowances between Midwestern states and coastal states, as well as prevents excessive increases in energy costs for my constituents.

Finally, I would like to thank my friends from Iowa, Representatives LEONARD BOSWELL and BRUCE BRALEY, for working to include a provision which adds renewable fuel pipelines to the list of projects eligible for the Department of Energy Loan Guarantee Program. As the representative of a district that produces corn ethanol, biodiesel, and other biofuels, the creation of renewable fuel pipelines would create thousands of local jobs and guarantee efficient and affordable transportation of Midwest energy to the parts of the U.S. which consume the most fuels.

The American Clean Energy and Security Act is broad in scope, focusing on necessary improvements in clean energy and energy efficiency. I hope my colleagues realize that the cost of inaction will be much, much greater if the United States fails to enact a bill that reforms our energy and environmental policies. I encourage its fast passage as it will create millions of jobs, stimulate our economy, and protect our environment.

Mr. WAXMAN. Madam Speaker, today, as we discuss comprehensive energy and climate legislation, our focus is on how we can lower the carbon footprint of electricity generation.

As we move to a clean energy future, however, the country still needs to make progress in reducing sulfur dioxide, nitrogen oxides, and mercury emissions, air pollutants that cause acid rain, ground-level ozone, particulate matter pollution, and mercury contamination.

In developing their strategies to reduce carbon dioxide, electricity generators will still need to take into account the need to reduce emissions of these conventional air pollutants.

For many years, Congressman MCHUGH has worked to tackle the problems created by emissions of such pollutants. In particular, he has shown great leadership in his work to address acid rain and mercury pollution from power plants, as demonstrated by his bill H.R. 1841, the findings of which persuasively demonstrate the case for a strong control program for sulfur dioxide, nitrogen oxides and mercury emissions from power plants.

Putting in place strategies to reduce carbon dioxide emissions will also help address these problems. Mr. MCHUGH's amendment to the American Clean Energy and Security Act does important work by making this link explicit.

It directs EPA to study what effects strategies and technologies that will reduce emissions of carbon dioxide will have on emissions of conventional pollutants like SO_x, NO_x, and mercury.

Further understanding of this interaction between carbon control strategies and the reduction of criteria pollutants will be of clear benefit to policymakers, air quality planners, and the power sector.

Adopting approaches that reduce both types of pollutants would represent a major step forward towards cleaner coal use, and Mr. MCHUGH's amendment will result in important information on what we know now, and what steps should be taken next, in order to achieve this objective.

I also wish to address the purpose of the intellectual property protection provisions in Title IV, Subtitle D, which are to ensure that funding for international climate change mitigation promotes robust compliance with and enforcement of intellectual property rights for clean technology. The intent of the provisions is to safeguard intellectual property rights in order to support investment in the research and development necessary to design and deploy new technologies. For the purposes of this section, clean technologies are any technologies or services relating to the qualifying activities enumerated in section 445.

Section 446 would prohibit bilateral assistance for the benefit of qualifying activities that would undermine compliance with and enforcement of intellectual property rights for clean technology as provided in the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and applicable bilateral Free Trade Agreements. With regard to multilateral assistance, the provision directs the President to seek to ensure that any climate change mitigation assistance disbursed through a multilateral framework not be permitted for any activity that on its own or in connection to a related activity would undermine intellectual property rights for clean technology, as provided in TRIPS. The objective is to prevent funds from being spent to support the export of a technology where the underlying patent or other intellectual property rights would be undermined as a result of the project. The objective is also to ensure that decisions about individual projects also scrutinize whether related activities have undermined intellectual property rights for clean technology. For example, a funding decision for a project involving the export of wind technology should take into account whether there is a history of intellectual property violations in similar projects involving solar energy technology or technology to support capture and sequestration of carbon dioxide emissions.

An annual assessment of compliance with and enforcement of intellectual property rights would be made by the interagency group established in section 443.

Madam Speaker, I also wish to address some unwarranted concerns that have been raised by misreadings of provisions in H.R. 2454.

In new Section 811 of the Clean Air Act, the Administrator is required to publish an inventory of categories of stationary sources that includes each source category that is responsible for at least 10 percent of the uncapped methane emissions in 2005. The provision goes on to provide that the inventory shall not include sources of enteric fermentation. Thus, emissions from enteric fermentation shall be included in the calculation of uncapped methane emissions in 2005, but enteric fermentation shall be not listed as a source category on the inventory.

I would also like to clear up some confusion on the covered entity definition in new section 700(13)(C) of the Clean Air Act. Under this provision, an entity that produces or imports any of the specified greenhouse gases for sale or distribution in interstate commerce in the specified amount is a covered entity. It has been suggested that somehow this provision might be interpreted so that beef producers would be covered because they produce beef for sale or distribution in interstate commerce because, in the production of beef, they produce manure as a byproduct that is not intended for sale or distribution in interstate commerce. This would be an impermissible reading of section 700(13)(C).

In addition, I would like to clarify that, contrary to claims made by the opponents of the building efficiency provisions, the building labeling provisions of Section 204 establish a voluntary program and are not mandatory requirements. This program is voluntary for the states to choose to implement once EPA produces a prototype label, and it is voluntary for building owners to utilize subject to state policy. Its sole purpose is to provide information to consumers about building energy performance. It is also limited to new construction. There is nothing in the bill, and never has been, that would provide a basis for assertions that homeowners would be required to pay for an expensive audit and upgrades to a home before being allowed to sell it.

I know that those outdoor lighting manufacturers, efficiency groups, and lighting consumer interests who are involved in the ongoing negotiations to reach new consensus efficiency standards for outdoor lighting may be concerned about amendments to the bill's language with regard to those standards. Their efforts provided the basis for the outdoor lighting provisions in the legislation as introduced, and I remain supportive of their ongoing negotiations. It's my hope and expectation that their process will yield a negotiated standard with as much consensus as possible that will deliver substantial energy savings from outdoor lighting products on a realistic schedule. Such a result could be very influential as Congress continues to consider this matter.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FORBES

Mr. FORBES. Madam Speaker, I have an amendment in the nature of a substitute at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. FORBES:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Manhattan Project for Energy Independence''.

SEC. 2. DEFINITIONS.

In this Act—

(1) COMMISSION.—The term ''Commission'' means the Commission established under section 7.

(2) RESEARCH.—The term ''research'' includes research on the technologies, materials, and manufacturing processes required to achieve the goals described in section 3.

SEC. 3. GOALS.

(a) IN GENERAL.—The purpose of this Act is to enable the achievement of each of the following goals:

(1) VEHICLE FUEL EFFICIENCIES AND ALTERNATIVE FUEL SOURCES.—Development and manufacturing of a plug-in hybrid vehicle, alternative fuel vehicle, electric vehicle, hydrogen fuel cell vehicle, or other alternative technology vehicle—

(A) that is not more than 10 percent more expensive than a comparable model vehicle of the same model year;

(B) with—

(i) equal acceleration, horsepower, and top speed performance; and

(ii) not more than 20 percent reduction in cargo space,

as compared to a comparable model vehicle of the same model year;

(C) that meets or exceeds Federal safety standards;

(D) that can travel at least 750 miles between refueling; and

(E) in the case of a gasoline powered vehicle, that can travel at least 70 miles per gallon of gasoline.

(2) GREEN BUILDINGS.—Develop and build an energy efficient residential or commercial building that—

(A) uses no more than 50 percent of the energy of the average new building of similar size and type;

(B) costs no more than 15 percent more to construct than the cost of a building of similar size and type; and

(C) can be effectively reproduced in a variety of climate environments found in the United States.

(3) SOLAR POWER.—Construction of a large scale solar thermal power plant or solar photovoltaic power plant capable of generating 300 megawatts or more at a cost of 10 cents or less per kilowatt-hour when all capital and operating expenses are calculated into the cost.

(4) BIOFUELS.—Development and production of a biofuel that, when mass produced, does not exceed 105 percent of the cost for the energy equivalent of unleaded gasoline when all capital and operating expenses are calculated into the cost of the biofuel.

(5) CARBON SEQUESTRATION.—Development and implementation of a carbon capture and storage system for a large scale coal-burning power plant that does not increase operating costs more than 15 percent compared to a baseline design without carbon capture and storage while providing an estimated chance of carbon dioxide escape no greater than 1 percent over 5,000 years.

(6) NUCLEAR WASTE.—Development of both—

(A) a validated process for remediation of the radioactive waste form so it is no longer harmful to the health or welfare of the environment or individuals for a period to be determined by the Commission, which shall be not less than 5,000 years; and

(B) a model that accounts for all the effects of nuclear waste in that process.

(7) NUCLEAR FUSION.—Development of a sustainable nuclear fusion reaction capable of providing a large-scale (greater than 300 megawatts), sustainable source of electricity for residential, commercial, or government entities.

(b) AMENDMENT OF GOALS.—The Secretary of Energy may amend a goal described in subsection (a) pursuant to a recommendation from the Commission under section 7(b)(5), or on his own initiative, if such amendment serves the purpose of achieving the goal of United States energy independence through the development of technologies that lead to the widespread adoption of improvements that increase energy supply or energy efficiency.

SEC. 4. SUMMIT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall convene a summit that includes—

(1) the principal advisors and directors of all programs in the Federal Government related to the achievement of the goals described in section 3;

(2) the members of the Commission; and

(3) leading researchers at the Federal laboratories and representatives of private sector partners engaged in the production and manufacturing of technologies necessary to achieve the goals described in section 3.

(b) PURPOSE.—The summit shall be for the purpose of reviewing the progress and promise for each of these technologies, the interrelationship of these technologies to each other, and additional funding resources needed to accelerate the progress of these programs toward achieving the goals described in section 3.

SEC. 5. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other Federal agencies as appropriate, shall carry out a program consisting of a collaborative effort with industry, government, and academia to support research, development, demonstration, and commercial application activities related to achieving the goals described in section 3.

(b) GRANTS.—Such program shall consist of grants to researchers, large and small businesses, National Laboratories, institutions of higher education, or any other qualified applicant, including veterans.

(c) LIMITATION ON AMOUNT.—No grant shall be made under this section in an amount that exceeds 5 percent of the amount authorized under section 8(1) for prizes for the achievement of the same goal.

(d) COST SHARING.—The Federal share of the costs of a project for which a grant is made under this section shall not exceed 15 percent.

SEC. 6. PRIZE PROGRAM.

(a) PRIZE AUTHORITY.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to competitively award cash prizes in conformity with this section to advance the research, development, demonstration, and commercial application necessary to achieve the goals described in section 3.

(2) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(A) ADVERTISING.—The Secretary shall widely advertise prize competitions under this section to encourage broad participation by researchers, large and small businesses, institutions of higher education, and any other qualified applicants, including veterans.

(B) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this section by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, which shall include, at a minimum, the achievement of one of the goals described in section 3.

(3) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by paragraph (2)(B) until all the funds needed to pay out the announced amount of the prize have been appropriated.

(b) PRIZE CATEGORIES.—

(1) CATEGORIES.—The Secretary of Energy shall establish a single prize under this section for each of the goals described in paragraphs (1) through (7) of section 3.

(2) CRITERIA.—In establishing the criteria required by this section, the Secretary—

(A) shall consult with other Federal agencies, including the National Science Foundation; and

(B) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

(c) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under subsection (a)(2)(B);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(3) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

(d) AWARD SELECTION.—

(1) IN GENERAL.—The Secretary of Energy shall award prizes under this section on the basis of the criteria published in the notice required under subsection (a)(2)(B), after receiving the recommendations of the Commission under section 7(b)(3).

(2) CONGRESSIONAL NOTIFICATION.—If the Secretary awards a prize under paragraph (1) in a manner that does not conform to the recommendations of the Commission, the Secretary shall transmit a report to the Congress explaining the reasons for such action.

(e) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering

or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(f) LIABILITY.—

(1) WAIVER OF LIABILITY.—The Secretary of Energy may require registered participants to waive claims against the Federal Government (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this section. The Secretary shall give notice of any waiver required under this paragraph in the notice required by subsection (a)(2)(B).

(2) LIABILITY INSURANCE.—

(A) REQUIREMENTS.—Registered participants in a prize competition under this section shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(i) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this section; and

(ii) the Federal Government for damage or loss to Government property resulting from such an activity.

(B) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under subparagraph (A) with respect to claims described in clause (i) of that subparagraph, and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this section.

(g) NONSUBSTITUTION.—The programs created under this section shall not be considered a substitute for Federal research and development programs.

SEC. 7. COMMISSION.

(a) ESTABLISHMENT.—There shall be established the New Manhattan Project Commission on Energy Independence.

(b) FUNCTIONS.—The Commission shall—

(1) not later than 1 year after the date of enactment of this Act, submit to Congress and the President a report containing—

(A) recommendations on steps that must be taken in order for the United States to achieve 50 percent energy independence within 10 years and 100 percent energy independence within 20 years; and

(B) an assessment of the impact of foreign energy dependence on United States national security;

(2) advise the Secretary of Energy on the design and operation of the grant program established under section 5;

(3) make recommendations to the Secretary of Energy on the design and operation, including selection criteria, of the prize program carried out under section 6;

(4) make recommendations to the Secretary of Energy selecting participants who have achieved a goal for which a prize will be awarded under section 6; and

(5) submit recommendations to Congress for any amendments to make the goals described in section 3 more stringent, as appropriate because of changing circumstances, if such amendments serve the purpose of achieving the goal of United States energy independence through the development of technologies that lead to the widespread adoption of improvements that increase energy supply or energy efficiency.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members as follows:

(1) The Under Secretary for Science of the Department of Energy.

(2) The Administrator of the Research and Innovative Technology Administration.

(3) The Director of the National Science Foundation.

(4) The Chairman of the Federal Laboratory Consortium for Technology Transfer.

(5) The President of the National Academy of Sciences.

(6) 2 members appointed by the Speaker of the House of Representatives.

(7) 2 members appointed by the minority leader of the House of Representatives.

(8) 2 members appointed by the majority leader of the Senate.

(9) 2 members appointed by the minority leader of the Senate.

(d) TERMS OF MEMBERSHIP.—Each member of the Commission appointed under subsection (c)(6) through (9) shall be appointed for a term of two years, except that of the members first appointed, one under each of those paragraphs shall be appointed for a term of one year. A member of the Commission may serve after the expiration of the member's term until a successor has taken office.

(e) VACANCIES.—A vacancy in the Commission shall not affect its powers but, in the case of a member appointed under subsection (c)(6) through (9), shall be filled in the same manner as the original appointment was made. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term.

(f) QUORUM.—Seven members of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(h) COMPENSATION.—(1) Each member of the Commission shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(i) STAFF.—Subject to rules prescribed by the Commission, the Commission may appoint personnel as it considers appropriate.

(j) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(k) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(l) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(m) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(n) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Commission, the head of that department or agency shall furnish that information to the Commission.

(o) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(p) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy—

(1) for the period encompassing fiscal years 2010 through 2019—

(A) $500,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(1);

(B) $250,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(2);

(C) $250,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(3);

(D) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(4);

(E) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(5);

(F) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(6);

(G) $10,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(7); and

(H) $10,000,000,000 for carrying out the grant program under section 5; and

(2) such sums as may be necessary for carrying out this Act for subsequent fiscal years.

The SPEAKER pro tempore. Pursuant to House Resolution 587, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, first of all, I would like to thank the Rules Committee for allowing me to bring this amendment by making it in order. No matter what the motivation or the intentions, I appreciate that opportunity. And I want to make it clear this amendment is not an addition. It is an amendment in the nature of a substitute that would replace the current bill on the floor.

Madam Speaker, I would also like to make clear that this is not a Democratic amendment, obviously, and I think we will hear from the Democratic leadership in a few minutes to make that clear. It's not a Republican amendment, and we will probably hear from the Republican leadership to that extent in just a few moments. But it is an amendment that's overwhelmingly supported by the American people.

I never cease to be amazed at how day after day we come in this body, and as we enter this great Chamber, we somehow put on our adversarial robes and we pick up our adversarial clubs and then we go about our business. But, unfortunately, the adversarial process often leads us to be more concerned with scoring points than we are with winning solutions. In this debate I have listened to today there are good men and women on both sides, and there are smart men and women on both sides, and they all believe they are right. But there are limits to the good ideas that we can bring into this one Chamber about energy.

The reality is if you're from a coal area, the people back at home know you're going to be fighting for coal. If you're from a gas area, you're going to be fighting for gas. And if you're from an area with a lot of wind or solar technology, that's what you're going to be certain it's going to solve our energy problem. But even the majority can't always be right, and that's why only 33 percent of the people in America approve of what Congress is doing currently today.

This amendment, Madam Speaker, is the new Manhattan Project for energy independence. A lot of people have talked about doing something like this. Today we have an opportunity to do it. And it has a novel approach. It says that instead of the 435 of us on this floor bringing our ideas and imposing them on the American people, what we do is bring together a commission of the brightest men and women in America, from government, from the private sector, from academics, and we have them create in the next year a plan of energy for this country that would get us 50 percent independent from foreign oil in 10 years and 100 percent in 20 years or tell us why we can't get there.

□ 1700

And this amendment also realizes that in this bill on the floor today, we are essentially redistributing another $800 billion of taxpayer money because we think we know what's best for Americans. The new Manhattan Project amendment would set seven goals for energy independence. They are goals that almost everybody agrees we need to reach energy independence: doubling vehicle fuel efficiency, cutting home and business energy usage in half, having solar power work as cheaply as coal, making biofuels work as cheaply as gasoline, safely and cheaply storing carbon emissions from our coal-fired plants, safely storing nuclear waste and producing electricity from nuclear fusion reactions. Then through grants and prizes it energizes an entire Nation to reach those goals through their innovation and their ideas and their imagination. But, Madam Speaker, perhaps the most important thing this amendment does is it restores American competitiveness by sending out two signals.

First of all, it sends a signal out across this country to the American people that we trust them and America is coming back on its competitive edge. And, secondly, it sends a shot across the bow of every country in the world, telling them we are not going to surrender, that we are going to come back, and we are going to compete, and we are going to win on a fair playing field, and we are going to restore a competitive advantage that is going to lead us for the next 50 years.

And then finally, Madam Speaker, it invigorates a whole generation of Americans to go into math and science and be a part of our energy solution for years to come.

And so with that, Madam Speaker, I hope that we will pass this amendment, and I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise in opposition to this proposal.

The SPEAKER pro tempore. The gentleman from California is recognized for 15 minutes.

Mr. WAXMAN. I yield myself such time as I might consume.

This amendment is more of the same from the Republicans. After 8 years of failed energy policies, the Republican answer to our energy problems is to do more research and to provide people with prizes for good ideas.

Well, during the last 8 years, the average American family has seen its energy cost increase by nearly $2,800 a year. Those are increases in gasoline prices, home heating, electricity bills. American families cannot afford the same failed policies.

Now, I like the idea of having good, innovative approaches to our challenges. I don't mind giving people awards if they come up with good ideas, but I think good ideas come up with market incentives and competition and rewarding people for good ideas with something more than a good ribbon to pin on their chest.

This amendment strikes the whole bill and substitutes this idea of giving prizes. Could you imagine, giving prizes. Why didn't you give out prizes in the last 8 years, and maybe our energy problems would have been solved if we had given out more prizes for good ideas.

But the bill before us, the American Clean Energy and Security Act, is a comprehensive energy policy. It will create new clean-energy jobs, increase our energy independence and dramatically cut pollution. We are talking about 1.7 million new jobs.

This bill will save 240 million barrels of oil each year. That's oil we don't have to import from the Middle East. And this bill is going to help consumers, because the energy efficiency provisions alone will save consumers $750 per year by 2020.

This bill before us makes a landmark investment in the future of the country by providing $190 billion through 2025 to increase our efficiency and deploy cutting edge energy technologies. We provide for renewable energy, coal with carbon capture and storage, nuclear power and advance technologies, electric vehicles, smart grid transmission, energy efficiency. I could go on.

This substitute amounts to a grant program and a competition with prizes for good ideas. There is no comparison between the two.

The bill before us is a real solution to our very real energy challenges. The Republican amendment simply fails to rise to the challenge.

I urge its defeat and reserve the balance of my time.

Mr. FORBES. Madam Speaker, the gentleman mentions those 8 years of bad ideas. That's why these similar concepts were endorsed in the campaign by President Obama, Senator MCCAIN, Senator Clinton and also individuals like Newt Gingrich.

I would like to yield 1 minute to the distinguished gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Madam Speaker, I woke up this morning to the front page of my hometown paper, which read, Peoria's unemployment rate crosses double digits for first time in two decades.

At a time when our communities across this country are losing work and out of jobs, we in this body are passing a piece of legislation that will only do more, only put more people out on the street and in the unemployment lines.

This bill, on the average, will add to Illinois residents the cost equal to 1 month of their electricity bill. In essence, we are adding a 13th month to their utility bill. It doesn't matter whether my constituents are senior citizens living on a fixed income, families, businesses, we are asking them to

pay more at a time when they have less.

Now, there is not a person in this room that doesn't want more of the same, more green energy, more wind, more nuclear, more solar power. But I, for one, believe we can get there without putting the conventional methods of energy out of business.

The Forbes amendment will do just that. It is creative ideas, incentivizing the behaviors that we want as opposed to what we don't that we need.

I urge a ''yes'' vote on this amendment and a ''no'' on the cap-and-tax bill.

Mr. WAXMAN. Madam Speaker, I would yield 1 minute to my cosponsor of the legislation that's before us. My name came first, his second, because I am older and I am chairman of the full committee. He is chairman of the subcommittee. But the real author of the legislation, he has worked on this problem for many, many years, is ED MARKEY.

Mr. MARKEY of Massachusetts. Thank you, Mr. Chairman.

With our bill, we will take back America's position as the technological leader, give back money to consumers by lowering energy bills, send back the millions of barrels of oil we import from foreign dictators every day, and we will export wind turbines and solar panels that say ''Made in America'' instead of continuing to import millions of barrels of oil a day that say ''Made by OPEC.''

This bill has the ambition of the Moon landing, the moral imperative of the Civil Rights Act, and the scope of the Clean Air Act all wrapped up in one. All we are hearing here this evening are the same discredited policies from the past that have gotten us into this economic national security and environmental situation that we live with today.

Vote ''no'' on this substitute and vote ''aye'' for the bill that we are considering. The gentleman from California has done an excellent job in bringing us to this point.

Vote ''no'' on this substitute.

Mr. FORBES. Madam Speaker, I would like to yield 1 minute to the distinguished gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS. I thank the gentleman for yielding.

This is not the time for a tax increase. It's not the time for another Wall Street trading scheme, and it's not the time to burden American manufacturing. It is the time to inspire innovation through amendments like Mr. FORBES' and to come together to find a solution that breaks our addiction to oil, that creates new energy jobs, and that cleans up the air.

We can get there if we stop this cap-and-trade, do some fresh thinking, and then come together for America's sake around a revenue-neutral tax swap. It would start with a tax cut on FICA taxes, then in equal amount, we would shift the tax onto carbon. We could then apply that tax to imported as well as domestically produced goods. Just like the fair tax, we would just be changing what we tax.

We would be swapping a FICA tax cut for a similar tax on carbon. The accountability of a revenue-neutral tax swap would cause old fuels to lose out to new fuels. We would be building nuclear power plants, and free enterprise would deliver the triple play of this American century.

Ladies and gentleman, let's support the Forbes amendment for innovation, stop the cap-and-trade, and solve the problem.

Mr. WAXMAN. Madam Speaker, I would like to inquire of the gentleman from Virginia (Mr. FORBES) who is controlling the time, how many speakers do you have? We have two on our side.

Mr. FORBES. I would say to the gentleman, we have three, maybe four more speakers.

Mr. WAXMAN. We will reserve the balance of our time.

Mr. FORBES. Madam Speaker, can you tell us how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 9 minutes remaining. The gentleman from California has 11 minutes remaining.

Mr. FORBES. Madam Speaker, I would like to yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding and commend him for offering this amendment, which is a great opportunity for our colleagues on the other side of the aisle to stop putting the cart before the horse and suppressing our traditional sources of energy, oil, natural gas, coal. Doesn't even do anything for nuclear power, and yet you want to push us into a direction where the technology doesn't yet exist.

This legislation, this amendment, this substitute is exactly what you can need. You can vote for this, put us on a Manhattan Project to develop the new green technology that we need in this country, to do it in a way that is commercially feasible, to do it in a way that can rise up to replacing the 95 percent of our sources of energy that we have in our country this day, that you can push down in this legislation.

And if you were to vote for that and against the underlying bill, we would be putting this country on a course in a bipartisan fashion that would lead our country to exactly what we need. Unlike the Markey-Waxman approach, this amendment does not pick winners or losers in technology. It allows the ingenuity of American citizens to create the technology that will make our country energy independent.

I urge my colleagues to support the gentleman's substitute.

This amendment focuses on making our country energy independent through the innovation of American individuals and businesses, not through government mandates and intrusion. Unlike the Waxman-Markey approach, this amendment does not pick winners and losers in technology but allows the ingenuity of American citizens to create the technology that will make our country energy independent while at the same time reducing carbon emissions.

Most importantly, the Forbes Amendment won't raise the cost of living to American consumers or hinder the ability for American businesses to compete. The technology that a new Manhattan Project could spur has the ability to rebuild our economy and make it stronger than ever before.

The Forbes Amendment is the right approach to make our country energy independent while reducing carbon emissions. I encourage all my colleagues to vote for this amendment.

Mr. FORBES. Madam Speaker, I would like to yield 1 minute to the distinguished gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from Virginia. I support the gentleman's amendment.

We know, Madam Speaker, that this national energy tax will cost the American people $2 trillion. We know that. We know this will result in a loss of 2.5 million jobs every year for the American people. We know that. We know this will result in a reduced standard of living for Americans. We know that. What is the point and what's the benefit?

But what is worse than this is the fact that now, because of this underlying bill, the Federal Government will virtually have control over every aspect of lives for the American people. It is time to stand up and say, We get to choose. We choose liberty or we choose tyranny. It's one of the two.

The underlying bill represents the tyranny and the intervention of the Federal Government. Mr. FORBES' amendment represents liberty for the American people.

It's our choice. What will we choose today? Will we choose liberty or will we choose tyranny?

I choose Mr. FORBES' amendment.

Mr. FORBES. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas, the ranking member of the Energy and Commerce Committee, Mr. BARTON.

Mr. BARTON of Texas. Madam Speaker, I rise in strong support of the Forbes amendment. This is not a comprehensive substitute, because the majority party, which controls the Rules Committee, ruled out of order and didn't make it in order on the floor either the Republican leadership comprehensive substitute or the Energy and Commerce Committee comprehensive substitute.

So they did rule in order Mr. FORBES' substitute. And I will guarantee you, this is better than the base bill.

It doesn't wreck the economy. It does include, and you can count on the ingenuity of the American people, through an incentives package, to unleash the productivity and innovativeness of our folks in the United States to find new solutions to our energy and environmental problems.

But it doesn't have this boondoggle cap-and-trade program that will wreck the economy, deindustrialize America, and make us a second-rate economic power. It is not a comprehensive substitute, but it is darn better than the base bill.

Vote for it.

Mr. FORBES. Madam Speaker, can you tell me how much additional time we have?

The SPEAKER pro tempore. The gentleman from Virginia has 6 minutes remaining. The gentleman from California has 11 minutes remaining.

□ 1715

Mr. FORBES. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, we have heard a lot today about how these ideas of a new Manhattan Project were stale ideas of this party. I stated at the beginning that, unfortunately, we get so tied up in this Chamber in our adversarial process that all we're concerned about is how many points we take from each other.

The reality is that a project like this, the new Manhattan Project, or you can call it a ''poppy project,'' were concepts that were talked about by President Obama during the campaign, by Senator Clinton during the campaign, by Senator MCCAIN during the campaign and, as I mentioned earlier, by former Speaker Newt Gingrich, and many other people.

They're concepts that have been approved by 77 percent of the American people. And what they do is substitute for taxation of the American people the concept of innovation and trusting the ideas of the ingenuity and imagination of people across America.

We talked about what this bill can do if we reach just one of these goals. Just one of these goals, it could change and save us as much as $100 billion. But, most of all, Madam Speaker, this trusts the American people to do what they always do, and that is find a way to win, if we don't quit before they have a chance to win. And it sends a message to them at a time when they're back on their heels and they need some wins, that we trust that they, with their imagination and innovation, can do things that this body can't do and can't dictate to them.

Perhaps it was best said by Mr. Friedman in a New York Times article that he wrote—and I don't agree with everything he says, but I agree with this. He said, I want an energy bubble. I want so many people throwing crazy dollars at every idea and every garage that we have a hundred thousand people trying a hundred thousand things, five of which might work and two might be the next green Google. But I don't want a Manhattan Project of 12 people in Los Alamos. I want it to be like the IT revolution: everyone becoming a programmer. Only, in this case, it's everyone becoming a green innovator. What IT was to the eighties and nineties, ET, energy technology, will be to the early 21st century.

Madam Speaker, this amendment gives us that opportunity. This amendment will birth that ability for Americans to create the energy solutions that we need as we go forward into the next several decades and to give our children and our grandchildren the competitive edge to compete in a world economy.

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

Mr. WAXMAN. Madam Speaker, I'm pleased at this time to yield 1 minute to the majority leader so that he may speak on this amendment and the legislation that's before us, the gentleman from Maryland (Mr. HOYER.)

Mr. HOYER. I thank the gentleman for yielding. Mark this day, June 26, 2009. My colleagues, we have an opportunity to serve in a historic session of the Congress of the United States. We have an opportunity to take action that will make a major difference in the security and independence and environment of our globe as well as our country.

We have been given the privilege by our fellow citizens to serve at a time of historic change and meeting challenges that were the subject of this past Presidential campaign. And in this past Presidential campaign there were three major candidates. You could perhaps name more, but there were two, certainly, at the end.

And the campaign of Senator MCCAIN and Senator Obama had something in common. They were both for comprehensive cap-and-trade legislation, the candidate you supported and the candidate I supported. They put an agenda of action before the American people that they would pursue if they were elected President of the United States. Only one could be elected, but presumably both would have followed through on their commitment, as this President has, and we are today.

This is a transformative moment. This is a moment to build a clean-energy future for our country. This is a moment to create jobs in America. This is a moment to take on, at long last, a defining challenge of our time—global warming. I know my colleagues can seize this moment, if they only will.

The substitute talks about a Manhattan Project. I think the sentiments expressed in the substitute are good ones. The objectives are good ones. But Americans voted for action, not additional studies. America voted to make a difference, not to make a point. America voted for the change we could believe in. That's what this bill represents.

I know they can look back from a future in which America is independent of foreign oil. There has been much talk about taxes. Tragically, almost every debate we have on this floor devolves into: We're going to raise your taxes.

My fellow Americans know about having their expenses raised and because the foreign potentates who hold us hostage because they provide so much of our energy gave us a new tax at the gas pump—and every American remembers it. Why? Because we have not taken the action necessary to become energy independent.

And so our gasoline prices at the pump for my commuters who drive sometimes an hour or an hour and a half to get to work to support their families paid an additional $2.50 per gallon tax imposed by those from abroad who provide us energy.

This bill is about making sure that foreign interests cannot raise the expenses of our families. This bill is about making sure that we in America provide our energy, efficient energy, clean energy, energy that will not bring our globe to a heating process that will drown out what the Navy calls the littorals, the seashores, where most of our people live.

My colleagues, this bill, the American Clean Energy and Security Act, is a true turning point. This is one of the historic actions we will take not just in this Congress, but as Members of Congress, for however long a tenure we may have.

It's a complex bill because we face a complex problem. But we can sum up its outcome simply: new American jobs, less dependence on foreign energy, a reduction in the carbon pollution that causes global warming.

How does this bill accomplish those goals? Among its most important provisions are a requirement that utilities meet 20 percent of electric demand through renewable sources and energy efficiency by 2020.

I'm old enough to remember the lines of the seventies when you waited in line an hour or two or three to put gasoline in your car so you could get your child to school, get to work, pick up your child from child care. America should have acted, but we did not. Today, we're going to act.

Significant new investments in renewables, carbon capture and sequestration, electric vehicles, and cutting-edge energy research, all of that is in this bill to take action, change that America can believe in. And energy savings standards for buildings, appliances, and industries.

This bill also creates a clean-energy bank to fund promising energy projects

across America. Investment in America's ingenuity and innovative entrepreneurial spirit, that's what this bill is about. That is why it's so important to America.

It invests in high-tech transmission lines to build the essential foundation for a more efficient grid. That is essential if the energy we produced can be delivered to those who need it in businesses and in homes.

New transmission lines comprised of superconducting cable and other efficient wires will carry more power within existing rights-of-way with less land use is included. The result will be a more secure, environmentally friendly grid. That's what this bill does.

I worked with the chairman and Representative INSLEE to ensure that those transmission provisions were included because they are such an important part of a more cost-effective, energy efficient future that our country needs.

Of course, the bill also includes the reduction of our carbon emissions by 17 percent by 2020. Some would like to do more. Some would like to do less. But we have reached a compromise. That is the legislative process. And it is compromise that can pass this House and pass that Senate and be signed by the President and become law. And make progress. That's what our responsibility is. And then, more than an 80 per reduction by 2050.

We can fight global warming with the same kind of market-based cap-and-trade solution that was so effective in combating acid rain at minimal cost in the 1990s. Global warming threatens every one of us. There was disagreement on that for a long period of time—some 7 years in the Bush administration, until the last year, President Bush, our President, decided that, yes, global warming was in fact a challenge that must be met.

This is not a partisan issue. This is an issue on which we have reached consensus. Global warming threatens every one of us. It will affect the kind of lives our children will lead and the kind of prosperity our country and our world will enjoy.

To those who complain about the cost of the bill, I answer that we are all paying the cost of carbon emissions already, and certainly, as I pointed out earlier, paying the cost of being hostage to those abroad who provide our energy.

The longer we wait to act, the more we will pay year after year after year. But if we take action now, we can get jobs, growth, clean energy, and energy independence for less than the price of a postage stamp a day for each of us, according to the EPA and CBO.

And with this bill passed and signed, the United States will finally be able to argue persuasively and credibly for global action on a challenge that knows no borders. We understand that if the Chinese do not act, or the Indians don't act, the air that they belch will soon come to this continent and our children and families will be at risk.

This is a global problem. But America is the leader. America must lead. America must set the example. This bill does exactly that.

At the same time, action on global warming will send a powerful job-creating price signal to the private sector, spurring innovation in every part of the renewable energy economy. Jobs, jobs, jobs. That is one of the reasons why the U.S. Climate Action Partnership, a business coalition dedicated to fighting climate change has argued that ''the way we produce and use energy must fundamentally change both nationally and globally''—and that this coming change represents an excellent opportunity for economic growth.

And that is why another coalition of 19 businesses, including the Pacific Gas and Electric Company, Duke Energy, National Grid, H.P., Starbucks, and Nike wrote to President Obama that this bill ''will drive investment into cost-saving, energy saving technologies and job-creating innovation, create the next wave of jobs in the new energy economy and will provide the predictability we need to plan for future business success.''

Those aren't my words. Those are the words of leaders in the corporate community in America who know something about innovation, enterprise, and free markets.

It has long been understood that acting on global warming is a moral necessity as well as an intellectual necessity. But now, more and more of us are realizing that it makes powerful economic sense as well.

Madam Speaker, let me as an aside thank you for your presiding at this time on this historic bill and for presiding over so much legislation in such a fair and effective fashion.

□ 1730

This House will miss your service, but the country will enjoy your continuing service. I thank you, Madam Speaker.

Madam Speaker, a future of clean energy is well worth the price. A Republican governor, inaugurated in the State of Maryland, in his inaugural address said that the cost of failure far exceeds the price of progress.

The cost of failure for the last three to four decades has cost this country. Progress will be far less expensive than failure. My children, my grandchildren and the generations to come will be either the beneficiaries of our stewardship or the victims of our neglect.

I urge my colleagues this day to reject this substitute, not because it is bad for the words that it incorporates, but because its effect would be to stop action so desperately needed by this country and this globe.

I urge my colleagues, defeat this substitute, pass this bill, and take this historic opportunity for our children, our grandchildren and generations yet unborn.

Mr. FORBES. Madam Speaker, may I request how much time is remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 3½ minutes remaining. The gentleman from California has 10 minutes remaining.

Mr. FORBES. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, the distinguished minority leader just said that Americans must lead; and lead, they must. He also indicated that the cost of their failure would be passed on to our children and grandchildren.

As one of only 17 Members in this body that has voted against every bailout bill and stimulus bill we have passed, I ask the American people who watch here, what has been the enormous cost of our failure in spending all of those dollars, and what have you got from it? Also, Madam Speaker, I would say this—that the American people can lead. They're not stupid. Only 33 percent of them approve of what we're doing.

We have a choice. Only in this body could they believe that we could say words like, We're going to create jobs by destroying jobs. We're going to reduce your taxes by increasing your taxes. We're going to come in here with all your parochialism, and we can create a plan for you that is far better than the brightest experts on energy could do by having this amendment. We prefer taxation over innovation of the American people. Or we'll have a bill like this that only sets a 20 percent goal in 11 years for renewable energy, where in this bill we set a 50 percent goal of dependence from foreign oil in 10 years and 100 percent in 20 years. And, finally, that in this bill we know we're going to spend $800 billion that probably won't work.

In our bill and this amendment, Madam Speaker, we know that we only pay $24 billion, and we only have to pay it when we get the results.

With that, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I understand that our side has the right to close.

The SPEAKER pro tempore. The gentleman is correct.

Mr. WAXMAN. I reserve the balance of my time.

Mr. FORBES. Madam Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

Mr. BOEHNER. Let me thank my colleague for yielding.

Madam Speaker, I congratulate you on your upcoming marriage and your

new job. All of us on the Republican side of the aisle thank you for your service to this institution and your service in the Chair. Good luck to you.

My colleagues, we've been through a very difficult time in our economy. We've had the great economic shocks of last fall, and we've seen unemployment climbing month after month after month. It is now at some 9.4 percent.

Earlier this year we passed a 1,100-page bill that no one read. It was supposed to be about putting the American people back to work again. It was supposed to be about stimulating our economy. And all we heard during that debate was about jobs, jobs and jobs. It's pretty clear that what the bill really ended up being was nothing more than spending, spending and more spending, because since that bill passed, some 1.7 million Americans have lost their jobs. So when we look at the legislation that continues to go through here, the American people are seeing an awful lot of spending, an awful lot of money going to government, but they're not seeing new jobs.

Now we come to what I believe is the most profound piece of legislation that has come to the floor of this House in the last 100 years. It's hard to say in the first 6 months of the new Congress that this could be the defining vote and the defining bill for this Congress, but I really, truly believe that this is the defining bill.

The problems that this bill attempts to go after are the issues of climate change and cleaning up our air, and, secondly, to build a new alternative energy industry in the United States. Those are really the two issues. Well, I guess a third issue would be jobs. Those are the goals that this bill attempts to go after. But when you look at the structure that's being built, it defies anyone's imagination to believe that the Federal Government could create such an elaborate process to deliver on those three goals.

I've got a chart here that goes through all of the agencies involved, all of the structures that are created under this bill. It's all being done, of course, by the Environmental Protection Agency. They are at the center of this.

But if you look at all of the different agencies involved, you will see that we've got the Federal Energy Regulatory Commission involved. We've got the United States Department of Agriculture that's going to be involved. The Internal Revenue Service will be engaged in this bill as well. The Department of the Treasury. I wish I could tell you what FWS was, but somebody could probably tell me. We have the Commodity Futures Trading Commission that's going to be involved in helping to regulate this. The National Oceanic and Atmospheric Administration, the Weather Service, basically. The Department of Health and Human Services is going to be involved in putting this together. The Department of State will play a big role in making sure that we get cleaner air and green energy. We've got the Department of Energy, of course, the Department of Labor, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, and the Bureau of Land Management. All these Federal agencies are going to take part in trying to put this bill into action.

But that's not all. Not even close. We've got the Offsets Integrity Advisory Board. We also have a Carbon Markets Oversight Interagency Working Group that is going to try to help control who gets these carbon credits and who doesn't, how they can be traded and how they can't, and where in the world these offsets are going to be.

They don't have to be in the United States. We're going to see billions of American tax dollars being shipped around the world. Whether it's replanting forests in other parts of the world, they're going to help clean up our air. I'm sure our constituents want our money being shipped overseas to plant trees.

But that's not all. That's not all. It's not even close. We've got the Consumer Refunds Fund that is going to be outlined here. We've got the International Reserve Allowance Program here. How about the domestic offset providers? We've got the offset traders and the national offset providers. We've got the Clean Vehicle Technical Advisory Board. We have a Carbon Capture Board. And it goes on and on and on.

This elaborate government structure that will cost the American people several trillion dollars over the next 10 years, all in an effort to clean up our air, will help build a new alternative energy industry in the United States and help create jobs in our country. I don't believe there are hardly any people in America who believe that this giant government bureaucracy is going to be able to deliver on the three goals that you outline.

And it's not just the cost, and it's not just the bureaucracy. Listen, there's not a Member in this body that doesn't want to improve the air quality in our country and around the world. There isn't a Member in this body who doesn't believe that speeding up the development of alternative sources of energy isn't good for America. No one. There's complete agreement on that.

But do we need to go through all of this? Do we need to have a national energy tax on every person in America who would drive a car, who would flip on a light switch or who would buy an American-made product, because virtually every American-made product has an awful lot of energy in it.

That's not enough. If you look at this bill and you look at the analysis of this bill, you'll see that two-and-a-half million jobs on average will be lost each and every year over the next 10 years as a result of this bill. Some of those people happen to reside in my district, in Middletown, Ohio, where AK Steel is headquartered. They make steel the old-fashioned way. They bring in iron ore, coal and limestone. You get it hot enough, you've got steel. The cost of their steel will increase 30 to 40 percent if this bill were to pass. And at a time when we're trying to help the American automobile industry get back on its feet, the last thing they're going to do is pay 30 or 40 percent more for their steel.

So what are they going to do? They're going to bring it in from China, they'll bring it in from India, who are not burdened under this regulatory scheme, nor are they burdened under our current environmental regulations. So what happens is, high-energy jobs in America are going to get shipped overseas at exactly the wrong time.

The American people sent us here to help this economy, to get them back to work. This is the biggest job-killing bill that has ever been on the floor of the House of Representatives, right here, this bill, and I don't think that's what the American people want.

But if our goals are to clean up the air, to build a alternative energy business in the United States, a thriving one, and to create jobs, there's a better way to do this, and it's the all-of-the-above strategy that we've been talking about in this Chamber for nearly a year. That is to say, we need to have more alternative sources, whether they be solar, wind, geothermal.

We can produce those additional types of energy and help renew them. But, in the meantime, America needs energy to grow our economy, so we need to have more drilling for oil and gas in the United States. There's no question about it. We need to increase the supply of American-made energy so that we bring down the price.

What we do in our bill is, we take all the royalties from the development of additional oil and gas reserves in the United States and we plow it back into renewable sources of energy. As a result, our bill puts more money into renewables and speeding up the development of renewables at a faster pace than the bill on the floor of the House today.

That's not enough. We need to do all of the above. We need to develop clean coal technology. We need to be serious about nuclear energy. There's nothing in this bill before us that's going to allow us to produce nuclear energy in any kind of a quick way, or, frankly, any at all. But we all know it's the cleanest source of energy that we can have in the United States. So why shouldn't we do all of the above?

Because here's what all-of-the-above does for us: It gives us cleaner air. It gives us lower energy prices. It really

does move us quickly away from our dependence on all the foreign sources of oil that we have to rely on today. And it will do more in a very simple way than this big complex bureaucracy that is being outlined in this bill.

Why can't we do all of the above? Why do we have to try to establish this giant structure that attempts to put some cap in, but really doesn't, when we can do something simple that will help lower prices for Americans while cleaning up the air and moving us to alternative sources of energy. No, that's not what we're dealing with here today.

And if all of this wasn't enough, I woke up this morning and realized that last night at 3:09 a.m., a 300-page manager's amendment was dropped into the hopper, at 3:09 a.m.

□ 1745

I have spent most of the day trying to look at this 309-page bill and trying to come up with and understand what this 309-page amendment to the 1,200-page bill really does? As I started to go through this, I didn't get past the first page, where on page 16, line 5 strike 1992 and insert 1988, and on line 13 strike 1992 and insert 1988. This appears to deal with the hydropower, and I'm trying to figure out what is the impact of this date change? Nowhere in this manager's amendment can I find out what the impact of that is.

Then we get to page 2, not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas or old growth stands and late-successional stands. So does this mean that renewable biomass is not defined by what it is but rather where it comes from? And why was this change made at 3:09 a.m. this morning?

We get to page 9, the President shall ensure that, of the total amount of electricity Federal agencies consume in the United States during each calendar year, the following percentage shall be renewable electricity.

We are going to mandate to every Federal agency how much electricity they buy that comes from renewable sources. And in here we have this year, 2012, 6 percent, 2013, 6 percent, 2014 we go to 9½ percent, 2016 we go to 13 percent. 2018 we go to 16½ percent. And 2020 through 2039, 20 percent of the electricity that goes into every Federal agency has to come from renewable sources. Do we have any idea whether this is possible? I can't find the answer here.

On Page 10 it says, contracts for renewable energy, a contract for the acquisition of electricity generated from a renewable energy resource for the Federal Government may be made for a period of not more than 20 years. Twenty-year contracts. What if the price of renewable energy goes down? Are taxpayers going to be stuck with a contract that is written today as opposed to what that contract could be negotiated for 10 years from now? I can't tell, because there is no answer here.

Or we get on page 12, renewable biomass. The term ''renewable'' means any of the following. And it goes through of this language. Of course, there is nothing renewable in a National Wilderness Preservation System or a Wilderness Study Area or Inventoried Roadless Areas or old growth stands or late-successional stands except for dead, severely damaged or badly infested trees. Wasn't this the same language that we had on page 2? And why is it being repeated again? I can't tell as I read through this.

So we get to page 16, so that the vehicle or engine is capable of alternative fuel. First we are going to require now every car sold in America, it has to have an engine that is capable of operating on an alternative fuel. So what if you have a car that doesn't operate on a renewable fuel? Are we going to buy the car back from the American people? Are we going to reimburse them for their cost? I can't tell, because, again, this was dropped at 3:09 a.m., and no one probably has had a chance to read it.

How about on page 24, there are authorized to be appropriated such sums as may be necessary to carry out this paragraph. It sounds like a blank check to me.

Or on page 26, this section applies only to States located in the Western Interconnection and does not apply to States located in the Eastern Interconnection, to the States of Alaska or Hawaii or ERCOT. So are we going to have different rates for different parts of the country under this amendment that was filed at 3:09 a.m. this morning?

Then we get to Page 30. The Federal Energy Regulatory Commission shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews. So now we have FERC is in charge of coordinating environmental reviews, as I read this. Is that what Greenpeace demanded be part of this bill? Then we get to page 34. Page 34, it says not later than 1 year after August 8, 2005—

PARLIAMENTARY INQUIRIES

Mr. WAXMAN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman yield for a parliamentary inquiry?

Mr. BOEHNER. I would be happy to yield to the gentleman.

Mr. WAXMAN. The Republican leader was yielded the balance of the time, which I think amounted to around 4 or 5 minutes. He has talked for around 20. I know we have this ''magic'' minute that gives leaders a lot of extra time to speak, but I'm just wondering if there is some limit under the rules on the time that a leader may take, even though the time yielded was not 20 or 30 minutes.

The SPEAKER pro tempore. It is the custom of the House to hear the leaders' remarks.

Mr. WAXMAN. Further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. BOEHNER. I will be happy to yield to the gentleman.

Mr. WAXMAN. I know it is the custom of the House to give a little extra latitude. Is there any outside limit to the amount of time a leader might take? And do we have historical records that might be broken tonight? Or is this an attempt to try to get some people to leave on a close vote?

The SPEAKER pro tempore. It is the custom of the House to hear to the leaders' remarks.

Mr. BOEHNER. Reclaiming my time, the gentleman has had his 30 years to put this bill together, and the House is going to spend a whopping 5 hours debating the most profound piece of legislation to come to this floor in 100 years. And the chairman has the audacity to drop a 300-plus-page amendment in the hopper at 3:09 a.m. this morning. And so I would ask my colleagues, don't you think the American people expect us to understand what is in this bill before we vote on it?

So we get to page 34. Not 1 year after August 8, 2005. Now, wait a minute. One year later? One year after August of 2005? Wasn't that 3 years ago? I'm just trying to understand what the gentleman has in his amendment.

Then we get to page 36, high efficiency gas turbine research, development and demonstration. Now, I'm trying to figure out who inserted this broad new section of the bill that is covered nowhere in the underlying bill.

Then we get to page 39, $65 million for each of the fiscal years 2011 through 2014, $65 million for 3 years. And who is going to get this money? I can't tell in this amendment.

And as we go through this, page 41, determine any geographic area within the contiguous United States that lacks a Federal power marketing agency. Because, you know, we can't move power around the country without a Federal power marketing agency. We do it today, but now we have to have a new government agency to do this. We are doing it already.

Or same page, 41, the establishment of any new Federal lending authority, including authorization of additional lending authority for existing Federal agencies, not to exceed $3.5 billion per geographic area identified in subsection (a)(1). This is $3.5 billion in loans for each geographic area, but we don't know how many geographic areas are included or how many billions in total we are really talking about.

How about on page 42, any source of funds, including Federal funds provided through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, shall qualify as the building owner's 50 percent contribution. Now, let me make sure I get this straight. So now you can use federal money for non-Federal matching requirements. How much is all of this going to cost?

Or on page 45—remember now, this is the amendment. This is not the bill. This is the amendment filed at 3:09 a.m. On Page 45, this section shall apply only to construction beginning after the date of enactment of this Act. For those of you who don't know it, all of California housing standards are now going to be imposed on every American community. You don't have the right to have your own building standards in your community or in your State. Hell, no, the Federal Government is going to tell you what they are. And guess what? We all get to have California standards. Who is going to pay the price for those new homes? How are we going to do affordable housing when we are pushing up the cost of houses? And while I'm at it, we have to have an energy rating for every home in America. In this bill, we require every home to have an energy rating. And if you are going to sell your house, guess what? You have to have a review, bring people in, have them check out your windows, your appliances, your hot water heater, your door, make sure that your house is energy efficient. And guess what if it isn't? You have got to bring it up to standards before you can sell it. Now what kind of bizarre notion is that?

Well, we get to page 46 at the bottom, a plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application. Do you all get that? It doesn't explain it. But here is what it is. The Federal Government is going to mandate all of these new standards on every house built in America. It is going to cost your local building department all kinds of money to enforce this and to revise their code. And when the money runs out, we are going to allow them to apply for a grant to the United States Government. I'm sure my constituents will love that.

Page 48, each building code enforcement department receiving a grant under subsection (a) shall empanel a code administration and enforcement team consisting of at least one full-time building code enforcement officer, a city planner, and a health planner or similar officer.

Now I have some big towns in my district. Hamilton, Middletown and Westchester can probably afford this new enforcement. But I can take you to Chickasaw, Mercer County, in my district. They don't have one full-time person that works for the village. Not one. Look at the mandate on every city and village in America right here in this bill.

So that we are not only going to tell you what the codes are going to be. But we are going to tell you how many people you need to hire to enforce this in this section of this code. See, we actually did take time, most of today, trying to understand what was in here.

How about on page 53, solar energy systems building permit requirements for receipt of community development block grants. So what are we doing here to amend the community development block grant program? Are we going to impose global warming requirements on all the cities who get CDBG monies from us? That is what it appears to say to me.

□ 1800

Or on page 54, any metropolitan city or urban county, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the metropolitan city or urban county, or by any other political subdivision of such city or county complies with paragraph (2).

So now we are going to tell them what to charge for their building permits as well in every city in America.

Then we get to page 56. The Secretary of Energy shall issue regulations to prohibit any private covenant, contract provision, lease provision, homeowners' association rule or bylaw.

Let me read this again: The Secretary of Energy here in Washington, DC, shall issue regulations to prohibit any private covenant, contract provision, lease provision, homeowners' association rule or bylaw. Just for those of you who didn't think there might not be a lot of government bureaucracy in this bill.

We get to page 63. The amount necessary to change consumer behavior to purchase water efficient products and services. So now—let me read this again and make sure that I am right. The amount necessary to change consumer behavior to purchase water efficient products and services. So we are going to provide the American people with money in order to change their behavior so they will buy goods and services that they don't want to buy.

I wonder how much that will cost.

Page 64, subsection 2, to create jobs through the retooling and expansion of manufacturing facilities to produce clean energy technologies to create jobs. So how many jobs is this going to create? Will it replace the 2.5 million jobs that will be lost each year as a result of this bill? I can't tell.

Now going to page 68, the Secretary shall award grants to States to establish revolving loan funds to provide loans to small and medium-sized manufacturers. So who is going to compensate manufacturers for putting them out of business with more loans?

Let me get to page 70. In particular, where mass layoffs have resulted in a precipitous increase in unemployment. So we have a provision in here that recognizes that millions of American jobs are going to be lost; but don't worry, don't worry, we are going to extend your unemployment. Most of my constituents who are unemployed don't want more unemployment. They want a job, and this is going to kill them.

I hate to do this to all of you, I do. I hate to do this, but when you file a 300-page amendment at 3:09 in the morning, somebody needs to work on it, and I worked on it today and I want to make sure that everybody understands what is in this 300-page amendment.

Page 76. Certification by Hollings Manufacturing Extension Center. A Hollings Manufacturing Extension Center or other entity designated by the Secretary for purposes of providing certification under clause so and so and so and so.

So now, why are we singling out one company, one company, and where did this company come from?

Further down the page on page 76, Repayment upon relocation outside the United States. In general. If a person receives a loan under paragraph (1) to finance the cost of reequipping, expanding, or establishing a manufacturing facility as described in subsection (c)(1)(A) or to reduce the energy intensity of a manufacturing facility and such person relocates the production activities of such manufacturing facility outside the United States.

So we recognize here that we are going to force companies to take their jobs and ship them overseas. It is right here. It is right here in the bill, and I am glad it is recognized by my colleagues.

Then we go to page 80, to support manufacturers in their identification of and diversification to new markets. Another admission that the bill before us is going to kill millions of small businesses and even tens of millions of jobs, so we have to have an effort in here to support manufacturers in their identification and diversification into new markets.

Then we get to page 83. Consumer Behavior Research. The Secretary of Energy is authorized to establish a research program to identify the factors affecting consumer actions to conserve energy and make improvements in energy efficiency. Through the program the Secretary will make grants to public and private institutions of higher education to study the effects of consumer behavior on total energy use.

Do we really need to spend government money to do a study on why people don't want to pay twice the cost and get half the quality?

Page 87, the development of a global framework for the regulation of greenhouse gas emissions from civil aircraft that recognizes the uniquely international nature of the industry and treats commercial aviation industries in all countries fairly.

Will this include China and India? I can't tell from the amendment that we have in front of us.

On page 92, we want to make sure that the structure have appropriate electrical outlets with the facility and capacity to recharge a standard electric passenger vehicle, including an electric hybrid vehicle, where such vehicle would normally be parked.

Oh, no, we are not just going to take the California standard and impose it on every community in America, oh, no. Now we are going to tell you where the electric outlets are going to be and how big they have to be to charge a hybrid vehicle.

I just don't understand whether this would apply to nursing homes where there are no cars.

Oh, here we are, page 96. Existing structures. For existing structures, a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with the energy efficiency standards under subsection (a) then in effect and applicable to existing structures.

So not only are we going to tell every community in America what the building codes are going to be, what the efficiency standards are going to be, but if you make changes to your house, you have to have another study done to show how much increase in energy efficiency was gained. That will help sell a lot of new houses and a lot of old ones.

Page 97, for manufactured housing, energy star rating with respect to fixtures, appliances, and equipment in such housing, as such standard or successor standard is in effect for purposes of this section.

Please, is there anything that we are not regulating in this bill?

How about page 105. Waive or modify any existing statutory or regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances; notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment.

Now in implementing this demo program, rising rent can be dismissed out of hand, but labor standards or the environment cannot, as I read it.

Let me go to page 107. No amounts made available under the American Recovery and Reinvestment Act of 2009 can be used to carry out the demonstration program under this section.

So if no stimulus funds can be used, and the majority claims stimulus funds are for job creation, is this demo going to create one new job? I don't think so.

Page 112, additional credit for Fannie Mae and Freddie Mac housing goals for energy-efficient and location-efficient mortgages. Oh, yeah. Oh yeah, everybody listen up here. It is not enough that we have huge problems with Fannie Mae and Freddie Mac, they are at the core of the credit meltdown we have had in our country, but we are going to give them a little more money so they can have goals for energy-efficient and location-efficient mortgages. Now we are going to tell Fannie Mae and Freddie Mac what kind of mortgages we are going to have in the marketplace.

How about page 113. Supports housing that complies with enhanced energy efficiency and conservation standards, or the green building standards, under section 284 of such Act.

This is the Federal Government using Fannie Mae and Freddie Mac to impose new Federal building codes and standards across the country.

Let me go to page 114. The Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended, by the Federal Housing Finance Regulatory Reform Act of 2008.

If this is supposed to be about energy, why are we further bogging it down with trying to solve problems for Fannie Mae and Freddie Mac?

Page 115, the term ''energy-efficient mortgage'' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy-saving designs.

I'm sure that will create a lot of jobs.

And then we get to page 141, the Cranston-Gonzalez National Affordable Housing Act is amended. Why are we amending the Cranston-Gonzalez National Affordable Housing Act? I thought we were doing an energy bill here.

Page 142, use of building materials and methods that are healthier for residents of the housing, including the use of building materials that are free of added known carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer.

We are going to outline building materials as well, it appears.

Then we have a grant program to increase the sustainability of low-income community development capacity. We are going to provide loans, grants, or predevelopment assistance to eligible community development organizations or qualified youth service and conservation corps to carry out energy efficiency improvements.

I just want to know if ACORN would qualify for these grants.

And on page 146, we have another authorization here. There are authorized to be appropriated to the Secretary to carry out this section $10 million for each of the fiscal years 2010 through 2014.

So all the Members know, we have spent all of the year's income by April 16th. Everything we spend here, we have to borrow from our kids and grandchildren and the Chinese and everybody else who wants to loan us money.

Page 148, 25 points, in the case of any proposed plan, or portion thereof, consisting of new construction. So now we have a new government formula to determine winners and losers when it comes to the building of new houses.

Page 149, at the bottom, for purposes of this paragraph, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to ratings and standards for green buildings.

So the government is going to decide what is green, not the American people.

In identifying these green rating systems, the Secretary has to take into consideration the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph.

She also has to improve indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, and such other criteria as determined by the Secretary.

So why are we giving the Secretary all of this authority under this Act to determine virtually everything?

□ 1815

The Secretary may, by regulation, adopt and apply, for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems.

So a lot of power for the new Secretary without any congressional oversight.

Now I really hate to do this, but when you file a 300-page amendment at 3:09 a.m., the American people have a

right to know what's in this bill and they have a right to know what we're voting on.

Let me get to the bottom of page 155:

Revision of Appraisal Standards. Each Federal financial institutions regulatory agency shall, not later than 6 months after the date of the enactment of this Act, revise its standards for the performance of real estate appraisers in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1) of this subsection.

So now we have to retrain every appraiser in America so that they understand this law, so that they know how to properly appraise the value of someone's property. And they need to meet the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources, or energy efficiency.

So every appraiser is not only going to be retrained but now we're going to have to send them all to school.

Let me get to page 157: The Appraisal Subcommittee—another new part of the bureaucracy—shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property.

Interesting.

And the Secretary—on page 158—shall require the Housing Assistance Council to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structures and buildings developed or assisted under projects, programs, and activities funded with such amounts complies with the energy efficiency standards under section 284(a) of this subtitle.

More power for a lot of unelected bureaucrats.

Then on page 160, the middle of the page, it says:

In General. The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single-family and multifamily housing, commercial properties, and public buildings to provide renewable energy sources, and it goes on and gives a whole long list. But there is no appropriation in here for it.

And then on page 164 we authorize another $5 billion and there is no idea where this money comes from.

Page 165. Green Banking Centers. It's not going to do houses and commercial properties and multifamily housing. Now we're going to have Green Banking Centers.

The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of ''green banking'' centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, home equity loan, or renewable energy lease with additional information.

Are you kidding me? I've heard of blackmail, but now I know what greenmail really is.

On page 170 at the top of the page, section 299F.

Government Accountability Office Reports on Availability of Affordable Mortgages.

Really. After we drive the price of every mortgage up in America, we're going to have them do a report on affordable mortgages. Guess what—they're going to be a hell of a lot more expensive.

You get to page 173.

The Secretary of Housing and Urban Development may make commitments to a guarantee under this section and may guarantee the repayment of the portions of the principal obligations of eligible mortgages that are used to finance eligible sustainable building elements for the housing that is subject to the mortgage.

So now we're not only going to guarantee the mortgage but we're going to guarantee the improvements to the property as well.

Page 180. And I would direct all of your attention if you have a copy of this to section 3 of that page:

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

The term ''green portion'' means, with respect to an eligible mortgage, the portion of the mortgage principal referred to in subsection (b)(2) that is attributable, as determined in accordance with regulations issued by the Secretary.

So we've got a new government program and we're going to guarantee this with the full faith and credit of the United States.

Then on page 184:

On April 1 (or a later date established by the administrator under subsection (j)) of the calendar year in which a term offset credit expires, the owner or operator holds for purposes of finally demonstrating compliance, an allowance or a domestic offset credit.

I read it because I cannot tell you what that means.

On page 190 at the bottom of the page it talks about algae.

And on page 189 we've got Renewable Biomass. This is the third definition of Renewable Biomass that we have just in the manager's amendment, much less in the bill.

This caught my attention, at the bottom of page 191, section 3, for vintage year 2012.

Are we talking about wine?

Then we get to page 208. Carbon Derivative Markets. Now we've already heard enough about credit default swaps, but I think most of you know that under this section, the Commodity Exchange Act is amended by striking ''or an agricultural commodity'' and inserting ''an agricultural commodity, or any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under this Act.''

So now we're going to let those governed under the CFTC trade these credits with others around the world.

And on page 209 it talks about the effect of derivatives regulatory reform legislation. Upon passage of this legislation that includes derivatives, regulatory reform, sections 351, 352, 354, 355, 356 or 357 shall be repealed.

Any idea of the derivatives regulations that we're repealing in this bill? You probably didn't know we were doing that.

Then on page 210:

To prevent an increase in greenhouse gas emissions in countries other than the United States—I presume that means countries like India and China—to induce foreign countries, and, in particular, fast-growing developing countries, to take substantial action with respect to their greenhouse gas emissions.

India and China have made it perfectly clear to every one of us that they have no interest and will not go down this path.

It further goes on to ensure that the measures described in subpart 2 are designed and implemented in a manner consistent with applicable international agreements to which the United States is a party.

The very structure of the border provisions, however, makes this impossible to achieve. The Wall Street Journal said the other day and suggested that this bill really could start a trade war and that if we begin to try to impose our bureaucracy on other countries, we could just have that.

Let me get to page 225. Distribution of Emission Allowance Rebates. Further down the page, it says, Shall be pursuant to the entity's indirect carbon factor as calculated under subsection (b)(3).

Can anybody tell me how to calculate an indirect carbon factor or what an indirect carbon factor is?

Then we get to page 226. That more than 85 percent of United States imports for that sector are produced or manufactured in countries that have met one of the criteria in that section, then the 10-year reduction schedule set forth in this subsection shall begin in the next vintage year.

So now we're going to try to control imports from countries based on what they're doing with regard to their energy policy.

Use of Other Data to Determine Factor, page 231. Where it is not possible to determine the precise electricity emissions intensity factor for an entity using the methodology in clause (i). In what instances would it not be possible to determine what that is?

Then we get to page 233:

In each eligible industrial sector every 4 years, using an average of the four most recent years of the best available data. For purposes of the lists required to be published no later than February 1, 2013, the Administrator shall use the best available data for the maximum number of years, up to 4 years, for which data are available.

Why every 4 years? What's this data used for? Then it goes on: The Administrator shall limit the average direct greenhouse gas emissions per unit output, calculated under paragraph (4), for any eligible industrial sector to an amount that is not greater than it was in any previous calculation under this subsection.

So what is the cost of this provision?

Or on page 234: The Administrator shall use data from the greenhouse gas registry established under section 713. How much is this going to cost?

Promoting International Reductions in Industrial Emissions, page 236. Congress finds that for the purposes of this subpart, as set forth in section 761(c), can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change, and in other appropriate fora, to establish binding agreements, including sectoral agreements, committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse emissions.

The bottom line of all of this is all pain for United States citizens and no gain.

Then we get to page 237: The President shall provide a notification on climate change described in paragraph (2) to each foreign country the products of which are not exempted under section 768.

This is less than a fig leaf here. They're trying to pretend that this notification will satisfy the consultation required by the WTO rules. It won't end there and it's going to result in retaliation against United States exports.

Then we get further down on that page: Requesting the foreign country to take appropriate measures to limit the greenhouse gas emissions in those countries.

So if they're really nice they won't have to but if we can, we can force them to adopt our bizarre regulatory scheme.

Then we get to page 238. United States Negotiating Objectives with Respect to Multilateral Environmental Negotiations.

□ 1830

So here we are telling the administration what their objectives are going to be as they negotiate environmental issues with other countries around the world.

Presidential Reports, page 239: Not later than January 1, 2017, and every 2 years thereafter, the President shall submit a report to Congress on the effectiveness of the distribution of emission allowance rebates under subpart 1 in mitigating carbon leakage in eligible industrial sectors.

Let me go to page 260: Modification of Earned Income Credit Amount For Individuals With No Qualifying Children.

Why does this bill neglect middle class families in America? Why is it that we're only going to help some people who will qualify for the earned income credit for individuals with no qualifying children?

Further down here it says: the Secretary determines experienced a reduction in purchasing power as a result of the provisions of this act.

That's a flat-out admission that every American is going to pay more for all of their energy. And it goes on and on and on.

Ladies and gentlemen, does this give you some idea of why the American people think their Congress is out of touch? The idea that the Federal Government can create this giant bureaucracy to try to control how much CO_2 gets into atmosphere.

We know that if we were to do our all-of-the-above energy strategy, we'd see renewable sources of energy on the scene, available, producing jobs more quickly than under the underlying bill. We know that under our bill, you could actually have nuclear energy plants being built, cleaning up the air at a much faster rate than the underlying bill.

But there's really a big underlying difference between our approach and the approach of my colleagues on the other side of the aisle, and that is trusting the American people. If we give the American people the right incentives, they'll make the right decisions. But that's not what we have on the floor today. What we have on the floor today is typical big government. And the fight that we have between the two sides of the aisle really boils down to one word: It boils down to freedom. The freedom to allow the American people to live their lives without all of these extra taxes and all of this bureaucracy.

And I would just say to my colleagues, I did my best to try to get through the 300-page amendment that was filed at 3:09 in the morning. Obviously somebody knew this was coming, but it wasn't filed until 3:09 this morning.

This is not the way we should be doing legislation. The American people expect more of us. And you know what? They deserve a lot more from us.

So I would say to my colleagues let's not go down this path of increasing taxes on every single American. Let's not go down the path of moving millions of jobs to China, India, and other countries around the world. Let's trust the American people. Let's give them our all-of-the-above energy act and allow America to flourish, to allow jobs to flourish, and, most importantly, to allow freedom to flourish.

Mr. WAXMAN. Madam Speaker, the minority leader was yielded 2½ minutes. Could you tell us how much time he consumed?

The SPEAKER pro tempore. The gentleman used a customary amount of time.

Mr. WAXMAN. Well, Madam Speaker, the 2½ minutes was extended to over an hour, and this is from the same party that had a 15-minute roll call extended into 3 hours while they tried to twist the arms of their own people.

Madam Speaker, to close the debate, I wish to yield the balance of my time, and I presume it will not be an hour or two, to our distinguished Speaker because of whose leadership we have the attempt to do something that the Republicans neglected, and that's to help our country deal with our energy problems, Speaker NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Madam Speaker, I want to join those who have sung your praises as a distinguished presider over hundreds of hours of debate in the House of Representatives. Your service here, your leadership here will long be remembered and be an inspiration to us. Katherine will be very missed, but now she's off to college. Thank you, ELLEN TAUSCHER, for being such a great chairwoman and presider over the House of Representatives.

Madam Speaker, I also wish to acknowledge the leadership of our chairmen, who so ably brought this important legislation, this historic and transformational legislation, to the floor: Chairman WAXMAN of the Energy and Commerce Committee, Chairman MARKEY of the Energy Security and Climate Change Committee, Chairman RANGEL of the Ways and Means Committee, and Chairman PETERSON of the Agriculture Committee. We thank them for their leadership and for giving us this opportunity today.

Madam Speaker, no matter how long this Congress wants to talk about it, we cannot hold back the future. And so in order to move on with the future, I want to yield back my time, submit my statement for the RECORD, and urge my colleagues to vote for this important legislation.

And when you do, just remember these four words for what this legislation means: jobs, jobs, jobs, and jobs.

Let's vote for jobs.

Madam Speaker, today the House has an opportunity to pass historic and transformative legislation: the American Clean Energy and Security Act.

I would like to acknowledge the authors of the legislation: Chairman WAXMAN of the Committee on Energy and Commerce and Chairman MARKEY of the Select Committee on Energy Security and Climate Change.

I would also like to acknowledge: Chairman COLLIN PETERSON of the Agriculture Committee for bringing the priorities of America's farmers to this bill and Chairman RANGEL who helped ensure that this bill is fiscally responsible and fully paid for.

And I would like to acknowledge the many staff who worked so hard on this legislation.

In his inaugural speech, President Obama called upon us to, ''harness the sun and the winds and the soil to fuel our cars and run our factories.''

One week and one day later, we did just that. We passed the American Recovery and Reinvestment Act—the single largest investment in history in clean energy—with over $69 billion for new investments in clean energy.

Shortly thereafter, we passed the Omnibus spending bill, with significant investments in advanced energy research and the labs and equipment necessary to perform the next generation of advanced energy research.

We passed the Budget, which included a 10% increase in investment in clean energy and energy efficiency.

This was building upon the work of the last Congress: The Farm Bill was the first in history to include a real investment in energy independence, with over $1 billion to leverage renewable energy industry investments in new technologies and new feedstocks.

And the historic and bipartisan energy bill signed by President Bush increased fuel efficiency standards for vehicles for the first time in 30 years and redirected this country's energy policy toward clean, renewable energy.

Creating a new energy policy and addressing the global climate crisis is: Energy independence is: a national security issue by reducing our dependence on foreign oil; an environmental and health issue; it is a moral issue; and it is an economic issue for America's families.

There are four words that can describe this bill: jobs, jobs, jobs, and jobs.

Madam Speaker, we debate this legislation as millions of Americans are struggling in this economy. This is our moment to transform our economy and create jobs.

This is the moment when we can unleash private sector investment in clean energy to create millions of new jobs and make America the global innovation leader. It will promote clean energy technology—made in America. It will put America in the lead in the global competition.

As we rebuild America in a green way, we will create jobs that cannot be shipped overseas. We are creating a framework in which innovation can occur and that gives business certainty that we are moving to a clean energy economy. That will unleash innovation, investment, and venture capital to drive new technologies into the market.

America's farmers will fuel America's energy independence. They will do so with carbon-offsetting crops and forests, and biofuel and wind farms to repower America.

This historic legislation is the product of months of consensus building to achieve an effective and affordable transition to a clean energy future.

I am so pleased that the diverse coalition supporting this bill includes everyone from: The Union of Concerned Scientists to the Evangelical Climate Initiative and the U.S. Conference of Catholic Bishops; from the business community to labor organizations, from ALCOA to the U.S. Steelworkers of America; from the U.S. Conference of Mayors to members of the U.S. Climate Action Partnership, a coalition of business and nonprofit groups.

Today, we have an opportunity to lead America toward an effective and affordable transition to a clean energy future. It is a moment we cannot afford to miss. We have a responsibility to create jobs and make America more secure, protect the health of our citizens, and honor our moral responsibility to our children and our future generations.

Vote to create jobs. Let's put this Congress on the right side of the future. Vote yes on the American Clean Energy and Security Act.

I urge my colleagues on both sides of the aisle to protect God's beautiful creation by supporting this legislation.

ORGANIZATIONS EXPRESSING SUPPORT FOR HOUSE PASSAGE OF THE AMERICAN CLEAN ENERGY AND SECURITY ACT

ELECTRIC UTILITIES AND ENERGY COMPANIES

Duke Energy
Exelon
PG&E Corporation
FPL Group
Austin Energy
National Grid
PNM Resources
Avista
NRG Energy Inc.
PSE+G
Edison Electric Institute
ConEdison
Constellation Energy
Entergy
Austin Energy
Renewable Fuels Assn.

MANUFACTURING, INDUSTRY AND CORPORATE

GE
Dow Chemical
Dow Corning
National Semiconductor
HP
Business Council on Sustainable Energy
Solar Power Industries
Alcoa
John Deere
Alstom Power
Johnson & Johnson
Siemens
Rio Tinto
BP Solar
Symantec
Applied Materials
eBay
Levi Strauss
Nike
Starbucks
Aspen/Snowmass
Seventh Generation
Clif Bar
Kleiner Perkins Caufield & Buyers
Calpine Corp.
Genpower
BluewaterWind

LABOR

Steelworkers
Boilermakers
Communications Workers
Laborers International
Services Employees
Utilities Workers Union
Building and Construction Trades

FARM AND AGRICULTURE

National Farmers Union
American Farmland Trust
Growth Energy

COMMUNITY, FAITH AND ENVIRONMENT

U.S. Conference of Mayors
Environmental Defense Fund
League of Women Voters
National Parks Conservation Assn.
National Wildlife Federation
National Resource Defense Council
The Wilderness Society
American Institute of Architects
World Resources Institute
Pew Center on Global Climate Change
The Nature Conservancy
Sierra Club
HipHop Caucus
Center for American Progress
Latino Coalition
Union of Concerned Scientists
National Congress of American Indians
World Wildlife Fund
American Public Health Association
Defenders of Wildlife
League of Conservation Voters
Pew Environment Group
National Audubon Society
Renewable Fuels Assn.
American Chemical Society
American Rivers
Clean Water Action
Earthjustice
Environment America
International Forum on Globalization
Oxfam Oceana
Physicians for Social Responsibility
Jewish Council for Public Affairs
Izaak Walton League of America
Baptist Pastors and Theologians
Woods Hole Research Center/20 eminent scientists and leaders
United Nations Foundation
The Episcopal Church
United States Conf. of Catholic Bishops
Catholic Relief Services
Evangelical Climate Initiative
National Council of Churches
National Assn. of Clean Air Agencies
CARE
Trout Unlimited
United Methodist Church-General Board of Church & Society
Evangelical Lutheran Church in America
Climate Communities/ICLEI-Local Governments for Sustainability USA

Mr. WOLF. Madam Speaker, our country has always been the world's innovation leader, and I believe innovation and not taxation must be the answer to the energy challenges we face.

That's why I support the Forbes amendment which would substitute this bill with a new Manhattan project for energy independence, bringing together the best and brightest minds of a new generation of scientists, engineers and researchers in a unified national challenge just as we did with the original Manhattan project in World War II.

Like the first project, which was launched to ensure the security of our country, today our national security depends on our ability to produce reliable, cost-effective and environmentally friendly sources of energy to fuel our economy.

This project would award significant cash prizes to the first person or entity to achieve set energy goals, such as doubling car fuel efficiency to 70 mpg while keeping vehicles affordable, cutting home and business energy usage in half, making solar power work at the same cost as coal, making the production of biofuels cost-competitive with gasoline, safely and cheaply storing carbon emissions from coal-powered plants, safely storing or neutralizing nuclear waste, and producing usable electricity from a nuclear fusion reaction.

Just like the challenge of the space program to put a man on the moon in a decade, I believe by working together, a new Manhattan project could transform our nation's energy security. But the ''cap-and-trade'' plan the House considered is the wrong solution at the wrong time. We can do better and I think this alternative is a better solution.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia (Mr. FORBES).

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

RECORDED VOTE

Mr. FORBES. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 256, not voting 5, as follows:

[Roll No. 476]

AYES—172

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

NOES—256

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

NOT VOTING—5

Flake
Hastings (FL)
Moran (VA)
Sullivan
Wu

□ 1859

Messrs. ADLER of New Jersey, PATRICK J. MURPHY of Pennsylvania, BERMAN, MCMAHON, and Mrs. MALONEY changed their vote from ''aye'' to ''no.''

Messrs. MCHENRY and HOLDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

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

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

RECORDED VOTE

Mr. WAXMAN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 212, not voting 3, as follows:

[Roll No. 477]

AYES—219

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo

Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOES—212

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kucinich
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Flake
Hastings (FL)
Sullivan

□ 1917

Mr. GOHMERT changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. WEINER). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

THANKING STAFF INVOLVED IN PASSAGE OF ENERGY BILL

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

Mr. WAXMAN. I would like to take a moment to thank the staff of the Office of Legislative Counsel and the Congressional Budget Office for their hard work on this bill. The efforts and dedication of Tim Brown, Warren Burke, Alison Bell, Pope Barrow and their colleagues in the Office of Legislative Counsel were indispensable in writing this wide-ranging and historic legislation. Similarly, Suzanne Mehlman, Dan Hoople and their colleagues at the Congressional Budget Office were essential in analyzing the complex financial and scoring issues associated with this bill. Both the staff of the Legislative Counsel and the CBO deserve to be thanked and congratulated for their outstanding work over the many late nights and weekends. We are very grateful for their service to the Nation.

I would like to add my appreciation to the fantastic job that our committee, subcommittee and select committee staffs have done in getting this legislation before the Congress of the United States.

Mr. Speaker, I would like to yield to my colleague on this legislation, Congressman ED MARKEY.

Mr. MARKEY of Massachusetts. I thank you, Mr. Chairman. And I thank everyone who worked on this legislation, all of the Members on both sides of the aisle. But as Chairman WAXMAN just said, this took an enormous amount of work by a lot of staffers over a sustained, intense period of time. And I want to thank all of you for everything that you have done to make today possible.

I think you really do deserve a round of applause for the tremendous work that you have done. It is your victory as much as any Member, and we thank you for it.

Mr. WAXMAN. Reclaiming my time, I would like to read from page 333 of the manager's amendment and to indicate my gratitude to our staff director Phil Barnett; to the environmental staff on the committee, Greg Dotson, Lorie Schmidt, Alexandra Teitz, John Jimison, Jeff Baran, Alex Barron, Ben Hengst, Melissa Bez, and Rob Cobbs.

Mr. MARKEY of Massachusetts. I would like to thank Joel Beauvais, Michael Goo, Danielle Baussan, Ana Unruh-Cohen. I would also like to thank Michal Freedhoff, Morgan Gray, Jonathan Phillips, Eban Burnham-Snyder, Jackie Chenault, Jeff Sharp, Ali Brodsky, Camilla Bausch, and especially Gerry Waldron and Jeff Duncan, along with Shannon Kenny, who is still sitting over there as well.

All of you were fantastic, and it's just a historic achievement. We thank you all so much for everything that you do.

Mr. WAXMAN. Mr. Speaker, I also wanted to add our appreciation to Matt Wiener, our staff assistant on this legislation.

I feel empowered because I only asked for 1 minute, and I have talked far more than 1 minute. I guess that's become a new tradition in the House, but I don't want to abuse it, and I yield back the balance of my time.

REPORT ON H.R. 3081, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Mrs. LOWEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–187) on the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 3082, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

Mr. EDWARDS of Texas, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–188) on the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. CONYERS, from the Committee on Judiciary, submitted an adverse privileged report (Rept. No. 111–189) on the resolution (H. Res. 537) requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism, which was referred to the House Calendar and ordered to be printed.

□ 1930

SUPPORTING PRAGUE CONFERENCE ON HOLOCAUST ERA ASSETS

Mr. WEXLER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 89) supporting the goals and objectives of the Prague Conference on Holocaust Era Assets, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 89

Whereas the Government of the Czech Republic will host a Conference on Holocaust Era Assets in Prague from June 26, 2009, through June 30, 2009;

Whereas the Prague Conference will facilitate a review of the 1998 Washington Conference on Holocaust Era Assets, which had participation of 44 nations, 13 nongovernmental organizations, scholars, and Holocaust survivors;

Whereas a high level United States delegation participated in the Washington Conference on Holocaust Era Assets led by Undersecretary of State Stuart Eizenstat, Nobel Peace Laureate Elie Wiesel, Federal Judge Abner Mikva, senior diplomats, and a bipartisan group of Members of Congress;

Whereas then-Secretary of State Madeleine Albright delivered the key note address at the Washington Conference on Holocaust Era Assets, articulating the United States commitment to Holocaust survivors and urging conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims.'';

Whereas the Prague Conference is expected to take stock of issues agreed on at the Washington Conference, including financial assets, bank accounts, insurance issues, and other financial property;

Whereas the Prague Conference is expected to include a special session on social programs for Holocaust survivors and other victims of Nazi atrocities;

Whereas the Prague Conference is expected to include working groups on Holocaust education, remembrance and research, looted art, Judaica, Jewish cultural property, and immovable property, including both private, religious, and communal property;

Whereas United States participation and leadership at the highest level is critically important to ensure a successful outcome of the Prague Conference;

Whereas Congress supports further inclusion of Holocaust survivors and their advocates in the Prague Conference planning and proceedings;

Whereas the United States strongly supports an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes;

Whereas many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care;

Whereas the United States and the international community has a moral obligation to uphold and defend the plight and dignity of Holocaust survivors and to ensure their well-being;

Whereas for the Prague Conference is a critical forum to effectively address the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years;

Whereas President Barack Obama, during his visit to the Yad Vashem Holocaust Memorial in Israel in July 2008, stated ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''; and

Whereas the Prague Conference may represent the last opportunity for the international community to address outstanding Holocaust-era issues: Now, therefore, be it

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

(1) supports the goals and objectives of the 2009 Prague Conference on Holocaust Era Assets;

(2) applauds the Government of the Czech Republic for its decision to host the Prague Conference and its unwavering commitment to address out standing Holocaust-era issues;

(3) expresses strong support for the decision to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference;

(4) urges the countries in Central and Eastern Europe, which have not already done so, to return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation to the rightful owners in accordance with principles of justice and in an expeditious manner that is just, transparent, and fair;

(5) calls on the President to send a high-level official, such as the Secretary of State, to represent the United States at the Prague Conference; and

(6) urges other invited nations to participate at a similarly high level.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 89, which supports the goals and objectives of the Prague Conference on Holocaust Era Assets. From June 26, 2009, through June 30, 2009, the Government of the Czech Republic will host a Conference in Prague of utmost importance, which will focus exclusively on the reparation of Holocaust Era Assets. The Prague Conference will facilitate a review of the 1998 Washington Conference on Holocaust Era Assets, which had participation of 44 nations, 13 nongovernmental organizations, scholars, and Holocaust survivors.

In his internationally recognized and critically acclaimed novel, ''Night,'' Nobel Peace Prize winner Elie Weisel so chillingly depicted the Holocaust in the following vivid description:

''Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. Never shall I forget that smoke. Never shall I forget the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky. Never shall I forget those flames which consumed my faith forever. Never shall I forget that nocturnal silence which deprived me, for all eternity, of the desire to live. Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust. Never shall I forget these things, even if I am condemned to live as long as God Himself. Never.''

And never again shall we forget the atrocities that transpired during the Holocaust. As we go forward into the 21st Century, it is our job to make sure that the history of the Holocaust is re-told, so that such crimes against humanity never again recur. It is our job as humanitarians of the world to restore to victims of the Holocaust the private property and real property, chattels and assets which were so wrongfully taken by the nefarious acquisition of the Nazi regime during World War II, and restore to Holocaust Survivors and to their heirs that property which is rightfully theirs.

I sit on the Advisory Board of the Houston Holocaust Museum, and I understand the urgency and necessity expressed by former Secretary of State Madeleine Albright, when she delivered the keynote address at the Washington Conference on Holocaust Era Assets. Former Secretary Albright articulated the U.S. commitment to Holocaust survivors and urged conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims.'' The Prague Conference is expected to do just that. The Conference will take stock of issues agreed on at the Washington Conference, including financial assets, bank accounts, insurance issues, and other financial property. United States participation and leadership at the highest level is critically important

to ensure a successful outcome of the Prague Conference. The Prague Congress supports further inclusion of Holocaust survivors and their advocates in the Prague Conference planning and proceedings, to provide direct testimony as to the ongoing repercussions of the Holocaust on survivors and the families of survivors.

While it is largely unspoken, many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care. We have a moral obligation to uphold and defend the plight and dignity of Holocaust survivors and to ensure their well-being. The Prague Conference is a critical forum to effectively address the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years.

On his visit to the Yad Vashem Holocaust Memorial in Israel in July 2008, President Barack Obama stated ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''

I urge my colleagues to support this important Resolution today, which advocates for an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes. I applaud the Government of the Czech Republic for its decision to host the Prague Conference and its unwavering commitment to address outstanding Holocaust-era issues. Furthermore I express strong support for the decision to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference. Finally, this Resolution urges the countries in Central and Eastern Europe, which have not already done so, to return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation to the rightful owners in accordance with principles of justice and in an expeditious manner that is just, transparent, and fair. I urge passage of H. Con. Res. 89.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE FOURTH OF JULY

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

Mr. POE of Texas. Mr. Speaker, the most patriotic time of the year is at hand. I love the Fourth of July. It is picnics, hot dogs, potato salad and barbecue. It is kids decorating wagons with red, white and blue for neighborhood parades and little kids sitting on their dad's shoulders watching the parade. It is horses and cowboys. It is John Phillips Sousa and ''The Stars and Stripes Forever.'' It is waving flags and thanking our troops for their service. It is yellow ribbons tied to trees.

The Fourth of July is a packed freeway and a long weekend. It is going to the beach and getting sand in everything. It is coolers, beach towels, blankets, sunscreen and the salty air.

It is the big fireworks display in the big cities and the small ones in the neighborhood. It is making circles in the air with sparklers. It is bottle rocket wars. It is Black Cat firecrackers and Roman candles. It is buy one, get four free.

It is stump speeches by politicians. It is people dressing up as Tom Jefferson and George Washington. It is snow cones and caramel apples. It is kids, grandkids and pets all packed in the Jeep and going for cotton candy.

Everybody is happy about the Fourth of July. There is nothing sad about freedom. After all, it is happy birthday to our country.

And that's just the way it is.

DEATH OF MICHAEL JACKSON, JUNE 25, 2009

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too wish our Nation a very happy birthday. But I rise in sadness to celebrate, but yet mourn, the passing of Michael Jackson, to celebrate a life that was full of artistry. It was, in essence, a joy to many who listened and those who danced.

Michael Jackson loved America. He was truly a story that came from the very dreams that Americans have. Starting in the very bowels of a city called Gary, Indiana, living in a two bedroom bungalow, he rose to the highest pedestals of entertainment and, of course, iconic state.

He was the King of Pop. But he was also a quiet man, a man who, in fact, loved to give back and a humanitarian. For those of us who remember the words of ''We Are the World,'' one of the first conglomerations of bringing people together, to be able to emphasize that we do have a responsibility to others. And then the song, ''The Man in the Mirror,'' we can make a difference.

Born on August 29, 1958, in Gary, Indiana, he was one of the Jackson Five. But more importantly, he was a father. He was someone who would bring a face to America. I intend to introduce a resolution in honor of Michael Jackson because we believe in the good. And he was good. He saw our soldiers. He fought against HIV/AIDS. He wanted to show that he cared. And he did.

It is my pleasure to have hosted Michael Jackson on Capitol Hill in 2004 when he came to stand against AIDS and to fight that devastating disease.

Today I stand and recognize that he truly was a man who loved America.

Mr. Speaker, I stand before you today to remember and honor the memory of the King of Pop, Michael Jackson. Michael Jackson who was a charismatic musician and beloved American musician from a tender age, suffered from cardiac arrest today and died at the age of 50.

Michael Jackson truly was the King of Pop and a true icon that was world renowned. We watched a boy grow into a superstar before our eyes and enjoyed the music he brought to the world. The Jackson 5 were the first act in recorded history to have their first four major label singles (''I Want You Back'', ''ABC'', ''The Love You Save'', and ''I'll Be There'') reach the top of the American charts.

Jackson was born on Aug. 29, 1958, in Gary, Indiana, the seventh of nine children. Five Jackson boys—Jackie, Tito, Jermaine, Marlon and Michael—first performed together at a talent show when Michael was 6. They walked off with first prize and went on to become a best-selling band, The Jackson Five.

Once Michael Jackson went solo we enjoyed such hits as Thriller, Beat It and Billie Jean and of course the legendary moonwalk. ''Thriller'' released in 1982, which became a smash hit yielded seven top-10 singles. The album sold 21 million copies in the United States and at least 27 million worldwide. It was a monumental moment in music history.

Not only an iconic singer and performer, Michael Jackson was a philanthropist and advocate for AIDS awareness and Child Hunger. Jackson co-wrote the charity single ''We Are the World'' with Lionel Richie, which was released worldwide to aid the poor in Africa and the US. He was one of 39 music celebrities who performed on the record. The single became one of the best-selling singles of all time, with nearly 20 million copies sold and millions of dollars donated to famine relief.

I was honored to personally meet with Michael Jackson on Capitol Hill in 2004 and am deeply saddened by his passing. He is survived by his three children, his brothers and sisters, family, friends and a world full of fans. I will leave you all with a quote from Michael, ''If you enter this world knowing you are loved and you leave this world knowing the same, then everything that happens in between can be dealt with.''

HEARTBREAK ON CAPITOL HILL

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

Mr. GOHMERT. Mr. Speaker, just moments ago on this floor there was cheering and there was clapping over the passing of the crap-and-trade bill. And it is a little tough to get excited. From a political standpoint, I should be overjoyed because I really believe in my heart that when the American people find out, and this is just a part of it, when they find out what has been done to them, they are going to be livid. And they are going to throw some people out of this body. I just know that will happen. But I care more about America than I do politics.

I know that we will be facing the single moms that we heard from last summer that can't afford the gasoline bill. They can't afford the propane.

You didn't do a great thing. You hurt some really decent families struggling

and trying to make it. And this is going to be their death knell. It breaks my heart.

CELEBRATING BLACK MUSIC MONTH

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

Mr. COHEN. This is Black Music Month. And we had a resolution to introduce and pass celebrating the 30th anniversary of Black Music Month. Because of the scheduling, it didn't come up. That is why I wanted to address that fact today.

Black Music Month is important because it reminds people of the history of music in this country and the contributions of black Americans. Much of that happened in my city in Memphis, at Stax Soulsville, home of Isaac Hayes, Sam and Dave, Stax Soulsville Records, Al Green, Willy Mitchell and others, also Detroit and Motown and New Orleans and Fats Domino, Professor Long Hair, and many great musicians.

But back to Kansas City, and Charlie Parker, and Miles Davis and Max Roach and Dizzy Gillespie, not all from Kansas City, but that from that jazz era, and others. Michael Jackson, of course, passed. Many great musicians whose music needs to be remembered and young people need to learn that music is a great way to pass on our culture and preserve it and a great way to enjoy their own life and experience a better way. I'm pleased this is the 30th anniversary of Black Music Month. And we need to enjoy music and soothe the soul.

SPECIAL ORDERS

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

CELEBRATING THE ALBANIAN DIASPORA OF SOUTHEAST MICHIGAN

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

Mr. PETERS. Mr. Speaker, I rise today to celebrate the Albanian diaspora of southeast Michigan and to raise the concern they have expressed to me.

Respect for people of diverse cultures is an American value and has made our Nation great. Our national heritage reflects the cultural contributions of a wide range of ethnic groups.

I am fortunate to represent the Ninth District of Michigan, a district rich in ethnic and religious diversity and one that includes many families from the Balkan region. In my time as a Congressman and resident of the Ninth District, I have developed a strong bond with the Albanian American community. This is a people that strongly value community service, family, and education. These are the values we can all admire and strive to instill in our children.

The Albanian American community of southeast Michigan is relatively new to our country. Most are first- or second-generation Americans. However, this community has established strong roots in southeast Michigan, establishing churches, community centers and small businesses. These places preserve and celebrate Albanian culture. They help enrich the lives of fellow Albanian Americans and the broader community alike.

Saint Paul's Albanian Church in Rochester Hills, Michigan, a city in my district, boasts nearly 5,000 members and is a shining example of how the Albanian diaspora has taken root in southeast Michigan. These roots are nourished by the community's focus on family, a value deeply embedded in Albanian culture, and one that I greatly respect.

As with many new immigrant communities, the entrepreneurial spirit runs deep among our Albanian Americans. Our Nation has provided many Albanian Americans with their first opportunity for business success. Members of the community have embraced these opportunities and worked tirelessly for the success of their endeavors, helping to grow our economy and create jobs in our region.

The community's affinity for entrepreneurship is coupled with a deep appreciation for education. Albanian Americans recognize the invaluable return on investment that educational achievement brings to the next generation.

I am particularly proud of the Albanian American community's patriotism, love for America and participation in the American democratic process.

Albanian Americans truly are full participants in the American democratic system. They understand that the essential element of a thriving democracy is active engagement.

Albanian Americans' unwavering dedication to democracy does not stop at our borders. The Albanian community is working tirelessly to bring attention to the needs of the emerging democracies in the Balkan region and to strengthen U.S.-Balkan relations.

I am proud of the relationship the city of Rochester Hills has formed with Tuz, Montenegro. For example, the Albanian American diaspora in Michigan and the city of Rochester Hills recently worked together to provide school supplies to the cities of Tuz, and I commend them for these efforts.

While many are aware of the efforts made by the Albanian American community to assist refugees during the Kosovo conflict, it is important to highlight important work still being performed by the Albanian American community.

The Albanian diaspora continues to seek further recognition for the Republic of Kosova and has been vital in helping former refugees rebuild their lives. The recent independence of the Republic of Kosova and the induction of Albania into NATO are a testament to the Albanian American community's progress.

The Albanian community in Michigan remains concerned with events and issues currently affecting their brethren and families overseas. Some particular concerns of my constituents I want to raise today relate to recent reports of inequities in the Montenegrin justice system. In particular, reputable human rights organizations like Amnesty International have reported that several Albanian American citizens convicted in connection with the Eagle's Flight case have been subject to torture and physical abuse. These incidents and reports have caused tremendous anxiety and uncertainty in the Albanian American community. It is my hope that the Montenegrin Government will work diligently to protect human rights and the rule of law in the exercise of justice in the future.

Whether fighting for justice, advancing democracy, supporting our schools, or working hard to strengthen our economy, Albanian Americans in my district and across America are helping to make our Nation even greater. It is an honor to represent a prominent Albanian American community here in the United States Congress.

WE ARE FREE

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

Mr. MCCOTTER. Mr. Speaker, from the hellish streets where Iranians demand freedom, voices arise to pray for deliverance and liberty; but, elsewhere, safely ensconced in freedom, others argue for appeasement and ''neutrality.'' We must choose wisely between these competing voices and visions, lest we betray our allegiance to liberty.

Some voices allege America's support of Iranian democracy demonstrators harms their cause, strengthens the regime, increases the repression, and, once the freedom seekers are slaughtered, precludes ''good'' relations with the murderous mullahs.

Their siren song is wrong. Despite pronouncements, America has not intervened, the mullahs publicly accuse us of it, their illegitimate puppet Ahmadinejad demands our prostration at the regime's feet, and all the while, the regime butchers innocents.

□ 1945

On June 24, CNN recorded a call from a terrified Iranian girl, who told of democracy demonstrators being hacked with axes, shot or thrown from bridges. She pleaded: ''You should stop this. You should help the people of Iran who demand freedom. You should help us. It's time to act.'' She was pleading to America. She was pleading to us.

Once, another generational chance for freedom was seized, as Soviet dissident and gulag prisoner Natan Sharansky attests, ''We developed our own tapping language to communicate with each other between the crawls of our cells. We had to develop new communication methods to pass on this great, impossible news.

''Reagan dared to call of the great Soviet Union an evil empire. That moment made it impossible for anyone in the West to continue closing their eyes to the real nature of the Soviet Union.

''It was one of the most important, freedom-affirming declarations, and we all instantly knew it. For us, that was the moment that really marked the end for them, and the beginning for us. The beginning of a new revolution, a freedom revolution. Reagan's revolution.''

As for voices clamoring for a ''grand bargain'' with Iran's inhumane regime if it clings to power, Sharansky warns: ''How a government treats its own people cannot be separated from how that government could be expected to treat other countries.'' How did the regime treat the family of Neda Agha-Soltan, the student it shot in the streets? Her state executioners refused to tender Neda's body to her family; buried her without a funeral; banned all signs of mourning; and forced her family to flee from their Tehran home.

To defeat such a regime, Sharansky offers Reagan's example: ''Ronald Reagan had the moral clarity to understand the truth, and the courage both to speak the truth and to do what needed to be done to support it.''

What concrete actions can we take today to aid the Iranian people's march to freedom?

We must increase funding for Radio Farda and other democracy building programs to provide the Iranian people with the free flow of information and communications in their struggle to be free.

The President must use his full authority under the Iranian Sanctions Act to deter companies from investing in Iran's energy sector.

We must place column 2 tariff rates on Iran's remaining exports to the United States. We must pass the Global Online Freedom Act to prevent American companies from assisting foreign governments, including Iran, from censoring and monitoring their people on the Internet. We must pass the Iran Refined Petroleum Sanctions Act and the Iran Threat Reduction Act to embargo the flow of refined fuel to and increase the pressure upon the regime.

The President must prohibit regime members from entering the United States of America.

We must seek a United Nations Security Council resolution denouncing the regime; demanding a new, internationally monitored election; and tightening the current U.N. sanctions against the regime until this election occurs and its outcome's integrity verified.

We must work with American labor organizations to establish a support fund for Iranian workers striking in protest of the regime.

Finally, we must link all of our relations with Iran, and with those nations abetting the regime's perpetuation in defiance of its people's freedom to human rights.

If we pale and fail to take these measures, we will be haunted by the cries of the oppressed Iranians abandoned to preserve our neutrality in this time of moral crisis.

But, when we act, we will expand freedom to the oppressed and enslaved; and ensure it for our children and ourselves. Only then will we have honorably performed our duty to liberty by guaranteeing generations of Americans and Iranians may proclaim, ''We are free.''

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

JUNE 26, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC,
OFFICE OF THE SPEAKER,
U.S. Capitol,
Washington, DC.

DEAR MADAM SPEAKER: This letter is to alert you that I have sent a letter to Governor Arnold Schwarzenegger of California informing him that I will be resigning as the United States Representative for the 10th Congressional District of California effective immediately.

In May, I had the distinguished honor of being nominated by President Obama to serve as Undersecretary of State for Arms Control and International Security. Keeping nuclear weapons out of the hands of terrorists, making sure other countries do not obtain them and, one day, I hope, ridding the world of these terrible weapons, has become my passion and, I hope, my life's work.

It has been an immense pleasure working with you Madam Speaker. I owe you, and my colleagues on both sides of the isle, a debt of gratitude for your leadership, guidance and dedication. I eagerly await the opportunity to work with you in my new role with the Obama Administration.

Sincerely,

ELLEN O. TAUSCHER.

JUNE 26, 2009.

CONGRESS OF THE UNITED STATES,
House of Representatives,
Washington, DC,
Governor ARNOLD SCHWARZENEGGER,
California State Capitol Building, Sacramento, CA.

DEAR GOVERNOR SCHWARZENEGGER: On May 5th, I was nominated by President Obama to serve as Undersecretary of State for Arms Control and International Security. Therefore I am resigning my position as the United States Representative for the 10th Congressional District of California effective immediately.

Thirteen years ago, the people of California's 10th Congressional district bestowed upon me the privilege of serving as their representative in Congress. It has been a remarkable period marked by tremendous challenges and remarkable achievements. I take great pride, along with my distinguished colleagues in the California delegation, in working to make our communities safer, California more prosperous and our nation more secure. No matter where I am serving in government, I always will remember those who sent me to Washington and I always will be grateful for their support and the trust they placed in me.

I also wanted to thank you for your leadership. It has been a pleasure to work with you and your staff and I look forward to continuing our productive relationship.

Sincerely,

ELLEN O. TAUSCHER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from California (Mrs. TAUSCHER), the whole number of the House is 433.

HONORING FIRE CAPTAIN JAMES HALL

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

Mr. BOCCIERI. Mr. Speaker, there are difference makers among us. I rise today to honor a man who committed his life to public service and put his life on the line working to save people in our community.

Just a few short weeks ago, James Martin ''Marty'' Hall, City of Canton, Ohio Fire Captain of 15 years, made the ultimate sacrifice and died in the line of duty after suffering a fatal heart attack just hours after serving a volunteer fire shift at the Greentown Fire Department.

Captain Hall was a member of the City of Canton's fire force for more than 20 years.

Captain Hall clearly moved our community. Joining the thousands of friends and neighbors and loved ones who lined the streets of Canton for his funeral procession deeply moved me. This man was a respected member of our city who touched and saved many lives, including a child he performed

CPR on after rescuing him from a burning home in Canton.

Captain Hall's peers called and said to him as they bid him farewell, ''If you needed to be rescued, Captain Hall and his crew would be the crew you wanted coming for you.''

Captain Hall was a hero in our community and in his home. Being a father of four small children, it was exceptionally emotional to witness his three daughters stand up at his funeral and say, ''We're going to miss you, Daddy.''

Their words should remind each of us that our time on Earth is limited and we must live fully each day. Captain Hall's passing shocked our community, and he will forever remain one of our community heroes.

My prayers and deepest condolences go out to his family as they grieve this tragic loss. Captain Hall's family and our community reflect on his service both in the military and as a firefighter.

Today, I take this moment to honor his life and his service to our country. We thank you, Marty, for your service.

SAD DAY FOR AMERICA

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

Mr. SOUDER. Mr. Speaker, this is a sad day for America, and I don't mean because of the death of Michael Jackson; I mean because if this legislation we just passed were to become law, tens and hundreds of thousands of people would lose their jobs.

In my district, we are already getting green jobs. We will have thousands of green jobs, but we are going to lose tens of thousands of other jobs. My congressional district in northeast Indiana is the number one manufacturing district in the United States. One county has 57 percent of the people working in manufacturing. I heard on this floor that we don't have any manufacturing jobs left in America anymore. Oh, yes, we do.

In my district, we have 30,000 jobs related to the recreational vehicle area. We have 40,000 jobs related to auto and truck. We make boats. We have tire factories. We have axle factories and windshield factories. We are the manufacturing center, along with JOE DONNELLY's district in the South Bend area and PETE VISCLOSKY's in northwest Indiana.

We still have an industrial base, an industrial base that has tried to adjust and accommodate and make the changes they need to make. We have the most efficient steel factories in America. We have two steel factories that were roughly a billion dollars each to build, five new core facilities; the only two steel companies in America that haven't lost money because they have cut their costs 75 percent. They have their labor cost down at 4 to 5 percent, yet we are looking at energy costs that could go up 80 to 100 percent because, you know what, you can't power a steel plant in Indiana with solar panels. You cannot do this with windmills. Manufacturing takes an incredible amount of energy.

Now let me be honest. I admire the Amish. My great, great grandpa was one of the first Amish settlers in the State of Indiana. My great grandpa left about 1880. It is fine if you want to be Amish with no electricity and windmills and ride around in a horse and buggy, but that should be a choice, not pronounced on you by the Federal Government.

For people who want to come to the Notre Dame games in South Bend, I worry that in a couple years you can go over to Elkhart County, one of the largest Amish settlements, and go, Oh, look at that Amish farm. There's no electricity there. They're riding around in a buggy; but it won't be Amish, it will be everybody in the area because that is county that has 57 percent manufacturing, a county that the President went in with the stimulus package and said, This is the highest unemployment area in the United States, and we are going to bring you jobs. And instead, we are bringing death to manufacturing.

I just don't understand it. Maybe my district should introduce legislation to make it a national historical industrial park area where people could go and see what steel mills used to look like. They could go and see what axle companies used to look like. What it looked like to make the Silverado and the Sierra pickup before we drove them to China, before we moved the last companies out.

And in between, you could see soybean and corn farms, and apparently we made some change here, but it is amazing we even had to make this change, that ethanol soy-diesel, we have the biggest integrated soy-diesel plant in the world. Dreyfus was worried down to the original draft of this bill they were going to be put out because they were cutting down trees to plant soybeans and corn for ethanol, except our trees are already cut down. Oh, you mean they were going to cut down trees in Brazil? Well, not our companies. But because we are internationalists now and we're trying to be one world, if we grow soybeans in Indiana, then we have to offset it with trees in other places, and now maybe we won't have to offset it and maybe we won't wipe out soy-diesel and ethanol. What kind of joke is this?

I honestly did not think that this House could pass this bill.

These are hardworking, blue collar workers. Many in my area, if not most, union members. Look, they are not necessarily big fans of MARK SOUDER or Republicans. It is their constituency who they are putting out of work, people who didn't necessarily have a college degree, who worked in steel mills, who worked in auto places, who got up early in the morning and worked a hard day and thought they could make it in America.

But no, we are shipping their jobs away from America because now they are dirty, even though now they will go to other countries where it will be dirtier air?

What about farmers who get up and they work hard all day, six, seven days a week in the peak season, and now they are going to be told that their energy costs are going to go up. The REMCs in my area, which are huge, when I have gone to their meetings, 1,400 and 1,500, they say it is going to be $60 to $80 minimum a month on each of their people who are working hard ever day and are trying to figure out now, with a 15 percent average unemployment in my district, that they are supposed to take this kind of a heating bill.

I do not understand this. If you don't have steel, how do you have a military? Are we going to build our big aircraft carriers out of bamboo? What are we going to do here? Maybe we can have China build the steel for our military. That will work real well. They are our good buddies.

Before, when we heard the day of infamy from Franklin Delano Roosevelt, we at least had a manufacturing base to respond. This day of infamy, if this bill becomes law, we won't have a manufacturing base to respond.

CAP-AND-TRADE NOT THE ANSWER

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

Mr. MCCLINTOCK. Mr. Speaker, I had a strange sense of deja vu as I stood here on the floor of the House and watched all of the self-congratulatory rhetoric a few moments ago on the passage of the cap-and-trade bill, and I feel the need to rise to issue an urgent warning from the west coast.

I stood on the floor of the Senate of California 3 years ago and watched a very similar bill adopted and watched the same sort of self-congratulatory celebrations as we just saw here, and I have watched over those years as that measure has dramatically deepened California's recession. It uses a slightly different mechanism than cap-and-trade, but the objective is exactly the same, to force a dramatic reduction in carbon dioxide emissions.

□ 2000

Now, up until that bill took effect, California's unemployment numbers tracked very closely with the national unemployment rate. But then, in January of 2007, California's unemployment

rate began a steady upward divergence from the national jobless figures. Today, California's unemployment rate is more than two points above the national rate and is at its highest point since 1941.

What happened in January of 2007? AB 32 took effect and it began shutting down entire sectors of California's economy.

Let me give you just one example from my own district. The city of Truckee, California, was about to sign a long-term power contract to get its electricity from a new EPA-approved coal-fired plant way off in Utah. But AB 32 and companion legislation caused them to abandon that contract. The replacement power that they acquired literally doubled their electricity costs.

So when economists warn that we can expect electricity prices to double under the cap-and-trade bill, I can tell you from the bitter experience of my district that that is not some future prediction. That is a historical fact.

Governor Schwarzenegger assured us at the time that AB 32 would mean an explosion of new, green jobs—exactly the same promises that we heard on this floor today.

Well, in California exactly the opposite has happened. We have lost so many jobs that the UCSB economic forecast is now using the D word—depression—to describe California's job market.

Mr. Speaker, the cap-and-trade bill proposes what amounts to endlessly increasing taxes on any enterprises that produce carbon dioxide or other so-called greenhouse gases. We need to understand exactly what that means. It has profound implications for agriculture, construction, cargo and passenger transportation, energy production, baking and brewing—all of which produce enormous quantities of this innocuous, ubiquitous compound. In fact, every human being produces 2.2 pounds of carbon dioxide every day—just by breathing.

So applying a tax to the economy designed to radically constrict carbon dioxide emissions means radically constricting the economy. And this brings us to the fine point of the matter.

When we look back on the folly of the Hoover administration and how it turned the recession of 1929 into the Depression of the 1930s, the first thing that economists point to is the Smoot-Hawley Tariff Act that imposed new taxes on 20,000 imported products.

The Waxman-Markey bill, I'm afraid, is our generation's Smoot-Hawley that imposes new taxes on an infinitely larger list of domestic products on a scale that utterly dwarfs Smoot-Hawley.

Let's ignore for the moment the fact that the planet's climate is constantly changing and that long-term global warming has been going on since the last ice age. Let's ignore the fact within recorded history we know of periods when the Earth's climate has been much warmer than it is today, and others when it's been much cooler. Let's ignore the thousands of climate scientists and meteorologists who've concluded that human-produced greenhouse gases are, at most, a negligible factor in global warming or climate change.

Ignore all of that and we're still left with one lousy sense of timing. In the most serious recession since the Great Depression, why is it that Members of this House want to repeat the same mistakes that produced the Great Depression?

Watching how California has just wrecked its own economy and destroyed its own finances, why would Members of this House want to do the same thing to our Nation?

Mr. Speaker, this is deadly serious stuff. It transcends ideology and politics. This House has just made the biggest economic mistake since the days of Herbert Hoover.

Two things are certain if this measure becomes law. First, our planet is going to continue to warm and cool, as it's been doing for billions of years. And, secondly, this House will have just delivered a staggering blow to our Nation's economy at precisely that moment when the economy has been the most vulnerable.

BAD DAY FOR AMERICA

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

Mr. CONAWAY. Today is a bad day for America. We just passed and witnessed the passing of a bill that will have dramatic impact on our lives and our way of life for years to come if it should ever see the President's signature.

One matter of process. At 3:08, 3:09 this morning the Democrat majority landed on the Internet a 300-plus page amendment to the already bloated bill that was passed. Apparently, the bragging on the thousands and thousands of hours of work and hearings and process that had gone into the development of the bill that was filed on Monday left it a little short of the mark. In spite of all those thousands of hours, they were unable to get it right. So they had to use a little fine-tuning with a 300-pager that was dropped this morning. So, that issue aside, Mr. Speaker, it is a bad bill.

Science, Mr. Speaker, is never settled. Take the example of Galileo as an example. The consensus science of his time was that the Earth was the center of the universe. The Roman Catholic Church believed it and all the scientists who you and I have no clue who their names are believed it as well.

Galileo, on the other hand, bucked the system. He said, No, in fact the Sun was the center of the universe. He spent the last years of his life under house arrest because he bucked the consensus science.

You and I both know that both the consensus side of that day and Galileo were wrong. Most on the other side believe that Washington, D.C., is the center of the universe. But that's a different conversation.

Science is never settled. We should continue to ask the question; we should continue to ask whatever it is that's out there.

The sense of urgency that the other side used to try to pass this bill the way they have done it evaporates and is quite muted when you look at the details: 25-year exemptions for certain energy companies to allow them to get their power plants in under the wire to get support for this bill. Even the Ag amendment delays for 6 years the implementation of some of the provisions that will devastate Ag. And so this sense of urgency seems to evaporate as well.

The cost of this bill will be thousands of jobs, as has already been said over and over. The empirical data is the Spanish experiment of the last 12 years. A report there on their greening of their economy shows that for every single green job created, that two private sector jobs were destroyed. Of the green jobs created, only one in 10 were permanent jobs.

Our own President has said that his cap-and-trade bill, which is the one that just passed, will cause electricity rates to skyrocket. Skyrocket, Mr. Speaker. That does not sound good when you're talking about the cost of a product that goes into every manufactured product in this country, that every one of us who likes air conditioning use. That's not a good idea.

This bill also, Mr. Speaker, nationalizes the building codes. No longer will you be able to look to your local planning and zoning commission, your local city council as to how the building code should be. You can't go to your State government. You're going to have to look to the Federal Government. Some bureaucrat in the bowels of the institution in Washington, D.C., is going to decide whether or not you can build a house and what those standards should be.

Congratulations. Thank you so very much, Mr. Tenth Amendment.

Mr. Speaker, MIT has a study that shows this will cost every family in America $3,100 for implementation of this bill. All of the pain that's associated with this bill and, quite frankly, there is a lot of pain. And we will just begin to see it as the details unfold. So what do we get for that pain?

I've recently asked a climate scientist who feeds his family, basically, looking at this issue. I said, If we were

able to pass the Waxman-Markey bill, can you in fact measure after 40 or 50 years the positive impact on our atmosphere? If we're going to spend $3,100 per family to get this done, if we're going to lose all of these thousands of jobs and decrease the standard of living in America as a result of this deal, what do we get for our money?

He looked me right in the eye, Mr. Speaker, and said, Maybe. Maybe you can measure the impact? He said, Yeah, maybe.

The Congress of Racial Equality, not someone you would normally think would be doing things that Republicans would agree with, their spokesman, Niger Innis, talks about the study they performed that shows that should this happen or, actually, should America go to a zero carbon footprint over the next 100 years, that the impacts on the temperature will be like .07 degrees Celsius over that entire timeframe. Again, not measurable. So a lot of pain for no gain.

Mr. Speaker, I guess the call to action for all of this is for our fellow American citizens to get mad. I'm hoping that, Mr. Speaker, this next week before they go to their 4th of July parades in their cars, which is a limited opportunity because there will soon become a day they won't be able to drive those kinds of cars that they want. We will tell them the kind of cars they want to drive, not themselves.

But I hope they get mad, Mr. Speaker. I hope they use this climate change bill—global warming bill, because we changed the phraseology because the climate is not warming—I hope they use this to incent their TEA parties on the 4th of July to go after us on this deal. I hope they begin to call their Senators and tell them ''no'' on this deal.

Call your Congressman who voted for this nonsense. There are 219 of them. You can go to the Web and find out who they are. Start calling them now and tell them they made a mistake, Mr. Speaker.

This bill is bad for America, it's bad for our economy, and it will lower our standard of living. It was done simply to allow our President to have a photo op in Copenhagen in December while the Chinese and Indian leaders laughed behind his back.

THEIR LIVES, THEIR FORTUNES, AND THEIR SACRED HONOR

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

Mr. POE of Texas. We all know that liberty is not free, and our history shows that it is cause to stand on principle. But freedom has always been worth the price.

Even before that magic list was published in 1776—on July 4—of the signers of the Declaration of Independence, those 56 men, the British knew who they were, and they had already marked down every Member of Congress suspected of putting their name to that treasonous document. All of them became the objects of individual manhunts by the British. Of course, the punishment for treason was death by hanging.

Of the 56 who signed the Declaration of Independence, nine of them died of wounds or hardships during the American War of Independence. Five were captured and imprisoned. In each case, they were treated brutally. Several lost their wives, their sons, or their entire families. One Member lost all 13 of his children.

Two wives were brutally treated. And all at one time or another were victims of manhunts or driven from their homes. Twelve signers of the Declaration had their homes completely burned. Seventeen lost everything that they owned. Yet not one defected or went back on their pledged word. Their honor and the Nation they sacrificed so much to create is, yes, still intact.

You see, they pledged to themselves their lives, their fortunes, and their sacred honor. And they did not go back on their word.

New Jersey signer, Abraham Clark, gave two sons to the officer corps in the Revolutionary Army. But they were captured and sent to the infamous British prison ship in New York harbor known as hell ship ''Jersey,'' where thousands of Americans who had been captured were going to die.

They were treated with a special brutality because of their father, Abraham Clark. But when the war was almost over, the British told Clark to come out in favor of the King and his sons' lives would be spared. Abraham Clark, in his anguished answer, replied, No.

Francis Lewis was a New York delegate. He saw his home plundered and his estates in what is now Harlem completely destroyed by the British. Mrs. Lewis, his wife, was captured and treated with great brutality because of her husband.

John Hart of Trenton, New Jersey, risked his life to return home to see his dying wife. But German Hessian soldiers rode after him and he escaped into the woods. While his wife lay on her deathbed, the soldiers ruined his farm and wrecked his homestead.

Hart, 65, hid in the woods as he was hunted throughout the countryside. When he finally made it home, he found that his wife had already been buried and his 13 children had disappeared. He never saw any of them again.

Judge Richard Stockton, another New Jersey signer, had rushed back to his estate in an effort to evacuate his wife and his children. The family found refuge with friends, but a sympathizer betrayed them. Judge Stockton was pulled from bed and brutally beaten and put in jail.

Congress finally arranged for Stockton's parole, but his health was ruined. He returned home to find his estate looted and did not live to see the triumph of the Revolution. His family was forced to live off charity after he died.

John Morton was a British sympathizer, but once he came to sign the Declaration of Independence, he changed his mind and came out strongly for independence. Most of his neighbors, however, in Pennsylvania, and his relatives, were British sympathizers and ostracized him.

When he died, just 1 year later after signing the Declaration of Independence, his last words to his tormenters were, ''Tell them that they will live to see the hour when they shall acknowledge the signing of the declaration to have been the most glorious service that I have rendered to my country.''

There were similar stories with the other 51 signers of the Declaration of Independence.

A person who did not sign the Declaration, but one of my favorite persons in history, and a son of liberty, was a schoolteacher by the name of Nathan Hale. He was from Connecticut. He was a 21-year-old teacher by trade, but joined the Colonial Army under George Washington.

At the Battle of Harlem Heights, George Washington was facing General Howe in battle and asked for a volunteer to go behind enemy lines and spy on behalf of the Colonial Army. Hale volunteered and went forward.

He disguised himself as a Dutch schoolmaster, set out on his mission for a week and he gathered information on the position of the British. But he was finally captured when returning to the American lines. Because of incriminating papers that he had in his position, the British knew that he was a spy.

□ 2015

It is said that his cousin, a British sympathizer under Howe's command, betrayed him. So Howe ordered Hale to be hanged the following day without trial.

On September 22, 1776, American patriot Nathan Hale was hanged for spying on British troops. His famous last words, I regret that I have but one life to give to my country.

Mr. Speaker, an amazing breed these early Americans. So this July 4th we should pledge to ourselves and our Nation that no matter the cost, we who live here now will not ever allow the flame of liberty or the flag of freedom to quietly disappear from our land, a land that God has shed His grace upon.

And that's just the way it is.

AMERICAN CLEAN ENERGY AND SECURITY ACT WILL CREATE GREEN JOBS

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

Ms. JACKSON-LEE of Texas. I want to take this time to say to the distinguished Speaker that I have enjoyed working with him and I thank him for his leadership.

Mr. Speaker, I love America. There is no better country. And I think it is well to express it at the same time of acknowledging the importance of the world family and the respect and dignity that all people around the world deserve.

So as I stand before my colleagues today recognizing that in a few days we will celebrate America's birthday, it reminds me of the uniqueness of this country, that we have the opportunity to agree and disagree but that democracy stands. We have an opportunity to show people what they disbelieve. We have an opportunity to correct what others may have had a chance to misrepresent.

So it is important that we had a vigorous debate today on the American Clean Energy and Security Act of 2009. It is important that we respect the differences of our regions, my good friends on the other side of the aisle, Midwesterners, Southwesterners, people from the west coast, the east coast, the southeastern part of the United States, our friends as far away as Hawaii and Alaska.

But it is important to note that there was a value that we were discussing. It was not a value to eliminate jobs, to punish certain regions or certain industries. For having been an oil and gas lawyer for a number of years, having worked in natural gas pipeline companies, I know the value of all of the hard work of those who are in that industry. In fact, it has been my argument that we should have a seamless energy policy that continues to enhance and to work with those who are existing in our energy industry today, but let's make it better.

Mr. Speaker, when the Wright Brothers created that small plane, almost a glider, in the Carolinas, it probably was flown by one person. But as we improved, we began to do jetliners and planes that could fly across the ocean, and we created jobs: pilots, flight attendants, airlines, and all the employees that come with it. So, in essence, even as our technology changes, jobs may change but jobs are created.

The American Clean Energy and Security Act will create some 1.7 million jobs and will unlock billions in industry investment and be a major job creator. And $750 per household will, in fact, be part of the savings that many Americans will see. This doesn't include the new benefits that will come from new technology, reduced pollution, economic growth, or job creation.

I live in Houston. I live in the refinery corridor. So we know what pollution is all about, but we know what jobs are all about. So I believe we can have both.

This is the first step for this bill, Mr. Speaker. It moves to the Senate. And I have told my constituents that you have a guardian against the loss of jobs and that you will see savings, $29 billion in consumer savings. The American Council for an Energy Efficient Economy found that energy-efficiency provisions in this bill will save $29 billion. It is important to note as well that we have the opportunity to listen and change.

Let me just share with you some of the work after reading the bill until 5:30 a.m. in the morning on Thursday morning, reading the manager's amendment, which could actually be done, and knowing what is in front of us.

First of all, I discussed and got taken out the impact of building labeling on old buildings, old homes. So the bill was limited to new construction. And we are going to work to ensure that if they do a building-labeling program, as was brought to my attention by the National Realtors, that old buildings, old homes will not be labeled. Your value will not be devalued because of a lack of energy-efficiency efforts in your home. We worked on that because we believe a home is to be cherished.

Then we opened up the opportunities to minority-owned and women-owned businesses, along with small businesses, to ensure that they would be guaranteed the right to be involved in energy-innovative companies. We did that because we were concerned about creating jobs and we know that small businesses do create jobs.

In addition, I was concerned about displacement, temporary displacement, even though some of these jobs, 1.7 million, will come to my community. So we have language that says the Secretary of Labor will monitor the potential growth of impacted and displaced workers to ensure that necessary funding, funding for training, funding for giving people a bridge to go into a new job, will be, in fact, included. We know that there are issues between big refineries and small refineries. Mr. Speaker, it is crucial that those issues be addressed as we make our way through the Senate.

We also know that the energy industry was divided. Some were supporting this legislation. Others were taking a backseat. Now they've come full circle and they believe that this is a time that they should rally to provide information.

Mr. Speaker, as I close, let me just say we are going to work this bill. We're not going to lose jobs. We are going to have an investment of green jobs and we're going to have an investment in our energy industry. And Houston will be fine. Texas will be fine. We will be working together.

REVISION TO ALLOCATIONS FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEAR 2010 AND THE PERIOD OF FISCAL YEARS 2010 THROUGH 2014

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

Mr. SPRATT. Madam Speaker, under section 323 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revision to the budget allocations and aggregates for certain House committees for fiscal year 2010 and the period of fiscal years 2010 through 2014. This adjustment responds to House consideration of the bill H.R. 2454, the American Clean Energy and Security Act of 2009. A corresponding table is attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this revised allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2009		2010		2010–2014 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	11	2	10	13	−10	−2
Ways and Means	0	0	6,840	6,840	37,000	37,000
Change in the American Clean Energy and Security Act (H.R. 2454):						
Energy and Commerce	0	0	9,260	370	266,324	252,354
Ways and Means	0	0	0	0	4,416	4,416
Total	0	0	9,260	370	270,740	256,770
Revised allocation:						
Energy and Commerce	11	2	9,270	383	266,314	252,352
Ways and Means	0	0	6,840	6,840	41,416	41,416

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2009	Fiscal year 2010	Fiscal years 2010–2014
Current Aggregates: [1]			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change in the American Clean Energy and Security Act (H.R. 2454):			
Budget Authority	0	9,260	n.a.
Outlays	0	370	n.a.
Revenues	0	948	260,543
Revised Aggregates:			
Budget Authority	3,668,788	2,891,377	n.a.
Outlays	3,357,366	2,999,419	n.a.
Revenues	1,532,579	1,654,676	10,760,692

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

ENERGY AND JOBS

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

Mr. GOHMERT. Mr. Speaker, I appreciate the time.

This is a trying time. And I appreciate my friend from Texas' belief and hope in the future. I just have read enough of this bill and know enough to understand the consequences. And this isn't the whole bill. This is two-thirds of it. The other 300 pages, they allowed me to borrow a copy briefly earlier today during debate right before the debate closed. But this is about two-thirds of it.

We're having a job fair in Longview, Texas, Monday. That arose when I met with a bunch of my constituents, most of whom were African Americans, in a North Lufkin church a month or so ago who had lost jobs because jobs were being moved overseas. Energy was too costly here. The corporate tax is over twice as much here as what it is in China. And I have been hearing from other manufacturers that we have in our district that if this cap-and-trade bill goes through and becomes law, there will be many more lost jobs.

And it breaks my heart. It broke my heart to meet with those people there in North Lufkin and others around my district who have lost jobs. So that's why I got to thinking what can I maybe do to help. I know the Texas Workforce Commission does a good job of having job fairs and trying to match up job openings with people's job skill sets and try to get people a job.

As someone said on the floor earlier on our side of the aisle, Our people are not interested in unemployment benefits; they're interested in a job. That's what they want. That's what they had.

We have continued to take actions for the last 2½ years since our friends across the aisle have been in the majority to place more and more of our energy off-limits, to make it more expensive.

I also have plants in my district that use natural gas as feedstock, feedstock meaning that natural gas is absolutely the most essential element to producing the things that they do like plastics and other materials. And natural gas under this cap-and-trade bill will naturally skyrocket. Our Democrat majority leadership is pushing to regulate and tax hydraulic fracking, which will make much of the gas that we're currently getting unavailable and will shove those prices even higher. I lost around 900 jobs in my district when the Abitibi paper mill closed because natural gas was more expensive here in the United States than it was virtually anywhere else. It was a Canadian company. They held on to the property hoping that one day they could reopen it and get back those 900 good jobs, but eventually they have announced they will not be reopening the plant. That was the price of natural gas that did that.

So I know with the job fair I've got coming up in Longview, we have over 60 employers there that will be offering jobs. We had over 600 people show up looking for jobs at the job fair in Lufkin, and I'm hoping it will go well.

But I have read enough of this bill and I know enough about the energy industry because we produce a lot of it in East Texas. We've got coal, we've got oil, we've got gas, solar, wind. But this bill is going to put a lot of people out of work. It's going to put people out of work all over the country. So the job fairs are not going to be adequate for the damage that this bill is going to do.

I have been joined by colleagues here on the floor who I think are as heartbroken as I am. And you would think we'd be giddy, you know, that our friends across the aisle have passed a bill that's going to come back to haunt them. It's going to cost jobs. It's going to make Americans mad. But I'm nothing but brokenhearted because I know what this will do to individuals.

And I know that my friend Mr. SOUDER is likewise affected, and I would like to yield to him.

Mr. SOUDER. I appreciate the honor of being an honorary Texan here tonight because in Indiana we're still unusual. I mean we still make things. We don't have the mountains like they have out West or beaches. What we have are hardworking Americans who are still competing worldwide in manufacturing.

And if you go into any of the types of plants—earlier I was talking about our steel mills in addition to the two SDI mini-mills with recycled steel. Everything they use, they recycle and use recycled materials, as does NuCor. I have a Valbruna steel mill. One of the interesting things that Valbruna has done is they built an additional facility because they're the number one provider of steel to the refinery industry in Texas and Louisiana. So in my district we're making the things still in America. Your options are basically Korea, Brazil, China, or Indiana steel in many of these cases.

But these factories take an incredible amount of energy. Some of our factories, we have 85 percent coal, 15 percent nuclear in our basic provision of things. And basically this bill doesn't like things that we can use in Indiana. It doesn't like coal. They really aren't too fond of nuclear. I think that a lot of the question of what to do with waste, I used to think it was driven by Jane Fonda in ''The China Syndrome'' movie, but that's us old people. I think the younger people are thinking of Homer Simpson coming in and kind of blowing up the city of Springfield all the time, and they think of that as nuclear energy. There are 13 or 15 or more plants on the drawing board right now, but it may take 20 years to get there.

What do I do if I don't have coal? Well, I could use gas and oil, but, boy, those are kind of bad. We tried to get the BP Refinery done in Indiana to handle Canadian tar sands. There's another one over by Detroit. But they're going to be tied up for 10, 15 years. They were half of EPA discharge. But Rahm Emanuel and others are saying, Oh, no, we can't build that refinery. We don't want any refineries in America. Well, we make 58 percent of the RVs.

□ 2030

What are you going to do, put a little fan up on the roof to try to make these RVs go? International designs—800 people to design the big trucks in my district. How are we going to deliver goods to market? The rail is already jammed, the canals are jammed, the rivers are jammed. If we can't use trucks, which take up about 40 percent of the energy on our roads, how are we going to move around?

The foundries take this—it was the biggest ice cream plant in the world, an Edy's ice cream plant until they built one additional. But when you go in an ice cream plant, how do you think ice cream is made? You have got to deliver it there, the milk in, then you have got to process it and you have all these electrical machines powering this. You know, they can't do that with a couple of solar panels.

I have Kraft Caramels in my district, all sorts of things, not just kind of windshields and axles and stuff. How do you power these kinds of things? I am not against alternative energy at all. I worked hard.

In my district, in fact, Guardian windshields has learned that their process of windshields, if you think about it, took solar heat for a long time. And these solar panels in Nevada and other places are cracking. By going with Guardian, they are learning that they can make these panels more efficient, get 20 percent or more energy,

and they don't crack. Spain is using them. The new model projects in the U.S. are using them, and they are going to have possibly hundreds of jobs making the windshields for the solar panel industry.

Of course, they had near a thousand jobs making windshields for SUVs, pickups and things that are now kind of on the bad list, so we will get green jobs, maybe half as many as we had before in that category.

I have Parker-Hannifin in New Haven. We have had an earmark to help them, to try to get the heat down inside of everything from your handheld, your BlackBerry, to wind turbines, and could possibly make the wind turbines 20 percent more efficient. We may have, at some point here, 200 people doing windmill turbines and other things, but that plant had 1,200 supplying traditional energy industries.

I have worked with people who are coming, trying to come up with alternative car engines.

One of my friends and supporters is putting in a huge wind farm. In Indiana, we have two basic areas that we can put wind farms. We might get to 4 percent, but we can't reach the targets in these bills. It's not that we are not committed to alternative energy, but we don't have as much wind and solar. We have to have traditional forms of energy: oil, gas, nuclear, coal, not just the alternative form, especially if they are going to put limitations on ethanol and biodiesel. So this is a critical time, really, where we are trying to decide in America, are we going to have manufacturing or aren't we going to have manufacturing?

Are we basically going to basically have service jobs and then high-tech jobs? Yes, at a coffee house at different universities they sit around and go, Oh, this stuff sounds really great. And the others in their beach houses on the coast go, Oh, this stuff really sounds great. But what's missing in America is we are getting increasingly two classes of people, and the blue collar class of people who made things and had a decent living where they could get a house, maybe a boat where they could go on vacation, they are disappearing.

And the knowledge class, often in the liberal upper groups of the Democratic Party, are basically saying goodbye to their working class. And they are saying, You can either basically maybe bring us a drink, grill us a hamburger, or go get a doctorate and teach at a university.

What we are losing is the middle group of blue collar Americans who worked with their hands and worked in their fields, and they are basically knocking them out, and those jobs are going to other countries.

Mr. GOHMERT. And perhaps, Mr. SOUDER, that's why, on this map we have here, the dark red is high vulnerability under cap-and-tax to losses of jobs. That's why Indiana is in this area up here where apparently it's in the high vulnerability for high losses of jobs.

Texas, where I am from, it's in the medium vulnerability, but I already know. I have seen the loss of jobs we have.

And actually, we have some of the same industries. We have a Nucor, but we have Tyler Pipe, Lufkin Industries involved in steel, but there is going to be a lot of loss of jobs.

Mr. SOUDER. The Heritage study showed that my congressional district is number one is loss. Next to the me is JOE DONNELLY in the South Bend district, who was number two. Congressman LATTA, who asked for the split out, just to my east in Ohio, is number three. MIKE PENCE, who is just to my south in that part of Indiana is number four. Congressman JORDAN is number five and Congressman BOEHNER is number six. Because not only do we have manufacturing, we tend to use coal and nuclear because alternative energy is less of an option in these heavy industrials. Then it kind of jumps up to Michigan.

The other thing that's noticeable in that map where the dark red is and the other is that's really where most of the water is in the United States, coming out of the Mississippi, and to manufacture, you need to have water and access to water. You are not going to move—you will see some in the orange States. You can move some steel and manufacturing into those areas, but basically you can't really transfer to those light yellow because that's mostly desert area. And you can't power these big plants with just solar or wind, and they don't have enough water to supplement the traditional that you need in refineries and in steel mills and that type of thing, and they don't really have a plan.

That's why we Republicans, when you look at the actual details—if you could even stomach, by the way, the government making all these decisions rather than market, that's bad enough. I mean, that document basically is page after page of the government telling us how we should live, the government telling us how we should make things.

But the bottom line, when you look at that map, if it goes out of the red zone, it's basically going to Mexico, to China, to Korea, to South America. Because the areas that are lighter, where you conceivably could shift it, it's just not possible to build these plants there.

Mr. GOHMERT. I appreciate that, that's an excellent point.

For this heavy manufacturing, you do have to have water. Regardless of any other energy source you may have, it takes water. That's a great point, which is why the traditional iron belt was up here in the Midwest. In those areas, you had water. You had all the things you needed. You had good workers. You had everything you needed to produce those things.

And just as an aside, as a history major and history buff, it needs to be noted. When a Nation can no longer make the things from scratch that are required to defend itself at a time of war, then the country will be lost in the next big war. We are losing the steel industry weekly, and it won't be long before we cannot produce tanks, airplanes, things.

Right now, we are barely able to produce tires because so many of the tire plants have moved overseas. You have got to have tires. You have got to have rubber. You have got to have wood. You know, we cut out so much of the wood industry, and that continues to happen, and people would be surprised how much that's used for.

Natural gas helps—is part of the process of making so many of the parts for weaponry, and that will become more and more difficult to obtain.

Mr. SOUDER. Yes, I don't mean to monopolize the time, but when you say these things, to illustrate the manufacturing in my district, Michelin bought a U.S.—bought a BFGoodrich tire plant in my district with 1,600 people in it. They have invested $15 million a year if they can become 5 percent more efficient, so they put $120 million into this huge plant, and people don't even realize what they are putting in. And I was just part of a suit to say stop the dumping, because we can compete with China without the dumping, but not if you add 7 percent health care and then add a cap-and-trade and then add the other OSHA and all the types of regulations that are coming back that we had restricted, we can't compete in tires.

I have a lot of the defense industry. I have a BAE plant with 2,500 people working in it. They do a lot for Boeing. One Member just a moment ago referred to Wilbur and Orville Wright and the amazing thing, but, you know, we are going to go back to these kinds of paper airplanes if we are not careful here. Boeing, that's metal. It takes energy to build every part in that plane, and it takes energy to launch the plane. And it's not—let's just say, they don't have windmills on this thing. They don't have solar panels to get a jet up in the air.

I have NASA satellites. The ones that feed into The Weather Channel are made by ITT in Fort Wayne, and they actually are looking at being able to track, as my friend from Texas earlier said about, we don't really have the science on that. Well, that's what one of the companies in my district is looking at; can we get satellites up in the air to track the climate change? Because the truth is, we are doing this bill with no data.

But put a satellite up. You know what, it has aluminum on it. You know

what takes an incredible amount of energy to make, aluminum. The electrical systems in a plane and a satellite are copper. You can't get copper if you can't mine for copper. You can't make—the smelting of copper takes an incredible amount of energy. Aluminum and copper take as much or more energy than steel. How do they think we are going to get airplanes? How do they think we are even going to track the climate change?

It is baffling that this bill could have gone through a Congress. I am going to make a flat-out statement. If most of the Members of Congress were businessmen, this would have never passed.

Mr. GOHMERT. I appreciate my friend's point, and that is a good point.

I think if most of the people in this House had read this bill and been given a chance to read the additional third that was added at 3 a.m. or so this morning, then I don't think this would have passed either.

But we have been joined by another friend, a former fellow judge, a district judge also. I would like to yield to my friend, Mr. POE.

Mr. POE of Texas. Thank you for yielding, Judge GOHMERT. You know, we approach what we consider the most important of all days for our Republic, and that's Independence Day.

And this legislation that unfortunately passed tonight has not made us more independent, but it has made us more dependent. As a Nation, we are more dependent upon, now, government control of every aspect of our lives, our personal lives, our business lives.

When the government starts telling you what type of electricity you can have in your home, when the government starts telling you that you have to pass an energy efficiency before you can sell your home, maybe we have gone too far in the government controlling our lives. But that's just a smidge of what has occurred in the passing of this legislation.

I am not sure what the goal of the legislation was. We heard different things. One was that it's going to create more jobs for Americans. Well, that's just not going to happen. All the sane studies show that that's not going to occur in the United States.

There will be government programs, which means subsidies paid by taxpayers to go to, quote, green jobs. Those are programs, and they will be created, subsidized by the taxpayers, to move us in a direction of the green environment, which I will say just a little bit more about in a minute.

But one group that has not been mentioned today in the House debate that talked about jobs, the National Black Chamber of Commerce said this legislation will cost 2.5 million jobs almost immediately. Well, that's a lot of Americans being put out of work when we are already having Americans losing their jobs.

We do have an example of a country that has tried this legislation. Although they didn't sign this one, it's one very similar. Spain has had this so-called idea of trying to control carbon emissions in their country for several years, and they have created jobs, but they have lost jobs. For every green job that they have created, by their own statistics, two other jobs have been lost.

Now, I am not a CPA like Mr. CONAWAY is, but it would seem to me the more green jobs you create, the more jobs you are going to lose.

And that's what Spain has done, and now they are trying to get out from under their own legislation that has cramped their economy because they are losing jobs by moving to this so-called green job economy. So we are losing American jobs overseas for a lot of reasons already, and a lot of it is because of the high cost of energy. Now we are going to have energy cost increase. So first idea, a goal to create American jobs, that's just fiction.

The second thing is that this is supposed to be a bill to save the planet. You know, humans are bad and that we are creating all this gas that we need to control, and it's all because of energy. And so if we have this legislation that passed, we are going to save the planet.

Up until a few months ago, we heard from those people. That was called global warming. But since global warming is not occurring, it is now changed to climate change. We changed the title, because global warming does not appear to be what those who claim it to be is occurring here.

Now we hear from the Congressional Budget Office, when they testified before the Senate several weeks ago, that the effect of this legislation will have little or no effect on climate change.

□ 2045

Now, the first goal, create jobs, is a fiction. The second goal, to control the climate from bad humans, is not going to have any effect because of this legislation. And the third thing about this legislation is it costs too much; we can't afford it. We can't afford it even if it did create jobs or save the planet. But the billions of dollars in that 1,200 pages you have in front of you there, Judge GOHMERT, that's going to cost Americans. It's not going to result in what we were all promised. So those are two items that I see as a major problem.

And another problem that I think is very paramount is the fact that we're going to turn our lives, our businesses over to government control. The government is going to control all energy in this country and it's going to tax it all. You turn on these lights here in the Capitol—of course this is the government, they don't have to pay their bills—but if you turn them on at home, the cost of electricity is going to go up. If you use natural gas, a hot water heater, that's going to go up. You drive down the street using gasoline, that's made from crude oil, that's going to go up. Because everything that uses energy—which is everything—will cost Americans more. The energy companies, the ones that stay in America, they will pass that tax on to consumers, and the consumers pay because the consumers always pay.

But the hardest hit group is going to be, as Mr. SOUDER from Indiana said, the small manufacturing plants in the United States. They have to use energy to produce their products. Whether it's a paper mill in east Texas or whether it's a van up in Indiana or whether it's a small steel mill in my district, they have to use some form of energy to produce the product.

Now, the cost of that energy is going to go up so high they cannot produce the product and sell it. Because, you see, over in China, they're producing the same product and can ship it to the United States cheaper because they're not bound by all of these energy regulations and are not taxed for use of energy as American manufacturing companies will be. And that's a sad thing because it has always been the small business—and really the small manufacturing companies—that's been the heart and soul of the American economy.

You know, there was a time when you could go into a Wal-Mart—you've got them in your district, I don't know if Mr. CONAWAY has them in his, but we have a lot of Wal-Marts—but you could go into a Wal-Mart and they had a big sign that said ''Made in America.'' They claimed that everything they sold in that Wal-Mart was made in America. Well, that sign isn't up anymore; it hasn't been up in years because I don't think they make anything in America that they sell at Wal-Mart. It irks me to no end. This time of year, you go into a Wal-Mart and you want to buy a flag, just like that one behind the Speaker, and it's made in China. We can't even make our own flags because manufacturing in this country is being killed by the cost of doing business. And that bill in front of you, Judge GOHMERT, is not going to help that at all. It's going to just make the situation worse.

The last thing that bill does not do is create more energy. It taxes energy. It does not provide for more energy for Americans. Nuclear energy, I mean, even France, 80 percent of its energy comes from nuclear energy. And it can be done and created in a clean and safe way. We don't have any more nuclear plants in this country because of the fear tactics that have been placed upon the thoughts, so we don't use nuclear energy.

So we're not doing anything. We're not drilling offshore even for natural

gas. Natural gas is supposed to be the product that we go from this one environment to this beautiful environment. Of course, we can't get there from here. And now the other side that voted for this bill says, well, we need natural gas to bridge that gap because it's clean. Well, they don't allow drilling. You can't drill anymore. You can't drill offshore. You can't drill anywhere that there is natural gas. So how are we supposed to have energy to get to the clean energy if we cannot, as a Nation, even drill for natural gas?

So there's no nuclear, no natural gas, and of course we can't use clean coal. We don't want to use any more of that nasty old crude oil, even though crude oil and its byproducts is in everything Americans use, from plastics to our radios to our cell phones. It's in everything. And it's a derivative of some product of crude oil. We are always going to need crude oil to build the products that we have in this country. You can't build them all from biodiesels.

And so the bill does not do what it's supposed to do. It doesn't create jobs, it doesn't help the climate, it doesn't give us a new alternative for energy until we get to this supposed clean energy. And of course I think the worst thing is it takes control of Americans and their independence and makes us slaves to the Federal Government and the Federal bureaucrats to run our lives every day.

I will yield back, Judge GOHMERT.

Mr. GOHMERT. I appreciate so much those sterling observations about what this bill does and the effect it's going to have.

I know last summer I was approached by so many different people about the high price of gasoline. And I know those same people are going to get hammered again as time marches on—the summer into the fall into winter—if this becomes law. And the only thing standing between it now and becoming law is the Senate, because the President is sure going to sign it if it gets there. But a single mom saying I don't make enough money to live in town, so I'm out in the rural area, which means I have to pay for more gasoline to get into town, I'm maxing out my credit card every month just on gasoline. And it's getting close on whether I have enough leeway each month on my credit card to get enough gas to keep going back and forth to my job, because if I lose my job, I can't pay anything, including my credit card bill. And just the desperation in their eyes.

The things that are in this ''crap and trade'' bill, they're an inconvenience to the wealthy. They will be an inconvenience; but to people like that single mom and to so many others that are just struggling to get by—one 80-plus-year-old lady told me last summer, she said, you know, I started out in a house that had no running water and no power, we cooked with wood. And she said, Because of the price of fuel now, it looks like I'm going to finish my life in a house the way I started. This bill is going to do that.

And I know that privately there are people who are so pleased about this bill because they really believe if gasoline goes to $10, $20 a gallon, people won't use it and they will save the planet. And what they don't seem to understand is the only way you ever get a grip on pollution is to have an economy that is just thriving, that's doing so well in an advanced society, like ours has been, and then they're able to do something about pollution. But with this bill being passed, it is going to so cripple our economy. And when people lose their jobs and they're struggling and they can't make ends meet and they're using wood to cook food, they could care less about the environment. It's unfortunate, but it's true. They care more about living and sustainability.

And so what happens is these jobs will go to places like China, India, Brazil, where the pollution standards are not what they are here. And so they will put out, as we've already heard today, three, four, five, six times more pollution than we would if we kept the jobs here. And guess what? That pollution goes into the same atmosphere that these people over here are complaining about.

So by passing a bill that drives jobs, which this will, to other countries who don't have our pollution control and don't have our sensitivities to pollution, then we are doing such a disservice to the environment.

Mr. POE of Texas. Will the gentleman yield?

Mr. GOHMERT. I certainly will.

Mr. POE of Texas. Let me just speak to that issue of jobs. As you know, in my southeast Texas district I have 20 percent of the Nation's refineries; and those are blue collar jobs, union jobs. And it's a tremendous concern for not just management, but for those people who work in those refineries when they're told that the cost of producing energy—because they have to use, as you mentioned, fuel to produce energy—that they will be driven out of business and somewhere else where they didn't sign this 1,200-page bill. You know, China didn't sign that, Cuba didn't sign it, India didn't sign it. They laugh at us for signing it. And they're really doing a better job of making sure that they produce energy cleanly.

Perfect example: as you know, and have also advocated, we should drill in the Gulf of Mexico for more crude oil and natural gas. We can do that safely and cleanly. But we're not doing it. So who's going to do that? The Cubans and the Chinese are going to be drilling in waters that are near the United States where we ought to be drilling. And I can assure you that those platforms that the Cubans are building and the Chinese are helping them build are not going to be near as safe, pollution safe, as what we can currently do. And so it makes no sense that we hurt ourselves in producing energy and automatically say we're going to punish energy consumption by taxing energy and its consumers, the American people, out of business in hopes that we can get a cleaner environment. We'll all be riding bicycles and living in towns where we used to have to use candles because we're not going to have the energy to take care of ourselves as we are doing now.

I would yield back. Thank you.

Mr. GOHMERT. Well, I appreciate those observations.

And we've gotten testimony and evidence in other hearings that indicate if we were to open up the Outer Continental Shelf of this country where drilling is not allowed, it would, within a couple of years, have added 1.2 million jobs—not just on the platform, we're talking about most of those jobs would be added throughout the country.

We also understood from evidence presented that if you allowed drilling in ANWR, 1.1 million jobs added, there would be a handful, there would be some up in ANWR, but around the country to deal with all of that oil that would be produced. There are slopes in Alaska where drilling is not permitted that have incredible amounts of natural gas, that if allowed to drill, there is another 1.1 to 1.2 million jobs that would be added. If we just used the energy with which God has blessed our country, we would have 3.5 million more jobs. And then the President—it would suit me fine if President Obama took credit for it. If we start producing that, then he could live up to his pledge and say, see, I told you I would produce 3 million more jobs. Then he changed that to ''save or produce'' 4 million jobs because he knew nobody could prove if he saved a job or not. But this would nearly produce 4 million jobs. And I would be happy with him taking credit just to have people employed and producing energy, making us less reliant on countries overseas.

And I appreciated the point our friend, MARK SOUDER, made earlier about you do have to use energy to produce these products. And it's the same with agriculture. You know, we have a good bit of agriculture in east Texas where I'm from. And as one farmer pointed out, they don't make a Prius tractor. There is no hybrid tractor. And when you get away from the barn and you've got to have power, to my knowledge nobody makes a hybrid generator—which is a joke because a hybrid means you plug it in, and if you plug it in, you wouldn't—anyway, I won't explain it. But you have to use

diesel, you have to use gasoline, kerosene, something to produce the energy that agriculture needs to produce.

And then the fertilizer, goodness sakes, it takes massive amounts of natural gas to produce the fertilizer that the farmers use to produce all the food we get. And so it is heartbreaking to know how agriculture, you know, it's just going to devastate the middle class, the lower middle class, particularly. And what we are going to see in the next days ahead is heartbreaking.

We are joined also by a friend who Mr. POE indicated is a CPA. And I always appreciate the way he looks at things because it's such a straightforward approach. So I would like to yield to my friend, Mr. CONAWAY.

□ 2100

Mr. CONAWAY. I thank the gentleman. I appreciate that.

These are troubling times, and this bill is awfully troubling. The science that surrounds this climate change issue, everybody gets an opinion about it; but there's only a certain set of facts that we ought to deal with.

One of those facts is, if you would equate the Earth's atmosphere to a football stadium with 10,000 people in the stadium—to you guys from Texas, in Indiana we play a lot of football there. So there are 10,000 people in the stands. About 7,600 of those people are wearing jerseys that say ''nitrogen'' on the front; and about 2,100 or so have jerseys that say ''oxygen'' on them; and about 100 of them, or so, would say ''argon.'' The remaining 100 or so jerseys in that stadium are referred to as trace elements. Among those trace elements are four jerseys—up from three 150 years ago—four jerseys that say ''CO_2.'' So the catastrophic disaster of biblical proportions that is being predicted by the zealots and the religious folks on this climate change thing argue that the addition of one more jersey that says CO_2 on it to that stadium of 10,000 drives the change that they're talking about.

Now I'm skeptical. I get to be that way because everybody gets their own opinion. That's a fact. You get to interpret that fact however you want to. But the truth of the matter is, that's what they're asking us to believe. If you look at the 21 models that the Intergovernmental Panel on Climate Change used to predict this disaster, and they start in the year 2000, and you plot them on a graph over time, and they start out with a bracket, you've got the worst-case scenario on the top, the best-case scenario on the bottom, and then all those in the middle. They start at a relatively narrow band, and they go out over time. They begin to spread a little bit. Then they get out a certain number of years, and they go straight up, big slash. It kind of looks like a hockey stick at that point. Right there is where Earth ends as we know it, life ends as we know it, under their scenario.

So you've got that graph plotted over time, starting in 2000. If you had plotted Earth's actual temperature for the last 9 years on that exact same graph, it's below the best-case scenario, and it's falling away from the path that their predictions are on.

Now, I've got a lot more experience in financial projections than I do climate change projections, but the concepts are the same. Whatever your time frame on your projection, the most accurate period is the near term. In other words, you should be able to get the close-in years right, so to speak. So what these climate signs are saying is, their 21 models couldn't get it right in the first 9 years.

Now what they've not been able to explain is there's some sort of a self-correcting mechanism in their scheme that somewhere out here, it brings them back in line with what's going on, and it marries it back up. So if your predictions don't get it right in the first 9 years, should we trust those predictions? The other question you have to ask yourself is, Did you come up with the model before you came up with the answer? Or did you come up with the answer, and then you derive a model to get there? I can't answer that question.

Now these models look incredibly accurate because they are fraught with algebraic equations and all kinds of high math and calculus and trigonometry and all this kind of stuff that I'm sure you have built into these things. They look very great, and they look very intellectual. But they are predictions. They are guesses. They start with a series of assumptions. And if you take them back in time—I don't know that if you put it back in time and put the really out numbers in there and ran them forward that they'd get it even better. So the models themselves are not working, and that's what's driving the change in terminology from global warming to climate change, man-made, by the way.

If you look at the quotes from our President, who is one of these aficionados, one of these people who has drunk the Kool-Aid, so to speak—this is a quote from Senator Obama who was then trying to convince us that he should be President of the United States. Apparently he convinced about 53 percent of us that that was a good idea.

I guess he must have been really tired that day, talking to the editorial board because he got very straightforward and didn't mince his words too well. He probably wishes he had these ones back. But he said, ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.'' Well, to those of us from west Texas, that would mean that if I am paying $2 for something today, then to skyrocket means that I am going to be paying $7, $8, $9 for it at some point in the future. So it increased costs on the skyrocket thing.

And there's a ellipse here of where he goes on to talk about coal-fired powered plants and the coal industry having to be retrofitted and fixed and brought into the 21st century, so to speak, and the costs associated with those, that will cost money. And they, the energy producers, will pass that money on to consumers.

Now you and I are the consumers. Anybody who pays for the turning on of a lightbulb is a consumer in this regard.

Mr. SOUDER. Would the gentleman yield for a question?

Mr. CONAWAY. Sure.

Mr. SOUDER. If you could put your quote back up, I just want to say that you are just so incredibly not politically correct for this day and age.

Because American electricity rates would go up, but we're world citizens now. Surely you are not claiming that rates would go up in Pakistan, China and other places. We use a disproportionate amount of the energy of the world. So we should be willing to sacrifice so that all the world's citizens can benefit more by taking our jobs and having a better standard of living. Then we can be all more equal. You are just not being politically correct tonight.

Mr. CONAWAY. Well, I struggle with that, obviously.

Mr. SOUDER. You are acting like an American, Congressman.

Mr. CONAWAY. These are American consumers, American jobs and American families that our good colleague from east Texas has been talking about. If you look at what other nations have done—and I am never one to say, Well, if so-and-so is doing it, we ought to do it too. But if you can learn from their example and apply it to your own circumstance, then there may be some value there. Australia, there's an editorial in today's Wall Street Journal that recounts Australia's struggle with this issue. Their Prime Minister, much like our President, ran last year on a platform that he and Obama would, together, cure this issue. To get it through their House of Representatives, he had to delay the implementation of it under their legislation until 2011.

So this urgency thing that you've been hearing about—that if we don't do something soon that life will end as we know it—apparently has softened a little bit under the new terms since the world's getting cooler instead of warmer. But the story went on to say that they would not get it through the senate in Australia.

New Zealand right after last year, right after the new government took over, suspended their cap-and-tax program within weeks of its initial implementation because they didn't believe

it was correct. Poland's leadership is now saying that we are skeptical on the science. The Czech Republic has folks saying, We are skeptical. There are scientists in this country that are beginning to say—politically correct now—to challenge this science associated with this because prior to this if you did it, you were called a Neanderthal, a knuckle dragger. One of our colleagues today called us ''Flat Earth People.'' You know, those kinds of things. But now it's beginning to be a little more politically correct to be able to say, hey, the scientists never settle on any issue, certainly not something as unknown as this is going on. So the science is beginning to push back on them.

And one final thing for my colleague who mentioned the 20 percent refinery. There was an article in Bloomberg today, talking about how major oil companies intend to cope with this bill, and they intend to cope by reducing their emphasis on refining. No more investment. They will shut them in. They would rather buy the oil, produce the oil overseas, refine it overseas and import refined products to this country to sell as opposed to buying it. What we would prefer to do is produce the crude oil from the U.S., and refine it in U.S. refineries. Those are all U.S. jobs. But companies will adapt to this. They will figure out how to make this deal work, and it will be at the expense of the American economy and American jobs and American families who will be punished with this legislation.

So I appreciate my colleague leading the fight tonight, giving us this opportunity to talk to each other and the Speaker about what's going on because this is—as I mentioned earlier this afternoon, there is an old movie that was entitled, ''Bad Day at Black Rock.'' Folks, this was a bad day at Black Rock for this country.

With that, I yield back.

Mr. GOHMERT. Thank you, Mr. CONAWAY.

Mr. SOUDER. Will the judge yield for a minute?

Mr. GOHMERT. I will yield to my friend Mr. SOUDER.

Mr. SOUDER. You have been making a number of parliamentary points today during the debate and on the floor. You are an experienced judge as well as a Congressman. Is he allowed to use factual science on the floor? I don't know if we're allowed to really debate this stuff. This is mostly an ideological bill, not a factual bill. As Mr. CONAWAY correctly said, did they come to a conclusion and then make the facts fit the conclusion? It is really disturbing. Much of what's behind us is, in fact, that there's a group of people who feel guilty about us being such a successful Nation and about Western nations being so successful and that we use a disproportionate amount of the energy of the world and that somehow we should not do that. Some of the other western countries, like Australia and New Zealand, as you pointed out, are like, Hey, what's going on here? Do we have to buy into this? What does it exactly mean that we need to sacrifice and go down in our lifestyle? What will we gain? Is the science really there?

Then the developing countries that want to be like the United States, they look at us like a model, and they are going, like Poland, Hey, what is this stuff here? Is this something that you guys came up with at some university or a couple guys smoking some marijuana cigarettes? Or is this real fundamental stuff? And maybe we ought to prove this before we give up our cars, before we give up our SUVs and our station wagons.

I mean, we've had this debate about the Volt and whether GM should go to an electric car that costs $40,000. We talk about gas and oil and how you power these big trucks that I make in my district and how you power the RVs. How exactly are you going to tow a towable with a Smart Car? That the challenge is, how are you going to move around? And one of the questions is, I think they think that electric cars, when you plug them in, that the electricity is in the wall. What is going to make the power to power electric cars? And how many, kind of, regular people are going to be able to afford a $40,000 electric car?

Which gets to the core of this bill. We've had Members on the floor today say, Oh, well, we're going to fix this because low-income people are going to get exemptions, and there's going to be this class that gets an exemption. About 80 to 90 percent of that bill are government preferences to try to fix the problem they are creating.

In fact, one of our colleagues, the Democrat from Oregon, Mr. DEFAZIO, in his 1-minute this morning made two terrific points. One was, the alternative jobs and alternative energy are being created faster now than they will be under this bill because we're moving in that direction already with the incentives in the market. And with some supplemental funding out of Congress, some tax incentives out of Congress, we're going to get major breakthroughs.

I have a car company in my district that may be able to get 60 miles a gallon out of E85. The test case shows they got 100 in the first test, and it's a new motor. But if we mandate electric cars, it will never come to market. Government doesn't make efficient decisions, that if they protect this class, protect this company, protect the TVA power system but not this power system, you get all these special categories.

But what we know is, as all of you have pointed out, the upper classes will figure that out. They're not going to get damaged much by this; and to some degree, they're going to try to cover and patch up in a mishmash of expensive government regulatory programs. And who gets lost in this? The very people that the other party promised to protect when they ran, the middle class, the forgotten man and woman and young person who is somewhere in the middle, working hard and not, as Mr. DEFAZIO pointed out in his other point, making money on credit swaps.

We're going through one of the greatest financial messes in the world, and we have just set up a cap-and-trade. What does trade mean? We call it cap-and-tax. Cap and send the jobs to China. A number of different things. Mr. GOHMERT a while ago just coined another version of the bill. But the bottom line is, the trade is trading credits and swapping and then securitizing those in markets and encouraging other countries around the world to do this. This will be a boondoggle. How many trees did you plant in Brazil to offset your ethanol plant? How many whatever did you do in damming up a river, which historically the environmentalists were opposed to damming. Now they talk about hydropower. Which is it? You did a hydroplant in Thailand. Therefore, you get to have a credit swap worth $50,000. You put that $50,000 out. A number of people bid on it. That gets leveraged 30 times. We're creating a bigger mess than we have now, based on trying to do all sorts of equalization. This is a disaster, and it cannot happen without basically destroying our country.

We pointed out tonight different angles of this, and this is not—as Mr. POE goes through his list on July 4 and our Founding Fathers and what they sacrificed for. They sacrificed for freedom, not for government setting up credit swaps, protecting one group of people against another group of people, one region against another group of people. Then when you complain, they make deals on the floor during the debate today. Oh, I didn't realize that. There's such a lack of understanding that it takes that many pages. By the time we get done with the regulations, there will be that stack across that whole top of the table, and they'll still be inventing it as people sue and go to court to judges, like my friend Mr. GOHMERT said.

Mr. GOHMERT. I appreciate so much, Mr. SOUDER, your great observations.

Thomas Jefferson said: ''The natural progress of things is for liberty to yield and government to gain ground.'' And that's what we're seeing in this bill, the dramatic gains of the government's right to control your life in this bill are just extraordinary.

□ 2115

I do want to make a couple of quick points. Apparently we have about 7 or 8 minutes left.

For one thing, Mr. CONAWAY had mentioned earlier that it will likely cost the average family across America an extra $3,031. And I know there will be some people out there who have seen some in the mainstream media say, oh, well, we saw where that guy from MIT said it won't cost that much. It may be $300 or $500 or $600, but it won't be $3,100.

Those people just bought the Democratic talking points and didn't bother to check to see why it was that they are saying that it won't cost over $3,000. From what I have read, apparently they are saying it won't cost over $3,000 because even though the average family will pay more than $3,000 additionally because of this bill, they are saying what you will get back from the government in the way of services and benefits will be a wash because of all that you will get out of the government as a result of that extra $3,000 you pay for energy in the first year. It won't be that much, because you will be grateful for all you get. Baloney.

And another thing we heard in debate on the floor today about was, gee, the AFL–CIO leaders and other union leaders, we heard these union leaders were in support of this bill. Well, how about that? They were in favor of the government taking over GM and Chrysler. Why? Because they got a deal. They get to own the companies. Who knows what they have promised the union leaders to support this ''crap-and-trade'' bill.

It is a sad, sad day for America because the rank-and-file people in America are going to pay a severe price. This intrudes into their lives so much. And for my unfortunate Democratic friends who have not read this, they said, no, no, no. This will provide jobs, not take jobs. They just need to go to section 426 where it talks about the climate change adjustment allowance because there are provisions in it. They know that people are going to lose their jobs as a result of this bill. So it is built in here.

Now, you have to understand, though, it says here, you won't get such allowance for the first week you are unemployed. But then it will kick in after that. There is good stuff here. Over here it does mention that you're not going to get an adjustment allowance for that first week either that you're unemployed. They know this is going to cost so many jobs.

There is climate change adjustment assistance and relocation assistance. Unfortunately, it is not going to pay you to go get your job back from China, India, Brazil and Latin America. So that part of the relocation is not going to help. But I'll tell you the one that just galled me to no end. It says here, absolutely part of the law, the Secretary shall conduct a study to examine the circumstances of older adversely affected workers.

In other words, if you're over 50 or so and you lose your job—because you're going to, you're going to lose a lot of jobs here—and you lose your job, when you do as a result of this bill, don't worry. We are going to do a study about you and your lost job. That will warm your heart, won't it? It won't keep you warm on a cold night next winter when you lost your job as a result of this bill.

But the good news is, the Senate has still not acted. Mr. Speaker, it is not too late for people to let their Senator know, look, I know you're a Democrat. I know the pressure is enormous. I know they are promising you all kinds of things to get you to vote for this bill. But don't get sucked in, because we will be the ones, the constituents will say, for paying the price for your sin and error.

I would like to yield to my friend, Judge POE, in our last few minutes.

Mr. POE of Texas. Thank you for yielding.

The concern that I have about this bill is that, as I mentioned at the outset, we love the fact that we are a free people and that we are an independent Nation. This bill makes us dependent on government. It will control our lives. We have to get permission from the government for every action we will take as individuals and as businesses. We do not have free will to make decisions, because the government won't let us have that free will to make decisions. Decisions will be made by the government. The government picks winners and losers in that bill because it creates great subsidies to some people to make them more dependent on government and government control.

That is not what America is about. America is about freedom. It is not about dependence.

So the sad part about the bill is the aspect that it creates right here in Washington, D.C., as Mr. CONAWAY said, the center of the universe to some, control over everybody from Indiana to Texas to California to Hawaii to Florida. And that ought not to be.

Mr. GOHMERT. Thank you, and I appreciate your observations. I would like to also observe, though, we heard during the debate today that the National Association of Realtors was supporting this. Obviously they didn't know about the 300 pages added at 3:08 a.m. this morning, because whoever that Realtor was that pushed that should lose their job because it is going to cost Realtors jobs. It is going to cost them commissions. It is going to cost them royally.

With that, Mr. Speaker, I would yield back time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JUNE 25, 2009, AT PAGE 16483

RELATING TO IMPEACHMENT PROCEEDINGS OF JUDGE SAMUEL B. KENT—MESSAGE FROM THE SENATE (H. DOC. NO. 111–53)

The SPEAKER pro tempore laid before the House the following message from the Senate; which was read and referred to the managers on the part of the House appointed by House Resolution 565 and ordered to be printed:

I, Nancy Erickson, having custody of the seal of the United States Senate, hereby certify that the attached record is a true and correct copy of a record of the United States Senate, received by the United States Senate Sergeant at Arms from Samuel B. Kent on June 24, 2009, and presented to the Senate in open session on June 25, 2009.

In Witness Whereof, I have set my hand and caused to be affixed the Seal of the United States Senate at Washington, D.C., this 25th day of June, 2009.

I, Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT,

Dated 24 June 2009.
Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETERS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PETERS, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. MCCLINTOCK, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. BOCCIERI, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 26, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1777. To make technical corrections to the Higher Education Act of 1965, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to Senate Concurrent Resolution 31, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 21 minutes p.m.), the House adjourned until Tuesday, July 7, 2009, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2459. A letter from the U.S. Senate, transmitting a message from the Senate pertaining to the certification of the resignation of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas. Referred to the Managers on the part of the House appointed by House Resolution 565; (H. Doc. No. 111—53).

2460. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2008, through December 31, 2008; to the Committee on Financial Services.

2461. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on two modifications to the auction process in 2008 that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

2462. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-116, ''City Market At O Street Project Financing Clarification Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-117, ''DCPL Procurement Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-118, ''Day Care Facility Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-122, ''Adoption and Safe Families Amendment Act of 2002'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-115, ''Withholding of Tax on Lottery Winnings Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2467. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, CA [Docket No.: 090218189-9910-02] (RIN: 0648-AX29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2468. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No.: 080728943-9716-02] (RIN: 0648-AX12) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2469. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Pelagic Longline Take Reduction Plan [Docket No.: 070717352-8886-02] (RIN: 0648-AV65) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2470. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Amendment 27 [Docket No.: 080416577-9898-03] (RIN: 0648-AW73) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2471. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP21) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2472. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2473. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP22) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2474. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP23) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2475. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific Crustacean Fisheries; Deepwater Shrimp [Docket No.: 070719388-9911-04] (RIN: 0648-AV29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Insturment Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30672 Amdt. No 3326] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30673; Amdt. No. 3327] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes [Docket No.: FAA-2009-0284; Directorate Identifier 2009-CE-016-AD; Amendment 39-15939; AD 2009-12-16] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-500 and ATR72-212A Airplanes [Docket No.: FAA-2009-0524; Directorate Identifier 2009-NM-030-AD; Amendment 39-15935; AD 2009-12-12] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0523; Directorate Identifier 2009-NM-018-AD; Amendment 39-15934; AD 2009-12-11] (RIN: 2120-AA64) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2481. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A Airplanes [Docket No.: FAA-2008-1237; Directorate Identifier 2008-NM-125-AD; Amendment 39-15932; AD 2009-12-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2482. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Itda. Model AMT-200 and AMT-300 Series Gliders [Docket No.: FAA-2009-0323 Directorate Identifier 2009-CE-012-AD; Amendment 39-15937; AD 2009-12-14] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2483. A letter from the Regulations Officer, Federal Highway Administration, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2484. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto required to be filed by Members of the House with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 111—54); to the Committee on Standards of Official Conduct and ordered to be printed.

2485. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series I — received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 2701. A bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 111–186). Referred to the Committee of the Whole House on the State of the Union.

Mrs. LOWEY: Committee on Appropriations. H.R. 3081. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–187). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of Texas: Committee on Appropriations. H.R. 3082. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–188). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. House Resolution 537. Resolution requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; adversely (Rept. 111–189). Referred to the House Calendar.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2965. A bill to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; with an amendment (Ret. 111–190 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2965. Referral to the Committee on Science and Technology extended for a period ending not later than July 7, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself and Ms. KILPATRICK of Michigan):

H.R. 3065. A bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses; to the Committee on Energy and Commerce.

By Mr. CUMMINGS:

H.R. 3066. A bill to authorize the Secretary of Housing and Urban Development to make temporary mortgage assistance loans to save the homes of unemployed homeowners who are delinquent on their mortgage payments; to the Committee on Financial Services.

By Mr. LATHAM:

H.R. 3067. A bill to amend title XVIII of the Social Security Act to reform Medicare payments to physicians and certain other providers and improve Medicare benefits, to encourage the offering of health coverage by small businesses, to provide tax incentives for the purchase of health insurance by individuals, to increase access to health care for veterans, to address the nursing shortage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. CARDOZA, and Ms. VELÁZQUEZ):

H.R. 3068. A bill to use amounts made available under the Troubled Assets Relief Program of the Secretary of the Treasury for relief for homeowners and neighborhoods; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. GORDON of Tennessee, Mr. BURTON of Indiana, Mr. LANGEVIN, Ms. GINNY BROWN-WAITE of Florida, Mrs. NAPOLITANO, and Mr. KENNEDY):

H.R. 3069. A bill to direct the Secretary of Health and Human Services to conduct or support a comprehensive study comparing total health outcomes, including risk of autism, in vaccinated populations in the United States with such outcomes in unvaccinated populations in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATSON (for herself and Mr. BOOZMAN):

H.R. 3070. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLAY:

H.R. 3071. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself, Mr. BLUNT, Mr. AKIN, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, Mr. LUETKEMEYER, Mr. SKELTON, and Mr. CARNAHAN):

H.R. 3072. A bill to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. NYE (for himself and Mr. HUNTER):

H.R. 3073. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs establish a grant program to provide assistance to veterans who are at risk of becoming homeless; to the Committee on Veterans' Affairs.

By Mr. ELLISON:

H.R. 3074. A bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician hospital service and for inpatient hospital services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 3075. A bill to establish a National Parents Corps Program, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H.R. 3076. A bill to establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM (for herself, Mr. PAYNE, Mrs. EMERSON, Mr. JACKSON of Illinois, Mr. GRIJALVA, Ms. LEE of California, Mr. MCGOVERN, Mr. HONDA, and Ms. SCHAKOWSKY):

H.R. 3077. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security and agricultural development, to develop rural infrastructure and stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARE (for himself and Mr. LUETKEMEYER):

H.R. 3078. A bill to support after-school programs in rural areas of the United States by establishing a pilot program to assist communities establish, enhance, or expand rural after-school programs; to the Committee on Education and Labor.

By Ms. SPEIER (for herself, Mr. LEE of New York, Mr. DAVIS of Alabama, and Mr. THOMPSON of California):

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to allow loans from simplified employee pension accounts of small

business owners for use in the small business; to the Committee on Ways and Means.

By Ms. SPEIER (for herself and Ms. SCHAKOWSKY):

H.R. 3080. A bill to prohibit the manufacture, sale, or distribution in commerce of any consumer product containing dimethylfumarate; to the Committee on Energy and Commerce.

By Mr. BOCCIERI (for himself, Mr. SPACE, Mr. DRIEHAUS, Mr. RYAN of Ohio, Ms. FUDGE, Ms. KAPTUR, Ms. KILROY, Ms. SUTTON, and Mr. PERRIELLO):

H.R. 3083. A bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes; to the Committee on Science and Technology.

By Mr. BAIRD:

H.R. 3084. A bill to restore Federal recognition to the Chinook Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. BLUMENAUER, Mr. HONDA, Mr. KILDEE, Mr. LUJÁN, Ms. MCCOLLUM, and Mr. OLVER):

H.R. 3085. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of determining the sources of support of charitable organizations; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 3086. A bill to coordinate authorities within the Department of the Interior and within the Federal Government to enhance the United States' ability to conserve global wildlife and biological diversity and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H.R. 3087. A bill to amend title 38, United States Code, to establish a deadline for decisions with respect to claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana (for himself and Mr. BRALEY of Iowa):

H.R. 3088. A bill to require an automobile manufacturer that the Federal Government has an ownership interest in or that has an outstanding loan from the Federal Government to purchase liability insurance from an insurance company; to the Committee on Financial Services.

By Ms. CASTOR of Florida (for herself and Ms. SCHAKOWSKY):

H.R. 3089. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare Prescription Drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare Prescription Drug program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. DAVIS of Illinois, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. CLYBURN, Mr. RANGEL, Ms. LEE of California, Mr. HONDA, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Ms. CLARKE, Mr. WATT, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. ELLISON, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. TOWNS, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. RICHARDSON, Ms. BALDWIN, Mr. FATTAH, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. PAYNE, Mr. MEEKS of New York, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. GRAYSON, Ms. EDWARDS of Maryland, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. HIRONO, Ms. DEGETTE, Mr. FALEOMAVAEGA, Ms. MATSUI, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. SABLAN, Mr. PIERLUISI, Mr. REYES, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. LUJÁN, Mr. HASTINGS of Florida, and Mr. CUELLAR):

H.R. 3090. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, Armed Services, Veterans' Affairs, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. HASTINGS of Florida, Ms. WATERS, and Mr. HINCHEY):

H.R. 3091. A bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. SCHWARTZ, Mrs. HALVORSON, Mr. KENNEDY, Mr. PLATTS, Mrs. CAPPS, and Mr. KIND):

H.R. 3092. A bill to amend title XIX of the Social Security Act to require States to cover medical nutritional therapy as part of Medicaid; to the Committee on Energy and Commerce.

By Mr. DENT (for himself, Mr. OLSON, Mr. EHLERS, Mr. MOORE of Kansas, Mr. PERLMUTTER, Mrs. MILLER of Michigan, Mr. PETRI, Mr. MICA, and Mr. CAMPBELL):

H.R. 3093. A bill to require the Transportation Security Administration to engage in a negotiated rulemaking process for the purposes of creating a security regiment for general aviation aircraft; to the Committee on Homeland Security.

By Ms. EDWARDS of Maryland:

H.R. 3094. A bill to strengthen the Occupational Safety and Health Act of 1970 by revising regulations to increase worker safety on construction sites and, consequently, to protect child trespassers from unforeseen dangers; to the Committee on Education and Labor.

By Mr. GRIFFITH:

H.R. 3095. A bill to improve the information in databases for individuals with cancer in the United States and to amend the Social Security Act to provide increased coverage for uninsured individuals upon first diagnosis of cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 3096. A bill to provide additional housing assistance for certain individuals and households adversely affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself and Mr. DICKS):

H.R. 3097. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Ms. KILPATRICK of Michigan:

H.R. 3098. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts:

H.R. 3099. A bill to require a site operator of an international travel Web site to provide information on its Web site to consumers regarding the potential health and safety risks associated with overseas vacation destinations marketed on its Web site; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. COHEN, Ms. FUDGE, Ms. NORTON, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Mr. CARSON of Indiana):

H.R. 3100. A bill to establish the Food Desert Oasis Pilot Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts:

H.R. 3101. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan (for herself, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. CAMP, Mr. MCCOTTER, and Mr. UPTON):

H.R. 3102. A bill to increase the Federal share for transportation projects for the State of Michigan; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas:

H.R. 3103. A bill to revise certain requirements relating to the Department of Veterans Affairs pilot program of enhanced contract care authority for health care needs of veterans in highly rural areas; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 3104. A bill to require public reporting of health care-associated infections data by hospitals and ambulatory surgical centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NUNES:

H.R. 3105. A bill to provide that operations of the Central Valley Project shall not be restricted pursuant to any biological opinion

issued under the Endangered Species Act of 1973, if such restrictions would result in levels of export less than the historical maximum level of export; to the Committee on Natural Resources.

By Mr. PRICE of North Carolina:

H.R. 3106. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. POE of Texas):

H.R. 3107. A bill to prohibit the expenditure of United States taxpayer dollars on nuclear assistance to state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSS:

H.R. 3108. A bill to amend part D of title XVIII of the Social Security Act to promote medication therapy management under the Medicare part D prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself, Mr. GENE GREEN of Texas, Mr. SPACE, and Mr. GONZALEZ):

H.R. 3109. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Veterans' Affairs, Education and Labor, Armed Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself and Mr. BOOZMAN):

H.R. 3110. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. JONES, Mr. COBLE, Ms. ROYBAL-ALLARD, Mr. DOYLE, Mr. BILBRAY, Mr. BUTTERFIELD, and Ms. LINDA T. SÁNCHEZ of California):

H. Con. Res. 160. Concurrent resolution honoring the American Kennel Club on its 125th anniversary; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself, Mr. WOLF, and Mr. WEXLER):

H. Res. 588. A resolution expressing the sense of the United States House of Representatives that the trial by the Government of the Russian Federation of Mikhail Khodorkovsky and Platon Lebedev constitutes a politically-motivated case of selective arrest and prosecution that serves as a test of the rule of law and independence of Russia's judicial system; to the Committee on Foreign Affairs.

By Mr. CLAY:

H. Res. 589. A resolution supporting the goals and ideals of National Minority Donor Awareness Day; to the Committee on Energy and Commerce.

By Mr. WU (for himself and Mr. WOLF):

H. Res. 590. A resolution expressing grave concerns about the sweeping censorship, privacy, and cybersecurity implications of China's Green Dam filtering software, and urging U.S. high-tech companies to promote the Internet as a tool for transparency, freedom of expression, and citizen empowerment around the world; to the Committee on Foreign Affairs.

By Mr. BOEHNER (for himself, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. TURNER, Mr. LATTA, Mr. AUSTRIA, Mr. JORDAN of Ohio, and Mr. TIBERI):

H. Res. 591. A resolution requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. MASSA, Ms. KILROY, Mr. TOWNS, and Mr. DAVIS of Illinois):

H. Res. 592. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 593. A resolution recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. BRALEY of Iowa, Mr. WILSON of Ohio, Mr. THOMPSON of Pennsylvania, Mr. MURTHA, Mr. KANJORSKI, Mr. CARNEY, Mr. HOLDEN, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. ROONEY, Mr. ALTMIRE, Mr. DENT, Mr. BOCCIERI, Mr. DONNELLY of Indiana, Mr. PASCRELL, Mr. KRATOVIL, Mr. STUPAK, and Mr. DINGELL):

H. Res. 594. A resolution congratulating the Pittsburgh Penguins for winning the 2009 Stanley Cup Hockey Championship; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. BUTTERFIELD, Mr. RANGEL, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. CLARKE, and Mr. JOHNSON of Georgia):

H. Res. 595. A resolution recognizing persons of African descent in Europe; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. BUTTERFIELD, Mr. RANGEL, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. RUSH, Ms. CLARKE, and Mr. JOHNSON of Georgia):

H. Res. 596. A resolution expressing support for the Black European Summit; to the Committee on Foreign Affairs.

By Mr. KING of Iowa:

H. Res. 597. A resolution amending the Rules of the House of Representatives to require the Committee on Rules to conduct its meetings and hearings in the Hall of the House, and for other purposes; to the Committee on Rules.

By Mr. LANGEVIN:

H. Res. 598. A resolution expressing the sense of the House of Representatives regarding the fire at the ABC Daycare Center in Hermosillo, Sonora, Mexico; to the Committee on Foreign Affairs.

By Mr. MARKEY of Massachusetts (for himself and Ms. TSONGAS):

H. Res. 599. A resolution honoring the Minute Man National Historical Park on the occasion of its 50th Anniversary; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself and Ms. WATSON):

H. Res. 600. A resolution honoring an American Legend and Musical Icon; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself, Mrs. LOWEY, and Mr. COURTNEY):

H. Res. 601. A resolution recognizing and honoring the Firefighter Cancer Support Network; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Res. 602. A resolution requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. MCDERMOTT, Mr. WILSON of South Carolina, Mr. BILIRAKIS, and Mr. MANZULLO):

H. Res. 603. A resolution recognizing the 140th anniversary of the birth of Mahatma Gandhi; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. ROYCE, and Mr. MCCAUL):

H. Res. 604. A resolution recognizing the vital role of the Proliferation Security Initiative in preventing the spread of weapons of mass destruction; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. POE of Texas, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, Mr. MINNICK, and Ms. WATERS):

H. Res. 605. A resolution recognizing the continued persecution of Falun Gong practitioners in China on the 10th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners; to the Committee on Foreign Affairs.

By Mr. ROTHMAN of New Jersey (for himself, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. SIRES, Mr. LIPINSKI, Mrs. MALONEY, Mrs. TAUSCHER, Mr. SESTAK, Mr. PIERLUISI, Mr. JOHNSON of Georgia, Mr. HOLT, Mr. GOHMERT, Mr. MITCHELL, Mr. DOYLE, Ms. KILROY, Mr. SMITH of Washington, Mr. REICHERT, and Mr. VAN HOLLEN):

H. Res. 606. A resolution congratulating the United States Men's National Soccer Team for its epic victory over Spain, for achieving one of the biggest upsets in the history of International Soccer, and for earning the first advancement to a FIFA tournament final in the history of United States Soccer; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CORRINE BROWN of Florida:

H.R. 3111. A bill for the relief of Walter Enrique Lara; to the Committee on the Judiciary.

By Mr. DELAHUNT:

H.R. 3112. A bill to authorize the Secretary of the Department in which the Coast Guard is operating to issue a certificate of documentation for operation in the coastwise trade for the vessel EQUULEUS; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. HALVORSON and Mr. RAHALL.
H.R. 118: Mr. ADLER of New Jersey, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, and Mr. PALLONE.
H.R. 197: Mr. SMITH of Nebraska.
H.R. 211: Mr. MCINTYRE.
H.R. 235: Mr. TONKO.
H.R. 275: Mr. JONES, Mr. BARROW, Mr. AUSTRIA, and Mr. CULBERSON.
H.R. 391: Mr. PENCE.
H.R. 413: Mr. BOREN, Mr. KRATOVIL, Mr. BACA, Mr. GRAVES, Mr. POE of Texas, Ms. SCHWARTZ, Mr. WU, Mr. FARR, and Mr. CAMP.
H.R. 422: Mr. CUMMINGS and Mr. BLUMENAUER.
H.R. 476: Mr. FILNER and Mr. SABLAN.
H.R. 503: Mr. TIERNEY and Mrs. NAPOLITANO.
H.R. 510: Mr. HILL.
H.R. 525: Mr. PLATTS.
H.R. 571: Mr. GORDON of Tennessee and Mr. CONAWAY.
H.R. 574: Mr. MEEKS of New York.
H.R. 600: Mrs. MALONEY.
H.R. 690: Mr. WAMP and Mrs. LUMMIS.
H.R. 697: Mr. MASSA.
H.R. 731: Ms. SCHAKOWSKY.
H.R. 747: Mr. MASSA.
H.R. 775: Mr. SHIMKUS, Mr. POE of Texas, Mrs. MILLER of Michigan, and Mr. SCHOCK.
H.R. 795: Mr. NEAL of Massachusetts, Mr. ELLISON, and Mr. FILNER.
H.R. 836: Mr. HUNTER and Mr. CAMP.
H.R. 983: Mr. STEARNS.
H.R. 1020: Ms. SUTTON, Mr. GRIJALVA, Mr. MURTHA, Mr. JACKSON of Illinois, Mr. HALL of New York, Ms. CLARKE, and Mr. AL GREEN of Texas.
H.R. 1028: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. FILNER, and Mr. SNYDER.
H.R. 1033: Mr. STARK.
H.R. 1064: Mr. VISCLOSKY, Mr. NEAL of Massachusetts, and Ms. TSONGAS.
H.R. 1077: Mr. LUETKEMEYER and Mrs. CAPPS.
H.R. 1132: Mr. PETERSON and Mr. MOLLOHAN.
H.R. 1147: Mr. HARE, Mr. KILDEE, Mrs. NAPOLITANO, and Mr. TIERNEY.
H.R. 1179: Mr. LARSON of Connecticut, and Mr. THOMPSON of Pennsylvania.
H.R. 1182: Mr. PAULSEN, Mr. MITCHELL, Mr. LEWIS of Georgia, and Mr. CONNOLLY of Virginia.
H.R. 1205: Mr. TIM MURPHY of Pennsylvania, Mr. HERGER, Mr. SCHAUER, and Mr. SIRES.
H.R. 1207: Mr. DAVIS of Illinois.
H.R. 1236: Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MILLER of North Carolina, and Mr. DEFAZIO.
H.R. 1242: Mrs. MCMORRIS RODGERS.
H.R. 1245: Mr. DEAL of Georgia, Mr. BARROW, and Mr. FOSTER.
H.R. 1250: Mr. EHLERS.
H.R. 1283: Mr. HEINRICH.
H.R. 1327: Mr. MASSA and Mr. NADLER of New York.
H.R. 1339: Mr. LARSEN of Washington and Ms. BALDWIN.
H.R. 1346: Mr. HALL of New York.
H.R. 1361: Ms. SCHAKOWSKY.
H.R. 1402: Mr. BISHOP of Georgia, Ms. MATSUI, and Mr. LOEBSACK.
H.R. 1410: Ms. HERSETH SANDLIN.
H.R. 1412: Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mr. PASTOR of Arizona, Mr. HONDA, and Mr. GRAYSON.
H.R. 1441: Mr. BROUN of Georgia.
H.R. 1454: Mr. HASTINGS of Florida.
H.R. 1458: Mrs. MILLER of Michigan and Ms. BALDWIN.
H.R. 1479: Mr. BRALEY of Iowa.
H.R. 1490: Ms. SCHAKOWSKY, Ms. BERKLEY, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. MILLER of North Carolina, Mr. BACA, and Mr. SNYDER.
H.R. 1503: Mrs. BLACKBURN.
H.R. 1505: Mr. HOEKSTRA.
H.R. 1509: Mr. BRIGHT.
H.R. 1546: Mr. NYE and Ms. BORDALLO.
H.R. 1547: Mr. MCCOTTER.
H.R. 1548: Mr. BUYER.
H.R. 1551: Mr. HEINRICH.
H.R. 1557: Mr. CAMP.
H.R. 1558: Mr. SESTAK and Ms. KOSMAS.
H.R. 1570: Mr. LOEBSACK and Mr. TERRY.
H.R. 1612: Mr. GONZALEZ.
H.R. 1616: Mr. BISHOP of New York.
H.R. 1618: Mr. SERRANO.
H.R. 1622: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1625: Mr. CARNEY and Mr. BISHOP of New York.
H.R. 1633: Mr. GORDON of Tennessee and Ms. KOSMAS.
H.R. 1670: Mr. KANJORSKI and Mr. PASTOR of Arizona.
H.R. 1692: Mr. BRADY of Texas.
H.R. 1705: Mr. COHEN.
H.R. 1763: Mr. HASTINGS of Washington.
H.R. 1799: Mr. ROSS and Mr. JONES.
H.R. 1816: Ms. CLARKE.
H.R. 1880: Mr. MORAN of Virginia and Mr. MINNICK.
H.R. 1881: Mr. ELLISON and Mr. HIMES.
H.R. 1894: Mrs. MILLER of Michigan and Ms. JENKINS.
H.R. 1933: Mr. CARSON of Indiana.
H.R. 1970: Ms. MARKEY of Colorado and Mr. CARNAHAN.
H.R. 2000: Mr. POMEROY, Mr. ROHRABACHER, and Mr. ROYCE.
H.R. 2006: Ms. ZOE LOFGREN of California.
H.R. 2017: Mr. PRICE of North Carolina and Mr. WITTMAN.
H.R. 2026: Mr. PAUL, Mr. STEARNS, and Mr. ROONEY.
H.R. 2034: Mrs. CAPITO.
H.R. 2054: Mr. CLEAVER and Mr. WITTMAN.
H.R. 2057: Ms. LEE of California, Mr. PAYNE, and Mr. PRICE of North Carolina.
H.R. 2058: Ms. BORDALLO and Mr. MEEKS of New York.
H.R. 2064: Mrs. MILLER of Michigan.
H.R. 2070: Mr. GRIJALVA.
H.R. 2089: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HILL, and Mr. WAXMAN.
H.R. 2110: Ms. TITUS and Mr. CONAWAY.
H.R. 2119: Mr. PAUL.
H.R. 2137: Ms. SCHAKOWSKY.
H.R. 2139: Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. GERLACH, Mrs. MILLER of Michigan, and Mr. SCHIFF.
H.R. 2159: Mr. LANCE.
H.R. 2194: Mr. MCCAUL, Mr. CAMPBELL, Mr. DONNELLY of Indiana, Mr. FATTAH, Ms. FUDGE, and Mr. HOYER.
H.R. 2220: Mr. KILDEE and Mr. MCCOTTER.
H.R. 2227: Mr. MCINTYRE.
H.R. 2233: Ms. RICHARDSON.
H.R. 2245: Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. HINOJOSA, Mr. MICHAUD, Ms. ESHOO, Mr. WELCH, Mr. ROTHMAN of New Jersey, Mr. DAVIS of Alabama, Mr. MCCAUL, Mr. BRIGHT, and Ms. ROYBAL-ALLARD.
H.R. 2251: Mr. KILDEE and Mr. PAUL.
H.R. 2254: Mr. RANGEL and Mr. WITTMAN.
H.R. 2266: Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. RYAN of Ohio.
H.R. 2267: Mr. FOSTER, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. RYAN of Ohio, and Mr. NADLER of New York.
H.R. 2272: Mr. MCGOVERN.
H.R. 2287: Mr. CONAWAY and Ms. FOXX.
H.R. 2296: Mr. ROONEY.
H.R. 2303: Mr. MURPHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. TONKO and Mrs. MCCARTHY of New York.
H.R. 2308: Mr. FARR.
H.R. 2310: Mr. PERLMUTTER and Mr. FORTENBERRY.
H.R. 2314: Mr. MORAN of VIRGINIA and Mr. YOUNG of Alaska.
H.R. 2329: Mr. GORDON of Tennessee.
H.R. 2350: Mr. LATOURETTE and Mr. PASTOR of Arizona.
H.R. 2363: Mr. CAO.
H.R. 2365: Mr. MURTHA.
H.R.2378: Mr. SPACE.
H.R. 2404: Ms. FUDGE.
H.R. 2409: Mrs. MCMORRIS RODGERS.
H.R. 2413: Mr. HOLDEN, Mr. BRALEY of Iowa, Mr. WOLF, Mr. MOORE of Kansas, and Mr. KIRK.
H.R. 2425: Mr. BOUCHER and Mr. DEFAZIO.
H.R. 2452: Mr. JORDAN of Ohio, Mr. RUPPERSBERGER, and Mr. BARTON of Texas.
H.R. 2456: Mr. HONDA.
H.R. 2460: Mr. CARNAHAN and Mr. SCHIFF.
H.R. 2478: Ms. SCHAKOWSKY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERS, Mr. SIRES, and Mr. CALVERT.
H.R. 2483: Mr. ISRAEL.
H.R. 2497: Mr. SERRANO.
H.R. 2499: Mr. CASSIDY.
H.R. 2502: Mr. INSLEE.
H.R. 2517: Mr. SIRES, Ms. LEE of California, Mr. MCMAHON, Mr. MURPHY of Connecticut, Mr. SCOTT of Virginia, and Mr. MAFFEI.
H.R. 2537: Mr. MCCAUL and Mr. GARY G. MILLER of California.
H.R. 2567: Mr. ALTMIRE.
H.R. 2578: Mr. EHLERS.
H.R. 2590: Mr. BOUCHER.
H.R. 2607: Ms. FOXX and Mr. GARRETT of New Jersey.
H.R. 2608: Ms. FOXX.
H.R. 2662: Mr. KRATOVIL.
H.R. 2676: Mr. PERRIELLO and Mr. WALZ.
H.R. 2692: Mr. WILSON of Ohio.
H.R. 2696: Mrs. LOWEY.
H.R. 2697: Ms. SPEIER, Mrs. MILLER of Michigan, and Ms. GRANGER.
H.R. 2698: Mrs. MCMORRIS RODGERS and Mr. GORDON of Tennessee.
H.R. 2699: Mrs. MCMORRIS RODGERS, Mr. SCHIFF, and Mr. GORDON of Tennessee.
H.R. 2715: Mr. ALEXANDER, Mr. STEARNS, and Mr. SHIMKUS.
H.R. 2730: Mr. RYAN of Ohio.
H.R. 2743: Mr. MELANCON, Mr. CONAWAY, Mr. PETERSON, Mr. HOLT, Mr. SPRATT, Mr. CALVERT, Mr. GARY G. MILLER of California,

Mr. HILL, Mr. AKIN, Mr. PIERLUISI, Mr. ADERHOLT, Mr. CRENSHAW, and Mrs. LUMMIS.

H.R. 2745: Mr. HALL of Texas and Mr. JONES.

H.R. 2746: Ms. SUTTON and Mr. MCNERNEY.

H.R. 2778: Mr. HONDA, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. BACA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. CARDOZA, Mr. SALAZAR, Mr. CUELLAR, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. LUJAN, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. SIRES, and Mr. SABLAN.

H.R. 2785: Mr. YOUNG of Alaska.

H.R. 2796: Mr. GARY G. MILLER of California.

H.R. 2799: Mr. MOORE of Kansas, Mr. WOLF, Mr. PRICE of Georgia, Ms. CORRINE BROWN of Florida, and Mr. MCHUGH.

H.R. 2808: Mr. STEARNS and Mrs. LUMMIS.

H.R. 2817: Mr. SIRES.

H.R. 2844: Mr. BOSWELL.

H.R. 2846: Mr. BOOZMAN and Mr. DAVIS of Kentucky.

H.R. 2866: Mr. GRIFFITH and Mr. MCINTYRE.

H.R. 2882: Ms. CASTOR of Florida.

H.R. 2891: Ms. BORDALLO.

H.R. 2894: Mr. GRIJALVA, Mr. TIM MURPHY of Pennsylvania, and Mr. MURTHA.

H.R. 2900: Mr. STEARNS.

H.R. 2909: Ms. DELAURO.

H.R. 2923: Mr. BOOZMAN.

H.R. 2926: Ms. BORDALLO.

H.R. 2939: Mr. SESSIONS.

H.R. 2956: Mr. WAMP.

H.R. 2963: Mr. WILSON of Ohio.

H.R. 2965: Mr. LUJÁN, and Mrs. BIGGERT.

H.R. 3003: Mr. BOUCHER.

H.R. 3017: Mr. MCMAHON, Ms. GIFFORDS, and Mr. MILLER of North Carolina.

H.R. 3025: Ms. HERSETH SANDLIN, Mr. BARROW, Mr. SHULER, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. MOORE of Kansas, Mr. MELANCON, and Mr. CHILDERS.

H.R. 3039: Mrs. MALONEY.

H.R. 3040: Mr. MCGOVERN.

H.R. 3042: Mr. HARE.

H.J. Res. 42: Mr. WALDEN, Mr. BACHUS, Mr. BOUSTANY, and Mr. OLSON.

H.J. Res. 47: Mr. CARNEY and Mrs. MCCARTHY of New York.

H.J. Res. 54: Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. LUETKEMEYER, and Mr. BOOZMAN.

H.J. Res. 56: Mr. CAO.

H.J. Res. 57: Mr. CAMP.

H. Con. Res. 92: Mr. KUCINICH.

H. Con. Res. 121: Mr. MANZULLO and Mr. RADANOVICH.

H. Con. Res. 137: Ms. ROYBAL-ALLARD.

H. Con. Res. 144: Mr. BRALEY of Iowa, Mr. MEEK of Florida, and Ms. LEE of California.

H. Con. Res. 157: Mr. FLEMING and Mr. GORDON of Tennessee.

H. Res. 11: Mr. FILNER, Mr. MCNERNEY, Mr. KAGEN, and Ms. GRANGER.

H. Res. 57: Mr. DOYLE, Mr. STUPAK, and Mr. MCNERNEY.

H. Res. 69: Mr. BARROW, Mr. BARTON of Texas, Mr. BLUNT, Mrs. BONO MACK, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. BUYER, Mrs. CAPPS, Mr. MELANCON, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. RADANOVICH, Mr. ROSS, Mr. RUSH, Ms. CASTOR of Florida, Mr. DOYLE, Mr. ENGEL, Ms. Eshoo, Mr. GINGREY of Georgia, Mr. HALL of Texas, Mr. SARBANES, Mr. SCALISE, Mr. SHADEGG, Mr. SHIMKUS, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. MCNERNEY, Mr. MARKEY of Massachusetts, Mr. MATHESON, Ms. MATSUI, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Mr. ROSKAM, Mr. LOEBSACK, Mr. WAMP, Mr. GRAYSON, Mr. KRATOVIL, Ms. WATSON, Mr. RAHALL, Mr. HIGGINS, Mrs. DAVIS of California, Mr. NUNES, Mr. JACKSON of Illinois, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. CROWLEY, Mr. KISSELL, Mr. HONDA, Mr. CUELLAR, Mr. JOHNSON of Georgia, Ms. MARKEY of Colorado, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. MEEKS of New York, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. SALAZAR, Mr. RANGEL, Mr. SCOTT of Georgia, and Mr. WATT.

H. Res. 111: Mr. FILNER, Mr. MCNERNEY, Mr. KAGEN, and Ms. GRANGER.

H. Res. 156: Mr. MINNICK.

H. Res. 285: Mr. MANZULLO.

H. Res. 409: Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SMITH of Nebraska, Mr. GERLACH, Mr. PUTNAM, and Mrs. BLACKBURN.

H. Res. 416: Mr. RUSH, Mr. FILNER, and Mr. HINCHEY.

H. Res. 433: Mr. KUCINICH.

H. Res. 441: Mr. KANJORSKI, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. DOYLE, Ms. SHEA-PORTER, Mr. BISHOP of New York, Mr. CONNOLLY of Virginia, and Mr. HOLDEN.

H. Res. 458: Mr. GORDON of Tennessee and Mr. BLUMENAUER.

H. Res. 476: Mr. WAMP.

H. Res. 507: Mr. BROWN of South Carolina and Mr. MCNERNEY.

H. Res. 512: Mr. BONNER.

H. Res. 531: Mr. QUIGLEY and Mr. COSTELLO.

H. Res. 534: Mr. DRIEHAUS, Mr. TEAGUE, Mrs. CAPPS, Ms. CLARKE, Ms. PINGREE of Maine, Ms. BALDWIN, Ms. KILPATRICK of Michigan, Mr. WAXMAN, Mr. PASTOR of Arizona, Mr. BECERRA, Mrs. EMERSON, Mr. BROWN of South Carolina, Ms. FUDGE, Mr. HALL of Texas, Mr. HINCHEY, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. ELLISON, Mr. WELCH, Ms. WASSERMAN SCHULTZ, Ms. VELÁZQUEZ, Ms. CASTOR of Florida, Mr. KRATOVIL, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. CARDOZA, Ms. TSONGAS, Ms. MARKEY of Colorado, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. EHLERS, Mr. MANZULLO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. UPTON, Mr. MCHENRY, Mr. GERLACH, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. FLEMING, Mr. KING of New York, Ms. FOXX, Mr. CARSON of Indiana, and Ms. CORRINE BROWN of Florida.

H. Res. 550: Mr. HONDA and Mr. CONYERS.

H. Res. 557: Mr. THORNBERRY and Mr. BOEHNER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FORBES, or a designee, to H.R. 2454, the American Clean Energy and Security Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 3 by Mr. LATOURETTE on House Resolution 359: Daniel E. Lungren.

EXTENSIONS OF REMARKS

A TRIBUTE TO PRINCE WILLIAM COUNTY SUPERVISOR JOHN D. JENKINS

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today in honor of Prince William County Supervisor John D. Jenkins and the years of service that he has selflessly devoted to his neighbors, constituents and friends. Supervisor Jenkins was recently awarded the Occoquan District Good Scout Award by the National Capital Area Council of the Boy Scouts of America. I cannot think of a more appropriate recognition of John's accomplishments in public service than an award based on the credo, "You are put here to do something for your fellow man and to take an active part in your community and its issues."

Supervisor Jenkins and his wife Ernestine moved to Prince William County in 1973 and immediately took a role in their neighborhood as the Forestdale representatives to the Dale City Civic Association. Their three sons were educated in the Prince William County Public School system and were Eagle Scouts in local Troop 1378. They have 14 grandchildren and two great grandchildren.

Supervisor Jenkins began his life in public office in October of 1982 when he was appointed to fill the vacant Neabsco District Supervisor's seat. He has since been reelected to that position 6 times. He has served two terms as Vice Chairman of the Board of County Supervisors, two terms as Chairman of the Northern Virginia Regional Commission, two terms as the State President of the Virginia Association of Planning District Commissions, two terms as the State President of the Virginia Association of Counties and two terms as the Chairman of the Virginia Railway Express Operations Board. John has served on boards and steering committees of the Virginia Municipal League, the Virginia Association of Counties, the National Association of Counties and represents the Board of County Supervisors on the Quantico Marine Corps and Fort Belvoir Base Realignment and Closing advisory committees.

Supervisor Jenkins has been a tireless advocate for many organizations throughout his 27-year tenure on the Board of County Supervisors. However, his involvement in the Scouts predates even his time in office, spanning 6 decades and involving countless Scouting causes. Camp William B. Snyder in Haymarket, VA opened its doors in 2006 due in part to the Supervisor's efforts to end its stalled development. He is a fixture at local Scouting promotion ceremonies and often uses his considerable fundraising abilities on behalf of the Boy Scouts of America. His dedication to the Scouts is unquestioned and with his receipt of the Good Scout Award, the Boy Scouts of America recognize his devotion to the people of Prince William County. As a two-tour Vietnam Veteran and the longest serving county supervisor in Prince William County history, his career is one of service to country and community.

Madam Speaker, I ask that my colleagues join me in applauding Supervisor John D. Jenkins' dedication to his community. As a public servant he embodies the values the Boy Scouts hope to instill in their youth. He has taught generations of Scouts the nobility of public service and the great potential that it holds to help one's fellow man.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Ms. SCHWARTZ. Madam Speaker, during an absence yesterday, I regrettably missed rollcall vote No. 426. Had I been present, I would have voted in the following manner: rollcall No. 426: "no"

IN RECOGNITION OF THE STROKE COMEBACK CENTER

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Stroke Comeback Center and the critical health care services that it provides to stroke survivors and their families.

The Stroke Comeback Center (SCC) is a non-profit organization that provides ongoing rehabilitation and therapy to help combat the devastating damage that strokes can cause. The mission of the SCC has been to pick up where traditional health care coverage leaves off by providing affordable speech and language therapy programs to stroke victims in a caring and supportive environment.

The SCC was founded in 2004 by Darlene Williamson and John Phillips based on the premise that stroke victims who suffer with communications problems can continue to improve with treatment and therapy. This theory went against the conventionally held belief that stroke survivors reached their maximum potential within the first few months of recovery. In addition, most insurance companies cover only short term treatment, which can limit access to therapy and thereby inhibit recovery.

The SCC addresses these issues in a proactive and effective manner. Fees charged for services are on a sliding scale and are up to 75% less than at other facilities. No individual is ever turned away due to inability to pay. The programs offered by the SCC include group programs to assist with improvement of communication skills, computer assisted training, individual sessions and caregiver support meetings.

The growth of the SCC is a tribute to the success of its programs. In 2005, the SCC had five groups meeting two days per week. There are now 21 groups meeting four days per week. Since opening, the SCC has provided more than 7,000 hours of therapy to stroke survivors.

The SCC works closely with the American Heart Association, the Inova Mount Vernon Hospital, the National Rehabilitation Hospital and the George Washington University Department of Speech and Hearing Science.

Madam Speaker, I ask my colleagues to join me in recognizing the Stroke Comeback Center and its dedicated staff and volunteers. The services and programs offered by the SCC fill a void in the rehabilitation process and significantly improve the quality of lives of stroke survivors and their families.

CAP-AND-TAX DOES NOT WORK

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. WILSON of South Carolina. Madam Speaker, a national energy tax will do harm to American families by raising electric bills, gas prices, and food prices by thousands of dollars. Moreover, it will not achieve the goals of a cleaner environment.

As our European neighbors have learned from their own cap and trade scheme, costs go up but so do carbon emissions. Indeed, in the so-called market place of carbon trade, the American people will lose just as our European friends have. America will lose jobs and American families will lose money, and there is no excuse for the Democrat leadership in this House to place such a burden upon the American people.

I hope my colleagues will abandon this plan to raise taxes and realize that an all-of-the-above approach to our energy needs—one that has bipartisan support—is a far better course for this country to pursue.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

HONORING THE HEROISM AND BRAVERY OF THE WOMAN AIRFORCE SERVICE PILOTS OF WORLD WAR II

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. COHEN. Madam Speaker, I rise today in support of H.R. 2014, which awarded the Woman Airforce Service Pilots of World War II with a Congressional Gold Medal. Known as WASP, these courageous women faced incredible bias and hardship while serving our country. Out of the 300 recipients, three WASP are from the 9th district in Memphis, TN.

Women were essential to our effort in World War II. In factories and shipyards throughout this nation, they provided the fundamental infrastructure and labor which allowed our military to prevail. We can't forget that just 23 years before the war, Rosie the Riveter didn't have the right to vote. Suddenly, she was the muscle behind the plane, the tank, the ship—in short the entire arsenal of democracy. The women of these times toiled selflessly. They were passionately patriotic.

The WASP were no exception. They were the backbone of the Army Air Corps and performed vital jobs such as delivering newly assembled planes to key military bases and test piloting new planes. They even flew the first jets. The WASP flew over 60 million miles in every type of aircraft. Without their work, the Army Air Corps would not have been able to function properly and domestic efforts would have been severely crippled, making it more difficult to receive crucial supplies, troops and planes.

I am very proud to have three WASP veterans living in my home district in Memphis, TN. Martha M. Carpenter, Frankie Yearwood and Lillian E. Goodman all graduated from the WASP program with extensive flight experience and training. Their jobs required incredible skill and were highly dangerous. Recently, Ms. Goodman recalled, ''in my own class there were two girls and an instructor that went up in a twin engine plane . . . they crashed and were all killed.'' The women that Ms. Goodman remembers were sent home in unmarked pine boxes. Their service was not acknowledged. They were denied military funerals and their families were not permitted to put up a Gold Star in their memory. It wasn't until 1977 that Congress finally gave the WASP veteran status and benefits.

For all their patriotism and service, the WASP—all of whom were pilots before the war—faced harassment and shocking levels of discrimination during and after their service. Sadly, they were made to pay for their own flight training and for their own trip home after being discharged. When the war ended, some male combat veterans fought vigilantly to deny them equal veteran status.

For thirty years, the federal government classified WASP records. For too long, their heroism was kept out of the history books. Grandmothers could only tell incredible stories of serving as pilots in World War II to disbelieving grandchildren. President Carter helped to change all that by finally opening up the records and allowing Ms. Goodman, Ms. Carpenter, and Ms. Yearwood's service to be public.

The WASP's exemplary record and contributions towards the war effort were referenced in the 1993 congressional hearings which led to legislation allowing women to fly aircraft in combat roles. Currently, women make up more than 14% of the military on active duty and more than 17% of the reserve and National Guard. The Air Force has the highest percentage of women enlisted, as nearly 20% of its members on active duty and 25% of the National Air Force Reserve are women. Ms. Carpenter, Mrs. Goodman, Ms. Yearwood and the other brave women of the WASP were pioneers for the dedicated women who serve in our military today and for all who face prejudice in pursuit of equality.

REPEAL TONNAGE TAX'S 30-DAY LIMIT ON DOMESTIC OPERATIONS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BLUMENAUER. Madam Speaker, U.S.-flag ships that compete in international trade face many disadvantages. The U.S. tax code should not be one of them. Today I am introducing legislation that will help smooth the seas for U.S.-flag shippers and increase their international competitiveness.

The version of the American Jobs Creation Act of 2004 that passed both the House and Senate provided for the application of a ''tonnage tax'' based on the tonnage of a vessel, rather than taxing the U.S. vessel's international income at corporate tax rates. In the conference process on that legislation, however, new language was inserted which states that a U.S. vessel cannot use the tonnage tax on its income from international operations if that vessel also operates in U.S. domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those U.S. ships that operate in both domestic and international trade and hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in U.S. domestic trade already have significant cost disadvantages. The inability of domestic operators to use the tonnage tax for their international service is a further burden on their competitive position in foreign commerce. Foreign registered ships now carry 97 percent of the imports and exports moving in United States international trade. These foreign vessels are not held to the higher Coast Guard operating standards that apply to American-registered ships and foreign vessels are virtually untaxed.

Adding to the perversity of the provision, in December 2006, Congress repealed the 30-day limit on domestic trading for approximately 50 ships operating in the Great Lakes. There are 13 U.S.-flag vessels outside of these Great Lakes ships that remain caught in these tax provisions. In the interest of providing equity to these 13 vessels, this legislation would repeal the 30–day limit on domestic operations, enabling these vessels to also utilize the tonnage tax on their international income. Under this legislation, these ships will continue to pay the normal 35 percent U.S. corporate tax rate on their income for operations in domestic commerce.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between U.S.-flag and foreign flag vessels. I look forward to working with my colleagues to pass this important legislation.

IN RECOGNITION OF THE 2009 VIRGINIA HUMAN RIGHTS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the recipients of the 2009 Virginia Human Rights Awards. These awards were presented during a recent ceremony hosted jointly with the Prince William County Human Rights Commission.

Prince William County has long been an area of growth in our Northern Virginia region. As the county population grew in the early 1990s and the demographics shifted, the Board of County Supervisors recognized the need for a study to examine the county's ability to respond to increasing population diversity. The result of the study was the creation of a Human Rights Ordinance prohibiting discriminatory practices based on race, color, sex, national origin, religion, marital status or disability in employment, housing, public accommodations, education and credit in Prince William County. When the Board of County Supervisors established the Human Rights Ordinance in September of 1992, it created the Human Rights Commission to ensure that ''each citizen is treated fairly, provided equal protection of the law and equal opportunity to participate in the benefits, rights, and privileges of community life.''

The recipients of this year's awards have exhibited a devotion to ''[eliminating] discrimination through civil and human rights law enforcement and [establishing] equal opportunity for all persons within the county through advocacy and education.''

The recipients of the Prince William Human Rights Awards are Betty Covington from Prince William Public Schools and Dexter Fox with Unity in the Community.

The Virginia Human Rights Commissioner of the Year is Victor Dunbar, Chairman of the Fairfax County Human Rights Commission.

The Staff Member of the Year is Annie Carroll, Deputy Director of the Fairfax County Human Rights Commission.

The Virginia Human Rights Commemorative Award for contributions to human rights through the signing of the Civil Rights and Voting Rights Acts will be made posthumously to President Lyndon B. Johnson.

Madam Speaker, I ask that my colleagues join me in applauding the efforts of these individuals on behalf of harmony and equality in our communities. We are a happier, safer society when we promote fairness and justice. I

would like to extend my unconditional support for the Human Rights Commission's mission and my deepest appreciation to those who take up the cause of human and civil rights.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 2847, FY 2010 Department of the Interior, Environment and Related Agencies Appropriations Bill.

Agency/Account: U.S. EPA—State and Tribal Assistance Grant

Amount: $439,065

Requesting Entity: City of Petersburg, P.O. Box 326 Petersburg, Texas 79250

Funding will enable the city of Petersburg to continue supplying quality drinking water to its residents. The Texas Commission on Environmental Quality has ordered the city to replace one of its elevated water tanks or place it offline or the city will be forced to pay penalties and fines. Loss of a water tank will reduce the water supply, as well as drop the water pressure which is important for fire fighting. Without a stable water supply, the city of Petersburg will not be able to maintain economic growth. The total cost of this project is $798,300.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: State and Tribal Assistance Grant Program

Legal Name of Requesting Entity: Findlay Township Municipal Authority

Address of Requesting Entity: 1271 Route 30, Clinton, PA 15026–1537

Amount: $500,000

Description of Request: to replace old and undersized water transmission lines, and to expand and upgrade the water and sewer infrastructure, to benefit the entire Township of Findlay in economic development and job creation, fire safety and environmental protection.

The water and sewer upgrades and expansion will serve businesses—and the 21,310 jobs being created—at three business parks in the Pittsburgh International Airport Corridor: the Chapman Commerce Center; the Clinton Commerce Park and the Route 30 Industrial Site. Furthermore, annual tax revenue generated at the three business parks is projected to be $48.7 million. In terms of fire safety, the project will replace old and undersized water transmission lines to provide adequate fire flow for the entire township, including residents and businesses. In terms of environmental protection, the project will rectify a concern of the Pennsylvania Department of Environmental Protection that the sanitary sewer system capacity from Enlow Road to the Moon Township Interceptor must be expanded to adequately convey additional flow.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Findlay Township Municipal Authority appropriation is of particular interest to my district and importance to my constituents.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2996

Provision: Title I

Account: National Park Service—Construction

Legal Name of Requesting Entity: ''National Park Service—Chickasaw National Recreation Area''

Address of Requesting Entity: 1008 West Second Street, Sulphur, OK

Description of Request: Provide an earmark of $500,000 for a design plan to construct a Visitor's Center at the Chickasaw National Recreation Area. The need for a Visitor's Center was identified in the recreation area's 1980 General Management Plan and 1994 Addendum to the 1980 General Management Plan. The Visitor's Center was previously budgeted for, but funds were reprogrammed for wildfire suppression. The Visitor's Center will provide those visiting the Chickasaw National Recreation Area a much needed centralized location where the Park Service may educate individuals on the ecosystems and history of the area. This will increase tourism to the recreation area, and thereby grow the local economy substantially.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2996

Provision: Title II

Account: STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: Lawton Ft. Sill Chamber of Commerce

Address of Requesting Entity: 9 SW ''C'' Avenue, Lawton, OK 73501

Description of Request: Provide an earmark of $500,000 for water and sewer line expansions at the Lawton Industrial Park, in Lawton, OK. The Comanche County Industrial Development Authority recently purchased an additional 480 acres immediately southwest of the present industrial park for purposes of expansion. Before this development can begin, water and sewer lines must be expanded to the property. The industrial park expansion will allow for more commercial expansion, thus creating jobs and aiding Lawton's economy. For this project, 80 percent of funds will be used for construction costs, 12 percent will be used for contingency, 6 percent will be for engineering costs and 2 percent will be used for inspections.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2996, ''Making appropriations for the Department of Interior, environment, and related agencies for the fiscal year ending September 30, 2010.''

Requesting Member: Congressman JOHN DUNCAN

Account: National Park Service, Save America's Treasures

Project Amount: $200,000

Legal Name of Requesting Entity: Blount Mansion Association, 200 W. Hill Avenue, Knoxville, TN 37902

Description of Request: This funding will be used to upgrade and improve the National Historic Landmark.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE ROTARY CLUB OF BURKE, VIRGINIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate the Rotary Club of Burke, Virginia, on the occasion of its 25th Anniversary and to pay tribute to its significant contributions to the community.

The world's first service club, the Rotary Club of Chicago, Illinois, was formed on February 23, 1905, by Paul P. Harris. The name ''Rotary'' is derived from the early practice of rotating meetings among members' offices. The Rotary Club concept thrived in its early years, and, by 1921, there were chapters on six continents. In 1922, the name ''Rotary International'' was adopted. The objective of

Rotary International is to encourage and foster the ideal of community service as a basis of worthy enterprise. International understanding, goodwill and peace are fostered through the shared commitment to service of Rotarians from 166 countries.

The Rotary Club of Burke was organized by Brian Tilbury and was chartered by Rotary International on June 30, 1984. Since that time, the Burke Rotary has grown in not only the number of active members, but also in the areas of community service.

The Burke Rotary participates in Polio Plus, which is dedicated to the eradication of polio in countries such as Afghanistan, India, Pakistan and Nigeria. Closer to home, The Rotary Club of Burke is a dependable ally in the Toys 4 Tots Program and the Northern Virginia Literacy Council. It also encourages involvement in the Medical Reserve Corps, a Fairfax County, Va., program that trains volunteers to provide vital services in the event of a public health emergency.

The Rotary Club of Burke has partnered with the Rotary Club of Annandale to provide scholarships to deserving students who wish to pursue vocational training at Northern Virginia Community College. This partnership now provides six scholarships each year and has allowed approximately 40 individuals to continue their education and learn a marketable skill. The quality of life for each of these students and their families will be forever improved because of this opportunity.

Madam Speaker, I ask my colleagues to join me in congratulating The Rotary Club of Burke on the occasion of its 25th Anniversary and to express our gratitude for their contributions here at home and abroad.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding the earmark I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 2996

Account: Environmental Protection Agency; STAG Water and Wastewater Infrastructure Projects

Legal Name of Requesting Entity: Metropolitan North Georgia Water Planning District

Address of Requesting Entity: 40 Courtland Street, NE Atlanta, GA 30303

Description of Request:

The $500,000 in STAG funding secured will be applied to this list of the Water District projects:

COBB COUNTY

Sweetwater Creek Sanitary Sewer Extension—This proposed extension of the Sweetwater Creek interceptor will provide gravity sewer service to much of the unsewered portion of southwestern Cobb County, including several dry sewer subdivisions. It will also extend service into the Sweetwater basin in Paulding County, eliminating the need for an additional treatment facility and comporting with our regional plan. The project includes about 20,000 linear feet of large diameter sewer. Estimated cost of this project is $7,700,000.

Mack Dobbs Road Water Main Replacement—Replacement of 11,200 linear feet of existing 6-inch asbestos cement water main with 12-inch ductile iron between Cobb Parkway and Stilesboro Road. Estimated cost of this project is $1,200,000.

Low Flow Toilet and Urinal Retrofit for 127 Cobb County Public Schools—A water conservation project which consists of replacing approximately 5,782 older, inefficient toilets and urinals and 2,478 miscellaneous faucets and pre-rinse spray valves in Cobb County Schools. The estimated cost of this project is $875,000.

COBB COUNTY-MARIETTA WATER AUTHORITY

The Cobb County-Marietta Water Authority (CCMWA), a political subdivision of the State of Georgia, is a regional water wholesaler with 13 customers that serve over 790,000 people. The customers include Cobb County, all of the municipalities within Cobb County, all of Paulding County, portions of Douglas County, Cherokee County, the City of Woodstock, and a small community in Fulton County.

Austell West Side Connector 24''—This pipeline project installs 8,000 feet of 24'' ductile iron pipe to connect existing transmission lines. The pipeline will improve system flow capacity and provide redundancy to Cobb Hospital and high growth area along East-West Connector. The estimated cost of this project is $2,549,800.

Five Million Gallon Steel Tank at Lost Mountain—This tank will provide enhanced fire protection. It will also increase system reliability by improving storage-to-production ratio and source water reliability for existing pump station. It will provide additional water storage for west Cobb County and Paulding County. The estimated cost of this project is $3,500,000.

Five Million Gallon Steel Tank at Pete Shaw—This tank will provide enhanced fire protection. It will also increase system reliability by improving storage-to-production ratio. This tank will provide additional water storage capacity to east Cobb County. The estimated cost of this project is $3,500,000.

Columns Drive Pipe Replacement—Replacement of approximately 600 linear feet of 36'' ductile iron pipe with 54'' restrained joint ductile iron pipe. This installation will eliminate a restriction in the main line from the Quarles Water Treatment Plant. The estimated cost of this project is $780,600.

HALL COUNTY

Low Flow Toilet and Urinal Retrofit for Hall County Government Facilities—A water conservation project which consists of replacing all older, inefficient toilets and urinals in County facilities not already fitted with low flow systems including; Parks, Fire Stations, Senior Centers, Prisons, etc. The estimated cost of this project is $190,000.

THE CITY OF GAINESVILLE

Flat Creek Watershed Improvement Plan and Ecosystem Restoration—The City of Gainesville and Hall County have developed a watershed improvement and ecosystem restoration plan for the Flat Creek watershed which includes several projects involving stream restoration and construction of storm water best management practices. The City is currently designing the Upper Flat Creek Stream Restoration and Regional Stormwater Detention Pond project. The estimated cost of this project is $700,000. Other projects we are moving forward with would cost approximately $2,000,000.

Gainesville/Hall County Water Main Extensions and Improvements projects—These projects include approximately 25 miles of 8″–20″ water line extensions/improvements throughout Gainesville/Hall County. Projects will extend water service to new customers and improve fire and water service by installing fire hydrants in new locations and improving flow capacity and quality in the water distribution system. The cost of these projects is estimated to be $13,200,000.

ROCKDALE COUNTY WATER RESOURCES

Distribution Waterline Replacements—A water conservation project to significantly reduce or eliminate unaccounted for water (i.e. reducing water leaks in public water supply distribution system). Estimated cost of this project is $15,000,000.

Wastewater Pump Station—To prevent sewer overflows and upgrade pumping station to meet current demands in a concentrated area. Estimated cost of this project is $300,000.

THE CITY OF LOCUST GROVE

Water Supply Wells—The City of Locust Grove has drilled two additional wells for drinking water supply. These wells have already been drilled and permitted by GA EPD. The wells are needed to help supply enough water for current demand. The design has already been drawn. Estimated cost of this project is $250,000.

THE CITY OF ROSWELL

Municipal Buildings Water Conservation Project—The condition of Roswell's municipal building restroom facilities vary widely in age, use, quality and repair. An initial assessment of the restrooms found 106 urinals, 295 toilets and 265 faucets to replace. The proposed water conservation project will purchase and install high-efficiency urinals, and toilets for the City's administrative, public safety, public-works, recycling center and park buildings. Additionally the project could include low-flow faucets, eco-friendly sanitizer systems and to minimize restroom vandalism and maintenance the installation of stainless steel panels, new and replacement tile. The estimated cost for this project is $500,000.

THE CITY OF ALPHARETTA

North Park Improvements: Construct off-line sediment forebay—A sediment forebay will allow silt to fall out in a confined area just prior to the lake. During non-storm flows, the creek will flow naturally into the lake. When it rains and the creek rises, water will be diverted to the forebay. The forebay will slow down the water, allowing time for much of the silt to fall out before discharging back into the lake. The forebay will be much easier to clean out than the lake itself.

North Park Improvements: Construct three enhanced swales to treat water coming from

the softball fields and two parking lots—Enhanced swales are state recognized water quality Best Management Practices (BMPs) that allow for more water to infiltrate and be treated prior to entering the creek. As part of the installation of the enhanced swales, the water from these areas will be diverted to directly enter the lake instead of entering upstream through very eroded gullies. The gullies are so large that it is actually more cost effective to install the BMPs and divert the flow than it would be to repair the gullies, which are over 20 feet deep in some areas.

North Park Improvements: Modify the outlet control structure of the lake—The current outlet structure of the lake clogs in nearly every storm event, requiring parks maintenance personnel to have to remove debris to restore drainage. The outlet control structure can be modified to reduce clogging and provide improved water quality benefits for the lake. This will reduce necessary maintenance and give the lake an overall better aesthetic appearance.

Total cost for these improvements is: $517,818.75. This price includes the cost to prepare conceptual and final design; construction of three improvements/BMPS; and model pollutant removal.

RECOGNIZING CHILDREN'S MEDICAL CENTER OF DALLAS FOR ITS RANKING AMONG THE TOP TEN CHILDREN'S HOSPITALS IN THE NATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, in 1913, a group of nurses established Children's Medical Center of Dallas as an open air clinic. Today, Children's Medical Center has been chosen among the top 10 children's hospitals in the nation, according to U.S. News & World Report. Children's provides exemplary care and resources to its thousands of patients, as well as a wide range of teaching opportunities to the future physicians and nurses of our country. As a former nurse, I am proud to have such an accomplished medical institution in my district and would like to extend warm congratulations to them for receiving such recognition.

Children's Medical Center of Dallas is a private, non-profit pediatric health care center. As one of the largest pediatric hospitals in the country, Children's treats approximately 360,000 patients a year, with treatments ranging from simple physical exams to specialized care in heart disease, oncology, orthopedics, kidney disorders, neurology, respiratory disorders, neonatal care, urology, diabetes, and digestive disorders. Furthermore, Children's is a major pediatric transplant center, and also is the only academic health care facility and only designated Level 1 trauma center in Texas. Children's Medical Center of Dallas is continuously conducting research and developing new and improved treatments and therapies regarding pediatric diseases.

It is my hope that Children's Medical Center of Dallas will continue its strong record of success and provide patients with excellent care. It shines as an example of excellence, and I truly appreciate the dedication put forth by the administrators, doctors, nurses, and everyone else there. Again, I offer my congratulations to Children's Medical Center of Dallas on its achievement of being named one of America's top 10 children's hospitals.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

I originally requested $1 million in this legislation for the El Monte Valley Groundwater Recharge Project through the Environmental Protection Agency's State and Tribal Assistance Grant Water and Wastewater Infrastructure Project account. It is my understanding that $500,000 was ultimately appropriated for this project by the Subcommittee and the entity to receive funding for this project is the Helix Water District located at 7811 University Avenue, La Mesa, California 91941.

This is a groundwater recharge and habitat restoration effort led by the Helix Water District where it will secure highly treated wastewater from the Padre Dam Municipal Water District's Santee Water Recycling Facility, provide additional treatment to purify the wastewater, pump and pipe this water to surrounding basins and then release it into the San Diego Riverbed where it will be allowed to seep down to existing groundwater levels. As the purified water is maintained in this location, it will receive additional natural treatment as it percolates through native materials. Extraction wells will be installed at strategic locations for conveyance to a water treatment plant as a new source of water for all District users.

This action will assist in the continued goals of the San Diego County region to reduce its dependence on imported water from the Colorado River and Northern California by annually producing 5,000 acre-feet of locally available drinking water and meeting 10–15% of the Helix Water District's raw water needs. By raising the groundwater levels in El Monte Valley, revegetation of the riverbed is supported and a more natural habitat is created for recreation and wildlife. This project is the beginning of an 8-year program and has been endorsed by other elected officials, including California Assemblyman Joel Anderson and California State Senator Christine Kehoe, as well as the Association of California Water Agencies, Endangered Habitats League, San Diego County Water Authority, Padre Dam Municipal Water District, Otay Water District, and the Lakeside Water District.

IN RECOGNITION OF WOODBRIDGE MIDDLE SCHOOL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Woodbridge Middle School as a leader in education reform. Woodbridge was recently designated as a 2009 School to Watch by the National Forum to Accelerate Middle-Grades Reform.

The Schools to Watch program was establish in 1999 with the purpose of identifying schools on a path to meeting the National Forum's criteria for high performing schools. There are four categories in which qualifying schools must excel to be selected as a School to Watch. First, students must be challenged academically with clear and well-communicated education goals. Second, a school must work to develop a well-rounded student. This is accomplished through programs that foster healthy physical, social, emotional and intellectual development. Third, a School to Watch must present students with a socially equitable learning environment where diversity, civility, service, and democratic citizenship are valued. Finally, a qualifying school must have organizational structures in place that work to institutionalize the first three criteria.

Consistent with the cooperative spirit of the Schools to Watch program, the motto that drives Woodbridge Middle School is, ''We get better together.'' Students, faculty and administration are held accountable for school performance and are encouraged to make the education experience a team effort. The staff is required to follow a set meeting schedule for the purpose of monitoring instructional and support programs. Students who are in danger of failing a course must work with parents and teachers to map out a plan to achieve a passing grade. No one is an island at Woodbridge Middle School where education is a community effort.

Madam Speaker, I ask that my colleagues join me in applauding Woodbridge Middle School on this prestigious designation and in encouraging it to continue these proven successful approaches to education. Woodbridge Middle School is a model that provides guidance in how to effectively improve our education system. The students, faculty and entire community benefit when we invest in our nation's future by providing our children with a productive and positive learning experience.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, Department of Homeland Security Act of 2010:

Requesting Member: MARY BONO MACK
Bill Number: H.R. 2892
Account: Department of Homeland Security—State and Local Programs
Entity Requesting: City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 88005
Description of Earmark: The City of Moreno Valley currently has plans to construct a new 8,000 square foot Emergency Operations Center (EOC). The City's current EOC consists of one room inside the existing Public Safety Building. With the new facility, the City will be fully prepared to respond to all emergency situations, restore services to our residents as quickly as possible, and provide effective communication among other agencies as well as with our residents. This request is to fund the purchase of new equipment such as telecommunications and video display, resource tracking software, and computers. The federal nexus is to assist federal, state and local authorities and help coordinate responses to emergencies such as earthquakes and wildfires.
Spending Plan: The total project construction costs for the Emergency Operations Center are $4.5 million. The $400,000 appropriation will be used to fund the purchase of equipment for the EOC. This project is currently out to bid for construction. This request is to fund the purchase of new equipment such as telecommunications and video display, resource tracking software, and computers.

THANKING ROBERT WARNICK FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 1, 2009, we rise to thank Mr. Robert "Bob" Warnick for thirty-one years of distinguished service to the United States House of Representatives. Bob has served this great institution as a valuable employee of House Information Resources, HIR, in the Office of the Chief Administrative Officer.

Bob began his tenure with the United States House of Representatives in May of 1978 in House Information Resources, HIR, as a Senior Systems Analyst, SSA. As an SSA, he successfully implemented a system to generate the Committee Calendar for the Committee on Public Works and Transportation using HIR's Legislative Information Management System, LIMS, developed a case history and mailing list system for the Helsinki Commission, and successfully implemented the first Correspondence Management System, CMS, on the Hill.

In 1987, he transferred to the Administrative Systems Division as the Senior Project Leader for LIMS. In 1995, he was promoted to Senior Systems Specialist and transferred to the Integration Group. As a senior member of this group, he was tasked with the design and implementation of several applications using Standard Generalized Mark-Up Language, SGML. As a proof of concept project, his group successfully converted and produced three House documents using SGML.

In 1996, he was transferred to the Cyber Congress task force within the Integration Group. He was appointed to the position of Senior Internet Systems Specialist when the Cyber Congress task force was renamed the Web System Branch, WSB. His important contributions as a team member in the CAO Advanced Business Solutions Web Solutions Branch have resulted in continued success of the Web Solutions Design team where he designed and implemented Member and Committee Web sites and provided a wealth of knowledge of the Web Indexed Document Automation, WIDA, service application to staff and Member offices.

On behalf of the entire House community, we extend congratulations to Robert "Bob" Warnick for many years of dedication and outstanding contributions to the United States House of Representatives. We wish Bob many wonderful years in fulfilling his retirement dreams.

COMMENDING ARTHUR LEE HENRY FOR BEING NAMED A STATE OF LOUISIANA "CITIZEN HERO"

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BOUSTANY. Madam Speaker, I rise today to honor Arthur Lee Henry, a true "Citizen Hero", as honored by the president of Victims and Citizens Against Crime.

Law enforcement officers in St. Landry Parish nominated Arthur for an incident that occurred in August of 2008, when he successfully disarmed a gunman on the campus of T.H. Harris Technical College in Opelousas, Louisiana. Upon seeing a man produce a gun and fire shots, Arthur quickly reacted and saved the lives of several innocent bystanders.

Arthur, a happily-married man with two children, proudly serves as a custodian at the technical college, where he has worked for twelve years. Coworkers describe him as "a very professional individual", "a wonderful employee", and "an integral part of campus." Today, he will be attending a banquet to receive the award with the dean of the college, Allen Espree.

Again, congratulations to Arthur Lee Henry, one of Louisiana's "Citizen Heroes" for taking pride in the campus he proudly serves.

2009 CONGRESSIONAL AWARD RECIPIENTS

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. ROONEY. Madam Speaker, I rise today to honor the efforts and achievements of the 2009 Congressional Award recipients. Striving to better themselves and inspire others, these individuals have invested countless hours into public service, built their strength and endurance through academic and athletic pursuits, and explored their own abilities in new and challenging arenas. Volunteerism, self-discipline, and determination are hallmarks of this class of award recipients, and their passion rightfully deserves the admiration of this House.

The Congressional Awards recognize four avenues of individual growth—community service, physical fitness, exploration, and personal development—while acknowledging their interconnectivity in forming balanced and promising young citizens.

In their pursuit of these goals, recipients have encouraged the growth of new skills and greater confidence. For many, these projects will be the cornerstone for future endeavors, further enriching their lives and encouraging others to follow their lead.

The 2009 Congressional Award winners demonstrate dedication to improving their communities and making the world a better place.

The following are honored recipients of the 2009 Congressional Award:

Alec Kohli, Lukas Bergqvist, Ashley Macres, Kristen Glass, Stephanie Glass, Sarah Williams, Kelly Chen, Renee Jorgensen, Spencer Chase, Mark Felicio, Todd Lundrigan, George Major, Sarah Schwab, Charles Su, Christopher Barnum, Sacha Finn, Cameron Chalfant, John Hunsaker, Malinda Seu, Lynn Tse, Natalie Millman, Kathryn Gasparro, Heather Mauldin, Jena Mauldin, Andy Powers Davis, David Steinmetz, Christina DiMarzio, Courtney Cox, Hayley Gibson, Drake Gordon, Alexandra Abadia, Brian Asker, Christian Estevez, Jessica Fillhaber, Jordan Gallas, Stefan Hogle, Shannon Johnson, Kiera Kadri, Jesse Lively, Nicholas Lively, Adam Pere, Aleksi Poirier, Maxwell Poirier, Mitchell Poirier, Faren Silverman, Philip Stumpf, Neil Zimmerman, Erin Brannen, Katherine Brattebo, Taylor Celedinas, Lyndsay Daubert, Elizabeth Doane, Michelle Hardin, Adam Hollander, Summer Lubart, Connor Melnyk, Amanda Pekar, Jessica Olsen, Joshua Howard, Michael Moroz, Jenna Harris, Ashley Newman, Weston Newman, Rebecca Brazeale, Jeralyn Westercamp, Katelyn Benton, Jonathan Bertsch, Kyle Felzien, Heather Layher, Josh Layher, Jacob Levi, Daniel Revard, Shelby Roth, Kathryn Vincent, Lyndsey Vincent, Megan Breeding, Shawn Bybee, Ida Fischer, Hosanna Kabakoro, Mary Jordan Langfield, Elizabeth Middleton, Justin Novacek, Anna Sandven, Ryan Seastrom, Rebecka Seward, Candace Trautwein, Alexander Hawkins, Erica Newell, Melanie Spung, David Cieply, Emily Carlile, Alex Cain, Joshua Chudy, Lisa Huber, Jadhken Kerr, Jadhon Kerr, Rachel Battershaw, Annie Burke, Dakota Hauserman, Rachel Matthew, Denver Shipman, Scott Shipman, Emilee Whitesell, Mari Reeves, Tyler Wilcox, Brandi Thomas, Christopher Camillucci, Niels Steadman, Todd Sharpe, Kristen Barnett, Cassandra Dalrymple, Joanna Guy, Henry Zheng, Joseph Jendrusina, Veronica Kirin, Jenna Bjorke, Alexander Mace, Ashley Mace, Ami Mehta, Emma Frey, Kelsey Abele, Elizabeth Lewis, Tyler Camp, Daniel Clark, Cory Gargus, Chelsi Smith, Justin Armstrong, Mattie Carter, Ashley Cooper, Derek Lair, Steven Elliott, Alston Harris, Eleanor

Hoppe, Sarah Smith, Colin Sorensen, Katherine Aronoff, Summer Brecht, Elizabeth Cubbage, Jordan Phifer, Eric Stump, Katie Stump, Rebecca Wentzel, Steven Zipparo, Gabrielle Giaquinto, Madeline Giaquinto, Sonam Shah, Nicholas Stango, John Voorhees, Samantha Albala, Patrick Chevalier, Robert Dorfman, Adam Gross, Megan Arguell, Alexandra Garney, Megan Partridge, Nevin Raj, Neal Bakshi, Elizabeth Bogdon, Sean Lu, Tina Shiang, Rebecca Wu, Christina Borovilas, Mary-Katherine Rose, Sujay Tyle, Nandini Srinivasan, Michael Cox, Mike Eklund, Teor Khuon, Du Luong, Phong Ma, Quyen Ma, Nhan Nguyen, Tevorith Srong, Srun Chhang, Le Long, Phanit Nhem, Mi Ta, Camlung Ung, Kyle Zhu, Jazmin Richardson, Vinay Trivedi, Cuiping Chen, Cuiyu Chen, Jillian Comer, Elizabeth Donahoe, Jacob Feldman, Julie Ann Haldeman, Brittany Love, James McDonald, Julia Melin, Victoria Patchell, Marta Piotrowicz, Julia Powers, Jocelyn Simons, Michelle Wojciechowicz, Tyler Zimmerman, Stephanie Bernasconi, Luis Gutierrez, Joaquin Mondragon, Amin Ruiz, Brian Elgort, Ryan Kane, Kent Willis, Michele Felberg, Christina Noblett, Amanda Vining, John Bradshaw, Collin Evans, Christine Folger, Britt Brandon, Sarah Gresser, Alicia Hanson, Jonathan Hanson, McKenna Rankin, Marshall Christopher, Karen Pickens, Cassandra Tuten, Mark Van Wagenen, Jenessa Barch, Faith Jones, Amanda O'Malley, Katherine Shannon, George Smith III, Dana Mathews, Blythe Hall, Devin Hall, Kaitlin Smith, Jacqueline Bedsaul, Taryn Bierhuizen, Courtney Owens, Patrick Crow, Matthew Cutler, Sam Pauken, Stephanie Redfern, Jennifer Baltas, Alexander Grigg, Emily Green, David Ramish, Nicolo Mendolia, Alexander Chin, Chelsea Green, Ryan Pyke, Leanne Paulsen, Lauren Below, James Hilgendorf, Paul Isaac Picklesimer, John Tate Bauman, Nicole Clikeman, Beth Cochran, Alex Coolidge, Kali Gentleman, Jessica Griffith, Keegan Hall, Tylor Hanzlik, Ian Kline, Edward, Lynch, Michael Aaron Meier, Stephanie Meisner, Christina Nielsen, Betsy Plemons, Christopher Plemons, Kurt B. Rangitsch, Sara Rangitsch, Katrina Sauter, Katherine Stewart, Lara Wilson.

HONORING RECIPIENTS OF THE 2009 FAIRFAX COUNTY HUMAN RIGHTS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the recipients of this year's Fairfax County Human Rights Awards. Jeannie Cummins Eisenhour, Philip N. Reeves, Robert B. Worley, and the Communities of Faith United for Housing will be honored on July 2nd 2009 for their dedication and commitment to the community.

Each year, the Fairfax County Human Rights Commission presents the Human Rights Awards to individuals, nonprofits, and business who ''demonstrate accomplishments in eliminating discrimination on the basis of race, color, sex, religion, national origin, marital status, age or disability in the areas of employment, housing, public accommodations, private education and credit.''

Ms. Eisenhour is recognized for her commitment to working with members of the community with disabilities, opening opportunities to them and educating the public on their specific needs. Her distinguished work has aided persons with disabilities throughout Fairfax County and the D.C. area. Her accomplishments include working with the Fairfax County Redevelopment and Housing Authority to ensure that it amend its universal design policy to accommodate those with special needs. Ms. Eisenhour is not only president of the board for the Coalition for Housing Opportunities in the Community for Everyone, but she also is director of development for RPJ Housing. She uses her positions to work tirelessly on behalf of disability groups to ensure accessible and affordable housing.

Philip N. Reeves is recognized for his work as a health services advocate, educator and author. After serving in the Air Force, he worked to develop the Leaders of Tomorrow program which works to eliminate discrimination in nursing and long term care methods.

Robert B. Worley is a deserving recipient for his dedicated work on behalf of people in need in Fairfax County and the D.C. area. A leader of the United Way's Fairfax County/Falls Church campaign, he has been an indispensible asset to and dedicated fundraiser for local and regional charities. Mr. Worley has also dedicated his time working with organizations like the YMCA and the American Heart Association, raising funds to help those in need.

This year, The Virginia Peters Fair Housing Award and the Human Rights Award are being given to the Communities of Faith United for Housing (CFUH). The CFUH is an advocacy network of faith communities and nonprofit organizations that are committed to increasing the amount of affordable housing in Fairfax County for low-income families and individuals. The CFUH is especially dedicated to providing long term housing to the homeless or those who are dangerously close to becoming homeless. They have dedicated time to educating the public and elected officials on how to do more to provide low-income housing and have worked with the community and the county to create the Plan to Prevent and End Homelessness. Their work has provided an invaluable service to the community.

Madam Speaker, I ask that my colleagues join me in honoring these individuals and their dedicated service to the community. Their commitment is deserving of not only the prestigious Human Rights Award, but of our respect and deep appreciation.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 2996

Account: STAG

Requesting entity: City of Temple, TX

Address of Requesting Entity: 2 North Main Street, Suite 306, Temple, TX 76501

Description: $500,000 was secured for a wastewater Interceptor that will enable the construction of approximately 9,000 feet of wastewater main line and 11,500 feet of wastewater interceptor. $50,000 will be spent on a Preliminary Design, $155,000 on the Final Design, $10,000 to Bid & Award construction, $1.7 million for construction, and $85,000 for construction administration. The total price for this project is $2 million. The requesting entity will provide the required funding match. Construction of this piece of utility infrastructure will benefit taxpayers by providing wastewater service to Industrial Park tenants. Wastewater services are critical to the services required for a growing economy.

A TRIBUTE IN RECOGNITION OF THE 25TH ANNIVERSARY OF SRO HOUSING CORPORATION AND THE GRAND OPENING OF ITS NEW JAMES M. WOOD APARTMENTS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize SRO Housing Corporation, a nonprofit, community-based organization dedicated to building a vibrant community for homeless and very low-income individuals in the Central City East community of Downtown Los Angeles in the 34th District, an area more commonly known as ''Skid Row.''

Skid Row is home to one of the largest populations of homeless persons in the nation. To address the needs of this vulnerable population, the late James M. Wood, who served as the Chairman of the Community Redevelopment Agency of the City of Los Angeles, pursued a vision in the late 1970s to include in the revitalization of Downtown Los Angeles a plan to redevelop the Skid Row area and address its rampant homelessness.

In 1977 that plan began to take form as the City of Los Angeles adopted a redevelopment plan for the Downtown Los Angeles Central City East area to preserve and expand the single room occupancy hotels in the area. To acquire and rehabilitate the hotels, the Single Room Occupancy (SRO) Housing Corporation was founded in February 1984 by the Community Redevelopment Agency under the leadership of James Wood.

Through the development of thousands of affordable housing units, the SRO Housing Corporation provides a full continuum of emergency, transitional, and permanent housing for Skid Row residents. This month's grand opening of the James Woods Apartments, at 408 E. 5th Street and 506 S. San Julian Street, is

the most recent shining example of its successful efforts to develop clean, safe and affordable housing units. The project involved converting two decaying parking lots into a 5-story building containing 53 studio apartments with private bathrooms and kitchenettes.

The corporation also offers a wide array of supportive services for its clients, including food services, case management, transportation, support groups and referrals. Every week, SRO Housing serves nearly 4,000 meals in its emergency shelter and senior meal program as well as delivering over 8,000 pounds of food and fresh produce to all permanent-housing sites. This critical service ensures that very low-income individuals, who are attempting to sustain themselves on a fixed income, receive nutritious foods that would otherwise be absent from their diets. In addition, SRO Housing provides its residents with a way to regain basic living skills through classes in cooking, laundry, and money management.

The SRO Housing Corporation also works to build a sense of community belonging for its residents. It manages two public parks—the San Julian Park and Gladys Park—and operates the James Wood Community Center where area residents can socialize and have fun in safe, clean and public areas located in their own neighborhood.

With 25 years of experience, SRO Housing Corporation has a unique insight into the needs of the Skid Row community. More than 40 percent of its diverse and multi-cultural staff is made up of formerly homeless individuals, residents and community members whose history and life experiences are a source of inspiration to others.

Madam Speaker, on the occasion of SRO Housing Corporation's 25th Anniversary and the Grand Opening of its new James M. Wood Apartments, I join today with my congressional colleagues in recognizing all of the many dedicated people who make this fine organization the beacon of hope that it is today. I especially commend Anita Nelson who works day in and day out to keep James Wood's memory and mission alive as the corporation's Chief Executive Officer. I also pay tribute to the SRO Housing Corporation's community partners, supporters, invaluable volunteers, its entire staff and, most of all, the residents of the Skid Row community. Thousands of lives have been transformed and positively impacted through the wonderful work of SRO Housing Corporation and I wish everyone involved with this fine organization many more years of continued success.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding a project I support for inclusion in H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act.

Congressman PETER J. ROSKAM: H.R. 2996, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project account for the Tubeway Drive Storm Water Lift Station Rehabilitation Project in Carol Stream, Illinois. The entity to receive funding for this project is the Village of Carol Stream, 500 North Gary Avenue, Carol Stream, IL 60188. It is my understanding that the funding would be used to rehabilitate and replace a 35-year-old storm water lift station at the end of its useful life. The Tubeway Drive Storm Water Lift Station is showing signs of corrosion, and is in need of desperate repair to alleviate flooding in the village. Under this rehabilitation project, the lift station will be totally replaced with new more efficient pumps, valving, backup systems and structures. Replacing the station in a timely manner will ensure storm water flows are effectively managed, preventing flood damage losses. Carol Stream has demonstrated a good-faith cost share in the project, providing a 45% commitment of matching funds. Severe flooding has plagued the village in the last year. Rains in September 2008 submerged 50 homes and damaged 400. This was followed in December by more rain, melting snow, and another round of flooding. Even last week the Daily Herald reported on how Carol Stream has had to deal with "severe flooding in several areas." This timely funding will bring much-needed relief to my constituents.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 National Defense Authorization bill.

Requesting Member: Congressman JEFF MILLER

Project Name: AFSOC Injury Prevention and Human Performance Initiative

Account: RDAF

Legal Name of Requesting Entity: University of Pittsburgh School of Health and Rehabilitative Services/Andrews Institute

Address of Requesting Entity: 1040 Gulf Breeze Parkway Gulf Breeze, FL 32561

Description of Request: $1,000,000—AFSOC Injury Prevention and Human Performance Initiative, University of Pittsburgh School of Health and Rehabilitative Services/Andrews Institute. I requested these funds for an injury prevention and performance enhancement initiative that will achieve a critical doctrinal shift in human performance strategies in Air Force Special Operations. Phase 1 will include task and demand analyses to identify Air Force Special Operator-specific tasks during which injuries occur, mechanisms of injury, and the physiological requirements of training.

The entity to receive funding for this project is the University of Pittsburgh School of Health and the Andrews Institute located at 1040 Gulf Breeze Parkway Gulf Breeze, FL 32561. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Anti-Materiel Explosive Round for Javelin Block II

Account: RDA

Legal Name of Requesting Entity: General Dynamics Ordinance and Tactical Systems, Niceville Operations

Address of Requesting Entity: 115 Hart Street Niceville, FL 32578

Description of Request: $3,000,000—Anti-Materiel Explosive Round for Javelin Block II, General Dynamics. I requested these funds to provide the warfighter with a significant improvement in lethality against Military Operations in Urban Terrain (MOUT) structures. The funding will allow for a qualification program in FY 2010 and early fielding in FY 2012.

The entity to receive funding for this project is General Dynamics located at 115 Hart Street Niceville, FL 32578. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Coordinated Operation of Unmanned Vehicles for Littoral Defense

Account: RDN

Legal Name of Requesting Entity: Florida Institute for Human and Machine Cognition

Address of Requesting Entity: 40 South Alcaniz Street, Pensacola, FL 32502

Description of Request: $2,000,000—Coordinated Operation of Unmanned Vehicles for Littoral Defense, General Dynamics. I requested these funds to perform research to: develop a fully-functioning prototype of biologically inspired robotic concepts uniquely suited to the littoral environment; to develop and evaluate policies and metrics for optimal resource utilization and for effective configuration and control of hybrid teams of people and heterogeneous unmanned systems and to assure effective tasking of physically distributed humans and heterogeneous configurations of unmanned platforms to best support littoral operations.

The entity to receive funding for this project is the Florida Institute for Human and Machine Cognition located at 40 South Alcaniz Street, Pensacola, FL 32502. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this

request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Eglin Air Force Base Range Operations Control Center (ROCC)

Account: RDAF

Legal Name of Requesting Entity: Cubic Corporation

Address of Requesting Entity: 1225 South Clark Street, Suite 702 Arlington, VA 22202

Description of Request: $3,000,000—Eglin Air Force Base Range Operations Control Center (ROCC), Cubic Corporation. I requested these funds to address the increased testing and evaluation at Eglin AFB, the 46th Test Wing Super ROCC initiative is a phased effort involving development, procurement and military construction (MILCON) funding to meet the future need in the 2015–2020 timeframe. This project provides more effective control to better optimize range scheduling and increases flexibility in meeting the Eglin AFB test and training missions. By knowing the locations of all entities on the range, the Super ROCC will have great flexibility in reassigning missions to ground and air space previously not being used.

The entity to receive funding for this project is Cubic Corporation located at 1225 South Clark Street, Suite 702 Arlington, VA 22202. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Flight Test Operations Facility (413 FLTS)

Account: MCAF

Legal Name of Requesting Entity: Hurlburt Air Force Base

Address of Requesting Entity: Hurlburt Air Force Base

Description of Request: $9,400,000—Flight Test Operations Facility (413 FLTS), Hurlburt Air Force Base. I requested these funds to a construct a facility to conduct developmental and qualification testing of aircraft. A modern facility is necessary to ensure mission success, minimize acquisition costs and fielding delays. Functional areas include administration, operations and special purpose areas including open storage area with SIPRNET, workshop/maintenance area with compressed air, a hoist system and an electrical system capable of providing multi-phase power and covered outside storage.

The entity to receive funding for this project is Hurlburt Air Force Base located at Hurlburt AFB, Florida. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Gulf Range Mobile Instrumentation Capability

Account: RDDW

Legal Name of Requesting Entity: Prologic

Address of Requesting Entity: 9400 Innovation Drive Manassas, VA 20110

Description of Request: $3,000,000—Gulf Range Mobile Instrumentation Capability, Prologic. I requested these funds for Gulf Range Mobile Instrumentation Capability for the 46th Range Group (46 RANG. The 46th Range Group (46 RANG) has a need for a capability for remote test, collection, storage and relay of various data types. This capability can be accomplished with a Gulf Range Mobile Instrumentation Capability (GR–MIC). The GR–MIC is needed to support test events on the Eglin AFB range which occur over large geographic areas (land and sea based).

The entity to receive funding for this project is Prologic located at 9400 Innovation Drive Manassas, VA 20110. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Intelligence Broadcast Receiver (IBR) for AFSOC MC 130 Aircraft

Account: PDW

Legal Name of Requesting Entity: DRS Technologies

Address of Requesting Entity: 651 Anchors St., Fort Walton Beach, FL 32548

Description of Request: $2,500,000—Intelligence Broadcast Receiver (IBR) for AFSOC MC–130 Aircraft, DRS Technologies. I requested these funds to procure equipment that provides Air Force Special Operations Command (AFSOC) MC–130 Combat Shadow aircraft with vastly improved situational awareness in high threat arenas. These aircraft provide clandestine or low visibility, low level missions into denied areas to provide support to small SOF ground teams as well as to provide air refueling for specialized infiltration aircraft. This equipment provides real time information to include; immediate intelligence, Blue Force tracking (friendly units), and survivor information, greatly improving mission success and survivability.

The entity to receive funding for this project is DRS Technologies located at 651 Anchors St., Fort Walton Beach, FL 32548. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.–

Requesting Member: Congressman JEFF MILLER

Project Name: Joint Gulf Complex Test and Training

Account: RDDW

Legal Name of Requesting Entity: Boeing

Address of Requesting Entity: 634 Anchors St NW Fort Walton Beach, FL 32548

Description of Request: $3,000,000—Joint Gulf Complex Test and Training, Boeing. I requested these funds to provide critical training and mission rehearsal for Iraq and Afghanistan deployments. The range must accommodate requirements for joint testing of weapons systems that are revolutionary in nature and being developed for the War on Terrorism. The Joint Gulf Range must accommodate critical joint training requirements specifically in support of U.S. Air Force Special Operations Command and U.S. Special Operations Command.

The entity to receive funding for this project is Boeing located at 634 Anchors St NW Fort Walton Beach, FL 32548. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: LAIRCM for AFSOC MC–130

Account: PDW

Legal Name of Requesting Entity: L–3 Crestview

Address of Requesting Entity: 5486 Fairchild Road Crestview, FL 32539

Description of Request: $4,000,000—LAIRCM for AFSOC MC–130, L–3. I requested these funds for enhanced protection of AFSOC's C–130 aircraft operating in combat conditions where man-portable infrared missiles are present. Current countermeasures, during critical phases of their mission, have marginal effectiveness. This is needed to protect lives and assets in current and future missions in the Global War on Terror.

The entity to receive funding for this project is L–3 located at 5486 Fairchild Road Crestview, FL 32539. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Mobile Learning Cultural Training for Military Personnel

Account: OMN

Legal Name of Requesting Entity: University of West Florida

Address of Requesting Entity: 11000 University Parkway Pensacola, FL 32514

Description of Request: $1,500,000—Mobile Learning Cultural Training for Military Personnel, University of West Florida. I requested these funds to provide regional cultural awareness training through multiple mobile devices and through the Navy Knowledge Online (NKO) portal. Cultural awareness and language skills are critical for operations in Iraq and Afghanistan. This project builds on previous projects by the University of West Florida on mobile learning instructional delivery and on an Arabic Language and Cultural Awareness for-credit certificate program.

The entity to receive funding for this project is the University of West Florida located at 11000 University Parkway Pensacola, FL 32514. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Moving Target Strike

Account: RDAF

Legal Name of Requesting Entity: General Atomics/Alpha Data Corporation

Address of Requesting Entity: 1326 Lewis Turner Blvd Fort Walton Beach, FL 32547

Description of Request: $3,000,000—Moving Target Strike, General Atomics/Alpha Data Corporation. I requested these funds for GPS-guided weapons systems. The project will demonstrate the ability to strike a time-critical moving target with a low cost GPS guided weapon using coordinates derived and communicated from a single platform. GPS guided weapons are replacing higher cost laser guided and seeker weapons throughout DoD. The ability to use the GPS guided weapons against moving targets furthers this trend and reduces overall costs of weapon systems.

The entity to receive funding for this project is General Atomics/Alpha Data Corporation located at 1326 Lewis Turner Blvd Fort Walton Beach, FL 32547. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Virtual Perimeter Monitoring System (VPMS)

Account: RDDW

Legal Name of Requesting Entity: DRS Technologies

Address of Requesting Entity: 651 Anchors St., Fort Walton Beach, FL 32548

Description of Request: $2,000,000—Virtual Perimeter Monitoring System (VPMS), DRS Technologies. I requested these funds to provide a perimeter monitoring system of remote sensors for detecting and alerting security personnel of intrusions in defined areas of interest at critical facilities. Virtual Perimeter Monitoring System (VPMS) provides continuous and persistent surveillance of areas of interest to include near real time monitoring of air fields, ports, depots and other critical infrastructures.

The entity to receive funding for this project is DRS Technologies located at 651 Anchors St., Fort Walton Beach, FL 32548. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

CELEBRATING FISH AND LOAVES COMMUNITY PANTRY'S MILLIONTH POUND SERVED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. DINGELL. Madam Speaker, I rise today to acknowledge, honor, and celebrate the Fish and Loaves Community Pantry for serving its one millionth pound of food to people in need from across the Downriver area. Since its opening in 2007, Fish and Loaves continues to collaborate with churches, food banks, and hundreds of volunteers to provide cost-free, quality groceries to thousands of families and individuals.

Tough economic times have made acquiring even basic necessities difficult for many residents of Southeastern Michigan. Many of the people that Fish and Loaves serve are below the poverty line, lack medical coverage, and struggle to pay for essential services.

The organizers of the Fish and Loaves Community Pantry recognized this and, in response, churches and volunteers joined together in remarkable collaboration to construct a special kind of food pantry. The facility, located in Taylor, is arranged as a small grocery store in which individuals may select the items they need most, which include quality products like fresh produce, dairy products, frozen meat, and perishable items. Of course, everything is still provided at no cost to the client. The pantry serves the residents of Taylor, Romulus, Allen Park, Southgate, Dearborn Heights, and Brownstown.

Fish and Loaves provides assistance to those in need with both efficiency and dignity by providing a wide variety of foods and household products from which to choose. The hard work and dedication of the Board and volunteers is the source of its great success and support it gives to the thousands of individuals and families it helps to feed.

Madam Speaker, I ask that all of my colleagues join me in honoring the Fish and Loaves Community Food Pantry on its millionth pound of food served. It is an exemplary organization that continues to be an invaluable member of the Southeastern Michigan community and for which I, and thousands others, are truly grateful.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BILBRAY. Madam Speaker, I submit the following:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: Environmental Protection Agency, State Tribal Assistance Grants

Legal Name of Requesting Entity: City of Carlsbad, CA

Address: 1200 Carlsbad Village Drive, Carlsbad, CA 92008

Description of Request: I received an earmark of $500,000 for the Vista-Carlsbad Interceptor project (VC4), consisting of wastewater pipeline improvements project, including the construction of a new 24-inch HDPE forcemain, the trenchless rehabilitation (lining) of the existing 24-inch forcemain and refurbishment of pipeline appurtenances. VC4 is one of a number of joint wastewater projects between the cities of Vista and Carlsbad. VC4 is one of two pipelines that convey all of the wastewater from the City of Vista to the Encina regional wastewater treatment facility. In April 2007, the 24-inch ductile iron pipeline ruptured creating a significant sewage spill into the Buena Vista Lagoon. The 2,400 foot long 24-inch diameter pipeline receives flow from the cities of Carlsbad, Oceanside and Vista. This is the only year of funding needed to complete this aspect of the project. The cities of Carlsbad and Vista will provide the remaining funds required for the project directly.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of rule XXI, I submit the following member requests regarding H.R. 2647, the National Defense Authorization Act of 2010.

Project: Air Filtrations Systems for Helicopters

Account: Department of Defense, Army, Aircraft Modifications

Legal Name of Requesting Entity: Aerospace Filtration Systems, Inc.

Address of Requesting Entity: 4 Research Park Dr, Suite 200, St Charles, MO, USA

Description of Request: To provide $2,000,000 to install barrier filtration systems on National Guard aircraft. This request would

allow the National Guard to obtain dramatic savings by reducing engine replacements and thus maintenance, keeping overall engine performance from being reduced due to erosion and Foreign Object damage (FOD), and increasing readiness rates of the ARNG fleet. The earmark will address a portion of the ARNG fleet to include: AH–64A APU Barrier Filter—32 Aircraft; AH–64D APU Barrier Filter—48 Aircraft; CH–47 APU Barrier Filter—80 Aircraft; OH–58A/C Engine Barrier Filter—50 Aircraft. AFS Barrier Filtration Systems capture 99% of the dirt and debris that would otherwise enter the engine or APU and cause a significant loss of performance. This prevents engines/APU's from being removed from the aircraft for costly maintenance or overhaul. Engine overhaul costs could cost as much as $300,000 on one engine. By extending the life of the engine/APU up to 11 times, the savings from one installation kit could be as high as $6.6M on one AH–64 helicopter alone. AFS barrier filters in use by the U.S. Army in the deserts of Iraq and Afghanistan have been proven extremely effective. These kits have allowed engines to reach TBO and have been a major part of unprecedented readiness rates for the aircraft fleets.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER–IFP)

Account: Department of Defense, Army, RDT&E (CERDEC, NVESD, Special Projects)

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: To provide $5,400,000 for the Hyper-IFP (Hyper spectral Sensor for Improved Force Protection) Program. The introduction of a Hyper-IFP in FY08 is allowing the detection and recognition of humans (with a near zero false alarm rate) and providing indication of other certain physiological triggers that can indicate that a person is under extreme stress such as contemplating ''bad'' behavior. To date successful development, test and evaluation has been done in the lab, though these systems have not been fully optimized for theatre operation or for costs. The continued funding of Hyper-IFP will operationalize and integrate the knowledge gain in the lab and apply it in a true-fielded application at an affordable cost. The Hyper-IFP system will also be environmentally hardened to allow field deployment and allow integration w/other FP sensors in the last quarter of 2009. Hyper-IFP is focused on the missions of Perimeter Security, Suicide Bomb Detection and Urban Route Recon. Utility will be demonstrated through an evaluation in both the Southwest border and contingency mission in Southwest Asia. This effort will require leveraging the current Force Protection sensor suite designs for the missions cites to maintain interoperability. In the end, this request focuses on both achieving data verification, and the delivery of sufficient hardware to validate the Technical Data package for re-procurement as well as demonstrate the system's ability to deploy to DoD/DHS users for the missions described. The Night Vision Electronic Sensors Directorate, Ft. Belvoir, Virginia, is very supportive of this project.

Project: Backpack Medical Oxygen System (BMOS)

Account: Department of Defense, Air Force, RDT&E

Legal Name of Requesting Entity: Essex Cryogenics of Missouri Inc.

Address of Requesting Entity: 8007 Chivvis Drive, St. Louis, MO 63123–2395

Description of Request: To provide $2,900,000 for improving Air Force oxygen generation technology for emergency field medical rescues. With modification, the Backpack Medical Oxygen System (BMOS) is the system that satisfies the USAF Requirement for a small deployable oxygen generator system. This spiral development program for the BMOS system will significantly decrease the time and funds required to field critical capabilities needed today by our warfighters. The U.S. Air Force requirement for oxygen is a minimum of 93% pure oxygen at 6 liters per minute for critically injured personnel and the BMOS satisfies that requirement.

Project: High Power Electrolytic Super-Capacitors Based on Conducting Polymers

Account: Department of Defense, Army, RDT&E, Weapons and Munitions Technology

Legal Name of Requesting Entity: Crosslink, Inc

Address of Requesting Entity: 950 Bolger Court, St. Louis, MO 63026

Description of Request: To provide $9,000,000 for the development of State of the art electrolytic supercapacitors for the purpose of supplying Non-Line-of-Sight (NLOS) weapons, which are dubbed the ''Objective Force Weapons,'' with quick discharging/recharging energy storage systems that are capable of high power pulses, on the order of megawatts, to be delivered in the hundreds of microseconds to one millisecond time range to make these weapons successful. Approximately 21% of the funds will be used for salaries for four (4) employees, 43% for equipment and materials, and 36% for indirect costs associated with completing the project. This project has received past funding of $2.6 million in FY'07, $2.4 million in FY'08, and $800,000 in FY'09. Crosslink, University of Missouri-St. Louis, University of Missouri-Rolla and University of Florida have collaborated to develop new polyaniline and PXDOT (poly(3,4-Alkylenedioxythiophene—Conjugated electroactive polymers). The results of this collaboration will be the development of devices capable of power delivery rates significantly faster than standard supercapacitors.

Project: Aircrew Body Armor and Load Carriage Vest System

Account: Other Procurement—U.S. Air Force

Legal Name of Requesting Entity: Eagle Industries

Address of Requesting Entity: 1000 Biltmore Drive, Fenton, MO 63026

Description of Request: To provide $9,000,000 to issue the Aircrew Body Armor Load Carriage Vest System, an integrated body armor vest system, to aircrew personnel. The system provides fire retardancy and ballistics protection from a wide array of threats including small arms fire, fragmenting shrapnel and spall, while decreasing the heat stress and weight burdens faced by airmen. Currently issued aircrew flight equipment survival vests are not body armor-compatible due to weight, heat, and survivability concerns. Current issue is not fire retardant and fails to meet the present needs of the U.S. Air Force. Of the $9 million, approximately 25% is for materials; 25% is for labor; and 50% is for armor and armor integration.

This request is consistent with the intended and authorized purpose of the U.S. Air Force—Other Procurement account. If funded in full, this is a one-time funding request with the goal of the Air Force using internally budgeted funding to continue fielding the system to aircrew personnel.

Project: Mission Equipment Technology Implementation (METI)

Account: Department of Defense, Army, RDT&E

Legal Name of Requesting Entity: QinetiQ North America (Formerly Westar Aerospace and Defense Group)

Address of Requesting Entity: 36 Research Park Ct., St. Charles, MO 63304, USA

Description of Request: To provide $5,300,000 for funding to complete the METI plan initiated by the Aeromechanics division 3 years ago. This funding will complete the development of a robust enterprise level data repository that supports the Aviation Engineering Directorate's (AED) airworthiness release mission to rapidly develop and deploy mission equipment tools. The AED will have the capability to data mine and analyze complex data to determine trend information to reduce high cycle times between flight tests and airworthiness releases.

Project: Bonded Cellular Aluminum Tail Rotor Blades

Account: Department of Defense, Army, RDT&E

Legal Name of Requesting Entity: Kemco Aerospace Manufacturing

Address of Requesting Entity: 3616 Scarlet Oak Blvd., St. Louis, MO 63122

Description of Request: To provide $3,600,000 for bonded cellular aluminum helicopter tail rotor blades that are well suited for military helicopter structures which operate in demanding environmental conditions and must be battle damage tolerant. Unlike traditional aluminum honeycomb, the vented/drained cellular bonded structure redistributes load paths around damaged areas and has eliminated corrosion problems associated with traditional aluminum honeycomb structures; dramatically improving life cycle costs. This technology offers significant advantages compared with current structural technologies that were designed over 30 years ago, including 82% reduced parts count, elimination of skin delamination, significantly enhanced battle damage tolerance and field reparability benefits. The tongue and groove joint structures reduce the amount of touch labor required as well as tooling costs. This has the potential to reduce procurement costs by 20–30%.

Project: Adaptive-Defense HIPPIE (High-speed Internet Protocol Packet Inspection Engine) on a Chip.

Account: Department of Defense, Army, RDT&E

Legal Name of Requesting Entity: TechGuard Security, LLC

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005

Description of Request: Provide $6,000,000 to enhance the Army's Cyber Security. This

project puts the rapid and power-conserving High-speed Internet Protocol Packet Inspection Engine's (HIPPIE) security capability on a silicon chip. This funding will allow for development of a Nano-power supply and a nano-memory capability. It will enhance the coalition warrior and the US Warfighter's communication security and access control through discreet deployment with secure remote-controlled chip-level destruction in the event a device is compromised. This enhanced capability at the chip-level allows for deployment directly into the hands of the warfighter engaged in traditional and irregular warfare.

Project: JSOW–ER

Account: Department of Defense, Navy, RDT&E

Legal Name of Requesting Entity: LaBarge Inc.

Address of Requesting Entity: 9900 Clayton Road, St. Louis, MO 63124

Description of Request: Provide $6,500,000 for Joint Stand Off Weapon (JSOW) a GPS-guided air-to-ground weapon designed to attack a variety of targets in day, night and adverse weather conditions. The 70+ mile range of JSOW allows launch aircraft to stand off beyond the range of most Surface-to-Air missiles. There is a need for a small number of weapons with greater stand off. Currently the Navy fills this requirement with SLAM–ER, Harpoon and Tomahawk. The Navy completed its relatively small buy of fewer than 500 SLAM–ERs in 2004. A new variant of JSOW (JSOW–ER Block IV) would have a range and lethal capability equal to or greater than SLAM–ER and would satisfy the warfighter's need at less than half the cost of SLAM–ER. An existing engine from the Miniature Air-Launched Decoy program will be used to extend the range of JSOW–ER to more than four times of the current glide version.

RECOGNIZING GABRIEL PEREZ

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. KILDEE. Madam Speaker, Gabriel Perez, the Director of the Saginaw Michigan Aleda E. Lutz Veterans Affairs Medical Center, has been appointed as the new Health System Administrator/Medical Center Director of the Veterans Affairs HealthCare System in Phoenix, Arizona. He will start his new position on July 19, 2009.

Mr. Perez graduated from Loyola University in 1968, attended the University of California at Los Angeles Law School and obtained his Master's Degree in Public and Health Care Administration from the University of Southern California. Prior to his work with the Department of Veterans Affairs, Mr. Perez spent several years working for the Los Angeles County Department of Health Services and teaching courses at the university level in medical legal law and personnel.

Prior to becoming the Director of the Lutz Veterans Affairs Medical Center in 2000, Mr. Perez was the Chief Operating Officer and Acting Director of the Honolulu VA Medical and Regional Office Center. Since assuming his duties in Saginaw, he led the facility to improve its overall performance and move to a top ten spot among Department of Veterans Affairs facilities nationwide, ranking 3rd in the nation for its hospital grouping. From October 2005 to August 2006 he also served as Acting Director of the Veterans Affairs Ann Arbor Healthcare System.

Patient care and safety has been his primary concern and his practices have earned him the respect of his peers. The delivery efficiencies he developed have been adopted nationwide and have won awards for improving VeteranCare delivery. He is a member of several professional organizations and community groups. His work with veterans, Hispanics, workers and children has been recognized numerous times and he is a regular participant in efforts to promote veterans and Hispanics at the local and national levels.

Madam Speaker, Gabriel Perez has brought insight and innovation to the day-to-day operations of the Lutz Veterans Affairs Medical Center over the past 9 years. He has worked to enhance the health and well-being of veterans, improve service to veterans, and expand accessibility for all veterans. I congratulate him on his new position and wish him the best as he enters this new phase of his life.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I secured as part of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

My request, totaling $280,000, will come from the Surveys, Investigations & Research account at the U.S. Geological Survey (USGS) for the Groundwater and Stormwater Protection program in McHenry County, Illinois. The funding would be used to accelerate work on studies associated with the implementation of McHenry County's Groundwater Protection Program. McHenry County is continuing to experience rapid population growth and there is a critical need to plan for the future. The county's program is working to address the protection of groundwater resources, stormwater drainage and detention, stream and wetland protection, and sustainable growth all into a single program. Ongoing and future development poses serious challenges because of the reduction of the land's ability to absorb precipitation and the continuing pressure to develop flood prone areas. The McHenry County government has already invested over $615,000 of local resources in studying local groundwater resources and stormwater investigations. The local USGS entity to receive funding for this request is the Illinois Water Science Center at 1201 West University Avenue, Suite 100, in Urbana, Illinois 61801, who will work in partnership with McHenry County to implement this initiative.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Interior and Environment Appropriations Subcommittee, Representative NORM DICKS, and the Ranking Minority Member, Representative MIKE SIMPSON, for working with me in a bipartisan manner to include this critical request in this spending bill.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

Bill Number: H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, Account: National Park Service, Save America's Treasures, Title: Saylor Cement Kilns Historic Preservation, Legal Name of Requesting Entity: County of Lehigh, Address of Requesting Entity: 17 South 7th Street, Allentown, PA 18101, Description of Request: This funding will be used to stabilize and restore the historic Coplay Company Cement Kilns, known locally as the Saylor Cement Kilns, a unique industrial feature built between 1892 and 1893 that is key to the Delaware & Lehigh National Heritage Corridor's industrial story. The Saylor Cement Kilns are in a state of serious decay, prompting concerns about public safety and liability, as well as the potential loss of a significant historical landmark in the Lehigh Valley region. Rehabilitating the kilns will have a positive impact on local economic development through increased heritage tourism. Once restored, the site will encourage use for historical education and community events.

Bill Number: H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, Account: EPA, STAG Water and Wastewater Infrastructure Project, Title: Vera Cruz Wastewater Collection System, Legal Name of Requesting Entity: Lehigh County Authority, Address of Requesting Entity: 1053 Spruce Street, P.O. Box 3348, Allentown, PA 18106, Description of Request: This funding will be used to build a wastewater collection system for the Vera Cruz area of Upper Milford Township. On-lot sewer disposal systems in the area are failing, causing environmental damage and public health concerns. The project will provide central sewer service to approximately 284 properties in the village of Vera Cruz and the surrounding area. Funds will be used for construction, engineering services and purchase of capacity in downstream transportation and treatment facilities.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Interior, Environment and Related Agencies Appropriations Act.

Bill: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: STAG Water and Wastewater Infrastructure

Legal Name and Address of Requesting Entity: Borough of Hopatcong located at 111 River Styx Road, Hopatcong, New Jersey 07843.

Description of Request: H.R. 2996 includes $500,000 for the Borough of Hopatcong's Drinking Water Disinfection Improvement project to provide safe drinking water to the residents of the Borough. The funds will be used to install large diameter pipes at public community supply wells to improve the disinfection of the raw water before being distributed.

Bill: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: Land Acquisition (Fish and Wildlife Service)

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Great Swamp National Wildlife Refuge located at 241 Pleasant Plains Road, Basking Ridge, New Jersey 07920.

Description of Request: H.R. 2996 includes $750,000 for the Great Swamp National Wildlife Refuge, a component of the Fish and Wildlife Service. The Great Swamp Refuge is located in Morris County, New Jersey, about 26 miles west of Manhattan's Times Square. The refuge was established by an act of Congress on November 3, 1960. The protection of this gem of wilderness in the heart of dense suburban development is one of the success stories of our National Wilderness Preservation System. The funding would be used to acquire an 18.31 acre parcel of land, known as the Great Brook Property, adjacent to the Great Swamp National Wildlife Refuge, which provides critical habitat for numerous rare species.

SUPPORTING HEALTH REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. STARK. Madam Speaker, this past Sunday my colleague from Pennsylvania, ALLYSON SCHWARTZ, addressed the issue of health reform in a guest editorial for the Philadelphia Inquirer. In her piece she laid out an indisputable case for why the current healthcare system has become unacceptable for Americans and what we must do to fix it. I encourage all of my colleagues to read the article and to work in the coming months to ensure that we enact affordable, quality health care for all.

[From the Philadelphia Inquirer June 21, 2009]

OP-ED HEADLINE: FIXING HEALTH CARE

Health-care reform is the number-one issue my constituents raise with me, and a leading concern of business owners. For Democrats in Congress, health-care reform is a moral and an economic imperative.

American families are facing inadequate health coverage, mounting bills, and lack of access to care. They like their doctors and appreciate the quality of care provided by their hospitals. But, they have deep worries that their current coverage may change suddenly and limit access to their doctor or to needed benefits.

Business owners are struggling to pay for health benefits for their workers, forcing them to pass greater costs to employees or drop coverage.

Increasing costs for the federal government are neither sustainable, nor producing the health outcomes they should. Taxpayers pay 46 percent of our nation's $2.5 trillion health-care costs. And, just as in the private market, costs are skyrocketing. The share of our GDP devoted to health-care spending has doubled in the last 20 years, threatening our budget stability.

The status quo is unacceptable and unsustainable. We must do a better job to contain costs for families, businesses, and the government, and to ensure meaningful, affordable coverage for all Americans.

Can we? I believe we can by keeping what works, fixing what doesn't, and demanding quality care and greater value for our dollar.

In the first three months of this new administration, we did more to strengthen health care than in the prior decade. We expanded affordable health coverage to 11 million American children, took major steps to modernize medicine through health-information technology, invested significantly in lifesaving medical research, and ensured that U.S. workers and their families hurt hardest by this recession continue to have access to health coverage when they lose a job.

Building on these achievements, we can find a uniquely American solution to cost, coverage, and quality. This is essential if our businesses are to be economically competitive, our people healthier, and our federal budget balanced.

Here's what we should do:

First and foremost, we start with the acknowledgment that health care is a shared responsibility. Every American will be expected to get health coverage and employers will have to provide coverage or help pay to cover the cost of the uninsured.

As President Obama has said, if you have coverage, and you like it, you can keep it. This means work-based coverage for most Americans, Medicare for seniors, Medicaid for our poorest and sickest, and continued benefits for veterans.

For the nearly 50 million uninsured Americans, many of whom are working families, we will help you buy either private or public coverage. While everyone will have to pay part of their premiums, partial subsidies on a sliding scale will be established and can be used to buy either private or public insurance.

To ensure affordable, meaningful coverage, we will change the ground rules in the insurance market. Denying coverage or charging more for preexisting conditions, health status, or sex is going to stop. Insurers will have to simplify terms and procedures. And, we expect insurers to pass those savings along to their consumers.

Next, we know that in order to control costs and improve health-care outcomes, delivery of health services must be more efficient, more accountable, and better coordinated. Changes in Medicare and the new public-insurance option will create choices for patients to find primary-care providers and will mean better continuity of care for those with chronic diseases. We will gather, analyze, and disseminate information on best practices to doctors, nurses, and health providers, and then expect them to use it. And, we must have a renewed focus on primary care, encouraging future health-care providers to enter the field and working to ensure their excellence.

Third, we have to strengthen our commitment to innovation and technology. Americans have always been scientists and innovators, and we must keep investing in the next generation of medicines, technologies, devices, and cures.

Finally, without increased personal responsibility, Americans will not be healthier. We must take greater responsibility in the way we get health care and the way we take care of ourselves. If we don't, we all pay the consequences—from lost productivity, to the cost of expensive care, to personal pain and suffering.

Setting our nation toward a healthier, more economically competitive future will take fair and responsible financial investment. We are committed to covering the cost of health reform. To do so, we will consider means that are appropriate, fair, shared, and the least disruptive to economic growth and financial security for our families. The president has asked that those making under $250,000 not be burdened by higher taxes. These are the parameters; the decisions will be difficult, but ones that you have entrusted to us.

Much of the cost of health-care reform will come from savings within the system. Reducing hospitalizations, duplicative testing, and medical errors, ending the current overpayments to private insurance companies that contract with Medicare, and insisting on better prices for prescription drugs for seniors will result in hundreds of billions of dollars of savings.

Besides the significant dollars that will come from savings and new premiums paid by those currently uninsured, stakeholders in health care, including insurance companies, hospitals, doctors, pharmaceutical companies, medical-device manufacturers, have committed to reducing costs by $2 trillion over 10 years. These savings should be passed along to consumers.

There will always be naysayers who say these decisions are too hard, that health-care reform cannot be done, but I believe that today even ''Harry and Louise,'' who helped stop reform before, would tell us reform is a necessity. If our businesses are to be economically competitive, our families healthier, and our government fiscally sound, we must find a uniquely American solution to our health-care challenges.

The time to act is now.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall No. 425, I was present on the floor, but due to a malfunction, my vote was not recorded.

Due to insufficient time to consider the subject before us, adjournment was the most responsible alternative. Thus my vote below would be in the affirmative.

Had I been present, I would have voted ''yes.''

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Fiscal Year 2010 Interior, Environment and Related Agencies Appropriations Act:

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 2996, the Fiscal Year 2010 Interior, Environment and Related Agencies Appropriations Act

Account: EPA STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Arcadia, California

Address of Requesting Entity: 240 West Huntington Drive, Arcadia, CA 91066

Description of Request: Provide an earmark of $500,000 for the cities of Arcadia and Sierra Madre for their Joint Water Infrastructure Projects. Arcadia's project will provide for the portion of the construction cost for the Baldwin Reservoir Rehabilitation Project ($250,000). This project will provide for structural reinforcement of the existing reinforced concrete reservoir to be able to withstand a seismic event as identified in the Corps Seismic Reliability Study in 1997. Sierra Madre's project will provide for the portion of the construction cost for its Water Supply Well Project ($250,000). This project will replace an existing well with a new high capacity well to provide for groundwater supply reliability. Each city will provide a 45% local match to the 55% EPA STAG funding, as required.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010:

Authorized Amount: $4,800,000.00

Project Name: Tactical Metal Fabrication (TacFab)

Funding Account/Service: RDA, Army

PE Number: 0602601A, Combat Vehicle and Automotive Technology Line Number: 13

Intended Recipient: SeaBox Inc., 450 Black Horse Lane, No. Brunswick, NJ 08902

The TacFab system, which is currently under development, will demonstrate a tactically mobile rapid metal fabrication capability that will be a companion unit to the Mobile Parts Hospital to provide spare and replacement parts to our Warfighters in theater, and also as a stand-alone, metal casting resource provided to domestic organic Army depots and industrial facilities in support of RESET activities. This final increment for FY 2010 will result in a mobile, rapidly deployable asset, both in theater and within the U.S. in support of RESET operations. Once fully configured, the Army expects a 5x–10x reduction in delivery times for poured metal part base shapes using TacFab versus conventional procurement processes.

TacFab's containerized, mobile foundry to the U.S. Army allows deployed forces to produce spare and replacement parts in the field. This cuts the order time from weeks or months to 24 hours. Funding for this project will provide our troops with the parts they need to effectively complete their missions. Additionally, the system can be deployed at depots in CONUS assisting in RESET as currently exists. TacFab will reduce time waiting for parts and cut costs for DoD while ensuring our troops have the weapons they need as soon as they need them so they may effectively complete their missions.

IN HONOR OF DR. GOFF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. FARR. Madam Speaker, I rise today to recognize the outstanding life-work of Dr. Lynda J. Goff. Dr. Goff has served with distinction as a Professor of Ecology and Evolutionary Biology at the University of California, Santa Cruz for more than 30 years. Dr. Goff has decided to take the next step in her life, and is retiring from the University of California. While she will no longer be a faculty member, her legacy of outstanding dedication to California and the scientific community at large shall be persistent.

Dr. Goff is a devoted and truly inspiring biology teacher. In the tenure of over three decades, she has taught 10,000 university students, and has supervised the research of more than 100 graduate students. Her noteworthy achievements include teaching and researching molecular plant and marine biology on all seven continents. She has the honor of having significantly contributed to seven expeditions to Antarctica and twenty in the Arctic. Her exemplary teaching led her to serve in the distinguished role of Vice Provost and Dean of Undergraduate Education from 1999 to 2004, and subsequently as the first director of the ''California Teach'' program. Dr. Goff played a pivotal role in creating this program, established to increase the number of highly trained K–12 science and mathematics teachers in California—something our nation desperately needs. She dedicated herself wholeheartedly to ensure that California, and indeed our great Nation, increases its competitiveness in math and science in the 21st Century.

Professor Goff has received national and international recognition for her scientific research, much of which has centered on cell-cell and genome interaction in algae and the evolution of parasitism. Dr. Goff has been a solid pillar in the Monterey Bay community for years; not only as a distinguished professor, but also as an elementary science teacher, a naturalist and photographer. Her work embodies what California's central coast prides: experiencing the beauty of nature, seeking to understand the mysteries of our oceans' flora and fauna and giving back to the community to ensure our posterity's brighter future.

I would like to thank her for her meritorious service to California and commend her for her many accomplishments.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2874, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Awarded under: COPS TECH GRANT, Kanawha Prosecuters Case Management, Kanawha County Prosecuting Attorney, 700 Washington Street, East Charleston, WV 25301.

This project would allow for the cost of implementation of the case management system, integration of the system with law enforcement and hardware needed for both systems.

Awarded under: COPS TECH GRANT, Spencer PD Computer System, Spencer Police Department, 116 Court St., Spencer, WV 25276.

Funding will be used to purchase a computer system for processing criminals and case management.

Awarded under: COPS TECH GRANT, Weston Police Department Technology Upgrade, Weston Police Department, 102 West 2nd Street, Weston, WV 26452.

Funding would help establish a computer network in all police vehicles that is networked with the 911 center and the Weston Police Department and surrounding counties.

Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996 Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Awarded under: U.S. Forest Service Land Acquisition, Nature Conservancy—Monongahela National Forest, U.S. Forest Service, 200 Sycamore Street, Elkins, WV 26241.

Funds would go towards the acquisition 1,210 acres within the Monongahela National Forest.

Awarded under: Save America's Treasures, Claymont Court Claymont, Society for Continuous Education, 667 Huyett Road, Charles Town, WV 25414.

This funding will go to underwrite initial phases for restoration of Claymount Court, a national historic site of great significance.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, Department of the Interior, Environment and Related Agencies Appropriations Act, 2010:

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 2996

Account: National Park Service, Construction Account

Legal Name of Requesting Entity: Cuyahoga Valley National Park

Address of Requesting Entity: 15610 Vaughn Rd., Brecksville, Ohio 44141

Description of Request: Provide an earmark in the amount of $500,000 to carry out the Cuyahoga Valley National Park's Site and Structure Rehabilitation Program which is a component of its General Management Plan. With more than 250 historic structures, nearly 100 of which are on the National Register, the park will use the full amount for restoration, rehabilitation and stabilization of the buildings and the environment within the park. Protection of our nation's national parks and their facilities is a relevant use of taxpayer dollars.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 2996

Account: U.S. Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: The City of Stow, Ohio

Address of Requesting Entity: 3760 Darrow Road, Stow, Ohio 44224

Description of Request: Provide an earmark in the amount of $500,000 for the construction of a sanitary sewer system within the City of Stow, Ohio. The full amount of the funding will be used for the construction and installation of the new system. The City of Stow will provide $600,000 toward the total $1.1 million cost of the project. Sanitary sewer systems protect human health and the environment.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 2892 the Department of Homeland Security Appropriations Act of 2010

Requesting Member: Congresswoman CANDICE S. MILLER

Bill Number: HR2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: The office of the Oakland County Water Resources Commissioner

Address of Requesting Entity: Oakland County Water Resources Commissioner 1 Public Works Dr. Building 95 West, Waterford, MI 48328

Description of Request: This request, in the amount of $500,000.00, would be used to help rehabilitate the Oakland Macomb Interceptor. This is critical to the environment and health and safety of the region. This interceptor has experienced a catastrophic failure and is in need of major repairs.

IN RECOGNITION OF THE SONS OF THE PIONEERS 75TH ANNIVERSARY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BLUNT. Madam Speaker, I rise today to honor a legendary Ozarks western singing group—Sons of the Pioneers, who will celebrate their 75th anniversary of performing this year. They are known worldwide for their vocal blend, unique harmonies and special arrangements of their classic songs. Introduced in 1934, the Sons of the Pioneers are reputed to be the longest continually performing musical group in the history of western music.

After about 50 years of touring, the Sons of the Pioneers decided to make Branson their home. They settled at the Shepherd of the Hills, where they perform at the Sons of the Pioneers Pavilion. The six-member group entertains guests with western songs and stories.

The members have changed over the years, but they all continue to present the music in its original form for everyone to enjoy.

The founding members included Roy Rogers (Leonard Slye), Bob Nolan and Tim Spencer, who was born in Webb City, Missouri, which is now part of my congressional district. Their unique style of music became widely admired and copied. They composed many original songs, several of which have become true American classics. ''Tumbling Tumbleweeds,'' ''Cool Water,'' and ''Riders in the Sky'' were part of a unique sound and style, which became the traditional music of the American cowboy and the West.

The Sons of the Pioneers has had 33 members, and has never disbanded. The Sons of the Pioneers have performed in nearly 100 movies and have sung over 3,000 western songs. They have starred in movies with well known actors such as John Wayne, Gene Autry, Bing Crosby, and of course Roy Rogers.

The Sons of the Pioneers has achieved many awards and accolades over their three-quarters of a century performing. They are considered ''National Treasures'' by the Smithsonian Institute. They have been inducted in several halls of fames including: Nashville Country Hall of Fame in 1978, Western Hero's Hall of Fame in 1984, Western Music Association Hall of Fame in 1990 and the National Cowboy Hall of Fame in 1995. The group won Vocal Group of the Year in 1970 and Band of the Year in 1978. In 1986, their popular song ''Cool Water'' was inducted into the Grammy Hall of Fame.

Sons of the Pioneers is truly a group who deserves significant credit for the music they have created, the standards they have set, the achievements they have accomplished, and all the generations they have touched.

This year celebrates the Sons of the Pioneers' 75th Anniversary of creating and preserving western music. It is truly an honor for Southwest Missouri to be the home of such a distinguished group. I wish Sons of the Pioneers continued success and many more years of keeping western music alive for future generations to enjoy.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2296, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: National Park Service, Save America's Treasures

Legal Name of Requesting Entity: City of Fort Payne

Address of Requesting Entity: City of Fort Payne, 100 Alabama Ave., NW, Fort Payne, AL 35967

Description of Request: ''Historic Fort Payne Coal and Iron Building Rehabilitation, $150,000''

The funding would allow Fort Payne to create the construction documents, let bids, and begin the phased rehabilitation of an important landmark. The building will house a cultural center, which will serve the entire county. Taxpayer Justification: This building is located in the Fort Payne Boom Town Historical District (National Register #88000444), and upon completion of renovation, will be a valuable asset in stimulating cultural tourism and raising awareness of our heritage. The $150,000.00 appropriation will be applied to the project in the following manner: $40,000 for the completion of the design phase (creation of construction documents); $30,000 for the rehabilitation of the roof system; $30,000 for the renovation of the exterior of the building; $50,000 for the installation of HVAC, plumbing and electrical components.

Requesting Member: ADERHOLT

Bill Number: H.R. 2296, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: National Park Service, Save America's Treasures

Legal Name of Requesting Entity: University of Montevallo

Address of Requesting Entity: UM Station 6130, Montevallo, AL 35115

Description of Request: ''Historic Montevallo Main Hall Renovation'', $150,000

Provide $150,000 to fund interior and exterior renovation and an upgrade to existing safety codes. Priorities include upgrades to fire and life safety systems, HVAC systems, elevators, and toilet and shower rooms; enhancements to interior cosmetics and furnishings; and an exterior renovation. Taxpayer Justification: This building anchors the Montevallo campus and is a prominent feature of the Olmsted Brother's 1930 Master Plan. Main Hall was placed on the National Register of Historic Places in 1978. This project's budget is $2.5 million. Within the budget is $150,000 for stone and masonry work, $300,000 for metal cornice repairs, $250,000 for exterior painting, $1,600,000 for windows, and $200,000 for professional services. This request is consistent with the intended and authorized purpose of the National Park Service, Save America's Treasures account. The University of Montevallo will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: ADERHOLT

Bill Number: H.R. 2296, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: STAG, Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Sulligent

Address of Requesting Entity: City of Sulligent, 5795 Highway 278, Sulligent, AL 35586

Description of Request: ''Water Supply Project'', $500,000''

The funding would be used for the planning, design, and construction of an additional water supply well, an additional water storage tank, and a booster pumping station, all to provide an additional source of potable water and to increase system pressures. Taxpayer Justification: This funding will help meet the water needs of a growing population. The proposed project consists of the design and construction of a new water supply well and new water storage tank. The project budget includes $315,000 for the construction of a new water supply well, $600,000 for the construction of a new water storage tank, and $75,000 for the construction of a booster pumping station. In addition, the budget includes $110,000 for engineering services for a total estimated project cost of $1,100,000.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—the Department of Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman PETER KING

Bill Number: H.R. 2996

Account: Environmental Protection Agency—STAG

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $500,000 will be used to rehabilitate and obtain technology for failing drinking and storm water infrastructure that are critical to protection of the Long Island Sound, the community's sole source aquifer, and shoreline properties.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2996

Account: Environmental Protection Agency—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Lyon County Utilities

Address of Requesting Entity: 275 Main Street, Yerington, NV 89447

Description of Request: $500,000. This project will expand the current wastewater treatment facility at Mound House to serve residents currently on septic. This will help remediate the groundwater contamination currently taking place downstream of the wastewater treatment plant's leach field. Through this project groundwater contamination can be reversed with improved wastewater treatment and by eliminating the existing septic system.

HICO POTHOLE PATCHING

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, the residents of Hico, Texas deserve to be greatly commended for the service they provided to their own city through the Pothole Patching Project on March 7, 2009. One hundred and fifty dedicated and eager volunteers prepared for weeks for a long day of repairing the city's roads. These hardworking volunteers not only made their roads safer for residents and travelers, but nurtured a strong sense of community while doing it. The fellowship that this act of volunteerism illustrates is nothing short of honorable and I hope other cities can mirror this kind of community enthusiasm and resourcefulness.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 2647, National Defense Autorization Act for Fiscal Year 2010

Account: AirForce; Research, Development, Test & Evaluation, Air force (RDAF)

Legal Name of Requesting Entity: Metals Affordability Initiative (MAI)

Address of Requesting Entity: 1138 by-the-Shores Drive, Huron, OH 44839

Description of Request: $10,000,000 for the initiation of 4 new, more immediate high-impact programs, as well as sustaining ongoing programs. These new industry-led programs will be directed at improvement in total systems cost, fuel savings/energy management, ''green'' (environmental impact), sustainment/life extension, and access to space. The mission of MAI is to innovation to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordablity of weapons systems. MAI's main economic impact will be to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness. This industrial sector continues to be under pressure by foreign manufacturers, and investing in technology will help sustain jobs. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: National Park Service, Save America's Treasures

Legal Name of Requesting Entity: University of Montevallo

Address of Requesting Entity: UM Station 6130, Montevallo, AL 35115

Description of Request: Provide $150,000 to fund interior and exterior renovation and an upgrade to existing safety codes. The Main Hall renovation project will provide students with safe, comfortable, and accessible housing in a building listed on the National Historic Registry. The projects will provide an enhanced environment for living and learning. This project's budget is $2.5 million. Within the budget is $150,000 for stone and masonry work, $300,000 for metal cornice repairs, $250,000 for exterior painting, $1,600,000 for windows, and $200,000 for professional services. This request is consistent with the intended and authorized purpose of the National Park Service, Save America's Treasures account. The University of Montevallo will meet or exceed all statutory requirements for match funding where applicable

HONORING THE 100TH ANNIVERSARY OF JOHNSON MATTHEY INC.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor an outstanding southeastern Pennsylvania manufacturer celebrating its 100th anniversary.

Johnson Matthey Inc. was officially incorporated on June 30, 1909 and has grown from a platinum works shop in Philadelphia to a thriving business that employs approximately 8,700 workers at operations in more than 30 countries. The company's North America headquarters is in Wayne, Pennsylvania and several plants operate throughout the Commonwealth of Pennsylvania.

Johnson Matthey focuses on catalysis, precious metals, fine chemicals and process technology. While the company's roots extend back to the 19th Century, Johnson Matthey has continued to develop its technology, demonstrating the company's ability to maintain world leadership by adapting constantly to rapidly changing customer needs. While adhering to rigorous environmental standards itself, Johnson Matthey products have contributed greatly to a cleaner environment and have enhanced the quality of life for millions of people around the world.

Throughout the week of June 30, 2009, Johnson Matthey management, employees, affiliate companies, parent company, and communities will commemorate the company's centennial.

Madam Speaker, I ask that my colleagues join me today in congratulating everyone at Johnson Matthey for reaching this memorable milestone and in wishing the company continued success in creating jobs and improving the quality of life across the globe.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BONNER. Madam Speaker, I submit the following information:

Project Name: Washington County Commission Sewer Extension

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Washington County Commission

Address of Requesting Entity: 45 Court Street, P.O. Box 146, Chatom, Alabama 36518

Description of Request: Provide an earmark of $500,000 for Phase II of an ongoing project for unincorporated areas of Washington County not currently served by sanitary sewers. The soils in some areas of the county are generally conducive to percolation and some areas are on soils that have higher water tables that absorb water very slowly. Approximately, $500,000 [or 100%] of funding will be used for construction, labor and materials of a low pressure, decentralized sanitary sewer collection and treatment facility. The county is currently working on phase I of this project and phase II would construct a 30,000 GPD on-site treatment and disposal facility, collection mains, interceptor tanks and pumps to provide homes and businesses with sanitary sewer. Washington County, the most economically challenged county in the state of Alabama, is home to a new steel plant that is providing 25,000 new construction jobs and 2,000 fulltime jobs. This much needed project will allow the county to continue to grow and recruit even more industry. The Washington County Commission will provide dollar for dollar match for this project.

CARNEGIE MEDAL

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, I would like to congratulate the family of Courtney E. Butler from Stephenville, who was presented with the Carnegie Medal for heroism for their daughter's bravery in attempting to save a civilian caught in a flood on a low water crossing. Miss Butler was only sixteen when she made her valiant attempt in May of last year, and was swept up and drowned in the process. It is citizens like this young girl who make me proud to serve the great people of Texas District 31 and continually inspire me, as they should everyone else who learned of her valor.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received in the amount of $500,000 as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Account for the South Seminole and North Orange County Wastewater Improvement Project. The entity to receive funding for this project is the Orange County Wastewater Transmission Authority located at 410 Lake Howell Road, Maitland, Florida.

This project will replace wastewater pipes and mechanical equipment that are approaching the end of their service lives. Portions of the Force Main that will be replaced are under the travel lanes of Aloma Avenue. The roadway carries 33,000 vehicles per day and a collapse of the Aloma Avenue pipe and a resulting collapse of the road would be a major public health and safety liability.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 2996, The Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: National Park Service—Construction

Legal Name Entity Receiving Funding: Moccasin Bend National Archeological District

Address: Moccasin Bend Road, Chattanooga, Tennessee 37405

Description of Request: Moccasin Bend National Archeological District, a unit of the Chickamauga and Chattanooga National Military Park, has a rich and varied cultural history with evidence of occupation dating back to the earliest human cultures in North America. Moccasin Bend was designated as a unit of the National Park Service to preserve the area's rich heritage for future generations. There are no facilities for public enjoyment of these nationally significant resources. Moccasin Bend National Archeological District received $500,000 for design and construction of an Interpretive Center and educational exhibits to promote awareness of the archeological district.

Distribution of funding:

Design development and construction 100%

Requesting Member: Rep. ZACH WAMP

Account: Environmental Protection Agency-State and Tribal Assistance Grant

Legal Name Requesting Entity: City of Harrogate, Tennessee

Address: 138 Harrogate Crossing, Harrogate, Tennessee 37752

Description of Request: The Mayor and City Council of Harrogate requested funding to extend a wastewater collection system to the Tri-State Health and Rehabilitation Center, residences and businesses. Upgraded sewer capabilities are critical to support the increasing residential and commercial development in Harrogate. The proposed expansion will allow residents in the area to have safe, adequate wastewater service. The City of Harrogate received $500,000 for the wastewater improvements.

Distribution of funding:
Construction—83%
Survey/Fees—1%
Engineering—6%
Inspection—3%
Project Contingency—4%
Environment Review—1%
Administration—2%

CELEBRATING THE CITY OF ERBENDORF, GERMANY'S 900TH BIRTHDAY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. McMAHON. Madam Speaker, I rise today to commemorate and honor the city of Erbendorf in the Oberpfalz region in the State of Bavaria in Germany as it celebrates its 900th Birthday.

Nine hundred years ago, this village was first mentioned as ''Herbendorf' in the Establishment and Protection letters of Pope Paschalis II as he wrote to the monastery Weissenohe in Oberfranken. Although it appears that location is today what is known as Altenstadt, it is clear that the city we know today has enjoyed an existence for more than 900 years. And since history does not stand still, we are sure that someday an even earlier mention of this city will be found.

In its more than 900 year history, the city of Erbendorf has certainly changed and developed. Through the middle ages and modern times it has been beset by war, hunger, pestilence, and siege. However, this has given the city its inner strength and it has now grown into a beloved city with a wonderful quality of life, enviable infrastructure, and a strong economy.

Certainly some of its most prominent citizens include Buergermeister Hans Donko, Axel Baron von Stromberg, and Hilde and Fritz Kohr, who recently celebrated their 50th Wedding Anniversary and continue to operate one of the city's most beloved businesses, Konditorei Kohr. In addition the city was the birthplace of two of its most favorite daughters, Maria Schrebs Trottmann, who emigrated to Neustadt/Waldnaab, and my mother Meta Baronin von Stromberg McMahon, who emigrated to the United States where she had seven children who to this day consider themselves part of the Erbendorf family. For many years, her brother Doctor Nils Baron von Stromberg and his wife Charlotte served the city as family doctors.

Madam Speaker, the city of Erbendorf has had a front row seat to the turbulent course of European history. For nearly a millennium, her citizens have borne witness to the countless events—from the epic to the mundane which unfolded to shape the Europe and the world of today. I am proud to be a son of the city of Erbendorf and offer my congratulations on its 900th anniversary.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I submit the following:

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2647

Account: MILCON, Army National Guard

Legal Name of Requesting Entity: Kentucky Department of Military Affairs

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: Provide directed funding of $1.805 million to complete construction of the Phase IV Aviation Operation Facility—London Joint Readiness Center located in Laurel County, Kentucky. The funding will be used for the construction of two additional (11,400 Sf) unheated aircraft storage buildings at the facility. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

TEMPLE TEACHER

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, congratulations to Temple High School German teacher Nella Spurlin who was recently honored as Regional Teacher of the Year by the Southwest Conference on Language Teaching. The hard work and passion that she was committed to distinguished her from educators of the nine other states in the region.

On behalf of Texas District 31, I would like to wish Ms. Spurlin the best of luck when she competes against other regional winners for the American Council on the Teaching of Foreign Language National Teacher of the Year award in November.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding a project that was included at my request in H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010:

Consolidate Communications Facility

Account: Military Construction, U.S. Air Force

Legal name and address of requesting entity: MacDill Air Force Base, Tampa, Florida.

Description of request: $21,000,000 for a Consolidated Communication Facility (Project Number NVZR033702). MacDill Air Force Base, Tampa, Florida does not have an adequate Consolidated Communication Facility for the Joint Components of USSOCOM and USCENTCOM forces. This Consolidated Communication Facility would provide for all communication circuits (both digital and analog) entering and exiting MacDill AFB. The Department of Defense Unified Facilities Criteria Anti-Terrorism and Force Protection guidance requires that essential communication equipment be located in a secure environment. Base Network Control Center functions currently located in Bldg 260 will be relocated to the new secure facility.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CAPUANO. Madam Speaker, on June 24, 2009, due to a medical situation involving a member of my immediate family, I had to return to my district and was unable to participate in rollcall votes 435 through 452. Had I been present, I would have voted in the following manner:

''yes'' on rollcall 435; ''yes'' on rollcall 436;
''no'' on rollcall 437; ''yes'' on rollcall 438;
''no'' on rollcall 439; ''no'' on rollcall 440;
''no'' on rollcall 441; ''yes'' on rollcall 442;
''no'' on rollcall 443; ''no'' on rollcall 444;
''no'' on rollcall 445; ''no'' on rollcall 446;
''no'' on rollcall 447; ''no'' on rollcall 448;
''no'' on rollcall 449; ''yes'' on rollcall 450;
''yes'' on rollcall 451; ''yes'' on rollcall 452.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BILBRAY. Madam Speaker, I submit the following:

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: OPAF, Line 12

Legal Name of Requesting Entity: California National Guard

Address of Requesting Entity: 9800 Goethe Road, Box 42, Sacramento, CA 95826

Description of Request: I received an earmark of $4 million to upgrade the Eagle Vision III system which is operated by the 147th Combat Communications Squadron, in San Diego, California. In October of 2007, San Diego suffered through one of the worst wildfire disasters in California history. With thousands of homes lost and hundreds of thousands of lives changed, the California National Guard requested upgrades to Eagle Vision, the San Diego based system that has already proven itself as an asset for the Federal Emergency Management Agency, CAL Fires/OES, and the Army Strategic Command. The Eagle Vision III system directly and indirectly supported the 2008 Midwest Flooding, Hurricanes Fay, Gustav, and Ike and has participated in numerous military exercises. To augment the current system, this request seeks to provide resources for an increased imaging system that will provide higher resolution images, with more frequent access to images for first responders, while at the same time allowing for image data collection through clouds, haze and smoke. These capabilities are essential for the military and will be critical to the San Diego region for combating natural disasters such as wildfires, floods and hurricanes.

MARY HARDIN-BAYLOR CHANCELLOR

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, I would like to congratulate Dr. Jerry G. Bawcom, President at the University of Mary Hardin-Baylor, in Belton Texas, as Dr. Bawcom transitions into the office of the Chancellor. As the 21st President of UMHB, he has served as President for 18 years and will become Chancellor on June 1, 2009. I would like to thank Dr. Bawcom for his leadership and service as well as congratulate him and wish him well in his new position as Chancellor.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

The City of Gainesville Water Treatment Plant Expansion Project, Gainesville, TX—$500,000—STAG Water and Wastewater Infrastructure Project—Congressman MICHAEL C. BURGESS

The purpose of this project is to expand the water supply and distribution system to convey treated water to the City of Valley View, Bolivar Water Supply and other water users in Cooke County, Texas. The requested funding will be utilized for raw water pump station improvements, a treatment unit and backwash pump station, high service pump station expansion, and other appurtenances as necessary for the water treatment plant upgrade. Federal funding is necessary to allow the city to meet its obligation to provide a stable drinking water supply for residents of Gainesville and surrounding communities and to reduce the region's reliance on limited groundwater sources. The total project cost is $2,533,007. Matching funds will be provided through in-kind services and through city and state funds.

The City of Gainesville is located at 200 South Rusk, Gainesville, TX 76240.

THANKING LILLIAN BETHEA FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement on December 31, 2008, we rise to thank Mrs. Lillian Bethea for twelve years of distinguished service to the United States House of Representatives and 36 years of service in the United States Government. Lillian has served this great institution as a valuable employee of House Information Resources, in the Office of the Chief Administrative Officer.

Lillian began her tenure with the United States House of Representatives in 1996 as a Systems Analyst working in the Member Information Network (MIN) Group and later for the Quality Assurance Team. Lillian specialized in the support and maintenance of in-House applications including but not limited to Federal Funds Reports, Grants and Contracts and Bulletin Board services. She became a Federal Funds Trainer based on her extensive knowledge and attention to detail on the project. Lillian has played an important role in many information technology projects including Quality Assurance and Integrated Services and Information Systems (ISIS) testing. During the Y2K remediation efforts, she played an instrumental role in quality assurance and data testing of systems resulting in the successful transfer of services from the mainframe to their new platforms.

Since 2004, Lillian has been a Team Leader for the Web Solutions Call Center. Her attention to detail and quality assurance experience were again highlighted as she managed the customer request tracking system, team assignments, and day to day customer requests for the Web Group. Her duties included managing customer requests for web services using the Customer Tracking System (CTS) and coordinating with external teams to process Secure ID Web Manager requests, establishing Listserv lists, and providing permissions and access to Web Site Statistic services. Again, her detail orientation and quality work ethic assured the security of the House Web infrastructure through oversight and management of the necessary processes involved. Lillian also played a vital role in the preparation of materials and coordination of efforts for the House Services Fair, ensuring the Web Solutions Branch was properly represented during the event.

On behalf of the entire House community, we extend congratulations to Lillian for many years of dedication and outstanding contributions to the United States House of Representatives. We wish Lillian many wonderful years in fulfilling her retirement dreams.

WILLIAMSON COUNTY JOP

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CARTER. Madam Speaker, I would like to congratulate The Honorable Judy Schier Hoobs, Justice of the Peace for Williamson County, Precinct 4, who was awarded "Judge of the Year" by the Central Texas Justices of the Peace and Constables Association (CTJPCA) on April 15, 2009. When the group held their first meeting in 1986, Judge Hobbs was elected as the first vice president and was later elected as president in 1987. A lifetime member of the CTJPCA, Judge Hobbs was chaplain in 2008 and chair of the Legislative Committee. I am truly proud to have Judge Hobbs serve in Texas District 31.

IN HONOR OF SENATOR THURMAN G. ADAMS, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CASTLE. Madam Speaker, it is with a heavy heart but great honor that I rise today to pay tribute to the life of the Honorable Thurman G. Adams, Jr. A member of Delaware's State Senate for the past 37 years and owner of T.G. Adams & Sons Inc., Senator Adams is a man who has given much to his community and his state; a man who is to be recognized for all that he has done and a man who will truly be missed by me and Delawareans throughout our state.

Since his initial election in 1972, Senator Adams worked diligently as a representative of his constituents and as an advocate for progress, molding Delaware into the business-friendly, agriculturally rich state that it is today. The longest serving State Senator in Delaware history, Thurman served in this capacity under eight Governors and was elected as the Senate Majority Leader in 1999 and as the President Pro Tempore in 2002. Regarding Thurman's dedication to our State and his strength of character, I cannot say enough. For nearly four decades now, there is hardly a bill that has come to pass in Delaware upon which Thurman's influence has not been felt. One of the most notable pieces of legislation that he sponsored and fought for was an enhanced 9–1–1 bill. Passed and currently in place, the bill created a system that automatically gives the address from which a 9–1–1 call originates—

enabling a quicker, more accurate response time. A member of the Senate Executive Committee since his first term and later appointed as chairman, Thurman played a huge role in determining who served in the judiciary, cabinet and various other influential state posts. The strong, positive force which he brought to the legislature every day has helped to strengthen and solidify Delaware's courts and government for many decades.

In his capacity as a legislator and as a citizen, Thurman spent his life in service to the State of Delaware. Senator Adams graduated from the University of Delaware in 1950 with a B.S in agricultural education and went on to succeed his father as the President of T.G. Adams & Sons Inc., a feed and grain business in his hometown of Bridgeville. With a solid base in agriculture and the business world, Thurman was appointed to the State Highway Commission in 1961 and appointed as the chairman of the Governor's Safety Committee in 1966. Over the years, Senator Adams was recognized for many accomplishments. In 1996, he received the University of Delaware's ''Medal of Distinction,'' an honor acknowledging his outstanding professional achievements. He and his wife Hilda also became very active in trying to make the process to receive organ transplants easier for individuals and their families after their own personal experience with their son Brent. In 2008, he was both inducted into the National 4–H Hall of Fame and awarded the ''Order of the First State,'' the highest award our Governor can present in recognition of his many years of service.

Senator Adams spent his life as an advocate for his Bridgeville district, for the county of Sussex, and for the State of Delaware. A believer in personal, deep-rooted relationships, Thurman was a respected and compassionate legislator and his passing will leave a void in Delaware's General Assembly and our state. During my time as a State Senator and in my role as Lt. Governor and Governor, I had the privilege of working with Senator Adams on many key legislative issues. Thurman is someone with whom I worked closely and confided in frequently and I feel confident in recognizing him for who he was—a man who was incredibly fair, a strong, trusted and great leader with devotion unequaled, and a sterling reputation for helping others.

Foremost in Thurman's life was his family. Thurman was a loving husband to his wife Hilda, a father who could bestow life's lessons as well as heartfelt love to his three children, Brent, Lynn, and Polly, a grandfather who adored his grandchildren, and a brother to Leon, Beatrice and his deceased brother Alvin. His family and grandchildren warmed his heart and he took great pride in watching them grow and mature over the years. While we will all miss him dearly, I take comfort in knowing that he, Hilda, and Brent have been reunited and I am sure are watching over all of us now.

He gave his time, his energy, and his heart in pursuit of comprehensive and useful measures, established and implemented for the benefit of his fellow Delawareans. Steadfast in his beliefs, Thurman once said, ''I hope that every bill will make life better.'' I stand today to acknowledge and honor that he was a man dedicated to just that. Godspeed to my good friend, Senator Thurman G. Adams, Jr. and thank you for your guidance, support and friendship over the years.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. REHBERG. Madam Speaker, I submit the following:

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: STAG Water and Wastewater Infrastructure Project
Name and Address: Em-Kayan County Water and Sewer District, 910 Greers Ferry Road, Libby, Montana 59923.
Description: The Em-Kayan community water system consists of three springs, two wells, five steel storage tanks and a water distribution system inclusive of fire hydrants. The original water system was constructed in the 1960s. Funding would be used to replace badly corroded steel water main with PVC water main, install additional fire hydrants to meet fire flow requirements, install water meters to better account for the District's water resource and install a control system.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: National Park Service—Save America's Treasures
Name and Address: City of Bozeman, 121 North Rouse Avenue, Bozeman, Montana 59771
Description: Historic Downtown Bozeman suffered a devastating loss due to a natural gas pipeline explosion in March, 2009. The explosion and subsequent fire destroyed four historic building, and significantly damaged three others. All building are in the Bozeman Main Street Historic District, which is on the National Register of Historic Places. The destroyed buildings covered 150 linear feet of historic streetscape.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: BLM—Land Acquisition
Name and Address: The Conservation Fund, 125 Bank Street, Suite #612, Missoula, Montana 59802.
Description: Funding would be used for the BLM to purchase Phase II of this project. Located in Carbon County, near Red Lodge, the wind-blasted stone pinnacles of the Meeteetse Spires reach hundreds of feet into the sky and provide a unique backdrop to a scenic hanging valley as part of the Meeteetse Spires Area of Critical Environmental Concern (ACEC). In partnership with the BLM, The Conservation Fund has reached an agreement to acquire a 560-acre private inholding from a willing seller within the ACEC with the goal of conveying the property to the BLM through an appropriation.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: U.S. Forest Service—Land Acquisition
Name and Address: The Nature Conservancy, 32 S. Ewing, Helena, Montana 59601.
Description: This funding would be used for the U.S. Forest Service to acquire lands critical for protecting the existing federal investment in the Blackfoot Community—Nora Gulch—project area, including wildlife habitat for grizzly bears, elk, and threatened trout species.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: EPA—Science and Technology
Name and Address: Consortium for Plant Biotechnology Research Inc., 100 Sylvan Drive, Suite #210, St. Simons Island, Georgia 31522.
Description: Partnering with Montana State University, this funding would be used to fund university research and technology transfer for phytoremediation and environmentally friendly industries. Working with The Consortium for Plant Biotechnology Research, Inc., it will develop new and improved technologies that range from ''green'' chemicals and industrial manufacturing processes to environmental remediation.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: EPA—Science and Technology
Name and Address: The Water Research Foundation, 6666 Quincy Street, Denver, Colorado 80235.
Description: Partnering with the Mountain Water Company of Missoula, Montana, this funding would be used to sponsor individual research projects that enable utilities to provide safe, affordable and sustainable water to their customers.These projects will help water utilities address challenges such as climate change impacts on water supply, pharmaceutical contaminants in drinking water, aging infrastructure, and protection of watersheds.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: U.S. Fish and Wildlife Service—Land Acquisition
Name and Address: The Nature Conservancy, 32 S. Ewing, Helena, Montana 59601.
Description: This funding will be used for the U.S. Fish and Wildlife Service to acquire conservation easements along the Montana's Rocky Mountain Front.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: BLM—Land Acquisition
Name and Address: The Nature Conservancy, 32 S. Ewing, Helena, Montana 59601.
Description: This funding will be used for acquiring lands for the Bureau of Land Management to protect the existing federal investment in the project area, including wildlife habitat for grizzly bears, elk, and threatened trout species near the Blackfoot River.

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2996
Account: U.S. Forest Service—Land Acquisition
Name and Address: The Trust for Public Land, 111 South Grand Avenue, Suite #203, Bozeman, Montana 59715.
Description: This funding will be used as an acquisition project for the United States Forest Service to purchase mining claims within the Yellowstone National Park ecosystem. These lands offer natural and recreational resources that will be protected by the United States Forest Service.

RECOGNIZING THE CREW OF THE RB-47H SHOT DOWN OVER INTERNATIONAL WATERS BY THE SOVIET UNION ON JULY 1, 1960

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. WITTMAN. Madam Speaker, I rise today to recognize Major Willard Palm, Captain Freeman B. Olmstead, Captain John McKone, and the crew of the RB-47H shot down over international waters by the Soviet Union on July 1, 1960. This recognition is well-deserved and highlights the unending service and integrity of our men and women in uniform.

The plane was crewed by Major Willard Palm as aircraft commander; Captain Freeman B. Olmstead as pilot; Captain John McKone as navigator.

Freeman B. Olmstead was born in Elmira, New York, and brought up in a devout Episcopal family. He earned a bachelor's degree in history from Kenyon College, Gambier, Ohio. He entered active duty with the Air Force in 1957.

McKone was a native of Tonganoxie, Kansas, and he graduated from Kansas State University with a bachelor's degree in history in 1954. He entered active duty on March 15, 1955.

On July 1, 1960, a United States Air Force RB-47H based at Forbes Air Force Base, Kansas, departed from Brize-Norton Royal Air Force Base in England. The flight's planned route kept the plane over international waters.

A MiG-19 fighter intercepted the American bomber in the Barents Sea. The MiG eventually opened fire on the RB-47H. Olmstead and McKone successfully ejected and survived only to be picked up by a Soviet fishing vessel. The aircraft commander, however, perished in the Barents Sea.

Ten days after the shootdown, Soviet Premier Nikita Khrushchev announced that they had shot down the bomber and captured the two crewmen. The pair were imprisoned in Moscow's Lubyanka prison, and accused by the Soviets of espionage, punishable by death, for allegedly violating the Soviet Sea frontier.

Shortly after the inauguration of President John F. Kennedy, Premier Nikita Khrushchev extended an offer to free Olmstead and McKone quickly—but with three terms later agreed to.

After seven months of imprisonment and interrogation the guards drove Captain Freeman B. Olmstead and Captain John McKone to the American embassy. They were handed over to U.S. officials to be reunited with their families without having disclosed any information to the Soviet government.

Madam Speaker, as a member of the Committee on Armed Services, I am continuously struck by the integrity of our servicemembers. With examples like Captain Freeman B. Olmstead and Captain John McKone it is clear where this integrity comes from and I ask my colleagues to join me in honoring them.

TRIBUTE TO BEN SACCO

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Bernard ''Ben'' Sacco, a longtime Bakersfield entrepreneur, community leader, and friend who passed away on Tuesday, June 23, 2009, at the age of 87.

Ben Sacco was born in a small town outside Salerno, Italy, and immigrated to the United States in 1935. Sacco moved to California after serving his country in the U.S. Army Air Corps during World War II, and worked in agriculture in Hanford. In 1947, he and Morris Rosenberg founded Sierra Bag Company in Bakersfield to produce containers for local growers.

A devoted recycling advocate, Ben also founded Sierra Iron and Metal Company to recycle salvaged metals in 1959. Eventually, it became Sierra Recycling and Demolition, which cleans up land for redevelopment. On a visit to Italy, Sacco visited a scrap yard near Venice and discovered a unique machine—a mobile baler that could process twice as much scrap metal in a day as its U.S. counterparts. He promptly bought one, and at an age when many are considering retirement, Sacco embarked on a new career equipment vendor. He introduced the combination shear/baler in the United States in 1987, and soon Sierra International Machinery expanded into a major industry. Earlier this year, the Institute of Scrap Recycling Industries honored Ben Sacco with a lifetime achievement award for his dedication to Sierra International Machinery, LLC. Adding to his list of accomplishments, Sacco founded the Italian Heritage Dante organization in 1996.

Ben Sacco is survived by his wife, Eunice Sacco; sons John, Anthony, and Phillip; daughters Angela, Aragon, and Laura; and six grandchildren. Devoted to serving his community in a variety of ways, Ben's death is a great loss for the Bakersfield community, but his legacy of dedication to his family, friends, and businesses will always be remembered.

FEDERAL OFFSET PROGRAM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MORAN of Virginia. Madam Speaker, today I am proposing bipartisan legislation to establish a program that would mirror the existing law for states. The legislation, in which I am joined by my colleagues, Representatives WOLF, WITTMAN, and CONNOLLY, would allow certain types of delinquent local tax debt to be collected through the reduction of federal tax refunds. Providing local governments access to these needed and due funds is important both in principle and for budgetary purposes. In the middle of this recession, it is especially important to assist cities and counties to collect the taxes they are owed. The alternatives would be a reduction in vital services and jobs at a time when the government safety net for very poor families who lack jobs has weakened significantly and increases in deep poverty in this recession are likely to be severe. This will impose significantly higher demands on local governments for police, housing and shelter, food, and other vital services. This bill offers a unique opportunity not just to provide hundreds of millions of dollars of desperately needed assistance at no cost to federal taxpayers, but also to protect honest taxpayers from an increase in local property taxes. Under this legislation, the only cost is to the delinquent taxpayer, who would finally be made to pay his or her outstanding tax obligation.

This proposed program would have no additional cost to the federal government. Local governments would pay the federal government the fee of $25 for each offset refund. It would alleviate the administrative burden to Department of the Treasury by requiring the state taxing authority to act as the clearinghouse. Therefore, the client base for the Department of the Treasury would not increase.

This concept of an offset originated as a way to assist states with securing child support arrearages. It was expanded to allow states to submit other delinquent claims against an individual's federal tax return. This program has been very successful for the states. Now this bill would expand its successful idea and concept to local governments in all states. Doing so could potentially result in several billion dollars annually for local governments by effecting the collection of delinquent taxes.

The bill would instruct the Secretary of the Treasury, upon receiving notice from any eligible state on behalf of a local government, that a named person owes such local government a past-due, legally enforceable tax obligation and provide, consequently, for the reduction of the federal tax refunds payable to such person by the amount of such debt. That amount would be remitted to the state for payment to the affected local government, provide for notification to the state of the taxpayer's name, taxpayer identification number, address, and the amount collected; and notification of the person due the refund that it has been reduced by an amount necessary to satisfy a past-due, legally enforceable tax obligation.

This bill offers a unique opportunity to provide hundreds of millions of dollars of desperately needed assistance at little cost to federal taxpayers. For Virginia localities, it is estimated that it will bring in between 65–70 million dollars in revenue during the first year in the program. From its participation in the Federal Offset Program, for FY 2008, the Commonwealth of Virginia received over $17 million dollars in offsets of federal income tax refunds and an additional $5 million in offsets of the tax stimulus checks. This legislation has the official support of the National Association of Counties, the Government Finance Officers Association, the National League of Cities, the Treasurers' Association of Virginia, the United States Conference of Mayors, the Association of Public Treasurers of the United States and Canada, and the Conference of State Court Administrators.

This concept of an offset originated as a way to assist states with securing child support arrearages. It was expanded to allow states to submit other delinquent claims against an individual's federal tax return. This program has been very successful for the states. Now this bill would expand its successful idea and concept to local governments in all states. Doing so could potentially result in several billion dollars annually for local governments by effecting the collection of delinquent taxes. Under this legislation, the following order of priority for payment of an offset would be: (1) past-due federal income tax, (2) past-due state child support, (3) past-due federal government agency debt, (4) past-due state income tax, and (5) local government tax. The state taxing authority for each state would act as the clearinghouse for the local government tax debts, so this will not be an additional burden to Financial Management Services (which is a division of the United States Department of the Treasury administers the Federal Offset Program).

This is a bipartisan, good-government bill. If the legislation is passed, it would allow federal, state, and local governments to work together. Good citizens, who pay their taxes, will appreciate that the federal government and the state government are assisting localities to help local government collect from the delinquents. Each citizen should share in paying his fair share of taxes.

CONGRATULATING TRIXIE JOHNSON ON HER RETIREMENT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. OBERSTAR. Madam Speaker, I rise today to congratulate Ms. Trixie Johnson on her recent retirement and to commemorate her dedicated service to the Southern California and to the nation throughout her distinguished career. Johnson served as the Director of Research for the Mineta Transportation Institute ("MTI") and where she worked for ten years before retiring this past May.

MTI was established by Congress in 1991 as part of the Intermodal Surface Transportation Efficiency Act and is located at San Jose State University (SJSU). This institution conducts research, education, and information and technology transfers specializing in transportation policy and management.

Ms. Johnson led a research program at MTI that brought together faculty and student researchers from SJSU, along with other academic institutions around the country, and the private sector to advance the body of knowledge in transportation policy and management from an intermodal perspective. In addition to publishing innovative reports and research findings, Ms. Johnson was deeply committed to recruiting, engaging, and training the nation's next generation of transportation planners and leaders.

Before joining the Mineta Transportation Institute in July 1999, Trixie Johnson served the full limit of two terms on the San Jose City Council—from 1991 through 1998. Due to Ms. Johnson's extensive experience, she has been recognized as a land use and environmental specialist by her peers. Her council service included two years as Vice Mayor and several years as chairperson of the city's Transportation, Development and Environment Committee.

Ms. Johnson has a long record of public service that included serving as chair of the Environmental Quality Committee and member of the Board of Directors for the League of California Cities; vice-chair of the Energy, Environment and Natural Resources Committee of the National League of Cities; and member of the Bay Area Air Quality Management District Board.

While her passionate work on transportation issues throughout her career will surely be missed, the many students and colleagues she has inspired will carry on her work as the nation seeks solutions to the transportation challenges of the 21st century.

Therefore, Madam Speaker, I would like to congratulate Trixie Johnson on her retirement, and wish her and her family the best of luck in this next chapter of their lives.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior, Environment and Related Agencies Appropriations Act.

Requesting Member: Congressman TODD RUSSELL PLATTS (PA–19)

Bill Number: H.R. 2996—Department of the Interior, Environment and Related Agencies Appropriations Act

Account: STAG

Legal Name of Requesting Entity: York City Sewer Authority

Address of Requesting Entity: 1701 Blackbridge Road, York, PA 17402

Description of Request/Justification of Federal Funding: The York City Sewer Authority is a public, municipal authority providing wastewater services for residential, commercial, and industrial users in an eight municipality service area. The York City Sewer Authority would use this funding to construct a new headworks facility, which includes the replacement of the building's heating and ventilation system and replacement of the activated carbon bed in the building's odor control system. This is a good use of taxpayer funds because the combined improvements provide the most cost effective solution for updating infrastructure for the authority's residents and businesses.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman BILL POSEY

Bill Number: H.R. 2647

Account: Research, Development, Test & Evaluation, Defensewide

Legal Name of Requesting Entity: Soneticom

Address of Requesting Entity: 1045 South John Rodes Boulevard, West Melbourne, Florida 32904

Description of Request: This technology is important to helping our military and would be used for enhancement of a currently installed system for continued operations. $3 million is provided for this program.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding an earmark I received as part of the Interior-Environment Appropriation.

The following earmark was requested by my office and is listed for funding in this bill:

City of Galt Wastewater Treatment Plant

Requesting Member: DANIEL E. LUNGREN

Bill Number: HR 2996

Account: EPA/STAG Water and Wastewater Infrastructure Project

Requesting Agency: City of Galt

Agency Address: 495 Industrial Drive, Galt, CA 95632

Amount: $500,000

Description: The City of Galt is being forced to upgrade their existing wastewater treatment facility as a result of increased Federal water quality mandates. The new wastewater treatment facility will put Galt in to compliance with the National Pollutant Discharge Elimination System (NPDES). NPDES is the Federal system for the issuance of permits under Section 402 of the Federal Water Pollution Control Act Amendments of 1972, and many of the stringent NPDES permit requirements are based on National Toxics Rule (NTR). The NTR is an Environmental Protection Agency regulation that established numeric water quality criteria for priority inorganic pollutants for fourteen States and jurisdictions, including California, into compliance with Section 303 (c)(2)(b) of the Clean Water Act.

Federal mandates dictate an increased number of contaminants for which the City must treat wastewater. The existing WWTP was not designed to meet most of the new standards, and therefore must be upgraded. The City is subject to mandatory Environmental Protection Agency (EPA) fines until such time as the project is completed. This project will enable the City of Galt to come into compliance with these Federal mandates.

This project represents an appropriate use of taxpayer funds as it responds to EPA mandates to improve wastewater treatment, to provide mitigation against a wider array of water

contaminants, in a community acutely impacted by the capital demands of such undertaking.

INTRODUCING LEGISLATION PROVIDING STRONG LAND PROTECTION INCENTIVES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BLUMENAUER. Madam Speaker, more than 2 million farms make up America's rural landscape. Ninety-eight percent of these farms are owned by individuals, family partnerships, and family corporations, producing about 86 percent of U.S. agricultural products sold.

The most significant asset held by many of these farmers is their land. In some cases, when the owner of the farm dies, surviving family members must sell portions of the farm to cover their estate tax costs. Today I am introducing legislation to help ensure that families are not forced to sell the farm and that their land resources are available for agricultural and conservation use by future generations.

In 1997, in order to encourage the conservation of sensitive lands and farms, Congress enacted an estate tax exclusion for land placed under a conservation easement. 26 USC 2031(c). That law caps the exclusion at $500,000. Given the significant rise in land values over the past decade, especially for agricultural regions near urbanizing areas, that cap is now too low to provide a meaningful incentive to many farmers.

My legislation updates and increases the exclusion to $5 million. By increasing the current cap on the property value that can be excluded from an estate when the land is protected by a conservation easement from $500,000 to $5,000,000 (and by raising the exclusion percentage from 40 percent to 50 percent, this bill will encourage significant additional protection of farmland across our country.

The voluntary placement of a conservation easement on private land is a very effective and successful tool for protecting and conserving our nation's open spaces and sensitive lands. As the American Farmland Trust has written, "We strongly believe that the proper incentives are the most effective way of encouraging landowners to conserve land." This legislation provides strong land protection incentives and will result in the preservation of America's vital farm and ranchlands.

HONORING MR. JOHN GAMBLE

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to a respected leader of Southwest Colorado, Mr. John Gamble of Durango. Mr. Gamble has served the community of Southwest Colorado with distinction for 24 years and is announcing his retirement this month.

In 1985, Mr. Gamble took over the new Southwest Colorado Volunteers of America in Durango, Colorado. Under his strong and steady leadership, the agency grew to provide many critical services to the community. At the beginning of his tenure, Mr. Gamble helped to open a domestic violence shelter to provide a safe haven for those in need. And, in the early 1990s, he led the effort to open a much needed homeless shelter. To fund all of these critical services, Mr. Gamble opened a very successful thrift store and led many colorful and profitable fundraising events. In his spare time, Mr. Gamble served on the Durango City Council, including a term as the mayor of that proud city.

Madam Speaker, I commend Mr. John Gamble for his outstanding service and dedication to the residents of Southwest Colorado. Mr. Gamble clearly has a heart for service and the skills to get the job done. His community is a better place due to his efforts. While we will all miss Mr. Gamble's service and leadership, I ask that you join me in wishing him well upon his retirement.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act.

(1) $333,000 for the City of Buckley, WA for an emergency intertie booster station.

Requesting Entity: City of Buckley, PO Box 1960, 933 Main Street, Buckley, WA 98321

Agency: Environmental Protection Agency

Account: STAG

Funding requested by: Rep. DAVE REICHERT

The City of Buckley will construct an emergency intertie booster station to allow the City to use water from the City of Tacoma in an emergency. The City of Tacoma water system in this area operates with a hydraulic grade line of 810 feet. The City of Buckley water system operates with a hydraulic grade line of 882 feet. Therefore the booster station is required to overcome a static head of approximately 72 feet. The City's largest water source is the S. Prairie Creek surface water source. The City's water right for this source is 900 gpm. To allow the system to operate effectively with the S. Prairie Creek source out of service, the booster station will have a capacity of 900 gpm. The booster station will be constructed in right-of-way in a location close to existing City of Buckley and City of Tacoma water infrastructure.

Finance Plan:

City of Buckley, Budget Details: This request is for federal funding in the amount of $550,000 to construct an emergency water intertie and booster station between the City of Tacoma's transmission main and the City of Buckley's water system. As illustrated below in the engineering cost estimate, approximately, $121,000 is for administration & engineering; and $485,000 for construction. The City of Buckley is currently working on a major flood damaged repair to our primary transmission water main, but will be able to allocate $57,000 as a match towards this project.

PRELIMINARY COST ESTIMATE

[Tacoma Emergency Intertie Booster Station]

	Item	Quantity	Unit price	Amount
1.	Mobilization/Demobilization	Lump sum	$34,000	$34,000
2	Site Work	Lump sum	15,000	15,000
3	Erosion Control	Lump sum	2,500	2,500
4	Locate Existing Utilities	Lump sum	2,000	2,000
5	Intertie	Lump sum	25,000	25,000
6	Booster Pumps (2 x 450 gpm)	Lump sum	32,000	32,000
7	Booster Station Building (12′ x 16′)	Lump sum	52,000	52,000
8	Piping, Valves, and Appurtenances	Lump sum	80,000	80,000
9	Site Fencing	200 LF	28	5,600
10	Surface Restoration	Lump sum	5,000	5,000
11	Electrical, Telemetry, and Instrumentation	Lump sum	105,000	105,000
12	Primary Power Service	Lump sum	15,000	15,000
	Subtotal			373,100
	Sales Tax (8.4%)			31,340
	Subtotal			404,440
	Contingency (20%)			81,060
	TOTAL ESTIMATED CONSTRUCTION COST			485,500
	Engineering and Administrative Costs (25%)			121,000
	R.O.W., Easement and/or Land Acquisition			—

PRELIMINARY COST ESTIMATE—Continued

[Tacoma Emergency Intertie Booster Station]

Item	Quantity	Unit price	Amount
TOTAL ESTIMATED PROJECT COST (2008 Dollars)			607,000

2) $2,150,000 for Mt. Rainier National Park for Land Acquisition.

Requesting Entity: U.S. Department of Interior, National Park Service, 1849 C Street, NW, Room 7256, Washington, DC 20240

Agency: Department of Interior

Account: National Park Service

Funding requested by: Rep. DAVE REICHERT, JIM MCDERMOTT

This land acquisition will ensure visitors' access to Mt. Rainier National Park at the northwest entrance. The Carbon River Road has frequently been washed out, preventing visitors from reaching the Ipsut Creek campground and picnic area, as well as day-use parking for access to the Carbon Glacier and Wonderland Trail. To address this problem, and to eliminate the considerable maintenance costs necessitated by the frequent flooding, Congress passed an expansion of the park's northwestern boundary three miles along the Carbon River Valley. The addition of these lands will allow the National Park Service to establish a new campground with associated roads and parking, new hiking trails, and riverfront fishing areas. The expansion will also afford much needed protection to the beautiful Carbon River Valley, conserving habitat for endangered and threatened species. The valley contains one of the last inland old-growth rainforests in the United States, and connects wildlife corridors from the park to Puget Sound. Among the property included within the newly expanded park boundary is the 240-acre Carbon River Gateway. This parcel lies adjacent to Forest Service lands that link current Park Service lands with the privately owned parcels within the expansion area.

Finance Plan: The National Park Service will use these funds to cover the fair market value (FMV) of two properties located within the expanded boundaries of Mt. Rainier National Park in Washington State. The actual amount to be expended will depend on federally approved appraisals of the parcels. $2,500,000 is the best estimate of the cost at this time. Due diligence costs for the Carbon River Gateway property will be borne by the The Trust for Public Land and the acquisition management account of the National Park Service. There is no cost-share requirement for this program. This request is consistent with the authorized purposes of the Land and Water Conservation Act and Public Law 108–312, which authorizes land acquisition in this area of the park.

This office conducted site visits to meet with representatives from both of the projects listed above.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2996

Account: EPA, STAG account, $275,000

Legal Name of Requesting Entity: East Alabama Water Sewer and Fire Protection District

Address of Requesting Entity: P.O. Box 37, Valley, Alabama 36855

Description of Request: ''Wastewater System Planning'' Taxpayer justification—It is my understanding that the funding would be used to map the District's entire sanitary sewer system, analyze specific areas within the existing sanitary sewer system and, identify areas within the system where modifications and upgrades must be performed.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2996

Account: NPS, Save America's Treasures account, $100,000

Legal Name of Requesting Entity: Talladega College, Talladega, AL

Address of Requesting Entity: 627 West Battle Street, Talladega, Alabama 35160

Description of Request: ''Swayne Hall Historic Restoration and Renovation'' Taxpayer justification—It is my understanding that the funding would be used to restore and upgrade Swayne Hall, the original building that housed Talladega College (built in 1852–53).

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act. This legislation appropriates $500,000 in the Department of the Interior, Environment, and Related Agencies Appropriations Bill, for land acquisition for the Florida Trail Association. The entity to receive this funding is the Florida Trail Association, 5415 SW 13th St., Gainesville, FL.

Funding will be used for the acquisition of land to protect 16 critical segments of the Florida National Scenic Trail. Designed by Congress in 1983, the Florida National Scenic Trail is an essential part of maintaining Florida's natural beauty for future generations and serves as an inspirational, educational tool for conservation efforts in the state.

BOULDER, COLORADO'S SESQUICENTENNIAL

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. POLIS. Madam Speaker, I rise today in recognition of the 150th birthday of my home town, Boulder, Colorado.

Boulder is a special place. When I meet people from other parts of the country who have passed through our fair state, the very mention of Boulder always brings a smile to their face. On February 10, 1859, settlers from the Nebraska Territory (the beginnings of a world renowned college football rivalry perhaps) founded the ''Boulder City Town Company.'' From its birth, our city has been a shining example of what is possible with a civic minded populace.

From our humble beginning as a supply town for miners, to the national leader in smart growth and environmental stewardship we are today, Boulder has always been dedicated to the careful balance of entrepreneurship and wise land use.

The beauty of our natural surroundings has caused generations of Boulderites to value our town and to embrace a life of grace rather than greed. Over the years, Boulder residents have taken extraordinary measures to mesh the human environment seamlessly with our natural environment. Through a citizen initiative, we brought Frederick Law Olmstead to Boulder at the beginning of the 20th century to craft a vision plan for our city designed to highlight our natural treasures such as Boulder Creek and the Flatirons. In 1959, our residents took action to create the ''blue-line'' to preserve the mountain backdrop, and made Boulder the first city in the nation to impose a tax for land conservation. We purchased the Arapahoe Glacier to ensure a source of drinking water for our residents and agricultural uses. Boulder was also the first community to adopt a ''carbon tax'' to deal with the crisis of climate change. Today, our open space program has made Boulder the envy of many an over-crowded community and is now a model duplicated state and nationwide.

Boulder's commitment to the environment is equaled by its commitment to the community and especially to education. The Colorado Territory's first class of high school seniors graduated in Boulder. When Colorado became a state in 1874, Boulder citizens pooled their resources and raised $15,000, a fortune in those days, to build the state's first public university. The vibrant culture surrounding this top tier institution of higher learning—full of philosophical debate, football, and foreign exchange—has created the colorful lifestyle that makes our town unique.

Our highly skilled workforce has attracted world class employers, such as IBM, Ball Aerospace, and Roche Pharmaceuticals Boulder, as well as some of the nation's premier

research institutes, such as the National Oceanic and Atmospheric Agency (NOAA), the National Institute of Standards and Technology, and the National Center for Atmospheric Research (NCAR).

The heart of Boulder is our award winning Downtown. Boulder's small businesses are the life blood of our community and give Boulder the special sense of place that is loved by residents and visitors alike. For more than 50 years, Boulder residents have relied on the Boulderado, McGuckins Hardware, and The Sink. The Pearl Street Mall and our Downtown, both easily accessible by pedestrians, drivers and bicyclists, are national models of smart urban development. The eclectic mix of housing, independent retailers and commercial enterprises give Boulder an economic driver that many larger communities envy.

I congratulate my fellow Boulderites on 150 years of progress and prosperity, and look forward with great anticipation of what the future holds for our diverse and vibrant community.

Happy Birthday, Boulder.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2996:

Requesting Member: Congressman FRANK LoBIONDO (NJ–02) (along with Reps. ADLER, SIRES and ROTHMAN)

Bill Number: HR 2996

Account: Fish and Wildlife Service, Land Acquisition

Legal Name of Requesting Entity: New Jersey Audubon Society

Address of Requesting Entity: 11 Hardscrabble Road, Bernardsville, NJ 09724.

Description of Request: Provide an earmark of $1,100,000 for a land acquisition project at Edwin B. Forsythe National Wildlife Refuge.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02) (along with Reps. SIRES and ROTHMAN)

Bill Number: HR 2996

Account: Fish and Wildlife Service, Land Acquisition

Legal Name of Requesting Entity: New Jersey Audubon Society

Address of Requesting Entity: 11 Hardscrabble Road, Bernardsville, NJ 09724.

Description of Request: Provide an earmark of $2,000,000 for a land acquisition project at National Wildlife Refuge.

HOMAGE TO MR. GEORGE A. DALLEY

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Ms. CLARKE. Madam Speaker, I rise today extremely humbled and privileged to pay homage to Mr. George A. Dalley, who will retire as Counsel and Chief of Staff to the Honorable CHARLES B. RANGEL of the 15th Congressional District of New York. Chairwoman, anyone who has worked with Mr. Dalley, knows that he is extremely fond of CONGRESSIONAL RECORDS. So it is more than appropriate that I submit my sentiments and testimony about him into the RECORD for posterity.

George A. Dalley is not only a highly-successful leader and an amazing human being, he has been a true supporter and friend to all who have crossed his path. I especially feel blessed to have him serve as my mentor and advisor, who was integral in helping me acclimate and adapt to the rigors of Congress, even before I arrived in D.C. I am also blessed to share with Mr. Dalley a rich Jamaican heritage and common lineage. The pride he exhibits in heritage and his work with the Caribbean American community has truly been an inspiration and motivation for my advocacy on behalf of Caribbean Americans across this nation and their countries of origin.

General Douglas McArthur once said, ''A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the quality of his actions and the integrity of his intent.''

Mr. George A. Dalley, your example has been a guide to us here on Capitol Hill and your leadership is an example for generations to come. I wish you all the best in the next stage of your life. Your presence on the Hill will sorely be missed.

THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. RAHALL. Madam Speaker, the Congress would be unwise to sit by and simply allow the Environmental Protection Agency to regulate a reduction in greenhouse gas emissions, as the agency has been mandated to do by the Supreme Court. Similarly, it would be a mistake to sit back and allow other countries to devise international rules that will affect America's economic and energy interests.

I do not agree with those who advocate for sitting on our hands and just saying NO to everything, sight unseen. The international community has no interest in protecting American businesses, and the Environmental Protection Agency is not required by the Supreme Court to consider the views of our constituents or the economic consequences to our communities.

I believe America is the one nation best equipped to lead such a multinational effort and, in doing so, to strike a balance between environmental preservation and the preservation of jobs. The hands-off approach of recent years did nothing to help promote new energy technologies, or to advance carbon capture and sequestration, or to protect American jobs.

It is evident that wishing that this complex issue would simply go away will not lead to better results for our Nation or the people we represent. And ''just saying no'' to any and all proposals, sight unseen, is unrealistic and irresponsible.

For those reasons, I chose to work with my colleagues and with numerous stakeholders—including the coal industry, manufacturers, and labor—to positively influence this bill and America's climate change strategies. And for those reasons our coal miners and responsible industry members have been at the table, too, rather than on the sidelines.

I thank Chairman WAXMAN, who has made many concessions in this bill, and I thank leadership for listening to my concerns about this legislation and moving to help address them.

As well, I commend my colleague RICK BOUCHER, from southwestern Virginia, who serves on the Energy and Commerce Committee and worked in determined fashion to make improvements to the bill that we both sought. I am grateful that he has been so welcoming of my views and supportive of our interests—such as ensuring the availability of $10 billion to advance carbon capture and sequestration technologies and other changes that are beneficial to the people of our neighboring districts.

While this bill is greatly improved from the discussion draft that was first circulated in March of this year—and opponents were saying NO even before that draft was written—more improvements are needed to gain my support.

Coal does much more than keep the lights on in big cities across America. In my district, it covers the mortgage, puts food on the family dinner table, and keeps open the doors of small businesses. While the emissions target in the early years of this program has been lowered from the 20% cap initially contained in this bill, there remains widespread concern that even the reduced cap—17% in 2020—is still too high and too soon to incentivize rapid development and deployment of carbon capture and sequestration technologies, so as to ensure coal mining jobs for the future. We must allow time for expensive clean coal technologies to come on line.

These technologies are critical to lowering emissions across multiple sectors of our economy. And they are necessary for keeping hardworking coal miners in the jobs they want, providing power for the country they love.

Madam Speaker, today, I cannot cast my vote for this bill.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CROWLEY. Madam Speaker, on June 25, 2009, I was absent for eight rollcall votes because I was in a meeting at the White House with President Obama on immigration reform. If I had been here, I would like the RECORD to reflect that I would have voted:

Yes on rollcall vote 453, Yes on rollcall vote 454, No on rollcall vote 455, No on rollcall vote 456, Yes on rollcall vote 457, Yes on rollcall vote 458, No on rollcall vote 459, and Yes on rollcall vote 460.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Department of the Interior, Environment and Related Agencies Appropriations Bill for Fiscal Year 2010 (H.R. 2998).

My Congressional District received $500,000 for the City of Omaha Public Works Department, located at 1819 Farnam Street, Suite 600, Omaha, NE 68183. This money is from the State and Tribal Assistance Grant (STAG) account, and will be used by the City of Omaha for the design and construction of improvements to portions of the City's combined sewer system. These projects will allow the City of Omaha to reduce the amount of sewage overflowing to receiving streams. These efforts are consistent with the latest requirements from the Environmental Protection Agency (EPA) and Nebraska Department of Environmental Quality (NDEQ) to achieve the goal of improved water quality in the United States.

A TRIBUTE TO MAJOR EARL G. ANDERSON, JR.

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to honor the life and military service of Major Earl G. Anderson, Jr. who was recently named the 2009 Aviator of the Year at the Indianapolis Air Show.

Born in Rockford, Illinois in 1920, twenty-two-year old Earl Anderson, Jr. enlisted in the United States Army Air Corps in April of 1942 leaving behind his wife Geraldine to serve his country in its time of need. By September 1943, Aviation Cadet Anderson had completed his State-side training and was assigned to the United States 15th Air Force flying The Consolidated B–24 Liberator bomber over Europe. The B–24 was an American heavy bomber that still holds the record as the most produced U.S. military aircraft.

Between December 1943 and June 1944 Major Anderson flew fifty-one successful combat missions against enemy targets before being shot down. He spent the remainder of the war as a Prisoner of War (POW) in a camp outside Munich, Germany. For his heroic and courageous flying, Major Earl Anderson, Jr. was awarded by order of the President of the United States the Distinguished Flying Cross, the Air Medal with 6 clusters, and the Distinguished Unit Badge with one cluster.

Earl's prison camp was eventually liberated by allied troops in 1945 and after debriefing Earl was sent back to the United States to spend some time on furlough before returning to duty. Major Anderson continued serving both on active duty and as a member of the Reserves until he was Honorably Discharged in 1961.

Fortunately for all Hoosiers, Earl's passion for aviation stayed with him after he left the service and he's been an active part of Indiana's aviation community for many years. Earl and his wife Geraldine (Gerrie) have been married for 67 years. They have two daughters, Marilyn and Barbara, and five grandchildren.

I ask all of my colleagues to join me now to thank Major Earl Anderson, Jr. for his service and his sacrifices for our country, and to congratulate him on being named the 2009 Indiana Aviator of the Year.

HONORING LT. COLONEL CHARLIE PARNELL

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to an unsung hero from Southwest Colorado; Lt. Colonel Charlie Parnell of Durango. Charlie Parnell has selflessly and tirelessly been serving the veterans of Southwest Colorado for many years and it is time that he is recognized for this service.

In 1988, Lt. Colonel Parnell retired from the United States Air Force after 26 years of honorable service, including tours of duty in Germany, Thailand, Vietnam, Korea, Turkey and Saudi Arabia. He is the proud recipient of the Bronze Star.

After struggling for 15 years to receive the disability benefits he had earned from the Department of Veterans Affairs, Lt. Colonel Parnell dedicated himself to helping his fellow veterans wade through the challenging VA benefits system so they too would receive the compensation they had earned. Since then, he has helped over 1000 veterans receive their benefits, and has done so completely at his own expense.

It is this type of above the call-of-duty service that makes this nation great. And it is this kind of service that deserves all of our recognition. When asked why he does what he does for his fellow disabled veterans, Lt. Colonel Parnell says simply, ''Because I can.''

Madam Speaker, today I rise to join the 1000 veterans in Colorado's Southwest region to thank and honor Charlie Parnell for his service to this country and to my constituents in the Third Congressional District.

Thank you, Lt. Colonel Parnell for your hard work and dedication to our nation.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, the Interior, Environment and Related Agencies Appropriations Act. This legislation appropriates $500,000 to the Department of the Interior National Park Service account for the Castillo de San Marco National Monument in the City of St. Augustine, Florida, which is in my district. The entity to receive this funding is the U.S. Department of Interior, National Park Service, Castillo de San Marco National Monument located at 1 South Castillo Drive, St. Augustine, FL 32084.

The City of St. Augustine, founded 444 years ago in 1565, is our nation's oldest enduring settlement of European design. Prominent within the Historic Spanish Colonial District, which features thirty-six original colonial buildings, is the majestic Castillo de San Marcos stone fortress that began construction in 1672.

As the only existing 17th century fort in North America, the Castillo de San Marcos is an important historical and cultural landmark that features the oldest surviving masonry in our nation. About 538,500 people visited the Castillo in 2008, hosting as many as 3,751 tourists in just one day.

Authorized by Public Law 108–480, this funding will be used for the planning and design phase of the Castillo de San Marcos National Monument Restoration Project, as outlined in Alternative C of the March 2007 Final General Management Plan and Environmental Impact Statement.

This planning will help preserve and expand the Castillo by constructing a visitor center in the Spanish Quarter of St. Augustine and removing a portion of the visitor parking lot to restore the glacis.

TRIBUTE TO LARRY E. REIDER

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Dr. Larry E. Reider, a resident and community leader from Bakersfield, California, on his retirement as Kern County Superintendent of Schools and to recognize his remarkable and distinguished leadership while serving the students of Kern county. Over the last 44 years, Larry has been instrumental in advancing Kern County's public education system.

Larry was born in the State of Washington and was raised on his family's farm. In 1965, he earned his bachelor's degree from Central Washington State University and made the move to Kern County to teach in the Arvin Union School District. A dedicated math teacher, Larry spent 19 years in Arvin schools' classrooms and later as a school administrator. He also earned advanced degrees from the California Polytechnic State University, San Luis Obispo and the University of Southern California.

In 1984, Larry joined the Office of the Kern County Superintendent of Schools as a district advisory consultant. Recognizing his dedication and commitment to the schools, students, and parents of the community, the Kern County Board of Education tapped him to be the

Kern County Superintendent of Schools in 1999.

Since becoming Kern County Superintendent of Schools, Larry has been integral to a plethora of local initiatives and projects designed to enhance the reading, writing, and mathematical skills of elementary school students in the county. For instance, he partnered with the Bakersfield Californian to develop the Community Reading Project, which places volunteer reading tutors throughout various classrooms in the county to aid second graders in becoming more proficient readers. Additionally, he developed the Kern Reading Collaborative, an association that analyzes which reading programs are productive and investigates ways those programs can reach more students. Larry also established the Do The Math program, a bi-weekly television homework help channel where teachers assist students in both English and Spanish with their math problems both on and off the air, as well as Ready to Start, a summer pilot program that prepares pre-kindergartners to learn more efficiently as they begin their academic career.

As a former teacher, Larry was always cognizant that highly qualified and effective teachers in the classroom are the best recipe for successful students. To that end, he co-chaired a task force which formulated various approaches to recruit and retain highly qualified teachers in Kern County schools and get them in the classroom. This initiative has been highly successful, and our schools have some of the best and brightest teachers in the region. He also recognized that new generations of students are exceedingly technology savvy, and so opened a learning center that helps teachers integrate technology into the classroom to better teach and engage their students. This not only helps teachers be more effective, it also helps ensure their students continue to develop the skills necessary to be successful in the technology-driven workplace of today.

Not only has Larry harnessed cutting-edge technology in the classroom, he has also been an advocate to use technology to help keep our environment clean. Under Larry's leadership, Kern County schools are in the process of converting their current diesel school bus fleet to clean burning Compressed Natural Gas (CNG). More than half of the diesel buses have already been replaced. As part of this initiative, in 2006, the Superintendent of Schools opened a CNG fueling station, which serves Kern County school buses and is open to the public. As Kern County unfortunately has some of the dirtiest air in the United States, this initiative is extremely important to helping clean the air in the Central Valley.

Larry is also active in several community organizations, including the Bakersfield Chamber of Commerce, Kern County Network for Children, United Way, Rotary Club of Bakersfield, and Vision 2020. He has also been honored by several local and state organizations over the years for his leadership by organizations such as the Community Action Partnership of Kern, California State University-Bakersfield School of Education, Association of California School Administrators, California Teachers Association, Kern Council of Governments, and Kern Reading Association.

Larry exemplifies how one can serve their community with great enthusiasm, fortitude, and dedication. Over the years, I have enjoyed working with Larry and always found his perpetual optimism infectious. There was never an obstacle he did not challenge head-on in his amiable, but no-nonsense style, and fight for the best interests of the students of Kern County. After 44 years in public service, I know that Larry looks forward to spending more time with his wife, Sandy, a retired junior high language arts and drama teacher, and his daughter Mikhail. I know that Larry will be missed in the Kern County public education system, and I salute his lifetime of service and wish him the best as he begins this new chapter in his life.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, The FY 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act:

Agency: Environmental Protection Agency

Account: STAG Water and Wastewater Infrastructure Project

Amount: $500,000

Project: Railroad Avenue/Main Street stormwater improvements, Borough of Califon, NJ

Recipient: Borough of Califon, 39 Academy Street, Califon, NJ 07830

The funding would be used for reconstruction of the storm water conveyance system to reduce flooding, meet storm water management standards, and to enhance storm water quality in the Borough of Califon, New Jersey.

Much of the historic core of the Borough of Califon was developed during the mid-late 19th century. Drainage systems were constructed to collect and deliver stormwater to waterpower sites. Considerable segments of the original drainage infrastructure remain and are antiquated. The current drainage ways are susceptible to frequent flooding. During flooding events, recharge to groundwater is reduced, suspended solids and floatables bypass normal catchments, and septic systems are inundated. The quality of receiving waters is degraded.

A reoccurring flooding problem exists along an unnamed tributary which traverses a natural, wooded area between Academy Street and Main St. Severe flooding occurs as flows overtop the existing channel and then sheet overland along Railroad Avenue and Main Street. Flooding along the area reoccurs on a regular basis and results in the degradation of water quality of the downstream receiving watercourses.

In general, the problem is inadequate capacity of the conveyance system of open channels, pipes and culverts. Reconstruction of the system is needed to reduce flooding, meet current stormwater management standards and to enhance stormwater quality.

This project is consistent with environmental criteria established by the State of New Jersey to improve stormwater systems and water quality. Since the stormwater from the area of this project enters the South Branch of the Raritan River, which flows directly through the center of the Borough of Califon, the benefits of this project are far reaching.

IN REMEMBRANCE AND RECOGNITION OF TIMOTHY MICHAEL ELLIOTT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Timothy Michael Elliott and in recognition of his service to our country and his dedication to the City of Cleveland, Ohio. Tim lived and worked in the Detroit-Shoreway neighborhood of Cleveland's west side in my district. He sought to preserve Cleveland's historic housing one house at a time and devoted his time to ensuring the historic integrity of each home he restored.

As a young man, Tim served in the U.S. Army and worked as a draftsman for Hauserman Inc., and B.F. Goodrich. He also worked for Century 21 Real Estate and led the Nolasco Housing Corporation, a non-profit development organization affiliated with the neighborhood Catholic Church, Our Lady of Mount Carmel. In addition to his work, he dedicated his life to the City of Cleveland. He was proud of the west side neighborhood in which he lived and became concerned about deteriorating conditions. He began to buy and repair neighboring homes to improve the housing of the neighborhood. He rarely worked on houses he could not walk to from his Herman Avenue home. ''He could walk into a place that was falling apart and not see it as it was but what it could be,'' said Judge Ray Pianka, a neighbor and friend as well as Cleveland's municipal housing judge. ''He has taken some homes that appeared to be beyond saving and made them showplaces.''

Also within walking distance of their home was Edgewater State Park, a beautiful park along the Lake Erie shore with beaches, boating, picnic areas, and other recreational activities. Tim and his wife Mimi, along with other neighbors and local officials, started the Friends of Edgewater Park to promote and preserve this wonderful amenity in their neighborhood. Tim is survived by his wife Mimi, his son Timothy Michael Jr., his granddaughter Brooke Elliott, and his many friends.

Madam Speaker and colleagues, please join me in celebrating the life of Tim Elliott, and in recognizing his dedication to the betterment of our community. His service and leadership in the west side neighborhood of Cleveland inspired us all to work toward neighborhood preservation.

TIMOTHY ELLIOTT, 63, FIXED UP OLD HOMES ON THE WEST SIDE—OBITUARY

(By Grant Segall)

Tim Elliott helped to turn around the West Side. The painstaking renovator and Realtor helped revive Ohio City and Detroit-

Shoreway in the past four decades, boosting a couple of hundred properties and winning over skeptical investors, bankers and officials.

Elliott died Friday in his West Side home, one of his pet projects, a 3,200-square-foot Italianate from the 1860s. He was 63 and had struggled for several years with strokes.

''He could walk into a place that was falling apart and not see it as it was but what it could be,'' said Raymond Pianka, Cleveland's housing judge, a neighbor and the employer of Elliott's widow, Mimi. ''He has taken some homes that appeared to be beyond saving and made them showplaces.''

Elliott liked not just walking into a place but walking to it. He'd turn down a project if he and his small crew couldn't walk there from their homes.

He hoped each project would ripple through the neighborhood. He preferred corner homes, helping two blocks instead of one.

He liked to install modern conveniences such as whirlpools while highlighting history.

''There's not a newer old house in the city,'' he boasted about one salvage job.

He bought homes suffering from water, waste and vandals and sold them for several times his purchase price. He'd comb rural Ohio for replacement parts or make them himself, from tiles to spindles.

Elliott said he'd decided at age 7 to spruce up old homes. He was born on the East Side, the seventh of eight children. His father was an engineer, and several brothers followed suit.

He left Cleveland at 12 and graduated from Willoughby South High School. He enlisted in the U.S. Army, making photographs and maps, serving partly in South Korea.

Elliott returned to Cleveland in the early 1970s and helped Hauserman Inc. draft work for projects such as the Americana high-rise in Euclid. He later drafted pipes and buildings for Goodrich in Solon.

On the side, he got an associate's degree in arts at Cuyahoga Community College.

He started renovating West Side homes about 1978. He owned about 16 buildings over the years and handled many others as well.

He worked for Century 21 and led Nolasco Housing Corp., a development group affiliated with Our Lady of Mt. Carmel Church, in the 1980s.

Elliott was honored by Cleveland Magazine and the Cleveland Restoration Society.

On the side, he liked to bicycle, raise terriers and sail. He put together a 27-foot boat from a kit.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Department of Interior and Environment Appropriations request.

Requesting Member: Congressman JEFF MILLER

Project Name: Santa Rosa County for Navarre Beach water clarifier

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Santa Rosa County, FL

Address of Requesting Entity: 6495 Caroline Street, Milton, FL 32570

Description of Request: $220,000—Santa Rosa County for Navarre Beach Water Clarifier, Milton, Florida. I requested these funds to allow for Navarre Beach residents to have a safe and reliable source of water. Currently there is no reliable backup beyond three days for citizens. It would also increase compliance with both State and Federal regulations. The entity to receive funding for this project is Santa Rosa County, Florida, located at 6495 Caroline Street, Milton, FL 32570. The funding would be used to complete the Navarre Beach Water Reclamation Facility clarifiers to protect the area's water quality. I certify that this project does have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, Department of Homeland Security Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 2892, Department of Homeland Security Appropriations Act, 2010

Account: FEMA, Predisaster Mitigation

Legal Name of Requesting Entity: CHRISTUS St. Elizabeth Hospital

Address of Requesting Entity: 2830 Calder Street, Beaumont, TX 77702

Description of Request: I have secured $250,000 in funding under FEMA's Predisaster Mitigation account to allow for the purchase of a 2.5 megawatt diesel generating plant to ensure sanitary and safe conditions for both current and potential patients during disasters. Although the Hospital has basic generator capabilities to sustain life support, Hurricanes Rita and Ike have proved that this basic capacity is insufficient. During Hurricane Ike, 190 patients were unable to be evacuated and as commercial utilities were shut down, basic hospital operations were compromised. The generator will make certain that the Hospital remains serviceable by ensuring that power and water are functional; thus, allowing the Hospital to maintain its mission of providing essential medical care to the residents of southeast Texas.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: Western Municipal Water District

Address of Requesting Entity: 450 Alessandro Boulevard, Riverside, CA 92508

Description of Request: H.R. 2996 provides $500,000 for the Western Municipal Water District for Arlington Desalter Biodenitrification project. The funding will be used to build a biological denitrification facility for drinking water. The process, called ''Fixed-Bed Biological Treatment'' (FXB) uses an innovative bioreactor to remove multiple contaminants from groundwater. Western Municipal Water District has completed pilot testing of the FXB process at the Arlington Desalter and has already received conditional approval from the California Department of Public Health for a full scale facility. This new facility will consist of a series of large biofilter, polishing and backwash equalization tanks as well as supply pumps and a new groundwater well. It will be built at the site of the Arlington Desalter in Riverside, California. The project benefits the City of Norco, portions of the City of Riverside, unincorporated areas of Riverside County, and any entity within the Arlington Groundwater Basin by cleaning the area's water supply and creating up to 3.7 million-gallons-per-day of new water.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of San Juan Capistrano

Address of Requesting Entity: 32400 Paseo Adelanto, San Juan Capistrano, CA 92675

Description of Request: H.R. 2996 provides $500,000 to the City of San Juan Capistrano for ground water recovery plant expansion and regional distribution facility. The funding will allow the city to expand the current capacity of the existing treatment facility to 7.3 million-gallons-per-day from 5.6 million-gallons-per-day. During the ongoing drought, water that is produced locally can be conveyed to surrounding water agencies thereby reducing the demands placed on the Sacramento Bay Delta and the Colorado River. In the event of a natural disaster or other emergency, the treatment plant will have the ability to function as a regional distribution facility to neighboring water agencies and helping to provide a reliable source of safe drinking water.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment and Related Agencies Appropriations Bill, 2010:

Rep. WALTER B. JONES

Project: Rural Water Technical Assistance, National Rural Water Association

Recipient: National Rural Water Association, 2915 South 13th Street, Duncan, OK 74544

Account: Environmental Protection Agency, Environmental Programs and Management

Amount: $13,000,000

Explanation: The funding will be used to provide rural water technical assistance, including source water and ground water protection, to help small rural communities across the nation protect their drinking water quality and comply with federal mandates.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES, (MO–6), Department of the Interior, EPA/STAG Account—$500,000 to the City of St. Joseph for Stormwater and Wastewater Infrastructure (1100 Frederick Avenue, St. Joseph, MO 64501)

The federal funding I obtained will be utilized by the City of St. Joseph, MO, to repair and update its aging stormwater and wastewater system. The community's sanitary and stormwater collection system is divided into two components: a large combined sewer system and a separated system. Specifically, the funds will support the development and implementation of a county-wide Stormwater Management Plan to make improvements to the system to comply with EPA requirements and operational needs resulting from new regulations, system conditions and community growth in the City of St. Joseph and Buchanan County, MO. This federal funding has the potential to create new jobs with the increased sanitary waste capacity, as well as have a positive impact on ratepayers thanks to more efficient operations with improved water quality.

HONORING THE EFFORTS OF MR. RUSS DAVIDSON

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. REHBERG. Madam Speaker, I rise to honor Russ Davidson of Colstrip, Montana, for 25 years of dedicated service to the Close Up Foundation. On behalf of the U.S. House of Representatives and Montana, it's a privilege to thank Russ for his many years of service.

As a high school teacher of history and government, Russ has traveled to Washington, D.C. with his students many times over the course of his career. According to his students and all who know him, Russ is an excellent teacher with years of experience in the classroom. Each year, I enjoy meeting with hundreds of Close Up students in Washington, D.C., and I appreciate the extent to which Close Up sponsors promote informed participation in the democratic process. Close Up gives students the unique opportunity to learn about the democratic process as they are introduced to lawmakers, public interest groups and personnel from all branches of government.

Thanks to people like Russ, students from across America are able to meet with their elected leaders and understand how they can make a positive difference through democratic participation. Once again, I thank Russ for his dedication as an educator and Close Up sponsor, and it's a privilege to formally recognize his efforts.

CELEBRATION OF THE 100TH BIRTHDAY OF MARTHA POFFENBERGER MCKINLEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. RADANOVICH. Madam Speaker, I rise today on behalf of my colleagues, Representative DEVIN NUNES and Representative JIM COSTA, to acknowledge, congratulate, and celebrate the 100th Birthday of Martha Poffenberger McKinley.

Martha has always been an active member of the Fresno community. She worked for the State of California Department of Industrial Welfare for many years, where she was involved with a number of business and professional organizations. She also founded and became the first president of the women's section of the Fresno County Chamber of Commerce.

Mrs. McKinley now lives with her daughter and son-in-law. She enjoys spending time with her three grandchildren, 8 great grandchildren, and is looking forward to the birth of her first great-great grandchild.

Martha has been a remarkable mother not only to her own daughter but also to her other daughter Sally Lewis. In 2000, Martha was recognized by the Fresno County Women's Chamber of Commerce as Mother of the Year. She is well-deserving of this award.

My colleagues and I want to take this opportunity to not only wish Martha a happy birthday, but to express our admiration and gratitude for her service to the people of Fresno County. It is truly an honor to celebrate such a remarkable lady.

Below is a letter submitted by her long time friend, Sally M. Lewis.

''On July 17th, a remarkable lady will celebrate her 100th birthday. Martha Poffenberger McKinley was born in Portsmouth, Ohio, on July 17, 1909, the only child of Edward Daniel and Claire Kennedy Poffenberger.

Her life is a long list of accomplishments, but most of all she was a loving wife to Pete before his death and she is a remarkable mom to her daughter Monna and a true blessing in my life for treating me as a daughter since I was a child.

After graduation from Ohio State, Martha began her professional life in Ohio as the private secretary to Governor Bricker. Following her marriage to Peter B. McKinley they moved to northern California. Not much for staying at home, she went to work at Mare Island Ship Yard and quickly moved up from secretarial pool to department head. The family moved to Fresno after Monna was born and once she started school Martha went to work for the state of California Department of Industrial Welfare. While working there she was active in many business and professional organizations. Among them she founded and was the first president of the women's section of the Fresno County Chamber of Commerce (now The Fresno County Women in Chambers of Commerce).

She lived in her own home and washed her own car until she lost her vision well into her 90's. She now enjoys living with her daughter and son-in-law surrounded by her three grandchildren, 8 great children and soon her first great-great grand child.

Even though she is now blind, she still keeps up on current events, manages her own investments and has voted in every election.

Martha has a wonderful mind and fantastic memory. She is never without a joke and a smile. Always the life of any gathering, Martha has always enjoyed her evening cocktail and visits with family and friends. An evening with Martha is one you're not likely to forget.

It's an honor and a privilege to have her as my ''other mutter.'' From: Sally M. Lewis''

CENTENNIAL CELEBRATION OF OREGON STATE UNIVERSITY'S HERMISTON AGRICULTURAL RESEARCH AND EXTENSION CENTER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. WALDEN. Madam Speaker, I rise today to draw my colleagues' attention to the historic June 30, 2009, centennial of Oregon State University's Hermiston Agricultural Research and Extension Center, located in the corner of northeast Oregon near the mighty Columbia River.

Few areas in the world can match the quantity or quality of crop production of the Columbia Basin region that straddles the Oregon-Washington border. This center has been in

the middle of it all for 100 years, helping farmers, ranchers, and researchers find ways to better grow and steward crops ranging from dry land wheat to watermelons; from sugar beets to wine grapes; from beef cattle to dairy cows.

Established in 1909, the ''Umatilla Experiment Farm'' initially served farmers trying to make a living on 20,000 acres of semi-arid northern Oregon desert as part of a federal government reclamation program. By the 1930s, farming expanded to well over 160,000 acres and the demand for the center's research reached levels far surpassing its initial 40 acres. The center moved and expanded to its current 300-acre location to better serve the region's agricultural communities. Today, the work done at this center serves well over 500,000 acres of irrigated and non-irrigated crop land.

The West is dominated by nutrient-deprived, semi-desert soils. The Columbia Basin is no different. So at the beginning, the center set upon helping farmers and ranchers overcome the fundamental challenges posed by an annual rainfall rate of eight inches. Researchers determined which types of organic matter, when put into the soil, would produce the best crops. They worked with farmers, ranchers, and communities to identify more efficient water use, based on soil type, topography, and micro-climate.

Madam Speaker, it is summertime, and if you enjoy a refreshing slice of watermelon this time of year, chances are you have the great work at this center to thank for it. The Columbia Basin is renowned for its delicious watermelons, and the center's researchers helped increase their production from 30-tons per acre under center-pivot irrigation to 70-tons per acre with drip irrigation and weed control. In the process, they made more efficient use of the water and decreased the amount of herbicide needed during production of the watermelon crop.

The center's researchers are in the middle of the battle against crop disease. Tuber worm has emerged as a threat to root crops in recent years. Late blight, the same fungus that caused the great potato famine, has resurfaced. Researchers are on the cutting of edge of identifying new methods to fight diseases that cost producers thousands of dollars each year to control.

And if all that work were not enough, researchers at the center are helping improve the quality of the country's food supply. This is one of the only centers of its kind in America with a molecular biologist working to increase the nutritional quality of our food.

The center's research is so valuable to the region that the many producers who benefit from its research return their thanks generously, donating over $1 million to the center in the past two decades. Growers also funded the building of two large insect houses at $40,000 each that facilitate research on which pests carry crop damaging diseases.

Today's challenges require innovative thinking and solutions. New crop varieties developed at the center help overcome the present challenges facing old crops. Many of the solutions that producers and individuals in the region see as major milestones are all in a day's work for the researchers of the center. As described by the station superintendent, Philip Hamm, ''Our staff are just doing their job, and looking for the next challenge.''

Madam Speaker, this center has played a vital role in helping farmers, ranchers and agricultural communities thrive on the sandy soils that have presented many challenges over the past 100 years. Today, the region served by the center is one of the most important agriculture production areas in the Northwest and produces some of the highest yielding, highest quality crops in the United States.

I congratulate Oregon State University's Hermiston Agricultural Research and Extension Center leadership, its board members, area farmers and ranchers, and the community on reaching this remarkable milestone. I am confident the center's next 100 years will be as successful as 1909–2009 has been.

ON THE 150TH ANNIVERSARY OF FOURTH BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 2009

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate an institution in Richmond, the capital of the Commonwealth of Virginia. On Saturday, June 27, 2009, the members of Fourth Baptist Church are celebrating their 150th anniversary, and I would like to take a moment to highlight the rich history of this church and its contribution to our community.

Fourth Baptist Church, the first black Baptist church in the Church Hill community in Richmond, began in 1859 as a regular assembly of slaves for prayer. The group met regularly on Chimborazo Hill until the outbreak of the Civil War, when the white congregation of the Leigh Street Baptist Church granted permission for the slaves to hold their services in the church basement.

In 1865 the Reverend Scott Gwathmey, one of the group's prayer leaders, gained permission for the group to meet in a Union barracks on Chimborazo Hill. There, on December 2, 1865, the Fourth Baptist Church was formally organized, with Reverend Gwathmey serving as the first pastor.

The barracks were eventually demolished, but the congregation salvaged lumber from the debris and constructed their own church building. In 1875 this church was replaced by another one of frame, on the northern side of Church Hill, near what was to be the site of the present church. The present building was completed in 1884, three months after the former church was destroyed by fire.

The church has grown considerably from these humble beginnings. Major expansion was conducted under the direction of current Pastor Emeritus, Dr. Robert L. Taylor. Dr. Taylor served as Pastor of Fourth Baptist for 34 years. He was responsible for instituting many of the programs that still exist at the church, and oversaw the building of the addition to the church building now known as Taylor Hall.

Fourth Baptist has vibrant Men's and Women's programs that enlighten and assist the young people as they participate in the Boy Scouts, Girl Scouts, and the Youth Usher programs. Fourth Baptist also participates with the Baptist General Convention of Virginia to conduct outreach ministries throughout Greater Richmond and the Commonwealth of Virginia.

I would like to congratulate Chairman of the Board of Deacons Gerard A. Dabney, Interim Pastor Dr. Marion Tapscott, and the entire congregation of Fourth Street Baptist on the occasion of their 150th anniversary. I would to wish them another 150 years of service to their community.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 2996, the Department of Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2996

Account: STAG

Legal Name of Requesting Entity: City of Wurtland

Address of Requesting Entity: 500 Wurtland Avenue, Wurtland, Kentucky 41144

Description of Request: Appropriate $500,000 for the Wurtland/Greenup/Lloyd Regional Sewer project. This project will extend sewers to underserved areas and decommission one WWTP consolidating service with a more modern regional facility. The project serves approximately 3,200 people and will accommodate growth and expansion. Completion of the project will improve health and environmental conditions in the region. In addition, it will eliminate two package plants & approximately 520 septic systems. The Kentucky Infrastructure Authority and the Greenup County Fiscal Court have committed $1.37 million to this project. This project is a valuable use of taxpayer funds because it will reduce pollution in local streams that flow into the Ohio River and will help the community comply with federal environmental standards.

IN RECOGNITION OF THE PASSING OF DAN MCKENZIE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Dan McKenzie, a Northwest Florida community leader and businessman who passed away on June 22, 2009. Mr. McKenzie spent his entire life serving his community and family. I am proud to honor his life of dedication and service.

Mr. McKenzie grew up in Pineapple, Alabama, the son of a sawmill owner. He chose

to branch out and not follow in the family business, instead trying his hand at ranching. As a young man, continuing health issues forced him to seek medical care in Foley, Alabama where he was told he would have to leave the area completely in order to regain his health. He spent the night in Milton, Florida and said he was never sick again. Milton became his permanent home after his miraculous recovery, where he became entrenched in the local business community.

Upon settling in Milton, Mr. McKenzie began a new career in the automotive industry. His first day on the job, he sold a brand new Mercury sedan for $3,000. From there, he built a family owned automotive business that still stands to this day. For over 40 years, McKenzie Pontiac GMC Buick has provided for the automotive needs of the people of Northwest Florida. Billing themselves as a hometown dealership, their motto of ''We will treat you like family'' was a promise and not just a slogan.

Mr. McKenzie was not only a businessman, but a dedicated family man. In 1945, he married his childhood sweetheart, Mary Till, and often credited her as his inspiration. They were the parents of five daughters. Sadly, Dianne passed away at the age of 9, but left to cherish his memory are Janet, Linda, Lisa and Dana.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Mr. Dan McKenzie as a man reflective of the true spirit of Northwest Florida. Mr. McKenzie will be remembered by all as a loving husband and father, a successful businessman and an important part of our Northwest Florida community.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—FY 2010 Interior, Environment, and Related Agencies Appropriations Act.

In the Environmental Protection Agency STAG Water and Wastewater Infrastructure Project account, an earmark for the City of Andrews arsenic filtration pilot project was included on my behalf. The entity to receive this funding is the City of Andrews, Texas. Andrews City Hall is located at 111 Logsdon, Andrews, TX, 79714. The funding would create a pilot program for demonstrating an alternative method to achieve EPA mandates for arsenic mitigation in rural public drinking water systems through the use of under-the-counter reverse-osmosis filtration systems.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

City of Reading Wastewater Treatment Plant, Reading PA—$500,000 for upgrades to address environmental issues as required by Department of Justice Consent Decree.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the fiscal year 2010 Interior, Environment and Related Agencies Appropriations Bill:

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 2996, FY10 Interior, Environment, and Related Agencies Appropriations Bill

Account: Fish and Wildlife Services/Fisheries.

Legal Name of Requesting Entity: Alaska Sea Otter and Stellar Sea Lion Commission.

Address of Requesting Entity: P.O. Box 142, Old Harbor, Alaska 99643.

Description of Request: $200,000 for the Alaska Sea Otter and Stellar Sea Lion Commission. The Alaska Sea Otter and Stellar Sea Lion Commission is an Alaska Native organization that works to ensure conservation, co-management, education, and artistic development of sea otters and sea lions. It is my understanding that this funding would facilitate the development of a co-management plan for sea otters and sea lions by local communities in the interest of sustainable populations and increasing involvement in subsistence management.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 2996, FY10 Interior, Environment, and Related Agencies Appropriations Bill

Account: Fish and Wildlife Service/Resource Management.

Legal Name of Requesting Entity: Alaska Sealife Center.

Address of Requesting Entity: P.O. Box 1329, Seward, Alaska 99664.

Description of Request: $350,000 for the Sealife Center's Eider Research Program. It is my understanding that the funding for this project would be used to integrate the Sealife Center's marine research facilities with field research to help recover the Stellar and Spectacled Eider, and support the Recovery Team mandated by the Endangered Species Act.

IN RECOGNITION OF THE NORTHEAST OHIO SIERRA CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Northeast Ohio Sierra Club and applaud their efforts to raise awareness about the dangers of coal and its contributions to global warming. As the nation takes strides towards more environmentally sound ways of producing energy, it is important that we recognize the danger of trading one harmful fuel for another. If we hope to have a stable climate, we must refrain from the use of strong and toxic pollutants like coal.

Americans are known for their determination and innovation when faced with a challenge. Let us rely on these qualities in our transition to cleaner energy, rather than choosing an easy way out represented by coal. The health of our children and our planet is too big of a price to pay for our continued dependence on coal.

Madam Speaker and colleagues, please join me in recognizing the efforts that the Northeast Ohio Sierra Club has taken in raising awareness of the dangers of coal. As the nation works towards cleaner energy policies, organizations such as the Northeast Ohio Sierra Club are working tirelessly to keep the American public accurately informed on energy issues.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, Department of Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: Environmental Protection Agency's STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Baytown, TX

Address of Requesting Entity: 2401 Market Street, Baytown, TX 77522

Description of Request: I, and Rep. Ron Paul, have jointly secured $500,000 in funding under the Environmental Protection Agency's STAG Water and Wastewater Infrastructure Project account for the city of Baytown, TX to help them fund a six-year, $140 million Capital Improvement Project that will rehabilitate and

upgrade the city's wastewater and water infrastructure to comply with increased federal and state regulations, maintain its condition and reliability and save costs. This project rehabilitates portions of the Central District Wastewater Treatment plant. The work includes redesign of critical components to elevate structures out of the floodway and to reduce the storm surge impacts suffered as was suffered during Hurricane Ike. These include the influent lift station, blower building, administration/laboratory building, and grit removal process. The internal piping needs to be replaced to improve energy and operating efficiency, along with the chlorine contact basin and plant pumping/transfer systems. Installation of post-storm emergency power systems are also a part of this project.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2996

Account: Fish and Wildlife Service, Land Acquisition

Legal Name of Requesting Entity: The Conservation Fund, Chesapeake, VA

Address of Requesting Entity: US 17, Chesapeake, Virginia, 23323, USA

Description of Request: Provides $150,000 to fund the acquisition of 50 acres that has been identified by the U.S. Fish and Wildlife Service as the preferred site for the construction of a new visitor's center for the Great Dismal Swamp National Wildlife Refuge.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2996

Account: National Park Service, Save America's Treasures

Legal name of Requesting Entity: Chesterfield County, Chesterfield, VA

Address of Requesting Entity: 9901 Lori Rd, Chesterfield, VA, 23832, USA

Description of Request: Provides $150,000 to repair and preserve five historical structures in Chesterfield County.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure

Recipient: Owensboro-Daviess County Regional Water Resource Agency, 1722 Pleasant Valley Road, Owensboro, KY 42303

Description of Request: Provide $220,000 to install a sewer system in the Locust Hill Subdivision, which is currently without sewer services.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Village of Hopedale, Village of Hopedale, IL.

Bill Number: H.R. 2996 Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Provisions/Account: STAG Water and Wastewater Infrastructure Project

Name and Address of Requesting Entity: entity to receive funding for this project is the Village of Hopedale, located at Box 387, Hopedale, IL 61747.

Description of Request: The funding would be used to conduct preliminary work on a new wastewater treatment plant.

TRIBUTE TO MARINE GUNNERY SERGEANT CHARLES ''BRANDON'' BAILEY

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. DAVIS of Kentucky. Madam Speaker, today I rise to pay tribute to Marine Gunnery Sergeant Charles ''Brandon'' Bailey from Florence, Kentucky, who was wounded in an improvised explosive device attack on January 23, 2009, while serving in Afghanistan.

Gunnery Sergeant Bailey is a true patriot. Having felt the call to serve his country since childhood, Brandon sold his small business and selflessly joined the Marine Corps when he was twenty-four years old. He served his first combat deployment in Iraq and was a member of the 22nd Marine Expeditionary Unit. In April, 2008, Brandon married his childhood friend, Kristie. He was deployed to Afghanistan as a member of the Marine Special Operations Command shortly after the wedding. Without any hesitation, he left his new wife to serve his country once more in harm's way, ultimately to be severely wounded in action.

Gunnery Sergeant Bailey is undergoing rehabilitation with recovery in the distant future. He and Kristie are expecting their first baby this December. Gunnery Sergeant Bailey stays positive and says he is happy he had the opportunity to do the job that he loved and serve his country. Brandon's life and character epitomize the Marine Corps Motto—Semper Fidelis, Always Faithful.

Gunnery Sergeant Bailey is an inspiration to us all. Today, Madam Speaker, I ask the House of Representatives to recognize Gunnery Sergeant Bailey's unwavering dedication to the Marine Corps and to thank him for his service to our great nation.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 2996

Account: Save America's Treasures

Recipient: Breckinridge County Fiscal Court, Hardinsburg, KY

Description of Request: Provide $150,000 to help preserve the historic Holt House. Judge Joseph Holt served as Judge Advocate General, and then later as Secretary of the Interior and Attorney General in President Lincoln's administration. The house has been on the National Register since 1976, however has not been properly maintained. Restoring the home would be key to helping develop regional tourism.

RECOGNIZING FRANKIE BRETHERICK HONORING AMERICA'S FIRST FLY GIRLS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, Women Air Force Service Pilots (WASP) were the first women in American history to fly military aircraft. Between the years 1942–1944, women were recruited to fly non-combat missions, so that every male pilot could be deployed in combat. These women piloted every kind of military aircraft and logged 60 million miles flying missions across the United States. They were never awarded full military status and were not eligible for officer status. It was not till 1977 that the WASP pilots were granted veterans' status. Of the 1,102 WASP pilots, just under 300 are living today. One of these living legends resides in the Third Congressional District, Frankie Bretherick. I'd like to thank her personally for her service to this great nation for being a pioneer of flight.

Frankie Lovvorn was born September 19, 1914, in Cranfils Gap, Bosque County, Texas.

Her parents were Francis Marion Lovvorn and Primrose Smith. She graduated from high school in Meridian, Bosque County, Texas. She graduated from Providence Hospital Nursing School in Waco, Texas, in 1937. She worked for five years at various veteran's hospitals in Texas and Louisiana. She began flying lessons at an airport south of Dallas, Texas.

By the time she applied and was accepted into the WASP program, Class of 44W–6, she had acquired a commercial pilot's license and had logged over 200 hours of flying time. While stationed in Greenville, Mississippi at Greenville Army Air Base until deactivated on December 20, 1944, she flew BT–13s and UC–78s and slow-timed repaired aircraft.

After deactivation, Frankie was asked to join the Army Nurse Corps in May 1945. She was sent to Mitchell Field, New York where she worked at a hospital for three weeks. She was then sent to Randolph Field in San Antonio, Texas to attend the School of Aviation Medicine where she received training to become an air evacuation nurse. After World War II, she went to business school and attended Southern Methodist University in Dallas, Texas. She also worked part-time as a nurse while in school.

Frankie met Joseph Harry Bretherick while both were stationed in Greenville, Mississippi. They married in 1949 and lived in Philadelphia, Pennsylvania for 19 years. Frankie continued working as a part-time nurse after their marriage.

They moved to Sarasota, Florida in 1968. After moving to Sarasota, Florida, Frankie became involved with the Sarasota Garden Club. She also acquired her Real Estate license. Frankie's husband, Joe, died in 1999. About three years ago Frankie moved to Plano, Collin County, Texas, to be close to family.

Through their actions, Women Air Force Service Pilots were a catalyst for revolutionary reform in the integration of women pilots into the U.S. Armed Services. Just as the Navajo Code Talkers served with distinction and were awarded the Congressional Gold Medal, it is also appropriate for Congress to recognize and honor the service of the WASP with the Congressional Gold Medal. The Congressional Gold Medal is the highest and most distinguished award that the U.S. Congress can award to a civilian. Finally, these women will receive that long-overdue recognition now that the House and the Senate have passed the bill granting these women.

This Congressional Gold Medal honors mothers, grandmothers, teachers, office workers, nurses, business women, photographers, dancers, one was even a nun. But before that, they were pilots for the US Army Air Corps during World War II. Finally, this Congress has recognized their sacrifice and considers them all heroes because these trailblazers and true patriots served our country without question and with no expectations of recognition or praise. That is what being a true hero is all about! The Congressional Gold Medals will be awarded to all 1,102 pilots and/or their surviving family members.

To the brave and selfless women like Frankie, our nation owes them a debt of gratitude for their service and sacrifice. I am so very proud of them. God bless them and God bless America! I salute them one and all.

HONORING THE MILITARY SERVICE OF THE LOTHSPEICH FAMILY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. POMEROY. Madam Speaker, I rise today to honor the military service of the Lothspeich family of North Dakota. North Dakota has a proud military tradition and has sent many of its sons and daughters into the service of their country. Amongst this proud history and tradition the Lothspeich family is unique. Edward and Rose Lothspeich were the parents of nine boys and one girl. From this family all nine of the Lothspeich brothers have bravely answered the call of a grateful nation when it was sorely needed.

These brave men served across several critical periods in our nation's history. Eugene, Harold and Edward served at the height of World War II. Donald, Gerald, Lyle, Marlin served during the Korean War and the beginning of the Cold War. Franklin and Leon served in Germany during a period in which the Soviet Union was increasing the isolation of East Germany.

Next week as we gather to celebrate the birth of our nation, the City of Park River, North Dakota will be celebrating its 125th anniversary. As a part of that celebration, Park River will honor those brothers who are still with us, Edward, Lyle, and Marlin, and those who are not Eugene, Harold, Edward, Donald, Gerald, Franklin and Leon.

The United States is what it is today because of the sacrifices of families like the Lothspeich's who gave so selflessly and served so bravely. These brothers helped win World War II and kept watch during the coldest nights of the Cold War.

The sacrifices of the Lothspeich brothers are worthy of our highest respect and I can think of no greater duty of a member of Congress than to honor our nation's heroes. I stand today to honor their service as the city of Park River will next week.

RECOGNIZING RICHARD F. MELL

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Richard F. Mell. Alderman Mell, who is celebrating his 35th year of service, is a vital part of the Chicago community.

Born in Muskegon, Michigan, Dick Mell began his career in public service shortly after moving to Chicago, starting as a precinct captain with the 33rd Ward Regular Democratic Organization and working closely with a variety of neighborhood organizations. Knowing he could do more to help the community by taking on a larger role, in 1975, he ran to be Alderman of the 33rd Ward and won. A year later, he became the Ward Committeeman and took his seat on the Democratic Central Committee of Cook County, representing his community on Chicago's Northwest side.

Alderman Mell has continued to take on important and influential roles throughout his successful career. He held the office of Vice Mayor of the City of Chicago for eight years and currently serves as Chairman of the Committee on Committees, Rules and Ethics. He is also a member of the Committees on Budget and Governmental Operations, Finance, Health, Housing & Land Acquisition, Human Relations, and Traffic Control and Safety.

As Alderman, Mr. Mell has always put his community first, remaining accessible to his constituents with an open door policy and frequent attendance at community meetings. He celebrates his multi-ethnic, multi-racial community and understands that diversity stimulates growth in all of its residents. He consistently strives to protect his entire community and has helped make possible social programs to assist the less fortunate.

Alderman Mell's list of accomplishments is longer than this statement will allow and includes setting new ethic codes for elected officials, fighting absentee slum landlords in housing courts, initiating an Adjacent Neighborhood Program that rids the city of vacant lots, and fighting to decrease graffiti in the city by banning spray paint and passing an ordinance that allows judges to sentence graffiti vandals to community service work.

Madam Speaker, I ask my colleagues to join me in recognizing Alderman Richard Mell and his extraordinary career, and thank him for his many outstanding contributions to the City of Chicago and its citizens. His commitment to public service stands as an example to us all.

H. RES. 543, DESIGNATING JUNE AS HOME SAFETY MONTH

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. WATERS. Madam Speaker, I am proud to be a consponsor of this of this legislation, which recognizes June as Home Safety Month.

I would like to thank Congresswoman HALVORSON for her leadership in introducing this resolution and her commitment to the safety of America's homeowners.

At a time when we are encouraging homeowners to stay in their homes and increasing our efforts to spur new homeownership, we must also recognize the importance of ensuring the safety of homeowners within their homes.

Each year, 20,000 deaths and an average of 21 million medical visits result from unintentional injuries in the home, according to the Home Safety Council. The top five causes of unintentional home injury deaths include, falls, poisoning, fires or burns, choking or suffocation, and drowning. Such home injuries can cost employers up to $38 billion dollars a year.

Many of these deaths and injuries could have been prevented if homeowners were equipped with the knowledge of simple and inexpensive steps to reduce the injury of risk in each area of the home.

Furthermore, children and older adults have increased rates of unintentional home injury. We must encourage adults, parents, caregivers to take greater actions to reduce unintentional injuries to protect the most vulnerable family members.

H. Res. 543 encourages manufacturers to develop innovative safety products and features to help lessen home injuries and accidents and encourages all levels of government to support funding for critical home safety education programs to reduce the risks from home injuries.

I strongly support H. Res. 543 and cannot stress enough how home safety education and awareness can help saves lives and money.

I urge all of my colleagues to support this important resolution.

RECOGNIZING THE SERVICE OF COLONEL KIRK W. HYMES

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor the service of Colonel Kirk W. Hymes, U.S.M.C., the director of the Joint Non-Lethal Weapons Directorate. After 26 years of honorable and distinguished service to our great nation, Colonel Hymes will be retiring.

Colonel Hymes is a native of Altoona, Pennsylvania and graduated from the United States Naval Academy. After attending the Basic School, he trained at the Field Artillery Officer Basic Course at Fort Sill, Oklahoma. He also attended the Amphibious Warfare School in Quantico, Virginia and the Industrial College of the Armed Forces.

Colonel Hymes served in a number of different places and in a variety of capacities, including the Recruiting Station in Harrisburg, Pennsylvania where he served as the Operations Officer and Executive Officer and Twentynine Palms, California where he served with the 5th Battalion, 11th Marines. He also carried out a Unit Deployment to Okinawa, Japan and deployed with the 31st MEU (SOC). Following his return he became the Director of the 11th Marines Artillery Training School.

Subsequently, Colonel Hymes became the Fire Support Operational Test Project Officer at the Marine Corps Operational Test and Evaluation Activity, Quantico, Virginia. After transferring to the 2d Marine Division, Camp Lejeune, North Carolina he served with the 10th Marine Regiment where he was the Operations Officer and Executive Officer for 2d Battalion, 10th Marines and then the Regimental Operations Officer.

After reporting to Okinawa for duty with III Marine Expeditionary Force, he served in the G–3 Exercise Branch as the South East Asia Exercise Branch Head and Tandem Thrust Exercise Planner. He then returned to Twentynine Palms, California for duty as the Commanding Officer, 3d Battalion, 11th Marines where he deployed the battalion to support Operation Enduring Freedom and then Operation Iraqi Freedom. Colonel Hymes was later assigned to the Expeditionary Force Development Center at the Marine Corps Combat Development Center as the Integration Branch Head and Deputy Director for Operations.

Madam Speaker, throughout his career, Colonel Hymes received many personal awards including the Bronze Star with Combat "V", the Meritorious Service Medal with four Gold Stars, the Navy Marine Corps Achievement Medal, and the Combat Action Ribbon. Upon his retirement, I commend him for his outstanding service and wish him the best of luck in all of his future endeavors.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—the Department of Interior, Environment, and Related Agencies Appropriations Act, 2010:

H.R. 2996 includes $500,000 for a State and Tribal Assistance Grant to the City of Rose Hill, Kansas, for improvements to the city drainage system. The entity to receive funding for this project is the City of Rose Hill, 125 W. Rosewood, PO Box 185, Rose Hill, Kansas 67133.

This funding will facilitate the installation of a 48-inch drainage pipe, which will allow the area to handle up to a 10-year storm event, protecting homes in the area.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to list the congressionally-directed projects I requested in my home state of Idaho that are contained in the report of H.R. 2996, the FY2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of Buhl Wastewater System Improvements

Amount: $500,000

Account: EPA/STAG

Recipient: City of Buhl

Recipient's Address: 203 North Broadway, Buhl, ID 83316

Description: The city is periodically exceeding the NPDES limitations under the Clean Water Act and was recently fined by EPA for non-compliance of their pH, Total Suspended Solids (TSS), and Biochemical Oxygen Demand (BOD) limitations. IDEQ and EPA have mandated that the city build a new wastewater treatment center. Buhl, a town of less than 5,000 residents, recently passed a bond election for $15 million to help pay for the required improvements to their water system. The loan funds will be a burden to the residents—many of whom are elderly (19% of the community) and the majority of whom are low to moderate income—and will increase monthly water bills by over $100, but even this will be unsustainable without additional assistance. Funding for this project will enable the city build a new wastewater treatment center that would meet the Federal and State mandates imposed on the community.

Project Name: Historic Old Pen Site Stabilization Project

Amount: $150,000

Account: National Park Service/Save America's Treasures

Recipient: Idaho State Historical Society

Recipient's Address: 2205 Old Penitentiary Road, Boise, ID 83712

Description: This project will provide stabilization to the Old Idaho State Penitentiary historic site, which is operated by the Idaho State Historical Society. The Old Pen is one of the West's most significant prison sites and one of the most visited cultural facilities in Idaho. It thus plays a key role in the economic vitality of Boise and the Treasure Valley. Funding would be used for work needed immediately to stabilize the site. In addition, funding would be used for a historic structures report to help better anticipate future maintenance and repair needs before they become emergency situations.

Project Name: Idaho Sage-Grouse Management Plan

Amount: $500,000

Account: Fish and Wildlife Service/ESA Resource Management

Recipient: Idaho Governor's Office of Species Conservation

Recipient's Address: 300 N. 6th Street, Boise, ID 83702

Description: Sage-grouse are on the verge of being listed under the Endangered Species Act, with a decision on listing expected this spring. Idaho is taking proactive steps to recover this species before a listing is required. The management plan, which is a partnership with private landowners, is an attempt to be wise stewards of the nation's wildlife without being compelled to do so by law.

Project Name: Piva Parcel Land Acquisition

Amount: $400,000

Account: USFS/Land Acquisition

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used to enable the Forest Service to acquire the 160-acre Piva parcel from a willing seller so that it can be used for public recreation and access to the Redfish Lake recreation area from the town of Stanley. The Forest Service currently has a conservation easement on the property, but acquiring the land is necessary to carry out planned improvements.

Project Name: SNRA Trail Maintenance and Improvements

Amount: $1,200,000

Account: Capital Improvements and Maintenance (Trail Construction)

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used for trail construction, maintenance, and improvement in the Sawtooth National Recreation Area. Of the funds appropriated for trail maintenance and improvement in the Sawtooth National Recreation Area, $500,000 is for trail improvements; $500,000 is for maintenance of existing motorized trails and areas; and $200,000 is for the improvement of two existing trails to provide primitive wheelchair access at Murdock Creek and Phyllis Lake.

I appreciate the opportunity to provide a list of congressionally-directed projects in my district that have received funding in the Interior, Environment, and Related Agencies Appropriations Act for FY2010 and provide an explanation of my support for them.

IN RECOGNITION OF MR. SCOTT F. LARGE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. REYES. Madam Speaker, I rise today to pay tribute to a man of great integrity, intelligence and insight, Mr. Scott F. Large, on the occasion of his retirement after 23 years of distinguished service to the Intelligence Community.

I have had the pleasure of working with Mr. Large throughout his tenure as the Director of the National Reconnaissance Office. When he assumed this role in 2007, the organization was undertaking significant transformation that he helped initiate in earlier leadership roles. He carefully guided changes to strengthen his organization's role as the nation's primary source of space reconnaissance for military and intelligence forces.

Mr. Large's prior assignments prepared him well for this leadership role. He served as the Principal Deputy Director of the National Reconnaissance Office from April, 2007 until his appointment as Director later that year. He also served as Director of the Imagery Systems Operations and Acquisition Directorate from 2003 to 2006, during a period of significant technological and programmatic challenges.

Mr. Large has carried out leadership assignments in two other intelligence community organizations. He was Director of the Source Operations and Management Directorate at the National Geospatial-Intelligence Agency. He also served in the Central Intelligence Agency's Directorate of Operations and as Associate Director of the Science and Technology directorate, leading technology development programs. Mr. Large made fundamental contributions to these programs and helped establish them as some of the nation's premier intelligence efforts.

Mr. Large's determination to lead fundamental changes in his organization, his willingness to assume leadership roles in other intelligence organizations, and his ability to facilitate collaborative partnerships with other elements of the Intelligence Community are testament to the quality of his leadership.

In announcing that he was stepping down as Director of the National Reconnaissance Office, Mr. Large reminded his workforce of the critical role of space reconnaissance to the nation: For nearly 50 years the NRO has provided this nation with an undeniable intelligence and operational advantage. Today the NRO continues to provide mission critical information to all of our end users. We are clearly on the verge of taking our mission to the next level and have set in motion strategic initiatives which will clearly demonstrate the importance of what you do.

The nation's space reconnaissance workforce and systems are better positioned to contribute to the nation's defenses as a result of the leadership of this public servant. For this, we thank Mr. Large and wish him continued success in all of his future endeavors.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote No. 297, 389, 392, 394 and 405. Had I been present, I would have voted "yea" on all rollcall votes No. 297, 392, and 394. I would have voted "nay" on rollcall votes No. 389 and 405.

IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE OLMSTEAD DECISION SUPPORTING CIVIL RIGHTS FOR PERSONS WITH DISABILITIES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. DAVIS of Illinois. Madam Speaker, I want to take this moment to recognize the tenth anniversary of a monumental United States Supreme Court decision that represented a great advance in our contemporary civil rights struggle. On June 22, 1999, the United States Supreme Court asserted the right of individuals with disabilities to reside in their community via a 6–3 ruling. The Olmstead v. L.C. decision stated that making services for disabled individuals available only in institutions, thereby forcing them out of their homes, went against the Americans with Disabilities Act. Essentially, the Olmstead decision clarified the fact that the Americans with Disabilities Act gives individuals with disabilities the right to choose to receive their care in the community rather than in an institutional setting. Provision of care within one's community via personal care assistants is cost-effective and improves the quality of life of persons with disabilities. Studies show the cost of providing services in the community is much lower than in institutionalized settings, thereby allowing more individuals to receive services for the same cost. In addition, the ability to receive community based services and supports improves the ability of persons with disabilities to lead independent lives, work, and participate in their communities.

The federal government bears the responsibility of restructuring our current health care system. The inequities that exist in our health care system are profoundly disturbing. It is essential that we take the steps necessary to create an overhaul of the health care system that is both moral and practical. As Reverend Dr. Martin Luther King, Jr., once said: "Of all the forms of inequality injustice, health care is the most shocking and inhumane." In this spirit, I urge concerned citizens to mobilize to help us create a system that best serves those in our society who have limited resources.

As a policymaker who is adamant about improving health care for persons with disabilities, I believe it is imperative that the health care reform legislation that Congress intends to enact this year take a substantial step forward in requiring that all Medicaid-eligible individuals with disabilities have a choice between receiving care at home or in an institution. The option to receive care in one's community is critical to conforming to the goal of the Americans with Disabilities Act and with the Olmstead decision.

The Olmstead decision was a great step forward in allowing persons with disabilities the option to receive care in their own community. The tenth anniversary of the Olmstead decision symbolizes the struggle to create more options in our current health care system. We must strive to include the tenets of the Olmstead decision in our health care reform plans. Including provisions that provide choice in location of care to Medicaid-eligible persons with disabilities in comprehensive health care reform legislation would be a wonderful way to mark the tenth anniversary of the Olmstead decision.

INTRODUCTION OF THE COMPREHENSIVE COMPARATIVE STUDY OF VACCINATED AND UNVACCINATED POPULATIONS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mrs. MALONEY. Madam Speaker, today, I am reintroducing bipartisan legislation that I hope will resolve the question of whether there is any link between the increased incidence of neurological disorders, including autism, and the use of certain vaccines and/or multiple vaccine schedules. Vaccines have been instrumental in reducing the incidence of many once-common diseases. However, there continue to be questions raised in numerous media reports, and by medical professionals, regarding the safety of vaccines and multiple vaccine schedules while there have been no comprehensive studies comparing the health outcomes between vaccinated and unvaccinated populations.

We owe it to parents and children to study and resolve the question of a possible link between vaccines and neurological disorders. The comprehensive national study comparing outcomes between vaccinated and unvac-

cinated children mandated by this legislation would help resolve this controversy once and for all. As the most scientifically advanced country in the world, we should be jumping at the chance to conduct a comprehensive national study and help ensure absolute trust in our nation's vaccine program. Parents deserve answers, and children deserve no less than absolute certainty and safety when it comes to their health, which is why I am pleased to reintroduce this legislation today.

INTRODUCTION OF THE GLOBAL WILDLIFE CONSERVATION, COORDINATION AND ENHANCEMENT ACT OF 2009

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. BORDALLO. Madam Speaker, as our understanding of human impacts on the environment grows, so too, must our commitment to the protection and conservation of the world's fish and wildlife resources. The United States is largely regarded as the global frontrunner in international fish and wildlife conservation. Our nation has a longstanding history of sharing our knowledge, technical abilities, and experience gained through the North American Model of Wildlife Conservation to aid other countries in the conservation of their wildlife and wildlife habitat. Unfortunately, wildlife conservation resources, including trained wildlife professionals and basic logistical and communication tools, still commonly remain unavailable in many foreign range states that are home to globally significant species.

Notwithstanding the many successful conservation initiatives implemented by the United States Fish and Wildlife Service around the world through its programs such as Wildlife Without Borders Program, there remains a glaring need to improve coordination and collaboration within the Federal government. In addition, improving cooperation between the Federal Government and non-governmental organizations to increase public awareness about illegal and unsustainable wildlife trade, to raise awareness about the implications of global biodiversity loss, to enhance assistance to range states in the conservation of their wildlife, and to close existing gaps in current conservation activities, is necessary and long overdue.

The Global Wildlife Conservation, Coordination and Enhancement Act of 2009, which I have introduced today, would address these needs by consolidating and enhancing the authority of the Secretary of the Interior to specifically conduct fish and wildlife conservation activities internationally. This legislation reflects the solid input gained through two oversight hearings conducted by the Committee on Natural Resources during the 110th Congress. The bill also benefits from extensive dialogue with wildlife conservationists, zoo and aquarium professionals, law enforcement experts, animal health and welfare organizations, and other stakeholders.

Title I of the bill would create an Institute for International Wildlife Conservation within the United States Fish and Wildlife Service, through which the Department of the Interior's international conservation initiatives would be coordinated and collaborative partnerships built. The Institute, which would enhance and strengthen the Service's existing International Affairs Office, would have authority to carry out a targeted public education and awareness campaign to better inform U.S. consumers of the illegal trade in wildlife and wildlife products, and most important, what they can do to limit the United States as a market for illegal contraband.

The Institute also would be empowered to provide financial, educational and technical assistance to range states and other partner institutions to support capacity building, to create and enhance locally adapted wildlife management programs abroad, and to develop professional cadres of wildlife conservationists in the United States and abroad. In addition, the Institute, through its Center for International Wildlife Recovery Partnerships, would provide a forum for the active collaboration of federal, state, tribal, local, and non-governmental entities regarding wildlife conservation and the care, rehabilitation and recovery of threatened and endangered wildlife species.

Title II of this bill would create a Global Wildlife Coordination Council within the Executive Branch in recognition of the fact that international wildlife conservation is a multi-dimensional issue that requires the broad involvement of the Federal Government to be successful. This Council, which is patterned after the highly successful United States Coral Reef Task Force, would be comprised of various Federal agencies with a responsibility and stake in global wildlife conservation. To comprehensively address the myriad threats confronting global wildlife, this Council would be tasked to develop a cross-cutting strategy to better utilize existing resources to increase Federal coordination without creating new bureaucracy.

In closing, the illegal wildlife trade, which has received considerably less public attention than the illegal trade in narcotics and weapons, is an increasing challenge threatening not only the conservation of biodiversity but also the social, political and environmental stability of range states throughout the world. Congress must act to ensure that the Federal Government has the authority and tools it needs to promote the conservation of wildlife resources abroad, to protect the environmental health and security of the United States today, and ensure that we pass on those resources to future generations.

I look forward to working with my colleagues on both sides of the aisle to advance this legislation and to strengthen the abilities of the Federal Government to provide critical wildlife conservation support around the world and to maintain the United States' leadership role internationally in wildlife conservation.

TRIBUE TO FRANK REYES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. BACA. Madam Speaker, I stand here today to honor the career and contributions of a longstanding community activist, dear friend, loving husband, and father—Frank Reyes.

After 32 years of loyal service to the Inland Empire of Southern California, Frank recently announced his retirement from his post as Executive Director of Governmental Relations for the San Bernardino City Community College District (SBCCD).

Frank has made San Bernardino, California, his home since first immigrating to the United States from Guadalajara, Mexico, at age 12. He attended San Bernardino High School and Valley College before earning his degree in business from Cal State San Bernardino.

While Frank's academic background is in business, his true passion lies in the field of education. Before joining SBCCD, Frank worked as both a professor and a student counselor. During his tenure at SBCCD, Frank's strong leadership helped secure over $100 million in grant money for both Crafton Hills College and San Bernardino Valley College.

Frank has received numerous Community Awards, from myself and many others for his excellent work in the areas of education, county safety, and community leadership.

Frank has been an active member of many distinguished professional organizations, including, the Hispanic Association of Colleges and Universities, the California Teachers' Association, the California Community College Counselors Association, the Association of Mexican American Educators, and the Inland Empire Latino Business Council.

In addition, Frank has been involved in numerous philanthropic activities in the San Bernardino area. He is a board member with Hands of Mercy, which builds homes for the needy in Ensenada, is an active member of the Kiwanis Club of Greater San Bernardino, and has been very involved with the Jerry Lewis Fire Training Facility. I know Frank will continue to work tirelessly, even in retirement, to support the causes he believes in.

I have had the great privilege of becoming close, personal friends with Frank, his wonderful wife, Eloise, and their son Christopher. In addition to being an outstanding husband and father, Frank has always been a strong supporter to me and my family, and for that—I am forever grateful.

My wife Barbara and I, my sons Councilman Joe Baca Jr. and Jeremy, and my daughters Natalie and Jennifer cherish their friendship, and are appreciative of all they have done over the years to create positive change in the Inland Empire.

In fact, I gave Eloise Reyes a ''Woman of the Year'' award in 1993, when I was in the California State Legislature. She was recognized for all her great work in the community, and for being a true trailblazer as the first Hispanic, female attorney in the Inland Empire.

Madam Speaker, my good friend Frank Reyes has lived a true life of service. He is a perfect example of what one can achieve with hard work, dedication, faith in God, and love in family and friends. My family and I congratulate him on a wonderful career, and wish him nothing but the best in retirement.

WHITMAN HOSPITAL AND MEDICAL CENTER OF COLVILLE, WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Whitman Hospital and Medical Center in Colville, Washington. Whitman Hospital, founded in 1893, has carried out its mission of providing medical care to members of the rural community in Northeast Washington for over 115 years.

Whitman Hospital and Medical Center is dedicated to assuring medical service is provided in accordance with its core values of respect, compassion, teamwork, stewardship, and responsiveness to the community. In addition to emergency services and surgery, the Medical Center operates a variety of clinics to support non-critical community health, such as allergy, cardiology, neurology, and ear, nose and throat conditions. The Whitman Hospital and Medical Center also provides opportunities for health education through classes, programs, and training seminars. The hospital proved its resilience by winning the ''Top 100 Benchmark Hospital'' award in 1994 and 1995 despite nearly closing due to financial difficulties in the late 1980s. Whitman Hospital and Medical Center's employees have contributed to providing the rural counties of Northeast Washington the kinds of healthcare options often only available in large urban centers.

Currently in the second stage of a $19 million building and expansion project, the hospital and medical center continues to strive to provide better and more varied healthcare options. In its first stage of construction, the hospital constructed a new facility to house a 25-bed inpatient center, labor and delivery rooms, and radiology clinic. The current construction stage, scheduled for completion in late summer, 2009, involves remodeling several current operations, such as the respiratory therapy clinic and pharmacy.

Madam Speaker, I believe the ongoing efforts to provide excellent medical assistance to the counties of Northeast Washington make the Whitman Hospital and Medical Center worthy of recognition before this body. I invite my colleagues to join me in honoring Whitman Hospital and Medical Center by observing over 115 years of continuing dedication to community health services and education.

CELEBRATING THE 75TH ANNIVERSARY OF BROOKFIELD ZOO, COOK COUNTY, IL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. LIPINSKI. Madam Speaker, I rise to commemorate the Chicago Zoological Society's Brookfield Zoo, which is celebrating its 75th anniversary. Located in Cook County, just outside Chicago and in my district, Brookfield Zoo has consistently been a leader in cutting edge animal science, zoo management and education programs. The zoo has been and will continue to be a wonderful resource for the people of metropolitan Chicago, the State of Illinois and beyond. I ask my colleagues to join me today in honoring Brookfield Zoo on the occasion this distinguished anniversary.

Brookfield Zoo, owned by the Forest Preserve District of Cook County and managed by the Chicago Zoological Society, has a stated mission to ''inspire conservation leadership by connecting people with wildlife.'' It plays host to 2.1 million visitors annually, and cares for 3000 animals representing 450 different animal species.

Brookfield Zoo first opened to the public in 1934. Following the overwhelming approval of a referendum by the people of Cook County, construction began on the Zoo in 1926. While the onset of the Great Depression hindered progress, the federal Civil Works Administration (CWA) assisted in completing construction of the Zoo, and today many of the original, historic CWA buildings remain in use at the Zoo.

Brookfield Zoo has been an innovative leader among zoos. Notably, the zoo was one of the first ''bar-less'' zoos in North America. A revolution among zoos began in Europe in 1900, where cramped cages were disdained in favor of spacious enclosures, surrounded by moats and landscaped in natural settings. This was based on the belief that 'animals should be exhibited in as near natural conditions as possible', for the benefit of both the animal and the viewing public. Brookfield Zoo was designed with this modern concept in mind, and creatively overcame the challenges involved in maintaining safe, cageless environments in the northern climate of Chicago. Today, exhibits maintain their modern approach through a focus on ecosystems, incorporating native plants into animals' habitats.

Another ''first'' was the creation of a specific Children's Playground at the Zoo in 1937, which was later formalized into the Children's Zoo in 1953. This facility provided children not only with a location to play, but also enabled them to interact with animals, including goats, ducks, and lambs. Following the successful development of these facilities, Brookfield Zoo became the first zoo in North America to exhibit giant pandas in 1937, to breed black rhinos (1941) and okapi (1959) in captivity, and created the first inland ''Dolphinarium'' in 1960. It was also among the first to open a zoo animal hospital and to launch animal nutrition programs.

Just like millions of others, I have fond memories of Brookfield Zoo from my childhood. Growing up in Chicago, I was a member of the zoo for many years when I was in grade school and high school. It was a fun and safe place to go at all times of the year. Although I did not think about it at the time, I received a great education at Brookfield Zoo, including learning about not only animals and habitats around the world, but also the environment and environmental stewardship.

Education is something that Brookfield Zoo is strongly committed to. Last year, 250,000 students participated in school field trips to Brookfield Zoo, and more than 1,700 teachers participated in training and certification programs there as well. Facilities such as Brookfield Zoo are important sources of informal science education, which can develop interest among children in future technological and scientific scholarship and careers. Brookfield Zoo has a remarkable research and professional training program organized under the Center for the Science of Animal Well-Being. Through the Chicago Zoological Society, field programs are sponsored and undertaken, now including long-term research on bottle nose dolphins, western lowland gorillas, and African lions, among other species.

I would like to commend Brookfield Zoo, as well as the Chicago Zoological Society, on their successful completion of 75 years of operation, and their continuing efforts to promote conservation leadership through education, research and family enjoyment. Congratulations on this notable anniversary, and I wish Brookfield Zoo and its dedicated staff and leadership many more years of success, effective research, and valuable education and outreach.

STATEMENT ON JANE MARGARET O'BRIEN AND TORRE MERINGOLO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. HOYER. Madam Speaker, I would like to recognize the efforts of two individuals who have been key in the success of St. Mary's College of Maryland. Unfortunately, both of them have chosen to move on to new challenges and will be leaving this summer, so I wanted to reflect on the incredible contributions they have both made to the College.

Jane Margaret O'Brien leaves as the president of St. Mary's College of Maryland, having served in that capacity since 1996. Maggie is a personal friend and I want to salute her years of leadership as President, along with Torre Meringolo, who has served during much of that time as Vice President for Development. Together, they brought to St. Mary's College a strong reputation for excellence in scholarship, research, and community engagement.

Dr. O'Brien received her bachelor's degree from Vassar College in 1975 with a major in biochemistry. She completed a Ph.D. in chemistry at the University of Delaware in 1981. In her early academic career she was a member of the chemistry and biochemistry department at Middlebury College where she also served as dean of the faculty. She was president of Hollins University from 1991–96.

Dr. O'Brien received a Kellogg National Leadership Fellowship from 1989–92, served as an International Fellow with the American Association of Colleges and Universities in 1990–91, and was an Eisenhower Fellow to Malaysia and Hungary in 1999. She is a member of Phi Beta Kappa and the science honors society Sigma Xi. After stepping down as president, Dr. O'Brien will continue to work for the College with the Centre for Medieval and Renaissance Studies in Oxford, England.

Dr. O'Brien assumed her post in July 1996 and dedicated herself and the College to the newly adopted Honors College Curriculum.

She provided critical guidance to the College's external relations and fundraising, which included the $40 million Heritage Campaign in support of the faculty's academic leadership, the extension of the residential college, and the enhancement of community programs. Fundraising during Dr. O'Brien's tenure reshaped the College's scholarships, professorships, lecture and learning series, and arts, athletic, and community programs. External support made possible the Paul H. Nitze Scholars Program, the annual River Concert Series, over 40 new scholarships, nine endowed professorships and chairs, and many student and faculty awards presented at the annual Awards Convocation.

The Center for the Study of Democracy was established with a $2 million NEH grant and challenge matches. Private funds now support the William Donald Schaefer Internships, the Ben Bradlee Lectures, the Andrew Goodpaster Lecture Series and the Patuxent Defense Forum.

In honoring the successful accomplishments at St. Mary's College under Maggie's leadership, we should also recognize the accomplishments of Torre Meringolo, who has been instrumental in carrying out much of Maggie's vision for the College. Torre also leaves this month after serving most of his 15 years at St. Mary's College as the Vice President for Development. He has accepted the position of vice president for university advancement and external relations at the University of Mary Washington.

Torre leaves a proud record of accomplishment at St. Mary's. Hired originally as director of the library and information services, he directed a comprehensive modernization effort that encompassed library partnerships with the University of Maryland System, raised $2 million for library endowment, and provided the foundation for a contemporary IT system. Torre's previous employment at the University of Massachusetts at Amherst, Penn State University, and UNC Charlotte brought a strong knowledge of information systems to St. Mary's, which he deftly adapted for a smaller-scale campus with modest resources.

In concert with Trustee Terry Rubenstein, chair of the board's development committee, Torre led a professional development team that successfully completed a $40.4 million campaign. During his time, endowment funds at the College grew to over $24 million. Torre worked to create a modern, professionally run Foundation, which granted over $16 million for the College's programs over the past 10 years. His passion for supporting students with financial needs made possible the graduation of many alumni.

Under Torre's leadership, the Alumni Office now serves 11,000 proud alumni with regular events and mailings to keep alumni involved and informed. His work has led to the creation of major campus events such as Reunion Weekend, Governor's Cup, Madrigals, and now the River Concert Series on the Townhouse Greens, all successful programs that bring thousands of alumni and friends to the College annually.

As Maggie O'Brien and Torre Meringolo depart, St. Mary's College is today a nationally recognized leader. Newsweek has called it ''an Ivy-level College with a public-school price tag.'' It is now consistently ranked as one of the best liberal arts schools in the nation by U.S. News and World Report, and the Princeton Review named it a ''best value college'' this year.

I want to congratulate Maggie and Torre for their contributions to higher education. Their accomplishments at St. Mary's College of Maryland have greatly benefitted their community and our State of Maryland. Both of them will be sorely missed.

HONORING CAPTAIN MARK GINDA FOR HIS LEADERSHIP OF NAVAL SUBMARINE BASE NEW LONDON

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor Captain Mark S. Ginda, who, after three years of service as Commanding Officer at Naval Submarine Base New London, will be moving on to his new position at the Defense Liaison Division in Washington, DC.

Captain Mark Ginda has served our nation through his service in the Submarine force since 1982, when he graduated from the United States Naval Academy. He went on to serve on the USS George C. Marshall (SSBN 654), USS Alexander Hamilton (SSBN 617), USS Sand Lance (SSN 660) and commanded the USS Pasadena (SSN 752). Back on shore, Captain Ginda served as an instructor at Naval Nuclear Power School, flag aide to the Commander of the Atlantic Fleet, directed readiness preparations at Submarine Squadron FIFTEEN in Guam, helped to coordinate intelligence, surveillance and reconnaissance (ISR) resources at the United States Strategic Command.

In August 2006, Captain Ginda became the 48th Commanding Officer of Naval Submarine Base New London. Since then, he has overseen one of our nations most historic and important naval bases, which covers 680 acres, serves as home to 70 tenant commands, and supports the officers and crew of nearly one-quarter of our attack submarine fleet. He has done so with enthusiasm, with passion and with a dedication not only to strengthening the base for the future, but with a renewed commitment to our nation's most import asset: the young Americans who serve our nation.

In his three years there, Captain Ginda has overseen a flurry of activity unmatched in the recent history of SUBASE New London. From a new crane facility at the waterfront, to a long-needed renovation of the Liberty Center for bachelor sailors, the completion of an initiative to improve housing options and a number of other critical projects, there isn't a corner of the base where Captain Ginda hasn't had an impact. Under his leadership, SUBASE embarked on one of the most ambitious demolition projects in the Navy, pulling down more than 35 buildings and structures through a more than $18 million undertaking of projects that will trim down the excess infrastructure at the base and lower operating costs. He's also been a commander who takes things into his own hands, and recently manned the controls of a backhoe and helped demolish buildings.

More important than the bricks and mortar, however, has been Captain Ginda's efforts to improve the quality of life for the sailors, and their families, stationed at SUBASE New London, and breath new life into the base not just as a military facility—but as a home to its residents and a contributing member of the southeastern Connecticut community.

Not too long ago SUBASE New London was threatened with closure. While advocates and supporters from across the state joined together to reverse this decision and keep the base open, there hung over the base a sense that it was a ''relic,'' that it was somehow an outdated and gloomy place in which to serve. Each and every day since arriving at the base, Captain Ginda worked to reverse that perception by reconnecting the base with the community around it, by looking forward at what the base could be, and by ensuring that the base is able to accomplish its most important goal—the support of the sailors and families who make up our submarine force.

Not too long after Captain Ginda took command of the base, I was honored to be elected as the representative of the second Congressional district of Connecticut. As a new member from the other side of the district, it was important for me to get up to speed fast on the needs of the base and the challenges it faced. From day one, Captain Ginda made sure to reach out to me, and take the time to walk me through his vision for the base and ensuring that no question of mine went unasked. His help, and counsel, was instrumental in making sure I had the knowledge I needed to come to Washington to advocate on behalf of the base and its importance to our nation. I am so grateful for his assistance and the close working relationship he has had with me and my office. I am also especially thankful for the warm friendship that he and his wife, Terry, have shown and their efforts to ensure that I felt at home as a member of the SUBASE New London community.

Madam Speaker, it has truly been an honor to work with Captain Ginda, and I have no doubt that his legacy will be felt at the base and in the region for some time to come. He has been a terrific resource for me and my office, a trusted advocate for his base, and a respected partner in the southeastern Connecticut community. I ask all my colleagues in joining me in thanking Captain Ginda for his service to the Navy, recognizing his tireless efforts at SUBASE New London, and in wishing he and Terry good luck as they prepare to move on to this next step in their lives.

TRIBUTE TO CHARLES PRATHER, FIRE CHIEF ORANGE COUNTY FIRE AUTHORITY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Orange County, California are

exceptional. Orange County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Fire Chief Charles "Chip" Prather is one of these individuals. Chief Prather is retiring from the Orange County Fire Authority (OCFA) and today I honor his years of public service.

Chief Prather became Fire Chief for the Orange County Fire Authority on October 1, 1997. In this capacity he is responsible for the daily operation of one of the largest fire organizations in the State of California. Under Chief Prather's direction are a total of 1,500 firefighters, reserves and professional staff. The OCFA serves 22 cities and unincorporated areas of Orange County, with a total population of more than 1,300,000, from 62 fire stations and has an annual operating budget of 260 million dollars.

In addition, Chief Prather currently serves on the Orange County Emergency Council, Chairs the Orange County Emergency Operational Area Council, Fire Scope Board of Directors, Co-chairs an Orange County Joint Law/Fire/Health anti-terrorism advisory committee and is a member of the California Fire Chiefs Association Executive Board of Directors. In 2002, Chip was appointed by Governor Davis to the State Emergency Council which advises the Governor on policy matters during times of disaster and served on the states 2003 Blue Ribbon Fire Commission.

Chief Prather is also is a member of The Raise Foundation's Advisory Board (formerly Prevent Child Abuse Orange County), serves as a member of the Salvation Army Advisory Board and the Trauma Intervention Program Advisory Board and numerous other boards and commissions. Chief Prather was honored as the recipient of the Boy Scouts Spurgeon Award 2000 for his involvement in Explorer Scouting and in 2002 was selected as the Fire Chief of the Year by the California Fire Chiefs Association.

Chief Prather is a member of the following organizations: Orange County Chambers of Commerce, International Association of Fire Chiefs, Metropolitan Fire Chiefs' Association, California Fire Chiefs' Association, California State Firefighters' Association, the Orange County Fire Chiefs' Association and the National Fire Protection Association.

Chip holds a Bachelor of Arts Degree in Management and has completed the Harvard University John F. Kennedy School of Government Program for Senior Executives in state and local government. He has also attended the United States Fire Administration National Fire Academy, completing the Executive Fire Officer Program.

Chief Prather and his wife Katie live in San Clemente California with their two children.

Chief Prather's tireless passion for community and public service has contributed immensely to the betterment of the community of Orange County, California. I am proud to call Chip a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

MT. CARMEL HOSPITAL OF COLVILLE, WASHINGTON CELEBRATES 90TH ANNIVERSARY

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Mt. Carmel Hospital in Colville, Washington. Mt. Carmel Hospital was founded in 1919 as a non-profit, critical access, Catholic hospital and is currently run by the Sisters of Providence. For 90 years, the hospital has carried out its mission of providing medical care to members of the rural community in the Stevens, Ferry, and Pend Oreille counties of Northeast Washington.

Mt. Carmel Hospital is dedicated to assuring medical service is provided in accordance with its core values of respect, compassion, justice, excellence, and stewardship. In addition to its operating emergency services, a surgery center, rehabilitation, and diagnostic imaging, Mt. Carmel serves the community's underprivileged and provides education to professionals and laymen alike. Through their partnership with various other regional nonprofits, such as Christ Clinic and Project Access, Mt. Carmel compassionately reaches out to those who have limited or no health insurance. Additionally, the hospital's Resident Physician program offers training for new medical personnel while its Community Health Education Center provides classes and support groups on awareness and health improvement opportunities. The excellent care and community support contributed by Mt. Carmel Hospital offers the rural counties of Northeast Washington the kind of healthcare options often only available in large urban centers.

In early June, 2009, Mt. Carmel Hospital completed its renewal and expansion project, which doubled the hospital's size and renovated the existing building. Construction of the new hospital building will increase the hospital's area by 70,000 square feet, which will include a new inpatient facility and an expanded outpatient area, emergency room, and laboratory, as well as other additions.

Madam Speaker, I believe the ongoing efforts to provide excellent medical assistance to the counties of Northeast Washington make Mt. Carmel Hospital worthy of recognition before this body. I invite my colleagues to join me in honoring Mt. Carmel Hospital and the Sisters of Providence by observing and celebrating 90 years of dedication to wellness and health education in the community.

IN RECOGNITION OF THE THIRTY-SEVENTH ANNIVERSARY OF TITLE IX

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment this week to recognize the thirty-seventh anniversary of Title IX. When I think of this historic legislation that champions equal rights for women, I am reminded of something Betty Friedan said in her book, the Feminine Mystique. She said, "The problem that has no name—which is simply the fact that American women are kept from growing to their full human capacities—is taking a far greater toll on the physical and mental health of our country than any known disease." Ms. Friedan—a leader of the women's rights movement and a founding member of the National Organization for Women—described an ongoing battle; a battle that has plagued our country for far too long.

Title IX was enacted with the purpose of removing the barriers that could negatively constrict the potential of over 50% of our population. This monumental advance in equal rights for women was passed on June 23, 1972, with the goal of prohibiting gender discrimination in education programs, especially concerning athletic opportunities for young men and women. I have time and time again commended this milestone in U.S. legislation for empowering women to engage and contribute positively to society as well as for encouraging women to make responsible decisions.

Upon celebrating the thirty-seventh anniversary of Title IX, it is only right to recognize what has thus far been accomplished since the enactment of Title IX in 1972. In the arena of athletics, we have seen tremendous increases in the participation of women in sports. In 1972, there were merely 294,000 female high school athletic participants, in contrast to the 3.6 million male participants; now, looking at 2006, there has been a 904% increase with just under 3 million female high school athletes. In 1972, only about 30,000 women continued on to collegiate athletic participation, compared to 170,000 male participants. But in 2006, that number also increased exponentially, by 456%, to 167,000 female collegiate participants. In the world of business, the percentage of women general counsels in Fortune 500 companies rose from 4% to 15% between 1994 and 2002. Within the legal profession, the percentage of women in tenured positions at law schools increased from 5.9% in 1994 to 25.1% in 2006. In addition, I am certain that Title IX laid the foundation for other advancements in equal rights for women, such as the Lilly Ledbetter Fair Pay Act of 2009 that President Obama signed into law this January and that I proudly co-sponsored.

Even with this progress, the United States still has quite a journey ahead toward the goal of equality for women. There still exists resistance to efforts to treat women and men equally. Even now there is still a remarkably large gap between the number of female and male high school and collegiate sports participants. Beyond athletics, there still exists gender inequality in the work force on multiple fronts, including: the ratio of male to female professionals; the difference in the earnings of male and female employees; and the ratio of male to female leadership positions in the workforce. It is true that in 2003 female professional earnings had risen to 76% of what their male counterparts were making; nevertheless, 76% is still far less than 100%.

So, I celebrate the advances made during the thirty-seven years since Title IX was enacted, and I promise to continue to dedicate my time and efforts to champion equal rights for women.

IN RECOGNITION OF OFFICER GARLAND C. THOMPSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor Officer Garland C. Thompson's retirement from the United States Capitol Police after thirty-five years of service.

Founded in 1828, the Capitol Police have protected countless lives and secured our nation's historic Capitol complex. Officer Thompson first joined the Capitol Police on June 6, 1975. His deep sense of patriotism and dedication to upholding the rule of law is evident to all. Known as a strict enforcer, Officer Thompson has ensured the safety of elected officials, staffers, journalists, and tourists alike and the corner of First and C Streets will not be the same without his friendly face. I have had the pleasure of knowing him and am proud to call him my friend. I know he will be greatly missed.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude for Officer Thompson's thirty-five years of dedicated service to the Capitol Police and this great Nation. I wish him and his family all my very best.

RECOGNIZING THE 20TH ANNIVERSARY OF THE NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. OBEY. Madam Speaker, I rise today, as a member of the House of Representatives who has been intimately involved with the area of biomedical research and health care, to draw the attention of the Congress and the nation to the 20th anniversary of the National Center for Biotechnology Information (NCBI), a national resource for molecular biology information located at the National Library of Medicine, National Institutes of Health (NIH).

I am reminded at this time of our late distinguished colleague Claude Pepper who, in 1987, introduced H.R. 393, a bill to establish a National Center for Biotechnology Information. As he eloquently described it, the Center would deal ''with nothing less than the mystery of human life and the unfolding scroll of knowledge, seeking to penetrate that mystery, which is life itself.'' A quick study, Claude early on concluded there was a growing need to fit together the pieces of the genetic puzzle so as to benefit humankind. Although the term biotechnology was relatively new at that time, there was clear evidence that the whole biotechnology information infrastructure was overloaded and there was an urgent need for developing a central repository for storing and sharing the data resulting from the explosive growth of research in molecular biology. The information-handling organization envisioned in the bill, the National Center for Biotechnology Information, became a reality with the signing by President Reagan of the Health Omnibus Extension Act (P.L. 100–607) on November 4, 1988.

I remember well those early years when a group of Nobel Laureates appeared before the House Appropriations Subcommittee on Health and laid out a vision that revolutionized our understanding of biology and genomics. Chairman Bill Natcher and those of us on the subcommittee enthusiastically supported the Genome Project. Its magnitude was nothing short of President Kennedy's vision of landing a man on the moon for it launched a grand national challenge of utmost importance to human health. NIH Director James Wyngaarden testified that year that we had sequencing data on less than one-tenth of one percent of the human genome. He said then that while the pace of biology research was rapidly accelerating, the ability to analyze and share information was severely constrained and that if we were going to understand the disease process we would need new and better information approaches. Clearly, the organization defined in Claude's bill fit that need and so the Appropriations Committee readily provided the necessary funding for NCBI.

Today molecular biology and genomics are the primary drivers of medical progress. And, under the innovative leadership of Dr. David Lipman, NCBI's first and current director, NCBI's molecular biology information resources are empowering hundreds of thousands of researchers around the world to identify disease-related genes and develop strategies for treating and preventing disease. It's amazing that each and every week researchers are downloading data from NCBI that is equivalent in size—I am told—to the entire contents of the Library of Congress.

The U.S. Congress has encouraged and generously supported the more than 40 database resources developed by the NCBI. The recent legislative requirement that the results of NIH-funded research be made available through NCBI's PubMed Central database will, we believe, accelerate scientific progress and the discovery of new treatments.

Over the past 20 years, the management of biological information has progressed rapidly and has become an integral part of the scientific process. It is now virtually impossible to think of an experimental strategy in biomedicine that does not rely heavily on the kind of resources and tools developed by the NCBI for analyzing molecular and genomic data.

In summary, Madam Speaker, under Dr. Lipman's careful planning and creative stewardship the NCBI has responded successfully to the challenge of the mandate of the 1988 legislation by effectively developing a major national resource for molecular biology information that is greatly benefiting medical researchers, practitioners, educators, and the general public.

I believe that the era of ''personalized medicine''—including highly targeted individualized treatments— will soon be upon us, and NCBI clearly will be a driving force in making that a reality. So I want to offer my congratulations to NCBI's visionary leader, Dr. David Lipman, to NLM's excellent director, Dr. Donald A. B. Lindberg, and to the bright and dedicated staff of the NCBI for 20 years of outstanding public service to the nation and to the world.

HONORING MAYOR WILLIAM HICKS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mrs. CAPITO. Madam Speaker, I rise to recognize the remarkable achievements of William ''Bill'' Hicks, the beloved mayor of Romney, West Virginia.

Bill is a veteran of the Second World War's Pacific Theater where he was involved in navigation and sighting for secret bombing missions. Just fifteen days after returning home from the war, he married Thelma Elizabeth Berg on December 27, 1945.

Together, they made Romney their home on July 1, 1964 and have lived there ever since. Bill worked for Western Union Telegraph Company where he played a key role in setting up the first transcontinental microwave relay communications in the U.S. His work involved implementing communications infrastructure for private and government entities located throughout West Virginia and the surrounding areas. Through his work, Bill also developed a passion for public service.

He was first elected to the Romney City Council in 1968 and later was elected as Mayor of Romney in 1991. After more than 40 years of service, Mayor Hicks recently stepped down, but still remains committed to serving his community. He has been involved in numerous community organizations. He also serves on the Hampshire County Development Authority, the Potomac Valley Transit Authority, the Romney VFW, and the American Boy Scout Committee, just to name a few.

Bill and his wife Thelma remain committed to their community and their family. They raised five children, boast eight grandchildren and now have five great-grandchildren.

Madam Speaker, I am proud to honor Romney's beloved Mayor and long-time distinguished public servant, William ''Bill'' Hicks for his years of service and contributions to Hampshire County and the State of West Virginia. Mayor Hicks is a friend and a fellow West Virginian. I wish him all the best in the years to come.

HONORING THE 100TH ANNIVERSARY OF PETE'S HAMBURGERS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KIND. Madam Speaker, I rise today to honor Pete's Hamburgers of Prairie du Chien, Wisconsin and to recognize their 100th anniversary.

It is reassuring to see that despite these tough economic times many American small businesses are still thriving. It was 100 years ago when Pete Gokey opened Pete's Hamburgers as a small, humble stand selling pan-fried hamburgers. Pete Gokey's life embodies the hard work, dedication, and commitment that have made our country great.

Although we recognize it today for achieving the feat of keeping its doors open for 100 years, the story of Pete's Hamburgers is one founded upon an individual's commitment to public service and hard work. Before opening his stand to sell hamburgers, Pete Gokey was a member of the volunteer fire department in Prairie du Chien. As fate would have it, Pete was selected to be the chef for one of the fire department's community events, at which he was expected to serve fried hamburgers with onions. The hamburgers were a huge success and became the catalyst for Pete Gokey's successful stand.

Gokey was able to turn his stand into a fixture of the Prairie du Chien community. Whether serving hamburgers or volunteering as a fire fighter, Pete Gokey was a man who lived a life based on hard work and service to his community.

Pete's Hamburgers and its quality product have stood the test of time and I proudly stand before this chamber to recognize the success of Pete and his family who have dedicated their lives to something they love: hamburgers.

I applaud the efforts of Pete Gokey and his family members who now run the business and I am proud to see their hard work rewarded by 100 years of business and 100 years of service to the Prairie du Chien community. May their success continue for many more years to come.

CONGRATULATING PAIGE EPLER ON HER GRADUATION FROM THE UNIVERSITY OF OKLAHOMA HIGH SCHOOL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Paige Laura Epler from Woodbridge, Virginia, on her graduation from the University of Oklahoma High School. Twelve year old Paige graduated on June 5, 2009 as the youngest girl to earn a high school diploma from an accredited high school. Paige had a 4.0 grade point average; however, she excelled in other areas as well. An extremely accomplished violinist, in addition to playing at her graduation, she was the selected violinist for NASA's 50th Year celebration and at President Obama's Inaugural Luncheon.

My colleagues also may know Paige from her passionate efforts to Save the Sharks. Starting at age eight, she has worked to educate people about sharks and dispel the myths that have led to a number of species becoming endangered. Paige has given briefings at the Smithsonian Air and Space Museum, the Science Museum of Virginia, and to the United States Congress.

Madam Speaker, Paige Epler represents the best this country has to offer, and her dedication to her studies bespeaks of the bright future before her. I congratulate her on her wonderful accomplishment and wish her well in all of her future endeavors.

IN TRIBUTE TO THE LATE AUBREY EMMITT FALLIN

HON. JACK KINGSTON

OF GEORGIA–

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KINGSTON. Madam Speaker, I rise today to honor the life and service of a truly great American, Aubrey Emmitt Fallin. Aubrey was a courageous veteran, a dedicated citizen, and a fiercely loyal friend and father.

Aubrey was a patriot by anybody's definition. He served as a marine during WWII, landing on Iwo Jima February 19, 1945. He demonstrated indestructible bravery and strength, enduring a grueling 24 hours in which 2,721 of his fellow patriots lost their lives. Within the following 36 days, over 7,000 American soldiers were killed in action. His presence during this historic struggle put him in one of the bloodiest battles in World history. If it were not for brave men like Aubrey the war would have been lost. Risking and overcoming much, Aubrey emerged from the war with deeply rooted pride, admiration, respect, and love for his America.

After his completion of service, Aubrey was not only a veteran, he was a veteran's veteran. Beyond his recollection and stories of this era he would also give lectures on how to apply yesterday's lessons to today and tomorrow. In peacetime, he was just as fierce of a freedom fighter as he was when bullets were flying all around him. Even as his health failed him, he kept a vigilant eye out for the best interest of America. He used his devotion to our great nation to spur and awaken that very same passion within every individual he knew.

Beyond the battlefield, Aubrey served on the front lines of his local political community through his active leadership. He was a member of Coffee County Board of Registrars, The American Legion and Veterans of Foreign War, past chairman of The Coffee County Republican Party, former president of Douglas Hobos & Shriner Clowns, a member of the Masons and Shriners, and a past president of the Exchange Club. He manifested his faithful love for our country through continuing to sacrifice his time and serve his fellow citizens. His unwavering service, vigilance, and outspoken nature secured freedom for all.

Aubrey was an unquestionably loyal friend. I never left Coffee County without at least one bag of peanut brittle. Enjoying a treat made by such patriotic and loving hands was an honor. We will miss Aubrey as a friend and companion, and we will always be appreciative of the freedom we enjoy because of his and others' sacrifice. His life undoubtedly impacted all who came in contact with him for the better. Aubrey has left a lasting legacy of compassion, strength, and service. May God bless his memory forever!

IN REMEMBRANCE OF THOMAS RAE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Thomas Rae and in recognition of his dedication to his family and country.

Thomas was born on March 2, 1930 in Cleveland Ohio as one of five siblings. Upon graduating from high school, Thomas joined and served in the United States Army for three years before being honorably discharged. After returning to Ohio, he married Mildred Dziak, and they had four daughters who were raised in Strongsville, Ohio. While raising a family, Thomas worked as an inspector for Terex General Motors and later as a supervisor at NASA. Thomas enjoyed his later years in the company of his children and their families. He was fortunate enough to spend time with all thirteen of his grandchildren and especially enjoyed watching them participate in sports. Thomas also took pleasure in the outdoors, playing golf, and handy-work after retirement.

Madam Speaker and colleagues, please join me in remembrance of Thomas Rae, who lived his life with the enduring support of his family and in recognition to his dedicated service to our country. I offer my deepest sympathies to his wife, Mildred; children, Denise Kucinich, Karen Vraja, Arleen Miciunas and Cheryl Vanderwyst; and grandchildren, Gary, Matt, Ryan and Michael Kucinich, Amanda, Samantha and Tommy Vraja, Lukas, Alyssa and Alec Miciunas, Lindsey, David and Nicole Vanderwyst.

PERSONAL EXPLANATION

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. LUJÁN. Madam Speaker, due to scheduling conflicts, I was unable to be present for rollcall vote No. 431. Had I been present, I would have voted "no."

RECOGNIZING EUROPE'S BLACK POPULATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing Europe's Black population and expressing solidarity with their struggle.

Last year, on April 29, 2008, I chaired the U.S. Helsinki Commission hearing entitled, "The State of (In)visible Black Europe: Race, Rights, and Politics" which focused on the more than 7 million people who make up Europe's Black or Afro-descendant population.

Despite their numerous contributions to European society, like African-Americans here, many Black Europeans face the daily challenges of racism and discrimination.

This includes being the targets of violent hate crimes, many of which have resulted in death. Existing inequalities in education, housing, and employment remain a problem and racial profiling is a norm. Few Black Europeans are in leadership positions and political participation is also limited for many, providing obstacles for addressing these problems.

In an effort to raise public awareness of these issues at the national and international level, the Black European Women's Council (BEWC) was launched on September 9, 2008 at the European Union's headquarters. More than 130 Black women from across Europe came to ''insist on the recognition and inclusion of Black Europeans economically, politically, and culturally.''

This resolution supports BEWC's fight for equality and urges European governments to implement anti-discrimination legislation and other plans of action, including a fund for victims incapacitated as a result of a hate crime.

Given the history of our own country, an increase in transatlantic cooperative efforts between our government and European governments, U.S. and European based civil rights groups, and within the private sector would also provide useful partnerships and assistance in combating racism and discrimination abroad and at home.

This resolution therefore also calls on the U.S. Government to increase support for public and private sector initiatives focused on combating racism and discrimination in Europe as part of our efforts to support global human rights.

It is for this reason that on April 15–16, 2009, I also co-hosted the ''Black European Summit: Transatlantic Dialogue on Political Inclusion'' at the European Parliament in Brussels with Black and other European minority parliamentarians to exchange information on the roles of racial and ethnic minority policymakers in developing and supporting policies and initiatives to address racism, discrimination, and inequality.

As I continue to work on these initiatives, I urge my colleagues to join me in supporting this Resolution Recognizing Black Europeans and encourage them to review the statements and submissions from the Helsinki Commission's Black Europe Hearing at www.csce.gov.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, ''The National Defense Authorization Act for Fiscal Year 2010.''

Title of Project: Advanced Autonomous Robotic Inspections for Aging Aircraft

Amount of Project: $2,000,000

Account: Air Force, Operations & Maintenance

Project Recipient: Veracity Technology Solutions, LLC 2701 Liberty Parkway, Suite 311, Midwest City, OK 73001

At my request, $2,000,000 was included in the FY10 NDAA, H.R. 2647, for Veracity Solutions in Midwest City, OK, to implement a fully automated autonomous robotic vehicle that has the capability to inspect for corrosion, as well as crack detection around fasteners for the KC–135 aircraft. Current inspection methods are both antiquated and time consuming, which has increased maintenance downtime and unnecessary refurbishment. A state-of-the-art nondestructive inspection system and training, which decreases maintenance costs and improves safety, will have the ability to detect corrosion and cracking on the KC–135 wing skins (and other aging aircraft). This system will allow for condition assessment of aircraft structures, as well as continuous assessment through the historical comparison of pervious and present inspection results.

Specifically, the funding will be used for the technical personnel, facilities, and equipment required to develop an integrated system that includes a medical grade ultrasonic inspection system, an advanced impedance plane analysis eddy current unit, and an autonomous inspection vehicle that will allow engineers and depot crews to accurately and instantly identify defects and that are currently undetectable with traditional nondestructive inspection methods. The end product will provide a permanent record of the structural member which can be stored on the network for future comparison.

Title of Project: E–6B Strategic Communications Upgrade Block 1A (VLF–TX & HPTS)

Amount of Project: $4,000,000

Account: Navy, Research, Development, Test & Evaluation

Project Recipient: Rockwell Collins, 400 Collins Road, Cedar Rapids, Iowa 52498

At my request, $4,000,000 was included in the FY10 NDAA, H.R. 2647, to provide modifications to the Navy's E–6B Mercury TACAMO. The E–6B Mercury TACAMO is a manned airborne communications relay platform designed to provide a survivable, reliable, endurable airborne Command and Control communications link between the President, Secretary of Defense, and U.S. strategic and non-strategic forces, especially in the time of crisis or national emergency. In performing the TACAMO mission, the platform's primary purpose is the relay of messages via survivable Very Low Frequency transmission (VLF-TX).

This funding will provide for the modification of the VLF-TX, in addition to the High Power Transmit Set (HPTS) subsystem. The current VLF-TX is becoming unsupportable for the mission at hand. The money requested would provide for an encryption function which extends the development cycle for deployment of new equipment. In addition, it would be used to upgrade improvement in the HPTS system and improve the wire control system and operational availability.

These upgrades are critical to the E–6B execution of the TACAMO mission located at Tinker AFB and provide communications to the nation's strategic ballistic missile submarine force as a part of the Minimum Essential Emergency Communication Network (MEECN).

Title of Project: FIDO EXPLOSIVE DETECTOR

Amount of Project: $7,000,000

Account: Army, Other Procurement

Line Number: 135

Project Recipient: ICx Nomadics, 1024 S. Innovation Way, Stillwater, OK 74074

At my request, $7,000,000 was included in the FY10 NDAA, H.R. 2647, for the FIDO Explosive Detector, which will provide soldiers in combat theater the ability to identify and disable explosive devices and those who manufacture these devices by detecting explosive vapors and residues. Over 1,500 FIDO systems have been fielded in support of current military operations.

The small, lightweight, handheld devices provide the soldier the ability to screen persons, packages, cargo, equipment, vehicles, and buildings and report vapor detections in real time with audio and visual feedback to the operator. The small detection devices can be mounted onto a unit's organic Unmanned Ground Vehicle (UGV) to provide additional force protection, while protecting the safety of the unit. Current FIDO systems have been successful in the field, and advances have been made to increase the ability of the sensor to detect additional substances in use today and into the future. This funding will accelerate the fielding of FIDO's in combat theater and providing explosive detection and protection to men and women in uniform.

Title of Project: Joint Fires and Effects Trainer System Enhancements

Amount of Project: $2,500,000

Account: Army, Research, Development, Test & Evaluation

Project Recipient: Creative Technologies, 6255 West Sunset Boulevards, Suite 716, Los Angeles, CA

At my request, $2,500,000 was included in the FY10 NDAA, H.R. 2647, to provide upgrades to the Joint Fires and Effects Trainer System (JFETS) located at Fort Sill, Oklahoma. The current immersive simulation training capability suffers from one significant drawback—the one-to-one instructor/student requirement. The funding provided for this project would increase the ability for this program to upgrade the voice recognition technology of JFETS and allow a single instructor to manage nine concurrent call for fire training sessions in the Open Terrain module simultaneously and improve efficiency by 800%. Additionally, the project will develop an interactive application to drill soldiers in the five essential elements of accurate predictive fires to prepare them before they train in the immersive environment and reinforce the training before the deploy.

Title of Project: T–9 Noise Suppressor Support

Amount of Project: $5,100,000

Account: Air Force, Military Construction

Project Recipient: Tinker Air Force Base, 3001 Staff Drive, Tinker AFB, OK 73145

At my request, $5,100,000 was included in the FY10 NDAA, H.R. 2647, to fund the construction of foundations and supporting facilities for two T–9 noise suppression systems at Tinker AFB, Oklahoma. This project would consist of the construction of reinforced concrete footings and slabs capable of supporting T–9 style engine testing facilities, a 20,000 gallon jet engine fuel storage and delivery system, utilities, access driveways, and a small

office/restroom/break facility. Current engine test facilities are aging and unable to support the current test mission.

With the completion of the new Tinker Aerospace Complex (TAC) and the transfer of engine maintenance to this facility, construction of these test cells near the TAC will allow contiguous support of military jet engine repair, decrease maintenance downtime, and associated cost. This will allow the 76th Maintenance Wing and the 76th Propulsion Maintenance Group the capabilities to meet its mission of delivering engines on time and on cost and position Tinker AFB for increased mission capabilities in the future.

''A VISION FOR HEALTH CARE'' COMMENCEMENT ADDRESS BY SENATOR RICHARD T. MOORE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. CAPUANO. Madam Speaker, my friend, Senator Richard T. Moore was honored recently at the commencement of the New England College of Optometry. I wanted to share his remarks, as his address justly paid tribute to the school, its faculty, and graduates for their commitment to public service.

A VISION FOR HEALTH CARE

President Chen, Chairman Manfredi, Vice Chairman Ferrucci (my friend and personal Optometrist), Members of the Board of Trustees, parents, alumni, friends, and most especially, my fellow graduates of the Class of 2009 . . . I'm honored to share in your celebration today and to receive a degree from this prestigious institution with its well-deserved reputation for improving access to care, enhancing the quality of life by preventing blindness, and developing innovative, economically viable models of eye care.

Visus per mentem, vision through the mind, has long been the motto of this great College. It is a phrase that reflects a sincere commitment to learn the skills and knowledge necessary to serve others, as well as a deeply felt belief that you can help people to see the world with more clarity and purpose—to give in a way, the gift of sight—or at least improved vision. Hopefully, your clinical experience working at the New England Eye Institute and in community health centers and school or elderly vision clinics, has kindled in you to a desire to devote some portion of your time, treasure and talent to bring quality eye care to the underserved of our society.

Few, if any of you, in the Class of 2009 could have attended New England College of Optometry for four or more years without deriving from your studies, from your outstanding instructors and most of all from your own inner hearts some sense of inspiration and idealism as well as an appreciation of your social responsibility as a newly-minted health care professional.

CONTINUE THE LEGACY OF COMMUNITY SERVICE

Graduates of New England College of Optometry who preceded you have blazed a trail of community service through vision research and care that is almost legendary! They left an inspiring legacy upon which you and your classmates can now build. With your OD degree in hand, challenge yourselves to follow in the footsteps of exemplary alumni such as Charlie Mullen OD ''69 (who addressed you a few moments ago) and Kenneth Myers OD ''74, who firmly established vision care as a focus of the U.S. Veterans Administration. Their pioneering work is, today, helping wounded veterans of the wars in Iraq and Afghanistan to see beyond the trauma of war and return to productive lives in our communities.

Then, there's Edward Goodnig OD ''76. He brought his knowledge and skills to underserved regions expanding primary care opportunities for Alaska's Native American settlements and schools. You may also know of Frank Thorn OD ''79, today's Commencement Marshal and an expert on the causes and development of Myopia, who has shared his professional knowledge and restless energy from this campus on the banks of the Charles River to remote villages in the Amazon Rain Forest and—in Marco Polo fashion—from Europe to China. Their exciting and fulfilling careers, chronicled in the College's 2008 Annual Report, offer a glimpse of the potential that awaits you as today's graduates.

Such stories of successful graduates can teach, they can offer hope, they can provide inspiration. But they cannot supply the courage to follow your own path. For that each of you must look into your own hearts. Accept your degrees today with the same pride, enthusiasm, and commitment that launched those pioneers of Optometry into rewarding lives of caring service.

CONTINUE TO LEARN AND SHARE KNOWLEDGE

Never be too busy to keep from learning how to better serve your patients. That includes sharing your real world knowledge of your patients and the condition of their eyes with those involved in academic research here at New England College of Optometry and elsewhere. It also means staying informed about the rapidly changing science of your profession. Each of you, my fellow graduates, as our newest health care professionals, have a responsibility to continue your education by maintaining competency in vision care and in the technology necessary to deliver the best quality of care to all who seek better vision.

Whether your career takes you to remote regions of America or the world, or takes you back to wherever you may call ''home,'' remember one of the basic concepts that you learned here in the Back Bay, that eye care professionals are an integral part of the team of primary care providers, and deserve to be treated with the same degree of professional respect as any other health care professional! In this era of health care reform, each of you will play an essential role in not only diagnosing and treating conditions of the eye, but you will also serve as part of the team of professional caregivers who assist and support each other for the benefit of every patient.

MASSACHUSETTS AS A MODEL FOR THE NATION

For the past four years, as each of you have been immersed in becoming competent, dedicated vision care professionals in the classrooms at 424 Beacon Street, I've been learning the lessons of health care reform about a mile away in the State House meeting rooms at 24 Beacon Street. The grades are now in, and the results are clearly informing the growing national debate on health care. Massachusetts is leading the way in health care reform! We are:

First in the nation in health care access.

First in electronic health records and e-prescribing.

In the forefront of patient safety, quality improvement, and cost containment.

Leading the way in prescription drug ethics.

In just three years, 432,000 Massachusetts residents, who were previously un-insured, have gained access to health care and the many stories of lives saved or improved are truly heart-warming.

OPTOMETRY'S CONTRIBUTION TO HEALTH REFORM

One of the challenges facing Massachusetts and the Nation in fully realizing the health improvement and cost savings benefits of health care reform is the need to expand patient access to primary care. It is just as important—and less expensive—to keep people healthy, as well as to treat those who are ill. We have made great progress in expanding access to health insurance for the people of Massachusetts, but there is still an unmet need for easy access to primary care providers. I believe that optometrists, such as each of you, are ready—even anxious—to help to fill some of that void.

To address this challenge, those who pay for health care need to embrace new payment models that support wellness as well as coordinating care for those who suffer from illness, injury or less than good health. Any such wellness effort needs to include regular screening—such as vision screening—and be coordinated with health information technology such as through a centralized vision care registry.

Major stakeholders in health care reform obviously include the physician community. The Massachusetts Medical Society, the oldest, continuously operating state medical society in the United States, is the primary voice of physicians in the development of public policy. However, it sometimes seems to me that the society's policy positions have evolved far more slowly than the progress of science itself.

An old baseball player once said, ''I don't question the integrity of an umpire, just his eyesight.'' Similarly, I don't question the integrity of our state medical society, just their vision! As fewer medical doctors enter the field of primary care, the medical profession needs to embrace other health professionals who, with appropriate training such as that provided by the New England College of Optometry, can do much to provide safe, cost-effective care for patients needing attention.

It's high time for all Massachusetts physicians to rise above the tradition-bound guildmentality that confounds health care progress, and respect the education and experience of all health professions in treating the whole person. It's time for Massachusetts to embrace treatment regimens for optometrists that are already fully accepted in 49 other states, if we are to offer quality care that is convenient and affordable for patients. You, the Class of 2009, must make your voices heard as that debate unfolds!

It was Robert Kennedy who once challenged an earlier graduating class at another college—''to decide, as Goethe put it, whether you will be a hammer—or an anvil. The question is whether you are to be a hammer—whether you are to give to the world in which you were reared and educated, the broadest possible benefits of that education.'' So I challenge you to get involved in writing the health care policy of your generation—be a hammer!

A VISION FOR HEALTH CARE IN AMERICA

You are graduating at a most exciting time in health care! As you begin your professional careers in vision care, health reform is about to take center stage in the national arena. National health reform is likely to include minimum standards for benefits, an individual insurance mandate, a guaranteed issue requirement for health insurance, a prohibition on excluding coverage of pre-existing conditions, the creation of an insurance exchange where people can sign up for coverage—all factors that are included in the Massachusetts health reform effort.

If we view health reform through the lens of the ongoing Massachusetts experiment, there are some fundamental principles to anchor the national effort.

1. Each of us has an individual responsibility to take care of our health—including screenings and check-ups, as well as maintaining health insurance to help pay for our care and that of our families.

2. Each of us has a collective responsibility, as citizens of a caring society, to support public policies that guarantee access to safe, high quality, affordable and patient-centered health care for everyone in society.

3. Each of us, in the field of health care, has a professional responsibility to strive for the highest level of competency, to ensure that we, and our colleagues in the patient care team, deliver the right care at the right time and in the right place.

These principles can serve as a shining beacon for health reform in the nation, much as this Commonwealth led the nation in propagating the principles of democratic government, social progress, and educational excellence throughout its proud history.

Massachusetts'' first Governor, John Winthrop, wrote in 1630 about the social experiment being launched in this New World. He called upon his Puritan brethren and all their descendants to share their resources and gifts with others, ''rejoice together, mourn together, labor and suffer together so that—''the world will say of succeeding plantations, may the Lord make it like that of New England . . . we shall be as a city upon a hill. The eyes of all people are upon us.'' Sharing our gifts with others is the cornerstone of health care reform in Massachusetts and, I hope, it will be your personal cornerstone in your health care careers as well.

Truly, the eyes of all people in America are focused on the Massachusetts health reform experience as a framework for bringing expanded access to quality care to all Americans. But that's not all we're contributing to health care. This morning, Massachusetts is sending forth from this city upon a hill, a new class of highly skilled, and energized health care professionals with their degree in optometry in hand!

While past experience may teach us to be skeptical of the promises of any politician, to those of you who will dedicate your health care careers to the betterment of your state and all her people—I can promise a lifetime of challenge and opportunity, sometimes exciting and rewarding, sometimes slow and difficult, but always, always worthwhile.

And let me add one final bit of parting wisdom: No one ever injured his or her eyesight by looking on the bright side of things! The economy will improve! You'll earn a good living! And those of us in government can't wait to share in your success every April 15th!

IN HONOR OF CAPTAIN MICHAEL T. DOYLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Captain Michael T. Doyle, upon his retirement from the Cleveland Police Department, following thirty years of dedicated service to the citizens of Cleveland.

Captain Doyle graduated from Normandy High School in Parma, Ohio, then went on to graduate with honors from Cleveland State University. Shortly thereafter, Captain Doyle accepted a position in law enforcement as the Assistant Deputy Sherriff for Medina County. After four years, in 1981, he began his service to the City of Cleveland as a Cleveland Police officer.

Captain Doyle's service to our community extended across nearly every police district in the City and included work as patrol officer, detective, sergeant, lieutenant and captain. Throughout his tenure, Captain Doyle fostered trust, communication and cooperation among individuals throughout our community, from neighborhood block club members to elected officials at Cleveland City Hall.

Madam Speaker and colleagues, please join me in honoring Captain Michael T. Doyle for his unwavering dedication to protecting the citizens of Cleveland, Ohio.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Homeland Security Appropriations Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: City of La Habra

Address of Requesting Entity: 201 E. La Habra Blvd., La Habra, CA 90631

Funding Secured: $254,500

Description of Request: Currently, the City of La Habia's Emergency Operations Center (EOC) is a very small conference room within the Police Station. The maximum occupancy is less than a dozen individuals, and there is not adequate space or equipment to serve as an Emergency Operations Center, particularly if there were a large-scale emergency such as an earthquake, wildfires, act of terrorism, etc. During the recent ''Golden Guardian'' earthquake exercise in California, the team evaluating the City's performance noted the inadequacy of the facility and its hindrance to the exercise. The problems would be even more pronounced should there be an actual emergency requiring the mobilization of our first responders and emergency personnel. This project would provide for necessary equipment and modifications to establish the various required components of an EOC (Planning and Intelligence, Operations, Communications, Public Information, etc.). I believe that it is critical for Congress to use taxpayer dollars responsibly by investing in Southern California communities to prevent, combat, and contain the devastating threat of fire and natural disasters that routinely ravage the Southern California landscape

TRIBUTE TO REVEREND DR. DAVID GORDON PERSONS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor Reverend Doctor David Gordon Persons on the occasion of his retirement from Wayside Presbyterian Church after thirty three years of leadership. It is my pleasure to recognize Reverend Dr. Persons and acknowledge him as an influential role model in the Western New York area.

Reverend Dr. Persons' leadership abilities were apparent at an early age. As a student of Sherman High School, he was lettered in both basketball and track and he was a member of the Top Math Team to represent Western New York at Boys Town. Upon graduating from Sherman High School in 1961, he received the American Legion Citizen of the Year award.

Reverend Dr. Persons' commitment to the Western New York community is evident by his leadership, devotion and dedication to the people in our community. His community service extended to the Lake Shore Volunteer Fire Department, where he served as Chaplain and Life Member for over thirty years. He was also a member of the Kiwanis Club from 1979 to 1986.

His belief that understanding and reaching out to the world can make a difference led to his co-founding of the Task Force to Reduce the Nuclear Arms Race at the United Nations, which later became the Peace Committee of Western New York. He has been a major influence and inspiration in the lives of young people. From 1979 to 1986, he led yearly youth group bike tours in Western New York and Southern Pennsylvania. Reverend Dr. Persons also led a youth group to the 20th Anniversary of Martin Luther King's speech.

Foremost, Reverend Dr. Persons has been integral to the life of his congregation. Over his religious career, he has officiated at some six hundred funerals, six hundred weddings and one thousand baptisms. His skills were recognized by his colleagues, and from 1965 to 1967, Reverend Dr. Persons was President of the Preaching Association in Seminary. In 1987, he was awarded grants to study meditation in ashrams in India. He is currently Moderator of Wright's Memorial Presbyterian Church—Native American Church in Irving, New York as well as Moderator of Presbytery of Western New York. He also holds the positions of the Chair of Presbytery Church and

Society Committee as well as the Head of Presbytery Worship Committee.

Madam Speaker, along with his family, friends and great admirers who will join together today at the Wanakah Country Club, I am honored to pay tribute to the admirable accomplishments of Reverend Dr. Persons. His life of leadership, compassion and service to others is truly an example for us all on the enormous difference one person can make. I wish him all the best in his retirement.

RECOGNIZING THE FIRST BAPTIST CHURCH OF DANVILLE, VIRGINIA

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. PERRIELLO. Madam Speaker, today I recognize the First Baptist Church of Danville, Virginia, which celebrates its 175th anniversary on June 28, 2009. Since its founding in 1834, the First Baptist Church has been a source of fellowship, education, and service in its community and beyond.

Although the First Baptist Church has suffered from a terrible fire, moved its location several times, seen the town it serves grow from 1,000 to almost 50,000, and faced countless other changes throughout its long history, it remains true to its founding principles. Under the leadership of Reverend Stephen Cook, today the church is a community of strong relationships, where individuals bond over worship, meals, study, and music. Their affinity extends beyond just Sunday mornings to include weekly dinners, small group meetings, choirs and instrumental ensembles, programs for seniors and children, cultural outings, and engagement in the larger community through service.

I commend the First Baptist Church and its leadership on this commitment to hands-on service, whether locally, elsewhere in our nation, or abroad. The church has stated, ''When our worship together ends, our service truly begins,'' and it has undoubtedly abided by this principle. The numerous organizations that have benefitted from the dedication and generosity of the church's congregants include Hope Harbor, Hope Tree Family Services, God's Storehouse, Klothes 4 Kids, the Danville Homeless Shelter, Habitat for Humanity, and Baptist World Aid. The efforts of the First Baptist Church to live out its mission in its works are an inspiring example: we should all strive to be so diligent in following the call to love and serve our fellow man.

The Book of Isaiah tells us, ''And if you give yourself to the hungry, and satisfy the desire of the afflicted, then your light will rise in darkness, and your gloom will become like midday.'' I congratulate the First Baptist Church on its tireless efforts to meet both the physical and spiritual needs of the Danville community, and I hope that its light will continue to shine for many years to come.

ARMY RESERVE ASSOCIATION'S ENLISTED SCHOLARSHIP PROGRAM

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. TIAHRT. Madam Speaker, I am honored today to speak on a wonderful program that impacts the lives of many great heroes and their families. The Army Reserve Association's, ARA United States Army Reserve, USAR Enlisted Scholarship Program awards a $500 scholarship to assist qualifying enlisted reservists or their dependents attend an institution of higher learning.

Started in 2000 as an initiative of Command Sergeant Major Ray Lackey, this program has awarded a total of $225,500 in scholarships. Through the generosity of the United Services Automobile Association, USAA, the administrative efforts of the ARA, and the support of the USAR, these patriots have the opportunity to pursue their dreams. The opportunity to further their education not only benefits these heroes, but the Army Reserve and the country as a whole.

I applaud the Army Reserve Association and all those responsible for this effort on behalf of our Army Reserve soldiers and their families. Additionally, I request that the following two letters regarding this program be inserted into the record: a letter from the Army Reserve Association and a letter from Lieutenant General Jack C. Stultz, Chief of the Army Reserve.

THE ARMY RESERVE ASSOCIATION,
Fort McPherson, GA, March 3, 2009.

Subject ARA Enlisted Scholarship Program Standards Approval.

Lieutenant General JACK C. STULTZ,
Commanding General,
U.S. Army Reserve

DEAR LIEUTENANT GENERAL STULTZ: This letter requests you approve the standards of the ARA Enlisted Scholarship Program listed below. Request approval of the following standards:

(1) a member of the USAR not under flag or pending disciplinary action;

(2) qualified in the MOS of their position of assignment;

(3) attending or entering an institution of higher learning (2 or 4 year college, vocational school, bible college, etc.) that is regionally or nationally accredited;

(4) military dependents must be registered In DEERS.

The applicant's chain of command CSM or SGM will certify that the applicant meets qualification standards (1) through (4), as applicable.

The ARA Enlisted Scholarships are for enlisted members of the United States Army Reserve and their dependent family members. Each year the ARA offers scholarships to each major command to which USAR members are assigned as designated by the Command Sergeant Major of the USAR. The annual goal of awarding fifty scholarships is predicated on the number of major commands participating and the number of scholarship applicants from each major command, as well as the amount of funds donated by the program cosponsor, the United Services Automobile Association (USAA).

The Army Reserve Association will create an announcement for the annual scholarship program and will transmit that announcement to the USARC G–1 with a request that the USARC G–1 forward the announcement to each major command. The announcement will include the approved standards and an application form that each command's applicants can use to apply for the scholarships. The calendar year program's closing date for receipt of all applications is 31 December, unless a waiver is granted.

We request the USARC G–1 to forward the scholarship program announcement to USAR commands with instructions on submitting the applications to the USARC G–1 together with submission dates specified by the USARC G–1, so that applications can be forwarded to the ARA in time for evaluation and award of scholarships.

The ARA will appoint a selection board with a board president from its existing association membership to select nominations for award of the ARA Enlisted Scholarship Award. Board members will serve in their private-citizen capacity and not in any military role and the board recorder may be a member of the Army Reserve Association. The selection list will be compiled, signed by the ARA enlisted scholarship selection board president and forwarded to the ARA for issuance of individual scholarship awards. The ARA may choose to either present or mail the awards to the Soldier's command or directly to the individual.

We appreciate your continued support and assistance in implementing this program.

Sincerely,

MG KENT HILLHOUSE (R),
President, Army Reserve Association.
COL GEORGE M. LIND, (R)
Director, ARA Field Support Services.

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF, ARMY RESERVE,
WASHINGTON, DC, APRIL 24, 2009.

Major General KENT HILLHOUSE, RETIRED,
Winfield, Kansas.

DEAR GENERAL HILLHOUSE; This is to acknowledge receipt of your letter of March 3, 2009, requesting approval of the eligibility standards for the Army Reserve Association (ARA) Enlisted Scholarship Program. I approve the following eligibility standards:

a. an enlisted member of the U.S. Army Reserve not under flag or pending disciplinary action

b. qualified in the MOS of their position of assignment

c. attending or entering an institution of higher learning (2 or 4 year college, vocational school, bible college, etc.) that is regionally or nationally accredited

d. Military dependents who are registered in DEERS

The ARA will submit any changes to the eligibility standards to this office for approval before implementation. It is understood that ARA is solely responsible for selection and notification of scholarship awardees.

The Army Reserve G–1 will make information available to the Army Reserve Major Subordinate Commands regarding the scholarships and forward all applications to ARA for processing as outlined in your letter.

If you have questions or concerns, please contact Sergeant Major Gary Martz of the Army Reserve G–1, at (404) 464–9011.

Sincerely,

JACK C. STULTZ,
Lieutenant General,
U.S. Army Chief, Army Reserve.

HONORING THE MINUTE MAN NATIONAL HISTORICAL PARK ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, the resolution that I am introducing today with the gentlewoman from Massachusetts, Ms. TSONGAS, honors the Minute Man National Historical Park in Massachusetts on its upcoming 50th anniversary. Since being established in September 1959, the Minute Man National Historical Park has played a vital role in protecting and preserving the historic sites in the towns of Lexington, Lincoln, and Concord, where the American Revolution began. As the July 4th holiday approaches, it is fitting that we also have the opportunity to recognize Minute Man for its critical role in educating millions of Americans about the ideals of freedom and democracy that were embodied in the American Revolution and are the cornerstones of our Nation.

The Minute Man National Historical Park recognizes the people, places and events that have become enduring symbols of our shared American values. The park includes many important sites and landscapes along the historic 22-mile route from Boston to Concord, known as the ''Battle Road'' where British soldiers and American militia first clashed on April 19, 1775. The park includes the famed North Bridge in Concord, MA, where American militia were first ordered to return British fire. This heroic action was commemorated by the great American laureate Ralph Waldo Emerson in ''The Concord Hymn'' as ''the shot heard round the world.'' The park commemorates Paul Revere's ''midnight ride'' on the night of April 18, 1775, to raise the alarm for the residents of Concord, Massachusetts, that the British were marching to destroy military stockpiles.

The Minute Man National Historical Park continues to serve as a vital and enduring educational resource not only to the American people, but also to people all around the globe. The Minute Man National Historical Park plays a vital role in protecting these special places in Massachusetts where the fight for our democracy began and providing a true benefit to our Nation.

A TRIBUTE TO FRANK REYES FOR A LIFETIME DEDICATION TO EDUCATION AND PUBLIC SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. LEWIS of California. Madam Speaker, I would like to pay tribute to my good friend Frank Reyes, an exceptional educator who has helped the San Bernardino Community College District become a national leader in programs designed to meet a diverse student body.

Frank Reyes has been involved in education in San Bernardino County for more than three decades, beginning with receiving a bachelors and masters degree from California State University, San Bernardino, and culminating in his current position as Executive Director of Governmental Affairs for the 16,000-student San Bernardino Community College District.

Prior to joining the district management team, Frank worked as a counselor, professor, Director of Community Services and Director of the Counseling Department. He has shown a dedication to his hometown, and the students there, which has paid huge dividends for the community college district. He is part of the team that has helped keep costs down, while improving the campuses and their quality of education. This has helped make the two colleges—Crafton Hills College in Yucaipa, and Valley College in San Bernardino—among the most diverse in the Nation.

In his current role in administration, Frank has been extremely successful at winning competitive government grants for the community college district. After a major earthquake in 1992 made nearly all of the buildings at the Valley College campus unsafe, Frank led a team that secured Federal Emergency Management Agency funds to build a new library, health and human services building, administration and student services building. Most recently, the campus has added a 37,000-square-foot campus center, a new art building and modern gallery.

I was proud to work closely with Frank in bringing funding to deserving projects for the colleges. Thanks largely to his hard work, the Federal Aviation Administration provided $12.6 million for a new state-of-the-art fire academy that focuses on commercial aviation fires. Located at the San Bernardino International Airport, the facility attracts students from all over the country for real-life training on a jet fuselage. Most recently, I was delighted to work with Frank in winning the donation to Crafton Hills College of the swimming pool used in the 2004 Olympic Trials, which will be part of a recreation facility used by both the students and the community.

Frank has developed a national reputation for education excellence, serving on the International Development Team in Spain in May 2006, as well as the Defense Department's partnership with the Hispanic Associations of Colleges and Universities (HACU). Frank was also selected to be part of the U.S. Delegation to China in February 2006. The delegation continues its work on business, education and cultural exchanges. He has been a national leader with HACU, ensuring a significant federal funding increase for schools with significant Hispanic student bodies.

His community involvement beyond the colleges has been widely recognized—he has been listed in the Inland Empire Magazine as one of The Most Influential Hispanics and was named Latino of the Year by the Hispanic Chamber of Commerce. He has been Chairman of the Board for the Arrowhead Regional Medical Center Foundation for two years, and is an active Board member of the Hands of Mercy, an organization which builds loft houses for the indigent.

Madam Speaker, after three decades of service to the students and people of San Bernardino County, Frank Reyes is retiring from the community college district. Please join me in thanking him for his hard work and dedication, and wish him well in his future endeavors.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KISSELL. Madam Speaker, on Wednesday, June 24, 2009, I missed two rollcall votes as I was attending a White House briefing on the Energy bill. Had I been present, I would have voted ''aye'' on rollcall number 428, and ''no'' on rollcall number 429.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GUTIERREZ. Madam Speaker, due to a meeting at the White House, a Financial Services Committee Hearing and other commitments, I was unavoidably absent for certain votes this week. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 419, 420, 421, 422, 423, 453, 454, 457, 458 and 460 and voted ''nay'' on rollcall votes 427, 455, 456, and 459.

A TRIBUTE TO THE LIFE OF DON GILKEY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of an agricultural icon in California, Mr. Don Gilkey of Corcoran, California. Don passed away on May 24, 2009 at the age of 74. He is survived by his wife of 52 years, Moonyeen Gilkey, three children and several grandchildren.

Don Gilkey was born on February 3, 1935 in Corcoran, California to Margaret and Ralph Gilkey. Don graduated in 1952 from Corcoran High School. In 1953 he left for the University of California, Berkeley, where he played football and rugby all four years of college. Don was a lineman and punter for the Cal Berkeley Bears and in 1956 was voted the team captain. He was named First Team All Pacific Coast and Second Team A.P. All-American. In August 1956, during his senior year, Don married the love-of-his life, Moonyeen Apperson, and they spent their first year of marriage in Berkeley while Don finished college. After graduating from Cal, Don spent a short period of time as an officer with the U.S. Army. Upon returning, Don declined several offers to become a professional football player, deciding instead to return home to Corcoran where he

would become an integral part of the family farming business.

In 1958, Don became a partner with his brother Charles and brothers-in-law Don Riddle and Ken DeVaney in the family farming operation. Soon thereafter, the family partnership grew to include another brother-in-law, Bill Bondurant. During his farming career, Don farmed cotton, grain, alfalfa and raised turkeys. In 1962, the family farming operation was such a success they decided to build their own cotton gin and the company went on to successfully bale 30,000 to 60,000 bales per year at their peak.

In 1966, one of Don's many community efforts became a reality when a new football stadium was built. In appreciation of Don's efforts, the following year the community of Corcoran overwhelmingly named Don Gilkey as their ''Citizen of the Year''. His community involvement was boundless. For many years, Mr. Gilkey served on the board of directors for Lakeland Dusters Aviation and Commercial Tire. He was a three-term board member and president of the Corcoran Unified School District board of trustees, president of the Corcoran Chamber of Commerce, member of the Corcoran Hospital Foundation, a lifelong member and trustee of the Corcoran First United Methodist Church, a long time member of Corcoran's Rotary Club, board member of the California Wheat Commission and the California Wheat Growers Association, past delegate to the National Cotton Council, member of Class V of the California Agricultural Leadership Program and for several years Don served as a board member of the California Ammonia Company. Don was honored as a member of the ''65 Club'', a select group of farmers chosen for their achievement in agriculture production, farm and community leadership. This special honor was given to him in 1982 in Washington, D.0 by then U.S. Secretary of Agriculture John R. Black during the National Agriculture Day ceremonies.

It goes without saying that Mr. Don ''Donnie'' Gilkey's dedication to his family, the family farm and his community have earned him a legacy of respect and enormous appreciation from Central Valley farmers, the Corcoran community and the agriculture industry. He will forever be remembered as ''Don Gilkey, The Big Man with the Big Heart''. I am honored and humbled to celebrate the life of this amazing man and agricultural icon.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. BOYD. Madam Speaker, I was unable to attend to a vote on May 20, 2009. Had I been present, my vote would have been ''yea'' on H.R. 2352, Job Creation Through Entrepreneurship Act.

IN RECOGNITION OF THE LA SAGRADA FAMILIA FESTIVAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of La Sagrada Familia Festival being held this June 26 through 28, 2009 and in remembrance of Reverend David F. Fallon, founding pastor of La Sagrada Familia Parish. This year's celebration is the twenty-fifth annual Latin American Festival and is being held at the Sagrada Familia Parish in Cleveland, Ohio.

The members of the La Sagrada Familia Parish in Cleveland have a long history of dedication to our community and to empowering Cleveland's diverse Latin American community. This year's celebration will feature live music, cultural dances, children's activities and a talent show that highlight the rich culture of the Latin American community. This year's honoree, Reverend David Fallon, became the founding pastor of Sagrada Familia on April 11, 1998 and continued in that role until his death on May I, 2009. Under his direction, La Sagrada Familia became a source of strength and support for people of all ethnic and religious backgrounds. Father Fallon initiated numerous programs and organized church volunteers to serve the community through social service, employment and education initiatives.

Madam Speaker and colleagues, please join me in recognition of the La Sagrada Familia Festival as they honor the memory of Reverend David F. Fallon at the 25th annual Latin American Festival. I offer my best wishes for a joyous celebration of culture and community.

TRIBUTE TO SGT. MIKE HEADRICK

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. WAMP. Madam Speaker, the Volunteer State has done it again! Today, I rise to honor Sgt. Mike Headrick, a Tennessee National Guard soldier from Dunlap, Tennessee, who will be among seven National Guardsmen from across the entire United States competing for the prestigious title of Non-Commissioned Officer (NCO) of the Year.

Sgt. Headrick has successfully competed against other highly talented National Guardsmen from our region for the opportunity to contend in the national finals. Competition begins in the hometown unit and becomes more difficult as the participant advances. In Sgt. Headrick's case, each unit in his Armored Cavalry Regiment squadron selected an NCO to compete at the Squadron level. Testing includes marksmanship, first aid, and warrior task training, along with proficiency on Army regulations and history. Squadron winners move up to regimental competition and face more difficult challenges including a physical fitness test, more warrior tasks, weapons qualification and a 10-mile road march. At the statewide competition, obstacles become even tougher with the addition of a land navigation course, another long road march and a mandatory appearance before a panel of Sergeant Majors.

The national competition begins at Fort Benning, Georgia, on July 30, and is packed with a grueling physical fitness test, five-mile run, day and night land navigation course, 12-mile road march with a 30 lb. rucksack, water survival, day and night weapons marksmanship, obstacle course, and hand-to-hand combat with little or no sleep. The competition concludes here in Washington, DC., one week later.

Sgt. Headrick is a member of the 278th Armored Cavalry Regiment's Det. 1, Headquarters Troop, 2nd Squadron, in Gallatin, Tennessee, and has proudly served in our National Guard for six years. He volunteered for military service at the age 33, just before the age-limit cutoff, because he wanted future generations to have the ability to live in freedom without the fear of terrorists attacks.

In civilian life, Sgt. Headrick is a Certified Master Auto Technician at Bavarian Auto in my hometown of Chattanooga. He has been married to his wife, Audrey, for 20 years and they have one son, Alex.

Tennessee is very proud of the accomplishments and service of Sgt. Mike Headrick, and I am honored to recognize him today in the U.S. House of Representatives. This friendly competition sharpens the skills of our service men and women and better prepares them for the intensities of combat. We wish all seven soldiers the very best as they prepare to win the coveted title of Non-Commissioned Officer of the Year, but it's no secret that I hope Sgt. Headrick brings it home to the great State of Tennessee!

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressional-directed funding, I am submitting the following information regarding funding included in H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2996

Account: Department of the Interior—National Park Service—Land Acquisition

Legal Name of Recipient: Cumberland Gap National Historic Park

Address of Recipient: US 25E S, P.O. Box 1848, Middlesboro, KY 40965

Description of Request: Provide directed funding of $500,000 for Cumberland Gap National Historical Park. P.L. 108–07 gave the National Park Service authority to acquire the historic and pristine Fern Lake and surrounding 4500 acre watershed incorporating this area into Cumberland Gap National Historical Park. Fern Lake will eventually serve as a clean and reliable water source for the city of Middlesboro, Kentucky as well as enhance

recreational opportunities at Cumberland Gap. In May 2009, using previously secured federal funds, over 2000 acres of this property were conveyed to Cumberland Gap National Historical Park. To date, 4021 acres of the watershed have been added to the park, and the ultimate goal is to acquire 4500 acres within the sightline of the park's popular Pinnacle Overlook.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2996

Account: Environmental Protection Agency—Science & Technology

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of $1,000,000 for the Consortium for Plant Biotechnology Research, a non-profit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2996

Account: Environmental Protection Agency—Environmental Programs and Management—National Programs

Legal Name of Recipient: Rural Communities Assistance Partnership

Address of Recipient: 1522 K Street, NW., Suite 400, Washington DC 20005

Description of Request: Provide directed funding of $2,500,000 for the Rural Communities Assistance Partnership with the EPA. RCAP service providers work with federal and state agencies to help small communities address their drinking water and wastewater treatment concerns. While small, rural communities are home to less than 25% of the nation's population, they account for over 85% of the nation's community water systems. Problems with EPA clean water compliance may arise when small communities lack the oversight capacity and technical expertise to deal with the complexities of maintaining a safe and clean supply of water, and communities with fewer than 10,000 residents are more than twice as likely to violate drinking water standards as are larger systems. Each year, the RCAP network delivers services to more than 2,000 rural communities, 90% of which have populations of 2,500 or fewer, while leveraging an average of $25 in additional funding for every $1 in federal investment. FY10 funding will be equally divided between technical assistance activities related to drinking water and clean water compliance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2996

Account: Environmental Protection Agency—STAG Water & Wastewater Infrastructure

Legal Name of Recipient: Perry County Sanitation District

Address of Recipient: P.O. Box 1615, Hazard, KY 41702

Description of Request: Provide directed funding of $500,000 to support the Perry County Sanitation District's ongoing efforts to provide sanitary wastewater treatment services for residents in the Chavies area. Funds will support the Sanitation District in developing a 150,000 gallon per day wastewater treatment plant and an enhanced collection system, which will ultimately serve 502 households. The project will initially construct approximately 24,900 feet of gravity sewer, 3,500 feet of force main and two pump stations to serve 109 new customers. The wastewater treatment plant will be constructed to accommodate future expansions as collection lines are extended to serve additional customers. The Perry County Sanitation District received a grant from the U.S. Army Corps of Engineers for the design of the Wastewater Treatment Plant and Collection System, which covered the cost of a regional facilities plan, environmental assessment and design. An additional $1.154 million in Environmental Protection Agency funds have also been secured to begin construction.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. STUPAK. Madam Speaker, on Wednesday, June 24, 2009, I could not be present for votes due to a family funeral back in Michigan. I rise today to enter into the RECORD how I would have voted had I been able to vote.

House rollcall vote No. 424. I would have voted no.

House rollcall vote No. 425. I would have voted no.

House rollcall vote No. 426. I would have voted no.

House rollcall vote No. 427. I would have voted no.

House rollcall vote No. 428. I would have voted yes.

House rollcall vote No. 429. I would have voted no.

House rollcall vote No. 430. I would have voted yes.

House rollcall vote No. 431. I would have voted no.

House rollcall vote No. 432. I would have voted no.

House rollcall vote No. 433. I would have voted yes.

House rollcall vote No. 434. I would have voted no.

House rollcall vote No. 435. I would have voted yes.

House rollcall vote No. 436. I would have voted yes.

House rollcall vote No. 437. I would have voted no.

House rollcall vote No. 438. I would have voted yes.

House rollcall vote No. 439. I would have voted yes.

House rollcall vote No. 440. I would have voted no.

House rollcall vote No. 441. I would have voted yes.

House rollcall vote No. 442. I would have voted yes.

House rollcall vote No. 443. I would have voted no.

House rollcall vote No. 444. I would have voted no.

House rollcall vote No. 445. I would have voted no.

House rollcall vote No. 446. I would have voted no.

House rollcall vote No. 447. I would have voted no.

House rollcall vote No. 448. I would have voted no.

House rollcall vote No. 449. I would have voted yes.

House rollcall vote No. 450. I would have voted yes.

House rollcall vote No. 451. I would have voted yes.

House rollcall vote No. 452. I would have voted yes.

REGARDING THE AVAILABILITY OF THE CLASSIFIED ANNEX TO H.R. 2701, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. REYES. Madam Speaker, I wish to inform my colleagues that the classified annex to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, will be available for review by members during regular Committee business hours, beginning on Monday, July 6th, 2009.

Members will be required to complete the appropriate security paperwork to view any classified information.

Staff are requested to contact the Committee to schedule a viewing appointment for members.

INTRODUCTION OF THE TRIBAL CHARITIES FAIRNESS ACT OF 2009

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. BECERRA. Madam Speaker, I rise to introduce the "Tribal Charities Fairness Act of 2009" with Representatives DEVIN NUNES, EARL BLUMENAUER, MICHAEL HONDA, DALE KILDEE, BEN RAY LUJÁN, BETTY MCCOLLUM, and JOHN OLVER. This legislation remedies an inequity in our tax code and will enhance the ability of tribal charities to provide essential services such as nutritional, educational and health care assistance for many in Indian country.

The economic and social needs of the Native American community are immense. Native American households are among the most economically disadvantaged in the United States. Over 25 percent live in poverty, with greater proportions of Native American children and seniors living in poverty compared

with the general United States population. Health status is lower for Native Americans, who have a life expectancy that is 4.6 years shorter than all races considered together, and mortality rates from diabetes, tuberculosis, and alcoholism that are many times higher than in the general U.S. population. And although 76 percent of Native Americans have a high school diploma, just 13 percent go on to receive a bachelor's degree.

Tribal charities play an essential role in remedying these untenable circumstances by providing assistance to communities across Indian country. Their work and assistance ensure Native American children, working adults, and seniors have access to the same opportunities available to all Americans.

Unfortunately, the tax code currently treats tribes like corporations rather than like state and local governments when they provide support to charities that serve tribal members. This flawed tax treatment has significant implications, affecting tribal charities' ability to access tax-exempt financing, receive grants from private foundations, and operate in the governmental arena without being subject to additional tax rules and regulations.

The ''Tribal Charities Fairness Act of 2009'' will correct this inequity in the law by treating tribal governments the same as state and local governments when they provide support to charitable organizations. This simple change in our tax code will have far-reaching, positive effects for tribes and charities across the nation by increasing the availability of resources to address the poor economic and social conditions plaguing many in Indian country.

I encourage my colleagues to support this essential legislation that puts tribal charities on an equal playing field with other government-funded charities and increases their ability to carry out their necessary and important work.

TRIBUTE TO POLICE CHIEF WILLIAM ''BILLY'' WEBBER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. McGOVERN. Madam Speaker, I proudly rise today to pay tribute to William ''Billy'' Webber, a revered Chief of Police of the Town of Southborough, Massachusetts, who died too early at the age of 53 on November 11, 2008 after a courageous 18 month battle with pancreatic cancer.

Earlier this week, family members, friends and colleagues held a golf tournament in honor of Chief Webber—''dedicated to his memory, to his kind heart and to the courage he has given all of us to rise above the sorrow.'' All proceeds from the event went to the Dana Farber Cancer Institute in Boston to support research efforts to fight the dreaded disease that claimed his life.

The son of proud parents, Harry and Claire Webber, Bill Webber grew up in Milford, Massachusetts and joined the Police Department in nearby Southborough in 1980, beginning an impressive and distinguished 28 year career in law enforcement. He received his Bachelor of Science in Criminal Justice from Northeastern University in 1983 and earned a Master's Degree in Public Administration from Clark University in Worcester in 2003. He was also a graduate of the State Police Academy where he was President of his class. In 2004 he was appointed as Southborough's Chief of Police.

Chief Webber's career with the Town of Southborough was characterized by honor, courage and commitment. His professionalism and integrity made him a great role model for his fellow officers and law enforcement colleagues. Town Planner Vera Kolias said ''Chief Billy Webber had all of the qualities that you can only hope for in one person: an accomplished, intelligent and caring professional, and a consummate gentleman who displayed integrity and sensitivity at every turn.''

With Chief Webber's death, the citizens of Southborough have suffered a tragic loss. The love and respect felt by his neighbors and members of the community is reflected by the Town's dedication of its 2008 Annual Report to him. In presenting copies of the Annual Report to his family at a recent Board of Selectmen meeting, Chairman Bill Boland expressed thanks to them ''for sharing Billy with us; he was truly a remarkable person and a great representative of the Town of Southborough.''

Chief Webber's Pastor, Reverend James Flynn of St. Matthew's Church in Southborough observed that he was a man of great compassion and said that ''We of St. Matthews were awed with the example that Bill left for us, a man of faith who genuinely loved his neighbor.''

Sadly, the record of impressive achievements and honorable service throughout Chief Webber's life came to an early end on November 11, 2008. As noted by Vanessa Hale, Assistant Town Administrator of Southborough, ''It was providential that he left us on Veterans Day—a proud, patriotic American who loved his family, God and Country to the end.''

On behalf of the residents of the Third Massachusetts District, I extend our deep sympathy to his loving wife Kathy (Carmody) Webber, his children Kathleen and Kevin, his siblings Patricia and Stephen, their family members and the legion of friends who will always remember Billy Webber and the cherished part he played in their lives.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. LEWIS of Georgia. Madam Speaker, on June 8, 2009, I underwent surgery and have been recuperating for the past 3 weeks. In my 24 years in Congress, I have missed very few votes and have taken pride in having a voting record of over 90%. This is the first time I've missed this many votes. Had I been here, I would have cast the following votes:

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On rollcall 465, I would have voted yes.

IN RECOGNITION OF JIM BOREN'S 40 YEARS OF SERVICE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. COSTA. Madam Speaker, I rise today to give recognition to James V. ''Jim'' Boren, the Editorial Page Editor/Vice President of the Fresno Bee newspaper as he prepares to celebrate four decades of dedicated service to the Fresno Bee.

A native of Fresno, California, Jim attended Hoover High School, where his talent for using written words to convey specific imagery and captivate a reader's interest, officially began. While at Hoover, Boren became actively involved in the school's newspaper, the Hoover Patriot, and continued as a school reporter until his graduation in 1967. Following graduation, Boren attended Fresno City College where he earned his AA degree and became engaged with the official news publication of Fresno City College, the Rampage. His strong interest in journalism continued during his tenure at California State University, Fresno, where he graduated in 1972 with a bachelor's degree in journalism.

While still in college, on June 9, 1969, at the age of 19, Jim Boren was hired as a vacation relief reporter for the Valley Department of the Fresno Bee and with that position, Boren's illustrious journalism career officially began. During his 40-year tenure at the Bee, Boren has covered almost every beat at the paper. In 1980, Jim Boren quickly became known as ''The Bee's Political Guru,'' as he continued to report exclusively on politics for nearly 15 years. During that time, Boren covered every level of politics, including city council elections, gubernatorial races, and presidential campaigns, joining the press pool of national campaigns to see, hear and report first-hand the events and progress surrounding those campaigns.

In 1995, Jim became the Editorial Page Editor of the Bee, one of the positions he still enjoys today. Boren has received a variety of journalism awards, including an investigative reporting award from the Society of Professional Journalists and in 2004, Boren earned recognition as the winner of the Jim Tucker Journalism Award presented by the Mass Communications and Journalism Department of his alma mater, California State University, Fresno.

Always dedicated to helping prevent hunger for Valley residents, Boren's volunteer advocacy on behalf of the Community Food Bank continues to aid those less fortunate. Additionally, his volunteer efforts on behalf of Children's Hospital of Central California, resulted in significant funds being raised for the annual Kids Day event, where he has raised tens of thousands of dollars for those seeking medical care at the valley's only children's hospital. Boren is a founding board member and remains active on the board of the Kenneth L. Maddy Institute at California State University, Fresno.

A proud father, Marissa Boren continues in her father's footsteps and is dedicated to education and the community. She has just completed her education at the University of California at San Diego.

Boren, in his current role as Editorial Page Editor/Vice President, continues to write a weekly column on politics and public policy in addition to his duties overseeing the Bee's opinion pages. He is also a member of the Operating Committee, which is the senior management group of the newspaper.

On behalf of all those who have read his words, it is with great pleasure that I congratulate Jim Boren for 40 years of providing interesting informative stories, columns and opinions to Fresno Bee readers everywhere.

THE TRUE IMPORTANCE OF INDEPENDENCE DAY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to encourage all citizens to take a moment during the upcoming Independence Day weekend to reflect on what the United States and the ideals of our Republic mean to them.

America's experiment with democracy represents the origins of a new outlook and new system of governance. Our founders dared to challenge history. The principles of personal liberty and collective justice—exercised daily across our country—were once little more than the lofty goals of our ancestors. Today, we have come a long way. We have struggled and continue to struggle, to achieve the true spirit of freedom for every American and every citizen of humanity.

When I reflect on the ideals of our nation and consider the significance of our shining example of freedom to the world, I think not only of our deep-rooted principle of self-determination but the basic liberties set forth by the Declaration of Independence and our Bill of Rights. These two great doctrines lay a foundation for all free nations.

But I believe freedom is more than words.

Freedom is a society in which all have an equal opportunity to succeed.

A free society is one in which citizens are not burdened by a perpetual cycle of poverty that breeds crime, violence and chronic disease.

A free society is one in which the people are not crushed into bankruptcy by the weight of growing medical costs that seem without bounds.

Citizens of a free society need not choose between buying food and affording care.

A free society educates all of its children and provides vast opportunity for betterment beyond the classroom.

A free society ought not be bound by the shackles of oppression, be it physical restraints or the restraints imposed by a dependence on foreign assets.

A free society puts its stock in innovation, tapping into its own financial and human capital to grow a smarter economy and a safer future that doesn't poison our air, water and land or tie self determination to the foreign resources of another land's oppressor.

In our still pioneering young republic, we refuse to cede the initiative to innovate.

In our pursuit of freedom we agree to forgo some of our individual interests and intemperance to allow the space for open dialogue, debate and discussion.

Our society and all free societies must be open to compromise without bias to age, color or creed.

So as I stand here on the eve of our 233rd Independence Day, I am grateful for our founding fathers and their quest for democracy. While I value the vast distances we have traveled since Philadelphia, I remain mindful of the long journey yet to perfection.

On this Independence Day, I urge my fellow Arizonans and all Americans to endeavor to renew and revive the spirit of liberty that launched this great nation, and strive to seek a more perfect Union.

CONGRATULATING THE SOCORRO BULLDOGS BASEBALL TEAM

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. REYES. Madam Speaker, I rise today to congratulate the Socorro High School baseball team for winning the 2009 Texas 5A State Baseball Championship. The Socorro High Bulldogs ended their championship season with an impressive record, becoming the second team in El Paso history to bring home the coveted state title.

The team was tested by fierce competitors from across the great State of Texas, one of the most competitive states in the entire nation for high school baseball. As the post-season progressed, the Bulldogs fended off tough challengers and finished with an impressive 35–4 record.

On Saturday, June 20th, the Bulldogs had their toughest test this year when they faced the Lufkin Panthers in the state championship game at the Dell Diamond in Round Rock, Texas, and were down 2–0 in the game's early innings. The talented young men on the Socorro Bulldog team never waivered and forged an impressive come-from-behind victory.

I am extremely proud of the dedication, determination, sportsmanship, and discipline of this talented baseball team and their Coach Chris Forbes. The members of this championship team are to be commended for their drive and perseverance. The 2009 team members include: Tavi Amparan, Chuy Diaz, Cory Falvey, Roger Favela, Chris Guzman, Eric Herrera, Bobby Mares, Sergio Mendoza, Marcus Molina, Armando Muniz, Jessirey Navarrete, Aaron Olivas, Josh Rodriguez, Rene Rodriguez, Oscar Sandate, Ivan Sigala, Angel Soria, George Stoltz, and Luis Yanez.

Head Coach Chris Forbes and his great team of assistant coaches, Joe Alvarez, Adrian Garcia, Federico Contreras, and Herbert Reyes, were the masterminds behind the team's success. Coach Forbes, in particular, instilled a sense of hard work and discipline that kept the players motivated throughout the regular season and post-season. As part of his 25–year career in coaching, the former Austin High School baseball player has taken Socorro to 20 playoff appearances. Coach Forbes also boasts the most wins (576) of any varsity baseball coach in El Paso.

The Bulldogs' championship title energized El Paso sports fans, as over a thousand parents and members of the community made the long journey to Round Rock to cheer the team to victory. This team will forever be remembered for its historic victory that brought the State Championship Trophy to El Paso, 60 years after the storied Bowie Bears baseball team achieved the same feat in 1949. I am proud to join my constituents from the 16th District of Texas in commending the Socorro Bulldogs baseball team for a job well done.

RENEWABLE ENERGY DEVELOPMENT AND TRANSMISSION ISSUES

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. INSLEE. Madam Speaker, I greatly appreciate the sentiments expressed in the attached letter from Carl Zichella, and I intend to work with these groups to achieve strong environmental protections in areas affected by transmission line siting.

SIERRA CLUB,
Sacramenta, CA, June 26, 2009.

Hon. JAY INSLEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE INSLEE: I write to thank you for your leadership on renewable energy development and transmission issues. The Sierra Club, The Wilderness Society and NRDC have concerns about the presidential override provision of the manager's transmission amendment. We recognize that it was not the intention of the amendment's author to, in any way, undermine environmental protection. We would like to work with Congressman Inslee and the Energy and Commerce Committee to help ensure that public land protection measures in transmission policy reforms are as strong as possible, as reflected in HR 2211 and to clarify the role of public stakeholders in the planning process the amendment establishes.

We are at your service in the coming days and weeks to address these issues.

Sincerely,

CARL ZICLIELLA,
Western Renewable Projects Director.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 2996, Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act

Account: EPA; STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Village of Tiro, Ohio

Address of Requesting Entity: P.O. Box 31, Tiro, OH 44887

Description of Request: $500,000 for the Village of Tiro Water Distribution System. This project consists of purchasing treated water from the City of Shelby and transporting it to Tiro via 32,500 ft. of water main. 10,700 ft. of water main will be constructed in the Village for distribution of water. A booster pumping station, storage tower, and fire hydrants will be included. The Village of Tiro currently has no municipal water system. Water is collected or hauled into shallow wells or cisterns. The Village has tried for several years to secure a source of water and funding. The current project is the closest this village has come for a safe water supply. I certify that neither I nor my spouse has any financial interest in this project.

TRIBUTE TO FRANCISCO ''PACO'' SALDANA

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. CRENSHAW. Madam Speaker. I rise today to congratulate one of my constituents Francisco ''Paco'' Saldana who as the Director of Guest Services, The Ritz-Carlton, Amelia Island is the winner of the ''Faces of Travel'' award granted on an annual basis by the U.S. Travel Association to an employee in the travel business who exemplifies the travel industry and what makes it a unique employment opportunity for 7.7 million Americans.

After months of searching and thousands of votes by industry members, Francisco ''Paco'' Saldana, a resident of Fernandina Beach, Florida, will be announced as the winner of the ''Faces of Travel Contest.''

As the winner of this award, Francisco ''Paco'' Saldana who is a proud employee at the Ritz-Carlton on Amelia Island will help communicate the critical role travel plays in the lives of working Americans across our great country.

Mr. Saldana is the embodiment of the American Dream and what is possible in this great land of opportunity, having emigrated to the United States in 1995 from Mexico City and rising up the ranks at The Ritz-Carlton. Mr. Saldana's dedication to hard work and his positive attitude over the last 14 years have propelled him to become the Director of Guest Services.

Mr. Saldana's work in the travel industry not only had a positive impact on his professional life, but also his personal life. Mr. Saldana met his wife, Christina, who also happened to work at The Ritz-Carlton, Amelia Island. They were married in September 2002. Mr. and Mrs. Saldana have three children, Isabella Grace, Nikolas Valentino and Sophia Claire.

SUPPORT OF: H.R. 1511, THE ''TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2009''

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I support H.R. 1511, the ''Torture Victims Relief Reauthorization Act of 2009.'' This bill was sponsored by Representative CHRISTOPHER SMITH of New Jersey. The bill's purpose is to amend the Torture Victims Relief Act of 1998 to authorize appropriations for FY2010–FY2011 which will provide assistance for domestic and foreign programs and centers for the treatment of victims of torture. I support this bill and I urge my colleagues to support this bill as it provides needed rehabilitation treatment to those who have been impacted by the effects of torture.

H.R. 1511, the Torture Victims Relief Reauthorization Act of 2009, authorizes appropriations for the Department of Health and Human Services (HHS) to provide grants to programs in the United States to cover the costs of services provided by domestic treatment centers in the rehabilitation of victims of torture (including treatment of the physical and psychological effects of torture). It will also allow the centers to provide social and legal services as well as research and training of health care providers outside of treatment centers or programs to enable them to provide such services. It authorizes the President to provide grants to treatment centers and programs in foreign countries that carry out projects and activities specifically designed to treat victims of torture for the physical and psychological effects of torture. In addition, it provides grants to the United Nations Voluntary Fund for Victims of Torture.

This bill is not only important, it is necessary. The Abu Ghraib prisoner abuse scandal and the myriad of consequential allegations of prisoner abuse across both Iraq and Afghanistan have cast a heavy shadow over our role in Iraq and our country as a whole. Under the Bush Administration, evidence indicates that torture was conducted on prisoners which included methods such as: waterboarding, weeklong sleep deprivation, forced nudity, use of painful positions, belly-slap and the exploitation of prisoner's fears of animals or insects. President Obama has since denounced these inhumane integration practices and has vowed that the United States does not condone torture. H.R. 1511 supports the President's vow by providing treatment to victims which is designed to enable the victim to step back from the trauma, learn to identify and accept it and gradually become reintegrated into society and/or the working world. This treatment will also serve a social purpose in that it will enable the victim to restore ties that were severed by an array of clinical symptoms caused by being tortured.

In the wake of the Abu Ghraib scandal, the U.S. has gone to great pains to persuade the world that U.S. policy does not condone torture. If Congress enacts this legislation, it would reaffirm America's commitment to a world without torture and show the rest of the world that the U.S. is committed to rehabilitating those who have suffered at the hands of torture.

We as a nation must set a clear example that we do not support torture, nor do we condone such practices. For the benefit or our troops, for the good of Iraq, for the good of America, and for the safety of the World, we must heal the wounds caused by torture to those victims domestic and foreign. A strong bipartisan message of support needs to be displayed by this body to right the wrongs and send a message to the world that America is committed to ending what President Obama called a ''dark and painful chapter in our history,'' by providing treatment to the victims of torture. I invite my colleagues to stand with me today and support this important legislation.

TAX AND CAP A JOB KILLER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. MICA. Madam Speaker, the U.S. House of Representatives today passed H.R. 2454, the so-called Cap and Trade bill. I noted in opposition to that measure and offer the following statement.

The Cap and Tax bill could not come at a worse time and could be a job killer. The 1,200 page measure will impose a national tax on ALL energy and lead to higher energy prices for ALL American households, Most families cannot afford the estimated $1,400 yearly increase in energy costs. With the economy struggling, this bill, with its increased expense to industry, will cause additional unemployment by sending jobs overseas where doing business is cheaper. This bill also further expands the role of government by imposing new restrictions and requirements on everything from light bulbs to water dispensers.

As the Republican Leader of the Transportation and Infrastructure Committee, I want to point out that Transportation accounts for 30% of greenhouse gas emissions. This legislation contains significant provisions in the committee's jurisdiction, yet we held no hearings on this massive tax increase, and willingly surrendered our responsibility to consider any amendments to try to improve the bill.

According to the Heritage Foundation, by 2035 this Cap and Trade bill would: reduce aggregate gross GDP by $9.4 trillion (or reduce Florida gross state product by $28 billion); raise electricity rates 90 percent; raise gasoline prices by 58 percent; raise residential natural gas prices by 55 percent; and Increase inflation-adjusted federal debt by 26 percent, or $28,728 additional federal debt per person.

For this any significant other reasons I voted against passage or H.R. 2454.

COMMEMORATING THE FIRST BURIALS AT BAKERSFIELD NATIONAL CEMETARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. COSTA. Madam Speaker, I rise today to give tribute and honor to the brave men and women of Kern County who have proudly served their country in the United States Armed Forces. As a nation, one of our most vital duties is to ensure we are committed to providing for our military veterans. This includes providing a final resting place for the honored to be recognized. Thus, today, I would like to commemorate the first burials at the new Bakersfield National Cemetery.

The Bakersfield National Cemetery is a 500–acre site located approximately 25 miles outside of Bakersfield nestled in the Tehachapi Mountains. Surrounded by golden scenery, crushed red rock and drought resistant plants, the newly developed cemetery is furnished with a memorial walkway, committal service shelter, internet areas and administrative and maintenance buildings. Upon project completion, the cemetery will be equipped to serve 200,000 Central California veterans, their spouses and children.

The first cremation and casket burials will take place on July 1 and July 2, 2009, respectively. On July 1, the cremated remains of nine soldiers and one spouse from the Bakersfield and surrounding area will be lowered in unison. The casket burial ceremony on July 2 will commemorate the life of Iraqi veteran Army Reserve Maj. Jason E. George, a fallen soldier killed in action.

''A Place of Honor, For Those Who Served With Honor.'' These patriotic words to be inscribed at Bakersfield's National Cemetery demonstrate the overwhelming pride we have for our soldiers. Veterans in Kern County and surrounding areas take comfort in knowing their undying pledge and sacrifice to protect America's freedom is not forgotten. Having our own national shrine allows us to properly honor the fallen soldiers, veterans from generations past, and soldiers who are currently fighting overseas from the Kern County area.

On behalf of our veterans, I hereby express my high admiration and appreciation for all those who are currently serving our nation and commemorate those who have given the ultimate sacrifice. Let today's ceremony be a perpetual reminder of honor for all of America's men and women of valor.

SUPPORT OF H. CON. RES. 127, ''RECOGNIZING THE SIGNIFICANCE OF NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my support of

H. Con. Res 127, which recognizes the significance of National Caribbean-American Heritage Month.

As a child of Jamaican grandparents, I understand the importance of recognizing the influence Caribbean cultures continues to have on all facets of these United States. Growing up, my grandmother who hails from Jamaica, instilled in me a strong appreciation for her Caribbean values. As a result of my upbringing, I have adopted a strong work ethic and tremendous pride in my heritage. As a parent, I have passed on these same values to my own children, so they will develop a sense of pride in their Caribbean heritage and acknowledge the many roles Caribbean people play in shaping this nation. I whole-heartedly support this resolution that commemorates Caribbean heritage, history, culture and contributions to the United States.

In her 1970 autobiography, Shirley Chislom, the first black woman elected to Congress, credited her success to the education she received while attending school in Barbados. She wrote, ''Years later I would know what an important gift my parents had given me by seeing to it that I had my early education in the strict, traditional, British-style schools of Barbados. If I speak and write easily now, that early education is the main reason.''

This is a nation built by immigrants. From as early as the 17th century there have been individuals from the Caribbean Islands, working here in the United States as indentured servants in the colony of Jamestown, Virginia. They worked in fields picking cotton, tobacco and crops just as the slaves did.

Caribbean immigrants have been contributing to the well-being of American society since its founding. Alexander Hamilton, the First Secretary of the Treasury, was from the Caribbean island of St. Kitts. We count among our famous sons and daughters, Secretary of State Colin Powell, Cicely Tyson, W.E.B. Dubois, James Weldon Johnson, Harry Belafonte and Sidney Poitier to name a few.

H. Con. Res. 127 recognizes the significance of Caribbean people and their descendants in the history and culture of the United States. Our nation would not be what it is today without these significant contributions of the Caribbean people and we should honor these accomplishments with the passing of this legislation. The contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States and play an important role in shaping the ethnic and racial diversity of the United States, which ultimately enriches and strengthens our nation.

By passing this legislation we continue to honor the friendship between the United States and Caribbean countries. We are united by our common values and shared history, and we should celebrate the rich Caribbean Heritage and the many ways in which Caribbean Americans have helped shape this nation.

I urge my colleagues to support this resolution to pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

TRIBUTE TO JAMES R. KIRBY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to the James R. Kirby American Legion Post 50 of Clinton, Massachusetts for its generous contributions to the people of my district. The American Legion is a not-for-profit organization that seeks to advocate for our distinguished veterans and to also promote community involvement. This weekend, the James R. Kirby Post 50 will be celebrating its 90th year of service to the community.

For the past 90 years, the James R. Kirby Legion Post has helped friends and neighbors in Clinton, MA in a variety of ways. Allow me to provide some background on the organization. James R. Kirby, for whom the post is named, was born on July 18th, 1876. He graduated from Clinton High School and joined the military soon afterward. He attended the College of the Holy Cross to pursue a career in medicine. He later attended Baltimore Medical College and began his own practice. Kirby was one of the first veterans of World War I from Clinton. He signed up for the Draft at the age of 42 and tragically died shortly after on September 29th, 1918 of influenza. In his memory, the citizens of Clinton chose to name the new American Legion Post 50 in Kirby's honor. Over the past 90 years, the current members of the Legion Post have continued to honor and serve veterans.

The American Legion Post will celebrate its founding at an event being held on Saturday, June 27th, 2009. The goal of this event is to honor the contributions of the Legion Post and the veterans it has worked hard to represent over the past 90 years. The event will also serve as a day of enjoyment for the community it serves so well. Members of the Legion Post and their families as well as state and local representatives will pay tribute to the service of this American Legion Post to the community of Clinton over the past 90 years. The Legion Post's passion for serving the common good of the community through veteran's advocacy and community involvement continues to demonstrate the service that the James R. Kirby Legion Post 50 has provided for the past 90 years.

Madam Speaker, I commend this group for its dedication to the Town of Clinton and the veteran community. I congratulate the Clinton James R. Kirby Post 50 for its 90 years of service, and I ask my colleagues to join me in paying tribute to its unyielding dedication to community involvement.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Defense Authorization Bill.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2647

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: General Dynamics

Address of Requesting Entity: 180 North Riverview Drive, Suite 300, Anaheim Hills, California 92808

Funding Authorized: $3,600,000

Description of Request: The Deployable Autonomous Distributed System (DADS) is the future of Network-Centric Anti-Submarine Warfare. The DADS program integrates and demonstrates an autonomous undersea sensor system, deployable from multiple platforms, to improve the Navy's capability to conduct effective anti-submarine warfare and intelligence, surveillance and reconnaissance operations in the littoral environment. DADS enhances the automation and connectivity between sensors, operators, and weapons and feeds the network-centric antisubmarine warfare picture. DADS utilizes multiple, cutting edge sensor technologies to increase the probability of detecting threats and to reduce the false alarm rate. With a goal to be deployable by any available asset, DADS will serve as an unmanned, autonomous reporting entity, freeing surveillance platforms for other missions. This funding will help the Navy in developing a system small enough to support deployability goals and in the development of compact power sources.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2647

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: L–3 Power Paragon

Address of Requesting Entity: 901 E. Ball Road Anaheim, California 92805,

Funding Authorized: $5,000,000

Description of Request: This project is a design build prototype for a hybrid electric drive (HED) for the CG 47 Class Cruisers for the US Navy. This project contributes to the future of environmentally sound, fuel-efficient propulsion. The Navy believes that this improvement would realize a significant savings per year per ship. This HED for surface combatants such as the CG 47 would significantly reduce fuel costs, increase ship endurance and range, produce less environmental emissions, increase ship survivability through reduce signatures, and provide increased overall ship electric power generation capacity. This installation would leverage advances in lighter weight and more efficient electric propulsion technologies that have resulted from the Office of Naval Research investments over the last several years.

COMMENDING THE CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS FOR CALLING UPON ALL NATIONS TO LIVE IN PEACE AND MUTUAL UNDERSTANDING

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 535, to commend the Congress of Leaders of World and Traditional Religions for their call to action for the nations of our world to work toward peace and mutual understanding. Established in 2003, the Congress of Leaders of World and Traditional Religions is comprised of our world's major religions, including Buddhism, Christianity, Hinduism, Islam, Judaism, Shinto, and Taoism. Since its founding, the Congress has promulgated the tenet that religion should not be seen as a divisive limitation within the global community, but rather world religions should be the benchmark and arbiter for resolving ongoing international political conflicts. Accordingly, we turn to our global religious leaders to be the driving force in maintaining peace.

As a Member of Congress from Houston, Texas, my district is one of religious diversity. I represent constituents from all faiths and religious beliefs, and I stand here before you Madam Speaker to say that as a Representative of the 18th District of Texas, I am a humanitarian first and foremost. I believe in celebrating our differences in global theology, and in utilizing these differences as the basis of tolerance as we engage in multilateral interfaith dialogue.

As a Member of the Foreign Affairs Committee, I have worked hard to pass legislation in the foreign affairs arena which speaks to the importance of tolerance and recognizes the need for multilateralism. With respect to Pakistan and Afghanistan, I have worked to pass H.R. 2410 and H.R. 1886 which allocate U.S. support for both Afghanistan and Pakistan respectively. In turn, H.R. 2410 and H.R. 1886 emphasize the necessity of ongoing multilateral engagement with the U.S. in order to forge strong and enduring partnerships with these countries in a united effort to bridge global security disparity.

In his internationally esteemed doctrine on nonviolent protest, Mahatma Gandhi so eloquently stated, ''All faiths constitute a revelation of Truth, but all are imperfect and liable to error. Reverence to other faiths need not blind us to their faults. We must be keenly alive to the defects of our own faith, and must not leave it on that account but try to overcome those defects. Looking at all religions with an equal eye, we would not only not hesitate but would think it our duty to adopt into our faith every acceptable feature of other faiths.'' In deference to Gandhi's wisdom, we must work toward our own ''Revelation of Truth,'' in an international context. Despite the imperfections within every world religion, we must turn to our religious leaders to set the tone for understanding. We must work in concert to engage in interfaith dialogue to maintain peace and security in the world.

H. Res. 535 applauds the Congress of Leaders of World and Traditional Religions for regularly holding forums that address the need for religious freedom. Its inclusion of more than 26 nations, such as Israel, Egypt, Pakistan, Saudi Arabia, Libya, Armenia, South Korea, China, India, and the United States as its representatives is to be commended. The third Congress will be held in Astana, Kazakhstan, July 1–2, 2009, and I would like to recognize Kazakhstan for having been selected by the Secretariat to host the second and third Congress. As we move forward to promote freedom of religion and engage in interfaith dialogue as the foundation to global security, we turn to the Congress of Leaders of World and Traditional Religions to guide us in multilateral reform. I urge passage of this important resolution.

IN HONOR AND RECOGNITION OF KEN WARREN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Ken Warren, on the occasion of his retirement as director of the Lakewood Library after 25 years of dedicated service to our community. In his capacity as director of the Lakewood Library, Ken worked to promote and develop innovative projects and programs hosted at the Lakewood Library and throughout the Lakewood community.

Ken Warren has maintained an enthusiasm for books and the power of the written word since his childhood. His interest in community issues began when he was a teen, as editor of an underground paper at his parochial high school. He is founding member of the Lakewood Observer and has made the publication a critical instrument of exchange of ideas and opinions on important civic and community issues.

During his tenure as director, the Lakewood Library underwent major expansions and improvements, including the complete interior and exterior renovation of the main library building, the development of a new technology center, public auditorium, a children's wing, and an inspiring display of murals that grace the walls throughout the facility. Ken has consistently reached out to the citizens, agencies and community leaders of Lakewood creating strong working relationships and friendships throughout the city. His legacy is highlighted by his unwavering advocacy and innovation in promoting and implementing literacy and learning programs, connecting the library to the public schools.

Madam Speaker and colleagues, please join me in honor and recognition of Ken Warren, whose tenure at the Lakewood Library is framed by integrity, kindness, love for learning, passion for the written word, and above all, an unbridled commitment to the betterment of the entire Lakewood community.

RECOGNIZING BLACK EUROPEAN SUMMIT: TRANSATLANTIC DIALOGUE ON POLITICAL INCLUSION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing the first ''Black European Summit: Transatlantic Dialogue on Political Inclusion'' and ensuing Brussels Declaration.

The Black European Summit (BES) was held in Brussels, Belgium at the European Parliament on April 15th and 16th. The historic 2-day Summit brought together political and intellectual minority leaders from the United States and Europe to exchange information on the roles of racial and ethnic minority policymakers in developing and supporting policies and initiatives to address racism, discrimination, and inequality.

The event was hosted and organized by myself, Harlem Desir, Member of the European Parliament; Joe Frans, President of the United Nations Working Group of Experts on People of African Descent and a former Swedish Parliamentarian; Claude Moraes, Member of the European Parliament and President of the European Parliament All Party Group on Anti-Racism and Diversity; and Glyn Ford, former Member of the European Parliament.

Participants included Parliamentarians, Congressional representatives, local and nationally elected officials, academics, representatives from European and international institutions, civil society, the private sector, and media from Black and other minority backgrounds.

During the Summit we exchanged information and best practices on addressing structural barriers that impact minority political participation, including implementing initiatives that address racism and discrimination.

Like in the United States, it was noted that despite the numerous contributions of minorities to European society, minorities still face the daily challenges of racism and discrimination. This includes being the targets of violent hate crimes, many of which in recent years have resulted in death. Existing inequalities in education, housing, and employment remain a problem and racial profiling is often a norm. Obstacles for addressing these problems, include the lack of minorities in leadership positions and the rise of racist and xenophobic political parties seeking to implement non-inclusive policies.

Summit participants committed to addressing these issues by adopting the Brussels Declaration, which calls for: (1) concrete action to assist ethnic and racial minorities in obtaining full access to participation in the political sphere and relevant areas of decision making, especially in the development and implementation of policy initiatives to address racial and ethnic discrimination and inequality; and (2) to support future opportunities to exchange and share perspectives in these areas through a sustained transatlantic dialogue.

As I continue to work on these initiatives, I urge my colleagues to join me in supporting this Resolution Recognizing both the Black European Summit and Brussels Declaration

and encourage them to review the statements and submissions from the Helsinki Commission's Black Europe and Racism in the 21st Century Hearings at www.csce.gov and recently introduced Resolution on Black Europeans. Additionally, I would like to submit the following background materials on the Brussels Declaration and Black Europeans for the official record.

BLACK EUROPEAN SUMMIT—TRANSATLANTIC DIALOGUE ON POLITICAL INCLUSION

BRUSSELS DECLARATION

Preamble

We, as members of the public, private, and voluntary sectors from Europe and the United States of America convening in Brussels, Belgium from the 15 to 16 of April for the Black European Summit: Transatlantic Dialogue on Political Inclusion, draw attention to the need for coordinated strategies to address racism and discrimination;

We recognize the democratic, multi-ethnic and multi-racial nature of our countries' diverse societies;

We reaffirm the principles of equal rights and self-determination of peoples and recalling that all individuals are born equal in dignity and rights;

We remain concerned that the political and legal systems in some of our societies do not reflect the racial and ethnic diversity within our societies, which then contributes to the continuation of racism and discrimination;

We recognize that the full access of racial and ethnic minorities to participate in the political sphere and relevant areas of decision making at the levels of national, regional, and locally elected government appropriate to each nation is critical to combating racism and inequality and ensuring our democratic societies;

We therefore note the need for concrete strategies to: increase the representation and influence of racial and ethnic minority policymakers; jointly seek solutions to racial and ethnic minorities increased participation in decision-making in the development and implementation of policy initiatives to address discrimination and inequality; and support opportunities to exchange and share perspectives in these areas through the continuance of a transatlantic dialogue to realize these goals.

We today resolve that we will endeavor to enact initiatives to eradicate racial and ethnic discrimination through:

Continuing a transatlantic dialogue that: includes cultural exchanges between American and European racial and ethnic minority groups, including youth; focuses on the development of opportunities for racial and ethnic minority political leadership and participation in the policymaking process; and fosters the exchange of information on best practices to implement and enforce anti-discrimination measures and achieve racial equality;

Joining forces over the coming months to develop common goals and objectives in each of our decision-making bodies to recognize Europe's Black and racial and ethnic minority populations for their historical and present-day contributions and acknowledge past injustices;

Promoting racial and ethnic minority participation at all levels of national, regional, and local government through the education of civil and political rights, including the legislative process and advocacy of legislative issues relevant to racial and ethnic minority communities, development of targeted professional development and hiring strategies, increased youth and community outreach, and self-organization and other empowerment initiatives;

Reaffirming our continued cooperation and commitment to work with our governments, international institutions, civil society, private sector, and other partners to improve institutions so that they are fully participatory and reflect the democratic principles of equality, justice, and celebration of the strengths of our countries' diversity.

AS EUROPE VEERS RIGHT, MINORITY PARLIAMENTARIANS COUNTER

WASHINGTON—With far-right and anti-immigrant parties making worrying advances in recent elections across Europe, minority lawmakers and leaders called today for the political process to be more inclusive of minorities.

Following April's ''Black European Summit: Transatlantic Dialogue on Political Inclusion'' in Brussels, Belgium, minority political and intellectual leaders today adopted a declaration calling for increased efforts to include racial and ethnic minorities in the political process. (Please find attached a copy of the Brussels Declaration).

I was very pleased to have the opportunity to work on these initiatives with my European colleagues,'' said U.S. Congressman and Helsinki Commission Co-Chairman Alcee L. Hastings (D–FL). ''Whether speaking about voting and civil rights, increasing minority elected officials and diversity in policy staff, or responding to discriminatory policies, we have common issues. While I have been able to share the many successes we have had in the United States in terms of minority political participation, most recently evidenced by President Obama, one need only look at the lack of diversity in the U.S. Senate and staff in Congressional offices and many government agencies to know that we can be doing more. It is one reason I fully support this transatlantic declaration.''

''Despite the global significance of President Obama's historic election, the reality is that our elected leadership does not reflect the diversity of origins of people in our nations'' said Summit co-organizer Harlem Desir, Member of the European Parliament (MEP). ''This has contributed to a lack of inclusion of minorities in the planning and implementation of the very policies that impact us. Despite some successes, the overall results of recent elections are simply further evidence that we must do more to ensure the representation of the diversity of our society.''

''In Britain we had never elected fascists in a national election until now. Whilst in the past there have been far-right MEPs from other countries, such as France, this election saw new groups gaining seats across Europe, and thus a worrying threshold has been crossed,'' said Summit co-organizer and President of the European Parliament All Party Group on Anti-Racism and Diversity, Claude Moraes MEP. ''We will have to tackle the pernicious growth of far-right racist parties head-on, at both the grass-roots and parliamentary levels, and an integral part of this lies in encouraging the full inclusion of minorities in the political process.''

U.S. Helsinki Commissioner Congressman G.K. Butterfield (D–NC), a former Judge known for his work supporting voting rights, who participated in the Summit, added, ''it is clear by the outcome of the European elections that too few people are taking part in the political process at a potentially great risk to democracy. As I have learned from my work in the U.S., it is critical to remedy this situation rather than preserve a status quo that repeatedly elects lawmakers who do not represent the diverse interests of the population.''

''These concerns for minority representation are exactly why we adopted the Brussels Declaration,'' said Summit co-organizer Joe Frans, Vice President of the United Nations Working Group on Experts of People of African Descent. ''The declaration calls for the full and equal participation of non-White citizens of Europe with African, migrant, and other backgrounds in our countries' democracies. With more racist, xenophobic, and anti-Muslim parties making political gains, immigration and anti-discrimination policies are going to be further scrutinized, which will impact how persons of different races, ethnicities, and religions, are viewed and treated. Implementation of the Brussels declaration in this current climate is of the utmost importance.''

THE DEATH OF FARRAH FAWCETT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 26, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for letting me stand before you today in order to mourn a great American icon, Farrah Fawcett. She died today, Thursday, June 25, 2009, shortly before 9:30 a.m. after battling cancer. She was 62.

I would also like to express and send my condolences to her family and friends. I know the actress fought a very public battle with cancer and I am proud to say that this beautiful, talented and courageous woman was an American legend, icon and a TEXAN.

Mary Farrah Leni Fawcett was born on Feb. 2, 1947, in Corpus Christi, Texas. Her father, James William Fawcett, was an oil pipefitter who later founded a pipeline construction company and a custodial service. She enrolled at the University of Texas in Austin, where she initially planned to study microbiology but later switched her major to art.

Farrah Fawcett is a true Hollywood success story. Winning a campus beauty contest got her noticed by an agent, who encouraged her to pursue acting. After graduating, she moved to Los Angeles and her healthy style and beauty was immediately noticed. She quickly got roles in various television commercials and also made appearances in some TV series.

Eventually, she came to the attention of the highly successful producer Aaron Spelling, who was impressed by her beauty and vivacious personality which won her a role in the TV series ''Charlie's Angels'' (1976). She played a private investigator who worked for a wealthy and mysterious businessman, along with two other glamorous female detectives. The show immediately became the most popular series on television, earning record ratings and a huge audience. All three actresses became very popular, but Farrah became by far the best known.

She was America's sweetheart, and found herself on every celebrity magazine and pursued by photographers and fans. While she enjoyed the success and got along well with her co-stars (both of whom were also of Southern origin), she found the material lightweight. Also, the long hours she worked were

beginning to take a toll on her marriage so the following year, when the show was at its peak, she left to pursue a movie career.

September 2006, Fawcett, who at 59 still maintained a strict regimen of tennis and paddleball, began to feel strangely exhausted. She underwent two weeks of tests and was told the devastating news: She had anal cancer. Farrah fought a long, difficult brave battle against the cancer for three years and we must admire her determination and strength through it all. According to the American Cancer Society, an estimated 5,290 Americans, most of them adults over 35, will be diagnosed with that type of cancer this year, and there will be 710 deaths. She was able to give many people hope for a cure while documenting her own personal battle, so we must continue to search for a cure for this abhorrent disease that is cancer.

I would just like to leave her friends and family and all Americans who have lost a loved one with this poem by Henry Van Dyke:

GONE FROM MY SIGHT

(By Henry Van Dyke)

I am standing upon the seashore. A ship, at my side, spreads her white sails to the moving breeze and starts for the blue ocean. She is an object of beauty and strength.

I stand and watch her until, at length, she hangs like a speck of white cloud just where the sea and sky come to mingle with each other.

Then, someone at my side says, ''There, she is gone''

Gone where?

Gone from my sight. That is all. She is just as large in mast, hull and spar as she was when she left my side.

And, she is just as able to bear her load of living freight to her destined port.

Her diminished size is in me—not in her.

And, just at the moment when someone says, ''There, she is gone,'' there are other eyes watching her coming, and other voices ready to take up the glad shout, ''Here she comes!''

And that is dying. . .

SENATE—*Monday, July 6, 2009*

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, architect and creator of our destinies, we marvel at Your power, majesty, and might. From the beginning, Your grace has underlain the foundations of our lives, so we ask that You would lead us in the paths of Your purposes.

Today, awaken in our lawmakers the ability to see the opportunities that exist in the challenges they face. May this knowledge motivate them to move forward with faith and optimism. Lord, show them unused resources that can be mobilized to solve problems and to make dreams come true. When they experience doubts and uncertainties, give them the wisdom to ask You for Your guidance that will save them from all false choices.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each.

Following that morning business, the Senate will resume consideration of H.R. 2918, the Legislative Branch Appropriations bill. Senators should expect at least two rollcall votes to begin at about 5:30 this evening. Those votes will be in relation to the McCain amendment and passage of the Legislative Branch Appropriations bill.

There are a few other amendments in order, but I have been told by the manager of the bill, Senator NELSON, that he doubts there will be other rollcall votes.

We hope to reach an agreement to begin consideration of the Homeland Security Appropriations bill tomorrow.

ACCOMPLISHMENTS AND CHALLENGES

Mr. REID. Mr. President, I, of course, wish to welcome you and all my colleagues back after the July 4 recess. Now we are closer to the end of this year than the beginning of this year. We have much to be proud of, but our time is short and we have much to do in the coming weeks and months. So far this year we started to get our country back on track by passing bills that have already started to revive our economy. Have we revived it enough? Of course not. But what position would we be in, what kind of financial meltdown would the world be in, had we not moved forward? We have already started to strengthen our national security. We have started to protect our environment. We have started to demand accountability from government agencies and entities. We have started promoting equality and ensuring progress, as America returns to being positively viewed by the world community.

Norman Ornstein, a resident scholar at the conservative American Enterprise Institute, calls this Congress ''as active and productive as any I can remember.'' He went on to say: ''The number of major bills passed and enacted into law—serious, sustained activities in areas of broad, complex and critical importance—are all truly impressive.''

Some pundits have said the work we have done so far this year is unmatched except during the first year President Franklin Roosevelt was in office. I can assure Republicans that this serious, sustained activity will not stop. We will finish this year in the same active, productive way in which it started, and I encourage my Republican colleagues to join us. I am confident the steps we have taken in the first half of this year, and that we will continue to take, will certainly anchor our recovery. It has anchored our recovery and it will do even more so. But I also know we must keep going. We must do more, lots more.

One of the most important steps we can take is reforming health care and doing so the right way. It has to wind up being health care reform that helps the middle class, that helps everyone, not just reform to take care of those who have none. It has to be a program that takes care of those who are afraid they are losing their insurance and those who have lost their insurance. That is why we will soon bring to the Senate floor a plan that lowers the high cost of health care. We will also make sure every American has access to quality, affordable care, and we will make sure people can still choose their own doctors, hospitals, and health plans.

We will no longer let insurance companies use a patient's preexisting condition as an excuse to deny the needed coverage, and we will help small businesses give their employees health care while keeping costs as low as possible. We are committed to a plan that protects what works, fixes what is broken, and ensures that if you like the coverage you have, you will be able to keep it. We will lower costs by preventing disease in the first place, reducing health disparities, and encouraging early detection and effective treatments that save lives and money.

This is the year we must act, and when we do we must act as partners, not partisans. Rising health care costs and the risk of losing one's health care is now greater than ever. The status quo is unacceptable. Doing nothing is not an option because the costs of inaction are too great.

Americans are paying too much for health care. They can lose this health care they have with just one pink slip, one accident or one illness. Every day, more Americans go bankrupt or lose their homes trying to stay healthy, and every year we do not act health care costs increase by the billions of dollars. We must, and we will, pass health care reform.

But health care is not the only issue on our agenda. We will also continue working on a number of appropriations bills to keep our government running, funding our government. With Republican cooperation, we can finish these bills, starting today by funding the legislative branch and tomorrow by doing

the same for the Department of Homeland Security. We will continue working to confirm President Obama's many nominees for critical positions, including his outstanding nominee for the Supreme Court, Judge Sotomayor. Those who have chosen to serve our country must be able get to work without delay. We have far too many nominees who have not moved forward because of Republican holds.

The Independence Day holiday was one where all Americans observed the birth of our country. The Independence Day holiday was one that reminded us of the debt we owe to the first patriots who stood for liberty and the many who died for liberty. Brave Americans have never stopped sacrificing so we can now know the self-evident truths and exercise the inalienable rights Jefferson described.

Keeping the Department of Defense strong is one of the ways we can support and thank those patriots. This work period we will do just that by passing the Department of Defense authorization bill.

The revolutionary document Congress adopted on July 4, 1776, declared that power derives from the consent of the governed. In the 233 years since that day, we have also learned we must govern by consensus. Although we will discuss, debate and disagree, I urge my colleagues to remember that finding common ground is in our common interest. I ask them not to forget that the governed, those who sent each of us here, sent us with their hopes we will work with each other, not against each other.

Finally, let me say that the long Senate race in the State of Minnesota is over. Al Franken will be sworn in as a Senator tomorrow before the weekly party caucuses. History will write about that race for generations to come. Three million votes were cast by hand. The recount was long, deliberate, and fair. Al Franken won by 312 votes.

He is a good man. He is someone who is extremely smart—he is Harvard educated. He had chosen as his life's work the entertainment world. He has been on many USO caravans and trips. He has a great love for the American soldier. I met with him in my office today, and I was so impressed that his first piece of legislation is going to be one involving veterans—unique and very important.

I want everyone within the sound of my voice to understand that we have 60 Senators on the Democratic side. That means that now more than ever we have to work together. We have no intention—I have no intention of running roughshod over the Republicans. I think we have proven that during this first 6 months. We want cooperation from the Republicans, we deserve cooperation from the Republicans as they do from us.

I started my remarks by talking about what a terrific legislative session it has been so far. We have accomplished, I repeat, as much as any other legislative first 6 months, other than the first Roosevelt year. We have accomplished all that, and we needed Republican votes to get it done. We haven't gotten a lot of Republican votes—I wish we had gotten more—but we have gotten enough to get it done.

I hope in the next few weeks we all realize we have so much important work to do. I laid that out with my remarks here today. We have to get as many appropriations bills done as we can; we have to finish the Defense Department bill; we have to do health care reform; we have to do Judge Sotomayor. We have a huge schedule. As I have said and we all know—everyone has been alerted, this is no message the people have not heard—this period is going to be a long hard slog.

We have lots to do. We are going to be working in the evenings, Mondays and Friday—weekends, if necessary, to get all our work done.

I say to my Republican colleagues I, of course, am very thankful for Al Franken. It is terrific that Minnesota now has two Senators. For over 8 months, they have gone with just one. But I repeat, this is not the time for people to be arrogant or attempt to throw their weight around. Things have not changed. We still need to work together. That is what the American people want and that is what the message is to my Republican colleagues.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. KYL. Mr. President, we have heard some debate recently centered on whether it is appropriate for judges to consider foreign law and public attitudes when interpreting our U.S. Constitution and laws.

In our constitutional system, the American people, through their elected representatives, make the laws by which we are governed. As James Madison said in Federalist 49:

> The people are the only legitimate fountain of power, and it is from them that the Constitutional charter, under which the several branches of government hold their power, is derived.

Judges have the responsibility to faithfully interpret the Constitution and the laws that have been adopted through our democratic processes. Again, judges do not make the law, they interpret it.

Within our constitutional structure, the growing idea of using foreign law to interpret our own laws and Constitution is troubling and problematic for two main reasons:

First, as Chief Justice John Roberts pointed out during his confirmation hearings, the consideration of foreign law by American judges is contrary to the principles of democracy. Foreign judges and legislators are not accountable to the American electorate. Using foreign law, even as a thumb on the scale, to help decide key constitutional issues devalues Americans' expressions through the democratic process. An analogy would be to allow noncitizens to vote in our elections, thus devaluing the votes of every American.

Second, even if the use of foreign law were not inconsistent with our constitutional system, its use would free judges to enact their personal preferences under the cloak of legitimacy. If an American judge wants to find a foreign judicial decision or legislative enactment consistent with his or her preferred outcome in a case, he or she could find it in the laws of at least 1 of the 192 United Nations member states. That would be judicial activism compounded by the error of using inappropriate precedent.

As we soon begin the consideration of Judge Sonya Sotomayor's nomination to the Nation's highest Court, both the American people and the Senate deserve to know where she stands on the issue of the use of foreign law to interpret the U.S. Constitution. Although we do have some materials that suggest her views, we are still waiting on a number of important documents that will help us better understand her views. For example, in response to the Senate Judiciary Committee's questionnaire, Judge Sotomayor identified 200 public speeches or remarks she has given. Of those, we have not received a draft, video, or a sufficient topic description for more than 100 of them. These include four occasions in which she publicly spoke on the issue of foreign law. On one of these occasions, Judge Sotomayor apparently participated in a panel discussion with foreign judges at St. John's Law School in November of 2006. According to her Judiciary Committee questionnaire, she

said she ''spoke on the permissible uses of international law by American courts.'' And in October 2008, Judge Sotomayor participated in a roundtable discussion at New York University's law school on the ''Dynamic Relations Between International and National Tribunals.''

With hearings scheduled to begin in a couple of weeks, getting this information is critical to our understanding of her judicial philosophy. The most notable of the materials we do have is a 22-minute speech Judge Sotomayor gave to the ACLU of Puerto Rico on April 28, 2009, entitled ''How Federal Judges Look to International and Foreign Law Under Article VI of the U.S. Constitution.'' From that speech, we begin to see how foreign law could shape Judge Sotomayor's jurisprudence in the future. Her views were not casual observations but directed to this specific topic. In this speech, she says:

[I]nternational law and foreign law will be very important in the discussion of how we think about the unsettled issues in our own legal system. It is my hope that judges everywhere will continue to do so because . . . within the American legal system we're commanded to interpret our law in the best way we can, and that means looking to what other, anyone, has said to see if it has persuasive value.

What on Earth does this have to do with judging, asking what ''anyone has said to see if it has persuasive value''? How about using the traditional rules of judicial construction, precedents, and our judicial tests based on our common law heritage.

Judge Sotomayor also reveals that she believes foreign law is a source for ''good ideas'' that can ''set our creative juices flowing.'' Deciding an antitrust case or a commerce clause dispute or an Indian law issue or an establishment of religion case does not require ''creative juices.'' Indeed, it could interfere with specific rules of construction or application of precedent. But Judge Sotomayor says that not considering foreign law would be ''asking American judges to close their minds to good ideas.'' What is ''closedminded,'' I would ask, about requiring that American judges interpret our laws and our Constitution? That is what they take their oath of office to do.

Let's also remember that Judge Sotomayor has previously stated that appellate courts are ''where policy is made.'' When you combine the notion that judges may usurp the legislative power of policymaking with the view that foreign law is an incubator of creative ideas for a judge to employ as he or she sees fit, you open the door to the worst form of judicial activism, one completely untethered from American legal principles. Judges do not have the responsibility of finding new good ideas that would make good policy. That is the role for our elected representatives. The ideas expressed by Judge Sotomayor threaten to undermine a system that has served us well for over two centuries.

Judge Sotomayor went on in the same ACLU speech to criticize two sitting justices and align her views with those of Justice Ginsburg, who recently endorsed the use of foreign law at a symposium at the Moritz College of Law at Ohio State University.

Specifically, Judge Sotomayor stated that ''[t]he nature of the criticism comes from . . . a misunderstanding of the American use of that concept of using foreign law and that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions. . . .''

She continues: ''I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world. Justice Ginsburg has explained very recently . . . that foreign opinions . . . can add to the story of knowledge relevant to the solution of a question, and she's right.''

Judge Sotomayor's rationale for judges looking to foreign law—so that the United States does not ''lose influence in the world''—is absolutely irrelevant to the role of judges in America. It is the province of the President and the legislative bodies—not activist judges—to make policy and manage foreign affairs.

In defending the Supreme Court's use of foreign law, Judge Sotomayor made an astonishing argument: Courts, she said, ''were just using that law to help us understand what the concepts meant to other countries, and to help us understand whether our understanding of our own constitutional rights fell into the mainstream of human thinking.'' But the words of our Constitution were not intended to reflect the ''mainstream of human thinking.'' Think about mainstream public opinion in Europe, Asia, Africa, and South America at the end of the 18th century. Even today, it is doubtful the United States would be satisfied being governed by the thinking of most of the governments in the world, such as China, much of the Muslim world, and the dozens of kleptocracies around the world.

As I noted in my remarks that related my concerns about Harold Koh's views on foreign law, if the Founding Fathers had been given to transnationalism, America would not be the leading light of freedom in the world that it is today. Nor would it be a leader in convincing other nations to protect free speech, assembly and other political freedoms, such as are being asserted in Iran right now.

Do we really want judges to look to the laws of foreign countries when deciding our most treasured, constitutional provisions, such as, for instance, the Second Amendment? I do not, and the American people share my view. Judicial activism is not a popular concept.

While I do not intend to judge her qualifications to decide cases on the U.S. Supreme Court based on this one speech, I believe it is fair to ask what else she has said on the subject. There are apparently other speeches that we do not have. The nominee should either find these speeches or ask whether there are other records—for example, transcripts, tape or video recordings, press accounts, and so on—that would indicate whether her April 28 speech is indicative of her approach to judging.

As we begin to consider the nomination of Judge Sotomayor, we will need this information to properly evaluate her qualifications, especially as it relates to her view that using foreign or international law is an appropriate way for U.S. Supreme Court Justices to interpret the U.S. Constitution.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BURMESE PYTHONS

Mr. NELSON of Florida. Mr. President, tragedy has struck. It is not like we haven't been warned. With the proliferation of the Burmese python being brought into the United States, these pythons people buy as pets, and then they get so big that the people don't want them around the house anymore and they release them. Of course, in south Florida they are releasing them into a natural habitat which is the Florida Everglades, so much so that the superintendent of the Everglades National Park has now estimated that they have proliferated to the tune of 150,000 to 180,000 of these Burmese pythons.

When Secretary Salazar came down a month ago for us to take him into the Everglades so he could see that extraordinary feature of Mother Nature, the river of grass, we took him in an airboat out across this river of grass. We also wanted to show him what is lurking beneath that grass now. We took him to two captured Burmese pythons. One was about an 8 footer and another one was a 16 footer. A 16-foot Burmese python in his midsection is that much in diameter. It took three grown men to hold that python. The oldest registered Burmese python in captivity has grown to 27 feet. Indeed, an 18 footer was captured and killed in the Everglades, and it was a female. They found inside of her 56 eggs that

were ready to hatch. That is why we have a proliferation.

We have spent a lot of money, along with the State of Florida, to restore the Everglades, one of the great natural wonders of the world. Mankind, over the course of three quarters of a century, has diked and drained the Everglades, and we are trying to restore them now. But here we have an invasive species that has been introduced that is upsetting the entire ecological balance. Already we have found, for example, somehow a Burmese python swam across the ocean to Key Largo in the upper Florida Keys. They found inside this Burmese python the endangered Key Largo wood rat. They have found a full size bobcat. They have found a full size deer. Indeed, the Burmese python is at the top of the food chain. These pythons, in fact, get into fights with alligators, and they found inside one of the Burmese pythons a 6-foot alligator.

I want to show what I am talking about. I want colleagues to see this critter. This is only a 6 footer. This Burmese python is 2 feet shorter than the Burmese python 4 days ago that, after it had escaped from its glass container at midnight, the man of the house found missing. He went and got the Burmese python, put it back in the container and, unfortunately, did not secure the top of the container, put, if we can believe it, a quilt over the top and secured down the edges of the quilt. Guess what an 8-foot Burmese python can do coming out of a glass container? Tragedy struck, because that python slithered throughout the house and up into a baby crib where there was a 2-year-old little girl named Shaiunna Hare. That Burmese python attached its fangs to the forehead of that child and then did what they do, wrapped its body around the body of the little child and proceeded with all of that muscle to strangle the child to death. This is what we have been saying was going to happen. This happened with a domestic pet in a home. This is what is capable of happening with 180,000 of these pythons in the Florida National Everglades Park.

Sooner or later, a Burmese python will get the endangered Florida panther. Sooner or later, for an unsuspecting tourist in the Everglades National Park, there will be an encounter with a human. Tragically, it took this event of the strangulation by one of these snakes of a child within her own home in the child's crib to bring this to our attention.

This Wednesday there will be a hearing in the committee chaired by Senator BOXER. I will be testifying. I will bring further evidence than these photographs. Here are wildlife officers encountering a snake with an attachment that grabs the snake from right behind the head. In this case, it is probably a 6½ footer—relatively small. But we can see the size. This is solid muscle. That is why these constricter snakes have the capability of asphyxiating their prey before they then consume their prey. We have heard the old adage, a pig in a python. That is exactly what it is. Once they asphyxiate their prey, then their jaws are capable of totally opening and they ingest the entire victim into their body. There is the old phrase: a pig in a python with the hump. That is exactly what it is.

That is the alligator that was found, the 6-foot alligator, within the stomach of the snake. That is the same thing.

There is something we can do about this. No. 1, the U.S. Fish and Wildlife Service has the capability under law now to declare this an injurious species. Since they have been studying this for the last 2½ years and have still not acted, although I believe that Secretary of the Interior Salazar is getting them off dead center and is going to get them to start moving, there is something else we can do. We can change the law. We can stop the importation by changing this from being a species that is allowed to be imported into one that is injurious. That change of definition in the law would stop the importation of these snakes into this country and would stop the exporting of these snakes from one State across State lines to another.

The State of Florida has a registration fee. They now require the implantation of a chip so that if the snake gets loose, we will have a chance of chasing it down. Nevertheless, when we have 150,000 to 180,000 of these snakes in the Everglades National Park alone, we can see that the ecological balance of Mother Nature is definitely being upset. We must change it. We must do it quickly.

Therefore, in front of the Boxer committee will be the legislation I have offered with a number of other Senators, trying to put a halt to the things that led to this tragedy of this little girl being strangled to death by a Burmese python.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, over the past several weeks, Americans have heard a number of proposals for reforming health care, and they are increasingly concerned about many of the details. Americans want reform, but they want the right reform, not a reform that ends up costing them much more for worse care than they already receive. Unfortunately, the government-run plan that some are proposing would do just that.

A government-run plan would force millions of Americans to give up the care they currently have and replace it with a system in which care is denied, delayed, and rationed. Instead of increasing access and quality, it could limit access and options. It could lead us into deeper debt. And millions could well remain uninsured.

Americans are skeptical about all of this. They do not want to be forced to change the coverage they have for a government system they do not particularly want. Some of the advocates of a government plan are beginning to sense this growing public opposition to their proposal. But rather than make their case on the merits, they are basing their arguments on the urgency of the moment.

We keep hearing that time is running out, that the clock on reform is about to expire, that the entire health care system and the whole economy will soon collapse without this particular reform. Well, we have been down this road before.

Earlier this year, we heard the same dire warnings about the stimulus. If Congress did not pass the stimulus, we were told, unemployment would continue to rise and the economy would continue to falter. We did not just have to pass it, we had to pass it right away. The results are now coming in: higher unemployment, soaring job losses, higher debt, huge deficits, and growing fears about inflation.

Many of us saw this coming. That is why we proposed an alternative stimulus that would not add a trillion dollars to the debt and would have gotten to the root cause of our economic problem, which is housing. That is why in the debate over health care Republicans are proposing reforms that would make health care more accessible and less expensive without destroying what people like about our health care system and without sending the Nation deeper and deeper into debt.

Every cost estimate we have heard about the administration's plans for health care is astronomical. The administration realizes this is a problem, and yet they have no good plan for covering the cost. Some of the ideas that have been floated are a series of taxes, including a tax on soft drinks. But

even that would not come close to covering the cost. So they have been looking frantically for money, and the target they seem to have landed on is Medicare—the government health plan for the elderly.

Last month, the administration proposed hundreds of billions of dollars in cuts. It said by taking this money out of Medicare and putting it into a new government-run plan for all Americans, we could help pay for health care reform. Not only is this aimed at concealing the cost of the new government plan, it is also a reckless misuse of funds that should be used to stabilize Medicare instead.

Weeks before the administration proposed its cuts to Medicare, the government board that oversees this vital program issued an urgent report on its looming insolvency. Let me say that again. Just weeks before the administration recommended Medicare cuts in order to pay for a new program, the government board that oversees this program issued an urgent report on its looming insolvency. Already, Medicare is spending more money than it is taking in. It runs out of money altogether in 8 years. And over the coming decades, Medicare is already committed to spend nearly $40 trillion that it does not have.

If there were ever a crisis that cannot wait another day for reform, it is Medicare. Yet rather than do the hard but necessary work to put this program on a sound financial basis, the administration wants to take money away from it and use it to create an entirely new government-run system that would presumably have the same fiscal problems down the road that Medicare has today. This makes no sense whatsoever.

Savings from Medicare should be put back into Medicare—not a government plan that could drive millions of Americans out of the private health care plans they have and like and lead to the same kind of denial, delay, and rationing of health care that we have seen in other countries.

We must be committed to reform but not a so-called reform that raids one insolvent government-run health care program in order to create another insolvent government-run health care program. The administration should be applauded for trying to fix what is wrong with our Nation's health care system, but it needs to slow down and take a deep breath before taking over what amounts to about one-sixth of our Nation's economy with a single piece of legislation that lacks bipartisan support.

The administration rushed ahead with a poorly conceived stimulus plan that added a trillion dollars to the national debt and has not stopped half a million Americans a month from losing their jobs. It should learn from that and not rush a poorly conceived health care plan with money we do not have. We do not need more rush-and-spend policymaking. We need to reform health care, but we do not need to weaken Medicare to do it. We can reform both, but we should start with Medicare.

At a time when Americans are increasingly concerned about the future of health care and also about a political system in which they see fewer and fewer checks on the party in power, now would be the ideal time to advance a truly bipartisan reform. The President has repeatedly expressed openness to reforming Medicare in the past. We stand ready to work with him to strengthen and preserve Medicare if he chooses to follow through on those assurances.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader on his remarks. I remember Senator MCCONNELL's first address following President Obama's election at the National Press Club. It was to the President, saying: Mr. President, we look forward to working with you, and the pressing issue is the entitlements facing this country, the automatic spending that means more and more and more debt.

I would ask the Republican leader whether there has been any response from the administration to him about the opportunity to work together across party lines to deal with Social Security which, as I remember in January, was your proposal?

Mr. MCCONNELL. I say to my good friend from Tennessee, unfortunately, there has been no followup whatsoever. There seemed to be, on the part of the President and the President's Chief of Staff at the beginning of the administration, a willingness to support the Conrad-Gregg proposal, which would have given us a way to get a handle on at least Social Security—they did not seem to want to deal with Medicare, and I think we now know why—at least Social Security, with an expedited procedure and an up-or-down vote guaranteeing a result. But I would say to my friend from Tennessee, there has been no word on that lately.

Mr. ALEXANDER. Mr. President, in my visits in Tennessee this past week, if I heard two things, one was too many Washington takeovers; the other was too much debt. I found in people—and I hesitate to use the word—a great deal of fear about the amount of debt we are piling up here in Washington.

Mr. MCCONNELL. Mr. President, I think there is a genuine alarm. Americans see the government now running banks, insurance companies, automobile companies. The Senator from Tennessee points out student loans. Now they fear the government wants to take over health care as well. I think there is a growing suspicion that this is exactly the wrong way to go.

Mr. ALEXANDER. Mr. President, I thank the Senator for his comment about checks and balances. There is something innate in the American character about checks and balances. Alexis de Tocqueville warned, in the early 1800s, about the tyranny of a majority. We like to see results, but we do not want to see one party or one faction run away with policy. We seem to know it is better if there is a check and a balance. And the genius of the American system is we have many checks and balances.

I wonder, Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. ALEXANDER. I thank the Acting President pro tempore.

NUCLEAR POWER

Mr. ALEXANDER. Mr. President, health care is not the only issue before the Senate. We have the nomination by the President of a distinguished jurist, Judge Sotomayor. Hearings will begin next week on whether she should be confirmed for the Supreme Court.

Tomorrow, the Senate, in the Environment and Public Works Committee, begins discussion on climate change and global warming—a subject we have talked about a lot. The House of Representatives has made that an issue by passing, about 10 days ago, another one of these bills that by all reports no one in the House of Representatives read before it was passed—1,200 pages served up the day before they voted. They voted and sent it on over to us. So we have energy and climate change to deal with, which is the subject of my remarks this afternoon.

My question is this: Why is Congress and, to a great extent, the administration ignoring the cheap energy solution to global warming—nuclear power?

Consider this: No. 1, coal-burning powerplants produce about 40 percent of carbon, and carbon is the principal greenhouse gas causing global warming. That is the first fact.

Second, nuclear powerplants, which produce only 20 percent of all of our electricity in America, produce 70 percent of our carbon-free, pollution-free electricity.

So coal-burning powerplants produce 40 percent of the carbon, and nuclear powerplants produce 70 percent of the carbon-free electricity, and our goal is to get rid of the carbon to slow down global warming. I think that is the goal anyway.

So if that is the goal, if global warming is your issue, why not build 100 new nuclear powerplants during the next 20 years to deal with it? Nuclear power costs less than one-half cent per kilowatt hour to produce, which means it

is cheap enough to pay for building the plants and will still leave electric rates low.

The rest of the world seems to understand this a little better than we do in the United States today. France gets 80 percent of its electricity from nuclear and has among the lowest carbon emission rates and electricity prices in the European Union. The United States—our taxpayers—is helping India and China build nuclear plants. Japan is building one nuclear plant a year. The President has even said that Iran has the right to build nuclear powerplants. But the United States has not built one new nuclear plant in 30 years, even though we invented the technology.

So instead, the House of Representatives, 10 days ago, chose the high-cost solution to the climate change energy dilemma, narrowly passing an economywide so-called cap-and-trade bill, the Waxman-Markey bill. This is a job-killing $100 billion a year new national energy tax, which would add a new utility bill to the budget of every American family.

The House also mandated the use of solar and wind power, which is 6 percent of our carbon-free electricity. Remember, nuclear is 70 percent of our carbon-free electricity. So the House, ignoring nuclear, says: Let's expand solar and wind, which is 6 percent of our carbon-free electricity, even though both are more expensive and more unreliable since solar and wind power cannot be stored today, which means you have to use it when the Sun shines and the wind blows. Wind, especially, barely works in some parts of the country, such as the Southeast.

So the choice is between a high-priced or a low-priced clean energy strategy. I think we all want a clean energy future, but do we want a deliberately high-priced clean energy future or a low-priced one? High pricers want taxes and mandates. Cheap energy advocates—almost all Republicans in Congress and some Democrats, and I hope a growing number—say build nuclear plants and double research to make renewable energy cheaper and reliable. High-priced energy sends American jobs overseas looking for cheap energy. I see that in all of the auto plants we have in Tennessee, and the auto suppliers. They are operating on a very thin margin. Add a little cost and those cars and trucks are built in Mexico and Japan instead of Tennessee and Michigan.

Cheap energy not only creates jobs, it will reduce global warming faster than taxes and mandates. Here is why: 100 new plants in 20 years would double U.S. nuclear production, making it more than 40 percent of all electricity production. Add 10 percent or so for Sun and wind and biomass, another 10 percent for hydroelectric, and we begin to have a cheap as well as a clean energy policy.

Some predict renewable sources will be 20 percent of electricity in 20 years. I predict it will be about half that, after Americans understand its costs and its lack of reliability and they begin to see what some conservationists are calling the ''renewable energy sprawl''—50-story wind turbines along the foothills of the Great Smokey Mountain National Park and the Blue Ridge Parkway and the Shenandoah Valley and solar thermal plants 5 miles wide next to national parks, all with big new transmission lines. Plus, since the Sun shines and the wind blows only about one-third of the time—remember, you can't store it—we will still need nuclear plants for base load power.

Step 2 for a clean and cheap energy policy is to electrify half our cars and trucks. There is so much unused electricity at night, we can also do this in 20 years without building one new powerplant if we plug in vehicles while we sleep. This is the fastest way to reduce dependence on foreign oil, keep fuel prices low, and reduce the one-third of carbon that comes from gasoline engines.

Step 3 is offshore exploration for natural gas—that is low carbon—and oil. We should use less but use more of our own.

Finally, we should double energy research and development to make renewable energy such as solar more cost competitive.

Obstacles to nuclear power are diminishing. Used fuel can be stored safely onsite for 40 to 60 years while scientists figure out the best way to reduce its mass and recycle or reuse it. New plants can be one-tenth the size and one-tenth the cost of the big ones we are accustomed to today and can be put together at an American factory and shipped to the site and assembled like Lego blocks—all of this American made—and with air cooling towers, not water cooling, and the towers are only two stories tall.

I have introduced legislation to deal with global warming ever since I came to the Senate, but I am not in favor of economy-wide cap and trade. It is unnecessary. It is complex. It has unintended consequences. Our economy can't tolerate it. A simpler way to do it would be to focus on smokestacks, tailpipes, and find alternative ways to deal with the coal and the oil we want to use less of. We have that with tailpipes, cars, and trucks. We can shift to electric cars and trucks and the cost to the consumer will be as low or lower as they plug in at night to electricity. We also have that with smokestacks. We can shift some of our dirtiest coal plants to nuclear power, and instead of increasing the cost of energy, we could keep it steady or probably reduce it. So why would we want to deliberately proceed with a high-cost energy strategy when cheap energy is the key to our national security, to rebuilding our economy, and the key to so much of what is important to America's future?

There is an old rule of thumb that sometimes in government we take a good idea and expand it until it doesn't work. I am afraid we are doing that with renewable energy—which is a good idea—the idea of putting up your own windmill in your backyard, put some solar panels on your roof, use biomass, and cut your energy costs and cut your use of fossil fuels. That is a good idea, but it is only going to produce a small percentage of what we actually need to run a country such as this which uses 25 percent of all of the energy in the world.

Biomass, for example, to produce the amount of energy that one nuclear powerplant produces, you would have to forest continuously an area the size of the entire Great Smokey Mountain National Park, which is 550,000 acres. To produce enough electricity to equal a nuclear powerplant from solar power you would have to cover an area about the size of 270 square miles, and that is 5 or 6 miles on each side. The same with wind, or the same with hydroelectric, and we are not going to be building any big, new reservoirs anymore of that size.

So we should take what we can get in appropriate places of wind and solar and biomass. We should put a few turbines in the Mississippi River and pick up some megawatts for the TBA, for example, but that is a few hundred megawatts for a system that needs to produce 27,000 megawatts of reliable, low-cost, clean electricity every year.

The only technology we have available to produce large amounts of clean, reliable electricity in the next 20 years is nuclear power. We invented it. We know how to use it. The rest of the world is taking advantage of it. Why don't we? Especially in this economy, when we have nearly 10 percent unemployment, when in Tennessee and Virginia and in the Midwest we are trying to find ways to rebuild the economy, when we know that cheap energy is the key to new jobs and that high-priced energy drives jobs overseas looking for cheap energy, why are we ignoring the cheap energy strategy for dealing with global warming, cheap energy based on nuclear power, No. 1; electric cars and trucks, No. 2; offshore drilling for natural gas and oil which we are still going to need, and pushing ahead with mini Manhattan projects in energy research and development to figure out renewable energy and help make it cost competitive while we move ahead?

This is not only the fastest way to increase American energy independence, clean the air, and reduce global warming, it is the best way to help strained family budgets and a sick economy with 10 percent unemployment.

I thank the President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. NELSON of Nebraska. Mr. President, I ask for the clerk to report the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2918, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Nelson (NE) amendment No. 1365, in the nature of a substitute.

McCain amendment No. 1366 (to amendment No. 1365), to strike the earmark for the Durham Museum in Omaha, NE.

Mr. NELSON of Nebraska. Mr. President, we are returning to the Legislative Branch Committee bill for further consideration today. It is my understanding that my colleague from Oklahoma has an amendment he would like to offer. He was here. Perhaps he will rejoin us shortly.

To recap, this is the legislative branch bill, which has a number of different important issues in it, not the least of which is the fact that when you compare the percentage of increase this year with previous years, it is an effective 2.4-percent increase. We controlled the growing costs associated with the new Visitor Center, which were significant in the last budget.

Let me, at this point, yield to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1369 TO AMENDMENT NO. 1365

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about the legislative branch and us and where we find ourselves. I do have an amendment and I appreciate the consideration of it.

Right now, the average income in this country is down four-tenths of 1 percent this year. Historically, people wonder why Congress cannot control spending. They cannot control spending because they cannot even control their own budget. We are going to see about a 3.2-percent increase in the bill. The House is coming in at 6.1. In conference, we will decide what the legislative branch increase in expenses is on the American public. The reason that spending is out of control and the reason we are shackling our grandchildren with an enormous amount of debt—another $5 trillion in the next 5 years—is because we don't even do a good job managing our own office budgets.

I am on the floor a lot complaining about wasteful spending, earmarks, and other issues. I don't do that without setting the proper example in my own office. I have been here 4 complete years. I am in my fifth year. During that time, I have turned back, in 2005, $321,000; in 2006, $529,000; in 2007, $516,000; and in 2008, $491,000—about 16 to 17 percent of my budget.

If I can do that, the question the American people ought to ask is: Why can't everybody up here do that? Why can't we manage our own legislative branch expenses? With the economic environment in which we find ourselves today, the American people ought to be asking what are our elected leaders doing to cut their expenses because we are borrowing a good portion of this money. Why are we not setting an example? If we don't do it, then we are certainly not going to have the various Federal agencies do it.

If you look at spending increases, outside the omnibus and the Recovery Act, Congress increased spending almost 7.2 percent last year. The budget has in it 7.3 percent. That is three times the rate of income growth prior to this recession. Yet we are growing the government three, four times faster, and we are growing our own budgets two and a half or three times faster. This time, it will be five or six times faster than Americans' income is growing.

The question has to be asked: If we are not good stewards with our own offices, how can we be good stewards with the money entrusted to us?

Mr. President, I call up amendment No. 1369 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1369 to amendment No. 1365.

Mr. COBURN. Mr. President I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require expenditures by every Senate office be posted online for the public to review)

At the appropriate place, insert the following:

SEC. _____. REPORTING REQUIREMENT.

Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking ''shall'' and inserting ''may''; and

(2) by adding at the end the following:

''(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

''(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

''(2) shall issue each report required under this section in electronic form; and

''(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.''.

Mr. COBURN. Mr. President, this is a very simple amendment. It says we will take the money we spend and make available online to the American people how we spent it. Right now, there are a limited number of books published. We transfer it from computers to a book, but we don't give it to the American people so they can see how we are spending money on our office accounts. Senators NELSON of Nebraska and REID have graciously said they support this amendment. We will have limited debate.

The one way to get this spending under control in our individual offices, as well as in the Federal Government, is to make available to the American people how we spend it. So my hope is this will be a short period of time, and at the end of this year, the American people can go on a Web site and see how TOM COBURN spent his money, in terms of running the office of the junior Senator from Oklahoma. I think they will find I am as frugal with their money in my office as I am trying to be frugal on the floor when it comes to wasteful spending. There is $350 billion worth of waste that will go through this year, without one stroke of it being eliminated—$350 billion worth of waste and not one legitimate stroke will be eliminated as we go through the Appropriations Committees and the President's budget—and he is trying to eliminate some. But we won't even do a line-by-line review.

I hope we will accept this amendment and lead by example, and the American people can hold us accountable for how we spend their money.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I know of no further debate on the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1369) was agreed to.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, when it comes to health care, Democrats and Republicans all agree that we need and we want health care reform. Having practiced medicine for over two decades in Wyoming, I know that doing nothing is simply not an option. But let me tell you from experience that the devil is always in the details. We must be careful, we must be thoughtful, and we must be deliberate about the changes we make.

Health care is a very complex and intensely personal issue. It deserves a serious, open, and transparent national debate. Any changes Congress makes are going to impact millions and millions of American families. These are people of our Nation; these are not nameless or faceless statistics; these are husbands, mothers, neighbors; these are our wives, our friends, and our coworkers; these Americans are our children—the Nation's most precious resources.

We must act, but still at issue is whether Congress will act without sacrificing our health care system's greatest strengths. And what are those strengths? The freedom to choose your own doctor, the freedom to choose the hospital you want, and the freedom to choose the health care plan that fits you and fits your family's needs.

I travel home to Wyoming every weekend. I was there yesterday. One of the top issues I hear about is health care. The people of Wyoming are concerned about the cost of their health care. Many families worry they will lose the health care coverage they currently have. Still others can't afford health insurance at all. This is what is wrong with the current health care system. This is what we need to fix. Wyoming families want to purchase health insurance coverage at an affordable price. They do not want to be denied coverage because of preexisting conditions. They do not want to lose coverage if they change jobs. But most of all, these families do not want Washington telling them—do not want Washington telling them—whom they have to see for their medical care. Everyone should have the freedom to choose the doctor, the hospital, and the health care plan they want. No Washington bureaucrat should ever be allowed to deny that right.

Some in Congress continue focusing solely on government solutions. They want Washington, in its enduring wisdom, to take over health care. Some in Congress want to create a government-run health care plan. Their plan creates a government-run insurance model that could limit patient choice, eliminate personal freedoms, and decrease the quality of care. What starts out as one option could quickly lead to being the only option.

We all know how this happens. Unlike regular health insurance, government health plans have unlimited access to taxpayer money. They can use the money to temporarily subsidize the cost of services, but ultimately someone must pay for the care.

According to the Lewin Group, 119 million Americans would lose the private coverage they currently have if we have a government-run system. I know some in the Senate and the administration keep saying: If you like your insurance coverage, you will get to keep it. The Lewin Group's data proves otherwise. Their study shows that businesses will face a situation where it is cheaper for them to insure their employees through the government-run plan, so employers will then transfer their workers from the private insurance that they currently have—and that they may like—to this new Washington-run government plan. So where is the personal choice? At this point, the individual has no option. The government-run plan is their option, it is their plan, unless that person changes jobs to an employer who is willing or can afford to offer private coverage. So what happened to the ''If I like my health insurance plan offered by my employer, I will be able to keep it''? Well, that promise is out the window.

Some say we can create safeguards that will ensure a level playing field between private insurance and a government-run plan. Well, as a doctor, I can tell you from personal experience that the government will never, ever compete on a level playing field with private business. Washington will never let its health care plan go bankrupt. Never. It will lose money, it will hide costs, and ultimately taxpayers will pay the difference. Private plans will not enjoy this same kind of support. That is exactly how the heavy hand of government can drive out competition.

So how does government compete with private business? Well, Congressman MIKE PENCE of Indiana summed it up pretty well. He said: ''The government competes with private business the way an alligator competes with a duck.''

Supporters of the government-run Washington takeover of health care say the plan will keep costs low. How? By paying hospitals, doctors, nurses, home health agencies, hospice providers, and long-term care facilities less than private insurers pay. This should sound familiar. This is what already happens with Medicare and Medicaid. Any participating Medicare or Medicaid provider will tell you that today, right now, doctors and hospitals have to shift costs onto private insurers just to keep their doors open. The cost shift is to make up the difference between what a procedure costs and what the government is willing to pay for it. That is what they call cost shifting. We see it every day.

A government-run plan will not encourage competition; it will take away your access to private health insurance. The private plans millions of Americans have today—the program they like, the one they want to keep—will be gone. The only choice remaining will be the government plan.

So what does this all mean to someone who is listening in—to the patient? Well, it means politicians will be making health care decisions, not patients making those decisions with their doctors. It means Washington bureaucrats will be deciding whether you can have the hip or the knee procedure you need. It means the government will be saying you cannot have lifesaving medical treatment because it is too expensive or because you are too old. It means Washington will be restricting your and your child's access to the most advanced medical testing equipment. It means testing delays, it means diagnosis delays, and it means treatment delays. Delayed care is denied care, and we do not want that in America.

Take a close look at what is going on in Canada right now. Last year, in Calgary, ophthalmologists—eye doctors—had no waiting lists for people needing cataract surgery. Then Alberta's cash-strapped government made a decision to arbitrarily lower the number of cataract operations it would pay for. They arbitrarily said: We are going to pay for 2,000 fewer cataract operations this year in Alberta than we did last year. So what did that mean for the people there? Well, many patients now have to wait a year for treatment—a year. Why? Well, the cutbacks forced surgeons to cancel all of the operations they had scheduled on people with moderately severe cataract conditions. So now they only book the most severe cases. Ophthalmologists are now concentrating their efforts only on the patients who are about to go blind—not the people who have a hard time seeing, the people about to go blind.

Patients living in Alberta have to almost be going blind to get cataract surgery. Is that the kind of medical care we want for Americans? Absolutely not. America should strive to offer its citizens the highest quality, most timely health care services in the world. That means Americans should not have to wait weeks at a time for tests and treatments they need. It means no one should be denied health care services because of government limits or government restrictions. It

means no government bureaucrat should interfere in the doctor-patient relationship.

Currently, the Senate HELP Committee has been debating a reform plan that has been put forth by Senator KENNEDY and Senator DODD. The nonpartisan Congressional Budget Office told us—first, it told us the Kennedy-Dodd plan increases spending by more than $1.3 trillion in the first 10 years. Once it is fully operational, the 10-year fee would be closer to $2.6 trillion. The number was staggering. People cried ''sticker shock.'' What did they do? They tweaked it around a little bit and came out with a new estimate.

They are just guessing. Even more disturbing is the plan is incomplete. The Congressional Budget Office still has additional policies to score to come up with a pricetag. Clearly, this estimate does not reflect the bill's true cost because they left out Medicaid, something they have been forcing onto the States, and Governors all around the country have been crushed by these Medicaid-increased fees and increased expenses.

Ten years and trillions of dollars later, the Congressional Budget Office also tells us this plan only reduces the number of people who do not have insurance by 17 million. That leaves over 30 million Americans still without health insurance, and they are spending $1 trillion.

Finally, the Congressional Budget Office indicates that about 15 million people would actually lose the insurance they have now, be forced off of their employer-paid-for insurance under this trillion-dollar plan.

To me, this Kennedy-Dodd plan suffers from what I call the three Cs: it costs too much, it covers too few, and it causes too many people who already have insurance to lose the coverage they have.

Some in Congress believe unless we completely dismantle the current health care system and build it up in the image of big government, then reform, they say, is simply not worth doing. I disagree. Americans do not want the same government bureaucracy that has given us the Department of Motor Vehicles controlling our medical decisions. Americans don't want increased bureaucratic hassles, we don't want long waits, and we don't want restrictions on our medical care.

What we need is a serious, transparent health care debate. That is what Americans want. They want us to listen to their ideas, their concerns, their suggestions. The only way they can give us their ideas, concerns, and specifically their suggestions about a health care bill is if they actually get to read the bill.

Whether we should reform our health care system is no longer in question. Americans have answered with a resounding yes, and they don't want to continue to wait. They want simple, practical, affordable changes now: Changes such as prohibiting the use of preexisting condition clauses, changes such as allowing people to take their health insurance with them when they switch jobs. Madam President, you have a young family; I have a young family. Our children are going to have seven or eight jobs over the course of their lifetimes. They will need to take their insurance with them. We need to have changes such as offering premium breaks for making healthy lifestyle choices, changes such as having the same tax breaks for people who buy their own insurance as big companies get when they pay for insurance for their employees—we need families to have those same tax breaks. We need changes such as allowing people to shop across State lines to look for better deals, keeping their costs down.

I want to continue to come forward with commonsense ideas. I want the majority in Congress to work with me and with members of my party on a bipartisan health reform plan. That is the need. That is the need the country is expecting us to address. That is what I would like to do. We cannot simply put government in charge of health care and put bureaucrats in between patients and their doctors.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1370 TO AMENDMENT NO. 1365

Mr. DEMINT. Madam President, I hope everyone had a good break. I can't say that I am glad to be back, but there are some important things to do. I start by calling up amendment No. 1370, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1370 to Amendment No. 1365.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center)

At the appropriate place, insert the following:

SEC. _____. ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

Mr. DEMINT. Madam President, this amendment is about the Capitol Visitor Center. Among other things, we all know the new Capitol Visitor Center, which is very beautiful, welcomes folks from all over the country and the world to the Capitol. It includes interesting and valuable museum-style exhibits about the history of the Capitol and Congress. Unfortunately, the way the Capitol Visitor Center has been built and the way the displays have been set up, it conspicuously ignores America's unique religious heritage and the role that heritage played in the founding of the Republic. Indeed, the original exhibits now there seem to suggest the Federal Government was the solution to all our problems and the fulfillment of all human aspirations, as if we were a government with a nation instead of the other way around. Even the national motto was misrepresented—as out of many, one.

My unanimous consent agreement will help correct the record as it is displayed at the Capitol Visitor Center. It will authorize the engraving of our true national motto, which is: In God we trust. It will also order the engraving of the Pledge of Allegiance with its reference to one Nation under God in a prominent position in the Capitol Visitor Center. From the beginning many of us were concerned about what looked like a historical whitewash of our Nation's faith heritage from the Capitol Visitor Center. I thank Senators FEINSTEIN and BENNETT for their support. I have a letter they both signed formalizing our agreement for the historical corrections in my amendment.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC, September 26, 2008.

Hon. JIM DEMINT,
Russell Senate Office Building,
Washington, DC.

DEAR JIM: After many years of anticipation the Architect of the Capitol is preparing for the opening of the new Capitol Visitor Center (CVC) on December 2, 2008.

Delaying the opening of the CVC has serious security implications. The CVC was designed so that public visitors will be screened at one secure location, improving security in the U.S. Capitol for constituents, staff and Members.

Delaying the opening of the CVC also has significant financial consequences. As you

are aware, the CVC has already cost $621 million for construction. The Architect is currently paying the cost of salaries and benefits for staff preparing to open and operate the facility for the American public. Every day the CVC is closed to the public, it will cost the taxpayer $72,040 in unused staff resources.

In response to your letter dated September 25, 2008, we agree in principle to support engraving ''In God We Trust'' in stone in a prominent location within the CVC; engraving ''The Pledge of Allegiance'' in stone in a prominent location within the CVC; and removing the words ''Our Nation's Motto'' from the Unity panel on the Wall of Aspirations of the Exhibition Hall in the CVC, and replacing it with a new panel.

We recognize that one of your suggestions (renaming ''Our Nation's Motto'') is a correction, and the ''Pledge'' and ''In God We Trust'' are additions. The approximate cost of doing all three projects, according to the Architect of the Capitol, is $150,000.

We are pleased that you have agreed to Senate consideration of the CVC legislation.

Sincerely,

DIANNE FEINSTEIN,
Chairman.
ROBERT F. BENNETT,
Ranking Member.

Mr. DEMINT. I also want to make a point about the unfortunate expense associated with these design corrections. I regret these funds must be spent. That the historical whitewash of the original design contained these inaccuracies was unfortunate, certainly. But the $150,000 this project will cost is less than 1/10th of 1 percent of the cost of the Capitol Visitor Center. Anyone interested in finding offsets can count on my support in identifying waste in the underlying bill that is funding Congress for next year. When these engravings are completed and when we can welcome God back into the Capitol Visitor Center, visitors to the Capitol will see a fairer and more historically accurate depiction of the all-important relationship between faith and freedom in America.

I understand the majority is prepared to accept the amendment by a voice vote or unanimous consent.

Mr. NELSON of Nebraska. There is no objection.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1370) was agreed to.

AMENDMENT NO. 1367 TO AMENDMENT NO. 1365

Mr. DEMINT. Madam President, I have another amendment I have been informed the majority plans to block consideration of, which is No. 1367 regarding transparency at the Federal Reserve. I wish nonetheless to take a few moments to discuss it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. The unelected central bank of the United States, the Federal Reserve, enjoys a monopoly over the flow of our money and credit but has never been completely transparent and accountable to Congress since its creation in 1913. Since 1913, our dollar has lost more than 95 percent of its purchasing power. My amendment is called the Federal Reserve sunshine amendment. It is modeled after legislation sponsored by Representative RON PAUL of Texas in the House and our colleague Senator SANDERS of Vermont in the Senate. This amendment amends section 714 of title 31 of the United States Code to remove existing restrictions on how the Government Accountability Office can audit the Federal Reserve. With these limitations gone, the Fed's discount window operation, funding facilities, open market operations, and agreements with foreign central banks and governments would all be finally open to congressional oversight. The Government Accountability Office would be required to audit the Fed by the end of 2010 and to report its findings to Congress.

Every dollar created by the Fed has an effect on the value of the dollars in our pockets and bank accounts. We need to pay more attention to the effect of Washington decisions, whether fiscal policy made by Congress or monetary policy made by the Fed. They all are ultimately borne by the American people. The Federal Reserve will create and disburse trillions of dollars in response to our current financial crisis. Americans across the Nation, regardless of their opinion on the bailout, want to know where the money has gone, exactly how much has been spent, and what collateral has been taken in return. That is why we see so much bipartisan support in the House, in BERNIE SANDERS and JIM DEMINT being on the same side in the Senate. Inflation is a hidden tax. We, unfortunately, forget about it too often when we are debating spending bills in Congress.

Our fiscal actions, higher deficits, increased long-term debt, and entitlement obligations will necessarily need to be paid for by printing new money or borrowing more money from an increasingly skeptical world. Either option results in higher interest rates for consumers and a devaluing of the dollars they have already earned and saved. Allowing the Fed to operate our Nation's monetary system in almost complete secrecy leads to abuse, inflation, and a lower quality of life for every American. Unfortunately, the majority has decided to use a procedural tactic to block a vote on this amendment by invoking something called rule XVI. This is a rule that prevents policy being added to spending bills. The majority claims we do not legislate on appropriations bills. Of course, that is false. In fact, there are already rule XVI violations in the bill we are trying to amend. We saw this majority airdrop the cash for clunkers program into the recent supplemental appropriations bill.

The majority may claim this amendment is not relevant to the underlying bill, but in fact there are already provisions in this bill related to Government Accountability Office audits, so this language is quite appropriate on this bill. The legislation has already received the support of more than one-half of the House of Representatives within a few short months of its introduction. It is time for the Senate to show its support.

I ask the majority leader again to allow a vote on amendment 1367 regarding a GAO audit of the Federal Reserve.

I call up amendment 1367.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1367 to amendment No. 1365.

The amendment is as follows:

(Purpose: To amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''shall audit an agency'' and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.''.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I make a point of order against the DeMint amendment that it is legislation on appropriations.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. DEMINT. Madam President, I regret the objection. Since the other side is arguing that rule XVI applies here, my amendment contains language to an existing GAO audit of the Federal Reserve. Because it is legislative in nature—in other words, because it actually addresses the audit itself and not just the funds for the General Accountability Office—they say it is out of order. I have a parliamentary inquiry: Is the language in section 1501(b) dealing with an existing GAO audit of the National Transportation Safety Board legislative?

The PRESIDING OFFICER. It is.

Mr. DEMINT. I thank the Chair. Does it violate rule XVI?

The PRESIDING OFFICER. It does.

Mr. DEMINT. So the Democrats are suggesting that it is somehow illegitimate for me to offer an amendment dealing with an existing GAO audit when they themselves have included language dealing with other audits that flatly violates rule XVI.

Further parliamentary inquiry: Is the language in section 1501(c) regarding a GAO audit of local educational agency spending legislative in nature and in violation of rule XVI?

The PRESIDING OFFICER. Yes.

Mr. DEMINT. I thank the Chair. What about section 1501(d) which repeals a GAO audit of the small business participation in the Alaska national pipeline; is that legislative in nature and does it violate rule XVI?

The PRESIDING OFFICER. Yes, it is.

Mr. DEMINT. Madam President, I have a long list here for which I understand from the Parliamentarian the answers will continue to be yes. We have several provisions, obviously, dealing with the GAO and GAO audits in this bill. The other side cannot stand behind a rule they have flagrantly violated themselves.

There is an earmark in this bill for Nebraska. It is the only earmark in the bill.

I would ask the Chair, what about the provision in the Library of Congress section containing a $200,000 earmark for the Durham Museum in Omaha, NE? Is that a legislative item? And does it violate rule XVI?

The PRESIDING OFFICER. It is legislative, but the Chair is aware of a defense in germaneness.

Mr. DEMINT. Thank you, Madam President. Then, would it be accurate to say the provision contains legislative language that meets the definition of rule XVI, even though it is arguably germane to the House language?

The PRESIDING OFFICER. It is legislative in nature.

Mr. DEMINT. Thank you, Madam President.

I think I have made my point, and I will not take this any further. Clearly, there is a double standard.

One of the most sought after amendments we have probably brought up in the House and the Senate since I have been here is an audit of the Federal Reserve. Everywhere I went last week people were thanking me for finally looking at what the Federal Reserve was doing and trying to let the American people know what is happening.

This is an audit that has broad support, and I would encourage my colleagues on the Democratic side to allow this amendment to be voted on. But, apparently, the other side has decided to challenge it with rule XVI, which they do not apply to their own language.

But as I said, Madam President, I have probably said enough and I thank you for your indulgence.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1366

Under the previous order, there will now be 10 minutes of debate, equally divided and controlled between the Senator from Arizona, Mr. MCCAIN, and the Senator from Nebraska, Mr. NELSON.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I hope my colleagues will vote to strike this earmark for the Durham Museum in Omaha, NE. Strangely enough, this amount has been inserted by the Senator from Nebraska—this $200,000 for the Durham Museum in Omaha, NE.

Lest there be any confusion about this, in the last tax return of the Durham Museum in Omaha, NE, they had $10,917,319. So the museum is fairly well off. They have assets of about $11 million. Apparently, the Senator from Nebraska thinks they need a couple hundred grand extra—on the Legislative Branch Appropriations bill.

Again, I am interested in hearing the Legislative Branch Appropriations connection to the Durham Museum in Omaha, NE. I am sure it is a fine museum, a wonderful museum, and it gets many visitors from all over the great State of Nebraska. I just came from the great State of Arizona, and do you know what. Storefronts are closing, people are losing their jobs, and unemployment is up. So what are we doing here in Washington, our Nation's capital? Business as usual. But what is an earmark of just $200,000? What is $200,000 in the trillions we are spending? The legislation says that amount ''shall remain available until expended for the purpose of preserving, digitizing, and making available historically and culturally significant materials related to the development of Nebraska and the American West.''

What makes this museum so needy of the taxpayers' dollars? What is it about the Durham Museum in Omaha, NE, that says we need $200,000? Well, they don't, obviously. They had nearly $11 million in net assets at the end of 2007. Why are we earmarking $200,000 of taxpayer funds for this museum?

We should not be earmarking these kinds of funds. This is a Legislative Branch Appropriations bill to fund the functioning of Congress, the legislative branch, not a museum in Omaha, NE, which I am sure is a wonderful place.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. My colleague from Arizona is right. It is a wonderful, an outstanding museum.

As a quick refresher for my colleagues, this is a project that was requested by the Durham Museum in Omaha, NE. This is a well-respected, not-for-profit organization with a longstanding and close relationship with the Library of Congress.

The $200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum's photo archive collection will preserve our history and improve access to these priceless treasures.

The museum will provide a public service of Federal interest making it appropriate to promote a public-private partnership. This truly is a public-private partnership—the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The Library of Congress is an expert in the area of digitization and preservation of fragile photos and images. Taking that into consideration with the fact that the library enjoys ''a remarkable long-term relationship with the Durham Museum,'' to use the words of the Librarian of Congress, Dr. James Billington, it makes this partnership worthy of support and further makes this funding appropriate in this legislation.

To reiterate some of the points I made prior to the recess, this project is more than just a ''photo exhibit.'' In addition to making these images available to the public, the Durham will work with and assist the Library of Congress to establish conservation and preservation training programs, and on incorporating digitized primary source materials into school curricula.

While I understand my colleague and I may disagree on the larger philosophical issue about the role of Congress to set spending priorities, I note that this project relates explicitly to the goals and purposes of the Library to expand access to our Nation's most

treasured documents and artifacts. It will, through this partnership, make these historical images accessible nationally. It is funded here for that reason.

Lastly, not all treasures are located inside the beltway. The Durham Museum seeks to preserve a significant collection of images and photos that document the western expansion of this great Nation. These images will include, among others, a number of wonderful images of Presidents Roosevelt, Kennedy, and others; growth and development of the transcontinental railroad—the Union Pacific is headquartered in Omaha, NE—Native American tribes from across the country dating back to the 1880s; photographs taken by prominent early photographer William Henry Jackson, who lived and worked briefly in Omaha; stockyards and meatpacking industries, which brought many immigrants and settlers to that part of the country in the early and mid-20th century; early transportation, including steamboats, streetcars, and cityscapes.

Again quoting Dr. Billington:

Digitization of the Durham Museum's nationally significant collection of more than 500,000 images in prints, negatives, and glass plate negatives will greatly enhance citizens' access to these treasures and preserve them for future generations.

The project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project. I ask my colleagues to support its inclusion in this bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 14 seconds.

Mr. MCCAIN. Madam President, let me get this straight. We now have an unauthorized earmark, and there has never been a hearing or a request from the administration for this vital project in Omaha, NE. There has never been a hearing of any kind or a request from the administration, nor, to my knowledge, scheduling of any kind of hearing on it.

Of course, this is one of the classic examples of an earmark being put in because of the judgment of a Member of Congress who believes this project is important to his or her State or locality, and there has never been any competition for it. I am sure there are libraries all over America—including in Arizona—that would love to have a couple hundred grand to digitize and preserve materials related to the development of the West.

Let's get this straight. This is a Legislative Branch Appropriations bill intended to fund the legislative activities of the Congress of the United States, which has some connection to the Library of Congress, which I imagine that hundreds, if not thousands, of libraries throughout the country do, and then we connect it now as a rationale for $200,000 for the Durham Museum.

Again, all I say to my colleague from Nebraska is that Americans are tired of earmarking and projects that are not authorized, that there is no competition for, but are directly related to the influence of Members of Congress. It is wrong. We should remove this, and we should use this as an example of the kind of fiscal discipline that maybe we ought to start exercising, and I intend to go to the floor on earmark after earmark, and the American people are going to have tea parties all over America in direct objection to the kind of conduct we are exercising in Congress. I hope that sooner or later we will listen.

I yield back the remainder of my time.

Mr. NELSON of Nebraska. Madam President, I respectfully urge my colleagues to vote ''no'' on this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to amendment No. 1366. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—31

Alexander	Ensign	Martinez
Barrasso	Enzi	McCain
Bayh	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Hagan	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

Akaka	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Harkin	Reed
Bennet	Hatch	Reid
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Shelby
Burris	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feinstein	Nelson (NE)	

NOT VOTING—7

Brownback	Kennedy	Wicker
Byrd	Murray	
Isakson	Udall (NM)	

The amendment (No. 1366) was rejected.

AMENDMENT NO. 1365

Mr. COBURN. Madam President, I make a constitutional point of order that the earmark for the Durham Museum in Omaha, NE, as contained on page 21, line 15, after the word ''mission'' through line 20, violates article I, section 8 of the Constitution, and also violates the 10th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The Chair submits the constitutional point of order to the Senate. Is it in order to offer such an amendment to the bill?

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Is there further debate? If not, the clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—70

Akaka	Casey	Harkin
Baucus	Cochran	Hatch
Bayh	Collins	Hutchison
Begich	Conrad	Inouye
Bennet	Corker	Johnson
Bennett	Dodd	Kaufman
Bingaman	Dorgan	Kerry
Bond	Durbin	Klobuchar
Boxer	Feingold	Kohl
Brown	Feinstein	Landrieu
Burris	Gillibrand	Lautenberg
Cantwell	Grassley	Leahy
Cardin	Gregg	Levin
Carper	Hagan	Lieberman

Lincoln	Reed	Tester
McCaskill	Reid	Udall (CO)
McConnell	Rockefeller	Voinovich
Menendez	Sanders	Warner
Merkley	Schumer	Webb
Mikulski	Shaheen	Whitehouse
Murkowski	Shelby	Wicker
Nelson (NE)	Snowe	Wyden
Nelson (FL)	Specter	
Pryor	Stabenow	

NAYS—23

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bunning	Enzi	Risch
Burr	Graham	Roberts
Chambliss	Inhofe	Sessions
Coburn	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	

NOT VOTING—6

Brownback	Isakson	Murray
Byrd	Kennedy	Udall (NM)

The PRESIDING OFFICER. The point of order is not sustained. The substitute amendment is in order.

Under the previous order, the substitute amendment (No. 1365), as amended, is agreed to and the motion to reconsider is considered made and laid upon the table.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1294, the Legislative Branch Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $3.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $2.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $3.3 billion.

The Senate-reported bill is below its section 302(b) allocation for budget authority by $1.5 billion and below its allocation for outlays by $1.3 billion. The Senate-reported bill does not include funding for House-only items. Funding for these items will be included in the conference agreement. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1294, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	General purpose
Senate-Reported Bill:	
Budget Authority–	3,136
Outlays–	3,275
Senate 302(b) Allocation:	
Budget Authority–	4,622
Outlays–	4,615
House-Passed Bill:	
Budget Authority–	3,675
Outlays–	3,810
President's Request:	
Budget Authority–	5,154
Outlays–	4,912
Senate-Reported Bill Compared To:	
Senate 302(b) allocation:–	
Budget Authority –	−1,486
Outlays–	−1,340
House-Passed Bill:–	
Budget Authority –	−539
Outlays–	−535
President's Request:–	
Budget Authority –	−2,018
Outlays–	−1,637

Note: The Senate-reported bill does not include funding for House-only items.–

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

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. NELSON of Nebraska. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Mrs. MURRAY), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessariy absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 25, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—67

Akaka	Gillibrand	Murkowski
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Rockefeller
Bond	Johanns	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Shaheen
Burris	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McConnell	Wicker
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—25

Barrasso	Chambliss	Crapo
Bennet	Coburn	DeMint
Bunning	Conrad	Ensign
Burr	Cornyn	Enzi
Graham	McCain	Thune
Grassley	McCaskill	Udall (CO)
Inhofe	Risch	Vitter
Kyl	Roberts	
Martinez	Sessions	

NOT VOTING—7

Brownback	Kennedy	Udall (NM)
Byrd	Landrieu	
Isakson	Murray	

The bill (H.R. 2918), as amended, was passed, as follows:

H.R. 2918

Resolved, That the bill from the House of Representatives (H.R. 2918) entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $145,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $425,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISION

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SECTION 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88–454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking ''shall'' and inserting ''may''; and

(2) by adding at the end the following:

''(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

''(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

''(2) shall issue each report required under this section in electronic form; and

''(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,375,200,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $32,089,000 of which $4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $317,840,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $278,278,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the

Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

TRANSFER AUTHORITY

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,418,000, of which $883,990 shall remain available until September 30, 2011: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

''SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,587,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,305,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and

sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $118,597,000, of which $25,074,000 shall remain available until September 30, 2014: Provided, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,754,000, of which $14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,160,000, of which $7,050,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,898,000, of which $1,280,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,756,000.

ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER

SEC. 1202. (a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

DISABLED VETERANS; NONCOMPETITIVE APPOINTMENT

SEC. 1303. Section 3112 of title 5, United States Code, is amended—

(1) by inserting ''(a)'' before ''Under''; and

(2) by adding at the end the following:

''(b) For purposes of this section, the term 'agency' shall include the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking ''an account entitled 'Botanic Garden, Gifts and Donations'.'' and inserting ''an account entitled 'Botanic Garden, Operations and Maintenance'.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CONTRACTS WITH VENDORS.—

''(1) IN GENERAL.—The Architect of the Capitol may enter into a commission-based service contract with a vendor who, notwithstanding section 5104(c) of title 40, United States Code, may sell refreshments at the Botanic Garden and National Garden.

''(2) DEPOSIT AND USE OF COMMISSIONS.—Any amounts paid to the Architect of the Capitol as a commission under paragraph (1) shall be—

''(A) deposited in the account described under subsection (b); and

''(B) available for operation and maintenance in the same manner as provided under subsection (b).''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $441,033,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That, $200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the

International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,836,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: Provided, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 under standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

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

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,296,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $553,658,000: Provided, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $7,423,000 of reimbursements received

under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section 1138 of title 49, United States Code, is repealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(e) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''Provided further, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,456,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1341(c)) is amended by striking paragraph (6).

This Act may be cited as the ''Legislative Branch Appropriations Act, 2010''.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint the following conferees.

The Presiding Officer appointed Mr. NELSON of Nebraska, Mr. INOUYE, Mr. PRYOR, Mr. TESTER, Ms. MURKOWSKI, and Mr. COCHRAN conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONDURAS

Mr. COBURN. Mr. President, I want to spend a few minutes tonight talking about what is going on in Honduras. I have a lot of friends in Honduras, and I have this peculiar worry that we find ourselves on the wrong side of freedom in the situation that is happening in Honduras.

As you read the press clips, what we have heard is there was a coup. That, in fact, is not true. The Supreme Court of Honduras, under the direction of the Congress, asked the military to intercede because the President of Honduras

had violated their own laws. Yet our State Department and our foreign policy sided with Hugo Chavez, Raoul Castro, and the former President.

There is no question that improvements have been made in the past in Central and South America, but tonight we find ourselves supporting an anticonstitutional President of Honduras when, in fact, the Congress of Honduras and the Supreme Court of Honduras have said he is violating their laws. So rather than look at the whole picture, we have decided we will intervene in our diplomacy on the side of a Chavez-type, would-be dictator because what was happening in Honduras was an effort to change so you could have a President for life in Honduras. That is what was going on. That is why the Congress and that is why the Supreme Court of Honduras acted. We now are siding against the people of Honduras.

What is little known is 800 to 1,000 Venezuelan thugs were admitted into Honduras, in the week prior to this, with Honduran passports to create chaos or a systematic attempt to create upheaval and discord and rioting by Chavez's thugs. So now we find ourselves, the free United States, siding with somebody who wants to make sure the Honduran people are not free, to create another petro czar dictator in South Central America.

It is tremendously important we get this right. I think we are heading in the wrong direction right now. I think we are heading in the direction where we are going to make sure Honduras falls into the fold of Hugo Chavez, the last thing any of us should want. He has become the dictator in charge of Venezuela. He has nationalized American assets. He has corrupted the free Democratic process, and he seeks to do that in all the other areas where he can maintain influence. In fact, he was doing it.

The other thing that is important that is not well published is that the President of Honduras was totally associated with drug cartels, cash, the distribution and transmission of drugs into this country, and the moneys associated with that were used to buy people to support his pursuit of permanent power. Now we find ourselves out there on a limb with our foreign policy without looking at the whole story.

My main concern is about all those people who do want freedom in Honduras, who do believe we model in this country what they aspire to, and now the country they aspire to is siding against the vast majority of the people in Honduras. No illegal acts took place under the orders of the supreme court by the military—no illegal acts. Yet we didn't look at it close enough, and we have made now foreign policy decisions I fear are going to be irreversible.

There is no question things could be done better in Honduras, but there is also no question things could be done better here. For us to decide to side with the factors that are going to force Honduras into a situation similar to Cuba and Venezuela makes my blood boil, because not only are we going to eliminate and limit the freedom of those great people, we are going to help perpetuate the loss of freedom in that hemisphere.

So I call out to the President and the Secretary to do a reassessment. Let's relook at the facts. Let's talk to the people on the ground. Let's make sure we have the facts and the knowledge about what the vast majority of people in Honduras want. You can stimulate chaos if you pay enough money and bring enough people in to do that, which was the intent of President Zelaya.

My hope is that we will slow down, that we will use caution at every turn as we interface with the situation. The Honduran people have the right to have their Constitution followed. That is what they did when they executed the imposition of removal of the President of Honduras. They followed their own law, their own Constitution. They don't have the right of impeachment, but they do have the right of carrying out the orders of the supreme court, which were given. For us to take this position—and this strong of a position—on what I feel has been a diplomatic lack of information of what is truth in Honduras speaks poorly for us as a nation and, most importantly, undermines the hopes of the people from Honduras.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1294 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

PROMOTING U.S.-GERMAN FRIENDSHIP

Mr. BENNETT. Mr. President, I rise today to honor Dr. Georg Schulze Zumkley and members of his team at the German Information Center USA for their dedication in promoting friendship between the United States and Germany. Dr. Zumkley's work to commemorate the 60th anniversary of the Berlin Airlift is truly appreciated.

In the spring of 1948, Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city. A massive American, British, and French airlift mounted to save the city and provide supplies necessary to sustain life in Berlin. Mr. President, 2008 marked the 60th anniversary of the Berlin Airlift, one of the largest and longest running humanitarian airlift operations in history.

Dr. Zumkley's group was given the mission to commemorate the 60th anniversary of the Berlin Airlift, honor Airlift veterans, and tell the story of this great humanitarian effort. They planned and implemented the successful ''Friends-Always: 60 Years After the Berlin Airlift'' outreach program, and designed, produced and managed ''The Berlin Airlift—A Legacy of Friendship'' exhibit at more than 25 venues across the United States. It is estimated that more than 150,000 people will have visited the exhibit personally and learned about the legacy of the Berlin Airlift during its tour of the United States. Dr. Zumkley ensured that Airlift veterans personally received the German-American Friendship award as an expression of appreciation and gratitude from the German people. Additionally, Dr. Zumkley has worked far above and beyond his duties and displayed outstanding leadership qualities in the fulfillment of the team's mission.

I know my fellow Senators join me in thanking Dr. Zumkley and his team for their endeavors to promote U.S.-German friendship and to honor and celebrate the 60th anniversary of the Berlin Airlift.

ADDITIONAL STATEMENTS

COMMENDING VICE ADMIRAL BRUCE E. MACDONALD

● Ms. CANTWELL. Mr. President, today I honor VADM Bruce E. MacDonald, Judge Advocate General's

Corps, U.S. Navy, who is retiring after more than 31 years of faithful service to our Nation, culminating in his service as the Judge Advocate General of the Navy.

VADM Bruce MacDonald was born in 1956 in Cincinnati, OH. He graduated from the College of the Holy Cross in 1978 with a bachelor of arts degree in English, and entered the Navy in May of that year.

Vice Admiral MacDonald was commissioned an ensign in the unrestricted line through the Naval Reserve Officer Training Corps. Following surface warfare training, he reported to the USS Hepburn, FF 1055, in October 1979, where he served as the Main Propulsion Assistant and Navigator. After a 2-year tour at Fleet Combat Training Center, Pacific, where he served as Intermediate Combat Systems Team Training and Advanced Multi-Threat Team Training Course Director, he was selected for the Navy's Law Education Program in 1984. He received his degree of Juris Doctor from California Western School of Law in 1987.

In 1987, Vice Admiral MacDonald reported to Naval Legal Service Office, San Diego, where he served as Senior Defense Counsel, Trial Counsel, and Medical Care Recovery Act claims officer. In 1990, he reported aboard USS Independence, CV 62, as the Command Judge Advocate. After receiving a master of laws degree from Harvard Law School in 1992, he was transferred to Seoul, Republic of Korea, where he served as Chief, Operational Law Division, on the staffs of United Nations Command, Combined Forces Command and United States Forces Korea. He also served as Staff Judge Advocate on the staff of U.S. Naval Forces Korea.

In August 1994, Vice Admiral MacDonald reported aboard Naval Legal Service Office Northwest as its executive officer. In November 1996, he became the Officer-in-Charge of Trial Service Office West Detachment, Bremerton, WA. In July 1997, he reported to Commander Seventh Fleet in Yokosuka, Japan, as the Fleet Judge Advocate. Vice Admiral MacDonald assumed command of Naval Legal Service Office, Northwest, in August 1999, serving as commanding officer until June 2002. He was assigned to the Pentagon as the Special Counsel to the Chief of Naval Operations from June 2002 through October 2004. In November 2004, Vice Admiral MacDonald became the Deputy Judge Advocate General of the Navy and Commander, Naval Legal Service Command. In July 2006, Vice Admiral MacDonald assumed his current position as Judge Advocate General of the Navy.

Vice Admiral MacDonald is admitted to practice before the courts of the State of California and the U.S. District Court for the Southern District of California. His military decorations include the Navy Distinguished Service Medal, the Legion of Merit with two Gold Stars, the Defense Meritorious Service Medal, the Navy Meritorious Service Medal with Gold Star, the Navy Commendation Medal with Gold Star, and the Navy Achievement Medal with Gold Star.

It is through the commitment and sacrifice of Americans such as Vice Admiral MacDonald that our Nation is able to continue upon the path of democracy and strive for the betterment of mankind. I am proud to thank him, his wife Karen, and daughter Erin for his honorable service to our nation in the U.S. Navy. I wish him fair winds and following seas as he concludes a distinguished naval career.●

COMMENDING VINCE NESCI

● Mr. CARPER. Mr. President, today I recognize Vince Nesci who, in a few months, will retire from Amtrak after 33 years as its chief mechanical officer. Vince has dedicated his adult life to improving passenger rail transportation in America, and I wish him the very best in retirement.

Railroaders are not employed; they serve, and Vince's retirement will culminate a lifetime of service to the railroad and country. He began his service in the Air Force as a flight engineer, flying on the remarkably durable C–130 Hercules transports. He performed aerial delivery missions of every kind—paratroop drops, low altitude equipment and cargo drops, and heavy equipment drops.

After leaving the Air Force, Vince went to work on the Penn Central Railroad in 1974. Since that day, he has never drawn a paycheck that wasn't issued by a railroad. He began in the traditional way, as a laborer in the mechanical department, working on the famous GG–1 class electric engines that Penn Central had inherited from its 1930s-era predecessor, the Pennsylvania Railroad. He qualified as an electrician and a machinist, putting his natural engineering aptitude to the task of learning the tics and tricks of 40-year-old locomotives with millions of miles on them.

His skill was rewarded, and he rose through the ranks. Promotion followed promotion, and he soon became a foreman and then a general foreman with Penn Central. When Amtrak took over its labor force from the freight railroads, Vince continued the unforgiving job of making sure that engines and cars would be ready to roll when the minute hand touched the top of the hour in Washington, Boston, or New York each day. He was there to work on each generation of new engines and to supervise the men and women who were working on them. He witnessed the end of the GG–1s and saw three new generations of locomotives emerge for Northeast Corridor service.

When the time came to rebuild the 20-year-old AEM–7 locomotives in 2001, Vince took on the job as the company's chief mechanical officer. This was a demanding job, and the shops accomplished it in large part because Vince was there to keep the process moving, to wade into a problem on the shop floor, and to figure out the answers to tough technical questions that manuals and instructions couldn't answer. He was no mere manager—he was that very traditional combination of expert practical mechanic, engineer, and operating man that railroad chief mechanical officers have always had to be. And through some of the toughest times Amtrak has ever faced, when money to keep the trains on the road was scarce, he kept things moving. He was famous on the railroad for his good humor, his skill, and his understanding of how locomotives worked. He was liked, but more importantly, he was respected, and his opinion carried weight in both the board room and on the shop floor.

Vince begins almost every day of his work with a smile. There is hardly ever a time that, when you talk to Vince, he does not greet your questions or begin his answers without a smile. When he talks about the cars and locomotives in his care, he speaks quickly because he is enthusiastic and wants you to feel the enthusiasm he has for the work he does. Whether the temperature is 100 degrees or 10 below zero, Vince always wears a short-sleeved white cotton shirt. If one asks him why he only wears a short-sleeved shirt, he will tell you without a moment's hesitation that when you wear short sleeves, you don't have to roll up your sleeves when you get to work.

People like Vince Nesci don't come along very often, and when they do, we should be thankful that we get to spend time with them and learn from them. The railroad is a better and safer place because of Vince, and the good news is that he has helped train a cadre of people who will be there after he leaves to carry on the work that needs to be done.

Now he has come to the end of his long career, and will soon depart into a well-earned retirement. His working life has encompassed the transformation of the Northeast Corridor, from a tentative experiment to a modern, high-speed intercity passenger rail system. Nobody has worked harder than Vince to build the railroad that may one day become a model for transportation in our country, and no one can take more justified pride in the safe, reliable, and frequent passenger rail service that travelers enjoy today than Vince Nesci.

I thank Vince for the warm friendship that we share, and I congratulate him on a truly remarkable and distinguished career. I wish him, his wife Donna, and their family the very best in all that lies ahead for each of them. As we say in the Navy on occasions like this, ''fair winds and a following sea.''●

150TH ANNIVERSARY OF JEFFERSON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 150th anniversary of the founding of Jefferson, SD. This community in southeastern South Dakota has a rich heritage, as well as a promising future.

Jefferson was first settled in 1859 by three families on the site of Lewis and Clark's first settlement in South Dakota. Its original name was Adelescat after young girl, Adele, lost her cat and all the settlers joined together to find it. In 1876, the town built their Grasshopper Cross to keep their crops safe after 2 particularly hard years. The town was formally organized in 1885 after the arrival of the railroad and renamed for President Thomas Jefferson.

The people of Jefferson celebrate this momentous occasion on the weekend of July 10–12, 2009. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. One hundred and fifty years after its founding, Jefferson remains a progressive community and a great asset to the wonderful State of South Dakota. I am proud to honor Jefferson on this historic milestone.●

REMEMBERING MARIA CAROLINA HINESTROSA

● Ms. MIKULSKI. Mr. President, on behalf of the people of Maryland, and breast cancer fighters worldwide, I wish to express my heartfelt condolences to the family and friends of Ms. Carolina Hinestrosa, who passed away last week after battling soft tissue sarcoma, a side effect of past breast cancer treatment. Ms. Hinestrosa served for 5 years as the executive vice president of the National Breast Cancer Coalition, in which capacity she fought passionately for the coalition's work to eradicate breast cancer. My thoughts and prayers are with Ms. Hinestrosa's family and friends during this difficult time.

After a 1994 breast cancer diagnosis, Ms. Hinestrosa turned her suffering into an opportunity when she joined with a group of survivors and health care professionals to form Nueva Vida, the only comprehensive support network for Latinas with breast and cervical cancer in the Washington metropolitan area.

As executive director of Nueva Vida, Ms. Hinestrosa gave voice to the struggles of Latinas with breast cancer, representing them on the board of directors of the National Breast Cancer Coalition and the National Cancer Institute's Central Institutional Review Board. She also played a leading role in the development of the International Latina Breast Cancer Advocacy Network.

While serving as executive vice president of the National Breast Cancer Coalition, Ms. Hinestrosa was a member of many national panels including the Department of Defense Breast Cancer Research Program and numerous committees for the Institute of Medicine. Most recently she was an appointee to the IOM Committee on Comparative Effective Research.

Ms. Hinestrosa is remembered by those who knew her as an extraordinary woman who contributed so much to women's health, breast cancer, and minority rights. An outpouring of admiration has come from the many people she touched.

Fran Visco, president of the National Breast Cancer Coalition, said Ms. Hinestrosa ''was incredibly brilliant, analytical and at the same time warm and compassionate. Nothing intimidated Carolina because of her determination to change the system.'' Director of the National Cancer Institute John Niederhuber wrote ''she was a remarkable woman. She was the type of person who you never forgot encountering. She was smart and passionate; committed and accomplished. The cancer community has lost an important voice.'' The director of the Agency for Healthcare Research and Quality, Carolyn Clancy, worked frequently with Carolina and wrote that ''her legacy is that patients and consumers are recognized voices in efforts to improve health care quality. Her contribution has inspired physicians, scientists, employers to focus on patients needs.''

Ms. Hinestrosa was born in Bogotá, Columbia, and came to the United States in 1985 on a Fulbright scholarship to pursue a master's in economics. Carolina impacted countless people in her work both here in Washington, DC, and elsewhere. She was just 50 years old at the time of her passing and leaves behind a husband and daughter.

We must carry on Ms. Hinestrosa's work in eradicating breast cancer from our midst. Until then, we must continue to support one another and honor the legacy of passion and commitment that Carolina left behind.●

COMMENDING KEVIN McENEANEY

● Mrs. SHAHEEN. Mr. President, I would like to congratulate and honor Mr. Kevin McEneaney of Dover, NH, for his faithful service to the New Hampshire Board of Land Surveyors. Mr. McEneaney served on the board from August 18, 1999, until July 11, 2009, and he led the board as chairman during the final 2 years of his term.

The New Hampshire Board of Land Surveyors' mission is to set the standards for licensing and regulating land surveyors. The board sets the technical and ethical standards for the profession and is committed to upholding the highest level of public safety.

For a decade, Mr. McEneaney demonstrated the utmost integrity and professionalism in his work on the board. His colleagues have recognized his diligence and his generosity of spirit. His contributions to the Board of Land Surveyors and to the people of New Hampshire are admirable. I commend Mr. McEneaney for his exemplary service to our State.

On a personal note, I have known Mr. McEneaney since he was a student in my class at Dover High School almost 40 years ago. I have seen firsthand his integrity, his work ethic, and his commitment to his community. I know he will succeed in whatever he does, and I wish him well in his future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2454. An act to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 2996. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

The message further announced that pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. OBERSTAR of Minnesota, Chairman, Mr. MEEKS of New York, Vice-Chairman, Ms. SLAUGHTER of New York, Mr. STUPAK of Michigan, Ms. KILPATRICK of Michigan, Mr. HODES of New Hampshire, Mr. WELCH of Vermont, Mr. MANZULLO of Illinois, Mr. STEARNS of Florida, Mr. BROWN of South Carolina, and Mrs. MILLER of Michigan.

The message also announced that pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. CHANDLER of Kentucky, Chairman, Mr. SIRES of New Jersey, Vice-Chairman, Mr. CLYBURN of South Carolina, Mr. ETHERIDGE of North Carolina, Mrs. DAVIS of California, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Mr. PETRI of Wisconsin, Mr. BOOZMAN of Arkansas, Mr. CRENSHAW of Florida, Mr. ADERHOLT of Alabama, and Mr. LATTA of Ohio.

The message further announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the Public Interest Declassification Board for a term of 3 years: Mr. David Skaggs of Longmont, Colorado.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2996. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2454. An act to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mount Sterling, Illinois'' ((RIN2120–AA66) (6–8/6–8/0115/AGL–3)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Waverly, Ohio'' ((RIN2120–AA66) (6–8/6–8/1236/AGL–16)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cleveland, Ohio'' ((RIN2120–AA66) (6–8/6–8/0127/AGL–4)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Waverly, Ohio'' ((RIN2120–AA66) (6–4/6–8/1236/AGL–16)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Modification of Class E Airspace; Bunnell, Florida'' ((RIN2120–AA66) (Docket No. FAA–2009–0327)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–92A Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–0518)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica ltda. Model AMT–200 and AMT–300 Series Gliders'' ((RIN2120–AA64) (Docket No. FAA–2009–0323)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42–200, ATR42–300, ATR42–320, ATR42–500, ATR72–101, ATR72–201, ATR72–102, ATR72–202, ATR72–211, ATR72–212, and ATR72–212A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1237)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0523)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42–500 and ATR72–212A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0524)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0284)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0530)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB-Werke Model G120A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0531)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47, 47B, 47B3, 47D, 47D1, 47E, 47G, 47G–2, 47G–2A, 47G–2A–1, 47G–3, 47G–3B, 47G–3B–1, 47G–3B–2, 47G–3B–2A, 47G–4, 47G–4A, 47G–5, 47G–5A, 47H–1, 47J, 47J–2, 47J–2A, and 47K Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–0484)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0612)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4605R, FR–622R, and C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Model A310 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1082)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0133)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2154. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCTA Model TBM 700 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0557)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2155. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. PA–23, PA–31, and PA–42 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0218)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2156. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0261)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2157. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cleveland, Ohio'' ((RIN2120–AA66) (6–4/6–8/0127/AGL–4)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2158. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0262)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes; and Model A310 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0218)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42–200, ATR42–300, ATR42–320, ATR 42–500, ATR72–101, ATR72–201, ATR72–102, ATR72–202, ATR72–211, ATR72–212, and ATR72–212A'' ((RIN2120–AA64) (Docket No. FAA–2008–1237)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–0163)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1364)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2163. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce Corporation AE 2100D2, AE 2100D2A, AE 2100D3, and AE 2100J Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0082)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2164. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DE Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0005)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2165. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200CB, and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–29067)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2166. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0213)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2167. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–0482)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2168. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–202, –223, –243, –301, –322, and –342 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0479)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2169. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model HS 748 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0478)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2170. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; M7 Aerospace LP Models SA226–AT, SA226–T, SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, and SA227–DC (C–26B) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0119)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–0453)) received in the Office of the President of the Senate on June 24, 2009; to

the Committee on Commerce, Science, and Transportation.

EC–2172. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0218)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2173. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–27747)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2174. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0498)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2175. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Airplanes and Airbus Model A300–600 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0486)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2176. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emissions Standards for Turbine Engine Powered Airplanes; CORRECTION'' ((RIN2120–AJ41) (Docket No. FAA–2009–0112)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2177. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (33); Amdt. No. 481'' (RIN2120–AA63) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2178. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Calculation of Noise Levels Published in Advisory Circular 36–3'' (14 CFR Part 36) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2179. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amendment No. 3325)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2180. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amendment No. 3324)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2181. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amendment No. 3327)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2182. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amendment No. 3326)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2183. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Interim Statement of Agency Policy and Interpretation on the Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment'' (Docket No. 2009–0057, Notice No. 1) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2184. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''E–911 Grant Program'' ((RIN2127–AK37) (Docket No. NTSA–2009–0142)) received in the Office of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2185. A communication from the Paralegal, Federal Transit Authority, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Buy America; Petition for Rulemaking'' ((RIN2132–AA99) (Docket No. FTA–2008–0057)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2186. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Worker Visibility'' ((RIN2125–AF28) (Docket No. FHWA–2008–0157)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2187. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the expenditure of funds under the Recovery Act; to the Committee on Commerce, Science, and Transportation.

EC–2188. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2008 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–2189. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mount Sterling, Illinois'' ((RIN2120–AA66) (6–4/6–8/0115/AGL–3)) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–52. A resolution adopted by the Legislature of the State of Minnesota urging Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; to the Committee on Indian Affairs.

RESOLUTION

Whereas, in the aftermath of the events of 1862—the delay of United States treaty payments to the Dakota, the refusal of white traders to sell to them, the resulting starvation on the reservation, and the ensuing Dakota Conflict—white sentiment against Indian people was at its height, and many were pressing for the execution of 303 Dakota and mixed-blood men; and

Whereas, fearing that there would be further violence if he did not act, and to appease public feeling, Abraham Lincoln cooperated with the efforts of Congress to remove Indian people unilaterally, without even the semblance of agreement by treaty, by signing ''An Act for the Removal of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota Bands of Sioux or Dakota Indians, and for the Disposition of their Lands in Minnesota and Dakota,'' an action which ultimately ignited the Plains Indian Wars and brought 30 more years of conflict; and

Whereas, the act remains in federal law to this day, despite the fact that its terms are obsolete and its presence is a continuing offense; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803–804, chapter 103; and be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

REPORTS OF COMMITTEES DURING THE ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of June 25, 2009, the following reports of committees were submitted on July 2, 2009:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1390. An original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 111–35).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes (Rept. No. 111–36).

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes (Rept. No. 111–37).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1391. An original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1392. An original bill to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An original bill to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1394. A bill to direct the Secretary of Veterans Affairs to acknowledge the receipt of medical, disability, and pension claims and other communications submitted by claimants, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAPO:

S. 1395. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1396. A bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mrs. GILLIBRAND):

S. 1397. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S. 1398. A bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 1399. A bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 207. A resolution recognizing the 100th anniversary of the Indianapolis Motor Speedway; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 240, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 259

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 434

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 434, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 471

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school

counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 717

At the request of Mr. DODD, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 831

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 841

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. MARTINEZ), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Rhode Island (Mr.

WHITEHOUSE) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. BENNET, his name was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 921

At the request of Mr. CARPER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 921, a bill to amend chapter 35 of title 44, United States Code, to recognize the interconnected nature of the Internet and agency networks, improve situational awareness of Government cyberspace, enhance information security of the Federal Government, unify policies, procedures, and guidelines for securing information systems and national security systems, establish security standards for Government purchased products and services, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 944

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 975

At the request of Mr. MARTINEZ, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 975, a bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1002

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1020

At the request of Mr. WHITEHOUSE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1020, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1079

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1079, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under the Medicare program.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1129

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1129, a bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment.

S. 1132

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1166

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 1167

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1167, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1223

At the request of Mr. JOHANNS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1223, a bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities.

S. 1229

At the request of Ms. LANDRIEU, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1229, a bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 1230

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1243

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1243, a bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was withdrawn as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1253

At the request of Mr. CORKER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1267

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1267, a bill to amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant women and low-income families with young children, and for other purposes.

S. 1283

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1283, a bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Iowa (Mr. HARKIN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1308

At the request of Mr. LAUTENBERG, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1375

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1382

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1384

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide a senior housing facility plan option under the Medicare Advantage program.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. MARTINEZ) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut

(Mr. LIEBERMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 206

At the request of Mr. JOHANNS, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 206, a resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement.

AMENDMENT NO. 1367

At the request of Mr. DEMINT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 1367 proposed to H.R. 2918, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1396. A bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, I rise today to offer a bill to reduce the production of black carbon, a potent contributor to global climate change. I am pleased to be joined on this bill by my friend and colleague, Senator DURBIN, as the lead cosponsor.

Black carbon is a particulate produced during the incomplete combustion of carbon-containing materials. It has been estimated to have, on an equivalent mass basis, more than 500 times the global warming potential of carbon dioxide. Reducing the production of black carbon would help stabilize the global climate.

Black carbon is produced by some events, such as forest fires, that cannot easily be corrected by Senate actions. My bill addresses a mechanism of black carbon production that we can influence.

Throughout the world today, an estimated two billion people cook with solid fuels over an open fire or with primitive stoves. More than 50 percent of the controllable black carbon emissions in the world are due to these practices. Modern stoves, designed to efficiently burn fuel, can eliminate up to 90 percent of the black carbon produced during cooking and home heating.

Additionally, cooking and heating with poorly designed stoves emits noxious gases and particulates. Experts believe that these pollutants cause the premature deaths of over 1 million people, chiefly women and children, each year. Replacing these stoves with modern alternatives will strongly reduce the number of these deaths. There is a real need to find alternatives to those poorly performing stoves to improve global environmental and human health.

The U.S. Agency for International Development carries out activities under a number of existing projects to place low-cost, fuel efficient stoves in poor communities. It has found that, to be successful, the new stoves must be customized to fit the needs and cooking traditions of the community. These programs have had a very positive impact. But, they have not had the resources to optimize stoves to minimize black carbon emissions.

Our bill authorizes $1 million per year for 2 years for the U.S. Agency for International Development to conduct a pilot program to develop and test stoves that optimize both fuel efficiency and black carbon reduction.

This measure addresses an issue, global climate change, that we must take very seriously. It also provides funding that, while addressing an important global pollutant, also alleviates a public health disaster affecting developing nations. I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1396

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) BLACK CARBON.—The term ''black carbon'' means a particulate formed through the incomplete combustion of fossil fuels, biofuel, and biomass.

SEC. 2. PILOT PROGRAM ON PROMOTION OF FUEL-EFFICIENT STOVES ENGINEERED TO OPERATE WITHOUT THE PRODUCTION OF BLACK CARBON.

The Administrator shall establish a 2-year pilot program to promote the production and use of fuel-efficient stoves that—

(a) do not produce significant amounts of black carbon; and

(b) are customized for use throughout the world.

SEC. 3. REPORTS TO CONGRESS.

Not later than 6 months after the date of the enactment of this Act, and not later than 30 days after the last day of the pilot program established under section 2, the Administrator shall submit to Congress a report on the pilot program that includes—

(1) the names of the organizations receiving funding through the pilot program;

(2) the names of communities identified for participation in the pilot program and descriptions of the socioeconomic parameters that led to their selection for participation in the pilot program;

(3) a description of the services carried out by the Administrator under the pilot program;

(4) an assessment of the effectiveness of the pilot program; and

(5) the recommendations of the Administrator with respect to the extension or expansion of the pilot program.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $1,000,000 for each of the fiscal years 2010 and 2011.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 1399. A bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce The Carbon Market Oversight Act, which is cosponsored by Senator SNOWE.

I believe this bill is necessary to ensure that future markets created by proposed climate change legislation are transparent and free from manipulation.

Our legislation would establish a comprehensive framework to regulate both primary and derivative carbon markets at the Commodity Futures Trading Commission, CFTC.

Trading would be transparent and electronically monitored.

Manipulation, fraud, and excessive speculation would be prohibited, and violations would be severely punished.

All carbon permits and standardized carbon derivatives would have to be traded through facilities that monitor trading, establish fair trading rules, and follow established regulatory principles.

All standardized contracts would have to be cleared through a centralized counterparty clearinghouse, to reduce systemic risk.

CFTC would maintain a centralized position accounting system to monitor all large traders across multiple markets.

Traders, dealers, and brokers would have to be educated, would have to pass an exam to demonstrate competence, and would need to maintain certification.

Bottom line: the legislation would use lessons learned in other markets to establish the most comprehensive and

efficient market oversight structure in the U.S.

This legislation is necessary because cap and trade legislation would create, in an unprecedented manner, an extremely large new financial market.

Without regulation, this market would likely emerge quickly into one of the largest over-the-counter derivatives markets in the world.

Resources for the Future Economist Dallas Burtraw recently testified in Congress that putting a price on carbon dioxide emissions through ''a cap and trade program would constitute the greatest creation of government-enforced property rights since the 19th century.''

Depending on the stringency of the cap, the breadth of the program, and the cost containment measures employed, the annual value of the pollution permits alone is estimated to range from $100 billion to $370 billion. Secondary markets for futures, options, and over-the-counter derivatives are expected to be considerably larger than that market.

If we fail to establish a framework for oversight, the greenhouse gas market could turn into a wild west.

The market would invite the worst kind of manipulation, fraud, and abuse.

The resulting volatility would affect consumer energy costs and harm the environmental goals of the system.

My concerns regarding the emergence of new over-the-counter derivatives markets are based on real experience, not hypothetical situations.

In 2000 and 2001, newly created California energy markets lacked the basic protections proposed in this legislation.

Specifically, there was no federal oversight to assure transparency, no limits on speculation, no prohibition on manipulation, no requirements to prevent systemic risk, no monitoring of trading to address price spikes and irregularities, and no professional requirements to ensure that energy traders and dealers knew the law and followed a professional code of conduct.

In short, the electricity and related natural gas markets emerged before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

The market that looked more like the wild west than an efficient price discovery tool.

Enron, for instance, ran a market where only it knew the prices. It was able to manipulate natural gas and electricity prices beyond the view of any third party, and it swindled the people of California to the tune of billions of dollars.

Not until enactment of the Energy Policy Act of 2005, years after the crisis, were we able to amend the Natural Gas Act and the Federal Power Act to clarify that this manipulation was unlawful.

Not until the Farm Bill in 2008 were we able to close the infamous ''Enron Loophole'' that had allowed Enron to operate an unregulated electronic energy trading exchange in which prices were not public, speculation was unlimited, and there was no audit trail.

More recently, our government failed to establish a regulatory framework for over-the-counter, OTC, credit default swap and energy derivative markets.

First, energy swaps markets wreaked havoc on oil and other energy commodity prices during the speculative energy bubble of 2008.

Then, credit default swaps emerged from the shadows to bring our entire financial system to the brink of collapse.

According to the Treasury Department's recent report titled Financial Regulatory Reform: A New Foundation, a ''lax regulatory regime for OTC derivatives'' can be blamed for creating a situation in which ''regulators were unable to identify or mitigate the enormous systemic threat that had developed.''

The Obama administration has called for Congress to rectify this failure by giving regulators tools to provide transparency, limit excessive speculation, require margins, and require clearing and other systemic risk mitigation measures.

First in California, then in energy derivatives markets, and finally in financial swaps markets, we have learned the same three lessons.

First, unregulated and non-transparent markets do not perform the price discovery function effectively. They are more volatile than supply and demand can explain.

Second, transparency leads to informed buyers and sellers, improving market functionality and price discovery. Economics stands on a basic tenet: perfect markets require perfect information. The more transparent the market, the more likely it is functioning efficiently.

Third, totally unregulated markets are prone to increased risk taking and manipulative schemes that can bring about market failure, posing a risk to our financial system.

In each of the cases I have described, we in government have learned these lessons the hard way.

systemic or near-systemic collapse in each market reminded us that regulation plays an essential role in market functionality.

Scientists tell us that we need to reduce greenhouse gas emissions by approximately 80 percent by 2050, and economists believe that a cap and trade system with a greenhouse gas emissions allowance market would be the most cost-efficient way to guarantee specified levels of emissions reductions.

The economists also tell us that markets are most efficient when: buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

That is why we need to prevent manipulation, fraud, and a lack of transparency.

Senator SNOWE and I introduce this legislation today so that we will not have to learn the lessons taught by recent unregulated over-the-counter derivatives markets one more time.

We propose to establish mature and effective regulation for this market before it booms, busts, and threatens our economic wellbeing.

Our legislation would establish a transparent carbon market governed by proven regulatory principles and practices to maintain stable prices that reflect supply and demand, including: transparency. We know that transparency can be provided by requiring reporting, record keeping, and publication of trading information.

Position Limits. We know that speculation can be limited by imposing comprehensive, aggregate position limits across multiple markets.

Monitoring. We know that fraud and manipulation can be prevented and identified by active, electronic monitoring of trading.

Clearing. We know that systemic risk can be mitigated by requiring margins and central counterparty clearing through a CFTC regulated clearing house.

Professional Standards. We know that trader and dealer abusive behavior can be controlled and punished if traders and dealers are governed by a code of conduct.

Bottom line: this legislation is vital to protecting the market integrity of greenhouse gas emissions markets, and it should be included as part of any cap and trade legislation approved by Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1399

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Carbon Market Oversight Act of 2009''.

SEC. 2. REGULATION OF CARBON MARKETS.

(a) IN GENERAL.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end the following:

''TITLE II—REGULATION OF CARBON MARKETS

''SEC. 201. PURPOSES.

''The purposes of this title are—

''(1) to ensure that the greenhouse gas market established by this title—

''(A) is formed in a manner consistent with the public interest and

''(B) is formed in a manner consistent with the goal of reducing greenhouse gas emissions in the United States;

''(C) is designed to prevent fraud and manipulation, which could potentially arise from many sources, including—

''(i) the concentration of market power within the control of a limited number of individuals or entities;

''(ii) the abuse of material, nonpublic information; and

''(iii) the unique nature of the allowance markets in which supply is known and declining over time, but demand is unknown, which can create an inherent potential for scarcity;

''(D)(i) is appropriately transparent, with real-time reporting of quotes and trades;

''(ii) makes information on price, volume, and supply, and other important statistical information, available to the public on fair, reasonable, and nondiscriminatory terms;

''(iii) is subject to appropriate recordkeeping and reporting requirements regarding transactions; and

''(iv) has the confidence of investors;

''(E) functions smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

''(F) promotes just and equitable principles of trade; and

''(G) establishes an equitable system for the best execution of customer orders;

''(2) to minimize transaction costs for regulated entities so that the cost of abatement is reduced for those entities and customers of those entities;

''(3) to establish a cost-effective capability for real-time monitoring of the market in order to avoid manipulation and market failure;

''(4) to minimize the volatility induced by the structure of the marketplace itself in the interest of providing an accurate price signal for regulated entities; and

''(5) to ensure that the markets will function in a stable and efficient manner to promote the environmental and economic objectives of the United States.

''SEC. 202. DEFINITIONS.

''In this title:

''(1) CARBON CLEARING ORGANIZATION.—The term 'Carbon Clearing Organization' means the entity established under section 206(a).

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means for each greenhouse gas, the quantity of the greenhouse gas that the Administrator of the Environmental Protection Agency determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

''(3) DEALER.—The term 'dealer' means an individual, association, partnership, corporation, or trust that—

''(A) is engaged in soliciting or in accepting orders for the purchase or sale of a regulated instrument on or subject to the rules of a registered carbon trading facility; and

''(B) in or in connection with the solicitation or acceptance of such an order, accepts money, securities, or property (or extends credit in lieu of such an acceptance) to margin, guarantee, or secure any trade or contract that results or may result from such an acceptance.

''(4) DIRECTOR.—The term 'Director' means the Director of the Office.

''(5) ELECTRONIC MARKET TRADER.—The term 'electronic market trader' means a person who executes a trade on an electronic trading facility.

''(6) ELECTRONIC TRADING FACILITY.—The term 'electronic trading facility' means a trading facility that—

''(A) operates by means of an electronic or telecommunications network; and

''(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

''(7) EMISSION ALLOWANCE.—The term 'emission allowance' means a Government-issued or Government-accredited authorization to emit 1 carbon dioxide equivalent of greenhouse gas.

''(8) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) sulfur hexafluoride;

''(E) a perfluorocarbon; or

''(F) a hydrofluorocarbon.

''(9) INTRODUCING BROKER.—

''(A) IN GENERAL.—The term 'introducing broker' means any person engaged in soliciting or in accepting orders for the purchase or sale of a regulated instrument on or subject to the rules of a registered carbon trading facility, who does not accept money, securities, or property (or extend credit in lieu of such an acceptance) to margin, guarantee, or secure any trade or contract that results or may result from such a solicitation or acceptance.

''(B) EXCLUSION.—The term 'introducing broker' does not include an individual who elects to be and is registered as an associated person of a dealer.

''(10) MEMBER.—The term 'member' means, with respect to a trading facility, an individual, association, partnership, corporation, or trust owning or holding membership in, admitted to membership representation on, or having trading privileges on the trading facility.

''(11) OFFICE.—The term 'Office' means the Office of Carbon Market Oversight established by section 203(a)(1).

''(12) PRIVATE BILATERAL CONTRACT.—The term 'private bilateral contract' means a nonstandard contract that lacks each of the following characteristics:

''(A) The applicable transaction or class of transactions settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered trading facility.

''(B) The price of the applicable transaction or class of transactions is reported to a third party, published, or otherwise disseminated.

''(C) The price of the applicable transaction or class of transactions is referenced in another transaction.

''(D) There is a significant volume of the applicable transaction or class of transactions.

''(E) The value of the applicable transaction is significant in comparison to the value of the underlying carbon derivative market.

''(F) The contract or applicable transactions meets other criteria that the Commission determines to be appropriate.

''(13) REGISTERED CARBON TRADER.—The term 'registered carbon trader' means a member, in good standing, of a registered carbon trading facility who has registered with the Commission under section 205(b).

''(14) REGISTERED CARBON TRADING FACILITY.—The term 'registered carbon trading facility' means a facility that meets standards established by the Commission under section 203(d)(1).

''(15) REGULATED ALLOWANCE.—The term 'regulated allowance' means—

''(A) an emission allowance; or

''(B) a Government-issued unit of reduction in the quantity of emissions, or an increase in sequestration, equal to 1 carbon dioxide equivalent.

''(16) REGULATED ALLOWANCE DERIVATIVE.—The term 'regulated allowance derivative' means an instrument that is or includes—

''(A) any instrument, contract, or other obligation (or guaranty or indemnity of such an obligation), the value of which, in whole or in part, is linked to the price of a regulated allowance or another regulated allowance derivative;

''(B) any contract for future delivery (including an option, a swap agreement, or a futures contract) of—

''(i) a regulated allowance; or

''(ii) any obligation described in subparagraph (A); or

''(C) any other contract—

''(i) the value of which is derived from the existence of a market for regulated allowances; and

''(ii) that the Commission has not determined to be a private bilateral contract.

''(17) REGULATED INSTRUMENT.—The term 'regulated instrument' means—

''(A) a regulated allowance; or

''(B) a regulated allowance derivative.

''(18) SHORT SALE.—The term 'short sale' means—

''(A) any sale of a regulated allowance that the seller does not own; and

''(B) any sale that is consummated by the delivery of a regulated allowance borrowed by, or for the account of, the seller.

''(19) TRADING FACILITY.—

''(A) IN GENERAL.—The term 'trading facility' means 1 or more individuals or entities that constitute, maintain, or provide a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions involving a regulated instrument by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

''(B) INCLUSION.—The term 'trading facility' includes a telephone voice brokerage that executes multiple, largely offsetting, bilateral transactions.

''(20) UNITED STATES.—The term 'United States' includes the territories and possessions of the United States.

''SEC. 203. OFFICE OF CARBON MARKET OVERSIGHT; JURISDICTION.

''(a) ESTABLISHMENT OF OFFICE OF CARBON MARKET OVERSIGHT.—

''(1) IN GENERAL.—There is established within the Commission an Office of Carbon Market Oversight.

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Office shall be headed by a Director for Carbon Market Oversight.

''(B) ADDITIONAL NATURE OF POSITION.—The position of Director for Carbon Market Oversight shall be in addition to the directors of other offices of the Commission.

''(C) APPOINTMENT; QUALIFICATIONS.—The Director shall be—

''(i) appointed by the Commission; and

''(ii) an individual who is, by reason of background and experience in the regulation of commodities, securities, or other financial markets, especially qualified to direct a program of oversight of the market in regulated instruments.

''(b) ADMINISTRATION OF THIS TITLE.—The Commission, acting through the Director, shall administer this title.

''(c) DUTY OF COMMISSION.—The Commission shall regulate all contracts of sale involving regulated instruments under the jurisdiction of the Commission.

''(d) REGULATIONS.—The Commission shall, not later than 1 year after the date of enactment of this title, promulgate regulations

governing the implementation of this title, and periodically thereafter, revise the regulations as necessary, including regulations that relate to—

''(1) specific initial and ongoing standards for qualification as a registered carbon trading facility;

''(2) position limits for individual market participants, adjusted as necessary based on market conditions;

''(3) margin requirements for the instruments traded by registered carbon trading facilities;

''(4) suitability standards for the solicitation by members of carbon instruments to retail investors;

''(5) a best execution standard for regulated allowance trading, such as the standard used in the national securities markets;

''(6) approval of—

''(A) specific protocols of the central limit order books of carbon trading facilities; and

''(B) the connection of those facilities to—

''(i) Carbon Clearing Organizations established under section 206; and

''(ii) the automated quotation system established under section 207;

''(7) the establishment of baseline initial and ongoing membership standards for registered carbon trading facilities;

''(8) subject to section 204(a)(4), specific standards for short sale transactions involving regulated instruments;

''(9) such other matters as are necessary for the carbon market to operate with the highest standards of fairness and efficiency; and

''(10) the establishment and operation of a carbon clearing organization.

''(e) MEMORANDUM OF UNDERSTANDING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Commission shall enter into a memorandum of understanding with the Federal Energy Regulatory Commission, the Environmental Protection Agency, and any State or regional organization operating a market-based greenhouse gas emissions control program relating to information-sharing and coordination of oversight roles regarding—

''(A) trading facilities;

''(B) registered carbon traders;

''(C) carbon clearing organizations; and

''(D) derivative clearing organizations.

''(2) INCLUSIONS.—The memorandum of understanding shall include, at a minimum, provisions—

''(A) ensuring that information requests to markets within the respective jurisdictions of each agency are properly coordinated to minimize duplicative information requests; and

''(B) regarding the treatment of proprietary trading information.

''(f) COORDINATION FOR FOREIGN REGULATORS.—Not later than 180 days after the date of enactment of this title, the Commission shall, to the maximum extent practicable, enter into agreements with foreign regulatory bodies to ensure that foreign boards of trade do not offer for sale allowance derivatives beyond the jurisdiction of the Commission that would undermine the authority of the carbon market regulators in the United States or reduce the effectiveness of Commission oversight.

''(g) REGULATIONS.—The regulations issued to carry out this section shall take into account impacts on liquidity, flexibility, and robust participation in carbon markets, in order to maximize cost-effective and efficient reductions in carbon emissions.

''SEC. 204. REGULATION OF CARBON TRADING.

''(a) LIMITATION OF CERTAIN ACTIVITIES TO REGISTERED ENTITIES.—

''(1) CARBON ALLOWANCE TRADING FACILITY ACTIVITIES.—It shall be unlawful for a person to offer to enter into, execute, confirm the execution of, or conduct an office or a business for the purpose of soliciting, accepting an order for, or otherwise dealing in, an agreement, contract, or transaction involving a contract for the purchase or sale of a regulated allowance, unless—

''(A) the transaction is conducted through the carbon allowance trading facility established under section 205(a);

''(B) the contract for the purchase or sale is evidenced by a record in writing (or other form acceptable to the Commission) that includes—

''(i) the date;

''(ii) the names of the parties to the contract (including the addresses of those parties);

''(iii) a description of the property covered by the contract (including the price of the property);

''(iv) the terms of delivery; and

''(v) all other nonstandardized terms and conditions; and

''(C) the contract is cleared through the Carbon Clearing Organization.

''(2) CARBON DERIVATIVE TRADING FACILITY ACTIVITIES.—It shall be unlawful for a person to offer to enter into, execute, confirm the execution of, or conduct an office or a business for the purpose of soliciting, accepting an order for, or otherwise dealing in, an agreement, contract, or transaction involving a contract for the purchase or sale of a regulated allowance derivative, unless—

''(A) the Commission has determined that the contract is a private bilateral contract that has been reported to the Commission and included as part of the total market risk exposure of a participant; or

''(B)(i) the transaction is conducted through a trading facility designated as a registered carbon derivative trading facility under section 205(a);

''(ii) the contract for the purchase or sale is evidenced by a record in writing (or other form acceptable to the Commission) that includes—

''(I) the date;

''(II) the names of the parties to the contract (including the addresses of those parties);

''(III) a description of the property covered by the contract (including the price of the property);

''(IV) the terms of delivery; and

''(V) all other nonstandardized terms and conditions; and

''(iii) the contract is cleared through a derivatives clearing organization registered with the Commission pursuant to section 5b.

''(3) BROKER OR DEALER ACTIVITIES.—It shall be unlawful for a person to act in the capacity of an introducing broker, dealer, floor broker, electronic market trader, or floor trader in connection with the purchase or sale of a regulated instrument, unless—

''(A) the person is a registered carbon trader; and

''(B) the registration of the person is not suspended, revoked, or expired.

''(4) SHORT SALE TRANSACTIONS.—A short sale transaction involving a regulated instrument that occurs without the borrowing of a regulated allowance shall be unlawful unless the Commission determines that the transaction is in the best interest of regulated entities and the public.

''(b) PROHIBITION ON PRICE OR MARKET MANIPULATION, FRAUD, AND FALSE OR MISLEADING STATEMENTS OR REPORTS.—It shall be unlawful for a person, directly or indirectly—

''(1) to use or employ, or attempt to use or employ, in connection with a transaction involving the purchase or sale of a regulated instrument or private bilateral contract, in violation of such rules and regulations as the Commission may promulgate to protect the public interest or consumers, including—

''(A) any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b)));

''(B) any corner; or

''(C) any device or contrivance that cheats or defrauds any other person;

''(2) for the purpose of creating a false or misleading appearance of active trading in a regulated instrument or private bilateral contract, or a false or misleading appearance with respect to the market for such an instrument—

''(A) to effect any transaction in the instrument that involves no change in the beneficial ownership of the instrument;

''(B) to enter an order for the purchase of the instrument, with the knowledge that 1 or more orders of substantially the same size, at substantially the same time, and at substantially the same price, for the sale of any such instrument, has been or will be entered by or for the same or different parties; or

''(C) to enter an order for the sale of the instrument with the knowledge that 1 or more orders of substantially the same size, at substantially the same time, and at substantially the same price, for the purchase of the instrument, has been or will be entered by or for the same or different parties;

''(3) to deliver or cause to be delivered a knowingly false, misleading, or inaccurate report concerning information or conditions that affect or tend to affect the price of a regulated instrument;

''(4)(A) to make, or cause to be made, in an application, report, or document required to be filed under this title or any regulation promulgated under this title, a statement that is false or misleading with respect to a material fact; or

''(B) to omit any material fact that is required to be stated in such an application, report, or document, or that is necessary to make the statements in such an application, report, or document not misleading; or

''(5) to falsify, conceal, or cover up by any trick, scheme, or artifice a material fact, make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document that contains a false, fictitious, or fraudulent statement or entry, to an entity registered under this title acting in furtherance of the official duties of the entity under this title.

''(c) PREVENTION OF EXCESSIVE SPECULATION.—

''(1) IN GENERAL.—To prevent, decrease, or eliminate burdens associated with excessive speculation relating to regulated instruments (which may be more severe in markets in which supply is known and declining and demand is unknown), the Commission shall promulgate regulations establishing such position or transaction limitations, in the aggregate, as the Commission determines to be necessary to prevent potential upward bias in price with respect to any regulated instrument.

''(2) AGGREGATE POSITIONS.—In carrying out paragraph (1), the Commission shall, to the maximum extent practicable, aggregate carbon dioxide equivalent positions in natural gas, electricity, and regulated instruments.

''(3) INAPPLICABILITY TO BONA FIDE HEDGING TRANSACTIONS AND POSITIONS.—The limitations and requirements established under

paragraph (1) shall not apply to a position or transaction that is a bona fide hedging position or transaction, as defined by the Commission in accordance with the purposes of this title.

''(d) RECORDKEEPING; REPORTING; ACCESS TO BOOKS AND RECORDS.—

''(1) MEMBERS OF REGISTERED ENTITIES.—Each member of an entity registered under this title shall—

''(A) keep books and records, and make such reports as are required by the Commission, regarding the transactions and positions of the member, and the transactions and positions of the customer involved, in regulated instruments and private bilateral contracts, in such form and manner, and for such period, as may be required by the Commission; and

''(B) make the books and records available for inspection by any representative of the Commission or the Department of Justice.

''(2) REGISTERED ENTITIES.—Each entity registered under this title shall—

''(A) maintain daily trading records (including a time-stamped audit trail), that include such information, in such form, and for such period as the Commission may require by regulation;

''(B) before the beginning of trading each day, insofar as is practicable and under terms and conditions specified by the Commission, make public the volume of trading on each type of contract for the previous day and such other information as the Commission considers necessary in the public interest and prescribes by rule, order, or regulation; and

''(C) make such reports from the records, at such times and places, and in such form, as the Commission may require by regulation to protect the public interest and the interest of persons trading in regulated instruments.

''(e) FOREIGN TRANSACTIONS.—

''(1) IN GENERAL.—Any United States person or corporation shall be subject to this section for all contracts executed by the United States person or corporation, including contracts executed outside of the United States.

''(2) FOREIGN PERSONS AND CORPORATIONS.—A foreign person or corporation shall be subject to this section for all contracts executed by the foreign person or corporation within the United States.

''SEC. 205. ESTABLISHMENT AND REGISTRATION OF A CARBON TRADING FACILITIES; REGISTRATION OF TRADERS, BROKERS, AND DEALERS.

''(a) CARBON TRADING FACILITIES.—

''(1) ESTABLISHMENT OF A CARBON ALLOWANCE TRADING FACILITY.—The Commission may establish a carbon allowance trading facility in accordance with this section to process trades of regulated allowances.

''(2) REGISTRATION OF CARBON TRADING FACILITIES.—

''(A) IN GENERAL.—A trading facility may apply to the Commission for designation as a registered carbon allowance trading facility or a registered carbon allowance derivative trading facility by submitting to the Commission an application that contains such information and commitments as the Commission may require.

''(B) REVIEW.—A designation under this paragraph shall be reviewed by the Commission from time to time, but not less frequently than once every 3 years.

''(3) OPERATION OF THE CARBON TRADING FACILITIES.—

''(A) IN GENERAL.—To obtain or maintain designation and continue operating as a registered carbon allowance trading facility or a registered carbon allowance derivative trading facility under this title, a carbon allowance trading facility established by the Commission or registered with the Commission under this section shall comply with the requirements and principles described in this paragraph.

''(B) PREVENTION OF MARKET MANIPULATION.—The trading facility shall demonstrate capability to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(C) ELECTRONIC MONITORING OF TRADING.—The trading facility shall demonstrate—

''(i) that the trading facility monitors trading on or through the facility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process; and

''(ii) in addition to traditional methods, a capability to monitor market activities electronically on a real-time basis and, if appropriate, by algorithm and other such means as are determined to be appropriate by the Commission.

''(D) FAIR AND EQUITABLE TRADING.—The trading facility shall establish and enforce rules to ensure—

''(i) fair and equitable trading through the trading facility;

''(ii) the capacity to detect, investigate, and discipline any person that violates the rules;

''(iii) the operation of any electronic matching platform;

''(iv) the terms and conditions of any contracts to be traded on or through the trading facility;

''(v) any limitations on access to the trading facility;

''(vi) the financial integrity of transactions and contracts entered into by or through the trading facility, including the clearance and settlement of the transactions;

''(vii) the financial integrity of brokers, dealers, and traders doing business on or through the trading facility;

''(viii) the protection of customer funds;

''(ix) that the trading facility is able to discipline, suspend, or expel members or market participants that violate the rules of the trading facility, or similar methods for performing the same functions, including delegation of the functions to third parties; and

''(x) that market participants are protected from abusive practices committed by any party acting as an agent for the participants.

''(E) AGGREGATE POSITION LIMITATIONS OR ACCOUNTABILITY.—The trading facility shall—

''(i) adopt and enforce aggregate position limitations or position accountability for speculators, as necessary and appropriate, to reduce the potential threat of market manipulation and excessive speculation in a marketplace in which supply is fixed by government policy and demand is set by market prices;

''(ii) facilitate netting of members' positions across all of the instruments through the trading facility, in order to minimize the cost of trading while ensuring adequate risk management; and

''(iii) monitor and enforce any limitations on leverage or position size that might be imposed by the Commission.

''(F) EMERGENCY AUTHORITY.—The trading facility shall adopt and enforce rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as necessary and appropriate, including the authority—

''(i) to liquidate or transfer open positions in any contract;

''(ii) to suspend or curtail trading in any regulated instrument; and

''(iii) in the case of a regulated derivative, to require market participants to meet special margin requirements.

''(G) AVAILABILITY OF GENERAL INFORMATION.—The trading facility shall make available to market authorities, market participants, and the public information concerning—

''(i) the terms, conditions, and specifications of the contracts traded on or through the trading facility;

''(ii) the mechanisms for executing transactions on or through the trading facility; and

''(iii) the rules and regulations of the trading facility

''(H) PUBLICATION OF TRADING INFORMATION.—

''(i) IN GENERAL.—The trading facility shall, in real time, to the maximum extent practicable, provide the public with information on bids, offers, settlement prices, volume, open interest, and opening and closing ranges for all regulated instruments traded on the trading facility.

''(ii) CENTRALIZED ENTITY.—The Commission may by regulation permit compliance with this subparagraph through the provision of pricing information described in clause (i) to a centralized entity that will simultaneously post that information to the public.

''(I) EXECUTION OF TRANSACTIONS.—The trading facility shall provide a competitive, open, and efficient market and mechanism for executing transactions on or through the trading facility.

''(J) SECURITY OF TRADE INFORMATION.—The trading facility shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the trading facility to use the information—

''(i) to assist the prevention of customer and market abuses; and

''(ii) provide evidence of violations of the rules of the trading facility.

''(K) DISPUTE RESOLUTION.—The trading facility shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

''(L) GOVERNANCE FITNESS STANDARDS.—The trading facility shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the trading facility, and any other person with direct access to the trading facility (including any parties affiliated with any of the persons described in this subparagraph).

''(M) CONFLICTS OF INTEREST.—The trading facility shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the trading facility; and

''(ii) establish a process for resolving any such conflict of interest.

''(N) COMPOSITION OF BOARDS OF MUTUALLY OWNED TRADING FACILITIES.—In the case of a mutually owned trading facility, the trading facility shall ensure that the composition of the governing board reflects market participants.

''(O) RECORDKEEPING.—The trading facility shall maintain records of all activities relating to the business of the trading facility in

a form and manner acceptable to the Commission for a period of at least 5 years.

''(P) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the trading facility shall endeavor to avoid—

''(i) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

''(ii) imposing any material anticompetitive burden on trading on or through the trading facility.

''(Q) TRADING FEES.—The trading facility shall establish and enforce rules requiring the payment of fees for the purpose of funding Commission oversight, as established under section 208(h).

''(R) CENTRAL LIMIT ORDER BOOK.—The trading facility shall operate an electronic central limit order book as the trading mechanism for regulated derivatives and regulated allocations and share sufficient information, in a timely manner, with the automated quotation system to allow implementation of section 207.

''(S) NATIONAL MARKET SYSTEM.—The trading facility shall participate, along with the Commission, in the formation and operation of a national market system that allows for best execution in the trading of regulated instruments among registered carbon trading facilities.

''(T) SCREENING.—The trading facility shall establish and enforce rules to screen members based on capital, systems, and standards of compliance, and other such membership standards as the Commission determines to be appropriate.

''(U) USE OF CLEARING.—The trading facility shall facilitate the clearing of all trades of regulated allowances through the Carbon Clearing Organization and the clearing of all trades of regulated allowance derivatives through a Derivatives Clearing Organization registered with the Commission.

''(V) ENFORCEMENT.—The trading facility shall establish and enforce rules that allow the trading facility to obtain any necessary information to perform any of the functions described in this paragraph, including the capacity to carry out such international information-sharing agreements as the Commission may require.

''(b) BROKERS, DEALERS, TRADERS, AND THEIR ASSOCIATES.—The Commission shall promulgate regulations governing—

''(1) the eligibility of a person to act in the capacity of an introducing broker, a dealer, a floor broker, an electronic market trader, or a floor trader of regulated instruments in the United States;

''(2) the registration of introducing brokers, dealers, floor brokers, electronic market traders, and floor traders as registered carbon traders with the Commission;

''(3) the conduct of a person registered pursuant to regulations promulgated under paragraph (2), and of a partner, officer, employee, or agent of the registered person, in connection with transactions involving a regulated instrument; and

''(4) minimum standards for eligibility of a person to register as a registered carbon trader, including the requirements that an applicant for such a position—

''(A) has never had an applicable license or registration revoked in any governmental jurisdiction;

''(B) has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court;

''(C) has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the applicant will operate honestly, fairly, and efficiently within the purposes of this title;

''(D) has completed the preregistration education requirement described in paragraph (5); and

''(E) has passed a written test that meets the test requirement described in paragraph (6).

''(5) PREREGISTRATION EDUCATION OF A CARBON TRADER.—

''(A) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the preregistration education requirement referred to in paragraph (4)(D), a person shall complete at least 20 hours of education approved in accordance with subparagraph (B), which shall include at least—

''(i) 6 hours of instruction on applicable Federal law (including regulations);

''(ii) 10 hours of instruction in ethics, which shall include instruction on fraud, manipulation, excessive speculation, and consumer protection; and

''(iii) 2 hours of training relating to reporting requirements under this title.

''(B) APPROVED EDUCATIONAL COURSES.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), preregistration educational courses shall be reviewed and approved by the Commission.

''(ii) PROHIBITION.—To maintain the independence of the approval process, the Commission shall not directly or indirectly offer preregistration educational courses for loan originators.

''(C) STANDARDS.—In approving courses under this paragraph, the Commission shall apply reasonable standards in the review and approval of courses.

''(6) TESTING OF A CARBON TRADER.—

''(A) IN GENERAL.—In order to meet the written test requirement referred to in paragraph (4)(E), an individual shall pass, in accordance with the standards established under this paragraph, a qualified written test developed by the Commission and administered by an approved test provider.

''(B) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of subparagraph (A) unless—

''(i) the test consists of a minimum of 100 questions; and

''(ii) the test adequately measures the knowledge and comprehension of the individual taking the test in appropriate subject areas, including—

''(I) ethics;

''(II) Federal law (including regulations) pertaining to trading regulated instruments; and

''(III) Federal law (including regulations) on fraud, manipulation, excessive speculation, and reporting.

''(C) MINIMUM COMPETENCE.—

''(i) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test under this paragraph unless the individual achieves a test score of not less than 75 percent correct answers to questions on the test.

''(ii) INITIAL RETESTS.—An individual may retake a test 3 consecutive times, with each consecutive taking occurring not later than 14 days after the preceding test.

''(iii) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall be required to wait at least 14 days before retaking the test.

''(iv) RETEST AFTER LAPSE OF REGISTRATION.—A registered carbon trader who fails to maintain a valid registration for a period of 5 years or longer shall retake the test.

''(7) BACKGROUND CHECKS.—An applicant for registration shall, at a minimum, provide to the Commission—

''(A) fingerprints for submission to the Federal Bureau of Investigation for a State and national criminal history background check;

''(B) a description of personal history and experience, including an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

''(C) information relating to any administrative, civil, or criminal findings by any governmental jurisdiction.

''SEC. 206. CARBON CLEARING ORGANIZATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commission shall establish an entity to be known as the 'Carbon Clearing Organization' for the purpose of creating a common clearing platform for regulated allowances.

''(2) APPLICATION BY DERIVATIVES CLEARING ORGANIZATION.—A derivatives clearing organization registered with the Commission pursuant to section 5b may apply to the Commission for designation as the Carbon Clearing Organization by submitting to the Commission an application that contains such information and commitments as the Commission may require.

''(b) OPERATION.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—The Carbon Clearing Organization shall comply with the requirements described in this paragraph.

''(B) FINANCIAL RESOURCES.—The Carbon Clearing Organization shall demonstrate adequate financial, operational, and managerial resources to discharge the responsibilities of a clearing organization.

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—The Carbon Clearing Organization shall establish—

''(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the Carbon Clearing Organization; and

''(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the Carbon Clearing Organization.

''(D) RISK MANAGEMENT.—The Carbon Clearing Organization shall manage the risks associated with discharging the responsibilities of a clearing organization through the use of appropriate tools and procedures.

''(E) SETTLEMENT PROCEDURES.—The Carbon Clearing Organization shall—

''(i) complete settlements on a timely basis under varying circumstances; and

''(ii) maintain an adequate record of the flow of funds associated with each transaction that the Carbon Clearing Organization clears.

''(F) TREATMENT OF FUNDS.—The Carbon Clearing Organization shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

''(G) DEFAULT RULES AND PROCEDURES.—The Carbon Clearing Organization shall have rules and procedures designed to allow for efficient, fair, and safe management of events if members or participants become insolvent or otherwise default on obligations to the Carbon Clearing Organization.

''(H) RULE ENFORCEMENT.—The Carbon Clearing Organization shall—

''(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of Carbon Clearing Organization and for resolution of disputes; and

''(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant for violations of rules of the Carbon Clearing Organization.

''(I) SYSTEM SAFEGUARDS.—The Carbon Clearing Organization shall—

''(i) establish and maintain a program of oversight and risk analysis to ensure that the automated systems of the Carbon Clearing Organization function properly and have adequate capacity and security; and

''(ii) establish and maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

''(J) PUBLIC INFORMATION.—The Carbon Clearing Organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

''(K) INFORMATION-SHARING.—The Carbon Clearing Organization shall—

''(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

''(ii) use relevant information obtained from the agreements in carrying out the risk management program of the Carbon Clearing Organization.

''SEC. 207. AUTOMATED QUOTATION SYSTEMS.

''(a) IN GENERAL.—The Commission shall facilitate the widespread dissemination of reliable and accurate last-sale and quotation information with respect to regulated instruments, short sales, and private bilateral contracts the value of which, in whole or in part, is linked to the price of a regulated instrument by establishing an automated quotation system that will collect and disseminate information regarding all regulated instruments.

''(b) CHARACTERISTICS OF SYSTEM.—The automated quotation system shall—

''(1) collect and disseminate quotation and transaction information;

''(2) provide bid and ask quotations of participating brokers or dealers; and

''(3) provide for the reporting of information on bids, offers, settlement prices, volume, open interest, and opening and closing ranges for all regulated instrument transactions, including last-sale reporting.

''(c) ELECTRONIC LINKAGE.—The carbon allowance trading facility and all registered carbon derivative trading facilities shall be linked electronically with the automated quotation system.

''(d) MISSING.—All registered carbon trading facilities shall share sufficient information with the automated quotation system to allow the implementation of this section.

''SEC. 208. ADMINISTRATIVE ENFORCEMENT.

''(a) INVESTIGATIONS.—The Commission may conduct such investigations as the Commission determines to be necessary to carry out this title, in accordance with this Act.

''(b) REVIEW OF ADVERSE ACTION BY REGISTERED CARBON TRADING FACILITY.—

''(1) IN GENERAL.—

''(A) DISCIPLINARY ACTIONS.—The Commission may, in accordance with such standards and procedures as the Commission determines to be appropriate, review a decision by a registered carbon trading facility—

''(i) to suspend, expel, or otherwise discipline a member of the trading facility; or

''(ii) to deny access to the trading facility.

''(B) OTHER ACTIONS.—On application of any person who is adversely affected by any decision by a registered carbon trading facility described in subparagraph (A), the Commission may—

''(i) review the decision; and

''(ii) issue such order with respect to the decision as the Commission determines to be appropriate to protect the public interest.

''(2) SCOPE OF AUTHORITY.—The Commission may affirm, modify, set aside, or remand a trading facility decision reviewed under paragraph (1), after a determination on the record as to whether the decision was made in accordance with the rules of the trading facility.

''(c) COMPLAINTS.—The Commission shall enforce this title in accordance with this Act.

''(d) AUTHORITY TO SUSPEND OR REVOKE REGISTERED CARBON TRADING FACILITY DESIGNATION.—The Commission may suspend for a period of not more than 180 days, or revoke, the designation of a trading facility as a registered carbon trading facility if, after notice and opportunity for a hearing on the record, the Commission finds that—

''(1) the trading facility or the entity, as the case may be, has not complied with a requirement of subsection (a)(3) or (c) of section 205, as the case may be; or

''(2) a director, officer, employee, or agent of the trading facility or entity, as the case may be, has violated this title or a regulation or order promulgated or issued under this title.

''(e) INJUNCTIVE RELIEF.—If the Commission finds that a person has violated this title or a regulation or order promulgated or issued under this title, the Commission may seek injunctive relief in accordance with this Act.

''(f) TRADING SUSPENSIONS; EMERGENCY AUTHORITY.—

''(1) DEFINITION OF EMERGENCY.—In this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of prices of regulated instruments generally (or a substantial threat of such sudden and excessive fluctuations) that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in regulated instruments (or a substantial threat of such a disruption); or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of markets in regulated instruments, or any significant portion or segment of the markets; or

''(ii) the transmission or processing of transactions in regulated instruments.

''(2) TRADING SUSPENSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Commission determines that the public interest so requires, the Commission may, by order, summarily suspend all trading of regulated instruments on any trading facility or otherwise, for a period not exceeding 90 calendar days.

''(B) NOTIFICATION OF DECISION.—An order issued by the Commission under subparagraph (A) shall not take effect unless—

''(i) the Commission notifies the President of the decision of the Commission; and

''(ii) the President notifies the Commission that the President does not disapprove of the decision.

''(3) EMERGENCY ORDERS.—

''(A) IN GENERAL.—The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or an entity registered under this title, as the Commission determines is necessary in the public interest—

''(i) to maintain or restore fair and orderly markets in regulated instruments; or

''(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in regulated instruments.

''(B) EFFECTIVE PERIOD.—An order of the Commission under this paragraph—

''(i) shall continue in effect for the period specified by the Commission;

''(ii) may be extended in accordance with subparagraph (C); and

''(iii) except as provided in subparagraph (C), may not continue in effect for more than 10 business days, including extensions.

''(C) EXTENSION.—An order of the Commission under this paragraph may be extended to continue in effect for more than 10 business days, but in no event may continue in effect for more than 30 calendar days, if, at the time of the extension, the Commission determines that—

''(i) the emergency situation still exists; and

''(ii) the continuation of the order beyond 10 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i) or (ii) of subparagraph (A).

''(D) EXEMPTION.—In exercising the authority provided by this paragraph, the Commission shall not be required to comply with section 553 of title 5, United States Code.

''(4) TERMINATION OF EMERGENCY ACTIONS BY PRESIDENT.—The President may direct that action taken by the Commission under paragraph (3) shall not continue in effect.

''(5) COMPLIANCE WITH ORDERS.—A member of a trading facility, introducing broker, dealer, floor broker, or floor trader shall not effect any transaction in, or induce the purchase or sale of, any regulated instrument in contravention of an order of the Commission under this subsection, unless the order—

''(A) has been stayed, modified, or set aside as provided in paragraph (6); or

''(B) has ceased to be effective on direction of the President as provided in paragraph (4).

''(6) LIMITATIONS ON REVIEW OF ORDERS.—

''(A) IN GENERAL.—An order of the Commission pursuant to this subsection shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit.

''(B) BASIS.—A review of an order under subparagraph (A) shall be based on an examination of all the information before the Commission at the time the order was issued.

''(C) STANDARD FOR FINDINGS.—The reviewing court shall not enter a stay, writ of mandamus, or similar relief unless the court finds, after notice and hearing before a panel of the court, that the action of the Commission is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(g) OTHER AUTHORITY TO ISSUE ORDERS.—The Commission may issue such other orders as are necessary to ensure compliance with this title (including regulations promulgated under this title).

''(h) TRADING FEES TO SUPPORT COMMISSION ACTIVITIES.—

''(1) IN GENERAL.—To support oversight by the Commission of markets under this title, each registered trading facility shall charge a trading fee, per transaction, to be established by the Commission at a level not to exceed ½ of 1 percent of the value of the contract being executed.

''(2) REMITTANCE OF FEES.—Each registered trading facility shall submit fees charged under this subsection to the Commission on such schedule as the Commission shall designate.

"SEC. 209. CIVIL JUDICIAL ENFORCEMENT.

''(a) IN GENERAL.—If it appears to the Commission that a person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of this title (including a regulation promulgated or order issued under this title), the Commission may bring a civil action in the appropriate United States district court or United States court of any territory or other place subject to the jurisdiction of the United States—

''(1) to enjoin the act or practice; or

''(2) to enforce compliance with this title (or a regulation or order promulgated or issued under this title).

''(b) FORMS OF RELIEF.—

''(1) INJUNCTIVE RELIEF; RESTRAINING ORDER.—On a proper showing, a court described in subsection (a) shall grant a permanent or temporary injunction or issue a restraining order, without bond.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Commission may seek and the court, on a proper showing, shall have jurisdiction to impose on any person found in the civil action brought under this section to have committed a violation, a civil penalty in an amount that is not more than the greater of—

''(i) $100,000; or

''(ii) triple the monetary gain to the person for the violation.

''(B) ENFORCEMENT OF PENALTY BY THE ATTORNEY GENERAL.—If a person on whom such a penalty is imposed fails to pay the penalty within the time prescribed in the order of the court, the Commission may refer the matter to the Attorney General, who shall recover the penalty by action in the appropriate United States district court.

"SEC. 210. CRIMINAL ENFORCEMENT.

''(a) VIOLATIONS GENERALLY.—A person that knowingly violates section 204 (or any regulation promulgated under section 204), or willfully violates any other provision of this title (or a regulation promulgated under this title) the violation of which is made unlawful or the observance of which is required by or under this title, shall—

''(1) be fined not more than $1,000,000 (or not more than $500,000, if the violator is an individual), imprisoned not more than 5 years, or both; and

''(2) shall pay the costs of prosecution.

''(b) FAILURE TO COMPLY WITH CEASE AND DESIST ORDER.—

''(1) IN GENERAL.—If, after the period allowed for appeal of an order issued under section 206(e) or after the affirmance of such an order, a person subject to the order fails or refuses to comply with the order, the person shall be—

''(A) fined not more than the greater of $100,000 or triple the monetary gain to the person, imprisoned not less than 180 days nor more than 1 year, or both; or

''(B) if the failure or refusal to comply involves a violation referred to in subsection (a), subject to the penalties provided in that subsection for the violation.

''(2) SPECIAL RULE.—Each day during which a failure or refusal to comply with such an order continues shall be considered to be a separate offense for purposes of paragraph (1).

"SEC. 211. MARKET REPORTS.

''(a) COLLECTION AND ANALYSIS OF INFORMATION.—The Commission shall, on a continuous basis, collect and analyze the following information on the functioning of the markets for regulated instruments established under this title:

''(1) The status of, and trends in, the markets, including prices, trading volumes, transaction types, and trading channels and mechanisms.

''(2) Spikes, collapses, and volatility in prices of regulated instruments, and the causes of the spikes, collapses, and volatility.

''(3) The relationship between the market for emission allowances, offset credits, and allowance derivatives, and the spot and futures markets for energy commodities, including electricity.

''(4) Evidence of fraud or manipulation in any such market, the effects on any such market of any such fraud or manipulation (or threat of fraud or manipulation) that the Commission has identified, and the effectiveness of corrective measures undertaken by the Commission to address the fraud or manipulation, or threat.

''(5) The economic effects of the markets, including to the macro- and micro-economic effects of unexpected significant increases and decreases in the price of regulated instruments.

''(6) Any changes in the roles, activities, or strategies of various market participants.

''(7) Regional, industrial, and consumer responses to the market, and energy investment responses to the markets.

''(8) Any other issue relating to the markets that the Commission determines to be appropriate.

''(b) QUARTERLY REPORTS TO CONGRESS.—Not later than 30 days after the end of each calendar quarter, the Commission shall submit to the President, the Committee on Energy and Commerce of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Environment and Public Works of the Senate, and make available to the public, a report on the matters described in subsection (a) with respect to the quarter, including recommendations for any administrative or statutory measures the Commission considers necessary to address any threats to the transparency, fairness, or integrity of the markets in regulated instruments.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''In addition to any fees collected by the Commission under this Act, there are authorized to be appropriated such sums as are necessary to carry out this title.''.

(b) CONFORMING AMENDMENT.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 1a (7 U.S.C. 1a) the following:

"TITLE I—REGULATION OF COMMODITY EXCHANGES".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 207—RECOGNIZING THE 100TH ANNIVERSARY OF THE INDIANAPOLIS MOTOR SPEEDWAY

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 207

Whereas the Indianapolis Motor Speedway is the largest spectator sporting facility in the world, with more than 250,000 permanent seats;

Whereas founders Carl G. Fisher, Arthur C. Newby, Frank H. Wheeler, and James A. Allison pooled their resources in 1909 to build the Indianapolis Motor Speedway 5 miles from downtown Indianapolis as a testing ground to support the growing automotive industry of Indiana;

Whereas, on August 14, 1909, the first motorized races, using motorcycles, took place on the recently completed 2.5-mile oval, which had a racing surface composed of crushed stone and tar;

Whereas, on August 19, 1909, the first 4-wheeled automobile races at the Indianapolis Motor Speedway took place;

Whereas, for 63 days in late 1909, 3,200,000 paving bricks, each weighing 9.5 pounds, were laid on top of the crushed stone and tar surface to upgrade the Indianapolis Motor Speedway, leading the facility to be nicknamed ''The Brickyard'';

Whereas a 3-foot horizontal strip of that original brick remains exposed at the start and finish line, known as the ''Yard of Bricks'';

Whereas, on May 30, 1911, the first Indianapolis 500-mile race (in this preamble referred to as the ''Indianapolis 500'') took place and was won by Ray Harroun at an average speed of 74.602 miles per hour;

Whereas the Indianapolis Motor Speedway was a pioneer in introducing seating areas specifically for people with disabilities;

Whereas the race car of Ray Harroun, the Marmon ''Wasp'', was the first automobile to use a rearview mirror, one of many innovations in automotive technology and safety devised or developed at the Indianapolis Motor Speedway, including in 1911 the first use of a Pace Car, in 1921 the first use of 4-wheel hydraulic brakes, in 1935 the first installation of color warning lights, in 1935 the first mandatory use of helmets, in 1993 the first use of crash-data recorders, and in 2002 the steel and foam energy reduction (SAFER) barrier, an energy-absorbing barrier affixed to concrete walls that has become the standard at all major oval tracks in the United States;

Whereas the Indianapolis 500, the largest single-day spectator sporting event in the world, has occurred on every Memorial Day weekend since 1911, except during the involvement of the United States in world wars from 1917 through 1918 and 1942 through 1945;

Whereas, in 1977, Janet Guthrie became the first woman to compete in the Indianapolis 500, making the competition the first and only major sport in which men and women compete, according to the same rules, against one another;

Whereas, in 1991, Willy T. Ribbs became the first of several African-American drivers to compete in the Indianapolis 500;

Whereas, in 2005, Danica Patrick became the first female driver to lead the Indianapolis 500 when she took the lead near the 140-mile mark;

Whereas, in 2009, Helio Castroneves became a 3-time winner of the Indianapolis 500 and Danica Patrick finished in third place, the best finish ever by a woman in the sport;

Whereas the Indianapolis Motor Speedway, by hosting the IndyCar Series, the NASCAR Sprint Cup Series, the MotoGP Series, and the Formula One Series, is the only facility in the world that has played host to 4 elite racing series;

Whereas nearly every international motorsport icon has competed and won at the Indianapolis Motor Speedway, including A.J. Foyt, Al Unser, Rick Mears, Dale Earnhardt, Mario Andretti, Graham Hill,

Jeff Gordon, Tony Stewart, Jimmie Johnson, Michael Schumacher, Lewis Hamilton, and Valentino Rossi;

Whereas every May since 1981 the Indianapolis Motor Speedway has served as the backdrop for the annual Armed Forces Induction Ceremony, in which citizens of Indiana who have volunteered to serve in the Armed Forces are administered the oath of enlistment;

Whereas, in 1987, the Indianapolis Motor Speedway was officially listed on the National Park Service list of National Historic Landmarks as the oldest continuously operated automobile racecourse; and

Whereas, the Indianapolis Motor Speedway has played an enormous part in shaping and defining the City of Indianapolis, the State of Indiana, United States motorsports, and the United States automobile industry, and is a great source of pride to all citizens of Indiana: Now, therefore, be it

Resolved, That the United States Senate recognizes the 100th anniversary of the Indianapolis Motor Speedway.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

SA 1370. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, supra.

TEXT OF AMENDMENTS

SA 1369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTING REQUIREMENT.

Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking ''shall'' and inserting ''may''; and

(2) by adding at the end the following:

''(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

''(1) shall publicly post on-line on the website of the Senate each report in a searchable itemized format as required under this section;

''(2) shall issue each report required under this section in electronic form; and

''(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.''.

SA 1370. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. ENGRAVING OF THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 197 and 258; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

DEPARTMENT OF DEFENSE

Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ FIRST TIME—H.R. 2454

Mr. MERKLEY. Mr. President, I understand that H.R. 2454 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

Mr. MERKLEY. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 7, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes it business today, it adjourn until 10 a.m. tomorrow, July 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak therein for up to 10 minutes each; that following morning business, as previously ordered, the Senate proceed to H.R. 2892, the Homeland Security appropriations bill; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, tomorrow, we will begin consideration of the Homeland Security appropriations bill. Rollcall votes are expected to occur throughout the day. As stated earlier today, at approximately 12:15 tomorrow, Senator-elect Al Franken will be sworn in to be U.S. Senator from the State of Minnesota.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m. adjourned until Tuesday, July 7, 2009, at a 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JOHN M. MCHUGH, OF NEW YORK, TO BE SECRETARY OF THE ARMY, VICE PRESTON M. GEREN.

CORPORATION FOR PUBLIC BROADCASTING

PATRICIA D. CAHILL, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION

FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014, VICE CHERYL FELDMAN HALPERN, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

ANTHONY MARION BABAUTA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE LESLIE M. TURNER, RESIGNED.

SAMUEL D. HAMILTON, OF MISSISSIPPI, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE H. DALE HALL, RESIGNED.

DEPARTMENT OF STATE

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DOUGLAS W. KMIEC, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

EARL MICHAEL IRVING, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

JONATHAN S. ADDLETON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

GAYLEATHA BEATRICE BROWN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

DAVID H. THORNE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

FEDERAL MEDIATION AND CONCILIATION SERVICE

GEORGE H. COHEN, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE ARTHUR F. ROSENFELD, RESIGNED.

DEPARTMENT OF LABOR

JOSEPH A. MAIN, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE RICHARD STICKLER.

DEPARTMENT OF HOMELAND SECURITY

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED.

SMALL BUSINESS ADMINISTRATION

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, July 6, 2009:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN ALAN OWENS, OF ARIZONA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF DEFENSE

DANIEL GINSBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on July 6, 2009 withdrawing from further Senate consideration the following nomination:

PHILIP MUDD, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MAY 4, 2009.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 7, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 8

9 a.m.
Foreign Relations
To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Ambassador to Mexico, Arturo A. Valenzuela, of the District of Columbia, to be Assistant Secretary for Western Hemisphere Affairs, Kenneth H. Merten, of Virginia, to be Ambassador to the Republic of Haiti, and Thomas Alfred Shannon, Jr., of Virginia, to be Ambassador to the Federative Republic of Brazil, all of the Department of State.
SD–419

10 a.m.
Appropriations
Energy and Water Development Subcommittee
Business meeting to markup proposed budget estimates for fiscal year 2010 for Energy and Water Development.
SD–124

Finance
To hold hearings to examine how climate change legislation relates to international trade considerations.
SD–215

Homeland Security and Governmental Affairs
To hold hearings to examine reform in the Federal Protective Service.
SD–342

Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine threats to native wildlife species.
SD–406

1:30 p.m.
Appropriations
Financial Services and General Government Subcommittee
Business meeting to markup proposed budget estimates for fiscal year 2010 for Financial Services and General Government.
SD–192

2 p.m.
Commerce, Science, and Transportation
Business meeting to consider S. 588, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, S. 649, to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, S. 668, to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, S. 1194, to reauthorize the Coast Guard for fiscal years 2010 and 2011, and S. 1308, to reauthorize the Maritime Administration; to be immediately followed by a hearing to examine the nominations of Charles F. Bolden, Jr., of Texas, to be Administrator, Lori Garver, of Virginia, to be Deputy Administrator, both of the National Aeronautics and Space Administration, Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board, Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner, and Polly Trottenberg, of Maryland, to be Assistant Secretary of Transportation for Transportation Policy.
SR–253

Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings to examine the effects of the economic crisis on community banks and credit unions in rural communities.
SD–538

2:30 p.m.
Environment and Public Works
To hold hearings to examine the nominations of Robert Perciasepe, of New York, to be Deputy Administrator, and Craig E. Hooks, of Kansas, to be an Assistant Administrator, both of the Environmental Protection Agency.
SD–406

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine industrial competitiveness under climate policies, focusing on lesson from Europe.
SD–419

Intelligence
To receive a closed briefing on certain intelligence matters from officials of the intelligence community.
S–407, Capitol

JULY 9

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of General James E. Cartwright, for reappointment as the Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general, of the Marine Corps, and Admiral Robert F. Willard, for reappointment to the grade of admiral and to be Commander, Pacific Command, of the Navy.
SD–106

10 a.m.
Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold an oversight hearing to examine the Environmental Protection Agency's clean air regulations, one year after the CAIR and CAMR federal court decisions.
SD–406

Small Business and Entrepreneurship
To hold hearings to examine health care reform, focusing on the concerns and priorities from the perspective of small businesses.
SR–428A

Joint Economic Committee
To hold hearings to examine commercial real estate.
2226–RHOB

2 p.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary, and Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management, both of the Department of the Interior; and Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration, Department of the Energy.
SD–366

JULY 10

10 a.m.
Finance
To hold hearings to examine the nomination of William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.
SD–215

JULY 13

10 a.m.
Judiciary
To hold hearings to examine the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.
SH–216

JULY 14

9:30 a.m.
Veterans' Affairs
To hold hearings to examine bridging the gap in care of women veterans.
SR–418

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land.
SD–366

JULY 15

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Mignon L. Clyburn, of South Carolina, and Meredith Attwell Baker, of Virginia, both to be a Member of the Federal Communications Commission.
SR–253

JULY 16

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contracting for Alaska native corporations.
SD–342

JULY 22

10 a.m.
Veterans' Affairs
To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs.
SR–418

JULY 29

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation.
SR–418

SENATE—*Tuesday, July 7, 2009*

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, before You nations rise and fall; they grow strong or wither by Your design. Help our Nation to embrace righteousness and to strive for unity and renewal.

Lord, hasten the coming of Your kingdom, where pain, tears, and death will be no more. May America's example of right living prompt the world's nations to gather in the light of Your presence. Teach all nations the way of peace so we may plow up battlefields and pound weapons into liberation tools. Teach us to talk across boundaries as brothers and sisters, united by Your love. Today, help our Senators and all who labor with them to work with a renewed sense of their accountability to You.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following the remarks of the two leaders, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half. Following morning business, the Senate will begin consideration of H.R. 2892, the Homeland Security Appropriations Act.

Around 12:15 today, Senator-elect AL FRANKEN will be sworn in to be U.S. Senator from the State of Minnesota. At 12:30, the Senate will recess to allow for the weekly caucus luncheons. Senators should expect rollcall votes throughout the day as we consider the Homeland Security Appropriations bill.

Prior to leaving that subject, I hope Senators will be ready to offer amendments. We have a rule XVI, but this is a wide jurisdiction bill. There should be lots of opportunity for people to offer amendments. I hope they would consider doing their amendments as soon as possible. We are not going to spend day after day on this bill. We need to move appropriations bills as quickly as we can. I want people to have the opportunity to offer amendments. We will be happy to look at time agreements if that is appropriate. Without any preconditions, let's move to this bill and get it done as quickly as possible.

MEASURE PLACED ON THE CALENDAR—H.R. 2454

Mr. REID. Mr. President, H.R. 2454 is at the desk. It is my understanding it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

Mr. REID. Mr. President, I object at this time to any further proceedings on this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the Calendar pursuant to rule XIV.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. I thank the Chair.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK V, DAY II

Mr. MCCONNELL. Mr. President, the American people want health care reform. There is no question about that. But they have serious concerns about some of the proposals coming out of Washington, concerns that I have outlined on the Senate floor over the past few weeks. And Americans are also increasingly concerned about the way these proposals are being sold. Specifically, they are concerned that the same mistakes that were made on the economic stimulus bill are about to be made again—only this time, those mistakes would be all but permanent and would directly affect every single American family.

Here is what they are concerned about:

Earlier this year, advocates of the stimulus said that the bill had to pass right away, with minimal scrutiny and minimal bipartisan support. They gave the American people less than 24 hours to review one of the costliest pieces of legislation in history, and then they hoped for a good result. The reason for the rush is clear. Proponents of the stimulus were concerned that public support would start to fade if people got a closer look at the details. So they short-changed the debate and overpromised on results. And now their predictions are coming back to bite them.

Here is what they said at the time.

They said that if the stimulus passed, unemployment wouldn't rise above 8 percent. Unemployment is now approaching 10 percent. They said the stimulus was necessary to jumpstart the economy. Yet now, with about a half million jobs lost every month, they have started to admit that they simply ''misread'' the economy.

These were costly mistakes, and we can't take them back.

But we can prevent these same kinds of mistakes on health care. If the stimulus taught us anything it is that Americans should be skeptical any time someone in Washington rushes them into a major purchase with taxpayer dollars. We would walk away from any car salesman who tried to

rush us into buying a car—even if it was a cheap one.

We should be just as skeptical of a lawmaker who tries to do the same thing with our tax dollars and trillions in borrowed money. And now that Americans are hearing the same kinds of arguments about health care that we heard about the stimulus, the taxpayer antenna should begin to go up.

Now it is time for advocates of a government-run health plan to actually take the time to determine what reforms will actually save us money and increase access to care while preserving the things people like about our system.

Taking time may be frustrating to those who want to rush a health care bill through Congress before their constituents have a chance to see what they are buying. But the fact that the public is increasingly concerned about government-run health care isn't reason to rush. It is reason to take the time we need to get it right—and to make a serious effort to get members of both parties to work out reforms that a bipartisan majority can agree to, several of which I have enumerated many times already on the Senate floor.

We should reform our medical liability laws to discourage junk lawsuits and bring down the cost of care; we should encourage wellness and prevention programs that have been successful in cutting costs; we should encourage competition in the private insurance market; and we should address the needs of small businesses without creating new taxes that kill jobs.

Advocates of government health care should also be exceedingly cautious about the predictions they make this time around. We already know that many of the promises that are being made about a government-run health plan are unrealistic—such as the claim that everyone who likes the insurance they have will be able to keep it and that the cost of such health care proposals won't add to the national debt.

As Democrats rushed the stimulus funds out the door, they also predicted it wouldn't be wasted. Yet every day we hear about another outrageous project that it is being used to fund. I have listed some of these projects in previous floor remarks, such as a $3.4 million turtle tunnel in Florida. Americans struggling to hold onto their homes and their jobs want to know why their tax dollars are being spent on such wasteful and needless projects.

Americans were overpromised on the stimulus. This time they want the facts.

Soon, the Government Accountability Office will issue a report that gives us an even greater sense of the problems with the stimulus. I am concerned that this report provide an even clearer accounting of the mistakes that were made with that bill—and the flawed manner in which it was sold to the American people.

Americans who are now waking up to headlines about the problems with the stimulus don't want to be told a few months from now that the people who sold them a government-run health care system misread the state of our health care industry, or that the health care plan they are proposing was based on faulty assumptions.

Americans don't want to wake up a few years from now with their families enrolled in a government-run health care system because some here in Washington decided to rush and spend a trillion dollars and let the chips fall where they may.

The American people don't want us to rush through a misguided plan that pushes them off of their health insurance and onto a government plan that denies, delays, and rations care. On the stimulus, Americans saw what happens when Democrats rush and spend. When it comes to health care, they are demanding we take the time to get it right.

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Mr. President, last week, the Supreme Court decided the case of Ricci v. DeStefano in which it ruled that the city of New Haven, CT, unlawfully discriminated against a number of mostly White firefighters by throwing out a standardized employment promotion test because some minority firefighters had not performed as well as they had.

In this case, the Supreme Court was correct in my view. The government should not be allowed to discriminate intentionally on the basis of race on the grounds that a race-neutral, standardized test—which is administered in a racially neutral fashion—results in some races not performing as well as others.

Yet regardless of where one comes out on this question, there are at least two aspects of how all nine Justices handled this very important case that stand in stark contrast to how Judge Sotomayor and her panel on the Second Circuit handled it—and which call into question Judge Sotomayor's judgment.

First, this case involves complex questions of Federal employment law; namely, the tension between the law's protection from intentional discrimination—known as ''disparate treatment'' discrimination—and the law's protection from less overt forms of discrimination, known as ''disparate impact'' discrimination.

It also involves important constitutional questions—such as whether the government, consistent with the 14th amendment's guarantee of equal protection under the law, may intentionally discriminate against some of its citizens in the name of avoiding possible discriminatory results against other of its citizens.

Every court involved in this case realized that it involved complex questions that warranted thorough treatment—every court, that is, except for Judge Sotomayor's panel. The district court, which first took up the case, spent 48 pages wrestling with these issues. The Supreme Court devoted 93 pages to analyzing them. By contrast, Judge Sotomayor's panel dismissed the firefighters' claims in just 6 sentences—a treatment that her colleague and fellow Clinton appointee, Jose Cabranes, called ''remarkable,'' ''perfunctory,'' and not worthy ''of the weighty issues presented by'' the firefighters' appeal.

It would be one thing if the Ricci case presented simple issues that were answered simply by applying clear precedent. But the Supreme Court doesn't take simple cases. And at any rate, no one buys that this case was squarely governed by precedent, not even Judge Sotomayor.

We know this because in perfunctorily dismissing the firefighters' claims, Judge Sotomayor did not even cite a precedent.

Moreover, she herself joined an en banc opinion of the Second Circuit that said the issues in the case were ''difficult.'' So, to quote the National Journal's Stuart Taylor, the way Judge Sotomayor handled the important legal issues involved in this case was ''peculiar'' to say the least. And it makes one wonder why her treatment of these weighty issues differed so markedly from the way every other court has treated them and whether her legal judgment was unduly affected by her personal or political beliefs.

Second, all nine Justices on the Supreme Court said that Judge Sotomayor got the law wrong. She ruled that the government can intentionally discriminate against one group on the basis of race if it dislikes the outcome of a race-neutral exam and claims that another group may sue it. Or, as Judge Cabranes put it, under her approach, employers can ''reject the results of an employment examination whenever those results failed to yield a desired racial outcome, i.e., failed to satisfy a racial quota.''

No one on the Supreme Court, not even the dissenters, thought that was a correct reading of the law.

Justice Kennedy's majority opinion said that before it can intentionally discriminate on the basis of race in an employment matter, the government must have a ''strong basis in evidence'' that it could lose a lawsuit by a disgruntled party claiming a discriminatory effect of an employment decision. And even Justice Ginsburg and the dissenters said that before it intentionally discriminates, the government must have at least ''good cause'' to believe that it could lose a lawsuit by the disgruntled party.

Not Judge Sotomayor. She evidently believes that statistics alone allow the government to intentionally discriminate against one group in favor of another if it claims to fear a lawsuit.

Stuart Taylor notes why this is problematic. As he put it, the Sotomayor approach would, ''risk converting'' Federal antidiscrimination ''law into an engine of overt discrimination against high-scoring groups across the country and allow racial politics and racial quotas to masquerade as voluntary compliance with the law.'' Under such a regime, Taylor notes, ''no employer could ever safely proceed with promotions based on any test on which minorities fared badly.''

It is one thing to get the law wrong, but Judge Sotomayor got the law really wrong in the Ricci case, and the New Haven firefighters suffered for it. To add insult to injury, the perfunctory way in which she treated their case indicates either that she did not really care about their claims, or that she let her own experiences planning and overseeing these types of lawsuits with the Puerto Rican Legal Defense and Education Fund affect her judgment in this case.

As has been reported, before she was on the bench, Judge Sotomayor was in leadership positions with PRLDEF for over a decade. While there, she monitored the group's lawsuits and was described as an ''ardent supporter'' of its litigation projects, one of the most important of which was a plan to sue cities based on their use of civil service exams. In fact, she has been credited with helping develop the group's policy of challenging these types of standardized tests.

Is the way Judge Sotomayor treated the firefighters' claims in the Ricci case what President Obama means when he says he wants judges who can ''empathize'' with certain groups? Is this why Judge Sotomayor herself said she doubted that judges can be impartial, ''even in most cases''? It is a troubling philosophy for any judge, let alone one nominated to our highest court, to convert ''empathy'' into favoritism for particular groups.

The Ricci decision is the tenth of Judge Sotomayor's cases that the Supreme Court has reviewed. And it is the ninth time out of ten that the Supreme Court has disagreed with her. In fact, she is 0 for 3 during the Supreme Court's last term.

The President says that only 5 percent of cases that Federal judges decide really matter. I do not know if he is right. But I do know that, by necessity, the Supreme Court only takes a small number of cases, and it only takes cases that matter. And I know that in the Supreme Court, Judge Sotomayor's been wrong 90 percent of the time.

In the Ricci case, her third and final reversal of this term, Judge Sotomayor was so wrong in interpreting the law that all nine justices, of all ideological stripes, disagreed with her. As we consider her nomination to the Supreme Court, my colleagues should ask themselves this important question: is she allowing her personal or political agenda to cloud her judgment and favor one group of individuals over another, irrespective of what the law says?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

SOTOMAYOR NOMINATION

Mr. DURBIN. Mr. President, Republican Senate leader Senator MCCONNELL has just completed his leadership statement. I would like to respond to two or three of his points.

I am not surprised that he opposes Sonya Sotomayor, the President's nominee to the Supreme Court. He has stated that earlier, that he does not believe she should take this important position. I disagree. Sonya Sotomayor comes to us having first been nominated for a Federal judgeship under Republican President George H.W. Bush and then was nominated for a promotion to the circuit level, the next higher bench, by President Clinton. So she has enjoyed bipartisan support in her judicial career. In fact, she brings more experience on the bench to the Supreme Court if she wins the nomination, if it is approved by the Senate, than any nominee in modern memory. So there is no question she was qualified both under a Republican President and a Democratic President. Now she brings that accumulated experience in this effort to be part of the Supreme Court.

I have met her. She has met personally with over 80 Senators and talked to them, answering every question they had about her background, her approach to the law. She is an outstanding candidate.

Her life story is one that is inspiring to all. She was raised in public housing in the Bronx, NY. There has been some mention of the fact that she was a volunteer attorney for the Puerto Rican Legal Defense Fund. It is a fact that she is of Puerto Rican national descent. When she was 9 years old, her father passed away. Her mother, a very strong-willed and energetic person, raised her and her brother. Her brother is a medical doctor. She is an accomplished attorney. She went to Princeton University and graduated with one of the highest academic honors and then went on to Yale Law School, where she also was acknowledged as being one of the most outstanding law students in her class.

This is a person who comes to this job with a resume that, as a lawyer myself, I look at with a great deal of envy. She is an extraordinarily gifted person. There could be questions raised about any judge's ruling on any case. But the fact is, I believe she has a record that is unparalleled in terms of judicial experience. So I hope those who listened to Senator MCCONNELL's remarks will also reflect on the fact that Judge Sotomayor is an extraordinarily talented and gifted person. If Senator MCCONNELL is going to oppose her nomination—it sounds as if he will—I hope some on his side of the aisle will join us in a bipartisan effort to make her part of the U.S. Supreme Court.

THE ECONOMY FIT

Mr. DURBIN. Senator MCCONNELL was also critical of President Obama, the President's attempt to deal with the economy he inherited from the previous President. The economy was in the worst shape we have seen it since the Great Depression when President Obama was sworn into office. It was not, as he said, his choice to face that kind of an issue or challenge, but it was the reality of what he faced. He did the right thing. He said: I am not going to stand idly by and observe this economy continue to decline, with more and more people facing unemployment, businesses failing, and people losing their savings. I am going to step up and try to create jobs, save and create jobs here in America so that we do not see more people in the unemployment lines.

I supported that. Luckily, three Republican Senators at the time joined us; otherwise, we could not have passed it. So we had a bipartisan vote supporting President Obama's recovery and reinvestment package. Senator MCCONNELL, the Republican leader, opposed it. He came to the floor today to say that we wasted our money on this stimulus package and that we should be very skeptical of these things. The fact is, the Republicans in the Senate had nothing to offer as an alternative. Their alternative was to stand idly by and watch the economy continue to descend, continue to deteriorate, and maybe with a little prayer and hope that it would turn around. That is not good enough.

President Obama said: Let's first, in this stimulus package, take at least 40 percent of all of the funds I am asking for and give it back to Americans in tax breaks for working families. Families need a helping hand, the President said. I voted for that. I think that was sensible. The President made that decision. Senator MCCONNELL thinks that is wasteful, to give tax breaks to working families—at least he said it was wasted. I do not believe it is wasteful. It is a good thing to do to try to revitalize the country.

The President said: Let's invest in what will pay off for a long time to come. Let's put money into infrastructure, let's build that which will serve our economy and serve America, and let's create good-paying jobs to do it. I thought that was sensible.

The President said: Let's look to the next generation of needs in America. Let's make sure we are investing in energy projects which will pay back in years to come and lessen our dependence on foreign energy sources—another good investment from where I am sitting.

He also said: Give a helping hand to those unemployed, a little extra money for them each month to get by. It was not a lot, but for many families it made a difference.

He also said: Give the unemployed a helping hand so they can keep their health insurance. If you lose a job, you lose your health insurance. Think about that if you are trying to raise a family. The President said: Let's try to reduce the premiums unemployed people will pay.

Now Senator MCCONNELL comes to the floor and said this was a waste of time and a waste of money for us to make that kind of investment in America. I believe the President did the right thing. I would commend to Senator MCCONNELL, the Republican leader, the latest Pew Poll, which shows that when Americans were asked if America's economy is on the right track or wrong track, they have come in with the highest number—53 percent on the right track, 39 percent on the wrong track—we have seen in months. There is a feeling that we still have a long way to go. There are still too many people unemployed, too many businesses failing. But at least we are on the right track toward recovery. It may take some time. Nobody predicted this would be fast or easy. But the President showed leadership, inheriting a bad economy and showing leadership to deal with it.

HEALTH CARE

Mr. DURBIN. The major thrust of the remarks of the Senate Republican leader, day after day, has been in opposition to health care reform. I will tell you that I think the Republican leader is out of step with America. America understands we need to do something about our health care system. We are spending twice as much per person for health care in America as any nation on Earth—twice as much—and the medical outcomes, unfortunately, do not reflect that kind of major investment. In other words, we are wasting money in our current health care system.

That has to change. So what we need to do is preserve those things in our health care system today that are good and fix the things that are broken, and that is what the President has challenged us to do. This is not something new. This challenge has been waiting for 15 years since former President Clinton tackled it and, unfortunately, could not pass it. We have seen our health care costs in America continue to skyrocket and our costs for health insurance following in track. Now we have to do something about it.

Time and again, the Senator from Kentucky comes to the floor and says: We are rushing into this. I would just say to him that in the year 2008 the Senate Finance Committee, under Chairman MAX BAUCUS, held 10 hearings on health reform and a day-long bipartisan summit with the Finance Committee's ranking member, Republican CHUCK GRASSLEY. This year, the Finance Committee has held two reform-related hearings, three roundtabless, three walk-throughs with policy options, and a number of closed-door sessions to discuss all of the issues on a bipartisan basis. The HELP Committee, which is another committee of the Senate also considering health care reform, has held 14 bipartisan roundtabless, 13 committee hearings, and 20 walk-throughs. Democrats are not rushing this through. We have taken this up in an orderly way, trying to analyze one of the most significant challenges ever facing Congress.

Time and again, Senator MCCONNELL has also come to the floor and argued that Americans should be afraid of change, be afraid, be very afraid. He argued before be afraid of closing Guantanamo; now he is saying be afraid of health care reform. This is not a fearful nation. We are a nation which accepts challenges and does our best to try to find solutions. We are a good and caring nation of people who want to make certain that, at end of the day, we reduce the cost of health care for everyone, bringing it more in line with efficiency and effective medical care, and we also pick up the 50 million Americans who have no health insurance and give them protection, bring them under the umbrella of protection. We should not be afraid of that challenge. Why would we be afraid? We know if we don't tackle it, it will continue to cost us more and more money.

One of the things the Senator from Kentucky says repeatedly, which is just plain wrong, is that under the proposals coming before the Senate, the government can take away health insurance people have today. I am sorry the Senator is not on the floor. I am sure some Members of his staff will alert him to the fact. I would like to read from the language from the HELP Committee bill which is presently being considered. This language makes it abundantly clear,—in fact, says directly—that we can keep our health care plans, that they would not be taken away. That is something most Americans want to have the benefit of. Let me read from the HELP Committee bill that will be considered by the Senate:

> Nothing in this Act or an amendment made to this Act shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled prior to the date of enactment of this title.

That is what it says. If one likes their health insurance today, nothing we do in health care reform will take that way from them. It is expressly stated. Time and again, Senator MCCONNELL comes to the floor and says the opposite: Government is going to take away your health insurance. The clear language of the bill says: No, that is not our intention. That is not what we are going to do.

I am also concerned when I listen to the Senator from Kentucky talk about government-run health care. He says it in negative terms, as if the government's involvement in health insurance and medical care is inherently wrong or misguided or ineffective. Here are the realities: 45 million Americans out of 300 million currently are covered by Medicare. Does the Senator from Kentucky want to eliminate Medicare, a government-run health care plan? I am waiting for him to say that. He has never said it. Another 60 million Americans are under Medicaid, which provides health insurance for the poorest among us and those who are disabled. So 105 million Americans today have either Medicare or Medicaid. That is a third of America being covered by government-run health care. That is a reality. Most Americans understand there are very positive things to be said for those plans. Would we do without Medicare; would we abolish it? I certainly wouldn't be part of that. In over 40 years, Medicare has brought peace of mind, dignity, and great medical care to millions of seniors across America. I wouldn't want to see that go away. I think it is a program that has served us well.

A question was asked recently by CNN: In general, would you favor or oppose a program that would increase the Federal Government's influence over the country's health care system in an attempt to lower costs and provide health care coverage to more Americans? The numbers that came back on

May 15, by CNN: 69 percent of the American people favor that statement, favor more government involvement in health care to reduce cost and expand coverage. Only 29 percent oppose. The position argued by the Republican leader does not reflect America's feelings about health care.

If Senator MCCONNELL feels the current health care system is fine and we should not work to change it, he does not, I am afraid, reflect the feelings of most Americans. We can do better. We need to do better on a bipartisan basis. We need cooperation on the Republican side of the aisle in a bipartisan effort to find real solutions, compromise that would not compromise the values of our American health care system but give people a health care program that would not be taken away from them by some health insurance company bureaucrat, something the family can afford, something small businesses can afford.

We can do it. We should not be afraid. America has tackled bigger challenges in the past.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

HONORING JOHN GRANVILLE

Mr. KAUFMAN. Mr. President, I rise once again to speak about the vital role our Federal employees play in keeping America safe, prosperous, and free.

Just days ago, on the Fourth of July, we celebrated the 233rd anniversary of our independence. For 233 years, ordinary Americans have chosen to give their energy, their time, and their talents in service to our government. Many have given their lives.

All Federal employees, as I have said previously, are bound together by a shared sense of duty and willingness to sacrifice.

When the Founders added their signatures to the Declaration of Independence, they did so with faith in their fellow Americans—that the 56 names inked on that parchment were joined in spirit by millions of others in their own day and for generations to come.

They knew that building a nation requires more than a handful of men.

It entails the active participation of citizens from all walks of life.

This is why, a decade later, when the Framers assembled in Philadelphia to draft our Constitution, they did so with an expectation that regular citizens would be the form and substance of our government.

Indeed, they knew firsthand the value of service above self. This virtue would lead countless Americans who had fought for freedom to become the first generation of Federal employees.

The Founders and Framers had good cause to predict such participation among citizens beyond their appointed role as electors and jurors. The classical history and writings that influenced them are filled with praise for the values of duty and sacrifice that inspire public service.

Many educated Americans in 1776 were familiar with the story of Horatius the Roman.

When the armies of a tyrant approached the walls of Rome, the citizens of its infant republic were called to arms.

Horatius ran across the last bridge spanning the Tiber River where he alone held off the enemy as his compatriots destroyed the bridge behind him. With this personal act of courage, he prevented the capture of Rome.

Horatius was not a professional soldier. He was neither an elected leader nor a man of high birth.

But he defended with pride that title of honor greater than any other—citizen. He gave his life so that others could remain free.

His act is an example of the kind of sacrifices that ordinary citizens are willing to make when they know freedom is in jeopardy.

Americans looked to classical figures like Horatius in 1776, when their own liberty was uncertain.

It is this common willingness to risk safety and personal gain that sets apart a commonwealth of citizens from a nation of subjects.

It is these same qualities that make our Federal employees so worthy of praise.

On the Fourth of July, I thought about ordinary Americans who choose to serve their country in often perilous situations. Many of them risk harm while defending the liberty and values that infuse our citizenship with meaning.

As I have said before, our Federal employees exemplify the American value of service above self.

Throughout our history, Federal employees have traveled to dangerous corners of the globe, in order to represent the American people abroad, promote peaceful international cooperation, and provide aid to those in need.

John Granville was one of those who felt called to serve his country, even if it meant traveling to places where his own safety was uncertain.

A native of Orchard Park, NY, near Buffalo, John studied at Fordham and Clark Universities before joining the Peace Corps. His service in the Corps took him to Cameroon, in West Africa, from 1997 to 1999.

While there, he applied for and received a Fulbright fellowship to continue living in that country and conduct research on its society and development.

John, committed to serving his country and helping others, then joined the Foreign Service.

He worked for the U.S. Agency for International Development—or USAID—in Kenya before heading to Sudan in 2005.

It was a dangerous assignment. That year, the Sudanese Government signed a cease-fire to end a long civil war in that country's south. John's assignment was to distribute 75,000 radios to rural villagers.

These radios could be powered by the Sun or by handcrank.

With democratic elections approaching, these radios would give the local Sudanese access to uncensored international news broadcasts.

As a former member of the Broadcasting Board of Governors, I can attest to the importance of providing access to free and uncensored news. It is a vital part of developing democratic culture and press freedom. It also promotes hope and understanding, which help deter the spread of extremist views.

John worked with a dedicated team of USAID officials to distribute these radios and other aid to rural south Sudanese. One of his coworkers later said that John was ''the glue'' that held their group together and that he kept up their spirits throughout the mission.

On New Year's Day, 2008, John was gunned down by four militants who targeted his car for its diplomatic plates. He was only 33 years old.

His loved ones back home remembered him as an ''unselfish humanitarian,'' a ''consummate professional,'' and someone who ''worked with energy and imagination.'' John was an active member of the St. John Vianney Church community, and he was a mentor who inspired others to follow in his footsteps by helping those in need.

John Granville believed in the importance of service as part of citizenship.

He crossed the ocean and stood on the other side, like the Roman Horatius at the far end of the bridge, carrying out the people's work and risking his own safety in service to his Nation.

He had told his mother on several occasions that despite the danger of his work, he would not want to be doing anything else.

There are thousands of Foreign Service officers, USAID workers, and journalists and employees with the Broadcasting Board of Governors all over the globe.

These dedicated men and women leave behind family, friends, and communities. Their careers often take them through dangerous parts of the world, where the threat from crime, disease, war, and terrorism is very real.

All too frequently their sacrifices and achievements go unrecognized. On occasion, they make the ultimate sacrifice.

Because we just celebrated the Fourth of July, let me return for a moment to the founding generation.

Those first Americans who sacrificed for liberty established more than our

Republic. They left us with a democratic legacy that reminds us everyday of our rights and our duties as equal citizens.

The descendents of those revolutionaries, when they designed and ornamented this magnificent Capitol, enshrined a powerful message. The paintings in the Capitol Rotunda, just steps from here, narrate the story of how America achieved its greatness.

They tell not of the force of arms or the achievements of a powerful few. Rather, taken as a whole, these eight paintings celebrate the evolution of American citizenship.

The turning point in this narrative is highlighted by Trumbull's iconic portrayal of the drafting of the Declaration of Independence.

But the last painting in the cycle is the most poignant and recalls the climactic movement in the development of our citizenship.

Washington, at his height of popularity, willingly yields his power and authority back to the people by resigning his commission.

With his sacrifice in that moment, the American people were truly free, and those who laid out this cycle of paintings did so to acclaim this birth of American citizenship.

They remind us that our citizenship is a pact between equals, that no American should ever rule arbitrarily over another.

It is this notion of citizenship that governs the relationship between the American people and our Federal employees.

As a commonwealth of citizens, we entrust our fellow Americans who work in the Federal Government to perform that noble task so yearned for by the 56 men who wrote and signed the Declaration.

They secure our unalienable rights by constituting a government deriving its ''just powers from the consent of the governed.''

Their hard work and their sacrifices protect our lives, preserve our liberty, and enable all Americans to pursue happiness.

I call on my colleagues to join me in honoring and recognizing the immeasurable sacrifice made by John Granville and all civilian Federal employees who gave their lives in service to our Nation.

Their names will forever be inscribed on the eternal Declaration that continually secures our freedom.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the time of the majority be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. MCCAIN. Mr. President, in the last few years, I have traveled all over this country talking to people about health care. After listening to countless Americans—including in two townhall meetings last week—I proposed in the past health care reforms that would have ensured health care coverage was more affordable, accessible, portable, and suitable for all American families.

Health reforms need to be consistent with our American values of freedom, choice, and limited government. The key to these reforms is to put our citizens in charge of their own health coverage. Rather than being stuck in a job because the job provides health care, or worse, losing health insurance if the economy causes you to lose your job, we need to change our system and allow Americans to obtain coverage options with a tax credit for policies not limited by State boundaries or government dictates.

Just this past week, I had the great good fortune to visit two of the finest health care institutions in this country. First, I spent time with hundreds of patients, doctors, nurses, and health care leaders at the world-renowned MD Anderson Cancer Center in Houston, TX. I heard from patients who had come to this center of excellence from 90 countries and States, including Arizona. Why do patients come to the United States of America from all over the world? It is because the highest quality health care is in the United States of America. And I repeat, the fundamentals of this discussion and debate sometimes go astray from the fact that the highest quality health care in the world is available in the United States of America. The key to it and our challenge is to make that health care available and affordable to all Americans. The path we are on will destroy the quality of that coverage and will, in fact, make health care the same as it is in other countries. The reason they leave there is to get high-quality health care in the United States of America. It is the best—our system—because innovation and technology are allowed to flourish.

Later in the week, in my home State of Arizona, I visited one of the premier children's hospitals in the country. Phoenix Children's Hospital is a destination medical facility for children all around the Southwest and in the country. At Phoenix Children's Hospital, I also met with patients, physicians, nurses, medical executives, and average Arizonans. During this visit, not one health care provider in Phoenix told me they wanted more government control over health care. In fact, they told me the opposite. PCH has experience with Medicaid, and time after time I was told of the problems providers face every day with the government Medicaid Program. The program is a vital safety net for the low income, but we have to recognize the important lessons we have already learned about government running health care programs.

During these events, I was repeatedly told that we need reform. They also told me about the problems they face in the government-controlled Medicare and Medicaid Programs, both with massive unfunded liabilities. They want a stable system that keeps costs under control, gets everyone covered, pays fairly, encourages innovation, and maintains America's standing as providing the best health care in the world. But none of them told me we need more government control of health care or government-controlled health insurance.

I have listened to Americans. But I am worried they are not being heard here in Congress by those who control the agenda in the White House and the Senate. If President Obama and the Democratic leaders were listening, we would not have a bill before us that costs too much, taxes too much, covers too few, and puts government in control at every turn.

This country has fought for over 200 years for the fundamental values that I fear are being eroded by the other side's appetite for one-size-fits-all government control of one of our most cherished economic gems.

First, this administration takes over the banking industry. Then they take over the auto industry. Along the way, they tell us $787 billion in more and bigger government, along with $1.8 trillion of debt this year alone, is the answer to our ailing economy. Now they are telling the American people they were not aware of the economic situation and, guess what, they are going to want another stimulus package. I think that idea would be soundly rejected by the American people. And now they are telling the American people that we must rush to pass a new government health care plan that we cannot pay for, will increase taxes, and kill jobs. We are talking about one-sixth of the gross national product of America. And it is pretty obvious the other side wants to jam this through in the next 4 weeks. We should not do that. They still have not come up with ways to pay for this grandiose takeover of the American health care system.

Americans are losing health care coverage every day. And it gets back to the issue of affordability, not quality.

But the Democrats cannot produce legislation that responsibly makes coverage available to all Americans without trillions of dollars in new spending.

This weekend, after a 4-week delay, we finally received new provisions in their new government-run health care plans. Here is what we know about the legislation before us:

The Congressional Budget Office says the preliminary cost estimate for the new language they reviewed was nearly $900 billion in new spending. The other side says this is a cost reduction from an earlier version of the bill. Do not be fooled by the smoke and mirrors. After an inexplicable 4-year phase-in that delays several provisions in the Democratic bill in an effort to hide costs through accounting techniques, the bill will actually spend $1.5 trillion when it is fully implemented. And that is not counting the hundreds of billions of dollars in new Medicaid spending promised by that legislation.

CBO also tells us the HELP Committee bill still leaves over 30 million Americans without coverage. Mr. President, for all the spending being proposed, don't you think we should be covering more than 40 percent of the uninsured? When the final numbers come in, don't be surprised if the cost of this ''rush'' proposal is at or above $2 trillion. What is worse, the sponsors cannot tell us how we will pay for such a massive price tag.

My colleagues and I plan to continue talking to the American public. I suggest the other side in the Senate talk to all Americans about what they need rather than making these decisions for them.

Again, Mr. President, we cannot risk running through a legislative proposal in the next 4 to 5 weeks and be sure that we are not making serious and fundamental mistakes. And the serious and fundamental mistake is the approach to this legislation, which is, the quality of health care in America can and must be preserved; it is the cost that needs to be brought under control. We can bring those costs under control by innovative techniques, by competition, by allowing Americans to go all across America to get the health insurance of their choice—the same way we have been able to reduce costs in other sectors of our economy, as technology has improved the quality of our lives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I was here to listen to the thoughtful comments of the Senator from Arizona. His leadership on the HELP Committee in trying to help make certain we help Americans have access to health care they can afford and that we do that in a way that leaves them with a government they can afford and with choices so they do not have government in between themselves and their doctors has been very important. I thank him for his leadership.

TAXPAYER STOCK OWNERSHIP

Mr. ALEXANDER. Mr. President, the Senator talked about spending and debt. During my week in Tennessee last week, if I heard about anything, it was about too much debt. People are genuinely worried about the amount of new debt and spending in Washington. But if I heard anything else last week, it was about too many Washington takeovers. Senator MCCAIN mentioned some of them. He mentioned banking. He talked about, perhaps, student loans. He mentioned the health care industry. And he mentioned the automobile industry, which is what I would like to talk about for a few minutes this morning.

Yesterday was good news for General Motors. The judge in the bankruptcy case apparently approved a plan that by the end of the week should free General Motors from bankruptcy, and we could have a new GM, for which I wish great success because General Motors has made great contributions to our State of Tennessee over the last 25 years. Its Saturn plant has helped to attract hundreds of suppliers and has produced a good car, although they never made any money for one reason or another. But they made a great contribution to our State. So the good news is General Motors is going to get out of bankruptcy. The bad news is that the U.S. Government still owns 61 percent of General Motors, as well as about 8 percent of Chrysler. And it was paid for with real dollars.

Mr. President, $50 billion or so in taxpayer dollars went to buy 61 percent of General Motors. Well, I have a solution which I would like to discuss, offered by the Senator from Utah, Mr. BENNETT; the Senator from Arizona, Mr. KYL; the Senator from Kentucky, Mr. MCCONNELL, other Senators, and myself. Our legislation would direct the Department of the Treasury, within 1 year after General Motors comes out of bankruptcy, to distribute all of the government stock in General Motors and in Chrysler to the 120 million Americans who pay taxes on April 15—in other words, a stock dividend. We want to give the stock to the people who paid for it. The idea is pretty simple: I paid for it, I ought to own it. Not only would that stop the incestuous political meddling that seems to go on here in Washington with General Motors—Washington cannot seem to keep its hands off the car company—it would also create an investor fan base of 120 million Americans who might be interested in the success of General Motors or be a little more interested than they are today.

Think of the Green Bay Packers. The fans own the team, and the fans are even a little bit more interested in who the quarterback might be than they might otherwise be. Well, if 120 million Americans owned a little bit of General Motors, the New GM, they might be a little more interested in the next Chevy and it might help General Motors succeed.

I can suggest one thing that will make sure the company does not succeed, and that is to keep the ownership of General Motors in Washington, DC, with meddling politics interfering with the executives and the workers who are designing and building and selling cars—or who, I might say, ought to be designing, building, and selling cars.

Madam President, about how much time do I have remaining?

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator has 6 minutes.

Mr. ALEXANDER. Thank you, Madam President.

When I first suggested that what we ought to do is just give the stock to taxpayers, I think some of my colleagues thought I might be being facetious. But this is a very normal corporate event. It is called a stock distribution or a corporate spinoff. In 1969, Procter & Gamble did a spinoff with Clorox, its subsidiary. Procter & Gamble decided its Clorox subsidiary was not a part of the core business of Procter & Gamble anymore, so it simply gave shares of Clorox to people who owned the major company, Procter & Gamble. Time Warner did it with Time Warner Cable in March of 2009. PepsiCo did it with its restaurant business in 1997 by spinning off KFC, Pizza Hut, and Taco Bell.

If you stop and think about it, it is the simplest way to solve the problem. The President has said he does not want to micromanage General Motors and that he plans to sell it. But the President himself has already fired the president of General Motors, put in the board, and called the mayor of Detroit and said he believes the headquarters ought to be in Detroit instead of Warren, MI. Next, you have the chairman of the House Financial Services Committee calling up General Motors saying: Don't close a warehouse in my district. Senators from Tennessee and Michigan and other States are saying: Please put a plant in our states. We have at least 60 Congressional committees and subcommittees that could have the General Motors and Chrysler executives drive their congressionally approved hybrid cars to Washington to testify all day when they ought to be home trying to figure out how to make a car that would sell better than a Toyota or a Nissan or a Honda or some other company.

So let's get the stock out of Washington and into the hands of the taxpayers.

Madam President, I have twice presented a car czar award to try to put a

spotlight on the political meddling in Washington, DC. Once I gave it to BARNEY FRANK, the chairman of the House Financial Services Committee, who called up the General Motors president and said: Don't close a warehouse in my district, and General Motors did not close the plant. Once I gave the award to myself and others, who met with GM people and said: Please put a plant in our district. Today I would like to present it to a real car czar.

In the June 1 Wall Street Journal, there is an article by Lieutenant General Pacepa, who was literally the car czar of Romania.

Madam President, I ask unanimous consent that following my remarks, this article about what Lieutenant General Pacepa learned as car czar be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, basically, he says:

The United States is far more powerful than Great Britain was then, and no American Attlee should be capable of destroying its solid economic and political base. I hope that the U.S. administration, Congress, and the American voters will take a closer look at history and prevent our automotive industry from following down the [road of the Romanian cars.]

He cites many examples. For example, how the President of Romania decreed that the Oltcit parts were to be manufactured at 166 existing Romanian factories in parts of the country that corresponded to the voting districts. I can see that happening in the United States. We already have Congressmen saying: Don't buy a battery in South Korea; buy one made in my congressional district. General Motors might be buying a battery from South Korea because it would make the Chevy Volt a success.

In the New York Times in 1989, there was an article talking about Soviet cars called the Lada, which were the brunt of many jokes, and the difficulty the Soviet Union had coming out of perestroika and glasnost.

There were jokes such as: What do you call a Lada with twin tailpipes? A wheelbarrow.

Why do Ladas have heated rear windows? So you can keep your hands warm when you are pushing them in the snow.

We politicians don't know anything about making cars. We should not pretend we do. The American people know that. They don't like the fact that the federal government has spent more than $50 billion bailing out the car companies, but the American people like it worse that we in Congress are sitting on 60 committees and subcommittees acting as if we are going to help the auto companies succeed. The single most important thing we can do to celebrate General Motors coming out of bankruptcy this week is to pass legislation we have offered, which would give all of the stock the government has in General Motors and Chrysler, within 1 year, to the 120 million Americans who pay taxes on April 15.

The rationale is very simple: They paid for it; they should own it. That would begin to stop this trend we are seeing every day and every month in Washington of too many Washington takeovers and move us back in the direction we ought to go to rebuild a great car company and get jobs flowing in this country again.

I thank the Chair and yield the floor.

EXHIBIT 1

WHAT I LEARNED AS A CAR CZAR

(By Ion Mihai Pacepa)

They say history repeats itself. If you are like me and have lived two lives, you have a good chance of seeing the re-enactment with your own eyes. The current takeover of General Motors by the U.S. government, and United Auto Workers makes me think back to Romania's catastrophic mismanagement of the car factories it built jointly with the French companies Renault and Citroen. I was Romania's car czar.

When the Romanian dictator Nicolae Ceausescu, decided in the mid-1960s that he wanted to have a car industry, he chose me to start the project rolling. In the land of the blind, the one-eyed man is king. I knew nothing about manufacturing cars, but neither did anyone else among Ceausescu's top men. However, my father had spent most of his life running the service department of the General Motors affiliate in Bucharest.

My job at the time was as head of the Romanian industrial espionage program. Ceausescu tasked me to mediate the purchase of a minimum, basic license for a small car from a major Western manufacturer, and then to steal everything else needed to produce the car.

Three Western companies competed for the honor. Ceausescu decided on Renault, because it was owned by the French government (all Soviet bloc rulers distrusted private companies). We ended up with a license for an antiquated and about-to-be-discontinued Renault-12 car, because it was the cheapest. ''Good enough for the idiots,'' Ceausescu decided, showing what he thought of the Romanian people. He baptized the car Dacia, to commemorate Romania's 2,000-year history, going back to Dacia Felix, as the ancient Romans called that part of the world. In that government-run economy, symbolism was the most important consideration, especially when it came to things in short supply (such as food).

''Too luxurious for the idiots,'' Ceausescu decreed when he saw the first Dacia car made in Romania. Immediately, the radio, right side mirror and backseat heating were dropped. Other ''unnecessary luxuries'' were soon eliminated by the bureaucrats and their workers' union that were running the factory. The car that finally hit the market was a stripped-down version of the old, stripped-down Renault 12. ''Perfect for the idiots,'' Ceausescu approved. Indeed, the Romanian people, had never before had any car, came to cherish the Dacia.

For the Western market, however, the Dacia was a nightmare, To the best of my knowledge, no Dacia car was ever sold in the U.S.

Ceausescu, undaunted, was determined to see Romanian cars running around in every country in the world. He tasked me to buy another Western license, this time to produce a car tailored for export. Oltcit was the name of the new car—an amalgam made from the words Oltenia, Ceausescu's native province, and the French car maker Citroen, which owned 49% of the shares. Oltcit was projected to produce between 90,000 and 150,000 compact cars designed by Citroen.

Ceausescu micromanaged Oltcit, but he didn't even know how to drive a car, much less run a car industry. To save the foreign currency he coveted, he decreed that the components for the Oltcit were to be manufactured at 166 existing Romanian factories. Coordinating 166 plants to have them deliver all the parts on time would be a monumental job even for an experienced car producer. It proved impossible for the Romanian bureaucracy, which pretended to work and was paid accordingly. The Oltcit factory could produce only 1% to 1.5% of its intended capacity owing to the lack of the parts that those 166 companies were supposed to furnish simultaneously. The Oltcit project lost billions.

Ceausescu was an extreme case, but automobile manufacturing and government were never a good mix in any socialist/communist country. In the late 1950s; when I headed Romania's foreign intelligence station in West Germany, I worked closely with the foreign branch of the East German Stasi. Its chief, Markus Wolf, rewarded me with a Trabant car—the pride of East Germany—when I left to return to Romania.

That ugly little car became famous in 1989 when thousands of East Germans used it to cross to the West. The Trabant originally derived from a well regarded West German car (the DKW) made by Audi, which today produces some of the most prestigious cars in the world. In the hands of the East German government, the unfortunate DKW became a farce of a car. The bureaucrats and union that ran the Trabant factory made the car smaller and boxier, to give it a more proletarian look. To reduce production costs, they cut down on the size of the original, already small DKW engine, and they replaced the metal body with one made of plastic-covered cardboard. What rolled off the assembly line was a kind of horseless carriage that roared like a lawn mower and polluted the air worse than a whole city block full of big Western cars.

After German reunification, the plucky little ''Trabi'' that East Germans used to wait 10 years to buy became an embarrassment, and its production was stopped. Germany's junkyards are now piled high with Trabants, which cannot be recycled because burning their plastic-covered cardboard bodies would release poisonous dioxins. German scientists are now trying to develop a bacterium to devour the cardboard-and-plastic body.

Automobile manufacturing and government do not mix in capitalist countries either. In the spring of 1978 Ceausescu appointed me chief of his Presidential House, a new position supposed to be similar to that of the White House chief of staff. To go with it he gave me a big Jaguar car, That Jaguar, which at the time had been produced in a government-run British factory, was so bad that it spent more time in the garage being repaired than it did on the road.

''Apart from some Russian factories in Gorky, Jaguars were the worst,'' Ford executive Bill Hayden stated when Ford bought the nationalized British car maker in 1988. How did the famous Jaguar, one of the most prestigious cars in the world, become a joke?

In 1945, the British voters, tired of four years of war, kicked out Winston Churchill

and elected a leftist parliament led by Labour's Clement Attlee. Attlee nationalized the automobile, trucking and coal industries, as well as communication facilities, civil aviation, electricity and steel. Britain was already saddled by crushing war debts. Now it was sapped of economic vigor. The old empire quickly passed into history. It would take decades until Margaret Thatcher's privatization reforms restored Britain's place among the world's top-tier economies.

The United States is far more powerful than Great Britain was then, and no American Attlee should be capable of destroying its solid economic and political base. I hope that the U.S. administration, Congress and the American voters will take a closer look at history and prevent our automotive industry from following down the Dacia, Oltcit or Jaguar path.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, how much time is left?

The PRESIDING OFFICER. There is 12 minutes remaining.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Madam President, I express my appreciation to the Senator from Tennessee for his insightful comments. Indeed, it is a tangled web we create when we first start to regulate. It is a tangled web, too, when we start owning automobile companies which we know nothing about. Madam President, we are looking forward to next week and working as hard as we can to ensure that we have a very fine confirmation hearing in the Judiciary Committee for the judge nominated to be a Justice of the Supreme Court by President Obama, Judge Sotomayor. I will share a few thoughts about that and some matters that I think are important for my colleagues to think about as they study this issue and work to do the right thing about it.

The President's nominee is, of course, his nominee, and it is our responsibility—and the only opportunity the American people have to know anything about this process is the hearing in which the nominee has to answer questions and respond. Senators will make comments and ask questions.

When we elevate one of our citizens to a Federal judgeship, we give them an awesome responsibility, and particularly so when elevated to the Supreme Court. They are the final word on our Constitution, how the Constitution and our laws are to be interpreted. Some judges, I have to say, have not been faithful in their responsibilities. They have allowed personal views and values to impact them, in my view. We ask them as judges to take on a different role than they have in private practice. We ask them to shed their personal beliefs, their personal bias and, yes, their personal experiences. We ask them to take an oath to impartial justice.

Our wonderful judicial system—the greatest the world has ever seen—rests upon this first principle. It is an adversarial system that is designed to produce, through cross-examination and other rules and procedures, truth—objective truth. The American legal system is founded on a belief in objective truth and its ascertainability. This is a key to justice.

But in this postmodern world, our law schools and some intellectuals tend to be of a view that words don't really have meaning; words are just matters some politically powerful group got passed one day, and they don't have concrete meanings and you don't have to try to ascertain what they meant. And, indeed, a good theory of law is to allow the judge to update it, change it, or adopt how they would like it to be.

I suggest this is not a healthy trend in America. It impacts this Nation across the board in so many ways. But I think it is particularly pernicious, when it comes to the law, if that kind of relativistic mentality takes over.

This notion of blind justice, objectivity, and impartiality has been in our legal system from the beginning, and it should not be eroded. Every judge takes this oath. I think it sums up so well the ideals of the fabulous system we have. A judge takes this oath:

> I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me under the Constitution and laws of the United States, so help me God.

Well, I guess the Court hasn't gotten around to striking their oath yet—at least that part that says ''so help me God.'' Those phrases have certainly been attacked around the country by Federal judges, in many instances. This oath—I have to say this—stands in contrast to the President's standard for judicial nominees.

I am concerned, based on her speeches and statements, that it may also be the judicial philosophy of Judge Sotomayor.

In 2005, then-Senator Obama explained that 5 percent of cases, he believes, are determined by ''one's deepest values and core concerns . . . and the depth and breadth of one's empathy.'' He means a judge's personal core concerns, values, and empathy.

Well, according to the President, in 5 percent of the cases where issues are close, that is acceptable. I think we must draw from his statement that it is acceptable for judges to not set aside their personal beliefs, not discard personal bias, not dispense with their personal experiences as they make rulings, as they decide cases, which is what judges do.

According to the President, in 5 percent of cases, Lady Justice should remove her blindfold, take a look at the litigants, and then reach out and place her thumb on the scales of justice on one side or the other. I think this is a dangerous departure from the most fundamental pillar of our judicial system—judicial impartiality. That is why judges are given lifetime appointments. They are supposed to be unbiased and impartial.

Whatever this new empathy standard is, it is not law. It is more akin to politics than law. Whenever a judge puts his or her thumb on the scale of justice in favor of one party or another, the judge necessarily disfavors the other party. For every litigant who benefits from this so-called empathy, there will be another litigant who loses not because of the law or the facts, but because the judge did not empathize or identify with them.

What is empathy? Is this your personal feeling that you had a tough childhood or some prejudice that you have—you are a Protestant or a Catholic or your ethnicity or your race or some bias you brought with you to life and to the court? Is that what empathy is? Well, it has no objective meaning, and that is why it is not a legal standard. The oath of ''impartiality'' to ''equal justice to the rich and the poor alike'' is violated when such things infect the decisionmaking process.

With this as his stated standard, the President nominated Judge Sonia Sotomayor for the Supreme Court of the United States. Thus far our review of her record suggests that she may well embrace the President's notion of empathy, and I will share a few thoughts on that.

On a number of occasions over the years, Judge Sotomayor delivered a speech entitled ''Women in the Judiciary.'' In it she emphasizes that she accepts the proposition that a judge's personal experiences affect judicial outcomes:

> In short, I accept the proposition that a difference will be made by the presence of women on the bench and that my experiences will affect the facts that I choose to see as a judge.

In fact, in one speech, she rejected another woman judge's view that a woman and a man should reach the same decision in a case. She explicitly rejected that concept. She reaffirms:

> I simply do not know exactly what that difference will be in my judging, but I accept there will be some [differences] based on my gender and the experiences it has imposed on me.

I think this would tend to be a rejection of even the aspiration, the ideal, of impartiality that is fundamental to our legal system and our freedoms.

In a later speech, Judge Sotomayor takes a giant step, expressing a desire to draw upon her experiences in her judging. She states:

> Personal experiences affect the facts judges choose to see. My hope is that I will take the good from my experiences and extrapolate them further into areas with which I am unfamiliar. I simply do not know exactly what that difference will be in my judging. But I accept that there will be some based on my gender and my Latina heritage.

Well, are the days now gone when judges should see their taking office as a commitment to set aside their personal experiences, biases, and views when they put on the robe? Gone are the days when judges even aspire to be impartial.

In that same speech, which has been given a number of times, Judge Sotomayor goes a step further, saying:

I willingly accept that we who judge must not deny the differences resulting from experience and heritage, but attempt continuously to judge when those opinions, sympathies and prejudices are appropriate.

She says a judge should attempt continuously to judge when those opinions, sympathies, and prejudices are appropriate. That means that a judge's prejudices are appropriate to use in the decisionmaking process.

I find this to be an extraordinary judicial philosophy. Some might say you are making too much of it, that empathy sounds fine to me; I don't have any problem with that. Empathy is great, perhaps, if you are the beneficiary of it. The judge is empathetic with you, your side of the argument, but it is not good if you are on the wrong side of the argument, if you don't catch a judge's fancy or fail to appeal to a shared personal experience.

This approach to judging, as expressed in her speeches and writings, appears to have played an important part in the New Haven firefighters' case Senator MCCONNELL mentioned earlier. These are the 17 firefighters who followed all the rules, studied for the test. It was publicly set out how the promotions would take place in that department. A number of people passed, but a number of people did not, and there were a number of minorities who did not pass. They wanted to change the test after it had been carried out, to change the rules of the game after it had been carried out because they did not like the results. This is a results-oriented question.

Bowing to political pressure, the city government looked only at the test results and the statistical data and changed the rules of the game. They threw out the test. This was challenged by the persons who passed. The district judge then agreed with the city in a 48-or-so-page opinion. It was appealed to Judge Sotomayor's court. In one paragraph only, she agreed with that decision, even though it raised fundamental, important constitutional questions, important questions.

She concluded that the complaining firefighters were not even entitled to a trial, that the pretrial motions were sufficient to deny them the remedy they sought and to affirm the city's opinion in one paragraph.

The U.S. Supreme Court disagreed. They wrote almost 100 pages in their opinion, and all nine Justices voted to reverse the opinion. It was not 5 to 4. Five of the Justices, the majority, ruled that based on the facts in evidence that had been presented prior to trial, the firefighters were entitled to total victory and be able to win their lawsuit. This is a pretty significant reversal, I have to say.

The question is: Did she allow her prior experiences and beliefs to impact her decision in that case? I point out that she was an active member of the Puerto Rican Legal Defense Fund, where she spent a number of years working on cases such as this and filing litigation and challenging promotion policies in cities around the country, which is a legitimate thing for a group to do. But they did take a very aggressive standard criticizing tests and the standardized process of testing.

Of course, her stated philosophy is that a judge should use life experiences in reaching decisions. We do know she believes a judge is empowered to utilize his or her personal ''opinions, sympathies, and prejudices'' in deciding cases. We do know her particular life experiences with the Legal Defense Fund were contrary to the claims brought by the New Haven firefighters. We know she was a leader and board member and chair of that organization's litigation committee. According to the New York Times, she ''met frequently with the legal staff of the organization to review the status of cases.'' According to the New York Times, ''she was involved and was an ardent supporter of their various legal efforts.'' She oversaw, as a board member and litigation chair, several cases involving the New York City Department of Sanitation, which challenged a promotion policy because Hispanics comprised 5.2 percent of the test takers but only 3.8 percent had passed the test. They declared that was an unfair result and challenged the test. Another involved the New York City Police Department on behalf of the Hispanic Police Society. Another one involved police officers in a discrimination case challenging the New York Police Department's lieutenants exam, claiming that exam was biased.

Under her leadership, the Puerto Rican Legal Defense Fund, before she became a judge, involved itself in a series of cases designed to attack promotion exams because the group concluded that after the fact, after the test, not enough minorities were being promoted. It sounds a lot like this firefighters case we talked a good bit about so far.

We are left to wonder what role did the judge's personal experiences play when she heard the case. Did her personal views, as she has stated, ''affect the facts she chose to see?''

The PRESIDING OFFICER. The Republican time has expired.

Mr. SESSIONS. Madam President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, those are important questions, and we will ask about them and give her full and ample opportunity to respond. I did wish to raise these issues.

The firefighters were denied promotion, and under her stated philosophy, her prior background, they are left to wonder: Was perhaps the reason they lost in her court because she brought her background and her prejudices to bear on the case and did not give them a fair chance? Very few cases are taken by the Supreme Court, but the Supreme Court did take this one, to the benefit of the firefighters, and reversed this decision. All nine Justices concluded the decision was improperly done and should be reversed, and five of them rendered a verdict in favor of the firefighters on the record as existed then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, it is my understanding the Senator from North Carolina is going to make a unanimous consent request; is that correct?

Mr. BURR. Madam President, the Senator is correct. I believe the Senator from Nebraska, as well. I ask unanimous consent to be recognized after the Senator from Nebraska, it is my understanding, for up to 10 minutes as in morning business.

Mr. DURBIN. The time suggested for the Senator from Nebraska is how much?

Mr. JOHANNS. Madam President, I anticipate 10 minutes, and I ask unanimous consent to speak for 10 minutes.

Mr. DURBIN. My only hesitation is the fact that we are having a Senator sworn in at 12:15 p.m., and there is going to be a speech given before that by his colleague. We also wanted to have opening statements on the bill. If I may ask the Senators—I will not object—but if I may ask them to be closer to the 5-minute mark, I think we can achieve all that in a timely fashion. I ask unanimous consent that the Senator from Nebraska be recognized for 5 minutes——

Mr. JOHANNS. Five minutes.

Mr. DURBIN. In morning business and that the Senator from North Carolina be given up to 10 minutes. I know he said he would not use up to 10 minutes, and we will be protected with whatever time is used by these two Republican Senators being allocated to the Democratic side for morning business, which we will not likely use. I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

HEALTH CARE

Mr. JOHANNS. Madam President, I spent several days during the recess hosting a series of discussions on health care. I met with doctors and hospitals, underwriters, small business owners, and uninsured Nebraskans. Many of them feel as if they are one illness away from a crisis. The economic slowdown has only heightened this fear as they worry that they may lose their job and the health insurance their family depends upon to stay healthy.

Their concerns are real, and Congress should act carefully to address them. We need to create a health care system that protects patient rights, let's them see their doctor, and is affordable.

But I am concerned about the discussion that is occurring today. The American people deserve true solutions and should not be led down a path that is fraught with shadowy numbers and unfulfilled promises. Specifically, I have reservations about a government-run public plan. Some have attempted to sugar-coat this new bureaucracy as simply an option. However, the more you learn about it, the more you realize there is nothing optional about it. In my judgment, it is a one-way ticket to a single-payer, government-run health care system, one that will compromise patient access to quality care.

It is impossible for private industry to compete with the government. The government can fix the prices and pick the rules that make only one plan feasible—the government plan. When the government acts as both the player and the umpire, it's not a level playing field. That close call at the plate will never go to the runner and the foul ball magically will become a home run.

Some will say the government-run option will increase competition and keep the private insurers honest. Left unsaid is that government underpayments on Medicaid and Medicare are creating enormous cost shifting and increase the health care costs for others. Underpayments for Medicare and Medicaid are estimated to shift about $89 billion onto people who have private insurance. Each family pays an additional $1,800 annually to make up for the government's flawed payment system. Hospitals and doctors literally told me they could not keep their businesses open on the Medicaid and Medicare reimbursement rate. So the creation of another plan, a government plan, will only rob from Peter to pay Paul. Eventually, there will be no private insurance companies left to bear the burden.

Bottom line is that government does not balance the books, and it views itself as not having to. Washington seems happy to keep on printing money and raising taxes. How can private business compete with that?

If a government-run public plan was truly going to compete, it would face the same regulations and the same risks that the private industry feels. No bailouts if it becomes insolvent. Does anyone think the bill's proponents would honestly let that happen? The Administration would probably claim it is too big to fail, like AIG, Citibank, General Motors.

A system with a competitive government option, I fear, is a fairy tale. A government-run plan will undercut the private market and ultimately drive them out of business. I am not defending the private insurance industry. Far from it. But we need to be honest with the American people. An uneven playing field is not right, and it will not benefit Americans.

The effect, I fear, will be longer waiting lines, less innovation, and rationing of care. In Canada, the average wait time for radiation treatment is 7 weeks. I cannot imagine asking Americans diagnosed with cancer to wait that long. There are some in Washington who have their heels dug in on a single-payer plan. It contradicts the President's promise. He has said over and over that people will be able to keep their health care. But Americans beware. One study estimates 119 million people will shift to the government plan. They will not choose that; their employer will choose it for them. We cannot fault employers that are trying to save money.

In the committee draft, businesses that employ 25 or more employees would be required to pay an annual penalty of $750 per employee. When you do the math, this is no penalty compared to the cost of private insurance.

In 2008, the average employer's cost for an individual health care plan was $3,900. Putting their employees on the public plan option would save them over $3,200 a year for each employee. So you can see why this shift would occur.

Ultimately, people will not have a choice. Their employer will make the choice, and they will be forced onto the government plan. To promise otherwise is misleading. Even the President has recognized that shift is going to occur.

I conclude my comments today by saying: Don't be fooled. A government plan that does not compete on a level playing field means people will migrate to the government plan, and the choice to keep private insurance will not be a viable option.

The PRESIDING OFFICER. The Senator from North Carolina.

HONORING OUR ARMED FORCES

MASTER SERGEANT BRENDAN O'CONNOR

Mr. BURR. Madam President, one of the privileges of being a Senator is that we have the opportunity to meet extraordinary people every day. Whether you are the Senator from Illinois or the Senator from Nebraska, extraordinary people walk through your door every day of the week. But sometimes we get to meet amazing individuals whom we can honestly call heroes, who lay their lives on the line for their country and sacrifice themselves for our freedom.

MSG Brendan O'Connor, a medic in the 7th Special Forces Group, is one of those very special people. In June of 2006, Master Sergeant O'Connor was deployed to Afghanistan in support of Operation Enduring Freedom. His group was stationed near Kandahar and charged with a variety of things, including security, training of the Afghan Army, and counterterrorism operations against a ruthless enemy.

We have all heard news reports and heard of suicide bombers driving cars loaded with explosives into markets and crowded areas killing innocent men, women, and children. We have all heard accounts of suicide bombers strapping explosives to their waists and walking through a market, intentionally killing individuals. All of these individuals have been branded as religious zealots willing to die for their cause. However, that is not always the case. Oftentimes, these Taliban warlords recruit suicide bombers in other ways. They go into small villages and they hold whole families hostage. They instruct the young men in the family that if they do not carry out a suicide mission, they are going to kill the rest of the family, or if they do, they will let them live.

Brendan's team was tracking one of these Taliban warlords, one of these thugs, outside of Kandahar, who was notorious for this type of ''recruitment.'' They tracked the terrorist to a small farming village surrounded by vineyards and orchards. Once in the area, Brendan's team set up a perimeter and defensive position to root out these warlords. They arrived late one evening and, working under the cloak of darkness, proceeded to sweep the village, hoping to surprise the local Taliban leader. However, their arrival was tipped off to the Taliban, and they had fled just minutes before U.S. soldiers arrived.

Having found evidence of the Taliban's existence, the soldiers knew it was only a matter of time before they engaged the enemy. That first skirmish started the next day at dusk. Brendan's team, about 70 soldiers comprised of 8 U.S. special ops and 60 Afghan soldiers, took some small arms and rocket propelled grenade fire, but it didn't last long. The Taliban attacked the U.S.-led forces several more times over the next day and night but never amounting to much. U.S.-led forces didn't even sustain a single injury during those firefights.

After having arrived on Wednesday evening and sporadically fighting the Taliban for 2 days, Brendan's team decided it was time to take the fight to the enemy. On that Saturday, MSG Tom Maholluck led a small recon group to a Taliban stronghold, which

was just outside the village in a cluster of farm buildings. The team was comprised of four special forces operators and a dozen Afghan Army. Sergeant Maholluck was able to get in close enough to the compound without being detected. Once he assessed the situation, Sergeant Maholluck thought he could take the compound with a simple recon team. He ordered two of his soldiers—SSG Matt Binnie and SSG Joe Feurst—to take a fire suppression position and cover Sergeant Maholluck and the remaining Afghan Army contingency while they stormed the compound.

When the U.S.-led recon team launched its first attack on the Taliban compound, they were quickly greeted with heavy machine gunfire. The first fire expression team returned fire; however, the machine gun nest had a tactical advantage over the fire team—they had the higher ground. Matt was struck first by a bullet that grazed his neck and stunned him for a moment. Matt regained his senses, and he and Joe returned fire, as much as they could, but the Taliban had them pinned down. Then an RPG round came and struck Staff Sergeant Feurst directly in the leg. It didn't explode, thankfully, but badly wounded SSG Joe Feurst. As Staff Sergeant Binnie was tending to Joe's leg, he was shot through the shoulder. The only thing left of the fire suppression team was a young Afghan interpreter who had stayed with them. Master Sergeant Maholluck was cut off from Staff Sergeant Binnie and Staff Sergeant Feurst, so he radioed for help.

Back at the main perimeter, Brendan O'Connor got the call and put a team together to go get his wounded soldiers. When Brendan's team got to the area, the Taliban had taken positions along the route to the wounded soldiers, leaving Brendan only one path—an exposed field. Brendan instructed his team to take up positions to support the wounded and started on his mission to save the lives of these soldiers.

At first, Brendan started crawling through an open field with his gear on. He quickly realized this wasn't going to work. So under a hail of small arms, RPG, and machine gun fire, Brendan removed all his armor and crawled through an open field to get to the two wounded. Brendan couldn't locate the two soldiers by sight, only by calling out. And as he heard them, he would get closer and closer.

When he arrived at the two wounded, he had to make a quick decision about Joe's injuries, which were life threatening. Brendan quickly got Staff Sergeant Binnie taken care of and instructed him to crawl through a culvert to get to safety. Staff Sergeant Feurst wasn't so easy. He was unconscious and unable to move. Brendan pulled him down as far as he could into the culvert. He started to drag him, but he realized he couldn't drag him the entire way.

As if the actions of Brendan and his team weren't heroic enough at this point, the next part of this account will send chills down your spine.

At this time during the fight, it was estimated that nearly 300 Taliban fighters had engaged the approximately 15-member U.S. force. I say approximately because several Afghan Army members who originally accompanied Brendan's team had fled by this point. As Brendan's natural cover was coming to an end, he pulled Joe on to his shoulder, and he ran across an area while 300 Taliban fighters were shooting at him. God was watching Brendan that day. God saw one man risk his life to save another, and he saw fit to keep Brendan from harm as he carried a wounded U.S. soldier to safety. Unfortunately, Joe Feurst died soon after Brendan got him back due to massive blood loss. SSG Matt Binnie survived because of Brendan's leadership and courage under fire.

The battle that had gone on for nearly 3 days was coming to an end at this point. U.S. forces had air support, which escorted them out of the area. All told, the U.S.-led force killed 125 Taliban fighters and only lost 2 of their own, with 1 wounded. They weren't able to capture or kill the warlord that time; however, due to the losses to the Taliban that day in that strike, U.S. forces got him several weeks later.

For their heroics in combat, MSG Tom Maholluck and SSG Matt Binnie were awarded the Silver Star. SSG Joe Feurst was awarded the Bronze Star. Brendan O'Connor was awarded the Distinguished Service Cross for his valor. It was the first time a member of the 7th Special Forces Group had been awarded the medal since 1964.

It is an honor to have Brendan and his family in Washington today. He is joined by his beautiful wife Meg and their children, Ryan, Colin, Darby, and Dillon.

It is this type of story that we rarely hear about on the nightly news, but this story was so amazing that ''60 Minutes'' felt compelled to do a piece on it after the soldiers arrived back home. MSG Brendan O'Connor is a person held in the highest regard by other warriors who have proudly served this country. He is a soldier who truly understands the price of freedom. The Senate salutes MSG Brendan O'Connor today.

I thank the Chair, and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2892, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1373

(Purpose: In the nature of a substitute)

Mr. REID. Madam President, I call up the amendment at the desk on behalf of Senator BYRD and Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. BYRD and Mr. INOUYE, and Mrs. MURRAY, proposes an amendment numbered 1373.

Mr. DURBIN. Madam President, I ask unanimous consent to dispense with the reading of the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''amendments Submitted.'')

Mr. DURBIN. Madam President, we now turn to the fiscal year 2010 Department of Homeland Security Appropriations bill. The chairman of the Homeland Security Subcommittee, Senator ROBERT C. BYRD, is home from the hospital and is improving daily and is eager to return to the Senate as soon as he can.

He has been in regular consultations with his staff in the development of the bill that was approved by the Appropriations Committee on June 18 by a vote of 30–0. This is a bipartisan bill. I thank the ranking member on the Appropriations Committee, Senator THAD COCHRAN, and the ranking member on the subcommittee, Senator GEORGE VOINOVICH, for their cooperation in the development of the bill. I also thank the chairman of the Appropriations Committee, Senator DANIEL K. INOUYE, for his support.

The establishment of the Department of Homeland Security after the devastating events of September 11, 2001, was one of the most ambitious Federal reorganizations since the Department of Defense was created following World War II. Regrettably, it was the official position of the Bush administration that the Department could be created at no cost to the taxpayer. This translated into a Department with aging assets, an inability to prepare for and respond to natural disasters and future threats, and significant management and employee morale problems.

In response, Congress, on a bipartisan basis, increased homeland security spending by an average of $2 billion per year above the President's request. These increases were invested in border security, chemical security, port security, transit security, aviation security, and cyber security. Congress also ensured State and local partners in homeland security received adequate resources to equip and train our first responders. These investments have paid off, making our Nation more secure and making us better prepared for any disaster. But we have much more work to do.

The committee-reported bill totals $42.9 billion of discretionary budget authority, an increase of 7 percent over fiscal year 2009.

Chairman BYRD has set five major goals for the bill: No. 1, securing our borders and enforcing our immigration laws; No. 2, protecting the American people from terrorist threats and other vulnerabilities; No. 3, preparing and responding to all hazards, including natural disasters; No. 4, supporting our State, local, tribal and private sector partners in homeland security with resources and information; and finally, giving the Department the management tools it needs to succeed.

To meet these goals, the bill provides $10.2 billion for Customs and Border Protection, including an initiative to combat drugs and violence on the Southwest border; $5.4 billion for Immigration and Customs Enforcement, including increased funds for the Southwest border initiative, and the Secure Communities and Criminal Alien Programs, which identify dangerous criminal aliens for deportation when they are released from prison.

It includes $7.7 billion for the Transportation Security Administration, including a $513 million increase for the purchase and installation of explosives detection systems at airports. And funding is included for 50 additional air cargo inspectors to help meet the August 2010 mandate in the 9/11 act for 100 percent air cargo screening.

The bill also provides $143 million for surface transportation, including 100 additional inspectors and 15 additional security teams to improve security on our transit and rail systems, and $8.9 billion for the Coast Guard, including funding to complete national security cutter No. four and provide long lead materials for NSC No. five.

The bill also funds 4 fast response cutters, 2 maritime patrol aircraft, 40 medium-sized response boats, and includes funding for interagency operations centers, which are required by the Safe Port Act. And $4.2 billion is provided for first responder grants, including $800 million for fire grants, $887 million for urban area security grants, $950 million for State homeland security grants, with $350 million for emergency management performance grants.

Port security grants receive $350 million and transit/railroad/bus grants receive $356 million.

The bill also includes $399 million to combat the evolving cyber security threat.

Since its inception, the Department has had significant management problems.

The committee bill includes funding increases and clear direction to strengthen financial, procurement, and information technology systems at the Department of Homeland Security.

This is a good bill. By focusing on the five goals that Chairman BYRD established for this bill, we provide the resources and the information necessary to build confidence in our ability to secure the homeland. I urge adoption of the bill.

I yield the floor to the ranking Republican on this appropriations subcommittee, Senator VOINOVICH of Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam. President, I thank Senator DURBIN. I would like to acknowledge the cooperation we received from Senator BYRD and his staff. We are pleased Senator BYRD is out of the hospital and recuperating at home. I appreciate the fact that the Senator from Illinois has stepped in to pinch-hit for him this morning.

I think the Senator from Illinois has done an outstanding job of covering the details of the bill. I would like to concentrate on some of the highlights I think need to be underscored.

The bill recommends a total of $44.3 billion in appropriations to support programs and activities of the Department of Homeland Security. Of this amount, $42.7 billion is for discretionary spending. This is roughly $145 million less than the President's total discretionary request and is consistent with the subcommittee's spending allocation.

In addition, $1.4 billion is provided for Coast Guard retired pay—the only mandatory funding in the bill—and $241.5 million is provided for Coast Guard overseas contingency operations, the same amount as requested by the President in the Department of Defense budget to be transferred to the Coast Guard and instead of being appropriated in the Defense Appropriations bill is being appropriated here.

The bill includes significant resources: for border security and enforcement of our immigration laws, for continued improvements in security at our Nation's airports and modes of surface transportation, for the Coast Guard's operations and Deepwater Program recapitalization efforts, for helping our citizens prepare for and recover from natural disasters, and for equipping and training our Nation's first responders.

As Senator DURBIN has indicated, there is much in this bill to recommend. I am pleased the Secretary of the Department of Homeland Security understands we have done our best to fund her priorities. I will not list all the bill's funding recommendations, but I do want to note some.

Full funding is provided for border security, including the funds to support 20,063 border patrol agents; 21,12 customs and border protection officers; 33,400 detention beds; and $800 million for continued work on the virtual border fence and improved radio communications.

Starting in fiscal year 2005, significant increases have been provided for border security and immigration enforcement. This bill alone provides an increase of $880 million from the fiscal year 2009 level, excluding emergency appropriations. Progress has been made with these investments.

Fewer people are illegally crossing our borders. This can be seen in the decrease in apprehensions of aliens along our borders—from 1,198,075 in fiscal year 2005 to 723,825 in fiscal year 2008. In other words, we have made it more difficult for 474,250 illegal aliens to cross our borders. More fencing, roads, and personnel have allowed the border patrol to increase the number of miles over which it has effective control—from 241 miles in October 2005 to 625 miles in October 2008. Additional agents and detention beds have allowed U.S. Immigration and Customs Enforcement to increase total removals of aliens—from 246,431 removals in fiscal year 2005 to 347,184 in fiscal year 2008. We are making progress but we still have a long way to go and at great expense.

In particular, I am pleased that the bill includes funds above the request to implement a biometric air exit capability. As the chief Senate sponsor of the Secure Travel and Counterterrorism Partnership Act of 2007, expanding and improving the Visa Waiver Program is one of my top priorities. The Visa Waiver Program has become an important national security tool because under that law, countries who participate in the program are required to share information on terrorists and criminals, report lost and stolen passports, and maintain high counterterrorism and document security practices. Since enactment of this law, 8 new countries have been accepted into the program and we are seeing improvements in the security practices of the 27 countries that were already participating.

I have just returned from Lithuania and Latvia, where I was joined by several other Members of the Senate, including Senator DURBIN. Lithuania and Latvia are two countries that were recently admitted into the visa waiver program. From a public diplomacy point of view, it has been a home run and has been well received by government officials and citizens alike.

I was up in Latvia. They pointed out to me that General Mullen was in Latvia, which should have been the biggest thing in the newspaper the next day, that he was there. The thing that blew him away was the fact that Latvia was approved for visa waiver status. It was so well received by the people of Latvia.

I must note however the two areas which continue to be of concern to me. One is the way this administration has budgeted for disasters. The President's fiscal year 2010 request for disaster relief is only $2 billion. We know now from FEMA estimates that this is not enough to pay for the declared disasters already on the books. Based on current needs, an appropriation of $5.8 billion is required. I understand we cannot afford that within the discretionary spending limits for this bill, but I am hopeful this is addressed in future budgets.

This administration has worked hard to break the cycle of requesting emergency funding for the wars in Iraq and Afghanistan. Yet no one has suggested fixing the way we budget for natural disasters. Last year alone, $11.757 billion in emergency supplemental appropriations were provided for disaster relief.

We cannot continue to ''kick the can down the road,'' relying on supplemental emergency appropriations to pay for known costs. Hurricane Katrina was a catastrophic event. Exceptions were made to regulations and policies to speed assistance to those struggling to recover from the enormity of the losses. But now these are becoming the standard rather than an ''exception to the rule,'' and the Federal taxpayers are picking up an ever increasing share of disaster recovery costs.

It is kind of interesting that at the time of Katrina I commented we were doing some things we ordinarily do not do in a FEMA environment and predicted that what we were doing at Katrina would become the role model for other disasters that have been experienced by States. The fact is, more and more States are now asking for more and more FEMA money, saying: You did it in Katrina, why can't you do it in Texas? Why can't you do it wherever else we have a disaster? This has to change if we are going to handle Federal spending and do something about the deficit.

In addition, this bill provides almost $16 billion for border and immigration enforcement. That does not even include Coast Guard funding to protect our maritime borders. This is a 99.6-percent increase for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and US-VISIT from fiscal year 2004 levels in the first Department of Homeland Security Appropriations Act.

It is a significant increase. I think the citizens of our country should know that. They have been saying, for a long time, that we have not been doing the job in enforcing the security of our borders. I must tell them we are doing a much better job than ever before because we are allocating the resources to get the job done.

As we have increased the resources for border I have often wondered if there was another way we can secure our borders and deal with 11 or so million illegal immigrants other than by drastically increasing the resources for border and immigration enforcement. In fiscal year 2008, the Federal Government removed 347,184 individuals. In fiscal year 2009, $5.6 billion is available to locate, detain, and remove unauthorized aliens. At the current pace of removals, it could require a further investment of $272 billion and 31 years to locate and remove the estimated 11 million unauthorized aliens in the United States. We must ask whether we are willing or can afford to make that kind of investment in enforcement rather than investing time in comprehensive immigration reform.

I appreciate very much the courtesies of the distinguished Senator from West Virginia and his staff and all members of the Appropriations Committee during our preparation of this bill. I believe it reflects our careful consideration of the President's budget request for the Department and our best effort to address the Department's resource requirements of the Department for the coming fiscal year. I look forward to considering amendments which Senators may suggest to the bill and to work throughout the appropriations process to ensure the Department has the funds to carry out its duties and responsibilities.

In closing, I would point out that the President's budget was received on May 7 and the Appropriations Committee is working diligently to move forward on the passage of our 12 appropriations bills. Two of the 12 fiscal year 2010 appropriations bills were reported by the committee on June 18—including this Homeland Security bill—and 2 more were reported on June 25. Another five of the appropriations bills are scheduled to be considered and reported by the committee this week—two this afternoon and another three on Thursday.

The House considered and adopted its version of the fiscal year 2010 Department of Homeland Security Appropriations bill on June 24. It is unfortunate that Senate consideration of this bill could not have occurred that same week, which would have put us in a position now to go to conference with the House.

Expeditious consideration of the fiscal year 2010 appropriations bills by the Senate is required if the Congress is to complete its work on all twelve of the appropriations bills by the October 1 start of the fiscal year. I have long been concerned about our failure to complete our appropriations work on time and the consequences of inaction, and I intend to speak at greater length on that during our consideration of this bill.

But, I do want to note here that a letter, dated March 24, 2009, to the majority leader, which included the signatures of all Republican Members, asked that the legislative schedule for this session:

> . . . allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the 12 appropriations bills independently through a deliberative and transparent process on the Senate floor.

The letter goes on to point out that:

> For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process.

The letter further points out that President Obama, on March 11, 2009, said that he expects future spending bills to be

> . . . debated and voted on in an orderly way and sent to [his] desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one.

So let us proceed with this bill and debate and dispose of amendments Senators may wish to offer to it without unnecessary delay to allow us to complete our appropriations work this session. And, I would like to add that it is incumbent on our side of the aisle to make sure our amendments are relevant and germane.

I recommend this bill to my colleagues for their consideration and support, and I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, today the Senate begins its consideration of the Homeland Security appropriations bill which was passed by the House and marked up by the Senate Appropriations Committee late last month. This week the Committee on Appropriations will meet, to consider five additional appropriations bills.

Over the next several weeks we expect to have many of these bills debated and hopefully passed by the Senate so that we can begin final conference deliberations on these critically important measures.

The bill before the Senate was prepared by our Homeland Security Subcommittee chaired by Senator ROBERT BYRD.

Senator BYRD along with this ranking member Senator VOINOVICH of Ohio

and all the subcommittee members crafted this bill which provides $42.7 billion in discretionary spending for the critical programs to defend our Nation, protect our borders and coastline, and respond to natural disasters.

The amount represents a 7 percent increase over the funding provided in fiscal year 2009, but is approximately $150 million less than requested.

An additional $241 million is also included in the bill for the overseas contingency operations of the Coast Guard. This sum was requested in the defense bill for the same purpose.

Our colleagues should thank Senators BYRD and VOINOVICH for completing their hard work on this bill. The bill was marked up by the committee 3 weeks ago and approved on a unanimous bipartisan vote.

As the Senate reviews this and the other spending bills which will soon follow I urge it to be mindful of the importance of this task.

It is imperative to the efficient operation of our Federal Government that we move to pass this measure and complete a conference with the House. For too long we have relied on cumbersome omnibus spending measures to fund our Federal agencies.

In order to break this habit, the Appropriations Committee will continue to report noncontroversial bipartisan bills which will be within the congressionally approved budget levels and should be considered expeditiously by the Senate. Passage of this bill quickly will demonstrate the Senate's ability to act responsibly and collegially in fulfilling its constitutional responsibilities.

The bill before the Senate deserves the support of every Member of this body. It is a clean bill free of unnecessary legislative riders. It is within the committee's spending allocation and $150 million below the amount requested. I strongly recommend its approval.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1371 TO AMENDMENT NO. 1373

Mr. SESSIONS. Madam President, I have an amendment at the desk, No. 1371, and would ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1371 to amendment No. 1373.

Mr. SESSIONS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees)

On page 72, strike lines 8 through 14 and insert the following:

SEC. 545. Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 988), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 546. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless'' and all that follows.

SEC. 547. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

SEC. 548. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''BASIC PILOT'' and inserting ''E-VERIFY''.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''under a pilot program'' and inserting ''under this subtitle''.

Mr. SESSIONS. This is an amendment to make permanent the E-Verify system that is supported by Secretary of Homeland Security Napolitano and would require that all governmental contractors who do work for the Federal Government use it before they hire people to ensure that the individuals they hire are Americans and not illegally in the country.

At a time when our unemployment rate is now 9.5 percent, this is more important now than ever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

SENATOR-ELECT AL FRANKEN

Ms. KLOBUCHAR. Madam President, today, a new Senator from Minnesota is being sworn in. It is my honor, along with former Vice President Mondale, to escort AL FRANKEN as the new Senator from our State. I think it was AL who told me the third year of his campaign would be the best, and he was right.

I did want to thank my staff, first of all—some of them, many of them, are here—for the hard work they did in the past 6 months doing double duty. They never complained, they did it without extra resources, and they are as happy as can be this has finally been resolved.

I also wanted to say something about Norm Coleman. Last week, he made a difficult decision. He had the right to pursue a legal challenge, but he did what was right for Minnesota. Norm was my Senate colleague for 2 years. We often worked together on issues for Minnesota, and we all wish him and his family the best.

So despite a little delay, to be exact, 246 days since election day and 183 days since the Senate convened—why would I know that—AL FRANKEN now joins me in representing the State of Minnesota. I have gotten to know AL very well over the past few years. I know he will be getting acquainted with his fellow Senators in the coming weeks and the coming months. This a special place with special people. I know AL looks forward to working with every Member of the Senate.

I also know AL arrived in Washington ready to get to work and ready to serve the people of Minnesota. He brings with him that same high energy and passion and idealism of our friend Paul Wellstone.

I was telling AL when I first came to the Capitol I was stunned at how many people would come up to me, when I said I was a Senator from Minnesota, and say: That is where Paul Wellstone was from. It was not just other Senators, it was people such as the tram operators, the secretaries at the front desk, the cops who work on the front line. They remembered Paul because of his dignity and how he treated people. And AL, I know, will do the same.

Before seeking elected office, AL had a full career. Among other things he was an Emmy Award-winning television writer and producer, a best-selling author with three of his books going to the very top of the New York Times Bestseller List. He was the host of a national radio show and a Grammy Award-winning satirist, who, with the USO, has gone overseas several times—seven times in fact. He went four times to Iraq to entertain our troops and to visit our wounded solders.

We all know AL spent some time in comedy, but during this long campaign, he has demonstrated to Minnesotans that he takes his job very seriously. I know he is taking his new job as a Senator incredibly seriously.

AL's heart is with middle-class families who work hard, live responsibly, and follow the rules. He knows their hopes and fears, their dreams and their struggles. He knows it because he has lived it.

When AL was 4 his family moved to the town of Albert Lea in southern Minnesota. AL always tells the story

about that move. His dad never graduated from high school and never had a career. But his mom's father owned a quilting business out East, and he gave AL's dad a chance to start up a factory in Albert Lea. After about 2 years the factory failed, and AL's family moved to the Twin Cities. Years later, AL asked his dad: Dad, why Albert Lea?

His dad said: Well, your grandfather wanted to open a factory in the Midwest, and the railroad went right through Albert Lea.

So then AL asked: Why did the factory fail?

His father said: Well, it went through Albert Lea, but it didn't stop in Albert Lea.

Eventually the family, including AL and his older brother, settled into a two-bedroom, one-bathroom home in the Minneapolis suburb of St. Louis Park. His father became a printing salesman and his mom was a homemaker and worked as a real estate agent. Because of the security and opportunity his family enjoyed living in America, he says he felt like the ''luckiest kid in the world.''

While AL likes to tell jokes, and he has some good ones, he is not one to make fun of family values because there is no husband or father who is more devoted to his family than AL is.

He met his wife—I see her right now up there in the gallery—Franni during his first year at college. They have been married 33 years, and together they have raised two children.

AL often tells the story about Franni's family. Her dad, a decorated World War II veteran, died in a car accident when she was 17 months old. Her dad left her mom suddenly widowed and alone with five children.

It was a lesson for the family, and it was an example of how one family pulled themselves up with help. He knows how difficult it is for so many families who are struggling to make it, squeezed over high health care costs, college costs, housing costs.

During the past 2 years, AL has traveled to every corner of Minnesota, from the Iowa border to the Canadian border. He has had coffee at the Main Street cafes, and he has spoken at local bean feeds. He has toured homegrown businesses, and he has stood with workers. He has been to veterans halls, and he has gone to college campuses.

He has been there day in and day out listening to the people of Minnesota. Now he has the honor and the responsibility to serve them in the U.S. Capitol. The Senate is an old and established institution. For any newcomer, it takes some getting used to the arcane rules and unique customs, but I am confident AL can adapt.

This is a big moment for Franni and their kids as well. AL and his friends and relatives have been waiting for a while. The State has been waiting. The Senate has been waiting. But, most importantly to me, Franni has been waiting.

My favorite image from the last few months was this idea that Franni had actually packed a bag with her toothbrush in it; that she had it right next to her bedside in case at any moment the court would come with a decision and she and AL would have to rush to Washington so he could take a critical vote.

Well, today the time has come and AL will cast his first vote. If there is any silver lining to the past 8 months, it is that AL has had time to prepare for this moment. The times are tumultuous, the stakes are high, and history will forever judge whether we fail or succeed, whether we are courageous or timid.

AL FRANKEN is ready for this job. It is time to get to work, and, AL FRANKEN, there is a desk waiting for you in the Senate.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election for a 6-year term, beginning January 3, 2009, for the representation of the State of Minnesota. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA

Executive Department

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, Al Franken was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Tim Pawlenty, and our seal hereto affixed at Saint Paul, Minnesota this 30th day of June, in the year of our Lord 2009.

By the governor:

TIM PAWLENTY,
Governor.
MARK RITCHIE,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator elect will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator elect, escorted by Mrs. KLOBUCHAR and former Vice President Walter Mondale, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader.

MAJORITY PARTY COMMITTEE MEMBERSHIP

Mr. REID. Madam President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 208) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 208) was agreed to, as follows:

S. RES. 208

Resolved, That the following shall constitute the majority party's membership on the following committee for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Kaufman, Mr. Specter, and Mr. Franken.

Mr. DURBIN. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, under the authority granted pursuant to S. Res. 18, I announce that Senator FRANKEN has been assigned to the following committees: the Committee on Indian Affairs, the Select Committee on Aging and, as was just agreed to, the Committee on the Judiciary. As soon as the markup is completed in the HELP Committee on the health care bill, he will go on to the HELP Committee.

RECESS

Mr. REID. Madam President, I ask unanimous consent that we recess 10 minutes early today.

There being no objection, the Senate, at 12:20 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1371

Mr. SCHUMER. Mr. President, I rise in opposition to Senator SESSIONS' amendment to the Department of Homeland Security appropriations bill. The Sessions amendment would make E-Verify permanent and would immediately mandate all Federal contractors and subcontractors to use E-Verify.

First of all, obviously, legislating on and delaying a critical appropriations bill, which is necessary for us to pass quickly to secure our borders, ports of entry, and our interior points of vulnerability, is a delay we do not need. But, secondly, and more importantly, despite claims that this amendment only seeks to reauthorize E-Verify for 3 years, which I do not oppose, the actual language of the amendment of my distinguished colleague would make E-Verify permanent and mandatory.

There would be nothing wrong with that if the system actually worked, but it does not. The distinguished Senator from Alabama and I agree upon one of the main seven principles for immigration reform which I issued 2 weeks ago; namely, that an employer verification system with tough enforcement and auditing is necessary to significantly diminish the job magnet that attracts illegal aliens to the United States. The bottom line is that they mainly come for jobs, and until they are tough on employers, wave after wave is not going to stop.

As we speak, even under the E-Verify system, any individual who steals a Social Security number—and that is easy these days—and has access to a credible fake ID can get a job in the United States. What is more, nothing about E-Verify stops a U.S. citizen from ''loaning their identity'' to their friends and family to get a job. In either of these cases—an illegal immigrant stealing a Social Security number and getting a fake ID done or some citizen, an employer or whatever, giving a Social Security card to the person—it doesn't do the job because that illegal immigrant can enter into the system. Once they are in the system, they stay in it, never to be removed. So E-Verify, frankly—and I know many in the immigrant community object to it because it only affects immigrants. But there is also another objection, and that is that it is just not tough enough, it is not strong enough. If we are going to make a system permanent, it really ought to work.

The current E-Verify system creates havoc for both employers and employees. No one has any certainty. Employers who accept all credible documents in good faith are not guaranteed they will never be targeted by ICE for turning a blind eye toward illegal immigrants in their workplace, and employers who question suspicious documents face potential lawsuits from U.S. citizen employees who can claim they were wrongly profiled as illegal immigrants.

There is only one way to really get a system that will stop illegal immigration and stop employers from hiring, and that is by creating a biometric-based Federal employment verification system that will give both employers and employees the peace of mind that employment relationships are both lawful and proper. It will also give the American people the same peace of mind. This system will be our most important asset in dramatically reducing the number of illegal aliens who are able to live and work in the United States.

There are many proposals for practical and effective biometric-based employment verification systems, and the immigration subcommittee, which I chair, will be vetting each proposal during our upcoming hearing on July 22. The distinguished Senator from Alabama, my friend, is a member of the immigration subcommittee. I invite him to engage in this critical process for our country during the hearing and ask all of the questions he would like to the distinguished panel of expert witnesses who will be appearing. We are not seeking to delay. I am eager to enact comprehensive reform with a strong, tough employer verification system.

An amendment making the flawed E-Verify system permanent and mandatory will only create more problems than it solves. Once we go down the road of making this flawed system permanent and mandatory, without fixing what is wrong with the program, we will waste substantial amounts of taxpayer money and we will make life more difficult, rather than simpler, for employers who wish to do the right thing, and for employees.

The time is coming for comprehensive immigration reform. The legislation will create the best employment verification system possible that will be a product of deliberation and consensus and will be informed by the world's foremost experts on this issue. It will be tougher, tighter, and more effective than E-Verify. I believe we can get that done this year.

Let's not do something hasty and counterproductive just to say we are doing something, and, just as important, let's not do it as an amendment to an appropriations bill. I urge my colleagues to vote against this amendment, and let's get to work on crafting an employer verification system that really works, prevents identity fraud, and actually curtails the illegal immigration job magnet.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAP AND TRADE

Mr. THUNE. Mr. President, like many of my colleagues, last week, over the Fourth of July break, I spent much of the week traveling in my State of South Dakota. Many of my colleagues were in their individual States and probably heard a lot from their constituents about what they perceive to be the challenges facing our country's economy. First and foremost is jobs and the economy.

I think there is a real concern—and rightly so—about in which direction the economy is headed and what are the things Congress ought to properly be focused on, and I think that discussion is always informed by the American people by commonsense realizations. One realization is that you cannot spend money you don't have. That is something I think the American people get very clearly, largely because that is their reality. They cannot spend money they don't have. They have to live within a budget. The same is true with many small businesses. The second realization is that when you borrow money, someday you have to pay it back. You cannot continue to borrow endlessly and rack up more and more debt. At some point, there is an end to that. Certainly, that is true for family budgets and small business budgets. The only place it is evidently not true is in Washington, DC, where we continue to borrow and spend and put massive amounts of borrowing and debt upon future generations. Even most State governments—mine included—have balanced budget amendments that require them in any given year to make sure the revenues they

take in match up with expenses. If they don't do that in South Dakota, the legislature has to stay until the budget is balanced. So most Americans, as they observe what is happening in Washington these days, are increasingly concerned by the massive amounts of spending and borrowing and, frankly, the taxes they perceive to be in their future as well.

One of the things that is clear to me in doing parades and public events over the Fourth of July break is how much people picked up on the debate about the cap-and-trade bill, which is a national energy tax on the American people. It passed in the House a little over a week ago—before the break—by a seven-vote margin. There was big pressure to move it very quickly and jam it through the process. It was over 1,200 pages long. One amendment was 300 pages long. There weren't many Members of the House—before the bill passed—who had an opportunity to review it and study it closely to determine what the ramifications will be on their constituents if the bill passed. Yet it did. It was a very close vote. At some point, it will be considered by the Senate.

The one thing we know, at a minimum, is that we can debate about how much or how big the cost of that bill will be, but we do know it is going to impose significant increases in costs on the American public for power, whether it is electricity, fuel, natural gas, or home heating oil—the things the American people depend upon every single day for their very existence. They are going to see the cost of those things go up if this cap-and-trade bill passes. We have seen different estimates by different organizations. The most recent one was done by the CBO, which concluded that it will have a $700 billion impact. I think that if you reduced it to a per-family cost, it ends up being several hundred dollars a year in increased rates that they are going to pay. I argue that it will be much higher for people in the Midwest, where I come from, because of the way we derive our power. Most of it comes from coal-fired power. It is true that we get a good amount in South Dakota and other States around us get even more from those sources. There will be additional costs imposed upon the people in the Midwest, where the people on the west or east coasts may not see their costs go up as much. This will disproportionately impact people in the heartland, but everybody's electricity costs and fuel costs are going up if this passes.

The American people are asking: OK, if you are going to put a massive new tax on us with a new energy tax, what kinds of benefits do we derive? I think there is increasing concern and questions being raised about whether the environmental benefit that would be derived as a result of this massive new tax on energy in this country would be in any way close to the cost that would be associated with it. I think most Americans have concluded that it will not. Most of the data bears that out. Other countries in the world are not going to participate in this system, and America will be unilaterally implementing this regime, if passed, and the Americans will pay the costs for little benefit.

There are many ways you can get reduction in carbon emissions, and we are all looking for ways to reduce pollutants in the atmosphere. You can give incentives and drive investment in certain directions, and we could make more use of nuclear power, which is clean, green energy—something we do very little of relative to our counterparts in other parts of the world. France gets 80 percent of its power from nuclear energy. There is no reason why the United States could not turn to that clean, green energy source, as well as renewable energy sources that we have an abundance of in my part of the country, such as wind energy. If you put in incentives and drive investment in that direction, you can achieve the same ends without putting the big cap, top-down government mandate on the American economy at an enormous cost to the American consumers.

HEALTH CARE

That is the issue, I would say, probably as much as anything else I have heard people talk about, but not far behind it was this notion that the government is now going to take over one-sixth of our economy because of the legislation that is moving through the Congress right now that would ''reform'' our health care system.

It is, I guess, no surprise to most Americans that we spend a lot on health care. Most of us would like to see us spend less on health care. Many of us think we can do that, that we can get costs under control, that we can do it through reforms that preserve what is good about the American health care system, that doesn't copy what is happening in other places around the world, Europe being an example, where care is rationed, where people don't have access to the types of therapies and treatments because the government decides what procedures are going to be covered, which procedures are cost-effective.

Those are decisions made by government. In this country, those are decisions made by patients and doctors, by physicians, by health care providers and those they serve. We believe that is a basic relationship we ought to preserve when we talk about reforming our health care system.

But most Americans are very concerned that the government may take over one-sixth of the American economy and run it, imposing the government in the place of, as I said before, what has typically been a relationship between physicians and patients.

What I would argue is that whether it is the issue of new energy taxes on the American consumer, whether it is the issue of the government taking over the health care system in this country at a minimum cost of $1 trillion—there was a CBO Congressional Budget Office report that came out recently that said the new plan the Democrats are unveiling may only be $600 billion, but it also doesn't include many of the most costly parts of the plan that we expect the Democrats to put on the floor of the Senate at some point in the not too distant future.

I will simply say again that based on the feedback I got from people across this country and people across South Dakota in particular over the break, the government takeover of health care in this country is something with which they are very uncomfortable, and they don't want to pay trillions of dollars in new taxes to make that possible.

If you talk about the amount of spending that is going on, the amount of borrowing we are doing from future generations, I think most Americans come back to those two basic principles I mentioned earlier, what I call our sort of commonsense conclusions that the American people come to. One is, you cannot spend money you do not have, and they see Washington doing that every single day; that when you borrow money, at some point you have to pay it back. And there is borrowing going on here right now like there is no tomorrow.

The health care entitlement program, if passed, would be a minimum of $1 trillion in new spending and would either have to be financed by tax increases, by revenue raisers the economy is going to pay for at a time we can least afford it, or by borrowing at a time when we are running over the next decade at least on average $1 trillion a year in deficits.

We cannot continue on this path. It is unsustainable. I believe the American people are coming to that realization. I hope the Senate will put the brakes on this energy tax, will put the brakes on this massive rush to take over one-sixth of our economy by taking over the health care system in this country.

I believe as the American people start to weigh in to this debate those of us in Washington who are in positions to make some of these policies and shape some of these policies will be getting an earful, and I hope so because we need to put the brakes on this massive takeover of the health care system, and we need to put the brakes on this cap and trade, this energy tax imposed on the American people, if it is passed in the Senate as it was a week ago in the House of Representatives.

I hope we can stop those things. I hope at least we can bring some sense

to the debate about health care that does reform our system, that does get costs under control, that does not allow the government to get in the way of making decisions that rightfully ought to be made by patients and their doctors.

I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank my colleague, Senator THUNE, for pointing out, again, the disastrous course we are on as a nation with the level of spending, borrowing, and debt we are creating and the amount of government intrusion into so many areas of our economy that have alarmed so many Americans. I appreciate the Senator bringing up that issue today.

AMENDMENT NO. 1399 TO AMENDMENT NO. 1373

I rise today to express my grave concerns about the administration's response to the situation in Honduras. There are few absolutes in the arena of diplomacy and international affairs. As circumstances and regimes change, so do our interests and allegiances. But one principle that should stand as a bedrock constant is this: a friend of freedom is a friend of America. Our commitment to freedom is not confined to a culture or a continent. It is absolute and universal.

It was this principle, hardwired into our DNA, that President Obama appeared to violate during his 8 days of silence while innocent democratic demonstrators were tortured and murdered in the streets of Tehran by Iran's tyrannical regime.

Thankfully, the President finally changed his rhetoric and offered some support to the people of Iran risking their lives for their freedom. But he stopped short of any criticism or action that might be construed as ''meddling,'' in his words, in the domestic affairs of a sovereign nation.

But in the last week, the President has reversed course, meddling up to his ears in the domestic affairs of another sovereign nation, Honduras. Depressingly, the President has once again sided with an illegitimate and anti-American autocrat over democracy, the rule of law, and an oppressed people who only want to be free.

The facts on the ground in Honduras are neither disputed nor confusing, but they have been largely ignored by an international media distracted by the death of a celebrity.

Let me read these facts into the record.

Honduras is a constitutional republic and a longtime ally of the United States. It is one of the poorest nations in the Western Hemisphere, especially since it was ravaged by the direct hit of Hurricane Mitch in 1998.

In 2005, Hondurans elected as their President Manuel Zelaya, a left of center but seemingly moderate candidate from the Liberal Party. Given Latin America's troubling history of military coups and self-appointed Presidents for life, the Honduran Constitution strictly limits Presidents to one term.

So seriously do Hondurans take their Presidential term limits that in Latin America, the phrase—and I will butcher this Spanish, but I want to give it a try—''continuar en el poder.'' It means to continue in power. It carries with it a dark connotation to the region for everyone living there.

For a President to overthrow the Constitution and violate term limits is violating the constitutional form of government. So seriously that article 238 of the Honduran Constitution says any President who even proposes an extension of his tenure in office ''shall immediately cease performing the functions of his post.'' So it is a de facto resignation of office in Honduras for a President to attempt to do what their President did.

Zelaya's 2005 campaign was supported by Hugo Chavez, the Marxist Venezuelan dictator bent on amassing power in the Western Hemisphere at the expense of what he calls ''the North American empire.'' That is us.

Zelaya quickly aligned his government with Chavez's and joined anti-American socialists, such as the Castro brothers in Cuba and Daniel Ortega in Nicaragua, in Chavez's economic cartel.

With Zelaya's term coming to an end early next year, Chavez convinced him to do as he has done in Venezuela: to force a constitutional amendment extending his Presidential term. This would be in direct violation of what their Constitution says.

Earlier this year, Zelaya called for a referendum to initiate a constitutional convention. In the ensuing litigation, the Honduran courts ruled the referendum was unconstitutional and illegal, as the Honduran Constitution explicitly gives only its Congress the power to call such a vote.

Zelaya forged ahead, calling his referendum a ''nonbinding survey.'' This, too, the supreme court found unconstitutional.

Zelaya then ordered the head of the Honduran military, General Vasquez, to conduct the election anyway. Vasquez expressed concerns about the vote's legality, so Zelaya fired him.

The supreme court ordered Zelaya to reinstate Vasquez, and Zelaya refused. The supreme court ordered the military to seize the referendum ballots to prevent Zelaya from going ahead with the illegal vote. Zelaya then personally led an armed mob to steal back the ballots, which, it should be noted, were suspiciously printed in Venezuela. Zelaya ordered his government to set up 15,000 polling places to conduct the referendum for June 28.

On Friday, June 26, the Attorney General of Honduras, Luis Rubi, filed a complaint before the Honduran Supreme Court petitioning for an arrest warrant for President Zelaya. The court issued the warrant unanimously and, according to the Constitution, ordered the Honduran military to execute it.

Early in the morning of Sunday, June 28, the day of the vote, the military arrested President Zelaya at his home. They put him on a plane to Costa Rica, as Honduras has no prison capable of withstanding a mob riot of the sort they feared Chavez and Ortega might whip up. So they did it for his safety.

That same day, the Honduran Congress, controlled by his Liberal Party—his own party—voted 125 to 3 to replace Zelaya with their speaker, Roberto Micheletti, as a member of the Liberal Party. This transfer of power was strictly in keeping with Honduras's constitutional line of succession as the Vice President had recently resigned.

The regularly scheduled general elections remain set for this November, and interim President Micheletti is not a candidate. The previously nominated candidates from the two major parties remain on the campaign trail, and both candidates and parties overwhelmingly approved the ouster of Zelaya.

At every step in the process, the legitimate democratic government strictly adhered to the Honduran Constitution and civilian leadership of the military remained intact. The military did not execute a coup. It thwarted the coup plotted by Hugo Chavez and implemented by Manuel Zelaya.

Honduras's democratic institutions are operating today, and its government functions are secure. The only aggrieved party in this process is Mr. Chavez, whose brazen attempts to corrupt Honduran democracy was thwarted by what has now been nicknamed ''the little country that could.''

The people of Honduras stood up to Hugo Chavez, Daniel Ortega, the Castro brothers, and they stood up for freedom and the rule of law. For their courage, President Obama has condemned them. He has called the constitutional ouster of President Zelaya not legal, claiming an expertise in Honduran law over and above that of a unanimous Honduran Supreme Court and a nearly unanimous Honduran Congress.

Secretary of State Clinton lazily joined the international media in calling the removal of President Zelaya ''a coup,'' a term fraught with dark memories of military juntas and banana republic. Of course, this is the same administration that insists on calling the recent fraud in Iran an election.

The Obama administration joined Chavez's preposterous Soviet-style propaganda resolution in the Organization of American States condemning Honduran democracy. Hondurans I have spoken with—I have spoken with

a number of folks who have missionary groups there, medical groups. I have talked to Miguel Estrada who was born and raised in Honduras and is now a constitutional expert in this country. This morning I talked to former Honduran President Ricardo Maduro. They are all totally befuddled at the strange response they are getting from the supposedly free world, including our own administration. Why are we siding with Hugo Chavez?

This morning in Russia, President Obama reiterated his support for Zelaya, the would-be dictator, as the rightful President of Honduras. According to ABC News, he said:

America supports now the restoration of the democratically elected President of Honduras, even though he has strongly opposed American policies.

Continuing with the quote from President Obama:

We do so not because we agree with him. We do so because we respect the universal principle that people should choose their own leaders, whether they are leaders we agree with or not.

The President appears to think his support for Zelaya is based on some principles of self-determination. He speaks as if opposition to Zelaya is based on partisan political differences. Zelaya was not ousted by political enemies; he was ousted by a government controlled by his own party. He was ousted by a unanimous supreme court operating in accordance with the Honduran Constitution and in conjunction with the nation's attorney general and Supreme Electoral Tribunal. These folks followed the rule of law.

The Honduran people have chosen their own leaders. Those leaders—in a constitutional, bipartisan, and nearly unanimous process—removed Manuel Zelaya from office. The Honduran people have upheld our President's so-called universal principle. The people seeking to undermine that principle are Hugo Chavez, the Castro brothers, Daniel Ortega, Mel Zelaya, and—unbelievably—the Obama administration.

This is not about politics. This is about the rule of law, freedom, and democracy, all of which are being defended by the Hondurans right now against their enemies—of which we appear to be one. Why are we not standing with them? Blood was shed in Iran while we stood idly by. Zelaya's return to Honduras on a Venezuelan jet and with the moral authority of the United States will almost certainly lead to more bloodshed. What are we doing on the side of tyrants and sworn enemies of freedom; going as far, on their behalf, to threaten economic sanctions against one of our poorest and bravest allies?

Secretary of State Clinton is reportedly planning a meeting with Mr. Zelaya in Washington this week. I implore her to reconsider that meeting. Elevating an impeached and disgraced autocrat is more than an insult to Honduran democracy, it is a green light to other would-be Chavezes around Latin America. It is a signal to the enemies of democracy and freedom that the United States no longer stands as a beacon of liberty. It is a signal that the rule of law is now passe in Latin America and that Hugo Chavez and his corrupt and brutal idealogy has free rein to meddle wherever he pleases in the Western Hemisphere.

What do we stand for, if not for freedom, democracy, and the rule of law? Where is the spine of the administration to stand up to anti-American and antidemocratic thugs in our own back yard? Where is the intellectual clarity to see the facts on the ground as they are? Manuel Zelaya is a criminal, a constitutionally removed former President of a proud and noble country. To my knowledge, no administration official has refuted or even grappled with the facts regarding Zelaya's attempted coup.

Given those still undisputed and documented facts, on what basis does the administration demand Zelaya's reinstatement? His removal from office was no more a coup than was Gerald Ford's ascendance to the Oval Office or the election to the Senate of our newest colleague, Al Franken. It is bad enough that the President's ad hoc and highly personalized foreign policy seems to be less about supporting the rule of law than it is about supporting particular rulers. But the last 4 weeks suggest that the President cannot even be counted upon to support our legitimate allies.

What happened in Honduras last week was not a tragedy, it was a triumph of democratic courage and the unyielding determination of a free people to stand up to despotism. The tragedy has been the failure of the West and of our own government in Washington to stand up for justice and freedom in Latin America.

It is not too late. I have written to Secretary Clinton, and there is growing congressional support for the legitimate government in Honduras. Everywhere I go someone comes up to me and tells me to stand up for freedom in Honduras. There is still time to look at the facts, even to visit Honduras itself. Call down there, talk to the people, even Americans in the Peace Corps or on missionary work, and ask them if they are living under an oppressive military junta. They will laugh and tell you they are living under an independent and vibrant democracy, with a representative government led by people they elected. They will tell you about the free and open debate in the ongoing Presidential campaign and whom they are supporting in the November elections.

There is still time to correct our position and support our true allies. And because we can, we should. We must. Because today—and I will try my Spanish again—''un amigo de libertad es un amigo de Honduras''—a friend of freedom is a friend of Honduras.

Mr. President, before I yield, I ask unanimous consent to set aside the pending amendment and call up the DeMint amendment.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1399 to amendment No. 1373.

Mr. DEMINT. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010)

At the appropriate place, insert the following:

SEC. ___. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing before December 31, 2010.

Mr. DEMINT. Mr. President, I will speak to the amendment later. I see a colleague wanting to speak and so I will yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment No. 1399.

Mr. MCCAIN. And the underlying legislation is the Department of Homeland Security appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1400 TO AMENDMENT NO. 1373

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1400.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1400 to amendment No. 1373.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the appropriation for the Over-the-Road Bus Security Assistance, as recommended by the Administration)

On page 31, line 19, strike all through page 32, line 3, and insert the following:

(6) $350,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security.

Mr. MCCAIN. Mr. President, the Department of Homeland Security appropriations bill before us today spends $44.3 billion. It is $207.5 million—or 7 percent more than last year's appropriation and nearly $97 million more than the budget request. An increase of this size is remarkable. I need to remind my colleagues that Americans are hurting, they are losing their jobs and their homes at record rates, and here we are, business as usual, as was made very clear in the vote on the amendment that was defeated concerning a museum in Nebraska on another appropriations bill—a bill that was supposed to be for funding legislative business of the Congress. On this bill again, it is business as usual. The level of spending is wrong, and there are numerous unrequested, unauthorized earmarks which were added at the direction of members of the Appropriations Committee and the Senate.

Maybe we ought to take a look at them. This is the Department of Homeland Security appropriations bill, I would remind my colleagues, but we threw in $4 million for the Fort Madison Bridge in Fort Madison, WI. As always, there are earmarks and geographic locations delineated in the bill for these pork-barrel projects. There is $39.7 million for the Advanced Training Center in West Virginia and $3.6 million for the Coast Guard Operations Systems Center in West Virginia. That is a good place for Coast Guard operations, to say the least.

I wish to point out that none of these earmarks were authorized. None of them had a hearing. None of them were requested. In fact, three of them I will read about were included in the President's budget request in a report from the Office of Management and Budget entitled ''Terminations, Reductions, and Savings: Budget of the U.S. Government, Fiscal Year 2010,'' which was submitted by the Office of Management and Budget. In other words, the administration requested that these specific appropriations not be spent because of the fact they either are not needed or are outright wasteful spending of the taxpayers' dollars.

Continuing with the list of earmarks in this bill, we have another $16.8 million for the Coast Guard Station in Cleveland Harbor, OH, to demolish the existing facility and construct a new multipurpose building.

I wish to emphasize to my colleagues that these may be worthy projects. They may be. Generally, they aren't, but they may be. But there has been no hearing, there is no request on the part of the administration, there is no request from anybody except for the representative of that State.

Continuing: $4 million for the National Infrastructure Simulation and Analysis Center; $102 million for the National Domestic Preparedness Consortium—and that contains six earmarks: The National Energetic Materials Research and Testing Center in New Mexico, $23 million; National Center for Biomedical Research and Training at Louisiana State University, $23 million; National Emergency Response and Rescue Training Center at Texas A&M University, $23 million; National Exercise, Test, and Training Center in Nevada, $23 million; Transportation Technology Center in Pueblo, CO, $5 million; and, of course, we never want to forget the Natural Disaster Preparedness Training Center at the University of Hawaii, $5 million.

There is $3 million for the Distributed Environment for Critical Infrastructure Decision-making Exercises. We need $3 million for the infrastructure decision-making exercises. Money is also set aside for the Cyber Security Consortium, which is a group of schools, including Miami University of Ohio, Utah State University, University of Nevada at Reno, and Potomac Institute for Policy Studies.

A certain thread may become apparent throughout this conversation and that is that States which are generally getting most of this money happen to have representatives in the Senate on the Appropriations Committee.

There is $2 million for the Cincinnati Urban Area Partnership; $20.8 million for the Southeast Region Research Initiative; $300,000 for the City of Hackensack Emergency Operations Center. Emergency operations centers are very popular in this bill. But there was no competition for these emergency operation centers. They may be worthwhile, they may not. We will never know because they are earmarked by the Members and they range from $1 million to $20 million to $247,000. We have New Jersey, New Jersey, New Jersey; Washington State; Providence, RI; north Louisiana; Little Rock; Vermont; Columbus, OH; city of Ames; and the city of Mount Vernon.

There is $900,000 for the City of Whitefish Emergency Operations Center in Montana. And because we wouldn't want to leave them out, there is $1 million for the City of Chicago Emergency Operations Center.

None of these projects were requested by the administration or authorized or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars. They are in this bill for one reason and one reason only: because of the selective prerogatives of a few Members of the Senate. Sadly, these Members choose to serve their own interests over those of the American taxpayers.

I have filed, and intend to offer, amendments to strike each and every one of these earmarks. Enough is enough. The American people are tired of this process, and they are tired of watching their hard-earned money go down the drain. I intend to fight every single unnecessary, unrequested, unauthorized earmark in every appropriations bill.

In addition to the earmarks I covered, this bill includes millions of dollars for programs that the administration has sought to cut due to the program's ineffectiveness or lack of necessity. The amendment I propose has as an example: The Over-the-road Bus Security Program. The administration proposed in its 2010 budget to eliminate the Over-the-Road Bus Security Program since the awards are not based on risk, as recommended by the 9/11 Commission, and has not been assessed as effective. Specifically, the Office of Management and Budget stated:

Recently, the funding (for this program) has gone to private sector entities for business investments in GPS-type tracking systems that they could be making without Federal funding. For now, this program should be eliminated in favor of funding initiatives aimed at mitigated verified transit threats.

Again, in the Office of Management and Budget submission the administration says:

The Government Accountability Office has recommended that TSA conduct an in-depth risk analysis of the commercial vehicle sector before more funding is allocated.

For now, this program should be eliminated in favor of funding initiatives aimed at mitigating verified transit threats. Funding for the intercity bus industry should be included in the larger Public Rail/Transit Security Grant program and prioritized against all transit-related security investments.

But it is not. Here, on the one hand, we have the President announce with great fanfare a group of reductions and terminations and savings that the administration is going to make and is strongly urging be done. Here we have on the bill an earmark that, indeed, funds these very same programs the administration wants eliminated.

There is another one, and that is the U.S. Coast Guard Loran-C. Loran-C sounds like a pretty good program, but the fact is, this $35 million, by the way, is a federally funded radio navigation system for civil marine use in coastal areas. I will quote from the Office of Management and Budget:

The Nation no longer needs this system because federally supported civilian Global Positioning System—GPS—has replaced it with superior capabilities. As a result, Loran-C, including recent limited technological enhancements, serves only the remaining small group of long-time users. It no longer serves any governmental function and is not capable as a backup for GPS.

So we are going to spend $35 million on GPS that is useless. It is useless for Loran-C. Why? Why would we want to do that? Why would we want to spend that kind of money? It is amazing.

Then there is the emergency operation centers, of course, some $20 million for operation centers in Ohio, Illinois, Indiana, New Jersey—et cetera. These, of course, are obviously the result of earmarks. Again, the Office of Management and Budget says the administration is proposing to eliminate the Emergency Operations Center Grant Program in the 2010 budget because the program's award allocations are not based on risk assessment.

Oh, really. Also:

. . . other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

It goes on to talk about how the grant program was established:

. . . by supporting flexible, sustainable, secure and interoperable EOCs, with a focus on addressing identified deficiencies and needs. . . . The EOC Grant Program uses award criteria that are not risk-based, and the administration supports a risk-based approach to homeland security grant awards.

I wonder how many of these would be awarded if they were risk based and how many of them are awarded because of the influence of members of the Appropriations Committee.

In addition, in 2009, EOC construction and renovation was approved as an allowable expense under the Emergency Management Performance Grant Program, thus providing a more effective funding mechanism through which potential grantees prioritize expenditures on EOCs against other emergency management initiatives.

In other words, we are spending these millions of dollars—$20 million I guess it is—in an unnecessary fashion that has nothing to do with risk but has everything to do with influence.

It is business as usual in our Nation's Capitol. We just came off a recess. A lot of us spent time, as I did, traveling around our States. People in my State are hurting. People in my State are wondering whether they are going to be able to keep their jobs or get a job; whether they will be able to afford health care; whether they are going to be able to educate their children. They are having to tighten their belts in ways that certainly no one has ever had to do before in their lifetime.

So what do we do here? Business as usual: $97-some-million of unnecessary and unwanted pork. Last year, Congress appropriated many millions of dollars. This, once again, is $97 million more than the budget request, and much of that is obviously unnecessary and unneeded and in some cases even unwanted.

On behalf of the citizens of my State who are having to tighten their belts, who are undergoing unprecedented difficulties and hard times while we are on this spending spree and accumulating trillions of dollars of debt—we are committing generational theft, laying it on our children and grandchildren. I intend to fight for their tax dollars, and I intend to fight until this egregious practice of porkbarrel earmarked spending, which has bred corruption, is brought to a halt.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, before I yield the floor I would like to include in the RECORD at this time a list of the various bus companies and the States in which they operate. I ask unanimous consent they be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2009 INTERCITY BUS SECURITY GRANT PROGRAM
FINAL ALLOCATIONS

State	Entity name	Amount
	Tier I	
MA	Peter Pan Bus Lines, Inc. (PPBL)	$258,749
NJ	Academy Express, LLC.	1,348,460
	Coach USA Inc	444,075
TX	CUSA, LLC	699,641
	Greyhound Lines, Inc.	3,675,223
	Tier II	
AR	Little Rock Tours	50,815
CA	SF Navigatour Inc. dba Super Sightseeing	99,691
	Silver State Coach	8,497
CT	DATTCO	115,743
FL	Escot Bus Lines, Inc.	67,377
GA	HTA Enterprises dba Swept Away Coach and Tours.	103,275
	Pendergrass Charters	43,921
IA	Burlington Stage Lines	132,675
	Windstar Lines, Inc.	50,803
IL	O'Hare Wisconsin Limousine dba Prairie Trailways.	8,497
	Vandalia Bus Lines	17,563
IN	Bloomington Shuttle Service, Inc.	57,286
	Free Enterprise System/Royal, LLC	34,029
	Star of America dba Star of Indiana	49,324
	The Free Enterprise System	34,029
KS	Village Charters dba Village Tours & Travel	84,683
LA	American International Travel dba Dixieland Tours and Cruises.	8,497
	Calco Travel, Inc.	42,601
	Hotard Coaches, Inc.	85,664
	Louisiana Coaches Inc.	8,497
MA	CAVALIER COACH TRAILWAYS	8,497
	Crystal Transport, Inc.	108,625
MD	BK Charter, Inc.	63,339
ME	NorthEast Charter and Tour Co., Inc.	8,497
MN	Jefferson Partners LP	224,069
MO	Heartland Motor Coach,Inc.	8,497
MS	Cline Tours Inc.	139,627
MT	Rimrock Stages Inc.	8,497
NC	T.R.Y., Inc. dba Young Transportation	93,564
NE	Busco, Inc. dba Arrow Stage Lines	137,156
NJ	A-1 Limousine, Inc.	131,430
	Lakeland Bus Lines, Inc.	191,800
	Rossmeyer & Weber, Inc. dba Raritan Valley	56,154
	Safety Bus Service, Inc. dba Safety Bus	34,029
	Stout's Charter Service, Inc.	363,001
NY	Brown Coach, Inc.	84,405
	Excellent Bus Service, Inc.	17,563
	Leprechaun Lines, Inc.	63,183
	Monroe Bus Company, Inc.	157,069
	Monsey New Square Trails Corp.	265,051
	Paradise Travel, Inc.	7,956
	Private One of New York LLC	200,262
	Upstate Transit of Saratoga, LLC	46,611
	West Point Trailways	7,956
OH	Croswell Bus Line dba Croswell VIP Motorcoach Services.	274,093
OK	Passenger Transportation Specialist, Inc. dba Red Carpet Charters.	49,324
PA	Carl R. Bieber	111,607
	Frank Martz Coach Company, Inc.	16,313
	Fullington Auto Bus Co.	187,001
	Krapf Coaches, Inc.	64,172
	MGR Travel, Ltd. dba Elite Coach	58,946
	Myers Coach Lines Inc.	8,497
	Red Lion Bus Company	40,192
	Trans-Bridge Lines, Inc.	237,600
RI	Flagship Trailways	8,497
SC	Cross Country Tours	8,497
	Lancaster Tours, Inc.	135,966
TN	Anchor Tours, Inc. dba Anchor Bus Charters	112,653
TX	Gotta Go Express Trailways	8,497
	Sierra Stage Coaches, Inc.	8,497
VA	Abbott Bus Lines, Inc.	8,497
	DC Trails, Inc.	180,800
WA	Discovery Tours LLC	43,141
WI	Kobussen Buses LTD.	8,497
	Lamers Bus Lines, Inc.	85,260
	Riteway Bus Service, Inc.	45,000
Total		11,658,000

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for a period of about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, let me begin by thanking my dear friend from the State of Arizona for once again reminding us of this egregious practice of earmark spending that continues to not only grow but continues to be a dark mark on our record as Members of the Congress.

I think, as he rightly pointed out, at a time of serious economic distress in places such as Arizona—and I certainly could say as well in Florida—it is a bit out of sync for us to continue the spending as usual just for the mere fact that there is a member of the Appropriations Committee who can, in fact, command something be done only because it would benefit a narrow interest in their State, within their district, and which, in fact, may not be requested and which may not be needed.

HONDURAS

Mr. MARTINEZ. Mr. President, I rise, though, to speak about the events in Honduras. The events that are taking place in Honduras right now are the unfortunate result of the silence of both the United States and the inter-

American community to the assault on Honduras' democratic institutions.

It is difficult for Hondurans and other democrats within the region to understand the full significance of President Zelaya's expulsion from Honduras. Up until this point, there has not been any significant voice in the opposition to the dismantling of democratic institutions and free societies in Venezuela, Bolivia—and as Honduras was going down the path, you might also add Nicaragua to that, to name only a few of the most visible cases.

It is also hard to explain why there was this silence in the face of President Zelaya's earlier unconstitutional actions, especially the event that appeared to precipitate his ousting: the storming of a military base to seize and distribute ballots for a referendum that previously had been declared unconstitutional by the Honduran Supreme Court.

A fundamental tenet of democracy is the separation of powers. You have a President in the executive branch and then you have the judicial branch of government, a coequal and separate branch, and that branch told the President the referendum he was seeking to have to extend his rule beyond the constitutional term was illegal, it should not be done. He was undeterred and he was completely unrepentant as he sought to continue his plan to have a referendum, even though the Congress, even though the judiciary had already told him that was in contravention of the Constitution of their country.

Where was the region's outrage over Hugo Chavez's support for Mr. Zelaya's unconstitutional actions in Honduras? Mr. Chavez supported Mr. Zelaya because they are kindred spirits, because Mr. Chavez had already been able to usurp every institution of democracy within his country of Venezuela and now rules as an autocrat. He wanted to have the same playbook applied in Honduras as he coached and shepherded to do some of the same things in Bolivia and to some degree in Nicaragua as well—and Nicaragua coming along.

The Honduran people decided this was not going to happen in their country, and the people in the Honduran Congress and in the Honduran Supreme Court decided it was not going to happen on their watch. But the region's silence toward the assault on democracy in Honduras followed a pattern of acquiescence of Chavez's dismantling of democratic institutions and civil liberties in Venezuela.

For instance, the OAS has said absolutely nothing about Chavez's closing of independent media, his manipulation of elections, his erosion of independent branches of government, and his usurping of the authority of local elected officials. Leaders like Chavez, Ortega, and Zelaya have cloaked themselves in the language of democracy when it was convenient for them. Yet their actions ignored it when it did not further their personal ambitions.

This situation was compounded by the actions of the United States, including work behind the scenes to keep the Honduran Congress and Supreme Court from using the clearly legal means of Presidential impeachment. Some of us have wondered why wasn't he impeached? Why didn't the Congress go ahead and impeach President Zelaya? Our Embassy in Tegucigalpa counseled that the Hondurans should not use the tools of impeachment.

Having stood on sidelines while Mr. Zelaya overstepped his nation's Constitution, the United States and the inter-American community only speak now. Protecting a sitting President, regardless of his illegal acts, sets a dangerous precedent. Instead, U.S. policy should be focused on only supporting efforts that uphold the integrity of constitutional order and democratic institutions.

In fairness to the Obama administration, this distorted policy is not new. Through advice from the State Department, former President George W. Bush was talked out of having the United States stand visibly with democratic advocates in Latin America. The advice was based on the belief that by not making the United States an issue, this would allow the region to stand up for democratic activists. Unfortunately, no country or leader did so, and most significant of all, the leader of the OAS has sat idly by, year after year, as democracy after democracy was dismantled, one piece at a time, one election at a time, one institution at a time, saying absolutely nothing.

The OAS has a responsibility to condemn and sanction Presidential abuses, not just abuses against Presidents. Because of the OAS failure to uphold the checks and balances within democracies, it has become an enabler of authoritarian leaders throughout the region. The result of this has been a signal of acceptance to antidemocratic actions and abandonment of those fighting for democracy in Venezuela, Bolivia, Nicaragua, Ecuador, and elsewhere.

This silence was compounded by the recent repudiation of the application of the Inter-American Democratic Charter to the Cuban dictatorship. Ironically, it was in Honduras, with Mr. Zelaya taking a leading role, where the OAS General Assembly decided against any clear democratic standards for Cuba retaking its seat in that organization.

So here is what occurred: The OAS, filled with a desire to reincorporate Cuba into the family of nations, completely ignored that for 50 years Cuba has been a military dictatorship without even the vestiges of a free and fair election, and they invited Cuba to be readmitted without setting up a standard by which they would have to live.

President Zelaya, with his partner Hugo Chavez, was leading the charge in saying Cuba should be welcomed back and there should be no conditions, no conditions of democratic rule like the ones he is now relying upon to try to get his Presidency back.

It is Mr. Zelaya now seeking the very protection of the Democratic Charter of the OAS which he thinks applies to him but which he felt was unimportant to apply the rights and opportunities to the Cuban people to try to claim the democratic future for themselves.

The crisis in Honduras stems from the failure of its leaders to live within constitutional boundaries and from the earlier silence of the United States and the international community regarding the abuse of power by the Honduran executive. Tragically, the United States and the OAS have put Honduras and the region in a position where democracy is the loser once again.

The return of Mr. Zelaya will signal the approval of his unconstitutional acts. If he is not allowed to return, then the unacceptable behavior of forcibly exiling a leader elected by the people would be given tacit approval. This is what happens when principles are sacrificed for a policy that can only be described as the appeasement of authoritarians.

In the current crisis, neither the United States nor other countries in the region or the international community should be taking sides in a constitutional dispute but, rather, encouraging a resolution through dialog among Hondurans. To this end, efforts should be focused on helping Hondurans form a reconciliation government that would include representatives not associated with either the Zelaya administration or the current interim government.

The objective should be to keep Hondurans on track to hold currently scheduled Presidential elections in November, with the inauguration of a new President in January as mandated in the Honduran Constitution. The newly elected President, with an electoral mandate, then can decide whether and how to deal with Mr. Zelaya and those involved in his ouster.

As the Senate takes up President Obama's nominees for key State Department positions in Latin America, it is time to question the acceptance by the United States and the inter-American community of the sustained dismantling of democratic institutions in free societies by Presidents seeking to consolidate personal power at any cost. This is the larger challenge in Latin America, and Honduras is only the latest symptom. The United States must no longer remain silent when democratic institutions are undermined. Any disruption of the constitutional order is unacceptable, regardless of who commits it.

It would be well for us to remember that as we look forward to what may

come next, the Presidential succession ought to be honored, however, institutions of democracy ought to also be equally honored.

Secretary of State Clinton met today at 1 o'clock with deposed President Zelaya. It appears she is seeking to align the United States with the mediation that is about to be undertaken by President Oscar Arias, a Nobel Prize-winning, well-regarded man from Costa Rica, and that President Arias might take this opportunity to see how we can bring this process back together again.

It seems to me that the elections in Honduras ought to take place as scheduled and a new democratically elected government ought to go forward. The real question is, Will Mr. Zelaya be allowed to return to the office of President? It seems to be fairly unanimous that all Honduran institutions oppose such an outcome. They do not want Mr. Zelaya back. They have seen the dark movie of what life can be like in a Cuba-type situation. They have seen the dark movie of what life can be like in a Cuba-type situation. They have seen the erosion of democracy with the complete erosion of freedoms, so much made a dear part of what we in this country believe in that has taken place in Venezuela. They have seen the continued erosion of democratic values in Nicaragua and they do not want to see it happen in their country, and one cannot blame them. It would only be fitting that they should find comfort by those of us in this country who not only value democracy for us but believe it should be shared by others around the world no matter their circumstances.

It isn't good enough to be elected democratically but then rule as a dictator and in the process of being an elected President, then move to erode all of the institutions of democracy—the courts, the congresses, even the military as an institution; they ought to be respected. Their independence ought to be valued. The playbook of Mr. Chavez, which is to dismantle the military leadership and bring in cronies of his, the efforts to then discredit the courts and bring in judges that he would also approve—this has been the playbook by which Chavez has operated and one that Mr. Zelaya was attempting to put into play.

So let's hope President Arias from Costa Rica will be able to lead a mediation effort that will bring together all of the disparate groups so that there can be a free and fair election and there can be a resolution to this crisis of democracy. But let this also be a wake-up call to the rest of us who have sat silently by as this erosion of democracy takes place one country at a time in Latin America. We ought to say: Enough is enough. Let's stand for the rule of law, let's stand for democracy, not only on election day but each and every day thereafter as we seek leaders who not only are elected democratically but govern democratically.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to compliment my colleague from Florida for a very thorough explanation of what has been, to many Americans, a very confusing situation and also his support for the most recent call for a mediation and discussion among the various parties so that this whole matter can be brought to a successful conclusion without armed force or other inappropriate action. I, too, hope that can produce the right kind of result. But I think the point—if I could, while the Senator is still here, make this point strongly, as he did—you have to stand up for what is right. And we all know an election does not a democracy make. You can elect a government which then begins to govern undemocratically.

Unfortunately, some of the governments in the southern part of our hemisphere have started all right with the elections and then ended in a very bad way. We certainly did not want that to happen to our friends in Honduras. And, in fact, the people of Honduras did not want that either. They are people who stood by us when we were trying to support the forces of freedom who were fighting in Nicaragua, and there were some sacrifices on the part of the Hondurans to do that. It is a country that has had very friendly relations with the United States over the years, and it is important for us to stand up for our friends.

For that, I compliment my colleague from Florida, and I again add my voice to his saying we hope these discussions the Secretary of State has now called for can produce an appropriate resolution to this issue without any kind of bloodshed.

Mr. MARTINEZ. I thank the Senator from Arizona for his kind comments. But it also brings up one more point. Honduras has been by our side. There is no more important country, in terms of military relations in Central America, than Honduras, where we have a presence of our military, where we work together in partnership to try to stem the flow of drugs and narcotics into our country, and where we conduct not only training missions but other important training missions with the Honduran military, where we are very involved in providing aid and assistance.

I think it would be well for us to hold back any declaration that a coup has taken place that would then trigger other events. This is not your traditional military coup where a military group decides to set up a junta. These are military people who, while maybe they acted a little too strongly, the fact is, they did not seek power for themselves but they established a congressional order. So it is important.

Mr. KYL. Mr. President, that is precisely the way I see it as well. I hope that helps to clarify for the American people what is really going on there and that we can support our friends in Honduras and that relationship which has existed all these years can continue to be the productive one it has been.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELSINKI COMMISSION

Mr. CARDIN. Mr. President, I take this time as the Chairman of the U.S. Helsinki Commission, for which I had the opportunity to lead a delegation of 13 members representing the United States at the 18th Annual Parliamentary Assembly of the Organization for Security and Cooperation in Europe. We attended meetings in Europe, along with representatives, parliamentarians from 56 countries representing Europe, central Asia, Canada, and the United States.

We first decided to stop in Bosnia, and we did that because I am sure my colleagues recall the bloody conflict that erupted in the former Yugoslavia, in Bosnia, in which communities were dislocated and people were killed because of their ethnic background.

We found in Bosnia, because of outside interference, the three ethnic communities that had coexisted for many years were drawn into a conflict. The United States, in the Dayton Accords, took the leadership in trying to figure out a way in which we could get the ethnic communities to live together in peace. As a result of the Dayton Accords, there was this government established for Bosnia which is a bit unusual. There are three Presidents, one representing the orthodox community, the Serbs, one representing the ethnic Bosnians, and one representing the ethnic Croats. And this government brought an end to the open violence.

But we knew in recent weeks and months there had been problems in Bosnia. So we traveled to Sarajevo to talk to all of the ethnic community leaders to see what was happening. And I must tell you, there has been progress in that region, particularly with the neighboring countries that are now progressing, some of which are our strong allies in NATO, and we have seen progress to integration in Europe. So we can take pride in what we have been able to achieve in that region of Europe in the Balkans.

But Bosnia needs our attention. I am pleased we were there. I think it is clear to each member of our delegation that if Bosnia is going to be able to continue its integration into Europe—

we hope that will occur—if Bosnia is going to be able to move on a path toward NATO membership, it needs to have constitutional reform so it has a functioning federal government protecting the rights of the three entities. But it needs to have a government that can function, and during our trip I think we delivered that message. We were there shortly after Vice President BIDEN was there.

We then traveled to Vilnius, where the annual meeting was taking place. But we took the opportunity to visit Minsk in Belarus. We did that because Belarus is a repressive state in which the President, Mr. Lukashenko, rules with an iron fist. The political opposition is denied the normal opportunities of a government.

We went there because we wanted to have an opportunity to advance the OSCE principles. The Helsinki Commission, which is our arm in implementing the OSCE, is known for advancing human rights, it is known for advancing economic cooperation, it is known for advancing security issues. And we went to Belarus because we wanted that country, which is a member of OSCE, to live up to its OSCE commitments, to allow its people basic human rights, the right of a free press, the right to express their views, the right to challenge their government peacefully, the right to organize the religions of their choice, and the right for economic reform, which is being denied to the people of Belarus. We met with President Lukashenko, and we met with the leaders of the different factions, of the activists.

We also carried a humanitarian request. There was an American, Mr. Zeltser, Emanual Zeltser, who was imprisoned in Belarus. We do not know why he was imprisoned. There were secret indictments and a secret trial. The United States was not permitted to monitor the trial. He was sentenced to 3 years. He has a very serious medical condition. It is believed he could not survive if he remained in Belarusian prisons. So we carried a humanitarian request that he be released. Mr. Lukashenko had the power to do that, and we were very pleased that our humanitarian request was granted. During our meetings, the President told us he would honor our request that he be released immediately, and Mr. Zeltser was released later that afternoon, and he is now back in safe care. So we appreciated that effort, and we hope that represents a change in the direction of Belarus.

We made it clear that if the Belarusian Government made concrete steps toward the OSCE-type reforms on human rights, on economics, and other issues, then it would be a signal to the international community that we would bring Belarus more into the family of nations.

This Congress passed the Democracy Act, which imposed sanctions against Belarus because of their repressive regime. I hope our trip, which was the highest delegation to visit Belarus in over a decade, will be the first step to seeing change in that country and a better relationship between Belarus and other countries in Europe and the United States.

The main reason for our visit was to go to Vilnius, Lithuania, to participate in the Parliamentary Assembly. One member of our delegation visited Latvia in order to advance relations. At the Parliamentary Assembly, I was pleased that Congressman ROBERT ADERHOLT was elected vice chairman of the Third Committee, which is human rights. There are only three committees in the OSCE: for human rights, economics, and security. An American, Congressman ADERHOLT, will be vice chairman of the Human Rights Committee. I was elected vice president. That follows in the footsteps of Congressman ALCEE HASTINGS, former President of the Parliamentary Assembly.

The United States proposed three resolutions in addition to the normal work. All three were adopted—one on maternal mortality, one on Afghanistan encouraging the Obama administration's policies in Afghanistan, and one on Internet freedom. All three of these resolutions were adopted by the Parliamentary Assembly.

We also recommended 26 amendments to the core resolutions. All 26 amendments were adopted. I wish to cover some quickly because I think they are important to U.S. policy and we now have the support of the OSCE, of the European and central Asian communities in advancing these goals.

One was to seek Pakistan's interest in becoming an OSCE partner. They are not eligible for membership because it is central Asia, Europe, and North America. But we have partners in cooperation that work with us. We have Mediterranean partners, including Israel and Jordan and Egypt. We have Asian partners that belong, including Afghanistan. We think it would be helpful if Pakistan sought membership as a partner in cooperation within OSCE. By way of example, OSCE has a mission in Afghanistan that deals with border security. They know how to do nation building, how to help countries. We think that could be useful in dealing with U.S. policies against terrorists in Afghanistan and Pakistan if both had an arrangement with the Organization for Security and Cooperation in Europe. That amendment was approved by the Parliamentary Assembly.

We offered another amendment dealing with combating anti-Semitism. The U.S. Helsinki Commission has been a leader in developing strategies to deal with the rise of anti-Semitism. We have made a lot of progress. We continued to make progress at this meeting in dealing with the rise of anti-Semitism.

There were amendments offered dealing with water issues, energy, climate change, and preserving cultural heritage sites. We had a very active delegation, and we advanced many causes that were important to the United States.

We had bilateral meetings. We met with our counterparts from Russia to try to improve the dialog between Russia and the United States. This was a day or two before the meeting of our Presidents in Moscow. I think it is in keeping with the Obama strategy of trying to have a more effective dialog between the United States and Russia. We have differences, but we need to understand each other's positions to try to bring about the type of change that would be in the interests of both countries. We underscored those points during our bilateral meetings with the Russian parliamentarians.

We also met with the parliamentarians from Georgia. We were very disappointed that the OSCE mission in Georgia was terminated as a result of Russia's veto of the continuation of that mission. That mission deals with conflict prevention. It is there to keep peace in Georgia, where we know there is still the potential for conflict to erupt at any moment. We had a chance to meet with the Georgia parliamentarians to go over those issues.

We met with the parliamentarians from Lithuania. The last time I was in Lithuania was February 1991, when the Soviet tanks were in Lithuania, where they had taken over the TV towers. We returned to the TV towers. We were there in 1991 and saw the tragedy that the Soviets had committed in that country. We also went to the parliament building, where it was barricaded in 1991 because of Soviet tanks. Now we were able to enter a free country, a close ally of the United States, a member of NATO. It was a proud moment to return to that site and see what has happened. The United States has a proud record of always recognizing the independence of Lithuania and never recognizing the Soviet takeover of that independent country. We had a chance to meet with the President. We had a chance to meet with the parliamentarians, and we met with the Prime Minister. We mentioned an issue that is still pending that needs to be resolved; that is, property restitution issues and community property issues dating back to the Nazi occupation. We urged the Lithuanian Parliament to promptly pass an appropriate law so that the payments can be made to the appropriate victims as quickly as possible since many of the families are dying out and it is important that this issue be handled as quickly as possible. I hope Lithuania will follow through on those recommendations.

We had a very busy agenda. I am very proud of the work of each member of our delegation. We advanced the interests of the United States. We will be

following through on the different discussions we had to make sure progress continues in each of these areas. It was an honor to represent the Senate with the Helsinki Commission. We will keep Senators informed on the progress we are making.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 4:45 p.m. today, there be 2 minutes of debate prior to a vote in relation to McCain amendment No. 1400, with the time equally divided and controlled between Senator MCCAIN and the majority leader or their designees; further, that on Wednesday, July 8, when the Senate resumes consideration of H.R. 2892, there be 5 minutes for debate prior to a vote in relation to the Sessions amendment No. 1371, with the time equally divided and controlled between Senator SCHUMER and Senator SESSIONS or their designees; that upon disposition of the Sessions amendment No. 1371, the Senate resume consideration of DeMint amendment No. 1399, with 2 minutes of debate prior to a vote in relation thereto, with the time equally divided between Senator MURRAY and Senator DEMINT or their designees; that no amendment be in order to any of the amendments covered in this agreement prior to a vote in relation to these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me quickly say, before I turn it over to my friend from New Hampshire, we have been in many quorum calls today, with plenty of opportunities to offer amendments. We have to move forward on this bill. When we finish this bill, we have 10 other appropriations bills to do. We have to move forward on this bill. People cannot complain that they have not had opportunity to offer amendments when they don't offer them.

DEBT EXPLOSION

Mr. GREGG. Mr. President, I rise to speak on a couple of items. The two things I wish to speak about are, first, this rumbling we are starting to hear about having a third stimulus package. Some people say it is a second. It is a third stimulus package. We did a tax stimulus package about $140 billion and the $700-plus billion stimulus package earlier this year. It is incomprehensible to me that we would want to have another stimulus package unpaid for and add that to the debt.

We are facing a massive explosion of debt in this country. The best thing we can do to get this economy going would be to show the world and the American people we are serious about doing something about our debt.

To roll out another stimulus package in the face of that type of a situation that would be unpaid for is a huge mistake, whether it is a tax cut or whether it is spending. I cannot understand why we are even thinking about it.

When we look at the stimulus package which was just passed a few months ago, that hasn't even spent out. Only 15 percent of that is going to be spent this year, and another 37 percent of it will be spent next year. That means we still have 50 percent of the spending of that $700-plus billion bill to occur in 2011 and beyond. So if the purpose of a new stimulus package is to try to bring up the slack in the economy as we move into 2010 and on to 2011, we do not need it because we already have a stimulus package that is coming down the road, if you accept that as being useful—I don't happen to—but it is clearly counterproductive if it is simply going to add to and increase the debt of this Nation and the debt that is passed on to our children.

The debt of this country is increasing to astronomical proportions. We are looking at deficits of 4 to 5 percent of GDP for the next 10 years. We are looking at a debt that goes to 80 percent of GDP. The new stimulus would aggravate both those numbers dramatically.

To quote my colleague from North Dakota, the chairman of the Budget Committee, the debt is the threat. If we continue to pass through this Congress spending which is not offset, which is not paid for, in the name of stimulus or anything else, we are simply aggravating this extraordinarily difficult situation, which is the massive explosion of Federal debt. It is not fair to our children. More importantly, it is not correct, and it is not good policy.

Nothing would energize this economy more than to have the world look at America and recognize that we are going to do something substantive about reducing our debt and our deficits. People around the world and in our Nation would have confidence in our government again. But if we continue to talk about rolling out another stimulus upon the stimulus we already have—the first stimulus and the second stimulus—rolling out a third stimulus, which will be unpaid for and expensive, that is not sound fiscal policy.

Since the debt is the issue, let me turn to the second point I wish to make. The TARP, which has received a lot of negative press over the last few months, has accomplished its purpose in large degree. The reason the TARP was passed was to stabilize the financial industry during a period when it looked like we were going to have a cataclysmic implosion of the financial industry. We were on the verge of a catastrophic event, where basically our whole financial industry would have melted down, bringing down with it Main Street and people's ability to get loans, people's ability to send their kids to school, people's ability to buy a house, to meet a payroll, run a small business. All that would have been at risk if the financial institutions of this country had been allowed to implode, which is exactly where we were back in September and October when the TARP was passed.

With those TARP dollars, those financial institutions are stabilized, and they were stabilized by purchasing what is known as preferred stock in them.

As part of the TARP, it was made very clear that the $700 billion that was going to be spent to stabilize the financial institutions, or potentially spent—not all of it was spent—that those dollars, when they came back—and we expected them to come back because it was an investment; it was not spending like a stimulus package where we essentially put money out the door and it never comes back; we were buying assets, the preferred stock of these banks. When those moneys came back to the Treasury, it was understood that those moneys would be used to reduce the deficit and the debt. That was the understanding that was written in the bill. The moneys from TARP, as they came back in, would be used to reduce the debt.

We are now seeing the first group come in. Mr. President, $70 billion has come back to the Treasury as a result of four or five major banks paying off the TARP moneys through repurchasing their preferred stock. Interestingly enough, the taxpayers made some money here. We made about $4.5 billion on that investment—a pretty good deal over 4 months to make $4.5 billion. That money is also coming to the Treasury. Those dollars should be used to reduce the debt. That is what the whole idea was: Buy assets, stabilize the financial industries, as the assets come back, pay down the debt that was run up in order to purchase those assets.

Unfortunately, some of my colleagues in the other body have suggested that we now start spending this money as it comes in on what happens to be, I am sure, very worthwhile initiatives which they want to pursue in the area of housing, in the case of one proposal. That would be the totally wrong thing to do. These dollars have to be used to reduce the debt, and by using them to reduce the debt, once again we will make it clear to Americans and to the international community that we are going to act in a fiscally prudent way, and we will have a very positive impact on how much it costs us as a nation to borrow on the value of our dollars and on the amount of outstanding debt which we face as a

nation, which is extraordinary, as I mentioned earlier.

It is totally inappropriate to spend this money on something other than what the proposal originally was, which was to spend it to stabilize the financial institutions and then take the money we received—in this case, with interest—and use it to pay down the debt.

The administration understands this, and I respect the fact they made it very clear in a letter to me from Secretary Geithner—I ask unanimous consent to have printed in the RECORD the letter from Secretary Geithner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, June 30, 2009.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR GREGG: Thank you for our recent conversation on June 11. In addition to our discussion on deficit reduction and the repayment of Emergency Economic Stabilization Act (EESA) funds, I also wanted to formally respond to your letter of April 23.

As you know, banks are indeed permitted to repay Treasury's investments through the Capital Purchase Program (CPP). Repaid funds will be deposited into the general fund for the purpose of deficit reduction, as required by EESA. This reduction in the total amount of outstanding assets frees up headroom under EESA's $700 billion cap, providing additional flexibility to Treasury in its efforts to stabilize the economy and build the foundation for long-term economic growth.

To date, 32 banks have repaid Treasury's investment for a total of approximately $70.1 billion, including $68.3 billion received on June 17, 2009, from ten of the largest banks that participated in the stress test. With these repayments, we have $127 billion remaining to support EESA's objectives. Another important item to note is that to date the United States Government's general fund has received $5.2 billion in dividends.

These repayments and dividends are an encouraging sign of financial repair, but we still have work to do in order to mend our economy. We believe that it is critical that Treasury maintain the full flexibility provided by EESA to strengthen our financial system, promote the flow of credit, and permit a rapid response to unforeseen economic threats.

As you know, I share your concerns about the fiscal situation. I look forward to working with you to bring down the deficit once we are confident that the economy is back on track and we have successfully addressed the challenges to our financial system.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

Mr. GREGG. Mr. President, Secretary Geithner has made it very clear that they understand this money should go to reduce the debt. They would like to hold it sort of at the desk for a few months to make sure they are not going to need it for another event of maybe severe fiscal strain. But it is pretty obvious we are past that time and they probably are not going to need it. So this money is coming back to the Treasury and will only be used to reduce the debt unless we, as a Congress, change the law.

I wished to come to the floor and say it would be a real failure of fiscal stewardship for us to use these dollars for anything other than what their purpose was, which was to reduce the debt.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield back any remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to McCain amendment No. 1400. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—47

Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennet	Feingold	Nelson (FL)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Snowe
Chambliss	Isakson	Thune
Coburn	Johanns	Udall (CO)
Collins	Kyl	Udall (NM)
Conrad	Lincoln	Vitter
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Wicker
DeMint	McCaskill	

NAYS—51

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Gregg	Murray
Begich	Hagan	Nelson (NE)
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Johnson	Reid
Burris	Kaufman	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shelby
Casey	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Dodd	Leahy	Tester
Dorgan	Levin	Voinovich
Durbin	Lieberman	Whitehouse
Feinstein	Menendez	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1400) was rejected.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the Senate just voted against the President of the United States—I think we should know that—and his recommendation. The President, on May 7 of this year, as part of his budget submission, recommended terminating or reducing 121 Federal programs, which was estimated to save the taxpayers $41 billion over the next decade. One of the programs the President hopes to see terminated is the Intercity Bus Security Grant Program.

What the Senate did was to tell the President of the United States: No, we are sorry, this is a vital program, the Intercity Bus Security Grant Program. I am sure the folks in Maryland at Cavalier Coach Trailways that got $8,000 and Crystal Transport, Inc., that got $108,000—there is one in here that is a limousine service that got several thousand dollars, the Rimrock Stages got only $8,000. But Busco, Inc., doing business as Arrow Stage Lines, they got $137,000 in Nebraska. Maybe they will take people to visit the library that just got $200,000, those from outside of Omaha.

What we are talking about is that we cannot even eliminate a program, with a decent number of Democratic votes, about which the President told the American people: We will reduce spending, we will cut spending, don't worry; here are the 121 Federal programs. There are two more that are coming, my friends, that you will be able to vote against the President on because there are two more on his list that are included in this appropriations bill.

Anybody in the United States who thinks we got the message that it is time to tighten our belts, including especially members of the Appropriations Committee on both sides of the aisle, they are sadly mistaken.

They are sadly mistaken. We are going to vote on all 27. We are going to be on record, and the American people are going to hear about it. They are going to figure it out. It is business as usual. The porkbarrel spending continues even to the point where we cannot even eliminate a program the President of the United States said we would eliminate. There are 60 votes over there. We could not get 51.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1402 TO AMENDMENT NO. 1373

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I rise to call up amendment No. 1402 to the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1402 to amendment No. 1373.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks)

On page 32, strike line 19 and all that follows through page 33, line 22, and insert the following:

Assistance Act (42 U.S.C. 5196c), which shall be awarded on a competitive basis: *Provided,* That the Administrator of the Federal Emergency Management Agency shall award financial assistance using amounts made available under the heading ''NATIONAL PREDISASTER MITIGATION FUND'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under this title—

(A) in accordance with section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133); and

(B) without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act.

Mr. FEINGOLD. This amendment would prohibit the earmarking of two critically important homeland security grants: the Emergency Operations Centers and the Pre-Disaster Mitigation Program.

The Emergency Operations Centers, or EOC program, is intended to improve emergency management and preparedness capabilities, and it funds, among other things, construction of State and local EOCs. These centers are a vital part of the comprehensive national emergency management plan.

The Pre-Disaster Mitigation Program is intended to implement hazard reduction measures before disasters strike. Eligible projects can include, for example, preparing mitigation plans, or retrofitting public buildings against hurricane-force winds, and constructing so-called ''safe rooms'' in tornado-prone areas.

While we may not all agree on the appropriateness of earmarking in general, I certainly hope we can agree certain things should not be earmarked, including FEMA grant programs such as those that protect Americans from terrorist attacks and natural disasters.

Obviously, these funds should be awarded by an impartial entity that is expert in matters of emergency operations and disaster mitigation. It is FEMA that actually possesses these qualities; Members of Congress do not. Indeed, FEMA has informed me that many past earmarks would not have even qualified for the Pre-Disaster Mitigation Program under the established guidelines. The result is that low-priority projects get funded and high-risk areas do not have adequate resources they need so people in those areas can truly be protected from natural disasters. I think these funds are too important to be passed out based on political dealings.

The Association of State Floodplain Managers supports this amendment and notes that a key element of the Pre-Disaster Mitigation Program is the encouragement of hazard mitigation planning. According to the Association:

Congressional earmarks, unfortunately, undercut the local planning process when it became evident that process could be short-circuited by getting a Congressional earmark.

This year, the House has earmarked all of its Emergency Operations Centers funds in its Homeland Security appropriations bill. The Senate has earmarked nearly half of its funds. The earmarks in the Senate are directed to 10 States. That means 40 States will have to compete for the remaining half of these funds.

If my amendment fails, 10 States get half and the other 40 States only get half combined. Many of these earmarks have historically gone to small communities while at the same time many State operations centers in major cities still need assistance. So my amendment would strike the earmarks in the text of the Senate bill so that FEMA can decide which projects are homeland security priorities and Federal responsibilities.

With regard to the Pre-Disaster Mitigation funds, the House report has earmarked one-fourth of the funds, and the Senate has so far not earmarked any of them. However, last year both the House and the Senate earmarked roughly 27 percent of the funds in conference. So my amendment directs FEMA to disregard any such earmarks in the explanatory statement of managers. As the majority of us will not be members of the conference committee, I urge my colleagues to consider whether it is in the best interests of your State to permit the earmarking of these critical homeland security funds outside of the regular legislative process.

The chairman and the ranking member of the Homeland Security and Governmental Affairs Committee introduced legislation last year to mandate that Pre-Disaster Mitigation funds be awarded competitively. I, of course, commend both of them for their leadership on this issue.

Given that a percentage of these funds are guaranteed for every State in light of the fact that all States are at risk of natural disasters, there is even less reason for these funds to be earmarked.

President Obama has stated that he would like these funds to be awarded on the basis of risk. Federal law lays out the criteria for the competitive awarding of these grants and focuses on the need to fund those projects that will mitigate the most high-risk areas.

Therefore, I think this amendment is consistent with the President's request that we focus on those communities that are in most need of assistance. I urge my colleagues to support this amendment.

I ask unanimous consent that Senator MCCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Not only will the amendment restore objectivity to two homeland security grant programs, it will also help ensure important decisions about Federal spending are actually made on the merits not on the basis of political backroom deals.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERIC BIOLOGICS

Mr. BROWN. Mr. President, I thank my colleague from Ohio, Senator VOINOVICH, for allowing me to go first. I appreciate his public service as he concludes his Senate career in the next year and a half.

This week Congress is debating whether to broaden access to affordable generic drugs for millions of Americans. Let me explain how access to generic drugs—and generic drugs for pharmaceuticals—so-called chemical drugs are called generics, just to make this clear, for live—what are called biologics they are called follow-on biologics. But either is the same concept.

Let me explain how the access to generic, or follow-on biologics, would benefit millions of Americans who cannot afford the crushing drug costs they face, whether prescription drugs or biologics.

Sergio from Rocky River, a suburb west of Cleveland, wrote about how he and his family lost their health insurance last year and are heavily buried with debt. His young son has type 1 diabetes, a terrible disease that an increasing number of young people have. His wife has severe asthma, and Sergio had quadruple heart bypass surgery, along with surgeries to repair a hernia and treatment for back and knee injuries, all within the last 3 years. Sergio and his family have cut back on the medications they were taking and stopped going to the doctor because they can't afford the $35,000 in outstanding medical bills, much of it in prescription drug costs. Sergio writes that his family walks on eggshells each day hoping they don't get sick and slide further into debt.

For far too long, Americans like Sergio have struggled with the exorbitant cost of prescription drugs. For far too long, soaring drug costs have meant seniors were forced to choose between eating and taking medicine. I have heard these stories for more than a decade, most acutely when I traveled with seniors from Ohio to Canada to buy affordable prescription drugs. I was a Member of the House in those days in the late 1990s. It was curious that an elected Federal official in one country would rent a bus and take 30 to 40 seniors 3 hours from Lorraine up through Toledo, OH, into Detroit, then into Windsor, Ontario, from one country to another to buy prescription drugs. Of course, I did that because these people were hurting. They didn't have decent health care and couldn't get low-cost prescription drugs. So they went to Canada where the prices were much, much cheaper, one-half to one-third the cost, the same drug, same manufacturer, same packaging, same dosage, but costing one-half or one-third as much.

As we move forward on health care reform, we have the opportunity to make affordable generic drugs more accessible to seniors and to the Nation's middle class. Health care reform must broaden access to generic alternatives to the most expensive kinds of prescription drugs known as biologics. Biologics are different from the chemical pharmaceuticals we are most used to that sell in much larger numbers than the biologics based on living ingredients that are more expensive and—much more expensive to produce, originally, with the research but also much more expensive for the person taking the biologics. Failing to come up with generic alternatives to these most expensive kinds of prescription drugs is not just bad policy, it is irresponsible on our part.

Countless Americans simply cannot afford these expensive brand-name drugs. These drugs provide promise and hope to those suffering from devastating diseases and chronic illness: cancer, Parkinson's, diabetes, Alzheimer's, MS. For example, annual treatment for breast cancer in the 1990s was with a drug called Taxol which cost an exorbitant amount of money—$4,000 a year. Today, annual treatment for some cancers—in this case, breast cancer—is with the biologic drug Herceptin, which costs $48,000 a year or $4,000 a month. Annual treatment for rheumatoid arthritis with Remicade costs approximately $20,000 a year, almost $2,000 a month. These drugs are simply too expensive for many people to afford.

Liz from Brecksville is a director of a breast cancer advocacy group in northern Ohio and wrote to me that many of her members and clients face impossible financial barriers after being diagnosed with breast cancer and needing treatment. Liz works with breast cancer patients who face excessive copays and deductibles for prescription drugs, often with 10-year preexisting condition restrictions. That is why we must provide broader access to generic drugs to help lower prescription drug costs for millions of Americans.

This isn't a debate about policy between biologics and follow-on biologics and prescription drugs and generics. That is interesting for the textbooks and the economists. This is about the lives of people who simply cannot afford $4,000 a month for a cancer drug, $1,500 a month for a drug if they are dealing with rheumatoid arthritis.

Ensuring a pathway for generic drugs and breaking the monopoly pharmaceutical companies have on brand-name drugs can make prescription drugs affordable for Americans who need them. By setting a reasonable period of exclusivity for many brand-name drugs, we will speed up the generic approval process and speed up cost savings for families in Toledo, Lima, Canton, Youngstown, and Cincinnati, OH.

It is estimated that biologics, those drugs that increasingly are used to help treat cancer and Parkinson's and diabetes and Alzheimer's and MS, will make up 50 percent of the pharmaceutical market by 2020. These are becoming more and more common. Yet there is not even a process to establish generic drug alternatives. Therefore, there is no price competition and the price for these biologics goes up and up and up. The prices go up and up and up, yet there is no competition and they can keep charging outrageous prices. These prescriptions cost anywhere from $10,000 a year, almost a $1,000 a month; sometimes they cost as much as $200,000 a year, which is $16,000 or $17,000 a month.

We are not saying the prescription drug companies don't deserve a chance to recoup the $1.2 billion they spend on research and development. This chart is 1 year of sales with no competition from generics. It often means multiple billions of dollars in revenue. This was compiled by the AARP. The drug Enbrel for rheumatoid arthritis—average cost to develop a new biotech product, $1.2 billion; annual total U.S. sales for top-selling biologic drug, $14.8 billion. Look at another pretty common drug, Remicade, for rheumatoid arthritis. In this case, this company spends a little more than $1.2 billion to develop this product; $13 billion in sales. We can go down the list: Epogen for anemia, Procrit for anemia, Rituxan for rheumatoid arthritis, Humira for rheumatoid arthritis, Avastin, Herceptin, Aranesp for anemia, Neulasta for neutropenia. On biologic after biologic, the average cost not just to develop this biologic, the average cost to the company as a whole for its successful biologics and its unsuccessful biologics, for the amount of research they are putting forward averaging $1.2 billion, look at their sales: 14.8, 13, almost 15, almost 14, almost 12, almost 7, 8 billion, 5.5 billion, 11, almost 12 billion. These are costs for which consumers are paying $2,000 a month, $3,000 a month. They simply can barely afford it in many cases and can't afford it at all in other cases. These are costs that employers have to pay, that taxpayers have to pay if they are in Medicaid.

It is pretty clear these are huge profits these companies are making. And I want more innovation. You bet I want to see these companies succeed. But they don't need to make these kinds of profits at the expense of taxpayers and small businesses that are paying the freight and larger businesses that are less competitive because they have to pay such high costs for health care. That makes it harder for GM to compete with Toyota and compete with overseas auto manufacturers, one after another after another.

Sales in 2008 for the average biologic, not just the blockbusters, totaled over $666 million. That means it takes less than 2 years for the average brand-name biologic to recoup the R&D cost. Why are some of my colleagues advocating for a 12-year monopoly period? They want to give these companies that are recovering this kind of money this quickly each year, this kind of money with the kinds of sales they have had, they want to give them 12 years to recoup this $1.5 billion. Many of them recoup it in the first year, let alone the second, third, fourth, and fifth. Again, I want to have a healthy profit, but I don't want to see price gouging aimed at small businesses and large companies that are less competitive as a result, aimed at seniors and others who suffer from these diseases. Why a 12-year monopoly period? Twelve years sounds good. If the industry gets 12 years, they will laugh all the way to the bank. They will be exultant if they get 12 years.

The President says 12 years is too long. The President thinks it should be 7. The Federal Trade Commission says it is too long. The Federal Trade Commission thinks giving them 12 years will actually reduce innovation because the drug companies won't even try to compete with themselves and come up with new drugs. Nearly everyone—insurance companies, patients groups, consumer groups, and the AARP—has said this is too long. All kinds of organized labor unions, because of their members, say it is too long. Most insurance companies say it is too long. Patient groups, groups that advocate for people with diabetes, with heart disease, groups that advocate for people with arthritis and MS and other deadly and crippling diseases—all say 12 years is too long. Everyone says 12 years is too long except two groups: the drug companies and some House Members and Senators.

It is clear this is a fight between pharmaceutical companies looking to make lucrative profits and patients in need of prescription drugs.

I read yesterday in the Washington Post how the pharmaceutical industry is spending well over $1 million every single day trying to influence the outcome of health care reform legislation. Over $1 million a day spent to prevent generic drugs—affordable medicine—from making their way to seniors in Zanesville and Bolero and Youngstown and Van Wert and Piqua and all over my State, from making their way to people in middle-class families, to patients who can't afford brand-name drugs. We can't let special interests or political maneuvering delay making affordable prescription drugs more available to millions of Americans.

We are on the cusp of fundamental reform of our health care system. Let's not blow it. Let's not pass this giveaway of billions and billions of taxpayer dollars, individual dollars out of people's pockets, dollars raided from small businesses and large corporations alike.

We should not let that stand in the way. We are on the cusp of meaningful, fundamental reform. We must ensure access to generic drugs that will reduce costs, that will improve quality of care for millions, that will mean more innovation and more miracle drugs. This is part of our historical moment. We need to do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, it is time for Congress to join forces and unite in a bipartisan way to help the President deal with the unbelievable challenges he has domestically and internationally. One easy way to help our Nation is by passing our appropriations bills by September 30. Our getting it done this year is urgent because of the state of our economy and the impact Federal spending has on that economy. Our reliance on continuing resolutions to fund the Federal Government continues to plague Congress and has a cascading effect on government agencies and the citizens they serve.

In recent decades, it has become common for appropriations bills to be enacted after the start of the fiscal year, during the last quarter of the calendar year, or even in the next session of Congress, as was the case this year. Repeatedly managing by continuing resolution is inefficient. It results in wasteful spending, disruption and chaos in the operations of Federal programs, and dramatic productivity slowdowns. This is not a good record for either party and is an irresponsible approach to managing our limited resources. It has to stop.

Last year, because the Senate did not do its job, agencies were rushed to spend their budgets before the end of the fiscal year and used overtime to ensure requests were processed before midnight on September 30, making it ripe for overspending as agencies stockpiled to try to meet future needs. This also means fewer dollars being returned to the Treasury to help reduce our growing budget deficit.

We need to get back to basics to solve it. This is one problem the Congress can solve, and we need to do it this year. Congress may hold the power of the purse, but we undermine our credibility by starving good managers and agencies of necessary resources and by turning a blind eye to failing programs. This is about more than allocating funds. It is about good management and good public policy. I can assure you, as a county commissioner, mayor, and Governor, if the appropriations were not done on time we would have been run out of town for not doing our job.

Inaction causes chaos in the operations of our Federal Government. Continuing resolutions do exactly what their name implies: they continue funding at prior year levels, without regard to whether changes in funding are necessary or appropriate. As a result, agency program managers are now in the untenable position of having to manage on the prior year's budget, which often results in a loss of productivity and a waste of taxpayer dollars. Imagine if these same program managers could spend their time instead on our current economic situation, ensuring that the stimulus funds are being spent wisely and appropriately.

Programs which cannot justify the level of funding they used to have, and ought to be cut, will continue to get the level of funding they were getting. Likewise, programs for which increased need has been demonstrated, and which therefore should get increased funding, will continue to be funded at the prior year's level, leaving the increased need unaddressed.

Since 1990, the Government Accountability Office has issued its biennial high-risk report, which examines the challenges faced by Federal programs and operations and recommends ways to improve their performance and accountability. Many of the programs on the GAO high-risk list are dysfunctional and fail to deliver the intended services to the taxpayer. In other instances, the Federal Government is wasting taxpayer dollars that could be better used for higher priority programs or cutting the deficit.

Imagine if we were able to dedicate 1 week—or even 1 day—per month as a body debating solutions to the challenges identified by GAO instead of debating whether and when to proceed on appropriations bills or throwing together a continuing resolution to ensure we avoid the embarrassment of a government shutdown.

This is not a case of benign neglect. We have become overly reliant on past practice and refuse to make the end-to-end budget process a priority. Continuing appropriations acts have become commonplace and, unfortunately, fully integrated into the process. The end result is funding uncertainty—not because the money is not there but because Congress cannot join in a bipartisan manner and hammer out an agreement on how money should be spent. No business would manage its affairs in this manner, and neither should the Federal Government. As I said, the Federal Government is the only level of government that gets away with it.

I think few in the Senate recognize the adverse impact continuing resolutions have on agencies where budgets rely heavily on personnel. Hiring freezes, cuts in training budgets have lasting effects. It is irresponsible for us not to provide appropriations on time to those we have asked to provide services to the American people and give them gigantic excuses to not perform.

Our inaction also has an impact on program management. Federal public servants spend countless hours preparing detailed budget justifications for our review. We reward their hard work by asking them to spend their time figuring out how to manage under last year's budget. Imagine if these people could spend their time managing programs instead of figuring out how to operate under a continuing resolution, including completion of reprogramming requests.

Managing by continuing resolution has the effect of delaying construction, reducing overall efficiency, wasting time and paper resources, and disallowing any new starts in procurement. Fortune 100 companies do not walk away from difficult budget choices by taking a pass to the next fiscal year. Neither does Main Street USA. Regardless of whether you subscribe to the belief that CRs save money, this is no way to run an organization. It is part of our obligation to the American people to ensure our scarce resources are given to projects that produce results.

I want to share a few examples of the true impact of continuing resolutions, taken from a memo prepared by the Congressional Research Service and hearings before the Committee on Homeland Security and Governmental Affairs.

Let's take the Department of Education. The Impact Aid Program is an elementary and secondary education program that does not receive forward funding or advance appropriations and, therefore, is more easily affected by an

interim continuing resolution. Payments for children with disabilities are delayed when the Department of Education is operating under a continuing resolution.

USAID: The delay of funding of the President's Malaria Initiative, which was enacted in order to reduce deaths due to malaria by 50 percent, lasted until February 15, 2007, 5 months or 138 days into fiscal year 2007. Doing the math, this delay in funding relates to the loss of, say, 198,000 lives unnecessarily. In other words, by delaying it, the money was not there. We did not get the job done, and this resulted in the deaths of individuals.

NASA: On June 8, 2009, the Federal Times reported the following from NASA Administrator Michael Griffin:

> Any time Congress passes a continuing resolution that holds agencies to their current spending levels at a time when the economy is experiencing inflation translates into a budget cut. And so we will be cutting the budget at NASA and the only question is how much. . . . And then the second question, after how much is decided, is will the continuing resolution be broadly applied and left to the discretion of agency heads to implement or will special programs be targeted to be either favored or disfavored.

FEMA: In fiscal year 2008, the Emergency Food and Shelter Program, which ''provides emergency food and shelter to needy individuals,'' did not receive funds under the CR. Thus, the program did not have funds available for communities and their respective homeless provider agencies during what many view as critical winter months until February 26, 2008, or 149 days into fiscal year 2008.

The judiciary: The judiciary has had to resort to hiring freezes or furloughing employees under continuing resolutions. In fiscal year 2004, the judiciary reduced 1,350 positions, with probation and pretrial services receiving significant cuts.

HUD: During fiscal year—I am just giving you examples that have been pointed out by CRS. During fiscal year 2004, the Department of Housing and Urban Development had to temporarily suspend the General Insurance and Special Risk Insurance Fund of the Federal Housing Administration because the continuing resolution did not provide a sufficient credit subsidy to continue with the programs. During the suspension, HUD was unable to meet the needs of the borrowers who would ordinarily be served by the respective programs, which created uncertainty among the lenders and potential borrowers. Mr. President, I think most of us have seen what happens when we have uncertainty in our mortgage system.

The Treasury Department: Continuing resolutions in fiscal year 2007 and fiscal year 2008 limited and delayed the IRS's ability to implement improvements in the taxpayer service. Also, these continuing resolutions prevented the agency from making job offers to highly qualified candidates until enactment of a full year's appropriation.

Just jerk them around.

Research and development: Most research and development programs continue to receive funding at the prior year's level when operating under a continuing resolution. However, this funding mechanism can only support existing R&D priorities rather than shifting to new ones because only existing programs retain funding. New and emerging technologies must be funded in real time.

The Social Security Administration: Operating under a continuing resolution for fiscal year 2010 will hamper efforts to reduce backlogs in the agency's disability program, which would result in decreased efficiency. Also, in previous years continuing resolutions caused the agency to implement a hiring freeze that contributed to service delivery problems. While Commissioner Astrue has gone to great lengths to send additional resources, for example, to my home State, Ohio still has people waiting more than 500 days for a decision on their Social Security disability claim.

I was very critical of SSA. I started looking back on the continuing resolutions that were passed. It was a chaotic situation. They were not able to keep the people they had. They were not able to hire more people, and we have a 500-day wait now. I am sure the Presiding Officer gets the same complaints from his people that they cannot get their disability appeals heard.

DHS: In testimony before the House Homeland Security Subcommittee on Management, the Department of Homeland Security's Deputy Procurement Officer, Richard Gunderson, spoke to the impact continuing resolutions have on the key homeland security programs. Gunderson testified:

> A CR would stop those programs in their tracks and we would not be able to grow the way that everybody is saying that we need to grow.

Mr. President, there are a lot more examples of what I am talking about. I think this has to be the year we do our job. The Senator from Nevada, our leader, and the Senator from Kentucky, our minority leader, have both publicly stated that we need to do our job on time. As I mentioned earlier, the need for it is more urgent than ever before.

If I were the President of the United States today, I would probably look at what the Congress is doing, and I think I would say: One of the greatest gifts you can give me, one of the greatest gifts you can give our country, is to do your work on time so we do not have this chaotic situation we have had for so many years.

None of our hands are clean. None of our hands are clean. I have been here when we have deliberately not passed appropriations with the idea that maybe our guy is going to get elected President or we are going to get the majority in the Senate or the Congress and so then we can tweak it the way we want to because a majority is no longer in the majority.

This game has been played for too long around here, and it is about time we recognized it and did something about it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that I be permitted to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Madam President.

HEALTH CARE

Mr. WHITEHOUSE. Madam President, I have spoken many times on the floor of the Senate about the desperate need for reform of our broken health care system. Today the Congress stands at a moment of historic opportunity. The attention, hopes, and anxieties of the American people are focused on us like never before.

We have seen over the course of the last 60 years constant lament over the system's flaws and failure—failure when true opportunities for reform arise. President Obama has now challenged this Congress to reform our Nation's health care system, to expand access to insurance, to improve below-average results, and to bring down its costs. It is about this last challenge—the challenge of our unimaginable and grotesque health care costs—that I speak today.

In his recent speech to the AMA, the President called escalating health care costs ''a threat to our economy . . . an escalating burden on our families and businesses . . . a ticking time-bomb for the federal budget, and . . . unsustainable for the United States of America.''

I hope all of us share his sense of urgency. Our country's economic future may well depend on it.

Over the past few weeks, I have been privileged to work with my HELP Committee colleagues to make long-awaited reforms and investments to control costs and wring savings from the system. In that process, much attention has been paid to the Congressional Budget Office's cost and savings estimates—estimates that, in many cases, have significant limitations.

CBO, as we know, plays a vital role in our legislative branch by ensuring that we have objective, nonpartisan estimates of the likely costs and savings to the Federal budget of legislation. These estimates can help us make responsible and efficient use of the taxpayers' money, but we must recognize that in the particular context of health care reform, they are fundamentally limited by CBO's professional restrictions.

CBO can only estimate health care costs and savings that have historic precedent. For example, since we have the experience of Medicaid and the Children's Health Insurance Program, CBO can estimate how much expanding coverage to all needy families will cost. These subsidies account for the vast majority of CBO's $600 billion estimate of the 10-year cost of the HELP Committee bill.

On the cost savings side, however, CBO's capability is limited. We know our health care system is on an unsustainable course, and there is broad agreement on which of the broken pieces need fixing, but it is impossible to estimate cost savings with the degree of certainty CBO requires to provide what we call a score.

CBO's Director has been refreshingly candid about this. In a recent letter to our budget chairman, Senator CONRAD, he writes the following:

Changes in government policy have the potential to yield large reductions in both national health expenditures and Federal health care spending without harming health.

He continues:

Moreover, many experts agree on some general directions in which the government's health policies should move, typically involving changes in the information and incentives that doctors and patients have when making decisions about health care. Yet many of the specific changes that might ultimately prove most important cannot be foreseen today and could be developed only over time through experimentation and learning.

CBO's professional discipline requires it to score legislation through a rearview mirror, looking back, and basing its calculations on what it can chronicle has happened in the past. But when we propose to take the country in a new direction, when there is a turn in the road, when we seek to fulfill President Obama's promise of true change in America, the rearview mirror doesn't help much. We have not been where we need to go.

In addition, getting there will require leadership, creativity, and perseverance. It will require executive administration with constant adjustments and improvements as we work toward our goal. Those factors are beyond the capability of CBO to predict.

I speak not to criticize the hard-working public servants of the Congressional Budget Office. They do an exemplary job with the tools at their disposal. Americans owe them a particular debt of gratitude now for how incredibly hard they have worked over these past weeks, but their tools come with their own limitations. The point of this reform is to turn around a system that is spiraling out of control. We spent 18 percent of our gross domestic product on health care, the next highest spending Nation in the world—the next worst is Switzerland, at 11 percent. Even if our success in this reform is limited to shaving a few percentage points off our national expenditure on health care, that change will be worth hundreds of billions of dollars a year. Yes, there will need to be an initial investment in health care reform, but the potential savings are multiples larger. CBO's inability to score those savings does not mean that those savings are not both real and substantial.

One measure of the potential savings is the recent report of the President's Council of Economic Advisers, June 2009. I ask unanimous consent that the executive summary of this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ECONOMIC CASE FOR HEALTH CARE REFORM

EXECUTIVE SUMMARY

The Council of Economic Advisers (CEA) has undertaken a comprehensive analysis of the economic impacts of health care reform. The report provides an overview of current economic impacts of health care in the United States and a forecast of where we are headed in the absence of reform; an analysis of inefficiencies and market failures in the current health care system; a discussion of the key components of health care reform; and an analysis of the economic effects of slowing health care cost growth and expanding coverage.

The findings in the report point to large economic impacts of genuine health care reform:

We estimate that slowing the annual growth rate of health care costs by 1.5 percentage points would increase real gross domestic product (GDP), relative to the no-reform baseline, by over 2 percent in 2020 and nearly 8 percent in 2030.

For a typical family of four, this implies that income in 2020 would be approximately $2,600 higher than it would have been without reform (in 2009 dollars), and that in 2030 it would be almost $10,000 higher. Under more conservative estimates of the reduction in the growth rate of health care costs, the income gains are smaller, but still substantial.

Slowing the growth rate of health care costs will prevent disastrous increases in the Federal budget deficit.

Slowing cost growth would lower the unemployment rate consistent with steady inflation by approximately one-quarter of a percentage point for a number of years. The beneficial impact on employment in the short and medium run (relative to the no-reform baseline) is estimated to be approximately 500,000 each year that the effect is felt.

Expanding health insurance coverage to the uninsured would increase net economic well-being by roughly $100 billion a year, which is roughly two-thirds of a percent of GDP.

Reform would likely increase labor supply, remove unnecessary barriers to job mobility, and help to ''level the playing field'' between large and small businesses.

WHERE WE ARE AND WHERE WE ARE HEADED

Health care expenditures in the United States are currently about 18 percent of GDP, and this share is projected to rise sharply. If health care costs continue to grow at historical rates, the share of GDP devoted to health care in the United States is projected to reach 34 percent by 2040. For households with employer-sponsored health insurance, this trend implies that a progressively smaller fraction of their total compensation will be in the form of take-home pay and a progressively larger fraction will take the form of employer-provided health insurance.

The rising share of health expenditures also has dire implications for government budgets. Almost half of current health care spending is covered by Federal, state, and local governments. If health care costs continue to grow at historical rates, Medicare and Medicaid spending (both Federal and state) will rise to nearly 15 percent of GDP in 2040. Of this increase, roughly one-quarter is estimated to be due to the aging of the population and other demographic effects, and three-quarters is due to rising health care costs.

Perhaps the most visible sign of the need for health care reform is the 46 million Americans currently without health insurance. CEA projections suggest that this number will rise to about 72 million in 2040 in the absence of reform. A key factor driving this trend is the tendency of small firms not to provide coverage due to the rising cost of health care.

INEFFICIENCIES IN THE CURRENT SYSTEM AND KEY ELEMENTS OF SUCCESSFUL HEALTH CARE REFORM

While the American health care system has many virtues, it is also plagued by substantial inefficiencies and market failures. Some of the strongest evidence of such inefficiencies comes from the tremendous variation across states in Medicare spending per enrollee, with no evidence of corresponding variations in either medical needs or outcomes. These large variations in spending suggest that up to 30 percent of health care costs (or about 5 percent of GDP) could be saved without compromising health outcomes. Likewise, the differences in health care expenditures as a share of GDP across countries, without corresponding differences in outcomes, also suggest that health care expenditures in the United States could be lowered by about 5 percent of GDP by reducing inefficiency in the current system.

The sources of inefficiency in the U.S. health care system include payment systems that reward medical inputs rather than outcomes, high administrative costs, and inadequate focus on disease prevention. Market imperfections in the health insurance market create incentives for socially inefficient

levels of coverage. For example, asymmetric information causes adverse selection in the insurance market, making it difficult for healthy people to receive actuarially reasonable rates.

CEA's findings on the state of the current system lead to a natural focus on two key components of successful health care reform: (1) a genuine containment of the growth rate of health care costs, and (2) the expansion of insurance coverage. Because slowing the growth rate of health care costs is a complex and difficult process, we describe it in general terms and give specific examples of the types of reforms that could help to accomplish the necessary outcomes.

THE ECONOMIC IMPACT OF SLOWING HEALTH CARE COST GROWTH

The central finding of this report is that genuine health care reform has substantial benefits. CEA estimates that slowing the growth of health care costs would have the following key effects:

1. It would raise standards of living by improving efficiency. Slowing the growth rate of health care costs by increasing efficiency raises standards of living by freeing up resources that can be used to produce other desired goods and services. The effects are roughly proportional to the degree of cost containment.

2. It would prevent disastrous budgetary consequences and raise national saving. Because the Federal government pays for a large fraction of health care, lowering the growth rate of health care costs causes the budget deficit to be much lower than it otherwise would have been (assuming that the savings are dedicated to deficit reduction). The resulting rise in national saving increases capital formation.

Together, these effects suggest that properly measured GDP could be more than 2 percent higher in 2020 than it would have been without reform and almost 8 percent higher in 2030. The real income of the typical family of four could be $2,600 higher in 2020 than it otherwise would have been and $10,000 higher in 2030. And, the government budget deficit could be reduced by 3 percent of GDP relative to the no-reform baseline in 2030.

3. It would lower unemployment and raise employment in the short and medium runs. When health care costs are rising more slowly, the economy can operate at a lower level of unemployment without triggering inflation. Our estimates suggest that the unemployment rate may be lower by about one-quarter of a percentage point for an extended period of time as a result of serious cost growth containment.

THE ECONOMIC IMPACT OF EXPANDING COVERAGE

The report identifies three important impacts of expanding health care coverage:

1. It would increase the economic well-being of the uninsured by substantially more than the costs of insuring them. A comparison of the total benefits of coverage to the uninsured, including such benefits as longer life expectancy and reduced financial risk, and the total costs of insuring them (including both the public and private costs), suggests net gains in economic well-being of about two-thirds of a percent of GDP per year.

2. It would likely increase labor supply. Increased insurance coverage and, hence, improved health care, is likely to increase labor supply by reducing disability and absenteeism in the work place. This increase in labor supply would tend to increase GDP and reduce the budget deficit.

3. It would improve the functioning of the labor market. Coverage expansion that eliminates restrictions on pre-existing conditions improves the efficiency of labor markets by removing an important limitation on job-switching. Creating a well-functioning insurance market also prevents an inefficient allocation of labor away from small firms by leveling the playing field among firms of all sizes in competing for talented workers in the labor market.

The CEA report makes clear that the total benefits of health care reform could be very large if the reform includes a substantial reduction in the growth rate of health care costs. This level of reduction will require hard choices and the cooperation of policymakers, providers, insurers, and the public. While there is no guarantee that the policy process will generate this degree of change, the benefits of achieving successful reform would be substantial to American households, businesses, and the economy as a whole.

Mr. WHITEHOUSE. This report compares the share of America's gross domestic product spent on health care to the share spent by our international industrialized competitors. It also looks to the wide variation in health care expense and quality, region to region, within the United States of America. From each of these measures, the report comes to the same conclusion: They estimate excess health care expenditures of about 5 percent of GDP, which translates to $700 billion per year. Former Treasury Secretary O'Neill has written recently that the target is $1 trillion per year. Whether $700 billion or $1 trillion, that is a savings target that is worth an enormous expenditure of executive and legislative effort to achieve, particularly when all the evidence suggests that achieving it will actually improve health care outcomes for the American people.

Perfect examples of the savings that await us are in quality of care. I have spoken before about the Keystone Project up in Michigan which reformed care in a significant number of Michigan's intensive care units. It reduced infections, respiratory complications, and other medical errors. Between March 2004 and June 2005, just a little over a year, the project is documented to have saved 1,578 lives, 81,020 days patients otherwise would have spent in the hospital, and over 165 million health care dollars—just in a little over a year, just in intensive care units, just in one State, and not even all of the intensive care units in that State.

In my home State, the Rhode Island Quality Institute has taken this model statewide with every hospital participating, and we are already seeing hospital-acquired infections and costs declining.

Why aren't these quality reforms happening spontaneously all over the country? Because government and private insurers haven't set up the right rules for the game. When we began our intensive care unit reform in Rhode Island, the Hospital Association of Rhode Island estimated a $400,000 cost for a potential $8 million savings from the ICU reform program. That is a 20-to-1 return on investment. Super deal, right? Who wouldn't take that? Well, the hospitals pointed out that all the savings—the $8 million—went to the payers—to Medicare, to the insurance companies—and all the costs and all the trouble and all the risk came out of their own pockets. The savings actually cut hospital revenues. So with a lot of business experience around this Chamber, do we know a lot of businesses that would spend $400,000 in cash in order to lose $8 million in revenues? That is not a good economic proposition. We have made the rules such that it is not a good economic proposition for hospitals to invest that way.

That is why the HELP Committee bill changes payment incentives and invests in grant programs so it begins to make economic sense for doctors and hospitals to invest in lifesaving and cost-saving quality improvements. If we can make it an economic win for providers to improve quality this way, think of the torrent of American ingenuity that will unleash. Now we are stuck. We are stuck in a bog of market failure, with the connection between risk and reward—the fundamental connection between risk and reward that is the basic engine of American capitalism—interrupted and disabled. But CBO can't score that innovation because we haven't been down this road before. There is nothing in the rearview mirror for CBO professionals to work with to determine what those savings will be.

There is a similar problem in disease prevention. A study by the Trust for America's Health found that investing $10 per person per year in proven community-based programs to increase physical activity, improve nutrition, and prevent tobacco use could save the country more than $16 billion annually within 5 years. Out of the $16 billion in savings, Medicare could save more than $5 billion, Medicaid could save more than $1.9 billion, and private payers could save more than $9 billion, but those program providers don't get funded. That is why the HELP Committee bill establishes a prevention and public health investment fund to provide expanded and sustained nationwide investment in preventing illness. Well run, the savings could be enormous. But CBO can't score it because we haven't been down this road before, and there is nothing in the rearview mirror for CBO professionals to work with.

A third area for significant efficiencies and savings is the contentious, inefficient billing and approval process. Right now, doctors and insurance companies are locked in an arms race. Private insurers delay claims and deny claims for reimbursement and throw up

barriers to payment, and the providers, in turn, staff up and hire consultants and add people to fight back. This battle creates a colossal burden on the system, consuming perhaps 10 to 15 percent of all private insurance expenditure and then creating a reciprocal and probably actually greater cost shadow out in the provider community from having to fight back against that 10- to 15-percent expenditure. It all adds no overall health care value—none. It is pure administrative cost shifting. Even the insurance industry estimates that $30 billion per year could be saved through simplification of that process. That is why the HELP Committee bill has strong administrative simplification requirements. But again, CBO can't score it because this is another new road. Again, there is nothing in the rearview mirror for CBO to work with.

Finally, multiple studies show that the private insurance market is plagued by inefficiency and waste. While administrative costs for Medicare run about 3 to 5 percent, overhead for private insurers is an astounding 20 to 27 percent—charges that consumers pay for higher premiums. A Commonwealth Fund report indicates that private insurer administrative costs increased 109 percent—they more than doubled—private insurer administrative costs more than doubled from 2000 to 2006, just in 6 years. The McKinsey Global Institute and a leading health economist indicate that Americans spend roughly $128 billion annually on ''excess administrative overhead''—that is, $128 billion on excess administrative overhead—in the private health insurance market.

That is why the HELP Committee bill establishes a strong nonprofit public health insurance option that would compete on even terms with private insurance companies, bringing down premiums, negotiating more efficient provider payments, and increasing consumer access—all through the power of free market competition. All this is done through the power of free market competition. But, again, CBO cannot score it because we have not been down that road before. There is, again, nothing in the rearview mirror for CBO professionals to work with.

In the 1930s, Franklin Delano Roosevelt's proposal for an innovative program called the Tennessee Valley Authority faced this dour prediction from a Member of the House of Representatives:

> Mr. Speaker, I think I can accurately predict no one in this generation will see materialize the industrial empire dream of the Tennessee Valley.

Another Member remarked:

> The development of power in that particular locality of the Nation . . . can be of no general good.''

Had FDR been cowed and discouraged by such pessimism, by the difficulty and uncertainty and novelty of his task, the TVA would never have brought electricity, jobs, and prosperity to millions of Americans.

Likewise, today, it is precisely because our reforms are innovative and because they will take energy, commitment, and leadership to achieve that they are unscorable. That should be an inspiration to us, not a discouragement. Through this reform bill, we must challenge ourselves and the Obama administration to do that which economists and commentators cannot specifically score and analyze. With strong leadership and dedication, we can not only bend the cost curve, we can break it.

Let's set a hard target, say, $500 billion in annual savings, and see how fast we can get there. Let's make this the Apollo project of our generation. The stakes are high enough to justify that effort.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak for up to 10 minutes in morning business and that Senator SESSIONS be recognized when I have finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, most everybody knows I am an orthopedic surgeon. In Wyoming, many refer to me as ''Wyoming's doctor.'' That is because for over two decades folks have invited me into their home with statewide television and radio health reports, where I gave people information on how they can stay healthy and how to keep down the cost of their medical care. I ended each report by saying: ''Here in Wyoming, I'm Dr. John Barrasso, helping you care for yourself.''

That is also my philosophy for government—helping people help themselves. As medical director of the Wyoming Health Fairs, I worked to give people around the Cowboy State access to lifesaving preventive tests and low-cost medical screenings.

My goal was always to encourage families to eat right, exercise, manage chronic diseases, and stop smoking because prevention is one of the keys to a long and happy and healthy life.

As I travel home every weekend, I hear the concerns people have about health care and the cost of their medical care. They are concerned about the specific cost of their medical care and how it affects them and their family budgets. Many families across Wyoming and in this country worry that they will lose the health care coverage they currently have. Others cannot afford insurance today. That is what is wrong with our current health care system. That is what we need to fix.

I know from firsthand experience that doing nothing is simply not an option. We must be careful, thoughtful, and deliberate about the changes we make. Health care is a very complex and an intensely personal issue. It deserves a national debate—a serious, open, and transparent national debate.

I welcome the opportunity to talk about the concerns of people living longer and needing more care and more advanced care. The concerns are affordable care, access to care, and high-quality care.

In the midst of this debate, we cannot stand for rural Americans to be left behind. They need access to high-quality, affordable health care like everybody else.

When I first came to the Senate, I promised the people of Wyoming I would fight each and every day to protect and modernize our rural health care delivery system. I committed to do my part to strengthen our rural hospitals, rural health clinics, and community health centers. I committed to do my part to increase rural America's access to primary health care services and to aid in the successful recruitment and retention of nurses, nurse practitioners, doctors, and physician assistants all across rural and frontier America.

There are obstacles faced by our hospitals, clinics, and our providers—obstacles they have to overcome to deliver quality care to all the families in rural America. They end up having to do it in an environment of markedly limited resources. The Federal Government needs to recognize these important differences and then respond with appropriate policy.

The people of Wyoming know I am here not just as their Senator but also as a rural doctor who has practiced medicine, fighting on their behalf.

Recently, I joined three of my colleagues to introduce S. 1157, the Craig Thomas Rural Hospital and Provider Equity Act.

Today, I rise to talk about a different bill that I have introduced alongside my colleague from Oregon, Senator RON WYDEN. It is called the Rural Health Clinic Patient Access and Improvement Act.

This legislation is a great example of what true bipartisanship can produce. I thank Senator WYDEN and his staff for working so hard to collaborate with me on this very important bill. I commend him for his dedication to helping rural Americans have equal access to the high-quality medical care they deserve.

This legislation strengthens America's 3,500 rural health clinics that serve rural and frontier communities.

Rural health clinics are a highly valued medical provider in communities all across this country. In Wyoming, we have rural health clinics located in communities that many people have never heard of, such as Baggs, Glenrock, Hulett, Lovell, Medicine Bow, Saratoga, and my wife Bobbie's hometown of Thermopolis. These clinics make sure people have access to

primary care as close to home as possible. That is not easy to.

To give you a snapshot of Wyoming's health care landscape, we have only 26 hospitals and 18 rural health clinics spread over nearly 100,000 square miles, which is a remarkably large distance. With vast distances, complex medical cases, and increased demand for technologically advanced medical care, the rural health care system is certainly not one size fits all.

Let me explain what this Rural Health Clinic Patient Access and Improvement Act actually does.

First, the rural health clinics currently receive an all-inclusive payment rate that is capped at $76. That payment has not been adjusted—except for inflation—since 1988. We all know that medical inflation has gone up at a much greater rate than regular inflation.

This bill addresses this problem by raising the rural health clinic cap from $76 to $92. Rural health clinics are a key component of the rural health care delivery system, and we need to make sure there is fair pay for patients who are taken care of in those facilities.

We also need to give them enough flexibility to meet their community's health care needs.

Additionally, this measure would establish a new quality reporting program for rural health clinics.

Three years ago, Congress required the Centers for Medicare and Medicaid to create a physician quality reporting system. This program offers bonus payments to doctors who report quality measures on Medicare services.

The quality incentive program is linked to the Medicare physician fee schedule. Rural health clinics, though, are not paid using the physician fee schedule. If Congress wants to pay doctors based not on volume but on the quality of care, then it is important to remember that the one-size-fits-all approach will not work here.

That is why this bill ensures that a comparable quality incentive is available to rural health care providers.

Third, the Rural Health Clinic Patient Access and Improvement Act would create a provider retention demonstration project. It is a five-State project that will study the extent to which a medical professional can be encouraged and enticed to practice in an underserved rural and frontier area.

The States would be given grants to help physicians, physician assistants, nurse practitioners, and certified nurse midwives to help them pay a small portion of their medical liability costs.

I believe these incentives will help draw more providers—especially those who deliver babies—to work in an underserved area because their malpractice insurance is the same whether they deliver 1 baby or 100. In these small areas, there aren't that many babies being born each year, so the cost, while it is the same for malpractice insurance, has to be distributed over a fewer number of patients. This will encourage them to practice in underserved areas.

Wyoming has too few primary care providers for the population we must serve. My State is not alone. This bill that Senator WYDEN and I have introduced reflects our commitment to ensure rural Americans have access to high-quality health care services.

I strongly encourage all my colleagues with an interest in rural health to cosponsor this bipartisan piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

HOMELAND SECURITY APPROPRIATIONS

Mr. SESSIONS. Madam President, I offered an amendment to the Homeland Security legislation that is before us which would make that system permanent, and make its use mandatory for contractors that do business with the U.S. Government.

Essentially, employers all over America are accessing the E-Verify online system that allows them to have an instant check to determine whether the person who has applied for employment with them is legally in the country. They simply check their Social Security number and other data against the Social Security Administration and Department of Homeland Security databases. When the system determines a person is not here legally, employers don't hire them. Over 96 percent of the people are cleared automatically when a business checks. Of the remaining 3.9 percent of queries with an initial mismatch, only .37 percent of those were later determined to be work authorized. A certain percent of applicants are found to be here illegally, and they should not get a job or any taxpayers' money from a part of the stimulus package. Stimulus funds were set aside to help us reduce our unemployment rate in this country and to hire American workers. The prospect of jobs should not be a magnet to draw more illegal workers into the country.

The first thing you do, if you have an immigration problem, is stop rewarding those who break the law. One of the things you do not do is reward people who come illegally with jobs. You do not have to arrest them or do anything unkind. You simply do not hire them, especially with taxpayers' money that is designed to create American jobs.

This has been a matter we have talked about for some time. It is very important in this time of economic slowdown because the Bureau of Labor Statistics reported that the unemployment rate for June, just a week or so ago, had jumped to 9.5 percent, 467,000 jobs lost, the highest unemployment rate in 25 years. We have massive job losses. A lot of good people are out of work, they need work and are willing to work.

E-Verify is not a perfect system. People can find ways beat it, no doubt, but it actually works. One study by the Heritage Foundation concluded that as much as 13 percent of the jobs created under the stimulus plan would go to people illegally in the country the way we were operating. By utilizing the E-Verify system, I have no doubt we could drop that percentage dramatically. I am very concerned about it. I am a bit baffled by the difficulty we have had in moving forward with this amendment.

I will say that two bits of progress—small progress, I know—have occurred. The House Homeland Security appropriations bill for fiscal year 2010 has come over to the Senate, and it includes a 2-year extension of E-Verify. That is better than letting it expire. In addition, the Senate version of the bill includes a generous 3-year extension of this proven system. I have to say that is OK, but neither bill has any language that would make this system permanent. It leaves it on very shaky ground, making businesses that might voluntarily want to utilize it wonder if it really is the policy of our country to use it. Madam President, over 1,000 businesses a week are now voluntarily signing up to use the system.

Failing to make the system permanent also raises questions about the sincerity of our commitment. More significantly, neither one of the bills has any language that says that government contractors, people who are doing work for the U.S. Government, paid for by us, the taxpayers, must use this system. I ask, Why not? What possible, justifiable, rational reason can we give to pass legislation designed to help deal with this recession, to try to create American jobs and not make sure federal contractors only hire lawful workers? What basis could we utilize to say that those contractors should not at least take about 2 minutes—that is about all it takes to punch in a Social Security number into the system—to see whether a person applying for a job is legally in the country.

There is a long history on this amendment. For some reason, interest groups have been lobbying against permanent authorization and mandating use of E-Verify by federal contractors. Certain business groups oppose this amendment. It scares them. Why? I suggest there is only one logical conclusion: They like the idea of hiring illegal workers. But how can we as Members of the Senate representing the American taxpayers possibly justify using their money that is designed to create jobs for American citizens to

hire people who are here illegally, creating an even greater magnet to attract more people to come into our country illegally?

I have offered this amendment to the appropriations bill to ensure this successful program be made permanent. And, of course, any time in the future if it ceases to be practical, we could end it. But this amendment would make it permanent, sending a signal—that is part of what we want to do—and it would also be mandatory for government contractors. If a Federal contractor gets a contract to do work, at least they ought to determine whether a worker is legally in the country before they hire them. I don't think that is too much to ask, and I cannot imagine why anyone would oppose it. But I understand, once again, we are going to have objections.

It is working, and Department of Homeland Security Secretary Janet Napolitano recently said this in response to a question I asked:

The administration——

She is talking about the Obama administration—

strongly supports E-Verify as a cornerstone of work site enforcement and will work to continue to improve the program to ensure it is the best tool to prevent and deter the hiring of persons who are not authorized to work in the United States.

I think that is a pretty good affirmation of it. In fact, that has been a known reality for years. We have known this system has worked for years, but we have had people say: Oh, it is a bureaucratic nightmare. Why do businesses voluntarily sign up to use it, then? They say some people might be held up in employment. Under the bill, if something in the system raises questions about your employability, the person can still be hired while the problem is worked out. What we found is that 96 percent of the people are cleared immediately and only a very small number have turned out to have some sort of mistake in their situation. It is just not a practical objection, in my view.

I understand that some are claiming—my colleagues on the other side of the aisle—that it looks as if Secretary Napolitano will announce something with regard to federal contractors soon, maybe even tomorrow. That would be good. It would be a Presidential directive that could, in the short run, solve this problem. But we have heard that talk before.

President Bush finally, after being subjected to some criticism about this, issued Executive Order 12989 last June. That order mandated the use of the E-Verify system for Federal contractors and subcontractors and was supposed to take effect in January of this year. President Obama came in, as he has the power to do, and he delayed implementation of the order. Indeed, we have had four delays to date in implementing this Executive Order. The first was when President Obama said that the January 28 date was not appropriate. He put it off to February 20 and said that on February 20, businesses that get government contracts have to use the system. Then a few weeks later, the implementation was pushed back to May 21. Before May 21 got here, they pushed it back to June 30. A few weeks ago, we heard it would not be implemented until some time in September. And now we are hearing that they may implement it soon.

E-Verify is certainly one of the most effective tools we have, as the Secretary herself has stated. Why are we not moving forward with making it permanent, I ask. I ask Members of Congress in the House and in the Senate, why don't we play a role in this? Why leave it totally up to the President, who is subjected to all kinds of political and corporate lobbying to not do this program? Why don't we as a Senate just pass it, as we do so many other things, and make it law? If Secretary Napolitano plans to do this in the future, it wouldn't conflict with anything she planned to do. If they were not going to do it, it would be mandated and it would come into effect.

We have to be aware that we have had a lot of obstacles before with the implementation with this system and it has not gone forward in an effective way. I don't think we should wait any longer. Jobs are being lost every single day. They are being lost in significant numbers to people illegally in our country.

T.J. Bonner, the head of the Border Patrol Union, told us most passionately at a Judiciary Committee hearing a number of years ago that jobs are the magnet. If you can stop the magnet, the number of people they have to deal with at the border can be reduced. It sends a signal that the days of open borders and the ability to get a job even if you are illegally here are past. That is the way you do things and make it work. It is all part of a plan to send a message to the world that we are not open for illegality. Under E-Verify nobody is arrested, nobody is captured and taken to be deported. We just simply are taking a reasonable step to reduce the magnet of jobs from taxpayers' money, not private businesses, just government businesses and government contractors. The Federal Government uses it today in its hiring process.

I was surprised to hear one of my Democratic colleagues asking that we not support this amendment, saying that we should have a biometric employment identification database and that he cannot support E-Verify because it is not strong enough. That was a remarkable thing. Anyone who has studied the history of this program has good reason to wonder about the sincerity of people who object because E-Verify is not tough enough. The reason people are objecting is because it works. That is why the immigrant advocacy groups and the business crowd object to it. That is why. There may be better systems, but this one has been up and running for some time and been incredibly successful.

It was contended that I.D. thieves can defeat the system. I suspect that is so. But does that mean the system has to be perfect before we use it? That argument ignores the fact that this bill appropriates a significant amount of extra funds to assist the Department of Homeland Security's continuing effort to reinforce the system's antifraud protections. We have money in this legislation to try to eliminate the ability of people to defeat the system by fraud.

I don't think the argument can rationally be made that extending it would be ''a waste of taxpayers' money.'' We already have the system up and running. In reality, it is not going to cost any more money to have people use it. The system is up and working. I guess if people want to use that as an excuse to vote against the amendment, they can, but it makes little sense to me.

I would like to see an enhanced biometric system. It is absolutely something that can work. We need to do that. There are a lot of things we can do this very day, but you have to admit, if we cannot get the votes to just maintain the E-Verify system, it looks as if we may have even more difficulties with an advanced system.

I won't go on at length about this anymore. We have debated it before. Earlier this year on the stimulus bill, I offered an amendment to make E-Verify apply to the stimulus bill and the people who got government contracts would have to use it. The House put that in their bill. I kept getting objection from the Democratic leadership to my amendment. I couldn't understand why. And then I began to think about it, and it dawned on me what was happening. If my amendment were to pass and the language was in the House bill, unless real skullduggery were to occur, that language should be in the final bill. But if they could keep the language out of the Senate bill, even though the House had put the language in their bill by an overwhelming vote, they could take it out in conference when they meet in secret to deal with the conflicts between the House bill and the Senate bill. So I brought it up three or four times, and every time I tried to get a vote, it was blocked.

Then, finally, the bill passed without my amendment having passed. And do you know what happened? When they met in secret, in conference, the House leadership—the Speaker and her team—receded to the Senate bill, agreed to eliminate their language, and therefore the language wasn't in the

bill. And what happened politically? All the House Members, Republicans and Democrats, could say: I voted for E-Verify. And the Senate Members, when hearing complaints, could say: Well, I would have voted for it if it had come up. It just never came up.

See, this was the plan all along. I just have to tell you what the truth is and how this happened and what is at work out there.

So I hope Secretary Napolitano will do what she can do and the President will do what he can do and order that this system be mandatory for government contractors and to permanently authorize it. But I don't see any reason in the world why we should wait on that. What we should do as a Congress, if we believe in what we say about our goal to eliminate the surge of illegal immigration and trying to protect American jobs at this time of economic recession, is we ought to vote for the amendment. What harm can there be?

So I urge my colleagues to do the right thing on this amendment and vote for it. I am baffled as to why there would be hesitation about it. I think if people look at it, it is very simple. The E-Verify system is up and running. The government employment offices use it before they hire anybody for the government. Thousands of businesses are using it every day. Over 130,000 employers are currently enrolled in the program, and about a thousand businesses a week are signing up to use it. It protects them, in a way. If somebody says: You knowingly hired illegal workers, they can say: I checked and they had a good I.D. and a good name, and I did my best. And that will protect them from complaints against them. Most employers want to do the right thing. They do not want to hire people who are not lawfully in the country. So that is why it is working even as a voluntary program. We are not hearing complaints about it. It is not violating people's civil rights. It is working in a healthy way.

All we need to do now is make this system permanent, not keep leaving it out here in limbo. And secondly, let's make sure it applies to people who not only go directly to work for the U.S. Government but for contractors who do work for the government, people who are getting money under the stimulus bill, which was designed to create jobs for American citizens.

I thank the Chair, and I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, earlier today, just a couple of hours ago, I spoke in this Chamber about the need to expand access to generic drugs. I spoke about expanding generic access for biologics—drugs that treat cancer, and diabetes, and rheumatoid arthritis, Alzheimer's, multiple sclerosis, Parkinson's, and a whole host of disabling and often fatal diseases. I talked about how much money could be saved with a pathway to what are called follow-on biologics—or generics—and how much better access that would be for people who simply can't afford the thousands of dollars per month that it often costs for these biologics, these very expensive treatments. I talked about how it could save money for small businesses that so often pay the freight for health care, for health insurance for their employees, and how it could save money for large companies that simply aren't able to be as competitive around the world because of the high cost of these biologics. All this is part of a larger debate about health care reform.

Just a few short days after celebrating our Nation's birthday, we are fighting for what should be a right for every American; that is, access to affordable health coverage. This isn't about the Republicans. It isn't about Democrats. It is not about my part of the country, the Midwest, or the Presiding Officer's part of the country, New England. It is not about Ohio or New Hampshire or California or Nebraska. It is about America. It is about fighting for the next great progressive chapter in our Nation's 233-year history.

Think of the progress as a nation we have made in the last hundred years. I wear on my lapel a pin depicting a canary in a bird cage. The mine workers used to take a canary down in the mines. If the canary died from lack of oxygen or toxic gas, the mine worker knew he had to get out of the mines immediately. He had no union strong enough to protect him or no government that cared enough to protect him. Think of the progress this country has made over these past 100 years since the canaries went down in the mines with the miners.

A baby born in America at the turn of the last century, say, in 1900, had a life expectancy of only about 46 years. Today, we live three decades longer because of our progressive government, because of a ban on child labor, because of civil rights and women's rights, because of safe drinking water and clean air, because of seatbelts and airbags, because of Medicare and Social Security and minimum wage and workers' compensation, and so many great things this institution has done.

Over the Fourth of July weekend, I was honored to have spent time with the Scalia family from Australia. Natalie and Greg Scalia lived in the United States, just upstairs from my wife when she was a struggling single parent. Greg Scalia was an intern, I believe at the Cleveland Clinic, making very little money. They had two children then. They now have four children. Will and Issy were born and were here a dozen years ago when they lived in the United States for a couple of years in the 1990s. Born to the Scalia family since living here and joining the family on this visit were Richie and Rosie. They came to Cleveland over the Fourth of July weekend. They did what Americans do: They went to a Cleveland Indians game. Unfortunately, typically, they saw the Indians lose—a pattern that has been all too common this year. They went to a parade in the southwest part of Cleveland, they went to picnics, and they had family time.

As I talked with Dr. Scalia and all of us talked about the current debate over health care reform, it occurred to me that this debate and the hours and hours spent by staff and Members who work in the Senate in crafting the public plan we announced last Thursday, the issue of generic drugs we engage in today and all the work done on prevention and on quality of care and on workforce training and on stopping fraud in the Medicare system—all the different kinds of health care systems overall are really part of the American experience. But years from now, when we look back on this, we will know that it is not about terms such as ''public option'' or ''follow-on biologics'' or concepts such as preventive care, quality control, or the discharge plan, where people leave hospitals; this is really all about American families.

That is why, as we celebrated the Fourth of July over the weekend, it was particularly important to think about what we do this month in the Health, Education, Labor, and Pensions Committee, on which I sit, and in the Finance Committee—the two committees of the Senate joined with the House Ways and Means Committee and the Education and Labor Committee and the Energy and Commerce Committee—as we work on this. Our first pledge is to protect what is right in our health care system, and our second pledge is to fix what is wrong.

Protecting what is right means if you have health insurance and you are pleased with your health insurance, you keep it. No government is going to tell you to change that; you keep what you have. If you are unhappy with your insurance, if you are dissatisfied or simply have no health insurance or have very inadequate health insurance, then we can offer you private insurance or we can offer you public insurance—the public plan option, so to speak—that will give you the choices as an American citizen.

This is a historic moment for our country. This is the first time since Franklin Roosevelt thought about trying to add health care, a Medicare-like

system, to Social Security in the 1930s. He backed off under pressure from the American Medical Association. In the 1940s President Truman offered Medicare. He was not able to pass it for all kinds of reasons. In 1965, President Johnson, with the huge Democratic majorities, the biggest majorities we have had in the last 70 years, was able to pass Medicare and Medicaid, and look what that brought us.

Madam President, as you join us in your first term from New Hampshire, and many other freshmen who have moved on this side of the aisle—we have sort of squeezed these desks together, as we see—we will be facing a historic moment where we will have a chance to provide health insurance and help all these families I saw on the Fourth of July reach the American dream. It is an opportunity for people who have not had health insurance and people who have inadequate health insurance to be able to provide for their families. They are working hard and they are playing by the rules. They work as hard as any United States Senator. The comforts of their job are not nearly as much as we have in this body, and they are deserving of the same kind of health insurance that people in this Chamber have—Senators, staff people, all of us.

This is a great moment, a historic moment, as we move forward in the history of our great country.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUYE. Mr. President, pursuant to Senate rules, I submit a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1298 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending amendment to H.R. 2892.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 215, an amendment to strike the earmark for the Durham Museum in Omaha, NE, from H.R. 2918, the Legislative Branch Appropriations Act of 2010; rollcall vote No. 216 on a point of order with respect to amendment No. 1365; and rollcall vote No. 217 on passage of H.R. 2918, the Legislative Branch Appropriations Act of 2010.

Had I been present I would have voted yea for rollcall vote No. 215; nay for rollcall vote No. 216; and nay for rollcall vote No. 217 and ask that the RECORD reflect that.

OBSTRUCTIONISM OF NOMINATIONS

Mr. LEAHY. Mr. President, I am sorry to see Republican obstructionism in the Senate return with such a vengeance. Just last November, the American people voted for change. They sent a new President to the White House to lead our government and sent a strong message that they expected Washington to put aside pettiness and work on their behalf on the serious problems facing them and the country. After only 6 months, it seems Republicans in the Senate have already forgotten that message.

The Senate majority leader has spoken about the difficulties he is having getting any semblance of reasonable cooperation from across the aisle. The Republicans' obstruction of Presidential nominees is a stark example. Just a few years ago, they were intent on employing the ''nuclear option'' and risking destruction of longstanding Senate rules and practices in order to ensure that every one of President Bush's nominees was confirmed. This year, with President Obama making the nominations, they have reverted to the anonymous holds that characterized their actions during the Clinton years. It is impossible to find a principle that justifies this obstruction. It is likewise difficult to see what ''extraordinary circumstances'' exist to justify filibusters and unwillingness to proceed to consider these nominations.

The Senate's last week in session before the July 4th recess witnessed a Republican filibuster of the President's nominee to serve as the Legal Advisor at the State Department. The target was Harold Koh, the distinguished dean of the Yale Law School, a former high-ranking official in the State Department as well as a former official at the Office of Legal Counsel at the Justice Department. That filibuster was unsuccessful, although 31 Republican Senators supported it. That was not the first attempt by Senate Republicans to filibuster executive branch nominees. Earlier this year, the Senate was forced to file for cloture to avert a Republican filibuster against the nomination of David Ogden to serve as the Deputy Attorney General.

The destructive strategy culminated on June 25 when Republicans objected to confirming nine executive branch nominees reported by the Judiciary Committee for action by the Senate. They included five U.S. attorneys, 3 Assistant Attorneys General and the Chairman of the U.S. Sentencing Commission. In addition, the Judiciary Committee has reported 3 judicial nominees to begin filling the 74 vacancies in our Federal courts around the country. Republicans are turning the clock back to 10 years ago, when their obstructionism led to more than 100 judicial vacancies and earned rebukes from Chief Justice Rehnquist.

In an editorial entitled ''Call It Obstructionism,'' the New York Times on June 28 noted that the Senate adjourned for the July 4th recess with ''21 nominees for important posts awaiting confirmation.'' Thirteen had been reported by the Senate Judiciary Committee but remained stalled before the Senate by Republican objections. I hope this work period sees the cooperation from Senate Republicans that the American people have demanded.

REMEMBERING TERRY BARNICH AND MAGED HUSSEIN

Mr. KERRY. Mr. President, I would like to say a few words about two brave Americans who were tragically killed in Iraq earlier this year. On May 25, 2009, Terrance Barnich of Illinois and Maged Hussein of Florida died when an improvised explosive device detonated near a construction site outside of Fallujah.

Terry Barnich was the deputy director of the Iraq Transition Assistance Office in Baghdad. He had signed on for multiple tours in Iraq and was the senior American expert responsible for expanding the generation of electricity across Iraq. Dr. Maged Hussein was the senior adviser for water resources in the Iraq Transition Assistance Office and a civilian member of the Army Corps of Engineers. He, too, volunteered for multiple tours in Iraq.

These two men represent the very best America has to offer. Both gave up the comforts of home to live in trailers in Baghdad in an effort to help provide a better future for Iraq. Countless thousands of Iraqi civilians have access to electricity and potable water as a result of Terry's and Maged's efforts. Along with the personal tragedy, their loss represents a serious setback for American reconstruction efforts in Iraq. We mourn their passing and offer our deepest condolences to their families.

ADDITIONAL STATEMENTS

COMMENDING LIEUTENANT GENERAL SCOTT C. BLACK

● Mr. GRAHAM. Mr. President, today I wish to recognize and pay tribute to LTG Scott C. Black for his many years of loyal and exceptionally meritorious service to our Nation culminating in his steadfast devotion, stewardship, and leadership of the Army Judge Advocate General's Corps as the 37th and first 3-Star Judge Advocate General. Lieutenant General Black will retire from the Army on 1 October 2009 having completed a distinguished military

career of over 35 years. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the global war on terror.

Born on September 1, 1952, in Camp Cook, CA, this great patriot grew up traveling around the world in a military family but always considered California his home and is a resident to this day. He graduated in 1974 from California Polytechnic State University with a bachelor of arts in political science. While attending Cal Poly, Lieutenant General Black was enrolled in the Reserve Officers' Training Corps. Upon graduation, he began his military career as a commissioned armor officer. After completing the armor officer basic course and Airborne and Ranger schools, he returned to California for his first duty assignment and served at Fort Ord from 1974–1977. In 1977, the Army selected him to attend law school through the Funded Legal Education Program. He remained on the west coast and graduated in 1980 with his juris doctor degree from the California Western School of Law.

He then attended the Judge Advocate Officer Basic Course in Charlottesville, VA, before heading to Fort Bliss, TX, where he honed his legal skills serving as the chief of legal assistance; trial counsel; chief, criminal law; and as a contracts attorney. In 1984, he returned to Charlottesville to attend the judge advocate officer graduate course. In the short time he was a judge advocate before attending the graduate course, Lieutenant General Black quickly distinguished himself from his peers as possessing the legal acumen and interpersonal skills to serve in the Judge Advocate General's Corps' most visible and challenging positions. From 1985–1989 he served in the general law branch, administrative law division, Office of The Judge Advocate General. During this time period, he received the high honor and rare distinction of being selected to serve as an assistant counsel to the President of the United States. After leaving the White House, his stellar performance led to his selection to attend the U.S. Army Command and General Staff College at Fort Leavenworth, KS. In 1990, he returned to Fort Ord, CA, where he served as the deputy staff judge advocate for the 7th Infantry Division, Light, until 1993. After leaving Fort Ord, Lieutenant General Black continued to expertly fill and excel in challenging positions.

In 1993, Lieutenant General Black and his family moved to Europe where he was the chief, military and civil law division, Office of the Judge Advocate, U.S. Army Europe and Seventh Army, Germany. In 1994 he became the staff judge Advocate, 3d Infantry Division, later redesignated 1st Infantry Division, U.S. Army Europe and Seventh Army, Germany. In 1996, he returned to Washington, DC, where he served as the legislative counsel and chief, investigations and legislative division, Office of the Chief of Legislative Liaison, Office of the Secretary of the Army, until 1998. From 1998–1999, Lieutenant General Black attended the Industrial College of the Armed Forces. In 1999 he returned to the Office of The Judge Advocate General to serve as the chief, personnel, plans, and training office. In 2000, Lieutenant General Black returned to Germany as the staff judge advocate, V Corps, U.S. Army Europe and Seventh Army, Germany.

In 2001 Lieutenant General Black was selected for promotion to brigadier general, and so he returned to Washington, DC, to serve as the assistant judge advocate general for military law and operations. In 2003 he was assigned as the first commanding general of the U.S. Army Judge Advocate General's Legal Center and School. In 2005 he became the 37th The judge advocate general of the Army. He was promoted to lieutenant general on 8 December 2008 to become the Army's first 3-star the judge advocate general.

As the judge advocate general of the Army, Lieutenant General Black served as the principal staff officer responsible for the largest legal services corps within the Department of Defense, with over 9,000 uniformed and civilian attorneys, paralegal noncommissioned officers, and civilian support staff across 651 offices in 19 countries. Lieutenant General Black expertly advised the Secretary of the Army and the Army Staff on sensitive issues affecting the Army and the Department of Defense during a tumultuous and difficult time in our Nation's history. Along with the judge advocate generals of the other services he was the conscious of the nation as he provided counsel on novel legal issues in international law and the ethical values fundamental to the United States.

Under his leadership the Judge Advocate General's Corps transitioned along with the rest of the Army so that judge advocates were more accessible and effective to the commanders who rely on their advice. Lieutenant General Black's awards include the Legion of Merit with Oak Leaf Cluster, Army Meritorious Service Medal with four Oak Leaf Clusters, Army Commendation Medal with Oak Leaf Cluster, and the Army Achievement Medal with Oak Leaf Cluster. He has earned the Ranger Tab and the Parachutist Badge.

Lieutenant General Black and his wonderful wife Kim have been married for 33 years. They have four children and one grandchild.

I know all my colleagues join me in saluting LTG Scott C. Black and his family for their many years of truly outstanding service to the Judge Advocate General's Corps, the U.S. Army, and our great Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2454. An act to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2190. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantranilprole; Pesticide Tolerances'' (FRL No. 8413–6) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2191. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium 1, 4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance'' (FRL No. 8423–2) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2192. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyrimethani; Pesticide Tolerances'' (FRL No. 8423–6) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2193. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance'' (FRL No. 8423–1) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2194. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''d-Phenothrin; Pesticide Tolerances'' (FRL No. 8417–4) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2195. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyazofamid; Pesticide Tolerance'' (FRL No. 8423–5) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2196. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist'' ((RIN0579–AC67) (Docket No. APHIS–2006–0189)) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2197. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, 2-methyl-, polymers with Bu acrylate, Et acrylate, Me methacrylate and polyethylene glycol methacrylate C16–18-alkyl ethers; Tolerance Exemption'' (FRL No. 8422–3) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2198. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to certification, transmittal number: DDTC 019–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–2199. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to certification, transmittal number: DDTC 032–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–2200. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to certification, transmittal number: DDTC 036–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–2201. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Motor Carrier Fuel Surcharge (DFARS Case 2008–D040)'' (RIN0750–AG30) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Armed Services.

EC–2202. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006–D013)'' (RIN0750–AF39) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Armed Services.

EC–2203. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Use of Commercial Software (DFARS Case 2008–D044)'' (RIN0750–AG32) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Armed Services.

EC–2204. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Bantz J. Craddock, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–2205. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General James G. Roudebush, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2206. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Michael D. Rochelle, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2207. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Samuel T. Helland, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2208. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General John D.W. Corley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–2209. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General David D. McKiernan, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–2210. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Authority to Extend Eligibility for Enrollment in Department of Defense Elementary and Secondary Schools to Certain Additional Categories of Dependents and the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

EC–2211. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure'' (RIN3064-AD26) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2212. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Temporary Liquidity Guarantee Program'' (RIN3064–AD37) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2213. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized'' (RIN3064–AD44) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2214. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Special Assessments'' (RIN3064–AD35) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2215. A communication from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the 2008 Australia Group Intersessional Decisions; Additions to the List of States Parties to the Chemical Weapons Convention'' (RIN0694–AE55) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2216. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Homes Affordable Program'' (RIN1557–AD25) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2217. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Bahrain; to the Committee on Banking, Housing, and Urban Affairs.

EC–2218. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Norway; to the Committee on Banking, Housing, and Urban Affairs.

EC–2219. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Egypt; to the Committee on Banking, Housing, and Urban Affairs.

EC–2220. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S.

exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–2221. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC–2222. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dodecanedioic acid, 1, 12-dihydrazide and Thiophene, 2,5-dibromo-3-hexyl-; Significant New Use Rules'' ((RIN2070–AB27)(FRL No. 8398–5)) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Environment and Public Works.

EC–2223. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''American Recovery and Reinvestment Act of 2009 Clarification of April 30, 2009, Addendum to Supplemental Funding for Brownfields Revolving Loan Fund Grantees'' (FRL No. 8925–6) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Environment and Public Works.

EC–2224. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New York: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8916–7) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Environment and Public Works.

EC–2225. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program: Rescission of School-Based Administration/Transportation Final Rule, Outpatient Hospital Services Final Rule, and Partial Rescission of Case Management Interim Final Rule'' (RIN0938–AP75) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Finance.

EC–2226. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs: Health Care-Related Taxes'' (RIN0938–AP74) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Finance.

EC–2227. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Trade Agreements—Costa Rica and Peru (DFARS Case 2008–D046)'' (RIN0750–AG31) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Finance.

EC–2228. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, the report of proposed legislation relative to the Asian Development Fund; to the Committee on Foreign Relations.

EC–2229. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Beverages: Bottled Water; Correction'' (Docket No. FDA–2008–N–0446) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2230. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–115, ''Withholding of Tax on Lottery Winnings Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2231. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–116, ''City Market at O Street Project Financing Clarification Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2232. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–117, ''DCPL Procurement Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2233. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–118, ''Day Care Facility Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–122, ''Adoption and Safe Families Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2235. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2236. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2237. A communication from the Acting Senior Procurement Executive, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–34; Introduction'' (Docket No. FAR2009–0001) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2238. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a confirmation in the position of General Counsel in the Office of the Director of National Intelligence's Office; to the Select Committee on Intelligence.

EC–2239. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Rehabilitation and Employment Program—Duty to Assist'' (RIN2900–AM91) as received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2009; to the Committee on Veterans' Affairs.

EC–2240. A communication from the Federal Register Liaison Officer, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Civilian Health and Medical Program of the Department of Veterans Affairs: Preauthorization of Durable Medical Equipment'' (RIN2900–AM99) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2996. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–38).

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1406. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–39).

By Mr. JOHNSON, from the Committee on Appropriations, without amendment:

S. 1407. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–40).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Colin Scott Cole Fulton, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

*Paul T. Anastas, of Connecticut, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. ROBERTS, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. HAGAN, Mr. BURR, Mrs. SHAHEEN, Mr. GRAHAM, Ms. LANDRIEU, Mr. LUGAR, Mr. KYL, Mr. DURBIN, and Mr. ISAKSON):

S. 1400. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. CASEY, Mr. ENSIGN, and Mr. UDALL of Colorado):

S. 1401. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself and Mr. ALEXANDER):

S. 1402. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. BEGICH):

S. 1403. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs that would assist individuals in pursuing health careers or for grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 1404. A bill to implement demonstration projects at federally qualified community health centers to promote universal access to family-centered, evidence-based behavioral health interventions that prevent child maltreatment and promote family well-being by addressing parenting practices and skills for families from diverse socioeconomic, cultural, racial, ethnic, and other backgrounds, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)):

S. 1405. A bill to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site''; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1406. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations.

By Mr. JOHNSON:

S. 1407. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 208. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. CARDIN):

S. Res. 209. A resolution recognizing the 40th anniversary of the National Eye Institute and expressing support for designation of the years 2011 through 2020 as the ''Decade of Vision''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 144

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mr. BURR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 422

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. WEBB, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 560

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 560, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

S. 599

At the request of Mr. CARPER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 649

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants

for the training of graduate medical residents in preventive medicine.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 811

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 811, a bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 848

At the request of Mrs. MCCASKILL, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 848, a bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.

S. 908

At the request of Mr. BAYH, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 934

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Wisconsin (Mr. KOHL), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 979

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 981

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1022

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1022, a bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members.

S. 1169

At the request of Mrs. GILLIBRAND, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1169, a bill to amend title 10, United States Code, to provide for the treatment of autism under TRICARE.

S. 1210

At the request of Mr. KAUFMAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1284

At the request of Ms. SNOWE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1308

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mrs. HAGAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 71

At the request of Mr. WYDEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as ''National Childhood Cancer Awareness Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MARTINEZ (for himself, Mr. CASEY, Mr. ENSIGN, and Mr. UDALL of Colorado):

S. 1401. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recongition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, today, I honor one of the great sports legends of all time, Arnold Palmer. Not only is Arnold Palmer a world-class athlete, he is a generous philanthropist and devoted husband, father, and grandfather.

This son of Latrobe, PA, changed the game of golf, both how it is played and how it is appreciated, forever.

Mr. Palmer learned how to play golf when he was merely 4 years old, playing with clubs his father had cut down for him at Latrobe Country Club. His talent emerged visibly at an early age, and he was soon able to outplay children far older than him. He began to caddy when he was 11 years old and later held almost every job at the country club. In his late teens, he also served as a member of the U.S. Coast Guard.

His seven major career victories make Mr. Palmer one of the greatest golfers of all time. He won the Masters Tournament four times in 1958, 1960, 1962, and 1964; the U.S. Open in 1960 and the British Open in 1961 and 1962. He twice represented the United States in the Ryder Cup Match, including serving as captain of the victorious american team in 1963.

In 1997, he successfully battled prostate cancer and is a champion of programs supporting cancer research and early detection. In addition to the numerous charities he supports, Mr. Palmer led a fundraising drive creating the Arnold Palmer Hospital for Children in Orlando and the Latrobe Area Hospital Charitable Foundation. Mr. Palmer has led by example in kindness, good sportsmanship, and generosity.

Today, along with my colleagues, I ask Congress to award Mr. Palmer a gold medal in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

By Mr. MERKLEY (for himself and Mr. ALEXANDER):

S. 1402. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Finance.

Mr. MERKLEY. Mr. President, I rise today to discuss legislation that will make it significantly easier for small businesses to open their doors. Providing a helping hand to small businesses is important at any time, but never more so than now, when so many Americans are out of work.

Small businesses are the engines of our economy. By some estimates, they employ approximately half the private workforce, and, in rural America, comprise nine out of ten businesses. In my home State of Oregon, many of the rural counties have unemployment rates approaching—or even surpassing—20 percent. Clearly, small businesses are going to be instrumental in turning things around.

Furthermore, small businesses are innovators—they produce 13 times more patents per employee than large firms. Right now, the U.S. needs this kind of innovation more than ever.

Our economy cannot thrive if small businesses are not doing well.

Unfortunately, it can be very difficult for small businesses to succeed. Start-up expenses are often prohibitive and it can take a few years before business owners begin to see a profit. There are administrative systems to create, employees to hire, a client base to build and supplies to purchase. This adds up to a lot of expenses. A Gallup poll showed that the average small business incurs $10,000 in expenses during that first year. However, if a business can last 4 years, it is much more likely to survive in the long term. We need to do more to help these businesses get through this difficult period.

Today, I am joining with my colleague from Tennessee, Senator ALEXANDER, to introduce legislation that will help small businesses through their first year. The Small Business Jump Start Act of 2009 lessens the tax burden on new small businesses by doubling the deduction they can take for start-up expenses to $10,000. The Act also widens the pool of businesses eligible to take the full amount of the deduction in their first year of business. The Small Business Jump Start Act gives these new businesses a boost that first year, and for some, will eliminate the tax complications of amortizing start-up expenses. The Small Business Jump Start Act of 2009 is supported by the U.S. Chamber of Commerce, the National Federation of Independent Businesses, the National Association of the Self-Employed, and the National Association of Small Businesses.

I will highlight one Oregon small business that the Jump Start Act could have helped. Jack and Giovanina Giaccarini moved to Grants Pass, Oregon after Hurricane Katrina came through their town in Mississippi. It was their dream to start a business installing systems to help quadriplegics and disabled veterans maneuver around their homes. The first year of their business was tough—finding start-up capital was difficult and purchasing just one system to use for demonstrations cost $10,000. They struggled. Now they are in their third year of business and finally making a profit. Having a Jump Start in that first year would have made a significant difference early on.

This bill will go a long way for new small businesses looking to open their doors and employ people in their communities. Colleagues, in order to help America's small businesses and the economies of rural America, I urge you to support the Small Business Jump Start Act of 2009. It is time to reach out a helping hand to entrepreneurs and assist them in starting that new business now, to jump start our economy and create new jobs across America.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1402

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Jump Start Act of 2009''.

SEC. 2. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009, 2010, OR 2011.—In the case of a taxable year beginning in 2009, 2010, or 2011, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$10,000' for '$5,000', and

''(B) by substituting '$60,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 26, 2009.

Hon. JEFF MERKLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MERKLEY: As a long-standing advocate of tax relief for small businesses, the U.S. Chamber of Commerce applauds your leadership on introducing the ''Small Business Jump Start Act of 2009.'' This bill would increase the small business start-up expense deduction from $5,000 to $10,000 and increase the threshold for the deductions phase-out from $50,000 to $60,000.

A robust small business community is a vital component to America's economic recovery. Allowing small business owners the opportunity to expense additional start-up costs up front would foster more entrepreneurial activity and further encourage the important role of small business as the job producers in our economy.

The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses and organizations with 100 or fewer employees. On behalf of these small employers, the Chamber strongly supports your efforts to encourage investment and growth in America's 27 million small enterprises and looks forward to working with you to pass this important legislation.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

NATIONAL ASSOCIATION FOR THE SELF-EMPLOYED,
Washington, DC, July 7, 2009.

Hon. JEFF MERKLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MERKLEY: On behalf of the National Association for the Self-Employed (NASE) and our 250,000 member businesses, I am pleased to announce our support for the Small Business Jump Start Act of 2009. We strongly believe that in this uncertain economic time it is more important than ever to assist our nation's budding entrepreneurs.

By increasing the start up business expenses deduction, the Small Business Jump Start Act will greatly assist start up ventures at the most critical time—their first year of business—and give them the financial boost they need to succeed.

The NASE believes that entrepreneurs have been pillars of innovation and job creation, fueling much of what is great about America. Legislation that supports and invests in these enterprises is in the best interests of our economy and our nation. We feel that the Small Business Jump Start Act of 2009 will encourage many individuals who have been considering entrepreneurship, to take the next steps to open their small business and in turn, help create jobs in this tough economy.

If you have any questions or comments, please contact Kristie Arslan, NASE's executive director. We are looking forward to working with you and your staff to gain passage of this legislation.

Thank you for your leadership on this important small business issue.

Sincerely,

ROBERT HUGHES,
President.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Nashville, TN, July 7, 2009.

Hon. JEFF MERKLEY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MERKLEY: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I want to thank you for introducing the Small Business Jump Start Act, a bill to increase the start-up deduction for new small businesses from $5,000 to $10,000.

While a typical business can deduct its ordinary business expenses in the year the expenses are paid, a start-up business is limited as to how much and when it can deduct start-up expenses. Start-up business expenses are the costs associated with formation of a business made prior to the actual opening of the business. Most new small businesses face significant start-up costs, including advertising, obtaining licenses, permits and fees, paying rent, hiring business and financial consultants and providing employee training. Under this bill, expenses connected with setting up or investing in the creation of a new business are deductible up to $10,000 in the first year of the business.

During a time of economic uncertainty, this legislation provides a significant incentive for entrepreneurs—as well as many people who have recently lost their jobs—to start their own business. By increasing the start-up cost deduction, small business owners will be able to put money back into their business sooner, creating greater opportunities for job creation and investment in local economies.

Thank you again for introducing this bill to help America's small businesses. I look forward to working with you on this issue as the 111th Congress continues.

Sincerely,

SUSAN ECKERLY,
Senior Vice President,
Federal Public Policy.

NATIONAL SMALL BUSINESS ASSOCIATION,
JULY 7, 2009.

Hon. JEFF MERKLEY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MERKLEY: On behalf of the National Small Business Association, I would like to thank you for your leadership in crafting the Small Business Jump Start Act of 2009. As the nation's oldest non-partisan small business advocacy group, NSBA reaches more than 150,000 small businesses nation-wide, and our members have highlighted tax relief as a top priority for the 111th Congress.

Small business is one of the primary catalysts of both job growth and innovation in our national economy. In fact, according to the Small Business Administration since the mid-1990s, small businesses have created 60 to 80 percent of the net new jobs annually.

However, over the past year, small businesses have experienced marked economic challenges. Between skyrocketing gas prices, a weak real estate market and the credit crunch, today's slow economy is having a noticeable effect on our entrepreneurs. This new reality is coupled with the fact that the first year of a small business is often difficult and expensive. New employer establishments face challenges keeping up with growing first year demands—building a client base, hiring employees, creating new products and services, and often opening a facility.

Yet, small businesses that make it past the first four years have a better chance of surviving long-term and this is why your legislation is so crucial. It will boost the federal tax deduction for small business start-up costs and broaden the pool of businesses eligible for the deduction.

Start-up businesses are currently eligible for a $5,000 tax deduction if they spend $50,000 or less to open their doors. The legislation proposed by you would boost the deduction to $10,000 and also expand eligibility to companies that spend up to $60,000 on start-up costs. The deduction would be phased out dollar-for-dollar for expenditures above $60,000. A business that spends $61,000 in start-up costs, for example, could deduct $9,000 under the proposed legislation and take the remaining $1,000 deduction over 15 years, just as in current law.

Small businesses are the lifeblood of all communities, and this bill supports them by providing the financial assistance they need to achieve success. The Small Business Jump Start Act of 2009 will give small businesses the necessary financial boost in their first year which will encourage investments that create jobs and economic growth. NSBA supports this measure, and commends you for working to bring this legislation to the Senate floor.

Sincerely,

TODD MCCRACKEN,
President.

By Mr. INOUYE:

S. 1404. A bill to implement demonstration projects at federally qualified community health centers to promote universal access to family-centered, evidence-based behavioral health interventions that prevent child maltreatment and promote family well-being by addressing parenting practices and skills for families from diverse socioeconomic, cultural, racial, ethnic, and other backgrounds, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I introduce the Supporting Child Maltreatment Prevention Efforts in Community Health Centers Act of 2009. I am introducing this bill on behalf of the American Psychological Association and the National Association of Community Health Centers. This much-needed legislation would help address a critical problem in our country, the abuse and neglect of millions of children. Today, I am introducing legislation that will help address this preventable tragedy.

Unfortunately, child maltreatment continues to be a serious public health problem in our country that affects millions of children and their families. Child abuse and neglect can take many forms, including neglect of children's medical needs, physical or psychological maltreatment, sexual abuse, and multiple types of maltreatment.

In 2007 alone, an estimated 5.8 million were allegedly victims of maltreatment, 3.2 million referrals were made to Child Protective Services agencies, and 794,000 children were determined to be victims of abuse and neglect. During that same year, 1,760 children died as a result of abuse or neglect, most of them younger than 4-years old.

Nearly 80 percent of the perpetrators of child maltreatment were parents, and approximately seven percent were other relatives. Therefore, child maltreatment is a tragedy that impacts millions of children in their own families. Considering that not all maltreatment is reported to the authorities, the actual numbers are estimated to be higher.

Focusing on prevention will help save billions of dollars that are currently spent annually—due to victimization and injuries—with hospitalization, visits to ER, out-of-home placements, CPS services, investigations, incarceration of abusers, services to address mental health issues, and other related costs.

At the same time, we know that community health centers represent a unique resource for many families who depend on their services to obtain much-needed health and mental health care. Community Health Centers, CHCs, served 16 million individuals in 2007, most of them poor, uninsured, and at-risk for child maltreatment. In fact, one in five low-income children in the U.S. receives health care at a CHC. Furthermore, the centers provide comprehensive primary care services that set up the stage for an integrated care model.

Given this evidence, the American Psychological Association, APA, convened a group of experts to review the best available science to identify and recommend public health strategies to prevent child maltreatment within the context of behavioral health integration at community health centers. For decades, the APA and its members have been at the forefront of child maltreatment prevention efforts in research, development of interventions, and evaluation. The findings of this report provided the seed to develop this critical legislation on behalf of children and families in our country.

Among its provisions, this important legislation supports the implementation of demonstration projects at federally qualified health centers to promote universal access to a family-centered integrated and voluntary services model, evidence-based behavioral health interventions that prevent child maltreatment and promote family well-being by addressing parenting practices and skills for families from diverse socioeconomic, cultural, racial, ethnic, and other backgrounds. The bill would also support program evaluation outcomes, technical assistance, project coordination, and the design and implementation of a cross-site evaluation plan.

I have been committed to the support of psychology contributions to children and families and the vital role of community health centers for decades. This bill will help address the critical need to help and protect our nation's children by giving their parents and caregivers the tools and skills they need to be become the best parents and caregivers they can be and to, ultimately, help prevent child abuse and neglect.

It is my hope that the science-based recommendations utilized in the development of this legislation will serve as a useful resource to inform current health care reform legislative efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1404

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Supporting Child Maltreatment Prevention Efforts in Community Health Centers Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds as follows:

(1) Child abuse and neglect are serious public health problems in this country. During 2007, approximately 3,200,000 referrals, involving the alleged maltreatment of approximately 5,800,000 children, were sent to child protective services agencies.

(2) The most recent data show 794,000 substantiated cases of child abuse and neglect in 2007, and child maltreatment-related deaths rose 15.5 percent in 2007. Approximately 1,760 children in the United States, nearly ¾ of whom were under 4 years of age, died as a result of abuse or neglect.

(3) Early childhood experiences may have lifelong effects. Severe and chronic childhood stress, including from maltreatment and exposure to violence, is associated with persistent effects and can lead to enduring health, behavior, and learning problems.

(4) Child maltreatment has—

(A) psychological and behavioral consequences such as depression, anxiety, suicide, aggressive behavior, delinquency, posttraumatic stress disorder, and criminal behavior;

(B) health consequences, including injuries and death, chronic obstructive pulmonary disease, smoking, heart disease, liver disease, and drug use; and

(C) developmental consequences that can compromise brain development and learning.

(5) Child maltreatment has significant financial consequences, including the short-term costs associated with case handling by child protective services and investigations, hospitalization or emergency room visits for medical treatment of injuries, out-of-home placement alternatives, services to address mental health and substance abuse problems, loss of productivity, and poor physical health requiring multiple treatments.

(6) Child maltreatment can be prevented. Given that parents and caregivers are responsible for the majority of the abuse and neglect, caregiver-focused strategies and interventions that address parenting skills and parental risk factors such as depression, substance abuse, and intimate partner violence, as well as strategies and interventions that promote family well-being are critical. Parenting practices are amenable to change, given reasonable efforts, and the building of safe, stable, nurturing parent-child relationships is a scientifically proven strategy for the prevention of child maltreatment.

(7) Prevention of child maltreatment should have a focus on primary prevention (before any maltreatment), emphasizing community-centered and population-based strategies.

(8) Prevention of child maltreatment should focus on promoting healthy parent-child relationships and an environment that provides safe, stable, nurturing relationships for children.

(9) Primary health care is an existing and widely-accessed system in which a range of prevention strategies can be implemented, and there is growing evidence that primary health care settings are promising venues in which to conduct child maltreatment prevention and behavioral health promotion programs.

(10) Community health centers (referred to in this Act as ''CHCs'') serve more than 18,000,000 individuals in the United States annually, including individuals who are poor, uninsured, hard-to-reach, and at-risk for child maltreatment.

(11) One in 5 low-income children in the United States receives health care at a CHC.

(12) CHCs are an existing network of neighborhood health clinics widely and regularly accessed by families in need that can serve as a fitting venue for child maltreatment prevention initiatives.

(13) In the last decade, behavioral issues have had an expanding presence in the portfolio of services of CHCs. Seventy percent of CHCs have some, if minimal, on-site mental health and substance abuse services. When demand exceeds capacity or on-site services do not exist, CHCs refer individuals to off-site options.

(14) The integration of behavioral health services in primary care settings is a promising framework. Evaluation results of integrated care have shown—

(A) improvement in service utilization, such as shorter waiting time and fewer sessions to complete treatment;

(B) reduction in the stigma related to mental health services; and

(C) improvement in access to services.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To fund the implementation of a minimum of 10 demonstration projects of evidence-based and promising parenting programs at federally qualified health centers.

(2) To provide universal access to a family-centered integrated and voluntary services model that prevents child maltreatment and promotes family well-being and which may include:

(A) implementation of evidence-based preventive parenting skills training programs at health centers or permanent or temporary residences of caregivers to strengthen the capacity of parents to care for their children's health and well-being and promote their own ability to create safe, stable, nurturing family environments that protect children and youth from abuse and neglect and its consequences and support children's optimal social, emotional, physical, and academic development;

(B) screening to identify parental risk factors such as depression, substance abuse, and intimate partner violence that are associated with the likelihood that parents will abuse or neglect their children, and to further develop screening methods and instruments; and

(C) linkage with, and referral to, on-site individualized quality mental health services provided by trained mental health professionals for parents and caregivers screening positive for child maltreatment risk factors to help them overcome the impediments to effective parenting and change their behaviors toward child rearing and parenting.

(3) To coordinate the design and implementation of an evaluation plan to assess the impact and feasibility of integrated services model implementation at each federally qualified health center participating in the demonstration project for health outcomes, cost effectiveness, patient satisfaction, program local adaptation, reduction of child maltreatment and injuries, and improvement of parenting behaviors and family functioning.

(4) To implement critical system factors for successful implementation of the integrated services model to prevent child maltreatment. Such factors include training of a culturally- and linguistically-competent workforce, use of best available technology, establishment of cooperation among FQHCs participating in the demonstration project, and building internal and external buy-in and support for the project.

(5) To coordinate the design and implementation of the cross-site system-wide evaluation plan to assess the impact and feasibility of an integrated services model on the reduction of child maltreatment and injuries, to increase a family's access to services, to evaluate the effectiveness of the response of FQHCs organizational systems to the model implemented, and to identify lessons learned and outline recommendations for system-wide areas for improvement and changes.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERALLY QUALIFIED HEALTH CENTER OR FQHC.—The term ''federally qualified health center'' or ''FQHC'' means an entity receiving a grant under section 330 of the Public Health Service Act (42 U.S.C. 254b).

(2) CAREGIVERS.—The term ''caregiver'' means an adult who is the primary caregiver, including biological, adoptive, or foster parents, grandparents or other relatives, and non-custodial parents who have an ongoing relationship, and provides physical care for, 1 or more children under the age of 10. Caregivers may be individuals who were born in, or outside of, the United States and individuals whose main language is not English, including American Indians and Alaska Natives. Caregivers may be heterosexual or homosexual, and may have learning, physical, and other disabilities.

(3) CENTER-BASED EVIDENCE-BASED PREVENTIVE PARENTING SKILLS PROGRAM.—The term ''center-based evidence-based preventative parenting skills program'' means research-based and proven, promising interventions provided and located at a health center that—

(A) have the potential for broad impact across multiple types of maltreatment, including physical and psychological abuse and neglect;

(B) are associated with effective parent behaviors and parenting practices and with reducing child behavior problems;

(C) may be expected to reduce child maltreatment rates; and

(D) may be implemented at the FQHCs.

(4) HOME VISITATION PROGRAM.—The term ''home visitation program'' means an evidence-based program in which trained professionals visit a caregiver in the permanent or temporary residence of the caregiver, and provide a combination of information, support, or training regarding child development, parenting skills, and health-related issues.

(5) MENTAL HEALTH SERVICES.—The term ''mental health services'' means psychotherapeutic interventions offered at health centers, or off-site locations in partnership with health centers, by mental health professionals to caregivers that screen for or are referred for child maltreatment.

(6) SCREENING.—The term ''screening'' means a form of triage, using valid, culturally-sensitive tools such as scales or questionnaires applied universally by trained professionals to identify caregivers who are at-risk for maltreating or neglecting children. Screening assesses parental risks for child maltreatment such as depression, substance abuse, and intimate partner violence.

SEC. 4. GRANTS FOR DEMONSTRATION PROJECTS ON INTEGRATED FAMILY-CENTERED PREVENTIVE SERVICES.

(a) DEMONSTRATION PROJECT GRANTS.—The Secretary of Health and Human Services, acting through the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, shall award competitive grants to eligible federally qualified health centers to fund a minimum of 10 demonstration projects to promote—

(1) universal access to family-centered, evidence-based interventions in the FQHCs that prevent child maltreatment by addressing parenting practices and skills; and

(2) behavioral health and family well-being for families from diverse socioeconomic, cultural, racial, and ethnic backgrounds, including addressing issues related to sexual orientation and individuals with disabilities.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a federally qualified community health center; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF GRANT FUNDS.—A federally qualified health center receiving a grant under subsection (a) may use such funds to—

(1) conduct a needs assessment for the demonstration project, including the need for proposed integrated services, the number of caregivers involved, an organizational assessment, workforce capacity and needs, and technological needs;

(2) use available technologies to collect, organize, and provide access to health and mental health information of patients, and to provide referrals, train staff, monitor service delivery and outcomes, and create networking opportunities for on-site providers and others in the community;

(3) adapt and implement evidence-based parenting skills training programs for caregivers from all backgrounds who use the health center for health care and child well-visits, through on-site programs or programs operated at permanent or temporary residences and administered, supervised, and monitored by trained professionals employed by the FQHC;

(4) adapt instruments and screen caregivers for child maltreatment risk factors such as depression, substance abuse, and intimate partner violence, provided that such screening is conducted by trained professionals employed by the FQHC;

(5) provide access to mental health services to caregivers screened positive for child maltreatment risk factors, which may include services offered at the health centers or at off-site locations in partnership with the health centers, and which shall be conducted by mental health professionals;

(6) promote models of integrated care that involve behavioral health specialists and primary care providers working collaboratively in integrated teams to deliver services that prevent child maltreatment and promote family well-being;

(7) develop public education campaigns to increase community awareness of the integrated services offered by the health centers; and

(8) evaluate patient satisfaction, project cost effectiveness, results of the integrated services model, and effectiveness of evidence-based parenting programs in improving parenting practices and reducing child abuse and neglect.

(d) DURATION OF GRANT.—A grant under subsection (a) shall be awarded for a period not to exceed 5 years.

(e) TECHNICAL ASSISTANCE AND PROJECT COORDINATION.—

(1) IN GENERAL.—The Secretary shall award a contract to 1 or more eligible entities to provide—

(A) technical assistance and project coordination for the recipients of grants under subsection (a);

(B) training for health care professionals, including mental health care professionals, at FQHCs that receive grants under subsection (a); and

(C) cross-site evaluation of the demonstration projects under subsection (a).

(2) ELIGIBLE ENTITIES.—To be eligible to receive a contract under this section, an entity shall—

(A) be—

(i) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(ii) a nonprofit organization that qualifies for tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986; or

(iii) such national and professional organizations and community-based organizations as the Secretary determines appropriate;

(B) have expertise in parent-child relationships, parenting programs, prevention of child maltreatment, the integration of behavioral health in primary and community health center settings, and coordinating multi-sites projects;

(C) demonstrate a defined or proposed collaboration with purveyors of evidence-based child maltreatment prevention interventions; and

(D) submit to the Secretary an application that includes—

(i) an outline of a technical assistance and coordination plan and timeline;

(ii) a description of activities, services, and strategies to be used to reach out and work with the FQHCs and others involved in the demonstration projects under subsection (a); and

(iii) a description of the evaluation methods and strategies the entity plans to use, and an outline of the progress and final reports required under subsection (f)(2).

(3) PRIORITY.—In awarding contracts under this subsection, the Secretary shall give priority to eligible entities whose applications under paragraph (2)(D) demonstrate that the evaluation design of such eligible entity uses strong experimental designs that capture a range of health and behavioral outcomes and include feasibility evaluation of the integrated health-behavioral health services model. Such evaluation designs should provide evaluation results that identify lessons learned and generate recommendations for improvements and changes.

(4) AUTHORIZED ACTIVITIES.—Each recipient of a contract under this subsection shall use such award to provide technical assistance to the FQHCs receiving a grant under subsection (a) and to provide coordination and cross-site evaluation of such demonstration projects to the Secretary. Such technical assistance and coordination and cross-site evaluation may include—

(A) establishing and implementing uniform tracking and monitoring systems across FQHCs participating in the demonstration project, using the best available, highest level of technological tools;

(B) developing and implementing a cross-site, multi-level evaluation plan using rigorous research and evaluation designs to evaluate the demonstration projects across FQHCs;

(C) ensuring that, in implementing the evidence-based parenting training programs, each such FQHC follows standardized manuals and protocols, and ensuring effectiveness of the integrated services of each FQHC in promoting positive stable, nurturing parent-child relationships and preventing child maltreatment and injuries;

(D) ensuring an effective and feasible evaluation of the outcomes of the demonstration projects, including an assessment of—

(i) improvement of parent knowledge of child social, emotional, cognitive development;

(ii) improvement of parent-child relationships;

(iii) parental use of positive discipline methods and effective communication skills;

(iv) health outcomes for children;

(v) reduction of incidence of child maltreatment;

(vi) cost-effectiveness of the demonstration projects;

(vii) implementation that follows standardized manuals and protocols;

(viii) the interdisciplinary collaborative model;

(ix) cultural sensitivity and local adaptation of the projects;

(x) any increase in access to services; and

(xi) further improvements and changes needed at the FQHCs;

(E) establishing and coordinating the implementation of a workforce development and training plan to ensure that professionals working at the health centers, including physicians, nurses, nurse practitioners, psychologists, social workers, physician's assistants, clinical pharmacists, and others, are trained to participate in interdisciplinary teams and work collaboratively to provide culturally-competent and linguistically-sensitive integrated services to all caregivers coming to such center, with a focus on the development and strengthening of—

(i) knowledge of the public health model, child development, family functioning, the problem of child maltreatment, and methods of prevention;

(ii) core attitudes, including the belief that child maltreatment is preventable, professionals have a role in prevention, families are partners in preventing maltreatment, and evaluation is a critical element of interventions;

(iii) ability to conduct screenings, implement evidence-based parenting programs, provide mental health services, and collaborate with evaluation efforts;

(iv) ability to manage the site project, participate in interdisciplinary teams, work on integrated efforts, and master technology for best results;

(v) the knowledge, skills, and attitude to work with individuals from diverse cultural, racial, ethnic, and other backgrounds; and

(vi) an understanding of cross-field culture and language to effectively participate in interdisciplinary teams and collaborate in integrated activities;

(F) educating and involving the governing boards of FQHCs participating in the demonstration projects in the integrated service efforts;

(G) promoting partnerships with State and local institutions of higher education, community networks, and professional associations for staff training and recruitment;

(H) promoting collaboration and networking among FQHCs participating in the demonstration projects; and

(I) establishing and coordinating child maltreatment prevention collaboratives across FQHCs participating in the demonstration projects and helping such FQHCs partner with local departments of child welfare and community mental health centers.

(5) ADVISORY GROUPS.—

(A) IN GENERAL.—Each recipient of a contract under this subsection shall establish an advisory group. Each such advisory group shall provide feedback and input to the contract recipient to ensure such recipient's effectiveness in providing quality services.

(B) MEMBERSHIP.—Each such advisory group shall be composed of representatives of—

(i) national organizations representing community health centers;

(ii) national professional organizations representing professionals from various fields, including pediatrics, nursing, psychology, and social work; and

(iii) government agencies with relevant expertise, as determined by the Director of the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention.

(f) EVALUATION AND REPORTING.—

(1) DEMONSTRATION PROJECT REPORTING.—

(A) ANNUAL PROGRESS EVALUATION AND FINANCIAL REPORTING.—For the duration of the grant under subsection (a), each FQHC shall submit to the Secretary an annual progress evaluation and financial reporting indicating activities conducted and the progress of the health center toward achievement of established outcomes, including cost effectiveness, patient satisfaction, program local adaptation, reduction of child maltreatment and injuries, and improvement of parenting behaviors and family functioning.

(B) FINAL REPORT.—At the end of the grant period, each FQHC shall submit a final report with evaluation data analysis and conclusions related to the outcomes of the demonstration project.

(2) TECHNICAL ASSISTANCE REPORTING.—

(A) ANNUAL PROGRESS AND FINANCIAL REPORT.—For the duration of the contract under subsection (e), each technical assistance provider shall submit to the Secretary an annual progress and financial report indicating activities conducted under such contract.

(B) FINAL REPORT.—At the end of the contract period, each recipient of a technical assistance contract under subsection (e) shall submit to the Secretary a final report that includes—

(i) an analysis of comparative data related to effectiveness and feasibility of projects implemented at the FQHCs, workforce training, and achievement of outcomes at the FQHCs;

(ii) overall recommendations for system improvement and changes that would allow the demonstration projects to be expanded;

(iii) an outline of the project results; and

(iv) a plan that outlines opportunities and vehicles for the dissemination of cross-site evalution results, findings, and recommendations.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out the demonstration project grant program described in subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

(2) TECHNICAL ASSISTANCE.—The Secretary shall reserve not less than 10 percent of the amounts appropriated under paragraph (1) to carry out the technical assistance program described in subsection (e).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 208—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 208

Resolved, That the following shall constitute the majority party's membership on the following committee for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Kaufman, Mr. Specter, and Mr. Franken.

SENATE RESOLUTION 209—RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL EYE INSTITUTE AND EXPRESSING SUPPORT FOR DESIGNATION OF THE YEARS 2011 THROUGH 2020 AS THE ''DECADE OF VISION''

Mr. ISAKSON (for himself and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas vision impairment and eye disease are major public health problems, especially due to the aging of the population;

Whereas there is a disproportionate incidence of eye disease in minority populations;

Whereas vision loss as a result of diabetes and other chronic diseases costs the people of the United States $68,000,000,000 each year in health care expenses, lost productivity, reduced independence, diminished quality of life, increased depression, and accelerated mortality;

Whereas approximately 38,000,000 people in the United States over 40 years of age currently experience blindness, low-vision, or an age-related eye disease, and this number is expected to grow to 50,000,000 by 2020, as the tidal wave of approximately 78,000,000 baby boomers who will begin to reach 65 years of age in 2010, many of whom will continue working well beyond age 65, crashes;

Whereas, in public opinion polls conducted during the past 40 years, people in the United States have consistently identified fear of vision loss as second only to fear of cancer, and, as recently as 2008, a study by the National Eye Institute showed that 71 percent of respondents indicated that a loss of eyesight would have the greatest impact on their life;

Whereas, with wisdom and foresight, Congress passed an Act entitled ''An Act to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health'' (Public Law 90–489; 82 Stat. 771), which was signed into law by President Johnson on August 16, 1968;

Whereas the National Eye Institute (in this resolution referred to as the ''NEI'') held the first meeting of the National Advisory Eye Council on April 3, 1969;

Whereas the NEI leads the Federal commitment to basic and clinical research, research training, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and needs of individuals who are visually-impaired or blind;

Whereas the NEI disseminates information aimed at the prevention of blindness, specifically through public and professional education facilitated by the National Eye Health Education Program;

Whereas the NEI maximizes Federal funding by devoting 85 percent of its budget to extramural research that addresses a wide variety of eye and vision disorders, including ''back of the eye'' retinal and optic nerve disease, such as age-related macular degeneration, glaucoma, and diabetic retinopathy, and concomitant low vision, and ''front of the eye'' disease, including corneal, lens, cataract, and refractive errors;

Whereas research by the NEI benefits children, including premature infants born with retinopathy and school children with amblyopia (commonly known as ''lazy eye'');

Whereas the NEI benefits older people in the United States by predicting, preventing, and preempting aging eye disease, thereby enabling more productive lives and reducing Medicare costs;

Whereas the NEI has been a leader in basic research, working with the Human Genome Project of the National Institutes of Health to translate discoveries of genes related to eye disease and vision impairment, which make up ¼ of genes discovered to date, into diagnostic and treatment modalities;

Whereas the NEI has been a leader in clinical research, funding more than 60 clinical trials (including a series of Diabetic Retinopathy Clinical Trials Networks, in association with the National Institute for Diabetes and Digestive and Kidney Disorders) which have developed treatment strategies that have been determined by the NEI to be 90 percent effective and to save an estimated $1,600,000,000 each year in blindness and vision impairment disability costs;

Whereas the NEI has been a leader in prevention research, having reported from the first phase of its Age-Related Eye Disease Study that high levels of dietary zinc and anti-oxidant vitamins reduced vision loss in individuals at high risk for developing advanced age-related macular degeneration by 25 percent, and, in the second phase of Age-Related Eye Disease Study, studying the impact of other nutritional supplements;

Whereas the NEI has been a leader in epidemiologic research, identifying the basis and progression of eye disease and the disproportionate incidence of eye disease in minority populations, so that informed public health policy decisions can be made regarding prevention, early diagnosis, and treatment;

Whereas the NEI has been a leader in collaborative research across the National Institutes of Health, working with the National Cancer Institute and the National Heart, Lung, and Blood Institute to identify factors that promote or inhibit new blood vessel growth, which has resulted in the first generation of ophthalmic drugs approved by the Food and Drug Administration to inhibit abnormal blood vessel growth in the form of age-related macular degeneration commonly known as the ''wet'' form of age-related macular degeneration, thereby stabilizing, and often restoring, vision;

Whereas the NEI has been a leader in collaborative research with other Federal entities, and its bioengineering research partnership with the National Science Foundation and the Department of Energy has resulted in a retinal chip implant, referred to as the ''Bionic Eye'', that has enabled individuals who have been blind for decades to perceive visual images;

Whereas the NEI has been a leader in collaborative research with private funding entities, and its human gene therapy trial with the Foundation Fighting Blindness for individuals with Leber Congenital Amaurosis, a rapid retinal degeneration that blinds infants in their first year of life, has demonstrated measurable vision improvement even within the initial safety trials;

Whereas, from 2011 through 2020, the people of the United States will face unprecedented public health challenges associated with aging, health disparities, and chronic disease; and

Whereas Federal support by the NEI and related agencies within the Department of Health and Human Services is essential for prevention, early detection, access to treatment and rehabilitation, and research associated with vision impairment and eye disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the NEI, commends the NEI for its leadership, and supports the mission of the NEI to prevent blindness and to save and restore vision;

(2) supports the designation of the years 2011 through 2020 as the ''Decade of Vision'', to—

(A) maintain a sustained awareness of the unprecedented public health challenges associated with vision impairment and eye disease; and

(B) emphasize the need for Federal support for prevention, early detection, access to treatment and rehabilitation, and research; and

(3) commends the National Alliance for Eye and Vision Research, also known as the ''Friends of the National Eye Institute'', for its efforts to expand awareness of the incidence and economic burden of eye disease through its Decade of Vision 2011–2020 Initiative.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1371. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

SA 1372. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1373. Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2892, supra.

SA 1374. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1375. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1376. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1377. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1378. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1379. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD

(for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1380. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1381. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1382. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1383. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1384. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1385. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1386. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1387. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1388. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1389. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1390. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1391. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1392. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1393. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1394. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1395. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1396. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1397. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1398. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1399. Mr. DEMINT proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1400. Mr. MCCAIN proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1401. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1402. Mr. FEINGOLD (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1403. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1404. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1375 submitted by Mr. VITTER and intended to be proposed to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1405. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1406. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1407. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1371 submitted by Mr. SESSIONS to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1408. Mr. CORNYN (for himself, Mr. VITTER, Mr. CRAPO, Mr. WYDEN, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1409. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1410. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1411. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1371. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, strike lines 8 through 14 and insert the following:

SEC. 545. Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 988), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 546. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless'' and all that follows.

SEC. 547. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

SEC. 548. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''BASIC PILOT'' and inserting ''E-VERIFY''.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigration Responsibility

Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''under a pilot program'' and inserting ''under this subtitle''.

SA 1372. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, strike lines 8 through 14 and insert the following:

SEC. 545. Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 988), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 546. Section 143 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329; 122 Stat. 3580), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 988), is amended by striking ''shall'' and all that follows through the end and inserting ''is further amended by striking '11-year' and inserting '17-year'.''.

SA 1373. Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $149,268,000: *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: *Provided further*, That $20,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $307,690,000, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, $5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $63,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $338,393,000; of which $86,912,000 shall be available for salaries and expenses; and of which $251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That of the total amount appropriated, not less than $82,788,000 shall be available for data center development, of which not less than $38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $347,845,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $208,145,000 shall remain available until September 30, 2011.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,075,649,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $462,445,000, to remain available until expended, of which not less than $267,960,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $167,960,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $800,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, $50,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $515,826,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $316,070,000, to remain available until expended, of which $39,700,000 shall be for the Advanced Training Center: *Provided*, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,360,100,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than $2,539,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $85,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,237,828,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,395,195,000 shall be for screening operations, of which $1,154,775,000 shall be available for explosives detection systems; and not to exceed $842,633,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $806,669,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,137,828,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $142,616,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $999,580,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; for purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and for repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,838,291,000, of which $581,503,000 shall be for defense-related activities, $241,503,000 of which are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, $30,000,000 is withheld from obligation from Headquarters Directorates until the second quarter acquisition report required by Public Law 108–7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110–161 is received by the Committees on Appropriations of the Senate and the House of Representatives.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,597,580,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $123,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $147,500,000 shall be available until September 30, 2012, for other equipment; of which $27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than $300,000 for the Coast Guard Academy Pier and not less than $16,800,000 for Coast Guard Station Cleveland Harbor; of which $105,200,000 shall be available for personnel compensation and benefits and related costs; and of which $1,194,780,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $305,500,000 is for aircraft and $734,680,000 is for surface ships: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $29,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use, of which 652 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as

may be necessary to perform protective functions; $1,482,709,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2011: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: *Provided further*, That the United States Secret Service shall open an international field office in Tallinn, Estonia to combat electronic crimes with funds made available under this heading in Public Law 110–329: *Provided further*, That $4,040,000 shall not be made available for obligation until enactment into law of authorizing legislation that incorporates the authorities of the United States Secret Service Uniformed Division into the United States Code, including restructuring the United States Secret Service Uniformed Division's pay chart.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

National Protection and Programs Directorate

SALARIES AND EXPENSES

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $901,416,000, of which $760,755,000 shall remain available until September 30, 2011: *Provided*, That of the total amount provided, $20,000,000 is for necessary expenses of the National Infrastructure Simulation and Analysis Center.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $378,194,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security not later than 90 days after the date of enactment of this Act: *Provided further*, That not less than $28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $135,000,000, of which $30,411,000 is for salaries and expenses; and of which $104,589,000 is to remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

Federal Emergency Management Agency

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $859,700,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,067,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $15,000,000 shall be for the Citizen Corps Program.

(6) $356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $25,000,000 shall be for Amtrak security, and not less than $6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) $350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) $50,000,000 shall be for Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13).

(10) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(11) $20,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), of which no less than $1,500,000 shall be for the Ohio Emergency Management Agency Emergency Operations Center, Columbus, Ohio; no less than $1,000,000 shall be for the City of Chicago Emergency Operations Center, Chicago, Illinois; no less than $600,000 shall be for the Ames Emergency Operations Center, Ames, Iowa; no less than $353,000 shall be for the County of Union Emergency Operations Center, Union County, New Jersey; no less than $300,000 shall be for the City of Hackensack Emergency Operations Center, Hackensack, New Jersey; no less than $247,000 shall be for the Township of South Orange Village Emergency Operations Center, South Orange, New Jersey; no less than $1,000,000 shall be for the City of Mount Vernon Emergency Operations Center, Mount Vernon, New York; no less than $900,000 shall be for the City of Whitefish Emergency Operations Center, Whitefish, Montana; no less than $1,000,000 shall be for the Lincoln County Emergency Operations Center, Lincoln County, Washington; no less than $980,000 shall be for the City of Providence Emergency Operations Center, Providence, Rhode Island; no less than $980,000 for the North Louisiana Regional Emergency Operations Center, Lincoln Parish, Louisiana; and no less than $900,000 for the City of North Little Rock Emergency Operations Center, North Little Rock, Arkansas.

(12) $264,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and $5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

(B) $1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont:

Provided, That 4.1 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act: *Provided further*, That, notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (6) through (10), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $800,000,000, of which $380,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2010: *Provided*, That 5 percent of the amount available under this heading shall be for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000: *Provided*, That total administrative costs shall be 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,456,866,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to $50,000,000 may be transferred to Federal Emergency Management Agency ''Management and Administration'' for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to ''Management and Administration'' until the Federal Emergency Management Agency submits an implementation plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of

direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $159,469,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $52,149,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $120,000,000, to remain available until expended: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $175,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $135,700,000, of which $5,000,000 is for the processing of military naturalization applications and $118,500,000 is for the E-Verify program to assist United States employers with maintaining a legal workforce: *Provided*, That of the amount provided for the E-Verify program, $10,000,000 is available until expended for E-Verify process and system enhancements: *Provided further*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, dispose of and replace up to five vehicles, of which two are for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $244,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'': *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $143,200,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $851,729,000, to remain available until September 30, 2011: *Provided*, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: *Provided further*, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: *Provided further*, That not less than $12,000,000 is for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than $2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: *Provided further*, That not less than $36,312,000 shall be for the National Bio and Agro-defense Facility.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) for management and administration of programs and activities, $37,500,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $326,537,000, to remain available until September 30, 2011.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $10,000,000, to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State Homeland Security Grant Program; Urban Area Security Initiative; and the Regional Catastrophic Preparedness Grant Program.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 528, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073, 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable

provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation of the Secure Flight program or any other follow-on or successor passenger screening program that: (1) utilizes or tests algorithms assigning risk to passengers whose names are not on Government watch lists; or (2) uses data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 are met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to United States Coast Guard, ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC-B) program.

SEC. 518. (a)(1) Except as provided in paragraph (2), none of the funds provided in this or any other Act shall be available to commence or continue operations of the National Applications Office until—

(A) the Secretary certifies that: (i) National Applications Office programs comply with all existing laws, including all applicable privacy and civil liberties standards; and, (ii) that clear definitions of all proposed domains are established and are auditable;

(B) the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification; and

(C) the Secretary notifies the Committees of all funds to be expended on the National Applications Office pursuant to section 503 of this Act.

(2) Paragraph (1) shall not apply with respect to any use of funds for activities substantially similar to such activities conducted by the Department of the Interior as set forth in the 1975 charter for the Civil Applications Committee under the provisions of law codified at section 31 of title 43, United States Code.

(b) The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives a classified report on a quarterly basis containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: *Provided*, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.

(c) None of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on the National Immigration Information Sharing Operation pursuant to section 503.

SEC. 519. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 520. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2009'' and inserting ''2010''.

SEC. 521. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 522. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in 5 U.S.C. 9701(e), in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in 5 U.S.C. 7103(a)(2).

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by a means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, such as the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) under the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by this section, the Inspector General for the Department of Homeland Security shall review departmental contracts awarded through other than full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through other than full and open competition: *Provided further*, That in determining which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar

contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 529. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One (National Center for Critical Information Processing and Storage) is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 530. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 531. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. Section 537 of the Department of Homeland Security Appropriations Act, 2009 (division D of Public Law 110–329; 122 Stat. 3682) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 539. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or $5,000,000, whichever is greater: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 540. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 541. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under 31 U.S.C. 9703.2(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

SEC. 542. (a) Not later than 3 months from the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aerial systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 543. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result by such non-participation.

SEC. 544. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 545. Sections 143 and 144 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.), as amended by section 101 of division J of Public Law 111–8, are further amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 546. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, by

directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate.

SEC. 547. Section 550 of Public Law 109–295 is amended in subsection (b) by deleting from the last proviso ''three years after the date of enactment of this Act'' and inserting in lieu thereof ''October 4, 2010''.

SEC. 548. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: *Provided*, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 549. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 550. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $5,000,000 are rescinded.

SEC. 551. From the unobligated balances of prior year appropriations made available for U.S. Immigration and Customs Enforcement ''Construction'', $7,000,000 are rescinded.

SEC. 552. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate ''Infrastructure Protection and Information Security'', $8,000,000 are rescinded.

SEC. 553. From the unobligated balances of prior year appropriations made available for Science and Technology ''Research, Development, Acquisition, and Operations'', $7,500,000 are rescinded.

SEC. 554. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office ''Research, Development, and Operations'', $8,000,000 are rescinded.

SEC. 555. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certification described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance to subsection (c).

(e) If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: *Provided*, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard ''Environmental Compliance and Restoration'' account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran system, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: *Provided further*, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2010''.

SA 1374. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds made available in this Act may be used in contravention of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623).

SA 1375. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to—

(1) amend, rewrite, or change the final rule requiring Federal Contractors to use E-Verify (promulgated on November 14, 2008);

(2) further delay the implementation of the rule described in paragraph (1) beyond September 8, 2009; or

(3) amend, rewrite, change, or delay the implementation of the final rule describing the process for employers to follow after receiving a ''no match'' letter in order to qualify for ''safe harbor'' status (promulgated on August 15, 2007).

SA 1376. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 6, strike ''$23,000,000'' and all that follows through ''Hawaii;'' on line 21.

SA 1377. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning on line 5, strike '': *Provided*,'' and all that follows through ''Iowa'' on line 7.

SA 1378. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 15 and 16, strike '', of which $39,700,000 shall be for the Advanced Training Center''.

SA 1379. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr.

INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, beginning on line 10, strike ''not less than $300,000 for the Coast Guard Academy Pier and''.

SA 1380. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, beginning on line 11, strike ''and not less than $16,800,000 for Coast Guard Station Cleveland Harbor''.

SA 1381. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, beginning on line 10, strike ''; and of which $3,600,000'' and all that follows through ''facility'' on line 15.

SA 1382. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 22, strike ''no less'' and all that follows through ''Illinois;'' on line 24.

SA 1383. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 10, strike ''no less'' and all that follows through ''Montana;'' on line 12.

SA 1384. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 8, strike ''no less'' and all that follows through ''New York;'' on line 10.

SA 1385. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 24, strike ''no less'' and all that follows through ''Iowa;'' on page 33, line 1.

SA 1386. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 19, strike ''no less'' and all that follows through ''Ohio;'' on line 22.

SA 1387. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 21, strike ''; and'' and all that follows through ''Vermont'' on line 24.

SA 1388. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, lines 19 and 20, strike ''; and no less'' and all that follows through ''Arkansas'' on line 22.

SA 1389. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 17, strike ''no less'' and all that follows through ''Louisiana;'' on line 19.

SA 1390. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 15, strike ''no less'' and all that follows through ''Rhode Island;'' on line 17.

SA 1391. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, lines 12 and 13, strike ''no less'' and all that follows through ''Washington;'' on line 15.

SA 1392. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 5, strike ''no less'' and all that follows through ''New Jersey;'' on line 8.

SA 1393. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 1, strike ''no less'' and all that follows through ''New Jersey;'' on line 3.

SA 1394. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 3, strike ''no less'' and all that follows through ''New Jersey;'' on line 5.

SA 1395. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 23, strike ''That'' and all that follows through ''*Provided further*,'' on page 48, line 1.

SA 1396. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr.

REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 5 and 6, strike ''*Provided further*,'' and all that follows through ''Initiative:'' on line 8.

SA 1397. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 1, strike ''*Provided further*,'' and all that follows through ''Exercises:'' on line 3.

SA 1398. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' under the heading ''NATIONAL PROTECTION AND PROGRAMS DIRECTORATE'' under title III of this Act is reduced by $4,000,000.

SA 1399. Mr. DEMINT proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing before December 31, 2010.

SA 1400. Mr. MCCAIN proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 31, line 19, strike all through page 32, line 3, and insert the following:

(6) $350,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security.

SA 1401. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. MARITIME TRANSPORTATION SECURITY INFORMATION.

(a) SHORT TITLE.—This section may be cited as the ''American Communities'' Right to Public Information Act''.

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

''(d) NONDISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Information developed under this chapter is not required to be disclosed to the public, including—

''(A) facility security plans, vessel security plans, and port vulnerability assessments; and

''(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

''(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

''(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

SA 1402. Mr. FEINGOLD (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike line 19 and all that follows through page 33, line 22, and insert the following:

Assistance Act (42 U.S.C. 5196c), which shall be awarded on a competitive basis: *Provided*, That the Administrator of the Federal Emergency Management Agency shall award financial assistance using amounts made available under the heading ''NATIONAL PREDISASTER MITIGATION FUND'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under this title—

(A) in accordance with section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133); and

(B) without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act.

SA 1403. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr.

INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 15 and 16, strike '', of which $39,700,000 shall be for the Advanced Training Center''.

On page 17, line 10, strike ''; and of'' and all that follows through ''facility'' on line 15.

On page 19, lines 9 and 10, strike '', including not less than'' and all that follows through ''Harbor'' on line 11.

On page 22, line 5, strike '': *Provided,*'' and all that follows through ''Iowa'' on line 7.

On page 31, line 19, strike ''$356,000,000'' and insert ''$350,000,000''.

On page 32, line 1, strike '', and not'' and all that follows through ''Security Assistance'' on line 3.

On page 32, strike line 16 and all that follows through page 33, line 22.

On page 33, line 25, strike ''which—'' and all that follows through page 34, line 24, and insert ''which, $164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness:''.

On page 47, line 23, strike ''That'' and all that follows through ''*Provided further,*'' on page 48, line 3.

On page 48, lines 5 and 6, strike ''*Provided further,*'' and all that follows through ''Initiative:'' on line 8.

On page 75, strike line 15 and all that follows through page 77, line 16, and insert the following:

SEC. 555. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' under the heading ''NATIONAL PROTECTION AND PROGRAMS DIRECTORATE'' under title III of this Act is reduced by $4,000,000.

SA 1404. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1375 submitted by Mr. VITTER and intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 15 and 16, strike '', of which $39,700,000 shall be for the Advanced Training Center''.

On page 17, line 10, strike ''; and of'' and all that follows through ''facility'' on line 15.

On page 19, lines 9 and 10, strike '', including not less than'' and all that follows through ''Harbor'' on line 12.

On page 22, line 5, strike '': *Provided,*'' and all that follows through ''Iowa'' on line 7.

On page 32, line 19, strike '', of which no less'' and all that follows through ''Arkansas'' on page 33, line 22.

On page 33, line 25, strike ''which—'' and all that follows through page 34, line 24, and insert ''which, $164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness:''.

On page 47, line 23, strike ''That'' and all that follows through ''*Provided further,*'' on page 48, line 3.

On page 48, lines 5 and 6, strike ''*Provided further,*'' and all that follows through ''Initiative:'' on line 8.

On page 77, between lines 16 and 17, insert the following:

SEC. 556. NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

The amount appropriated for the National Infrastructure Simulation and Analysis Center under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' under the heading ''NATIONAL PROTECTION AND PROGRAMS DIRECTORATE'' under title III of this Act is reduced by $4,000,000.

SA 1405. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 16, strike all through page 33, line 22.

SA 1406. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 15, strike all through page 77, line 16.

SA 1407. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1371 submitted by Mr. SESSIONS to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 7, add the following:

SEC. 549. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place it appears; and

(2) in subsection (b), by striking ''for 15 years''.

SA 1408. Mr. CORNYN (for himself, Mr. VITTER, Mr. CRAPO, Mr. WYDEN, and Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556___. IMPORTATION OF CERTAIN POCKET KNIVES.

(a) IN GENERAL.—No department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act may obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to amend, interpret, enforce or promulgate any administrative rule or action which regulates, restricts, or bars from importation any knife under the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. §1241 et seq.), if the knife contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act—

(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that describes the actions taken to ensure the effective implementation of this section; and

(2) shall publish the report in the Federal Register.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon enactment of this Act.

SA 1409. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REQUIRED PARTICIPATION BY UNITED STATES CONTRACTORS.

Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in the E-Verify Program and shall comply with the terms and conditions of such election.''.

SA 1410. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REVERIFICATION.

Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by adding at the end the following:

''(5) REVERIFICATION.—Each employer participating in the E-Verify Program shall use the confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual's employment authorization is scheduled to expire, as indicated by the documents that the individual provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), in accordance with the procedures otherwise applicable to the verification of a newly hired employee under this subsection.''.

SA 1411. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. None of the funds in this Act provided for Railroad Security Assistance under section 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) shall require a cost share.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, July 15, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes;

S. 625, to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas;

S. 853, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System;

S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date;

S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont;

S. 1168 and H.R. 1694, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; and

H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to *anna_fox@energy.senate.gov*.

For further information, please contact David Brooks at (202) 224–9863 or Anna Fox at (202) 224–1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN: Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 21, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2009 wildfire season and to receive testimony on S. 561 and H.R. 1404, the Federal Land Assistance, Management and Enhancement Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to *anna_fox@energy.senate.gov*.

For further information, please contact Anna Fox at (202) 224–1219 or Scott Miller at 202–2245488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 10 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED FORCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 7, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Moving America toward a Clean Energy Economy and Reducing Global Warming Pollution: Legislative Tools.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 10 a.m., in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on July 7, 2009, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Bowl Championship Series: Is it Fair and In Compliance with Antitrust Law?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 2:30 p.m., to conduct a hearing entitled, ''From Strategy to Implementation: Strengthening U.S.-Pakistan Relations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 7, 2009, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. I ask unanimous consent that Arex Avanni, a detailee from the Coast Guard to the Homeland Security Subcommittee, be granted the privilege of the floor during debate on the pending legislation, the fiscal year 2010 Department of Homeland Security Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I ask unanimous consent that Carol Cribbs on the Appropriations Committee staff be granted the privilege of the floor during the consideration of the fiscal year 2010 Homeland Security Appropriations bill and any votes in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Tara Magner, a consultant on the staff of Senator LEAHY's Judiciary Committee staff, be granted the privileges of the floor for the remainder of this work period, until August 8, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE NATIONAL EYE INSTITUTE AND SUPPORTING THE DECADE OF VISION

Mr. BROWN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 209, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 209) recognizing the 40th anniversary of the National Eye Institute and expressing support of the designation of the years 2011 through 2020 as the ''Decade of Vision.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 209) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 209

Whereas vision impairment and eye disease are major public health problems, especially due to the aging of the population;

Whereas there is a disproportionate incidence of eye disease in minority populations;

Whereas vision loss as a result of diabetes and other chronic diseases costs the people of the United States $68,000,000,000 each year in health care expenses, lost productivity, reduced independence, diminished quality of life, increased depression, and accelerated mortality;

Whereas approximately 38,000,000 people in the United States over 40 years of age currently experience blindness, low-vision, or an age-related eye disease, and this number is expected to grow to 50,000,000 by 2020, as the tidal wave of approximately 78,000,000 baby boomers who will begin to reach 65 years of age in 2010, many of whom will continue working well beyond age 65, crashes;

Whereas, in public opinion polls conducted during the past 40 years, people in the United States have consistently identified fear of vision loss as second only to fear of cancer, and, as recently as 2008, a study by the National Eye Institute showed that 71 percent of respondents indicated that a loss of eyesight would have the greatest impact on their life;

Whereas, with wisdom and foresight, Congress passed an Act entitled ''An Act to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health'' (Public Law 90–489; 82 Stat. 771), which was signed into law by President Johnson on August 16, 1968;

Whereas the National Eye Institute (in this resolution referred to as the ''NEI'') held the first meeting of the National Advisory Eye Council on April 3, 1969;

Whereas the NEI leads the Federal commitment to basic and clinical research, research training, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and needs of individuals who are visually-impaired or blind;

Whereas the NEI disseminates information aimed at the prevention of blindness, specifically through public and professional education facilitated by the National Eye Health Education Program;

Whereas the NEI maximizes Federal funding by devoting 85 percent of its budget to extramural research that addresses a wide variety of eye and vision disorders, including ''back of the eye'' retinal and optic nerve disease, such as age-related macular degeneration, glaucoma, and diabetic retinopathy, and concomitant low vision, and ''front of the eye'' disease, including corneal, lens, cataract, and refractive errors;

Whereas research by the NEI benefits children, including premature infants born with retinopathy and school children with amblyopia (commonly known as ''lazy eye'');

Whereas the NEI benefits older people in the United States by predicting, preventing, and preempting aging eye disease, thereby enabling more productive lives and reducing Medicare costs;

Whereas the NEI has been a leader in basic research, working with the Human Genome Project of the National Institutes of Health to translate discoveries of genes related to eye disease and vision impairment, which make up ¼ of genes discovered to date, into diagnostic and treatment modalities;

Whereas the NEI has been a leader in clinical research, funding more than 60 clinical trials (including a series of Diabetic Retinopathy Clinical Trials Networks, in association with the National Institute for Diabetes and Digestive and Kidney Disorders) which have developed treatment strategies that have been determined by the NEI to be 90 percent effective and to save an estimated $1,600,000,000 each year in blindness and vision impairment disability costs;

Whereas the NEI has been a leader in prevention research, having reported from the first phase of its Age-Related Eye Disease Study that high levels of dietary zinc and anti-oxidant vitamins reduced vision loss in individuals at high risk for developing advanced age-related macular degeneration by 25 percent, and, in the second phase of Age-Related Eye Disease Study, studying the impact of other nutritional supplements;

Whereas the NEI has been a leader in epidemiologic research, identifying the basis and progression of eye disease and the disproportionate incidence of eye disease in minority populations, so that informed public health policy decisions can be made regarding prevention, early diagnosis, and treatment;

Whereas the NEI has been a leader in collaborative research across the National Institutes of Health, working with the National Cancer Institute and the National Heart, Lung, and Blood Institute to identify factors that promote or inhibit new blood vessel growth, which has resulted in the first generation of ophthalmic drugs approved by the Food and Drug Administration to inhibit abnormal blood vessel growth in the form of age-related macular degeneration commonly known as the ''wet'' form of age-related macular degeneration, thereby stabilizing, and often restoring, vision;

Whereas the NEI has been a leader in collaborative research with other Federal entities, and its bioengineering research partnership with the National Science Foundation and the Department of Energy has resulted in a retinal chip implant, referred to as the ''Bionic Eye'', that has enabled individuals who have been blind for decades to perceive visual images;

Whereas the NEI has been a leader in collaborative research with private funding entities, and its human gene therapy trial with the Foundation Fighting Blindness for individuals with Leber Congenital Amaurosis, a rapid retinal degeneration that blinds infants in their first year of life, has demonstrated measurable vision improvement even within the initial safety trials;

Whereas, from 2011 through 2020, the people of the United States will face unprecedented public health challenges associated with aging, health disparities, and chronic disease; and

Whereas Federal support by the NEI and related agencies within the Department of Health and Human Services is essential for prevention, early detection, access to treatment and rehabilitation, and research associated with vision impairment and eye disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the NEI, commends the NEI for its leadership, and supports the mission of the NEI to prevent blindness and to save and restore vision;

(2) supports the designation of the years 2011 through 2020 as the ''Decade of Vision'', to—

(A) maintain a sustained awareness of the unprecedented public health challenges associated with vision impairment and eye disease; and

(B) emphasize the need for Federal support for prevention, early detection, access to treatment and rehabilitation, and research; and

(3) commends the National Alliance for Eye and Vision Research, also known as the ''Friends of the National Eye Institute'', for its efforts to expand awareness of the incidence and economic burden of eye disease through its Decade of Vision 2011–2020 Initiative.

ORDERS FOR WEDNESDAY, JULY 8, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, July 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, with Senators permitted to speak for up to 10 minutes each; further, following morning business, the Senate resume consideration of H.R. 2892, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, tomorrow we will resume consideration of the Homeland Security appropriations bill. Under the previous order, there will be two votes tomorrow morning around 10:40 a.m. in relation to two amendments: Sessions No. 1371 and DeMint No. 1399. As we continue working on the Homeland Security appropriations bill, additional votes are possible throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, July 8, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

SUSAN L. KURLAND, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE ANDREW B. STEINBERG.

DEPARTMENT OF STATE

MATTHEW WINTHROP BARZUN, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

WILLIAM CARLTON EACHO, III, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

FAY HARTOG-LEVIN, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

PATRICIA NEWTON MOLLER, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

MICHAEL H. POSNER, OF NEW YORK, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE DAVID J. KRAMER, RESIGNED.

STEPHEN J. RAPP, OF IOWA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES, VICE JOHN CLINT WILLIAMSON, RESIGNED.

DEPARTMENT OF EDUCATION

ALEXA E. POSNY, OF KANSAS, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE TRACY RALPH JUSTESEN.

DEPARTMENT OF HOMELAND SECURITY

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3037, 3064, AND 624:

To be major general

BRIG. GEN. CLYDE J. TATE II

HOUSE OF REPRESENTATIVES—*Tuesday, July 7, 2009*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 7, 2009.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

O God, our Source of life, liberty, and everlasting happiness, our weekend celebration of this Nation's Independence Day was filled with parades; religious services; family events; and a wonderful Capitol concert of music, song, and fireworks on the West Lawn of this Capitol building.

Citizens of this land of promise were inspired to rededicate themselves to Your service and to work for the justice and freedom of all Your people.

Called to be representative of the people, Congress must stand together to solidify the Nation's security and meet fiscal responsibilities of our day.

Give all Your grace, prudence, and perseverance to address the needs of our times.

We make our prayer with gracious humility and deepened faith in the power of Your Holy Name, and Your Kingdom come both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

ADMINISTRATION MISREAD HISTORY

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

Mr. WILSON of South Carolina. Mr. Speaker, Vice President JOE BIDEN recently admitted that the Obama administration misread the economy when drafting their nearly trillion dollar spending bill. Meanwhile, the American people have long known, and House Republicans have long argued, that this administration actually misread history when putting together their massive borrowing bonanza.

Had Democrats followed the example of former Presidents Kennedy and Reagan, they would have implemented the type of broad tax relief for American families and small businesses that has a proven record of stimulating the economy and creating jobs. Today's continued decline in jobs is a symptom of the slow, bureaucratic-driven spending this administration put in place.

Our economy will recover, but small businesses will be far better vehicles of job creation than big government expansion. By saddling future generations with such massive debt while threatening Social Security and encouraging the potential for hyperinflation and higher interest rates, this administration has misread history, misplaced its priorities, and misspent American tax dollars.

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

TO DIE OR NOT TO DIE—THAT IS THE GOVERNMENT QUESTION

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

Mr. POE of Texas. Mr. Speaker, British Government medical ethics advisor Baroness Warnock proclaimed that people who suffer from dementia have a patriotic duty to die. She said: ''The care dementia requires is very expensive and drains the government resources for health care.'' This government decision maker said that people will soon be licensed to put other people down if they are unable to look after themselves. If that wasn't bad enough, she went on to say: ''If you're demented, you're wasting government resources.''

Human beings are a drain on the government; so they need to be put to death? Mr. Speaker, that sounds like a rather sick and demented idea to me.

Government-run medicine like in England puts the government's welfare above the welfare of the people. Government always values itself more than anyone or anything. It's the nature of the beast.

Recently, the President said at a town hall meeting we could save money on health care in America by putting a stop to expensive procedures for people who have been diagnosed with terminal diseases. He said: ''Maybe you're better off not having the surgery, just taking the painkiller.''

Now, is our government going to adopt the English system and determine who lives and who dies? It doesn't sound like a healthy health care plan to me.

And that's just the way it is.

PASS THE COOPER-WOLF SAFE COMMISSION BILL TO SAVE AMERICA'S FUTURE ECONOMY

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

Mr. WOLF. Mr. Speaker, our economic house is crumbling. We are being bought piece by piece by China and Saudi Arabia. We owe these and other countries billions. And in a few years, because of this crushing debt and our huge mandated entitlement programs, we will have no money for research to find cures for cancer, Alzheimer's disease, autism, or other diseases. No money for science advances or for education. This Congress cannot abandon the American people and leave our children and grandchildren to shoulder these awful burdens.

There is a way to solve this dilemma. We can pass the bipartisan Cooper-Wolf SAFE Commission bill to save America's future economy.

This Congress, this Congress that we serve in now, is failing, is failing the American people.

ENERGY INDEPENDENCE AND FOSSIL FUELS

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

Mr. YOUNG of Alaska. Mr. Speaker, the week before last we passed the crap-and-trade bill, which is a terrible bill. It's a tax.

Then we celebrated Independence Day. And the week before Independence Day, we became more dependent on foreign countries for our fossil fuels.

We have fossil fuels in the United States, and we need them. Next year we're going to spend $552 billion buying oil from overseas.

I think it's time that this Congress accepts the fact that we have to have fossil fuels for the bridge to the future in order to have the ability to provide power for this country. Let's do the right thing for this Nation.

HEALTH CARE

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

Ms. FOXX. Mr. Speaker, Democrats in Washington are pushing hard for a government takeover of health care. The result will be devastating for patients across the country.

In countries that already have government-run health care, like Britain and Canada, bureaucrats are put in charge of intimate health care decisions and critical care is denied.

Look at the story of one woman from Great Britain, Sarah Anderson. Her father suffers from a kidney tumor that could be treated by a drug approved throughout most of Europe. But, sadly, Britain's National Health Service is denying Sarah's father this lifesaving treatment.

This case is not unique as patients across Great Britain are denied the care they need by the government's health care service. In much of Canada, patients are even banned from paying for private health care.

The Democrats' health care reform would be a bad prescription for the American people.

Republicans have a better health care reform that provides high-quality health care coverage to every American and that doesn't put bureaucrats between patients and the care they need.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 7, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 7, 2009, at 10:37 a.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees, H.R. 2918.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

UTAH RECREATIONAL LAND EXCHANGE ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1275) to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1275

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Utah Recreational Land Exchange Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the land located in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) ''BLM Subsurface only Proposed for Transfer to State Trust Lands'';

(B) ''BLM Surface only Proposed for Transfer to State Trust Lands''; and

(C) ''BLM Lands Proposed for Transfer to State Trust Lands''.

(2) GRAND COUNTY MAP.—The term ''Grand County Map'' means the map prepared by the Bureau of Land Management entitled ''Utah Recreational Land Exchange Act Grand County'', dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Grand and San Juan Counties, Utah.

(3) MAPS.—The term ''maps'' means the Grand County Map and the Uintah County Map.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) ''State Trust Land Proposed for Transfer to BLM''; and

(B) ''State Trust Minerals Proposed for Transfer to BLM''.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Utah, as trustee under the Utah State School and Institutional Trust Lands Management Act (Utah Code Ann. 53C–1–101 et seq.).

(7) UINTAH COUNTY MAP.—The term ''Uintah County Map'' means the map prepared by the Bureau of Land Management entitled ''Utah Recreational Land Exchange Act Uintah County'', dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Uintah County, Utah.

SEC. 3. EXCHANGE OF LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest of the State in and to the non-Federal land, convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—The exchange authorized under subsection (a) shall be subject to—

(1) valid existing rights;

(2) except as otherwise provided by this section—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) any other applicable laws;

(3) all costs of land exchanges under this Act, including but not limited to appraisals, surveys, and related costs, shall be paid equally by the Secretary and the State; and

(4) any additional terms and conditions that the Secretary and the State mutually determine to be appropriate.

(c) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a format acceptable to the Secretary and the State.

(d) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land shall be determined by appraisals conducted by 1 or more independent appraisers selected jointly by the Secretary and the State.

(2) APPLICABLE LAW.—The appraisals conducted under paragraph (1) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) APPROVAL.—The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(4) ADJUSTMENT.—

(A) IN GENERAL.—If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) LIMITATION.—An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) AVAILABILITY OF APPRAISALS.—

(A) IN GENERAL.—All final appraisals, appraisal reviews, and determinations of value for land to be exchanged under this section shall be available for public review at the Utah State Office of the Bureau of Land Management at least 30 days before the conveyance of the applicable parcels.

(B) PUBLICATION.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals are available for public inspection.

(e) CONVEYANCE OF PARCELS IN PHASES.—

(1) IN GENERAL.—Notwithstanding that appraisals for all of the parcels of Federal land and non-Federal land may not have been approved under subsection (d)(3), parcels of the Federal land and non-Federal land may be exchanged under subsection (a) in 3 phases beginning on the date on which the appraised values of the parcels included in the applicable phase are approved under this subsection.

(2) PHASES.—The 3 phases referred to in paragraph (1) are—

(A) phase 1, consisting of the non-Federal land identified as ''phase one'' land on the Grand County Map;

(B) phase 2, consisting of the non-Federal land identified as ''phase two'' land on the Grand County Map and the Uintah County Map; and

(C) phase 3, consisting of any remaining non-Federal land that is not identified as ''phase

one'' land or ''phase two'' land on the Grand County Map or the Uintah County Map.

(3) NO AGREEMENT ON EXCHANGE.—If agreement has not been reached with respect to the exchange of an individual parcel of Federal land or non-Federal land, the Secretary and the State may agree to set aside the individual parcel to allow the exchange of the other parcels of Federal land and non-Federal land to proceed.

(4) TIMING.—It is the intent of Congress that at least the first phase of the exchange of land authorized by subsection (a) be completed not later than 360 days after the date on which the State makes the Secretary an offer to convey the non-Federal land under that subsection.

(f) RESERVATION OF INTEREST IN OIL SHALE.—

(1) IN GENERAL.—With respect to Federal land that contains oil shale resources, the Secretary shall reserve an interest in the portion of the mineral estate that contains the oil shale resources.

(2) EXTENT OF INTEREST.—The interest reserved by the United States under paragraph (1) shall consist of—

(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop oil shale resources;

(B) the amount that would have been received by the Federal Government under the applicable royalty rate if the oil shale resources had been retained in Federal ownership; and

(C) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the oil shale resources.

(3) PAYMENT.—Any amounts due under paragraph (2) shall be paid by the State to the United States not less than quarterly.

(4) NO OBLIGATION TO LEASE.—The State shall not be obligated to lease or otherwise develop oil shale resources in which the United States retains an interest under this subsection.

(5) VALUATION.—Federal land in which the Secretary reserves an interest under this subsection shall be appraised—

(A) without regard to the presence of oil shale; and

(B) in accordance with subsection (d).

(g) WITHDRAWAL OF FEDERAL LAND PRIOR TO EXCHANGE.—Subject to valid existing rights, during the period beginning on the date of enactment of this Act and ending on the earlier of the date that the Federal land is removed from the exchange or the date on which the Federal land is conveyed under this Act, the Federal land is withdrawn from—

(1) disposition (other than disposition under section 4) under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of—

(A) the mineral leasing laws;

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(C) the first section of the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601).

(h) APPURTENANT WATER RIGHTS.—Any conveyance of a parcel of Federal land or non-Federal land under this Act shall include the conveyance of water rights appurtenant to the parcel conveyed.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or more of the following:

(i) By reducing the acreage of the Federal land to be conveyed.

(ii) By adding additional State land to the non-Federal land to be conveyed.

(iii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or both of the following:.

(i) By reducing the acreage of the non-Federal land to be conveyed.

(ii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(3) NOTICE AND PUBLIC INSPECTION.—

(A) IN GENERAL.—If the Secretary and the State determine to add or remove land from the exchange, the Secretary or the State shall—

(i) publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that identifies when and where a revised exchange map will be available for public inspection; and

(ii) transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a copy of the revised exchange map.

(B) LIMITATION.—The Secretary and the State shall not add or remove land from the exchange until at least 30 days after the date on which the notice is published under subparagraph (A)(i) and the map is transmitted under subparagraph (A)(ii).

SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) ADMINISTRATION OF NON-FEDERAL LAND.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), the non-Federal land acquired by the United States under this Act shall become part of, and be managed as part of, the Federal administrative unit or area in which the land is located.

(2) WITHDRAWAL PARCELS.—Any non-Federal land acquired by the United States under this Act identified on the maps as ''Withdrawal Parcels'' is withdrawn from the operation of the mineral leasing and mineral material disposal laws.

(3) RECEIPTS.—

(A) IN GENERAL.—Any mineral receipts derived from the non-Federal land acquired under this Act shall be paid into the general fund of the Treasury.

(B) APPLICABLE LAW.—Mineral receipts from the non-Federal land acquired under this Act shall not be subject to section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(b) GRAZING PERMITS.—

(1) IN GENERAL.—If land conveyed under this Act is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this Act prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for nongrazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If land conveyed by the State under this Act is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remaining term of the lease or permit and the term of any renewal or extension of the lease or permit.

(c) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—The Secretary and, as a condition of the exchange, the State shall make available for review and inspection any record relating to hazardous materials on the land to be exchanged under this Act.

(2) COSTS.—The costs of remedial actions relating to hazardous materials on land acquired under this Act shall be paid by those entities responsible for the costs under applicable law.

(d) EASEMENT.—The conveyance of Federal land in sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24 E., of the Salt Lake Meridian, shall be subject to a 1,000 foot wide scenic easement and a 200 foot wide road right-of-way previously granted to the National Park Service for the Dinosaur National Monument, as described in Land Withdrawal No. U–0141143, pursuant to the Act of September 8, 1960 (74 Stat. 857,861).

SEC. 5. TERMINATION OF AUTHORITY.

The provisions of this Act shall terminate 5 years after the date of enactment.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

Before I go any further, I would like to thank the distinguished gentleman from Alaska, the former chairman of the Natural Resources Committee, for joining me in managing the bills from our committee here today.

Mr. Speaker, H.R. 1275, introduced by our colleague Representative JIM MATHESON, would direct the Secretary of the Interior to enter into a land exchange with the State of Utah for certain lands in Grand, San Juan, and Uintah Counties in Utah.

The legislation authorizes the exchange of approximately 40,000 acres of Federal land and minerals for approximately 42,000 acres of State land and minerals. This exchange would place valuable conservation and recreation lands into public ownership while also benefiting public school funding in Utah.

Many of the lands that the State of Utah is proposing to transfer to the Bureau of Land Management, the BLM, are lands within wilderness study areas, Areas of Critical Environmental Concern, or other sensitive areas. Many of the lands the State would acquire from the BLM have a high potential for development, and the State puts the receipts generated from the use of these lands into a trust fund for public schools in Utah.

So I commend Representative MATHESON for his hard work on, and commitment to advancing, H.R. 1275. Many land exchanges in Utah have been controversial in the past, but by actively working with all the stakeholders affected by this exchange, this bill now enjoys broad support.

So I support H.R. 1275 and I urge its adoption by House today.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1275 authorizes a land exchange that enhances the State of Utah's ability to fund public education. In return for 36,000 acres, the Federal Government will receive 46,000 acres of land that is of a higher conservation value and is believed to be environmentally sensitive.

This legislation passed the House in the 109th and 110th Congresses and is supported by local and State governments, as well as representatives of the outdoor recreational and environmental communities. I believe this is a good bill.

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

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1275, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1415

NATIVE AMERICAN IRON WORKER TRAINING PROGRAM

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1129

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

SECTION 1. IRON WORKING TRAINING PROGRAM FOR NATIVE AMERICANS.

(a) IN GENERAL.—To the extent funds are made available for this purpose, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall annually provide a grant to an eligible entity to provide an iron working training program for members of federally recognized Indian tribes. An eligible entity that receives a grant under this section shall provide a program that meets the requirements of subsection (b) and may require such other criteria of the program and participants of the program as the eligible entity considers appropriate to further the goals of the program.

(b) REQUIREMENTS.—A program funded by a grant under this section shall—

(1) provide specialized training in iron working skills to adult members of federally recognized Indian tribes;

(2) provide classroom and on-the-job training; and

(3) facilitate job placement for participants upon successful completion of the requirements of the program.

(c) ELIGIBLE ENTITY.—To be eligible for a grant under this section, an entity shall—

(1) have proven experience in providing successful iron working training programs to Native American populations; and

(2) have the facilities necessary to carry out such a program with a grant provided under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1129 would authorize appropriations for an Interior Department program that makes grants available to fund a Native American ironworker training program. The appropriations for this program have been made for many years, and this program provides both classroom and on-the-job ironwork training for members of federally recognized Indian tribes.

This program would also facilitate job placements for those tribal members who successfully complete the requirements of the program.

With unemployment rates rising to a staggering rate of over 80 percent on some Indian reservations, this program is desperately needed. The ironworker training program provides Native American participants with the knowledge and the ability to join a skilled labor force as a career.

I want to commend our colleague Mr. LYNCH of Massachusetts for his hard work and dedication to this legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1129, which will create an ironworking program for Native Americans. The manager for the majority has effectively explained the bill, but I would like to make a few additional comments.

This country is suffering from record unemployment, but few areas are feeling the effects of job loss worse than Indian country. I hope that when Native Americans complete the training available through this program that we're authorizing today in this bill, jobs will be available for them.

Unfortunately, if the Environmental Protection Agency has any say, there will be a lot fewer jobs. One of the first major actions taken by the EPA under the Obama administration was to seek to revoke a key permit issued in 2008 to the Navajo Nation for the construction of a 1,500-megawatt power plant employing the most advanced clean coal technology available today. This is the Desert Rock project.

Navajo Nation President Joe Shirley said that Desert Rock would create ''500 permanent jobs at union wages on a reservation with an unemployment rate hovering around 50 percent.''

This is an example that every community in America should follow, but it's an example lost on the Democrat leadership of this House. I hope my friends on the other side of the aisle consider that job training makes sense only when those jobs are available.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the sponsor of this bill, the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentlelady from Guam for yielding me this time. I also would like to thank our chairman, NICK RAHALL, and Ranking Member

DOC HASTINGS of the Natural Resources Committee for their cooperation in allowing this bill to move forward.

Mr. Speaker, I rise in support of H.R. 1129, legislation to authorize the Secretary of the Interior to provide annual grants for the development of regional ironworker training programs for Native Americans. Notably, an identical version of this legislation passed the House of Representatives under suspension of the rules by the 110th Congress by a vote of 302–72.

Currently, only one ironworker training program that is specifically geared towards Native Americans exists in the United States, and that is the highly successful National Ironworkers Training Program for American Indians based in Broadview, Illinois. The Broadview program has stemmed from a strong and enduring partnership between the Federal Government's Bureau of Indian Affairs and the Ironworkers International Union, one that has lasted over 35 years.

Working in conjunction with the International Association of Bridge, Structural and Ornamental Iron Workers, the Broadview center provides highly specialized training in ironworking skills and related fabricating and welding shop classes and on-the-job education to Native American Indians from across the United States.

Upon completion of the program, each student possesses essential knowledge in union structure and history, OSHA safety regulations and a variety of ironworking skills, including blueprint reading and related math, arc welding and the erection of structural steel. Broadview graduates are subsequently placed as apprentices at local ironworker unions nationwide and, as a result, are afforded the opportunity to pursue productive and high-quality construction careers.

H.R. 1129 will build upon the success of the Broadview, Illinois, program by facilitating the establishment of regional ironworker training centers for Native Americans across the United States through the authorization of annual Interior Department grants. Mr. Speaker, the impetus behind the legislation is to provide occupational training to Native Americans residing in economically depressed communities, to accord them the opportunity to secure good jobs in the ironworking trade and ensure a solid future for themselves and their families.

H.R. 1129 also stems from and expands upon the ironworkers longstanding relationship with the Native American community. As a structural ironworker for 20 years, I have been a member of Iron Workers Local 7 for 30 years, and I am actually past president of that union. I am well aware of a longstanding contribution made by Native Americans to the ironworking industry.

As noted by the Ironworkers International Union and its president, Joe Hunt, Native Americans have been a part of ironworker history since 1886, when the St. Lawrence River was bridged on tribal land in Quebec and ironworkers' foremen first hired Native Americans as ironworkers.

In my own role here, as an ironworker apprentice, I worked under a number of Native American foremen and general foremen. It was a number of Native American journeymen ironworkers who taught me how to weld and gave me a chance at that trade. As an ironworker foreman and a general foreman myself, I had an opportunity to have a lot of young Native American Indians working in my crews, not only in the Boston area, but out in Indiana and Illinois, as well as New Mexico and Arizona.

And I have had a long relationship with members from the Navajo Tribe. I actually lived for a while on the Navajo Reservation, and I count those men and women as some of my closest friends, and I am greatly indebted to them. I also worked with members of the Apache Tribe and Mohawk Tribe in the New England area. This will really, I think, give a wonderful opportunity to Native Americans who have sort of adopted the ironworking industry as a family business. And it was not uncommon for me to be, as a Caucasian, a minority on a lot of the construction sites that I worked on in New Mexico and in other parts of the country where American Indians really provided the majority of the working members on those jobs.

Again, I would like to thank Chairman RAHALL and Ranking Member HASTINGS for their wonderful support on this legislation, also, Member DALE KILDEE, who has also put his shoulder to the wheel on this bill.

I urge my colleagues to join me in supporting H.R. 1129.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1129.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TULE RIVER TRIBE WATER DEVELOPMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1945) to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tule River Tribe Water Development Act''.

SEC. 2. WATER SUPPLY FOR TRIBE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(2) TRIBE.—The term ''Tribe'' means the Tule River Indian Tribe of the Tule River Reservation in the State of California.

(b) STUDY AND REPORT ON ALTERNATIVES.—

(1) STUDY.—Not later than 2 years after the date on which funds are made available under paragraph (3), the Secretary shall complete a feasibility study to evaluate alternatives (including alternatives for phase I reservoir storage of a quantity of water of not more than 5,000 acre-feet) for the provision of a domestic, commercial, municipal, industrial, and irrigation water supply for the Tribe.

(2) REPORT.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report describing the results of the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 to carry out this subsection.

(c) CONDITIONS FOR FUTURE PROJECTS.—

(1) IN GENERAL.—No project constructed relating to the feasibility study under subsection (b) shall provide any water supply for—

(A) the casino of the Tule River Tribe, as in existence on the date of enactment of this Act;

(B) any expansion of that casino;

(C) any other tribal casino; or

(D) any current or future lodging, dining, entertainment, meeting space, parking, or other similar facility in support of a gaming activity.

(2) AVAILABILITY OF WATER SUPPLIES.—A water supply provided by a project constructed relating to the feasibility study under subsection (b) shall be available to serve—

(A) the domestic, municipal, and governmental (including firefighting) needs of the Tribe and members of the Tribe; and

(B) other commercial, agricultural, and industrial needs not related to a gaming activity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Tule River Water Development Act, sponsored by our colleague from California, Representative DEVIN NUNES, would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study that would evaluate alternatives for a water supply for the Tule River Tribe of the Tule River Tribal Reservation.

The tribe views this study as a very important first step in settling their water right claims. Similar legislation passed the House in the last Congress, and I urge my colleagues to support the passage of H.R. 1945 today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself as much time as I may consume.

This important legislation, introduced by our California colleagues, DEVIN NUNES and JIM COSTA, is the first step towards improving the water supply situation on the Tule River Indian Reservation. This bill authorizes the Bureau of Reclamation to conduct a feasibility study to capture more surface water on the reservation.

Many areas throughout the West, including California, need new water storage to help meet water supply needs for humans, fish and wildlife. This legislation will help the tribe move one step closer to utilizing its water rights. This legislation enjoys universal support from the tribe and nearby communities and is an excellent example of where neighbors have come together for the common good.

I urge my colleagues to support this very bipartisan piece of legislation.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill. I have no further speakers.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1945.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) supporting National Men's Health Week.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 142

Whereas despite the advances in medical technology and research, men continue to live an average of almost 6 fewer years than women and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between the ages of 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men between the ages of 15 and 34, and when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men was almost 54,000 in 2008, and almost half of such men died from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer reached over 186,000 in 2008, and almost 29,000 of such men died from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1430

Mr. LYNCH. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Concurrent Resolution 142 for consideration. This resolution expresses our support for the goals and ideals of the annual National Men's Health Week,

the observance of which is designed to heighten awareness of preventable health problems and encourage early detection and treatment of disease among men.

Introduced by my colleague, Mr. CUMMINGS of Maryland, on June 3, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009, H. Con. Resolution 142 enjoys strong bipartisan support.

Mr. Speaker, according to the Centers for Disease Control and Prevention, nine of 10 of the leading causes of death in America among men, including heart disease and cancer, affect men at a significantly higher percentage than women. In addition, the CDC has reported that women are 100 percent more likely than men to seek annual medical examinations and preventative health care.

Moreover, health statistics also indicate that, despite advances in medical care, men continue to live an average of approximately 6 fewer years than women—with African American men having the lowest life expectancy.

Nonetheless, many male-related health problems, including prostate cancer, testicular cancer, and colon cancer, are treatable upon early detection. Specifically, the use of prostate cancer-specific antigen exams, blood pressure screenings, and other exams, when coupled with clinical examination and self-testing for testicular cancer, can lead to early detection and increase survival rates to nearly 100 percent.

Accordingly, we must do more to encourage healthy behavior and disease prevention within America's male population. A more concentrated focus on male-related health conditions such as prostate, colon, and testicular cancer, along with a genuine commitment to addressing heart health, will go a long way toward ensuring that men have access to critical health information and treatment.

In addition, it's important to remember that prevention and treatment of men's health conditions are critical not only to men, but also to the health and well-being of the American family; and having just recently celebrated Father's Day, I believe that it is important for this legislative body to recognize men's health from a family perspective.

Furthermore, while an effort to encourage prevention and wellness among the male population can help meet our primary goal of improving health outcomes, in aggregate, utilization of these preventive services can lower health costs that currently are spiraling out of control.

Mr. Speaker, since 1994, National Men's Health Week has served as a catalyst for increased attention towards men's health issues. I strongly urge my colleagues to join me in supporting House Concurrent Resolution 142, recognizing the tremendous importance of these efforts.

I reserve the balance of my time.

Mr. HARPER. I yield myself such time as I may consume.

I rise today in support of H. Con. Res. 142, supporting National Men's Health Week. Since first being signed into law on May 31, 1994, National Men's Health Week has been celebrated all over the Nation during the week leading up to Father's Day as a way to raise men's health awareness and to promote a healthy way of living among men.

Men suffer from many health problems at a higher rate than women. They are almost twice more likely than women to die of heart disease; and between the ages of 45 and 54, men are three times more likely than women to die of heart attacks.

Additionally, diseases such as testicular cancer and prostate cancer affect thousands of men every year. Studies have shown, however, that with proper lifestyle choices and medical assistance, men can fight and survive these diseases.

Many health discrepancies between men and women can be attributed to lifestyle differences such as drinking, smoking, and other high-risk behavior, with men more likely than women to partake in these practices. But these differences only contribute a portion of the shorter life span and poorer health of men. In reality, men are less likely than women to visit a doctor, missing opportunities to pinpoint and change unhealthy habits and to diagnosis and treat diseases.

Significant numbers of male-related health problems such as prostate, colon, and testicular cancer could be detected and treated with men's greater awareness of their susceptibility to these health problems. When detected early, men who are diagnosed with these cancers have a high survival rate.

Awareness, combined with the appropriate use of tests such as exams and cholesterol screenings, can detect many health problems early and increase the survival rate of these diseases to nearly 100 percent.

National Men's Health Week not only benefits men, but also the important people in their lives. National Men's Health Week encourages men and their families to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups. Moreover, better long-term health among men can contribute to fewer medical expenses for their families, for taxpayers, and for employers.

I encourage my fellow Members to join me in supporting House Concurrent Resolution 142.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I don't believe we have any further speakers on this issue, so I will continue to reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I urge all Members to support the passage of House Concurrent Resolution 142.

I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman from Mississippi for his kind words and his support.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 142, supporting National Men's Health Week. I would like to thank my colleague Representative ELIJAH CUMMINGS from Maryland for introducing this important piece of legislation, as well as its many co-sponsors.

I stand in support of this legislation because it highlights the importance of increasing attention to personal health. Men in the United States are disproportionately affected by health issues. These issues are particularly acute within minority populations. In the state of Georgia, these disparities are especially evident. African-American men have a life expectancy of 64 years while Caucasian men have a life expectancy of 73, both of which are dwarfed by the nearly 79 years of life expected from Caucasian women. Georgia has a tragic death rate of 79.2 for African-American men with prostate cancer compared to 28.8 among Caucasian men.

These issues impact not only men's personal wellbeing but radiate throughout our families, our businesses, and our society. Indeed, health has an impact on America's economic well-being. Recent statistics indicate that more than half of the elderly widows now living in poverty were not poor before the death of their husbands.

Many of the issues affecting men's health are treatable and manageable if caught early, but women are 100 percent more likely than men to visit a doctor for annual exams and preventive services. There is a Spanish proverb that says, ''A man too busy to take care of his health is like a mechanic too busy to take care of his tools.'' Men throughout the United States owe it to their loved ones to take better care of their health. Increasing men's health will improve families' fullness and will help ensure healthy living at all levels: social, economic, and political. To quote President Obama, ''children who grow up without a father are five-times more likely to live in poverty and commit crime; nine times more likely to drop out of schools and twenty times more likely to end up in prison . . . We need fathers to realize that responsibility does not end at conception. We need them to realize that what makes you a man is not the ability to have a child—it's the courage to raise one.'' Part of that responsibility is caring for your health. Eat healthier, perform self-exams, visit your doctor, and get screened. We owe it to ourselves and our families. I ask my colleagues to join me in supporting this call for increased awareness and self-responsibility for men's health.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 142.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) Recognizing the significance of National Caribbean-American Heritage Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 127

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, ethnic, cultural, and religious backgrounds;

Whereas the independence movements throughout the Caribbean during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas many influential Caribbean-Americans have contributed to the rich history of the United States, including Jean Baptiste Pointe du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Celia Cruz, the world-renowned queen of Salsa music; and Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Al Roker, a meteorologist and television personality; and Roberto Clemente, the first Latino inducted into the baseball hall of fame;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to the fine arts, education, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other fields in the United States;

Whereas Caribbean-Americans share their culture through festivals, carnivals, music, dance, film, and literature, which enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States' third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas in June 2008, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. On behalf of the Committee on Oversight and Government Reform, I present House Concurrent Resolution 127 for consideration. This resolution expresses our support for the goals and ideals of National Caribbean-American Heritage Month.

Introduced by my colleague, Representative BARBARA LEE of California, on May 14, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009, House Concurrent Resolution 127 enjoys the support of over 50 Members of Congress.

Since June of 2005, Congress has taken time each year to recognize Americans of Caribbean descent for their significant contributions to American culture and history during National Caribbean Heritage Month.

Beginning as early as the year 1619, generations of Caribbean immigrants have come to America and significantly contributed their rich traditions and culture, ethnic, and religious diversity to our social fabric.

Regrettably, we must acknowledge that many Caribbean-Americans arrived against their own volition—as slaves and indentured servants, whose struggles for freedom continue to reverberate. Many others came to this country in search of a better life for themselves and their children; and today, over 5 million Americans proudly share Caribbean heritage.

Caribbean-Americans have offered lasting contributions to every sector of our society, from public service, science, and athletics to business, education, and entertainment.

Prominent Caribbean-Americans include such historical and cultural figures as Alexander Hamilton—who was born in the Caribbean region—former Secretary of State Colin Powell; Eric Holder, our current Attorney General; and Shirley Chisholm, the first African American Congresswoman and first African American candidate for President.

Other influential Caribbean-Americans include Harlem renaissance poet, Claude McKay; actor and civil rights activist Harry Belafonte; and Sidney Poitier, the first African American actor to receive an Academy Award for best performance in a leading role.

Mr. Speaker, these and countless other Caribbean-Americans have made invaluable contributions to our Nation, and it is fitting that we on honor them today. I urge my colleagues to join me in supporting House Concurrent Resolution 127.

I reserve the balance of my time.

Mr. HARPER. I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 127 recognizing the significance of National Caribbean-American Heritage Month. Every year since 2006, our Nation has recognized the contribution Caribbean-Americans have made to the United States during the month of June.

The Caribbean people have had a place in the history of the United States from its very beginning. The first Caribbean people who immigrated to the United States did so in 1619 as indentured workers who were brought to Jamestown, Virginia. During the centuries that followed, many people were brought to the United States from the Caribbean as slaves and, since 1820,

millions more have emigrated, bringing with them their talents and high values, which have enriched our Nation and assisted in its formation.

Many notable people in the history of the United States have strong Caribbean ties. Those already mentioned are certainly very important to the history of our country. Alexander Hamilton, not only the first Secretary of the Treasury, but also one of the authors of the Federalist Papers, was born in the Caribbean. Former Secretary of State Colin Powell, Sidney Poitier, and musician Harry Belafonte are all Caribbean-Americans, as you have heard.

Other Caribbean-Americans have contributed to every aspect of our Nation, from the sciences to the Armed Forces. For all of these contributions, we are grateful.

The United States and the nations of the Caribbean have had many traits that are indicative of our similarities with one another. The histories of the United States and the countries of the Caribbean have faced similar trials of slavery, colonialism, and the struggle for independence.

The people who comprise our separate nations are similar in that we are all different, coming from very diverse racial, ethnic, cultural, and religious backgrounds. In addition to celebrating the contribution Caribbean-Americans have made to the United States, we honor these historical similarities between our nations.

I ask my fellow Members of Congress to join me in recognizing the contributions of Caribbean-Americans to the history of the United States and the way in which their presence enriches and strengthens our country.

I support House Concurrent Resolution 127.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield such time as she may consume to the lead sponsor of this measure, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman from Massachusetts for yielding and for your leadership and for supporting and managing this resolution today.

Mr. Speaker, I rise in support of H. Con. Res. 127, a resolution which I have authored for several years recognizing the significance of National Caribbean-American Heritage Month. This resolution acknowledges the important contributions of Caribbean-Americans for the many contributions they have made to our Nation's history and culture.

Let me begin by thanking Chairman TOWNS, Ranking Member ISSA, and the staff of the Oversight and Government Reform Committee on both sides for making this a bipartisan effort and for helping to bring this resolution to the floor today.

I would also like to recognize many of my colleagues on this side: Congresswoman DONNA CHRISTENSEN, Congresswoman YVETTE CLARKE, Congresswoman SHEILA JACKSON-LEE, Congresswoman WATERS, Congressman PAYNE, Chairman CHARLIE RANGEL, Chairman JOHN CONYERS, Congressman BURTON, and many, many Members of Congress for their tremendous leadership on issues relating to the Caribbean.

Congresswoman CHRISTENSEN, whom you will hear from in just a minute, from the Virgin Islands, has lead health care reform efforts to ensure that any health care reform bill must address strategies that deal with the disparities in communities of color. And for this, Congresswoman CHRISTENSEN, Dr. CHRISTENSEN, we are deeply grateful.

I'd like to also acknowledge Dr. Claire Nelson and the Institute of Caribbean Studies, and all of the other Caribbean-American organizations in Washington, D.C., and across the country, that have worked so hard to make Caribbean-American Heritage Month 2009 a great success.

As a longtime supporter of the Caribbean and a frequent visitor to the region, I am very proud to see us celebrate this important commemorative month for the fourth straight year.

Since Congress first passed H. Con. Res. 71 in February of 2006, the President has issued a proclamation recognizing Caribbean-American Heritage Month every year during the month of June. This year, President Obama issued a proclamation on June 2. Mr. Speaker, I will insert that proclamation into the RECORD.

NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH, 2009

By the President of the United States of America

A Proclamation: Caribbean Americans have made lasting contributions to our Nation's culture and history, and the month of June has been set aside to honor their cultural, linguistic, ethnic, and social diversity.

Generations of immigrants have preserved the traditions of their homelands, and these traditions have defined our Nation's identity. Caribbean Americans bring a unique and vibrant culture. This multilingual and multiethnic tradition has strengthened our social fabric and enriched the diversity of our Nation.

Millions of individuals in the United States have Caribbean roots. Unfortunately some Caribbean Americans were forced to our country as slaves; others arrived of their own volition. All have sought the promise of a brighter tomorrow for themselves and their children.

In their pursuit of success, Caribbean Americans exhibit the traits all Americans prize: determination, a devotion to community, and patriotism. They have made their mark in every facet of our society, from art to athletics and science to service. Caribbean Americans have also safeguarded our Nation in the United States Armed Forces.

This month we also recognize the critical relationship the United States maintains with Caribbean nations. In a world of increasing communication and connectivity, this friendship has become even more important. We are neighbors, partners, and friends; we share the same aspirations for our children; and we strive for the very same freedoms. Together, we can meet the common challenges we face.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as National Caribbean-American Heritage Month. I urge all Americans to commemorate this month by learning more about the history and culture of Caribbean Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA.

People of Caribbean heritage reside in every part of our country. Since 1820, millions of people have immigrated from the Caribbean to the United States. Throughout U.S. history, we have been fortunate to benefit from countless individuals of Caribbean decent who have contributed to American Government, politics, business, arts, education, and culture, including one of my personal mentors, the Honorable Shirley Chisholm from Brooklyn, New York.

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Shirley Chisholm was a woman of Bajan and Guyanese descent who never forgot her roots in the Caribbean. She was the first African American and the first woman to seriously run a Presidential campaign in 1972. She was also the first African American woman elected to the House of Representatives. So personally I have to honor her today because I have to say that my political involvement began as a volunteer during her historic Presidential campaign in 1972, and through her mentorship, she strengthened my interest in issues important to the African diaspora both here in the United States and abroad.

During Caribbean-American Heritage Month, we recognized the important contributions of people like Shirley Chisholm as well as Alexander Hamilton, Hazel Scott, Sidney Poitier, Wyclef Jean, Eric Holder, Colin Powell, Harry Belafonte, Celia Cruz and, yes, Congresswomen DONNA CHRISTENSEN, SHEILA JACKSON-LEE and YVETTE CLARKE and many other persons of Caribbean descent who have helped shape this country. Caribbean-American Heritage Month provides us an opportunity to strengthen our long-term partnerships with nations of the Caribbean community through greater dialogue and engagement, and must not stop with June. From disaster preparedness to trade and energy, education, and the campaign against HIV and AIDS, we share a number of mutual policy interests with our Caribbean neighbors. Last month we were able to address some of these important issues through the Institute of Caribbean Studies' Caribbean-American Legislative Forum, held annually

on the Hill during Caribbean-American Heritage Month. At the forum, people from the academic community and the private sector, regional policymakers and members of the Caribbean diaspora were able to meet to better integrate policy interests between the United States and Caribbean countries.

Recent global events, from the sharp rise in food and energy prices to a series of devastating storms and the global economic downturn, have acutely affected people of the Caribbean, particularly our friends in Haiti. These ongoing regional and global crises highlight the need for continuing engagement and involvement with innovative policy solutions with our neighbors. I'm very pleased to see the Obama administration's recent announcement of increased foreign assistance to Haiti and the President's participation in the Summit of the Americas, held in Trinidad. These are all signs of this administration's fresh and new engagement with the region. Caribbean-American Heritage Month also reminds us of the large and diverse constituencies of Caribbean-Americans in our Nation and provided us with an opportunity to send a message of good will to the Caribbean community both here and abroad. This month also provided us with an opportunity to share in the rich culture of our natives through showcases of Caribbean art, festivals, concerts and films. In my own district in Oakland, California, the Caribbean-American Heritage Association of Northern California celebrated the rich cultural heritage of the people of the Caribbean through a musical concert and family picnic. The association also hosted its Third Annual Caribbean-American Heritage Legacy Awards ceremony, honoring the contributions of Caribbean-Americans to our great country. Just as we should commemorate the achievements of the many diverse communities that make up this great country, the United States Government should continue to celebrate the rich history and diversity of Caribbean-Americans and work each and every day to ensure that the issues of concern to Caribbean-Americans and the nations of the Caribbean are included in our policy debates here in the Congress. I ask all of my colleagues to join me in supporting this measure to honor and salute the Caribbean-American community and to acknowledge their rich and varied contributions to the history, culture and progress of the United States.

Mr. HARPER. Mr. Speaker, I have no other speakers at this moment. I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield 3 minutes to a cosponsor of this measure, the gentlelady from the U.S. Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding, Congressman LYNCH.

As a person of Caribbean-American descent, I proudly rise in support of House Concurrent Resolution 127 and applaud the chairwoman of the Congressional Black Caucus, Congresswoman BARBARA LEE, for leading this effort to recognize our joint and very special heritage. The ties between the United States and its close neighbors to the south are ones that go back to the founding of our early colonies, the fight for independence and the founding of this country. George Washington, our first President, visited family in Barbados. As you've heard many times this afternoon, Alexander Hamilton, his aide-de-camp, a Revolutionary War hero, chief author of the Federalist Papers and first Secretary of the Treasury, was born in Nevis and raised in St. Croix in my own district. The service and contributions of people from the Caribbean to every facet of life in this country are countless and invaluable, and there is much to celebrate. In a special order on June 15, members of the Congressional Black Caucus came to the floor to speak about many of those individuals, and you've heard some this afternoon. But the true test of the homage we pay to the special heritage that we share is what happens going forward, and the step taken with President Obama's attendance and leadership at the Summit of the Americas in Trinidad earlier this year bodes well for that future.

From the inclusion of the Caribbean countries in PEPFAR to the extension of security initiatives, the forgiveness of Haiti's debt, Congresswoman LEE's proposal for the Shirley Chisholm Educational Exchange program for students in the United States and the Caribbean, and many other initiatives, the Congressional Black Caucus has actively fostered the relationship to the benefit of both the region and our country. It is fitting that this body recognizes the special heritage we, the people of the Caribbean and the people of the United States, share and the contributions of each to the other. Again, I thank Chairwoman LEE for introducing this resolution and urge its passage.

Mr. HARPER. Mr. Speaker, I have no other speakers at the moment. I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Georgia, Mr. HANK JOHNSON, also a cosponsor of this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of Caribbean-American Heritage Month. As has been pointed out, there have been tremendous accomplishments made by our friends from the Caribbean, and it's only just that we recognize them today for the achievements that they have procured not just for folks of Caribbean descent but also for all Americans. There have been great contributions, and there will continue to be great contributions.

Mr. Speaker, I believe that in this Congress we have a number of folks from the Caribbean, including my good friend and colleague DONNA CHRISTENSEN, whose quest has been on health care for the time that she has been in office. And she is getting ready to have her dreams realized with a good start that we're going to do on health care. Then, not to leave anyone out, but I do want to recognize my colleague and class member YVETTE CLARKE, who, as a staunch advocate for small businesses, is poised to do great things on behalf of small businesses, and I admire her for what she has done already and what she will do in the future.

Mr. HARPER. Mr. Speaker, I urge all Members to support the passage of House Concurrent Resolution 127, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in conclusion, I'd just ask all of our Members to support Ms. BARBARA LEE, the lead sponsor of this legislation, in support of Caribbean-American Heritage Month, and I ask all of our Members to join her in that effort.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 127, recognizing the significance of National Caribbean-American Heritage Month. I would like to thank my colleague Representative BARBARA LEE from California for introducing this important piece of legislation, as well as its many other co-sponsors.

I stand in support of this legislation because it recognizes the profound role that Caribbean-Americans have played in the development of this great country. Social scientists call the United States of America "the Melting Pot" because of the vast number of cultures, races, ethnicities, skills, talents, and ideas that come together to make this experiment in democracy work. Caribbean-Americans are integral to that process.

Slave laborers brought to the United States from the Caribbean laid the foundation for this country in its earliest days. Today, millions of Carribean-Americans have immigrated to the United States on their own accord, bringing with them their vibrant culture and firm ideals. From beginning the Department of the Treasury and breaking color barriers to changing the sound of Salsa and the Harlem Renaissance, our nation's history is steeply ingrained with the contributions of Caribbean-Americans. Caribbean nations are important neighbors and partners within the global community, playing a vital role in the pursuit of peace and prosperity throughout the world. Caribbean-American poet Claude McKay once said, "Nations, like plants and human beings, grow. And if the development is thwarted they are dwarfed and overshadowed." The United States owes a great deal of its development to the Caribbean, its people, and its culture. I urge my colleagues to join me in supporting this legislation recognizing the significance of National Caribbean-American Heritage Month.

Mr. RANGEL. Mr. Speaker, I rise today to bring attention to Caribbean Heritage Month.

In New York Carib News' June 16, 2009 edition, the article highlights the important contributions made by Caribbean Americans to both the Untied States and their respective home countries. The article refers to President Obama as having recognized the importance of the Caribbean American community and the enormous contributions it has made to the United States over past centuries. The Caribbean community continues the tradition of offering a vibrant culture, as have so many other cultures that have helped to define our American heritage. It is important to note the contributions made by English, French, Spanish and Dutch speaking nations of the Caribbean, as each of these brings its own cultural aspect to the larger American community.

It is imperative that we note not only the contributions Caribbean Americans have made to the United States, but also the contributions they have made to their home countries. Each year, Caribbean Americans remit billions of dollars per year to CARICOM nations, and maintain a multi-billion dollar buying power, some of which is used to advance the growth of their home countries. The Caribbean Heritage Month celebration that will kick off in Brooklyn is defined by music, theatre, panel discussions, a cultural fair, and other activities that actively illustrate the culture of the Caribbean.

In the years to come, it is important that the United States maintain a strong relationship with the Caribbean nations. The value that these nations place on growth and economic development, as well as personal advancement are values reflected in American culture and thus show the commonalities that our country shares with these nations. As we continue to cultivate these relationships, let us not forget the wealth of interchangeable benefit such communication and interaction with one another can yield. Caribbean Heritage Month plays an integral role in shaping America's understanding that such nations play in our progress and growth. May this Caribbean Heritage Month designation continue to draw from the unique culture of Caribbean Americans, and be used as a source of influence for continued Caribbean-American relations.

Ms. CLARKE. Mr. Speaker, I rise today in support of H. Con. Res. 127, Recognizing the Significance of National Caribbean-American Heritage Month. I thank my friend The Gentle lady from California, BARBARA LEE for her hard work on this very important resolution. This resolution ensures that every June, we recognize the many contributions of Caribbean-Americans and highlight the issues facing the Caribbean community.

I have the distinct honor and privilege of representing New York's 11'h Congressional District, located in central Brooklyn. And as a child of Jamaican immigrants, I have experienced first hand the impact Caribbean Americans can have on a community, let alone a nation. That is why I have been a staunch advocate for Caribbean issues my entire public life; fighting to ensure that the agenda of Caribbean Americans are visible on the national stage.

From the various Caribbean Associations dedicated to helping Caribbean Americans with myriad issues, to the West-Indian American Day Carnival on Eastern Parkway, the influence and impact of Caribbean descendents is undeniable.

Caribbean Americans have contributed greatly to our nation as a whole. Some prominent Caribbean Americans include: My predecessor and role model, Former U.S. Representative Shirley Chisholm, the first African American female Member of Congress, who was of Caribbean descent; Former Secretary of State Collin Powell, both the first African American to be Chairman of the Joint Chiefs of Staff and Secretary of State of Jamaican lineage; Jamaica Kincaid, an American novelist; social activists Stokely Carmichael and Malcolm X; and dancer Pearl Primus, to name a few.

In Brooklyn, there have been many who have influenced my advocacy for the Caribbean community. People like my mother Dr. Una Clarke, who was the first Caribbean born woman elected to the New York City's Legislature; Lemuel Stanislaus of Grenada; Dr. Henry Frank of Haiti; and Carlos Rosada of Grenada, chairman of the West-Indian American Day Carnival Association, continue to remind me of the fight for equality, not only for the Caribbean community and their countries of origin, but for all.

While Caribbean Americans have made great strides, there are still lingering issues affecting Caribbean Americans in this country. Caribbean immigrants often have little money or access to practical information when making their transition to the United States, making them the targets of immigration fraud. As a result, earlier this year, I introduced H.R. 1992, the Immigration Fraud Prevention Act of 2009, which makes it a federal crime to willfully misrepresent the immigration process through fraud or false representation.

I also introduced H.R. 2071, which directs the Secretary of Commerce to include Caribbean descent as an option on census questionnaires. This will finally bring recognition to the broad diversity of Caribbean natives that call our country home and ensure an accurate count and proper representation.

Our nation's ''third border'', shared with the Caribbean community, links the security of the U.S. with our island neighbors. In 2007, a joint-report by the United Nations Office of Drug and Crime and the World Bank linked rising crime rates in Caribbean nations to an increase in drug-trafficking. In the 110th Congress, I introduced H. Res. 1504 which calls for increased cooperation between U.S. and Caribbean officials to combat this problem. Last week, I came to this floor to express my support for provisions within H.R. 2410, the Foreign Relations Authorization Act of 2009 that added the Caribbean community (CARICOM), to the Merida Initiative. This initiative is a multi-year program that works in partnership with governments in Mexico, the nations of Central America, the Dominican Republic and Haiti to confront criminal organizations whose illicit actions undermine public safety, erode the rule of law, and threaten the national security of the United States.

I also expressed my appreciation for the Shirley A. Chisholm Educational Exchange Program authorized in the bill. These provisions promote security and education within the Caribbean community, fostering social and economic development abroad and keeping us safe at home.

Again it is my honor as a child of the Caribbean and my duty as the Representative of the 11th Congressional District of New York, to urge my colleagues to stand with me in supporting this Resolution. I thank Congresswoman LEE for leading the charge on this and for yielding time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my support of H. Con. Res. 127, which recognizes the significance of National Caribbean-American Heritage Month.

As a child of Jamaican parents, I understand the importance of recognizing the influence Caribbean cultures continues to have on all facets of these United States. Growing up, my parents, who hail from Jamaica, instilled in me a strong appreciation for their Caribbean values. As a result of my upbringing, I have adopted a strong work ethic arid tremendous pride in my heritage. As a parent, I have passed on these same values to my own children, so they will develop a sense of pride in their Caribbean heritage and acknowledge the many roles Caribbean people play in shaping this nation. I whole-heartedly support this resolution that commemorates Caribbean heritage, history, culture and contributions to the United States.

In her 1970 autobiography, Shirley Chislom, the first black woman elected to Congress, credited her success to the education she received while attending school in Barbados. She wrote, ''Years later I would know what an important gift my parents had given me by seeing to it that I had my early education in the strict, traditional, British-style schools of Barbados. If I speak and write easily now, that early education is the main reason.''

This is a nation built by immigrants. From as early as the 17th century there have been individuals from the Caribbean Islands, working here in the United States as indentured servants in the colony of Jamestown, Virginia. They worked in fields picking cotton, tobacco and crops just as the slaves.

Caribbean immigrants have been contributing to the well-being of American society since its founding. Alexander Hamilton, the First Secretary of the Treasury was from the Caribbean island of St. Kitts. We count among our famous sons and daughters, Secretary of State Colin Powell, Cicely Tyson, W.E.B. Dubois, James Weldon Johnson, Harry Belafonte and Sidney Poitier to name a few.

H. Con. Res. 127 recognizes the significance of Caribbean people and their descendants in the history and culture of the United States. Our nation would not be what it is today without these significant contributions of the Caribbean people and we should honor these accomplishments with the passing of this legislation. The contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States and play an important role in shaping the ethnic and racial diversity of the United States, which ultimately enriches and strengthens our nation.

By passing this legislation we continue to honor the friendship between the United States and Caribbean countries. We are united by our common values and shared history, and we should celebrate the rich Caribbean Heritage and the many ways in which Caribbean Americans have helped shape this nation.

I urge my colleagues to support this resolution to pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR DESIGN OF SLAVE LABOR MARKER IN CAPITOL VISITOR CENTER

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 135) directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 135

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas the report of the Architect of the Capitol entitled ''History of Slave Laborers in the Construction of the United States Capitol'' documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia;

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African-Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of the continuing evolution of our representative democracy; and

Whereas a marker dedicated to the enslaved African-Americans who helped to build the Capitol will reflect the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PLACEMENT OF MARKER IN CAPITOL VISITOR CENTER TO ACKNOWLEDGE ROLE OF SLAVE LABOR IN CONSTRUCTION OF CAPITOL.

(a) PROCUREMENT AND PLACEMENT OF MARKER.—The Architect of the Capitol, subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, shall design, procure, and place in a prominent location in Emancipation Hall in the Capitol Visitor Center a marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) CRITERIA FOR DESIGN OF MARKER.—In developing the design for the marker required under subsection (a), the Architect of the Capitol—

(1) shall take into consideration the recommendations developed by the Slave Labor Task Force Working Group;

(2) shall, to the greatest extent practicable, ensure that the marker includes stone which was quarried by slaves in the construction of the Capitol; and

(3) shall ensure that the marker includes a plaque or inscription which describes the purpose of the marker.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself as much time as I may consume.

Mr. Speaker, in May 2005 the congressional leadership appointed a task force to study the contributions of enslaved African Americans to the construction of this great edifice, our United States Capitol. The task force was also asked to recommend appropriate steps to recognize their contribution. In support of that effort, the architectural historian to the Architect of the Capitol produced a report on the contributions of slave laborers to the Capitol's construction. During the 110th Congress the Committee on House Administration conducted a hearing to receive recommendations of the task force, chaired by the gentleman from Georgia, my colleague and mentor, Congressman JOHN LEWIS. The task force devoted considerable time and effort to reviewing the Architect's report on the use of slaves during the Capitol's construction and developing recommendations. Mr. Speaker, Americans now living cannot remove the stain of our Nation's past, but we can admit our forebears' sin. We must acknowledge the sacrifices of those Americans who, without choice, worked to build a government that kept them in bondage. The task force's report recommended a number of steps to do what we can.

□ 1500

Several of their recommendations, including the naming of Emancipation Hall in the new Capitol Visitor Center, have already been completed.

The placement of a marker in Emancipation Hall requires further legislative action as embodied in this resolution. This resolution will provide for the installation of a marker by the Architect of the Capitol, under the supervision of the House Administration Committee and the Senate Committee on Rules and Administration.

As the resolution contemplates, the committees will make every effort to use some of the original, slave-quarried stones. These stones were removed from the Capitol during previous renovations and are held in storage.

I urge all Members to support the resolution, which proposes a fitting commemoration of slave laborers' contribution to this temple of democracy.

I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Concurrent Resolution 135, which will enhance the educational offerings of the Capitol Visitor Center by highlighting the contributions of enslaved African Americans to the construction of the U.S. Capitol Building.

Far too often the historical record detailing the rise of our Capitol Building fails to appropriately recognize the vital contributions by slave laborers. As a result of the Slave Labor Task Force, we are better equipped to fill that void and will take steps toward doing so here today.

The Capitol Visitor Center quickly has become a major attraction for those visiting our Federal city, seeking greater understanding of the history which led to our present. It is therefore appropriate that Emancipation Hall, in

the CVC, house a formal recognition of these essential laborers, further enriching the educational experience of visitors young and old.

I urge my colleagues' support for the successful passage of this resolution.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would now yield 5 minutes to the Honorable Congressman from Georgia and sponsor of this resolution, JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and friend from Georgia for yielding the time.

Mr. Speaker, I rise today to tell the full story of our Nation's Capitol Building. We must recognize all of the hands that helped to construct this temple of freedom. We must continue to teach the full history of this country, and to do that, we must recognize the role that African American slaves played in the construction of our Nation's Capitol.

I would like to thank Chairman BRADY and Ranking Member LUNGREN for all their efforts to bring this bill to the floor, and also the staff of the House Administration Committee, and Jesse Uman, of my own staff, for their work and perseverance to pass this bill.

Additionally, Mr. Speaker, I'm going to thank and recognize Senator BLANCHE LINCOLN, who has championed the work of the Slave Labor Task Force in the Senate.

Mr. Speaker, for too long, the use of slave labor in the construction of the United States Capitol has gone untold. We look back today, not to open old wounds, but to ensure that we tell the story, the whole story, the complete story of those slaves, so their toils are never forgotten.

Slavery is part of our Nation's history of which we are not proud. However, we should not run or hide from it.

The history of the Capitol, like the history of our Nation, should be complete. As thousands of visitors walk through our Nation's Capitol, they leave without knowing the full history of its construction. Today, there is nothing, not one thing, not one note, that tells the story of the African American slaves who helped build this magnificent building: no drawings, no murals, no statues, nothing but nothing.

Mr. Speaker, with this resolution, this untold story will now be told. Thanks to the work of the Slave Labor Task Force, we will now honor those slaves who built our temple of freedom. We need something that visitors can see, that visitors can feel and which communicates the back-breaking labor that slaves completed to help construct our Capitol.

Passage of this resolution will create a historic marker in the Capitol Visitor Center, made of stones quarried by the hands of slave laborers to stand testament to their sacrifices. This physical and permanent marker will pay tribute to the blood, sweat and toils of the African American slaves who helped build this magnificent building and ensure that their story is told and never forgotten.

I urge all of my colleagues to support the passage of this resolution.

Mr. HARPER. Mr. Speaker, I have no other Members who wish to speak at the moment, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I would now like to yield 3 minutes to my friend, the gentlelady from the Virgin Islands, Dr. DONNA CHRISTENSEN.

I am proud to report, Mr. Speaker, that she has distinguished herself as one of the foremost experts on the issue of health care in this Congress where she has served for the past 14 years. And so it is my great pleasure to introduce my friend and member of the powerful Energy and Commerce Committee, which has taken primary jurisdiction of the issue of health care reform.

Mrs. CHRISTENSEN. I thank my colleague for yielding and for those kind words.

Mr. Speaker, I rise in support of House Concurrent Resolution 135 which would have the work of enslaved African Americans in the building of our historic Capitol Building memorialized for this generation and for posterity. And I applaud, thank and honor the lead sponsor, the mentor of all of us, Congressman JOHN LEWIS, for this resolution and for his unwavering commitment to justice.

The Architect of the Capitol's 2005 report entitled ''History of Slave Laborers in Construction of the United States Capitol'' clearly outlines the contributions of ''the slaves who quarried the stone, cut the timber, and formed and fired the bricks that became our Nation's Temple of Freedom.''

I am sure that there are many who will wonder, Why is this important? Why is it necessary to have a marker placed in the Capitol Visitor Center that acknowledges the work of the unfree in the construction of the Capitol?

In response, let me say that it is important because it is part of the American story. It is an integral part of the fabric of our history which runs from its founding on the great ideals of freedom, justice and equality to today, where we have witnessed the toils, tears and prayers of hundreds of years answered in the contributions of the descendants of those enslaved Africans in every endeavor of American life today. And that story, the American story, is an enduring one of redemption. It is a story that points to the unique quality of our Nation and our continuous striving to achieve those ideals of freedom, equality and justice.

Mr. Speaker, while some may see irony in the fact that it was hands of the then un-free that forged the structure that has become the temple of freedom for the entire world, we see it as the hand of God pointing, as always, to the lives of the ''least of these'' as precious in His sight.

There should be a marker in the Capitol Visitor Center because it is an appropriate way to mark how far this country has come and to show countries around the world that the impossible is indeed possible. The marker needs to be placed to finally give voice to those whose silent witness to the potential greatness of our country was forged in their blood, sweat and tears.

I urge my colleagues to vote ''aye'' for this resolution.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, again, I would want to commend the conscience of the Congress, the Honorable Congressman from the great State of Georgia and the great city of Atlanta. I would like to commend him for taking on this measure and proceeding with it to conclusion. And I want to congratulate you, sir, for this and for all of the things you will continue to do to make sure that everyone's contribution throughout the history of this great country is recognized.

Mr. CONYERS. Mr. Speaker, more than 200 years ago, on September 18, 1793, our Nation broke ground for what would become our home to democracy—the United States Capitol.

At this time in our Nation's history, however, democracy and freedom were not enjoyed by all Americans.

Ironically, it was those who were disenfranchised—enslaved African Americans—who helped construct our symbol of democracy, the Capitol.

I commend my colleague, the gentleman from Georgia, JOHN LEWIS, for introducing this bipartisan resolution acknowledging this fact.

Specifically, the resolution ''directs the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol.''

There are at least three reasons why this resolution is necessary.

First, the history of the United States Capitol would not be accurate without recognizing that enslaved African Americans played an integral role in building the Capitol. For example, the Capitol's architects negotiated with slave owners with respect to hiring out their slaves. Although the Architect of the Capitol states that ''[n]o one will ever know how many slaves helped to build the United States Capitol Building,'' it is estimated that at least several hundred were involved in the construction.

These slaves skillfully toiled as carpenters, sawyers, blacksmiths, brickmakers, and bricklayers. They were responsible for quarrying stone and then hauling it to the work site.

Notably, an enslaved African American—Philip Reid—helped cast the Statue of Freedom, which was placed on top of the Capitol

Dome during the Civil War on December 2, 1863.

Second, given the significant contributions of enslaved African Americans in the building of the U.S. Capitol, a marker in Emancipation Hall is an appropriate tribute to such efforts.

The marker was recommended by the Slave Labor Task Force Working Group, which also recommended designating the great hall of the Capitol Visitor Center as Emancipation Hall.

This marker, which is to include stone quarried by these slaves, will ensure that this part of the story of the Capitol's construction is told.

When visitors stand in Emancipation Hall and view the commemorative marker, they will be reminded of the significant role that slaves played in the construction of the U.S. Capitol, thereby ensuring that the legacy of these slaves will live on.

Finally, by acknowledging that enslaved African Americans played a major role in building the Nation's Capitol, we recommit ourselves to the pursuit of freedom and democracy for all Americans.

We recognize that, even today, there are some who have yet to realize all of the rights and privileges that are afforded through our Constitution and laws. Prejudice, discrimination, and inequities remain a reality.

However, by paying tribute to those enslaved African Americans who built our Nation's Capitol, we understand that freedom and democracy are constantly evolving.

We recognize that we can commit ourselves to the advancement of these principles, knowing that those who toiled and labored in the very building that we stand in today, could not enjoy freedom and democracy for themselves.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 135, the resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes. I would like to thank my colleague and fellow Georgian, Representative JOHN LEWIS for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this resolution because it recognizes the important contributions that African-American slaves have made to the establishment of this country, particularly the Capitol Building, which is the foundation of our country's government. It is in this very building where the biggest decisions of our country are made. Therefore, we can all imagine how important this structure really is to the wellbeing of our nation.

It has almost been 150 years since the Thirteenth Amendment of the U.S. Constitution was ratified, which officially abolished slavery was passed within these same walls. It is in due time that slaves be recognized for the back breaking labor that they endured while building this great building that we now stand in. If it was not for the crucial intervention of Philip Reid, an African-American slave foundry worker, the Statue of Freedom that sits on top of the Capitol Dome may not have existed. Reid figured out how to separate the 5-piece plaster model for casting when all others workers failed to figure out how this could be done.

The true purpose of this resolution is to draw recognition to the past, so that we can move on to a better future of race relations in America. There is no better time than now, than on the coat tails of one of the most historic presidential elections in United States history. By no means is this resolution erasing or justifying slavery. Instead it shows America and the world the positive progression that our nation is making in its journey to ensure that all people be treated equally. I urge my colleagues to support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, as a co-sponsor of H. Con. Res. 135, I rise in strong support of this resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol.

African Americans throughout the world continue to make remarkable contributions to their communities every single day. We must not disregard the hands that worked and the feet that toiled to build our Nation's Capitol. We must honor the contributions of the slaves who helped build this magnificent structure.

Mr. Speaker, when we look to the hands that shape and built this city, particularly this Capitol, we should no longer hang our heads in shame of slavery, but instead celebrate the people who are so often forgotten. We should appreciate and acknowledge the thousands of unnamed men and women who built this structure representing democracy, liberty, and freedom. Just last month, my colleagues in the Senate approved a resolution that apologized for the enslavement and racial segregation of African Americans. As the legislative branch, we have officially acknowledged the institution that barred hundreds of thousands from freedom, and with this resolution, we can begin to celebrate those slaves that physically helped to create this country.

The Capitol Visitor Center sees almost 3 million visitors annually. As they walk the halls and admire the architecture and statues, marveling at the rich history and stories that accompany them throughout the building, it is our responsibility to ensure that all slaves who helped build the Capitol have their stories told. In the Capitol Visitor Center, Emancipation Hall was named to help acknowledge the work of the slaves who toiled over the work of the Capitol and we must ensure that their stories are told for generations to come.

Mr. Speaker, I express my unwavering support for this resolution and urge my colleagues to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Concurrent Resolution 135, recognizing the contributions of enslaved African Americans in building the United States Capitol.

This resolution will commission the Architect of the Capitol to create and place a historical marker in the Capitol Visitor Center made from the original government owned sandstone rocks that were quarried by slave labor, and removed from the Capitol building during a previous renovation.

Slavery played an important role in the foundation of this country, and slave labor was used extensively in the creation of many of the buildings that are home to our government. While we cannot rectify the sins of the past, nor thank slave laborers for their sacrifice, the contributions of these men and women should not go unnoticed.

It is important this plaque be prominently displayed for the thousands of visitors that come into the CVC. In order for these visitors to know the complete history of our Nation's Capitol, they must be aware of the contributions of these laborers.

I would like to thank Representative JOHN LEWIS for introducing this resolution and acknowledging this frequently overlooked part of our Capitol's story. The contributions made by these workers are a part of our history and our legacy, and this recognition will help future generations better understand the sacrifices of those who came before them.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 135, a resolution which pays tribute to the contributions of African American slave laborers in the building of the United States Capitol.

We owe a great debt to the enslaved African Americans who played an instrumental role in the construction of the United States Capitol. Their labor was responsible for erecting this massive building, a place where the hopes and dreams of this nation are represented, voiced, and debated each and every day.

Thank you to my colleague, Congressman JOHN LEWIS, for introducing this resolution which directs the Architect of the Capitol to place a historical marker in the Capitol Visitors Center to acknowledge the toils of slaves who helped construct the U.S. Capitol.

The history of this country and her most enduring symbol of democracy, the United States Capitol, cannot be told without fully and accurately reflecting the contributions of enslaved African-Americans. According to the History of Slave Laborers in the Construction of the United States Capitol report, there is documentation that slave labor was employed from 1795 to 1801 for the construction of this building. African American slaves participated in almost every aspect of construction of the U.S. Capitol, completing such tasks as removing tress, quarrying stone, painting, and roofing. Evidence of their work can be seen in the columns of Statuary Hall and the Old Senate Chamber. Their story is a story that must be told for it is our collective story, the great American story.

After nearly 200 years, it is time for America to acknowledge these individuals who contributed to one of our nation's symbols of freedom while never having the opportunity to experience it themselves. Constructing a historical marker that includes the original stone used to build the Capitol is an outstanding tribute to African American slaves that will teach all who visit the Capitol of our nation's past as well as her future.

I ask my colleagues to join me in honoring and recognizing the work of enslaved African Americans in the building of the U.S. Capitol by voting in support of this important resolution.

Mr. HARE. Mr. Speaker, I rise today in strong support of H. Con. Res. 135. I commend my colleague from Georgia, Representative JOHN LEWIS, for introducing this important legislation that acknowledges the role

slave labor had in the construction of the U.S. Capitol building.

Over four hundred enslaved African Americans performed the backbreaking work of quarrying the stone which now comprises many of the floors, walls, and columns of the U.S. Capitol. They were carpenters, masons, painters, and roofers—all skilled workers who built this important symbol of American democracy, while at the same time were denied their freedom by the evil grasp of slavery.

Mr. LEWIS' resolution calls for a marker in the Capitol Visitor Center's Emancipation Hall dedicated to the enslaved African-Americans who helped build the Capitol. This marker would serve as a humble token of appreciation and teach visitors about this vital part of the Capitol's history.

The American people deserve a government that is honest about its past. It is only by recognizing the past, in all its complexities, that we can fully appreciate what we now have in the present, and build a better future. Slavery in no shape or form shall be acceptable in the eyes of the United States, which is why we must always give thanks and appreciation to the hundreds of enslaved workers who contributed to the making of this building. Though they themselves were denied personal freedom, they courageously constructed a testament to freedom that has represented this great nation for over 200 years. It is time for their efforts to be brought forward from the shadows of history.

I strongly urge all my colleagues to vote for H. Con. Res. 135, and would again like to thank my friend JOHN LEWIS for introducing this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I speak in strong support of H. Con. Res. 135, and thank my colleague Congressman JOHN LEWIS, for authoring this important resolution which designates a marker in Emancipation Hall in the Capitol Visitor Center to acknowledge the role that slave labor played in the construction of the United States Capitol. We have already taken the first step in recognizing the slave labor that was used to construct this great Capitol building, by naming the hall Emancipation Hall. Now, we must complete our promise by educating visitors to the Capitol about the enslaved African-Americans who worked tirelessly to build the Capitol.

According to records, local farmers rented out their slaves for an average of $55 a year to help build the Capitol. While this may not seem like a lot of money today, the physical, mental and emotional cost this backbreaking work had on the slaves cannot be overlooked. Slaves cut trees on the hill where the Capitol would stand, cleared stumps from the new streets, worked in the stone quarries where sandstone was cut and assisted the masons laying stone for the walls of the new homes of Congress and the president.

It is estimated that over 400 slaves were used to perform the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol. Enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing.

We have already taken steps to acknowledge the role slaves played in building the Capitol; now we must place a marker in Emancipation Hall so that all visitors to the Capitol Visitor's Center are aware of struggles and contributions of our ancestors to helping establish one of the most fundamental institutions of our great country.

Approximately 4 million Africans and their descendants were enslaved in the United States and the colonies that became the United States between 1619 and 1865. I know that many would think it a non-issue to address the events of over 135 years ago, but the scars from over 400 years of slavery in this nation still ache for a balm that is sufficient to the injury to the minds of this nation's people. After slavery there were still many difficult journeys for former slaves to overcome. Placing this marker in the Capitol allows us to give a voice to those slaves who were never heard and to tell their story.

I thank Congressman LEWIS from Georgia for your leadership in sponsoring this important legislation. I know that you are a firm believer in our nation and that we as a nation should recognize and take great pride in the contribution of all Americans to the creation of this great nation.

I strongly urge my colleagues to support this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 135.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR ENGRAVEMENTS IN CAPITOL VISITOR CENTER

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 131) directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 131

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I might consume.

This resolution, introduced by the gentleman from California, Mr. DANIEL LUNGREN, requires the Architect of the Capitol to engrave the Pledge of Allegiance and the National Motto ''In God We Trust'' in the Capitol Visitor Center.

The details of the engraving, including their locations, would be approved in advance by the House Administration Committee and the Senate Rules and Administration Committee. Various Members have expressed support for this proposal which the committee approved by voice vote. The cost of these engravings has been estimated by the Architect as less than $100,000.

I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself as much time as I may consume.

I am honored to rise today in support of House Concurrent Resolution 131, and I certainly greatly appreciate the leadership of Congressman DAN LUNGREN on this matter, who is delayed by travel and unable to be here at this time.

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This resolution would direct the Architect of the Capitol to engrave our national motto ''In God We Trust'' and the Pledge of Allegiance in the Capitol Visitor Center. The installation of these two references will be a reminder of the importance our Founders placed on the guidance of Providence in the birth and development and future of our Nation.

The Declaration of Independence, our Nation's first national document,

spoke to inalienable rights given by our Creator. Those men acknowledged that in signing that document, one that would be seen as high treason by the King of England, they were placing themselves under the protection of ''Divine Providence.''

When Congress adopted our Great Seal in 1782, included in its design were numerous allusions to biblical references, and the seal was marked by the words ''Annuit Coeptis,'' which translated means ''Providence has favored our undertakings.''

As the Founders were drafting the Constitution, numerous sources point to their collective reliance on God for direction and wisdom. In 1787, when the Constitution was framed at the Convention in Philadelphia, Benjamin Franklin reminded the delegates, ''To that kind Providence, we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity.''

During the War of 1812, when Francis Scott Key penned the Star Spangled Banner, he included in the final stanza: Praise the Power that hath made and preserv'd us a nation. Then conquer we must, when our cause it is just, and this be our motto: ''In God is our trust.''

These glimpses into our history show but a few examples of the national consciousness that served as prelude to the establishment of our national motto.

The establishment of ''In God We Trust'' as the Nation's motto sprung out of a Civil War letter. The letter from Reverend M.R. Watkinson of Pennsylvania urged Treasury Secretary Chase to install upon our currency some indication for future generations of the Nation's religious consciousness. Reverend Watkinson was concerned that the United States might be shattered beyond recognition by the Civil War.

Secretary Chase agreed and instructed the Director of the U.S. Mint that, ''No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.''

The Presidency of Dwight Eisenhower saw the codification of both our national motto and the Pledge of Allegiance as we know it. On Flag Day, 1954, President Eisenhower signed the Federal law which added ''Under God'' to the Pledge.

Two years later, President Eisenhower signed into law the bill officially recognizing ''In God We Trust'' as our national motto. The motto has since been installed on both our paper currency and the Speaker's rostrum in the House.

By incorporating our national motto and the Pledge of Allegiance as permanent fixtures in the CVC, we will provide further testimony to our Nation's rich history and the degree to which these two statements reflect the philosophical foundation of these United States.

At this time, I would like to enter into the RECORD those of my colleagues who, in addition to the 160 cosponsors of House Concurrent Resolution 131, wished to be added but were unable due to time constraints:

The Honorable ROSCOE BARTLETT of Maryland;

The Honorable ROY BLUNT of Missouri;

The Honorable BILL CASSIDY of Louisiana;

The Honorable ANDER CRENSHAW of Florida;

The Honorable DAVID DREIER of California;

The Honorable ELTON GALLEGLY of California;

The Honorable BRETT GUTHRIE of Kentucky;

The Honorable DARREL ISSA of California;

The Honorable LYNN JENKINS of Kansas;

The Honorable TIM JOHNSON of Illinois;

The Honorable BLAINE LUETKEMEYER of Missouri;

The Honorable JERRY MORAN of Kansas;

The Honorable BILL SHUSTER of Pennsylvania;

The Honorable PAT TIBERI of Ohio.

I am proud to stand in support of this resolution and urge my colleagues' support.

I reserve the balance of my time.

Mrs. CHRISTENSEN. I continue to reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I appreciate the gentleman yielding.

This legislation basically directs the Architect of the Capitol to quit ignoring history, just like the last piece of legislation where it is not mentioned anywhere in Emancipation Hall or the Visitor Center that this Capitol was built in due part by slave labor. Neither does that expensive Visitor Center mention any religious history that this country has.

I don't know if the Architect of the Capitol doesn't like the Pledge or approve of the national motto ''In God We Trust''; otherwise, both of those would already be in this expensive Visitor Center. Both mention God, and it appears that the Visitor Center, the way that it is conducted and constructed, wishes to disown and deny our religious heritage.

You go to the Visitor Center and you are led to believe, Mr. Speaker, that the national motto is not ''In God We Trust'' but it is ''E Pluribus Unum,'' because the national motto is never mentioned in the propaganda video that all people see when they come into the Visitor Center. Well, the national motto is not ''E Pluribus Unum.'' It is ''In God We Trust,'' and that is the national motto and it should remain as such.

Mr. Speaker, our religious history is a part of American history. When the Founders of this great country got together in the Continental Congress, before they decided to draft this new concept of freedom and liberty, Benjamin Franklin made the comment that if the good Lord is concerned about the birds that fall from the air, certainly he would be concerned about the birth of a new nation; and with that, the Members of the Continental Congress knelt down and they prayed. And, Mr. Speaker, we have continued that tradition every day since the Continental Congress.

We start every day the same way. When the House is called to order, the first order of business is a prayer. The second order of business is the Pledge of Allegiance to the flag, and it is important that we continue those traditions, but it is also important that people who come to the Capitol understand that is part of our routine.

Mr. Speaker, ''unless the Lord watches over this House, the builders build in vain. Unless the Lord watches over the city, those that watch watch in vain.''

Above the flag behind you, Mr. Speaker, is the phrase ''In God We Trust.'' It is not to the side. It is not below it. It is above it, symbolic of what we do each day, that we pray and then we have the Pledge of Allegiance. So I strongly support this legislation to make sure that the Architect of the Capitol does not deny our religious history. Put it in its proper perspective, because religion is a part of our history, whether the Architect of the Capitol likes it or not.

And that's just the way it is.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 131, a resolution urging the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center.

The Pledge of Allegiance is an excellent example of national solidarity for all Americans and the foremost demonstration of America as ''one nation, under God, with liberty and justice for all.'' These words illustrate an eternal commitment to a nation unified by a common history, identity, and Constitution. The Pledge further represents that if God gives you a right, then no man should have the power to take it away. This is the premise of our nation, our rights, and our system of law, and it must be upheld in an effort to never lose sight of the fact that we are bound together as one nation—common in purpose—endeavoring to provide an open and free democracy for all of mankind.

''In God We Trust'' was codified as our national motto in 1956 in recognition of the Judeo-Christian values upon which our nation is founded. Faith has always been a very important part of American history and culture, and I believe that it is imperative to uphold this

cornerstone of our heritage to preserve the rights of all Americans to worship freely and openly. I am proud that my home state of Georgia has recognized ''God'' in its own Constitution and seeks to maintain a reliance on faith in God as one of its founding principles.

Mr. Speaker, I want to make clear that the Pledge of Allegiance and our national motto are two public illustrations of the values to which we hold firmly in America. These two principles are demonstrated in this very chamber by our opening of each legislative day with prayer and by reciting the Pledge of Allegiance to the Flag. One need look no further than behind the chair of the Speaker of this great body to see the inscription of ''In God We Trust.'' These two testaments of our founding must remain the stronghold of American values and continue to be espoused in every public meeting.

Therefore, it is with great pride and honor that I stand here today to advocate for the engraving of the Pledge of Allegiance and our national motto in the newly constructed Capitol Visitor Center. Displaying these two documents prominently in an open arena for all tourists and citizens is just one more reminder of the founding and enduring principles of our nation, of which we must be reminded daily. As lawmakers, we must never cease to instill the doctrine of democracy and freedom of religion for the entire world, and by displaying these words in our nation's capitol we are only reaffirming our dedication to this endeavor. I urge all of colleagues to support this resolution and to hold steadfast to the values upon which our great nation was founded.

Mr. TURNER. Mr. Speaker, I am a cosponsor of H. Con. Res. 131 which directs the Architect of the Capitol to engrave the National Motto, ''In God We Trust,'' and the Pledge of Allegiance in the U.S. Capitol Visitor Center.

Over one million visitors have passed through the new U.S. Capitol Visitor Center since it was opened in December 2008. The new Visitor Center is more than just a pathway to the 200-year-old Capitol. It is also a museum and classroom. In it you will find historic documents, including the patent drawing for the Wright Brothers' Flying Machine.

The Visitor Center is a magnificent addition to the Capitol, but it is incomplete without our National Motto, ''In God We Trust,'' as well as the Pledge of Allegiance. This resolution will ensure that these important words are given appropriate recognition.

Our national reverence to God is fundamental in our history. Our National Motto and the Pledge of Allegiance both mention God. Yet, there have been attempts, including a 9th Circuit Court of Appeals decision in 2002, to remove references to ''God'' from government.

In 2007, I joined in a successful effort to reverse one such prohibition. When a 17-year-old Eagle Scout from Dayton, Ohio, wanted to honor his grandfather's ''dedication and love of God, Country, and family'' with a flag flown over the U.S. Capitol, the Architect of the Capitol censored the word ''God'' from the flag certificate. I strongly objected and introduced legislation to permanently allow religious references on Capitol flag certificates. The Architect of the Capitol later reversed his position and restored the reference to God on the flag certificate.

It's important that America's traditions, religious freedom and freedom of expression be promoted and protected. I support this resolution and urge its adoption.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 131.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

U.S. PATENT AND TRADEMARK OFFICE FUNDING

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUNDS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Director of the United States Patent and Trademark Office—

(A) may use funds made available for fiscal year 2009, pursuant to section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), under the heading ''Department of Commerce—United States Patent and Trademark Office—Salaries and Expenses'' in title I of division B of the Omnibus Appropriations Act, 2009 (Public Law 111-8), up to $70,000,000, to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code; and

(B) notwithstanding any other provision of law, shall, upon the exercise of the authority under subparagraph (A), establish a surcharge, in amounts up to $70,000,000, on patent fees in effect under title 35, United States Code, to repay any funds drawn down pursuant to subparagraph (A),

if the Director certifies in writing to the Congress that the use of the funds described in subparagraph (A) is reasonably necessary to avoid furloughs or a reduction-in-force, or both, in the United States Patent and Trademark Office, and does not create a substantial risk of a furlough or reduction-in-force of personnel working in the Trademark Operation of the United States Patent and Trademark Office.

(2) SURCHARGES DEPOSITED IN TREASURY.—All surcharges paid under paragraph (1)(B) shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(b) LIMITATIONS ON AUTHORITY.—The authority under subsection (a)(1)(A) shall terminate on June 30, 2010. The surcharge established under subsection (a)(1)(B) shall take effect no later than September 30, 2011, and all funds drawn down pursuant to subsection (a)(1)(A) shall be repaid pursuant to subsection (a)(1)(B) no later than September 30, 2014.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms ''Director of the United States Patent and Trademark Office'' and ''Director'' mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill will help the Patent and Trademark Office retain educated and trained employees who face the possibility of furlough and reduction in force due to the current economic downturn.

It is with great urgency that I bring this bill to the floor today. We have recently been informed by the Department of Commerce and the Patent and Trademark Office that the current downtrend in patent fee revenues could lead to employee furlough.

The USPTO is a user-fee funded organization, and the downturn in the economy has led to a steep drop in revenues. USPTO management has already shaved over $120 million from its current budget through various cost savings; however, June's receipts show that those cuts may not be sufficient.

A budget shortfall is a very real possibility, which could necessitate furloughs and, if severe enough, a reduction in force.

Now is not the time to impede the essential economic stimulating activity at the Patent Office. Now more than ever, we need to foster innovation to help the U.S. economy rebound.

This century has seen an explosion in the number of patent applications filed, and even though the PTO has hired over 1,000 examiners each year for the past several years, this explosion has led to a current inventory of about 1.2 million pending applications. That is 1.2 million potential patents that could provide the foundation for new businesses and new jobs.

Because of this backlog, inventors are waiting an average of 32 months to get their patents approved, and in some areas, such as communications and computer-related technologies, the wait is much longer. This backlog means a delay in the creation of new products or startup companies that would generate new jobs and research and development investment.

Now is not the time to exacerbate this problem. Furloughing employees will only increase the backlog and the consequent delays. In order to help the USPTO get through the next year, we have identified an approximately $60 million surplus in the trademark operation at the USPTO.

The bill we are considering today would permit the Director of the USPTO to use a portion of that surplus to prevent the furlough of USPTO employees. Rest assured, Mr. Speaker, this is not robbing Peter to pay Paul. Any trademark money used for patent operations will be recovered by a surcharge on the patent fees paid by those who benefit from the efforts of the patent workforce.

I think it is pretty shameful that throughout the years we have not fully funded the number of employees that this agency needs to fulfill its mandate and so now in the 111th Congress we are seeking to use this lull period, if you will, because the number of applications will pick up, but we can use this period with our employees, our current employees, to put a dent in those 1.2 million applications that exist currently that are on file. This inefficiency in government with respect to the Patent and Trademark Office stifles commercial activity, and it just doesn't make any sense for the agency to not have been funded to begin with and staffed with an adequate amount of employees to meet the demand.

It is our understanding, Mr. Speaker, that with the Department of Commerce and the USPTO agreement, that the money raised by the surcharge will be used to pay the trademark operation for the money borrowed from it. The surcharge will be no more and no less than what is needed to repay the loan.

□ 1530

This bill is a limited and temporary exception to the statutory fence built around trademark fees. It will last only until June 30 of next year and requires that all fees used for patent payroll purposes will be recovered through surcharges on the patent operation. And it ensures, Mr. Speaker, that furloughs or reduction-in-force will not occur in the trademark operation as a consequence of the patent operations needs.

This bill will ensure that we retain the highly qualified and experienced patent examiners that helped innovators protect important technological gains, and we certainly need to do all that we can, now especially, to make it more efficient for those who would create new products in this rapidly changing environment that will lead to jobs for our citizens.

I urge my colleagues to join me in supporting this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Given the ongoing economic downturn in this country, patent fee collections at the Patent and Trademark Office are running short, based on earlier estimates. If things do not improve, the agency must initiate furloughs of its staff in the fall, an outcome that no one wants.

Aside from affecting the individual workers, mostly examiners, these furloughs would create another setback in the effort to reduce application backlogs and expedite the processing of new applications.

The agency has already reduced its operating plan for fiscal year 2009 by $120 million and is pursuing another $125 million in cuts. But the PTO cannot accurately estimate at this time how much additional revenue it needs to survive through this fiscal year. H.R. 3114 responds to this crisis by allowing the director to shift necessary funds from the trademark ledger to patent operations through June 30, 2010, less than 1 year from now.

The bill also requires the Patent Office to reimburse the Trademark Office for any funds reassigned to it within the CBO's 5-year scoring window. The bill also is an appropriate legislative response because trademark operations currently have a projected surplus of $60 million to $70 million.

In addition, there is precedence for allowing such an intra-agency revenue transfer. Twice in the past 10 years, the Trademark Office borrowed more than $24 million from patent operations. This is an unfortunate but necessary response to a funding crisis at an agency that is crucial to the economic vitality of this country.

American IP industries now account for over half of all U.S. exports and 40 percent of our economic growth. These industries provide millions of jobs for Americans with high-paying salaries. Patents encourage innovation and provide incentives to create, build, and market new products.

Delays in obtaining patents stifle entrepreneurship in our country. We want new ideas, new technologies, and new patents. America has always been the Nation of great inventors. Now we must protect those inventors and their inventions with timely patents.

Mr. Speaker, this bill won't cure all that ails the Patent and Trademark Office long term. For that we need the other body to confirm the new PTO director who will work with Congress to implement fundamental change to the agency; but failure to enact H.R. 3114 at this time will place PTO in an even deeper hole that jeopardizes agency jobs, harms the interests of inventors, and damages a crucial component of our national economy.

I urge my colleagues to support H.R. 3114.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 3114, a bill to promote the success and vitality of the United States Patent and Trademark Office, "USPTO."

The USPTO is integral in strengthening America's battered economy. Although there are those in this body that believe the federal government can spend our way out of the current financial crisis, this is a fallacy. It is through private commerce and investment that we will find the light at the end of the tunnel. For many sectors of our economy, patent protections provide tremendous incentive to invest.

The USPTO is already faced with a tremendous backlog of patent applications. A reduction in labor force at the USPTO would only compound this problem. It is for this reason that we must make sure that the USPTO is not forced to lay off or furlough patent examiners. Allowing the USPTO Director to use funds made available under the Trademark Act of 1946 will help to ensure this does not occur.

Innovation is the lifeblood of the U.S. economy. It is innovation which has and will continue to promote prosperity and wealth in the United States and aid in combating the recession in which we find ourselves today. I encourage my colleagues to support the USPTO and support this legislation.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 3114, and commend the Chairman for his leadership in acting so swiftly to rectify this situation.

The U.S. Patent & Trademark Office, located in my District, is funded entirely by the user fees it collects; it does not draw any taxpayer funds from the general Treasury.

Like many other businesses and industries, the PTO has seen significant reductions in its revenues as a result of economic belt-tightening by its customers. In response, PTO has already enacted over $140 million in budget cuts and cost-savings measures. PTO has instituted a hiring freeze, curtailed non-bargaining unit performance awards, stopped overtime for many workers and significantly reduced contracts, travel, supplies and other non-essential overhead expenses.

In the meantime, we must ensure that the USPTO can continue to maintain its personnel level and perform its critical mission of examining and granting patents that promote innovation and create jobs. As a result, a serious budget situation has developed. Absent adoption of this legislation approximately 9,000 patent office employees would be subject to furloughs during the last pay period of FY09 (last two weeks of September).

The Department of Commerce is monitoring the situation on a daily basis, and out of an abundance of caution, and to prevent a possible violation of federal law, the Department of Commerce is asking for a one-time funding fix from Congress to avoid the furlough of Patent Office employees.

The Trademark Office, as distinct from the Patent Office, within PTO has a surplus of $60–$70 million. Without asking for new monies from Congress, the Treasury, or other agency programs funds, this bill before us would provide an immediate and one-time-only borrowing option that is accompanied by a statutory repayment period. In 1999 and 2005, the opposite situation occurred, and the Trademark Office received assistance from Patents totaling $24 million.

In order for Americans to prevail against this economic downturn, and to remain competitive globally, we need to ensure new technologies, innovation, and products are fully funded. The new concepts and ideas promoted by the work of PTO are drivers for American economic recovery and growth.

At such a time as this, America should be looking for its next Thomas Edison, Bill Gates, or Steve Jobs.

This bill simply lets the USPTO's patent operation borrow from an existing balance held by the trademark operation, and only if reasonably necessary to avoid employee furloughs or a reduction in force. Payback of any borrowed funds is assured by a temporary surcharge on patent fees.

This is a crucial juncture for the PTO. We need to remain at the cutting edge of global technological progress and achievement, or we risk lagging behind other nations.

The bill amounts to an insurance policy for the USPTO to make sure it can cover its payroll for over 9,000 federal employees. I ask my colleagues to support it.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 135, by the yeas and nays;

H.R. 3114, de novo;

H.R. 1129, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR DESIGN OF SLAVE LABOR MARKER IN CAPITOL VISITOR CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 135, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 135.

The vote was taken by electronic device, and there were—yeas 399, nays 1, not voting 32, as follows:

[Roll No. 478]

YEAS—399

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes

Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

King (IA)

NOT VOTING—32

Aderholt
Barrett (SC)
Bean
Blunt
Broun (GA)
Burton (IN)
Childers
Conyers
Deal (GA)
Delahunt
Ellsworth
Fallin
Garrett (NJ)
Gohmert
Grijalva
Gutierrez
Hall (NY)
Hensarling
Inglis
Jackson-Lee (TX)
Johnson, E. B.
Kissell
Melancon
Mica
Miller (NC)
Payne
Rogers (KY)
Rohrabacher
Sestak
Speier
Westmoreland
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1857

Messrs. MINNICK and GRAYSON changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

U.S. PATENT AND TRADEMARK OFFICE FUNDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3114.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 3114.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN IRON WORKER TRAINING PROGRAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1129.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1129.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CAMPBELL. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 329, noes 75, not voting 28, as follows:

[Roll No. 479]

AYES—329

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Akin
Bachmann
Barton (TX)
Bilirakis
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Harper
Hastings (WA)
Herger
Hoekstra
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McKeon
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Roskam
Royce
Scalise
Schmidt
Schock
Shadegg
Shimkus
Shuster
Souder
Stearns
Thompson (PA)
Thornberry
Tiberi

NOT VOTING—28

Aderholt
Barrett (SC)
Bean
Blunt
Broun (GA)
Burton (IN)
Childers
Deal (GA)
Delahunt
Ellsworth
Fallin
Grijalva
Gutierrez
Hall (NY)
Hensarling
Inglis
Jackson-Lee (TX)
Johnson, E. B.
Kissell
Melancon
Mica
Miller (NC)
Payne
Rogers (KY)
Rohrabacher
Sestak
Westmoreland
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1909

Messrs. KINGSTON and ROYCE changed their vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Madam Speaker, due to inclement weather canceling US Airways flight No. 2041, I was unavoidably detained and was unable to vote on rollcalls 478 and 479. Had I been present, I would have voted ''yea'' on each of these measures.

ANNOUNCEMENT REGARDING AVAILABILITY OF CLASSIFIED ANNEX TO H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, on Friday, June 26, I submitted a statement for publication in the CONGRESSIONAL RECORD that informed all my colleagues of the availability of the classified annex to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

I would like to remind my colleagues that the classified annex is now available for Member review in the committee spaces. Staff should contact the committee to schedule an appointment for any Member interested in viewing the classified annex.

Members will be required to complete the appropriate security paperwork in order to view any classified information.

□ 1915

HONORING MICHAEL JACKSON, KING OF POP

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Madam Speaker, I know some people in this esteemed Chamber would consider all of the hoopla surrounding the death of Michael Jackson to be unnecessary. I know that some people consider this to not be important. But that's to them.

There are a lot of people out here whom Michael Jackson brought together. Despite any kinds of allegations, which I consider to be false in terms of child molestation and that kind of thing, despite all of that, we have to look at the good things that Michael did.

I know there are some generations that preceded mine that have no idea about the music of Michael Jackson because they never listened, and they don't know the international aspects of what he did. They don't know that he was a fundraiser for worthy causes.

The only thing they know about him is ''child molester,'' and nothing could be further from the truth. The man was never found guilty of child molestation. He paid a settlement, but that had nothing to do with guilt or innocence. So I just want us to be very Christian.

MEDIA SHOULD REPORT HEALTH CARE FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, recently 12 separate articles in The New York Times, The Washington Post, and The Los Angeles Times have reported that 46 million people don't have health insurance in America. And the administration is trying to justify a government takeover of health care because of this figure.

But not one of the articles explained that this number is a hoax. Fourteen million people are eligible for existing government programs like Medicare and Medicaid but have not enrolled. Almost ten million uninsured are not citizens. Nine million have high incomes and can afford health insurance but choose not to purchase it. And millions more are without insurance for only a few months between jobs.

When you whittle down the 46 million figure, you get about 10 million people who truly need health insurance. We could buy all of these individuals a gold-plated health insurance policy for one-thirtieth of the cost of the President's health care plan.

The media should give Americans all of the facts on health care, not just give them part of the story.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1283

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1283, the Military Readiness Enhancement Act, a bill originally introduced by Representative Ellen Tauscher of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE NATIONAL DEBT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, I rise today to call attention to a dangerous precedent that was set recently and another record that will be set this week.

Two weeks ago the Treasury Department auctioned off a record $104 billion worth of U.S. debt in just one week. This week it is going to set the record for the number of auctions held in a given week.

More debt means a weaker dollar and rising interest rates, which will further stifle the housing market, hinder an economic recovery, and shackle future generations with debt. In fact, our debt has reached a level so high that the Federal Reserve has resorted to printing money to buy U.S. Treasurys, a practice that is both dangerous and counterproductive in the long term.

It's time for Congress to rein in reckless spending that's been the status quo here in Washington. Without drastic changes, our debt will continue to rise, and our children and grandchildren will pay the price.

PRESCRIPTION OF THE DAY: MEDICAL JUSTICE REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, one of the problems today in health care is that too many doctors are forced to practice defensive medicine and face the constant threat of lawsuits and unsustainable medical liability insurance rates. This results in millions of dollars of unnecessary tests and procedures. Furthermore, seasoned medical professionals are retiring early because staying in practice is no longer financially feasible, further contributing to our Nation's physician workforce shortage. It's a growing crisis that is pushing affordable care beyond the reach and grasp of millions of Americans.

National across-the-board change in the medical justice system would lower the costs and improve care by lessening the threat of unnecessary lawsuits. The Medical Justice Act, H.R. 1468, does just that, modeled after the successful Texas reforms passed in 2003. The results are documented reductions in liability insurance rates, reported growth in the number of doctors licensed each year in the State of Texas, increased charity care, amongst others.

To learn more about this very important act and how it is affecting health care in Texas, please visit healthcaucus.org or my Web site, burgess.house.gov.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

THE BABIES ARE EXPENDABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, a critically ill baby was born in Canada just last month. Her name is Ava Isabella Stinson. She was born 13 weeks premature and weighed only 2 pounds. Unfortunately, Canada rations health care. And since the government must grant permission for one to have health care access, Ava was unable to get the treatment she needed to survive.

Shortages and rationing under a government system means waiting lists. There was no room at the government hospitals for special needs babies. Not in the entire province of Ontario, Canada. Little Ava had no time to be on a waiting list.

Fortunately for her, Ava's parents were able to quickly transport her to Buffalo, New York. Little Ava's life was saved by the best doctors in the world right here in America.

News reports say that the neonatal intensive care unit in Ontario, Canada, is closed to new patients half of the time. Half of the time, Madam Speaker. That doesn't happen in the United States. A case like Ava's is not unusual in Canada. Babies with special needs, like being born early, are usually sent to America for care.

Autumn, Brooke, Calissa, and Dahlia Jepps were born in America to Canadian parents back in 2007. The girls are doing just fine now. They are an extremely rare set of identical quadruplets. There was no room for them in any neonatal facility in all of Canada. Their parents flew to Great Falls, Montana, from Calgary so they could be born safely in America. Think about that for a minute. Great Falls, Montana, a city of 56,000 people, offers better access to health care than Calgary, a city of over a million people. Why? Government rationing in Canada.

Government control of health care means less access to health care, unless you are on the government special favorites list. Anyone who has tried to find a doctor or a specialist who uses Medicare knows exactly what that's like.

Bureaucrats try to tell us that more babies survive under government-run health care. They cite higher infant mortality rates in other countries as proof. But these countries skew the statistics. Babies born in some countries are considered stillborn unless they survive longer than 24 hours. You see, they don't count. In Canada, if a baby weighs less than 500 grams when born, that's about a pound, and the baby doesn't survive, they don't count it as a baby. The government calls these babies ''unsalvageable.'' Not able to be saved. ''Unsalvageable.'' What a word.

There's a lot of truth in the use of that word because under a government-run health care system, these babies just aren't worth saving. They are expendable. But they are saved in America. At least for now.

Madam Speaker, the health care debate in America is literally a matter of life and death. It's not about improving quality. America's health care system offers the best quality in the world. That's why everybody comes here.

But when the government runs a health care system, it's all about how much it costs and who the special favorites of government are. Also, government-run health care doesn't pay the doctors or nurses enough to stay in business. That means health care is rationed because there aren't enough doctors to go around. Government then decides who gets treatment and who just loses out. Like the medical ethics expert in Britain I talked about earlier today. She is a government decision-maker, and she says some of the elderly just have a duty to die. In Canada the government lets special needs babies born early just die because they apparently aren't worth the cost of saving. So now the elderly and certain babies are not important enough to be saved under socialized medicine.

In a government-run system, the government decides who gets treatment in medicine and who doesn't. That means the government decides who lives, who dies.

The government does not have the moral right to make those decisions. Not one of the politicians who want to force America into a government-run health care boondoggle is going to be denied treatment or medicine. Not one of them. Like the book ''Animal Farm'', which had the philosophy all are equal, but some are just more equal than others. That's not what America is all about. It's the age-old struggle of freedom over tyranny.

When government bureaucrat gatekeepers have control over who lives and who dies in America, freedom is the first casualty. Just ask the elderly and the babies of Canada and England.

And that's just the way it is.

WE MUST DO MORE TO HELP THE IRAQI REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, after more than 6 years of foreign occupation, occupation that never should have happened in the first place, American combat troops have been withdrawn from Iraqi cities. This has led some people to believe that the conflict is over. But our troops remain in danger so long as they continue to stay in Iraq. And the suffering of the Iraqi people, especially the refugees, hasn't ended either.

A report issued last month by the International Rescue Committee described the bleak lives of the Iraqi refugees who have come to the United States to escape the violence in their home country. We admitted over 13,800 Iraqi refugees in the year 2008. Many of them had to come here because they worked for the United States military or the United States Government in Iraq and they became targets for retaliation as a result.

A large number of the refugees are war widows with young children. They are grieving over the loss of their loved ones, and many are suffering war-related emotional distress or injuries. While the refugees are grateful to be in America, most are frustrated and even in despair. The International Rescue Committee says, A flawed U.S. refugee admissions program is resettling Iraqi refugees into poverty rather than helping them rebuild their lives.

□ 1930

The committee says that the Federal program designed to help the refugees doesn't meet their basic needs. The resettlement program is badly underfunded and newly arriving refugees get a mere pittance. The United States State Department provides $900 to each refugee. The refugees are also eligible for State assistance, which varies from State to State, but which averages about $575 a month.

In addition, the refugees are eligible for Medicaid or a Federal medical assistance program, but the program runs out after 8 months. With this tiny amount of assistance, the refugees are supposed to pay rent, utilities, food, clothes, transportation and all the other expenses of daily life.

Put yourself in their shoes. If you were a refugee, already suffering from trauma and injury, could you and your family make it in a country that is as high cost as the United States of America with so little help?

The refugees are searching for jobs to help pay the bills, but we know how hard that is. And in Atlanta, for example, only 25 percent of the Iraqi refugees have been able to find jobs when they were here for over 6 months. Resettlement agencies, which received State Department funding, are struggling to do as much as they can, and they are providing a number of very important services, but their resources are dwindling because of the recession.

As a result of all these problems, Madam Speaker, many of the refugees are destitute and facing eviction from their homes. Some are wondering if they should have stayed in Iraq, even though their lives would have been in danger.

Madam Speaker, the Iraqi refugee in our country deserves better. The International Rescue Committee has called

for an increase in Federal assistance to help alleviate the situation. We must support them by doing more.

We had a hand in their upheaval. Now we must give them a hand in their new country. We have a moral obligation to act.

MADOFF VICTIMS ARE VICTIMIZED AGAIN, THIS TIME BY OUR OWN GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, my remarks are entitled ''Madoff Victims Are Victimized Again, this Time by Our Own Government.'' Americans rely on the Security and Exchange Commission, the SEC, to safeguard their stock transactions through registered broker dealers.

The SEC, however, did not do that in the case of Bernard Madoff. Irrespective of his receiving 150 years in prison for life-damaging financial crimes, many Americans who lost their life savings, who were first victimized as a result of the SEC failures, are being today victimized a second time by our own judicial system and its court-appointed trustee.

The victims' plight is compelling. Think about this, Madam Speaker, irrespective of numerous warnings the SEC received dating back 17 years, all of our Federal agencies stood by and did nothing while thousands of investors deposited their money, usually their life savings, with Bernard L. Madoff Investment Securities.

In fact, after a supposed investigation in 1992, the SEC issued a clear-cut and definitive Statement of Innocence about Madoff's business. This was an unusual occurrence. Indeed, it may be the only time in history that the SEC went as far as issuing a Statement of Innocence to clear a business that it was investigating.

Then, starting in 2002, the SEC continued to ignore seven individual and specific fraud warnings by a credible, financial whistleblower. Again, in 2004, in another government failure, the IRS approved Madoff to be one of only 260 nonbank IRA custodians, the very place that people put their retirement money for safekeeping. Why would the IRS have approved Madoff when it had the legal right and, indeed, the fiduciary obligation to inspect the books and the records of all nonbank IRA custodians?

The approval process, which the IRS shirked, was specifically designed to prevent this exact type of fraud. As Madoff's downfall exposed, both the IRS and the SEC failed to inspect Madoff in even the most basic fundamental fashion. Unfortunately, two different U.S. Government agencies both seemed to have given their approval for Americans to invest with Madoff. They indicated that he had a financial clean bill of health.

Now that Madoff's scheme has imploded, the government seeks to convey the appearance of serving justice on behalf of those who were duped.

Through the Federal Bankruptcy Court, the government has hired a private sector attorney to act as a Madoff bankruptcy trustee and will pay the trustee a fee based on his hours extended to claw back money. Well, this is not what it appears to be. Justice is not being served.

While it is true that the trustee cannot ask for a specific percentage of the total clawed back, he can ask for any specific amount he desires, and it can be based on his own internal computation using a percentage.

Since the trustee won't have enough manpower to sue thousands of people at the same time, he will also hire associate firms to assist in this litigation. All the fees charged by the law firms who are handling this case will first be paid, and then the trustee will receive his fee.

The government should, instead, offer tax or financial relief to those who were victimized, not under an arcane net equity basis, but based on their statements as of November 30, 2008. The IRS should compute tax refunds so as to return 100 percent of each individual's first loss of $2 million; then 90 percent of their loss between $2 and $4 million; 80 percent of their loss dollars between $4 and $6 million, and so forth, until a 20 percent return level has been reached, and at that point return should remain at 20 percent.

This would be most beneficial to smaller investors, who are most impacted by their losses.

If private citizens are required to reimburse other private citizens for harm they caused, why should the government be able to drastically injure people and have no responsibility to restore those individuals' positions or pay restitution to them?

The SIPC, or the quasi-governmental body that offers insurance to those defrauded by the SEC, also stands to gain greatly by not paying the insurance. Even to the casual observer, this is a potential conflict of interest. A mistake has been made, and it must be corrected.

Their computation of net equity for purposes of insurance and clawback for Madoff victims is quite different than the formulas they have used each and every time in the past for other cases which were similar in nature. Since when did rules, regulations, and laws become changeable based on circumstances that would save the insurer the most money and allow the trustee to go after the largest clawbacks? To even the casual observer, there is a conflict of interest.

The President says that it's time to take responsibility and admit when a mistake has been made. ''A mistake has been made.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–191) on the resolution (H. Res. 609) providing for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2965, ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–192) on the resolution (H. Res. 610) providing for consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMEMBERING ROBERT MCNAMARA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Robert McNamara once said, ''You can correct a wrong only if you understand how it occurred and you take steps to make sure it won't happen again.''

Today, as we mark the passing of the late Secretary, I think it's time to apply the lessons he learned in Vietnam to our own times. He said, ''We are not omniscient. If we cannot persuade other nations with similar interests and similar values of the merits of the proposed use of that power, we should not proceed unilaterally.''

We had to learn that lesson again in Iraq.

He also said, ''Our judgments of friend and foe, alike, reflected our profound ignorance of the history, culture, and politics of the people in the area, and the personalities and habits of their leaders.''

That's another lesson we learned again in Iraq.

Secretary McNamara's Vietnam regrets also extended to the homefront. He confessed that ''We failed to draw Congress and the American people into a full and frank discussion and debate

of the pros and cons of a large-scale military involvement before we initiated the action.''

Unfortunately, we did the same thing with Iraq.

Instead of being straight with the American people, we spent years reducing the debate to a false choice between ''stay the course'' and ''cut and run.'' Today, as in McNamara's time, we face the consequences of our silence.

McNamara also recognized that we did not learn from his initial mistake. We stuck to the same tired plan of action, even if it had minimal relevance to the situation on the ground.

''After the action got underway,'' McNamara said, ''and unanticipated events forced us off our planned course, we did not fully explain what was happening and why we were doing what we did.''

We have learned that same lesson again in Iraq and too often find ourselves bogged down by unattainable goals and unable to explain why we are there and what we plan to do about it. Unfortunately, we have had to learn many of the same lessons twice.

In the early years of the Vietnam war, just as in the early years of the Afghanistan and Iraqi wars, you could state with confidence that our military was the most powerful in the world. But military strength does not always translate into victory on the ground.

Secretary McNamara had learned a terrible lesson, that fighting a war without committed allies, without planning, without public discussion and against an enemy force defending its home territory, is not a winning proposition.

In fact, in 1962, McNamara said, ''Every quantitative measurement we have shows we're winning this war.''

But Vietnam wasn't ultimately about quantitative measures. It wasn't enough to burn out its jungles with napalm or blockade its ports with gunships. The bigger issue was strategy, planning and foresight. We didn't know why we were fighting in the first place nor what we are fighting to achieve in the long run.

We had no perspective from which to evaluate our progress and reevaluate our goals. All we had were empty measures of troops, bombs and jets. The lesson of Vietnam has had to be learned and relearned too many times.

Secretary McNamara finally admitted in 1995, ''We were in the wrong place with the wrong tactics.''

At this time of his passing, we should take a moment to reflect on his legacy and take steps to ensure the wrongs of Vietnam don't happen again. The key lesson from Secretary McNamara is that we do that we do not live in a simple world with simple solutions. Military force is only one piece of the puzzle. Success depends on many variables.

McNamara saw this complexity in Vietnam. ''We failed to recognize that in international affairs, as in other aspects of life, there may be problems for which there are no immediate solutions. At times we may have to live with an imperfect, untidy world.''

That same complexity exists in the present conflicts in Afghanistan and Iraq. We need an open and frank discussion of our goals as well as how we plan to achieve them. The American people deserve to know if we are in the wrong place with the wrong tactics. Let's not sacrifice another generation to a war we think we are winning on paper.

HONORING JOHN W. FISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Madam Speaker, I rise today with a heavy heart to pay tribute to a friend and to the memory of a great man who will long be remembered across the State of Indiana as a civic leader and a philanthropist whose impact will be felt for generations.

For decades, John W. Fisher has been a leader in the business community of eastern Indiana. Remembered by many as a giant of industry, John will be greatly missed, not only by his family and friends, but all those whose lives he touched.

A native of Walland, Tennessee, John was known for his athleticism, an all-American. He graduated a Volunteer from the University of Tennessee in 1938, but it was his connection to the Ball family that brought him to Muncie, Indiana.

Married to his beloved Janice, John did not plan to live in Muncie; rather, he had always thought he would eventually settle in his native Tennessee. However, he was convinced to take a more active role in the Ball Corporation by his brother-in-law, Edmund, one of the founding members of that company.

By then, John had earned an MBA from the Harvard Graduate School of Business, and with a keen business intellect, he quickly became a prominent figure in the Muncie business community and all across our State.

□ 1945

While serving in various capacities for Ball Corporation, John W. Fisher distinguished himself as a risk-taker. Richard Ringoen, former Ball Corporation president, noted John's performance once, saying, ''This company has grown because John Fisher was willing to take calculated risks. He has been willing to immerse himself in details that a lot of executives would simply avoid.''

John was elected to serve as corporate vice president in 1963 and by 1970 was named president and CEO of the Ball Corporation. By the time he retired as chairman of the board, Ball Corporation had experienced a period of rapid growth, significant diversification of its products; and thanks to John Fisher's leadership, that year Ball Corporation's annual sales exceeded a billion dollars.

Retirement wouldn't mark the end of his civic contributions to the community or his entrepreneurial spirit. Until his death, John W. Fisher served as chairman of the Cardinal Health Care Systems, trustee of DePauw University, director and former president of the Indiana Chamber of Commerce, a life director of the National Association of Manufacturers, and a benefactor and booster of Ball State University.

Never one to let a good business opportunity pass by, John relied on his experience and remarkable insight to become involved in one project after another. When asked about his approach to business, John said, I take major risks. I don't hesitate to take a very careful look at fresh ideas, especially when capable people are associated with the idea.

It was that entrepreneurial spirit that led John to become involved with so many different industries. From furniture companies to fish farms and many things in between, John Fisher simply seized life with both hands.

Madam Speaker, John Fisher will also be renowned for his business acumen, but also remembered by friends and colleagues and those close to him as a kind-hearted man with a deep commitment to the community.

The Fishers donated millions of dollars to Ball State University, establishing the John and Janice Fisher Chair in Exercise Science and created the Fisher Distinguished Professorship in Wellness and Gerontology. Until his passing, he served on the national campaign committee for Ball State Bold: Investing in the Future—which is the university's fundraising campaign.

Upon learning of his passing, the president of Ball State University said that John W. Fisher's commitment to Ball State University had been ''unequaled in the university's 90-year history.''

More recently, to honor his service, Ball Memorial Hospital dedicated the John W. Fisher Heart Center in January 2009.

Now, many will remember John W. Fisher for these business undertakings and the rest, but I will remember him as a dear friend and a mentor. I first met John Fisher back in 1988 when I entered public life. Since that time, our relationship has been a continuous source of wisdom and guidance to me.

While he had no political ambitions for himself, he had a lifelong interest in public affairs and was keenly aware of the issues facing the country. As an active participant in the Muncie Rotary—and every time I showed up there

he always had a good question to ask in public—but I'll most cherish the privilege of having spent innumerable occasions sitting in John's office and learning from him about the world and business and public life, and drawing on his wisdom, his faith, and his integrity. John Fisher shaped my life and my career in countless ways.

John W. Fisher personified everything that's great about the United States of America. He was a strong, principled leader, generous philanthropist, devoted family man, and he was always willing to take a stand for what he believed in.

Blessed with a wonderful family, John Fisher is survived by his wife, Janice, their seven children, 19 grandchildren, and 28 great grandchildren.

The Bible tells us that ''the Lord is close to the brokenhearted,'' and so is my prayer for his extended family and community of friends today.

Madam Speaker, one of my favorite John Fisher quotes is: ''Ride hard, shoot straight, tell the truth, and be good to your fellow man.'' And that's how he spent his 93 years on this Earth.

Indiana lost a giant—and in John W. Fisher I lost a cherished friend. And it's been my privilege to pay tribute to him on the floor of the House this evening.

STATEMENT IN MEMORY OF STEVE STREATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I rise today in memory of Steve Streater, who passed away in Asheboro, North Carolina, on June 20, 2009, at the age of 50. I extend to all of his friends and family my deepest sympathy for their loss.

Many North Carolina residents will remember Steve as a University of North Carolina football hero, who helped lead the team to the 1980 Atlantic Coast Conference ACC title. What some might not know is that Steve was a star player in both baseball and football as a student at Sylva-Webster High School.

As a baseball pitcher, he set North Carolina High School Athletic Association baseball records that still stand today—with a reported 12 shutouts in a season, 23 wins in a season, and 61 career wins. He also had eight no-hitters.

Steve was a good student and like his brothers Eric and Jimmy, he went on to play football for a Division I college, the University of North Carolina at Chapel Hill.

At the University of North Carolina, Steve became the only ACC player in history to earn all-conference honors at two positions. He was a first-team punter and safety for the 1980 Tar Heels football team, the last to win an ACC championship.

During his senior season, he had five interceptions, including three in the season closer against Duke University. Steve was also the defensive Most Valuable Player of the 1980 Bluebonnet Bowl, with an interception that set up the winning touchdown against Texas.

Sadly, after his triumphant season, Steve's athletic career abruptly ended when he was involved in a freak car accident. In April of 1981, he was returning home from a tryout with the Washington Redskins. Hours after he agreed to sign a free agent contract, his car hit a slick spot, slid into an embankment, and was hit by another car. He suffered a back jury in that accident and was left paralyzed from the waist down for the remainder of his life. I remember that the Washington Redskins thought so much of Steve, they still paid his signing bonus after the injury.

Although Steve could no longer impress fans with his skills on the field, he made an even greater difference as he served as a role model for countless young people. From this tragedy, Steve became an inspiration to high school students throughout North Carolina. In addition to coaching, he was appointed State field coordinator for SADD, Students Against Drunk Driving, which launched in North Carolina in 1983. His car accident was not alcohol related, but in this role he was not only an inspiration to students, but to people like me.

While serving in the North Carolina General Assembly, I had the privilege and honor of introducing Steve several times when he spoke to student groups in my district. I am certain that he benefited from the love and support of his family and friends because, despite his accident, he never showed the pain of what he had lost.

Steve touched many of us young and old in such a positive way that his life will never be forgotten by those of us who had the privilege to know him. Steve Streater was an outstanding individual and he will be dearly missed.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget allocations for the Committee on Appropriations for each of the fiscal years 2009 and 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation is included in the bill H.R. 3082, Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. A corresponding table is attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(A) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,086,660	1,306,614
Changes for overseas deployment and other activities designations:		
H.R. 3082 (Appropriations for Military Construction, Veterans Affairs, and Related Agencies):		
Fiscal Year 2009	0	0
Fiscal Year 2010	1,399	145
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,059	1,306,759

IN MEMORY OF WILLIAM LOUIS ISSA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ISSA) is recognized for 5 minutes.

Mr. ISSA. Today is July 7, 2009. Today would have been the 24th birthday of my own nephew, William Louis Issa. Last week, I attended his funeral.

He had a connection to this House because he worked both in Cleveland, his home, and here in Washington for his Congressman, DENNIS KUCINICH. In his passing, I lost a nephew; Cleveland lost somebody who cared about the environment, who was passionate about wolves in the wild, who in fact had graduated from college and was going on to law school to be an environmentalist, to seek what liberty allows us in this country, which is the right to feel and do what you think is right for your country.

I speak from this side of the center of this body and I speak about somebody who I disagreed with on many policies. As a young man, while he was summering here and staying at our home, he wanted me to know that the eating of meat was wrong and that if I wasn't a vegetarian, then I wasn't getting it. And he admired DENNIS KUCINICH, who's a lifelong—or at least as an adult person—a vegan. And he on a host of other issues felt so strongly. But, most of all, he felt strongly about the individual liberties, particularly his.

Now his choice was a Prius and his choice was in fact to try to do and be everything for a sustainable ecology as he saw it. So when I thought about coming and using his nexus here to the House floor tonight to speak on what would have been his 24th birthday, I thought it appropriate to say that from

the left—and he certainly was a child of the left; perhaps a child of the sixties reborn in a next generation—and from someone on the right, I wonder if we shouldn't come together the way this young man did with everyone he met and talk in terms of America's liberty.

What in fact is this body doing—not to pass new laws. That wasn't what we were sent for. But to defend the inherent constitutional obligations: Life, liberty, the pursuit of happiness.

I believe that he ended his life far too soon and without accomplishing what he would have, had he lived longer. But tonight I will tell you that I'm brought to the House floor for perhaps only the third or fourth time in 8 or 9 years to say that those on the left and those on the right, we need to recommit ourselves.

At a time when we're talking about regulating CO_2, where we regulate the highways, the waterways, where we're looking at an 8 percent tax on health care to pay for the new health care proposal, while so much of what we once thought of as the free wild, wild west of the United States has been changed, particularly post-9/11, I wonder if this wouldn't be a good time for men and women of good conscience on both sides of the aisle to say: Shouldn't we relook at every liberty? Shouldn't we form a liberty caucus? Shouldn't Congress be dedicated to ask the question not as Republicans or Democrats, but in fact as Americans sworn to uphold the Constitution?

Isn't it time we start looking at every single law we passed and the regulation they produced and find out how many of them we could do without—not liberal laws, not conservative laws, but all of them. I believe that that is the highest calling for those of us here in Congress.

I will tell you tonight, perhaps as a small tribute to my nephew, that I will reach out and I will ask every Democrat I see and all of my colleagues on this side of the aisle: What have we done in fact to defend liberty? What have we done to give somebody the right to decide they want to spend three months with wolves in the wild or that they want to in fact go out and save our delicate ecosystem from the unnatural twisting that 300 million people here in America bring upon the world.

That liberty is important. It's important that we pay tribute to it every chance we have, and can.

Madam Speaker, I want to thank you for the opportunity to, in a small way, talk about liberty and a man who would have fought for it.

DRAINING THE SWAMP OF CORRUPTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. As always, I appreciate the privilege to be recognized here on the floor of the House of Representatives. We have had a little bit of a break here, a hiatus to go back home and spend some time on the 4th of July to celebrate the birth of our great country—233 years of freedom.

A lot of that freedom has been debated, deliberated, and argued over here on the floor of the House of Representatives in this world's greatest deliberative body. The most costly freedom was fought for and lives and blood were sacrificed for on this soil and in foreign lands as well for this Nation to emerge at what has been and had become a strong and vibrant constitutional Republic. Part of the requirements to maintain that strong and vibrant constitutional Republic are that we engage in debate here and that we bring together and aggregate the best ideas of the 300 million Americans that elect the 435 Members of the House of Representatives and the 100 Senators.

□ 2000

It's essential that we maintain that kind of vibrant dialogue in this deliberative democracy, as some would call it. It's essential that we maintain the highest levels of integrity in order that this great Republic can continue on the path that has been charted for it by so many of our Founding Fathers and our predecessors. However difficult the process that they were in might have been, they emerged and led this Nation clearly along a path, a higher road; and that higher road has been a road that held our own Members accountable for the highest standards of ethics. We have an Ethics Committee here in the House. I recall much of the debate that took place here on the floor back during the 108th and the 109th Congresses when allegations were made about Members and their levels of integrity. I remember prior to my arrival here many charges being filed in the Ethics Committee against Members of Congress who, it seemed to be, their only transgression was that they were effective in advancing the conservative cause. I recall, Madam Speaker, that when NANCY PELOSI was the leader and not the Speaker, she gave many speeches herself and alleged over and over again, Elect us into the majority, and we will come in, and we will drain the swamp, Madam Speaker. Well, here we are now. The majority has changed. The promise apparently is drifting away, and there are questions that continue to emerge and questions about the standards that are being adhered to, or not being adhered to, by certain Members of this body. Questions that are raised by publications that have a strong affinity for the majority party in this Congress, those who made a living out of attacking and criticizing Republicans when they were in the majority and Republicans when they were in the minority now are raising ethics questions about the activities of the Members of this new Democrat majority who is now halfway through their third year. So 2½ years into this majority, we're starting to see that the allegation about draining the swamp was only an allegation about using ethics charges to attack Republicans. I'm not seeing this same level of leadership, regardless of the promise made by the Speaker, to scrutinize the Members that are under the public's scrutiny now, and some who are reportedly under investigation by the FBI. Now I'm going to be a little gentle about how I discuss some of these issues, Madam Speaker, because it is a delicate subject. But it's essential that the subject be raised and that we have this debate and this dialogue here on this floor because in the end, it's not going to be the conscience of the people that are crossing the line or allegedly crossing the line. They aren't going to wake up in the night and have an attack of conscience or an epiphany and come down here and say, I'm going to clean up my act. I've gone too far. I slipped into some things that I shouldn't have been involved in. That is not going to happen. That is not what human nature does except in very, very rare circumstances. No. What will happen is, if this is to be cleaned up, and if it's to be addressed, the ethics questions, the cloud that hangs over Member after Member here, influential Members, members of the Appropriations Committee, Chairs of the Appropriations Subcommittees that exert significant influence over where taxpayer dollars go, this cloud that hangs over is only going to be cleared if the Speaker of the House follows through on her promise to drain her swamp—or if the public becomes so outraged that they demand that the situation be cleaned up.

Now we have had for a long time in this House—and I can think back at least 2½ years—we've had a dysfunctional Ethics Committee, a committee that was a black hole, that if there was a charge that was filed, it went in, and it was never acted upon. And they could investigate in complete confidentiality so no one could look over their shoulder, a committee that was balanced and nonpartisan in such a way that it was immobilized and couldn't take action at all. I cannot remember the last action of the Ethics Committee that had any effect in a constructive way of providing more cleanliness here in the House of Representatives.

Now if I get to these posters, I am going to go through some of the things that are constantly in the news. This summary comes out to be this: This is the ''draining the swamp'' leadership

hour of the Republican leadership, and we have a pattern of ignoring the corruption. There is a pattern of practice for Speaker PELOSI. We have eight appropriators who, it's reported, are now under investigation for potential conflict of interest violations. With the Nation's spending out of control and trillions going to special interest, we have questions and challenges that are coming up, flowing throughout the media. Let me say that new allegations of these defense millions are funneled to aides and relatives; contractors are now charged with kickbacks. We have seen thousands in defense contractor dollars go through PMA, and out of there came donations to the Appropriations Chair of the Armed Services Committee. Then we've seen $250 million in earmarks go back through that lobbying firm, PMA, which, it's reported, is clearly under investigation. A lobbying firm that has been closed down because of the investigation and those activities that are the subject of FBI investigations have shut down the lobbying firm PMA, a defense contractor lobbying firm, and have implicated a significant number of NANCY PELOSI's chosen Chairs, people whom she has handed the gavel to. This list is long, and I think it's expressive of what is going on. We had one of the Appropriations Chairs step down from the Ethics Committee because of reports of an ethics investigation but found himself chairing the Justice Appropriations Committee—the people that were reportedly investigating him, holding onto the gavel in one hand to control the Appropriations and Justice approps, at the same time holding the purse strings of the FBI, who is reportedly investigating the chairman of Justice approps. This goes on in the United States Congress, and the American people are not outraged? I think they are. I think they just have so many things to be outraged about that they can't bring their focus on one subject or another because it comes at them over and over again like a triphammer. These allegations that are documented—the same Member, the chairman of Justice approps, received a $70,000 donation to his family's foundation. At the same time millions were earmarked to the West Virginia High Tech Consortium. That's just a touch of what's going on there, Madam Speaker. And as I've watched this for 4 to 5 years, it just gets worse. When we see a chairman of Justice approps, for example, with 50 earmarks in a bill, and the people that are on the committee are afraid to challenge him for fear that their district will be punished, a certain culture grows up within the appropriators in this Congress, when their fear that they will lose their leverage and not be considered to be a loyal member of that committee, might be considered ineffective, if they are to raise the issues that they know should be raised. What happened to the altruism that I read about in our history books, the altruism that I was convinced existed and burned within the heart of all of our predecessors as they shaped this country? Yes, they disagree on policy; but I didn't think that they disagreed on ethics. That's the chairman of the Justice approps. We know about the Appropriations Chair of Armed Services and his connection with the earmark to the unused airport. I think we ought to take a CODEL to that airport. We have here a situation that has to do with the CBC. As we call it here, the Congressional Black Caucus, Madam Speaker, for those who are not on a day-to-day basis dealing with the acronyms of this House and, let me say, a separatist group that has formed themselves in a way that if it were any other group of people, they wouldn't be allowed to have an organization like this. But it's a matter of record that the Congressional Black Caucus took some trips down into St. Martin, Antigua and Barbuda. That was in 2007. And the question is: Were there corporate funds that sponsored these trips? And if so, it would be a clear violation of House rules. There is videotape, I'm advised, that shows the banners of the corporations hung up across the area where it's presented, and Members are thanking the corporations for sponsoring their trip. And who would be dealing with the investigation? Representative G.K. BUTTERFIELD, Democrat, North Carolina, member of the Congressional Black Caucus, and one who had gone on a previous trip into that same part of the world with the same group of people. So we would ask the same people who are being, let me say, evaluated for a potential ethics violations to investigate essentially themselves. So maybe they want to get back together and have a little reunion and decide if they did anything wrong. We don't have answers to the public. We simply have a black hole of ethics that hangs over their head. They also argue that it's improper for someone—and I'll argue this. It's improper for someone who attended the Caribbean conference to lead an investigation into it as to whether it violated House rules. What a contradiction. But the same gentleman who's leading the investigation, Mr. BUTTERFIELD of North Carolina said, You cannot completely divorce yourself from relationships. Yet he would be willing to recuse himself if he got the sense that there was a contradiction. We shall see.

And what do we hear from the Congressional Black Caucus when the issue was raised and the press asked them the question, Did you go on a corporate-funded trip to the Caribbean? Or was it two or three? Their response was—well, they complained about a lack of minorities in the office that was taking a look at this issue, the Office of Congressional Ethics, which was set up by NANCY PELOSI. So Speaker PELOSI's Office of Congressional Ethics is looking into the activities of the Congressional Black Caucus and their trips to the Caribbean, potentially funded by corporations. And what does the Congressional Black Caucus have to say? They don't think that the committee looking into them has enough minorities. The first question asked, and they have to play the race card. That doesn't speak to me as an issue that they have a very strong defense for. That's the knee-jerk response, Play the race card. That's why they are the Congressional Black Caucus, after all, the liberal Congressional Black Caucus. And we have Peter Flaherty, the president of a conservative watchdog group, and upon uncovering evidence of the trip's corporate sponsors, he said he was disappointed with the appointment of Mr. BUTTERFIELD to head up the investigative group. His answer was, the Congressional Black Caucus really sticks together. You can see their solidarity in the face of these ethics charges. To put one of their own members in charge of the investigation just shows that nothing has changed. The ethics process is still a complete mockery. Peter Flaherty.

And Mr. McGee also questioned whether the Congressional Black Caucus members should be leading the probe. He said, In this case, this is a trip that is publicly connected to the CBC, and only CBC members were participants. To have a CBC member lead the investigation is not the best way to ensure a publicly credible and acceptable result. Mr. McGee, I agree.

We could go on and on. But here is the quote from Speaker PELOSI when she said that she's making a commitment to ''draining the swamp of corruption.'' I don't see activity on that commitment, and it is time. It is time we raised the issue. It's time the American people look into these allegations. It's time that this Congress form an effective Ethics Committee, an Ethics Committee that can clean this up and drain this swamp, as defined by the Speaker, who I think eventually is going to have to respond to this. She's going to have to keep her word. She has created the organization, the evaluation organization, and now it's time to use it. And the name of the organization that she shaped escapes me for the moment, but it was formed by the Speaker of the House for the purposes of—in her words, ''draining the swamp,'' and what do we get from the Congressional Black Caucus but a complaint that there weren't enough minorities on the committee that were appointed by the Speaker. Now, I'd like to think that ethics is completely independent of ethnicity. I'd like to think that morality is independent of ethnicity or race or gender or whatever one happens to be oriented.

□ 2015

I would like to think right is right and wrong is wrong, that truth is truth, that fiction is fiction, that the Constitution is what it is, that the Bible says what it says, that the Declaration says what it says, and that every Member here would speak the truth.

I would like to think that every Member of this Congress carries with them, internally, an ethical conscience that we owe a duty to the American people, that we owe a duty to the American people to live here at the highest standards and that we will not be drawn down into the low standards, and that we owe a duty to them to stop and to evaluate ourselves. That is what the Ethics Committee is about.

The working group that is designed to enhance the Ethics Committee apparently is not functioning, but we do have a Member of the Congressional Black Caucus investigating the Congressional Black Caucus under the auspices of the organization that is formed by the Speaker to do just that. I don't think it is quite the fox guarding the henhouse because I don't know what goes on in the mind of Mr. BUTTERFIELD. But I will say it raises questions. This Congress needs to raise questions.

We are watching favoritism here on the floor of the House. A week ago last Friday, the cap-and-trade bill, cap-and-tax bill, I call it, passed off the floor of this House. There were dozens of Members of this Congress, Democrats in the dozens, who had made the public statement that they were opposed to this cap-and-tax bill. But what we saw happen was as they needed the votes to get it passed, Member after Member would walk down in a lineup. They would queue up back here behind the microphone. And they would have in their hand their little script. They would carry that script down to the microphone. And the chairman who was managing the time would yield to them. They would read from the script. And the script would say something to the effect of ''I took a position against the bill because I was concerned about the interests of my constituents,'' which really means ''because I know it will cost my district a lot of money, it will transfer our jobs overseas, and it is a bad idea.'' This is what they said before the bill came to the floor.

An amendment was dropped in at 3 o'clock in the morning. It was 309 pages. No one had a chance to read it. But still they read from their script, and it said, on balance, I think that we have mitigated some of the disaster created by this—they wouldn't say it quite that plainly, of course—but I think we've mitigated some of the problems in this bill and I think we're working on this and we're going in the right direction. I think my constituents are going to be adequately covered.

Then they would pause while the committee chairman would read from his script. And he would say, I appreciate working with the gentleman. We've made progress on this bill. And even though we haven't had a chance to change any more language in this amendment that came in, 309 pages at 3 o'clock in the morning, to accommodate for this component that this Member would like to have, still, the fact that we read this colloquy into the RECORD changes the meaning of the bill.

And now the Member that was there and had read off the script, ''So therefore I'm going to vote for the bill because I've worked with the chairman and we each agree we've done our duty to God and country and the bill is not as bad as it would have been otherwise.''

Really? The bill changes because one Member won't vote for it unless he gets some cover? So he walks down here, reads from the script, the chairman reads from the script, the Member reads from the conclusion of the script, and now we have changed the meaning of the bill? And it is enough to turn a vote around 180 degrees and deliver to America a cap-and-tax bill by a vote of 219–212 which, by all appearances, is this: They're wrong on the science, they're wrong on the global warming argument, and the idea that you can set the Earth's thermostat simply by controlling CO_2 emissions, only CO_2 emissions, and by doing so from American industry is going to lower the temperature of the Earth, and that by lowering the temperature of the Earth, we are going to have a higher quality of life. That is the undercurrent of this.

I will say they are wrong on the science. They can't make a scientific argument. They are completely wrong on the economics. The idea that we are going to create green jobs by taxing energy, specific kinds of energy, CO_2-emitting energy, is completely wrong.

What solution was the best solution if you accept the premise of Mr. WAXMAN? It would be a lot of nuclear-generated power, for which we have no provision that opens it up so that we can build more nuclear-generating plants. It has become virtually impossible to build new coal-fired generating plants before this bill passed the floor of the House. The development of electrical generation in America is now frozen, suspended until we can figure out what is going to take place, what the Senate will do, if they take up the bill at all, and how they might amend it. But when you take something that is bad and you amend it marginally, it is still bad.

I have watched this unfold here on the floor of the House. I have watched it unfold behind the scenes. I have watched it unfold in committee. And I have yet to hear a legitimate dialogue in debate. I have yet to hear one Member of this Congress come here and raise the argument that scientifically they are right, that they can dial the temperature of the Earth down by reducing the CO_2 emissions in the United States and by raising the cost of energy.

This bill is an energy tax. It taxes all the energy in America. If you get in a car or on a bus and ride a half a block, you have used energy. If you throw on a light switch, you have used energy. If you pick up a cup of coffee, it took energy to heat the coffee and make it. It took energy to make the cup. Whenever you move, you are using something that took energy to produce. All of our components are intricately tied to energy.

A nation that has expensive energy will be uncompetitive against the nations that have cheap energy and lots of it. One of the strengths of this Nation has been that we have had a sound and good, competitive, multi-sourced energy policy in the United States. We pioneered the oil drilling in the world. We led with this. It started in Pennsylvania. It developed in Texas and Oklahoma and other places around the country. It went up to the North Slope of Alaska. It went offshore.

America has developed much of the technology that produces the oil and natural gas for the world today. That has been a core of the strength of America's vibrant and huge global economy that we drive. The percentage of it that we have is so significant. We have had almost unlimited natural resources for most of this term of 233 years. We have had a lot of cheap energy of many different varieties. We have had constitutional rights, especially property rights, the rule of law, a work ethic and a morality that has tied this country together. These are the pillars of American exceptionalism.

We had ideas for energy just a year ago. A year and a month ago, some of us were here on the floor of the House, and we had been debating energy for I will say about 6 weeks, when we got up to the August break. Now as the energy debate got turned up, the Speaker of the House decided she didn't want to hear any more discussion about energy. So they abruptly adjourned and shut this process down. We kept debating anyway as the microphones were shut off and eventually the lights were shut off. We kept debating anyway. And we went out into the Capitol Building and brought people in to the seats, people off the streets, and set them in the seats here on the floor of the House of Representatives. People sat in CHARLIE RANGEL's seat. They sat over here in BARNEY FRANK's seat. They sat in Mr. DINGELL's seat. They sat in Republican seats too. They sat this close, right here, tourists off the streets of Washington, D.C., off the Capitol Building in

here on the floor of the House of Representatives so we would have somebody to talk to because the TV cameras were shut off and turned to the side. The microphones were shut off. And the lights were shut down in here because the Speaker didn't want to hear any more energy debate. But the delivery we gave then and the delivery that we continued on up until nearly the election last fall was all energy all the time, as our leader says, ''all of the above.''

I put a chart here on the floor that showed all of the sources of energy that we consume in the United States. It is a pie chart with color code, how much is coal, how much is natural gas, how much is petroleum products, gas and diesel fuel, jet fuel, heating oil, how much is ethanol, biodiesel, wind, nuclear, geothermal, solar, and coal. The list goes on. We were consuming 101.4 quadrillion Btus of energy in the United States and producing about 72 quadrillion Btus of energy. So roughly speaking, we are producing only 72 percent of the overall energy that we are consuming in the United States. And yet we are an energy-rich nation. We are an energy-rich nation that should be able to shape an energy policy, an energy policy that will keep our energy cheap so that our economy can be competitive, so that Americans can make things here in the United States, and America will be where the jobs are. Jobs are going to be where it is competitive.

It is pretty obvious from looking at what is happening to General Motors and Chrysler that we have had a lot of trouble being competitive on labor. If we can't be competitive on labor, at least we can be competitive on our natural resources and at least we can be competitive on our energy prices. Instead, the Speaker of the House has embarked upon a path of making energy more expensive in this country under this viewpoint of trying to save the planet. Do you remember the quote from last year? ''I'm trying to save the planet. I'm trying to save the planet.'' She is trying to save the planet by increasing the cost of all of the energy in America and driving up the cost of electricity.

We had a witness before an Energy and Commerce Subcommittee chaired by Mr. MARKEY. This gentleman's name is David Sokol, who is the chairman of the board at MidAmerican Energy. Mr. Sokol testified as to the costs in increased electricity, the costs to the, I think the number is 6.9 million, ratepayers that MidAmerican has. They have a balanced portfolio of energy sources. They said they can meet the carbon caps that are being imposed on them in this cap-and-tax bill. But what will happen is the customers will have to pay. They will have to pay twice, once for the cap-and-tax, and again to change, to renovate the means by which they deliver that energy. He testified that the cost, just for the additional cost annually per household, was $110 a month, which maths out to be $1,320 a year just for the electricity. Add on to that the extra cost for gas for all of the costs on consumers because of diesel fuel in trucks and the extra energy that it takes to produce anything. Let's just say you're in the business of mining iron ore and shipping that over and melting it down and turning it into steel. All of the energy that is required there to mine it, to heat it, to convert it, all of that makes it almost prohibitive when you see costs that are going up for energy costs, in many cases a doubling of certain kinds of energy costs.

Also, when you look at the map of the United States, you will see that the States that have the credits, that have a surplus of hydroelectric power, a lot of the people in those States would like to put our rivers back where they were. I'm not among them. I think we can improve upon Mother Nature. I think hydroelectric power is a wonderful thing. I would be happy to have more of it. But the States that have it are the States that get carbon credits to trade back, to sell back to the States that are generating a lot of their electricity with coal.

So that amounts to a transfer of wealth from the States that are short on hydroelectric and other forms of renewable energy production to those that are long on the nongreenhouse-gas-emitting-generating systems. So you would see almost all of the country transferring their wealth to the Northeast, to the full West and the entire western seaboard. South Dakota would be a recipient State because they have a series of hydroelectric dams in South Dakota and not a lot of people to use the electricity. That is what happens. It pits Americans against Americans. It punishes some, and it benefits others. It punishes all of agriculture.

This is all taking place because an idea was generated 30 or so years ago and was pushed by Al Gore who received a Pulitzer Prize and made a movie. And they don't have to be factual. They don't have to prove anything. They just simply make an allegation that the Earth is getting warmer, and if the Earth is getting warmer, then we must do something because things are horrible. And so the only thing we can do is the thing that they present to us, of course.

It reminds me a lot of the stimulus package.

□ 2030

The stimulus package was put together by President Obama. He came to our conference and said it is one leg of a multilegged stool that we have to construct to get us out of this economic crisis we are in. It was all one leg at that time. It was about a $2 trillion leg. It was $787 billion, and they throw in some more from some other bailouts, and it is about $2 trillion.

So we went down this path. We were all pressured to vote for that $787 billion stimulus package because, after all, we were in an economic crisis and we must do something. Those of us who opposed the stimulus package were accused of being against doing anything. They just want to do nothing, they said, as if their idea was the only thing we could do.

I wrote legislation, introduced it, argued for it, and got the back of the hand from the people who thought government should own everything because they didn't want free market solutions. It looks to me like they wanted government intervention.

And so we have a stimulus plan and we have the nationalization that has taken place of Bank of America, AIG, Bear Stearns, and Merrill Lynch, is incorporated into that. Fannie Mae and Freddie Mac that used to be private became quasi-government, and now they are completely government, a wholly owned subsidiary of the Federal Government. And roughly, there is a $5.5 trillion outside potential liability of Fannie Mae and Freddie Mac, and that is if it all melts down.

General Motors and Chrysler, there are about eight huge national entities that have been nationalized, formerly private, now nationalized under President Obama, the President Obama who said: I don't want to do this. I am not interested in taking over corporations. I don't want to be involved in the day-to-day operations of these corporations. He is a reluctant nationalizer of private businesses. He didn't want to be involved in the day-to-day operations.

There are other solutions out there. One would have been to take AIG, this huge insurance company which had such a large share of the market that no one could check its balance sheet, no one could evaluate the premiums they were charging because no one understood the scope of the business that they were in. And they guaranteed the return, the performance of these mortgage-backed securities, this toxic debt, this toxic paper that these investment bankers had. No one could evaluate AIG. But they could pour hundreds of millions of dollars into AIG, and we couldn't even have a discussion about splitting them up, dividing them up and throwing away the bad components and letting them compete against each other, or sending them into bankruptcy and letting them go that route and let the emerging insurance companies fill that market. That could have been a solution, too.

I argued this way. Look at AIG as if it were an apple, and you take that tool off the kitchen counter and it takes the core out and slices it up into six pieces. That could have happened

with AIG like it happened to Ma Bell, and they could have competed with each other. But instead, hundreds of billions of dollars poured into AIG and our investment banks, propping them up, carrying them on, and then effectively nationalizing them, refusing to allow some of the lending institutions to pay the money back so they could be out from underneath the thumb of the White House, a White House that claims to not want to operate any of these companies, a White House that fired the CEO of General Motors and hired a new CEO of General Motors and named all but two of the board members of General Motors and dictated to the bankruptcy court the terms of the Chapter 11 before the court made the decision, dictated by the White House. By the way, the White House that says, as a matter of fact a President that says I don't want to be involved in the day-to-day operations of General Motors appointed a car czar who had never sold a car nor made one, and probably never even fixed one but probably has driven several, to call the shots on General Motors and on Chrysler, a car czar who is on the phone on a regular basis at the report of Fritz Henderson, the new Obama-appointed CEO of General Motors.

We are at the point where we have eight huge entities that are nationalized by the White House in a breathtaking fashion that many of us would have claimed would not have been a legal activity, or would have taken the authorization of Congress or resources that were not available to the White House to spend without congressional authorization, all happening so fast with the operation here that has shut down the kind of criticism that might have produced some free market results.

So the White House is involved in day-to-day operations of General Motors. The White House dictated who would be buying up what is left of Chrysler, appointed the new CEO of General Motors and all but two of the board members, and all of this works under the auspices of the car czar, who is one of 22 czars appointed by the President. There are 22 czars; more czars than the Romanovs, as Senator MCCAIN famously said. One of them is the payroll czar. The payroll czar looks around to determine whether the CEOs of the companies that have been nationalized or received TARP funds or Federal funds by the White House, to determine if the CEOs and their executives are making too much money performing the service that they are performing. In America? The President appoints someone to decide who is making too much money while they advocate the class envy that was part of the campaign and nationalize eight huge formerly private sector entities and invest our tax dollars in them and hold back shares now of common stock as if they were an outside investor, as if they were Warren Buffett riding to the rescue.

Madam Speaker, America has gone down the line. When I take us to the point of these hugely nationalized formerly private companies, all of that can be reversed at this point. All can be overturned in a saner time by a more prudent Congress and an administration that either sees the light or is replaced by one that does. All of it can be.

But this line of the cap-and-tax bill is the Rubicon. It is the stream that we have crossed here in the House that if they cross it in the Senate, it will be an irrevocable policy that forever burdens the economy of the United States of America to our detriment and hands over an advantage in global competitiveness to China and India and other emerging industrializing countries. And if that happens, there is no going back.

I talked about the culture of corruption and the promise of the Speaker to drain the swamp. There is new corruption on the horizon. The cap-and-tax bill lays the foundation for a massive amount of corruption.

When President Obama said look across to Spain for an example, an example of a country that gets it right, an example of a country that has already gone through the green revolution and created the green jobs and now they are in this new green economy, we can do that in the United States, too.

The President and many others make the argument that taxing energy in America and trading carbon credits will create these green jobs and we will have this new green economy that will be apparently healthy and vibrant, and they guarantee that they will create green jobs.

But what they don't do is talk about this in the context of, similar to the same philosophy we are going to create or save, and I don't remember the first number now, maybe 4.5 million jobs. I know it got down to 3.5 million or 3 million jobs this stimulus plan was going to create or save. Let's say 3 million jobs. That is on the low side. It has been lowered a little since then.

Create or save. Now the instant I heard that, it just hit me, create or save. If it is going to be 3 million jobs that you create or save with the stimulus plan, as long as there are 3 million jobs left in the United States of America, the President can always claim those jobs were the jobs I saved. You would have lost them all if it hadn't been for the stimulus plan. That's the logic of the ''create or save'' kind of phrase.

Those are slippery phrases, calculated ambiguities. They intentionally, I believe, give a dual meaning so people can listen and they hear something. What do they want to hear? They want to hear that the stimulus package is going to create 3 million jobs and so they grab ahold of that, and they are not listening to the words ''or save.'' Create or save. They are not thinking that there is no way that anyone can quantify a job that is saved.

You can save a job if it is already lost and you put it back. I remember a company that was getting shut down, in the neighborhood of 40 jobs, and we engaged with the bureaucrats and entreated that they look at it more objectively and stick with their rules but not be so hasty. And out of that, those jobs remained. I would quantify we saved about 40 jobs.

But you can't deal with a national policy that can take credit for creating or saving jobs in the same category.

So what's the net increase or decrease in jobs? The stimulus plan hasn't created net new jobs. It has not lived up to the standards set by the White House which predicted we would see unemployment as high as 8 percent, maybe even 8.5 percent. Now it is at 9.4 or 9.5 percent, and the numbers are 14.5 million Americans unemployed and another 6 million who are looking for work. So let's just say 20 million, 20 million unemployed in the United States of America. None of those were jobs that were saved. None of those were jobs that were created, and the White House hasn't defined a single one yet of the jobs that were created, nor the ones that are saved.

So cap-and-trade, cap-and-tax, what does it do to the culture of corruption? What does it do to the ethics challenge that is before these many Members of Congress of which I have a list? Let me see. One, two, three, four, five, six, seven, eight, nine that are being scrutinized and are in the public eye.

Even under this environment of getting to the cap-and-tax, and I will share with you what happened in Spain as they lurched into their green economy to create their green jobs.

Spain drew a conclusion 7 or 8 years ago that they wanted to be a world leader in green jobs, a world leader in this green revolution, and they wanted to reduce the amount of CO_2 being emitted into the atmosphere and get themselves in line with the Kyoto treaty. So they set about replacing their normal generation in Spain with a lot of wind power generators; other means, too, but wind power in particular. When you get involved in issuing permits and who gets to put up and where you are going to locate a wind generator, that means bureaucrats and politicians are involved and favorites get chosen, just like the favorite dealership in Massachusetts that lost his franchise, but at the pleadings of the chairman of the Financial Services Committee had his franchise reinstated even though others did lose their franchise.

Favorites get played in politics. It happened in Spain. In the case of

Spain, they were going to create these green jobs. Here is what they learned. This is the data that comes out of 7 to 8 years of experience, of going down this path that cap-and-tax takes the United States of America if the Senate passes it and the President has promised that he will veto it. They did create jobs. They created green jobs. And for every green job that they created, they had a net loss of 2.2 private sector jobs because it drew capital out of the private sector and out of the Spanish economy. They lost the two largest companies in Spain. One of them was British Petroleum, or BP as they are known now, that pulled out of Spain because their costs have gone too high.

They created a new green job here and there at the cost of, for every one, 2.2 lost jobs in the private sector. It took Spain up to the highest unemployment rate in the industrialized world, 17.5 percent unemployment and rising. The cost per green job created was $770,000 per job.

So they spent $770,000, created a green job and lost 2.2 jobs in the private sector. And they saw their electrical bills skyrocket. I think that was the phrase used by President Obama. You would see coal-fired generating plants, the cost of that electricity skyrocket under his cap-and-tax plan.

Well, electricity skyrocketed under a very similar plan, a plan that has been identified by President Obama as a model to follow, the Spanish model. In 3 years' time, the electrical bills for the residents in Spain increased 20 percent. Now that is not quite so shocking, I don't suppose, Madam Speaker, but industrial electricity costs in the same period of time went up 100 percent.

□ 2045

So residential electricity up 20 percent; industrial electrical costs 100 percent. Now, we already see the picture of why they've lost so many large companies out of Spain. They've driven up the electrical costs where they can't compete any longer. And with electrical costs doubling in industrial in 3 years and up 20 percent in residential, they actually just hit the political threshold.

It wasn't that that covered all the additional costs of generating electricity. The real truth is, Madam Speaker, that they took the cost of electricity up to the political threshold where they couldn't sustain it any longer, held it at a 20 percent increase for residents and a doubling, a 100 percent increase in industrial, and then, to pay for the rest of the cost of the electricity, went out on the financial market and borrowed the money to pay the electrical bills, borrowed the money from the international financial markets to pay the electrical bills in Spain at costs above the doubling of industrial and the 20 percent increase in the residential. And in order to borrow the money, they had to pledge the full faith and credit of the Spanish Government, which means children yet to be born and the children and the grandchildren and likely the great-grandchildren of those using electricity in Spain today will be paying the interest and the principal on the electrical bills of their parents, their grandparents and their great-grandparents—should the economy hold together long enough that they would even have the opportunity to do that—while the competitiveness of Spain digresses in the world.

And if this isn't bad enough, high electrical costs, borrowing on the international financial market to pay the electrical bill, 17.5 unemployment, $770,000 per green job created, and for every time they created a green job they lost 2.2 jobs in the private sector. All of this going on, you still had the Sicilian Mafia involved in the politics of Spain, greasing the palms, so to speak, making sure that the right people received the right cash favors in the right denominations because politicians, business people are brokering who gets to put up the wind charger, who's going to issue the permit—well, they have that determined—who gets the permit issued to put the wind charger up on which land. And the Sicilian Mafia was involved in that and remains involved in that, according to the speaker we had for a breakfast I hosted a couple months ago. Not only were they involved in the politics of the permitting process, but also involved in the politics of determining who would be the contractors, the subcontractors, and the suppliers.

So add Sicilian Mafia to this web, this web of corruption, this web of political favoritism, this ethical snarl that's there in Spain that contributes to dragging down their economy—the green economy that they set up with the idea they were going to create green jobs.

There is no empirical data, no quantifiable way that one can look at Spain and declare that Spain is a model that the United States should emulate, but the President has declared that we should do that and doesn't seem to be accountable for that flawed judgment.

So when I asked the question, of all of these things that are wrong in the Spanish green economy—the high unemployment, the high electrical bills, borrowing money to pay your electrical bills, the Sicilian Mafia wrapped up in the politics that's contributing to political corruption—of which there are many indicators here in this swamp that the Speaker has declared she wants to drain but taken no move to do so when it's her own Democratic Members—all of this going on in Spain, and here in the House of Representatives we pass a cap-and-tax bill that is a tax on all of our energy, that sets up carbon credits that will be traded—not just in the United States, but around the world.

And so somehow, with a bill in the House, we are going to pay somebody to plant trees in Brazil, thinking that that's going to sequester some carbon so we can burn some more natural gas to generate some electricity in Florida. How about that?

And I would just ask the question, aside from this snarled mess and the open door for confusion and corruption and favoritism and people getting rich off of credits, aside from all of that, aside from the extra cost in electricity of $1,320 a year just for the households in my district—according to MidAmerican Energy, who hasn't seen a rate increase in over 10 years—aside from all of that, where are we going?

If we could take the 25 or the 50 or the 100 smartest people in America, or the world, erase from their minds any of the last 25 or 30 years of this global warming fear that has been perpetrated—and now has had to morph itself into ''climate change'' because we don't have evidence that the globe has been warming since 2002 so they had to change it to climate change—but if we could put the smartest people together, send them off on a retreat somewhere—send them down to the Caribbean where the Congressional Black Caucus had their little codel that's being looked at—set them up on an island, erase from their memory anything that they've heard about this global warming allegation or the proposed solutions, and first ask the question on the science, do you really believe that the Earth is getting warmer? Well, maybe.

And there are some trend lines prior to 2002 that would indicate that. That's not so much the point, but we should ask that question. Do you believe it is? And if you conclude that it is—smartest people in the world with great training in all of the fields that they need, then the next question would be, do you believe that the emissions from the industrial era, the industrial revolution are contributing to it? How much, and what could we do about that?

Now, remember that if you would take the atmosphere—and we're dealing only with CO_2 emissions in the United States of America, the cumulative total—and I've got to go a little bit from memory, but I'm going to get the scale of this exactly right, and if you take the entire atmosphere of the Earth—I know all this air has a volume to it, it's measured in metric tons, and that number is 105.5 million metric tons—I believe that's the number, that's the right decimal anyway—all of that Earth's atmosphere and draw it out and represent it proportionately in a circle, let's say a circle 8 feet in diameter, two 4 by 8 sheets of drywall side to side, draw a circle 8 feet in diameter, a foot higher than my hand

around, draw that circle, think of that circle in your mind's eye, Madam Speaker, and that represents all the Earth's atmosphere.

Now, the cumulative total of the CO_2 suspended in the Earth's atmosphere over the last 205 years, since the dawn of the industrial revolution, all of that CO_2 that's gone in and that's now suspended in the atmosphere, if you would draw it on a circle, in the middle of that 8-foot circle—which is all of the Earth's atmosphere—that circle would be how big: 5 foot, 4 foot, 3 foot, 2 foot, 1 foot in diameter, perhaps, in the middle of that 8-foot circle? Or 6 inches, or 3 inches, or 1 inch—we're still going, Madam Speaker. About the diameter of my little finger; .56 inches would be all that would represent all of the CO_2 that is suspended in the Earth's atmosphere that has been emitted by the United States of America in the last 205 years, the dawn of the industrial revolution. And we're talking about that half-inch diameter circle in the middle of the 8-foot circle and reducing those emissions by 17 percent in the near term, as much as 83 percent per year in the long term.

Now, where does that get us? And how can anyone think that you can put a drop into an ocean and change the temperature of the ocean, or think that you could microscopically alter the dimension of that center little circle that represents all of the suspended CO_2 from the United States and somehow magically that's the key to adjust the Earth's thermostat. It is utter vanity, Madam Speaker. And you can put the smartest people in the world off on an island somewhere, erase all of the things that have been pumped out in their brain, start them out with fresh data, scientific data, empirical data, put some physicists there, put some meteorologists out there, some mathematicians there while we're at it, and by the way, let all of those people churn around on this climate change model—and let's put some economists out there also to churn around on what happens—and I would just be about willing to guarantee that 50 or 100 of the smartest people in the world, if you erase their institutional memory of all of the information that has been pounded into this country over the last 30 years since we made the transition from the impending ice age—which some of us remember, and at least one scientist made the switch himself, said it was certain that there was a near-term ice age that was going to come down and freeze us off of the North American continent. Now he's a global warming enthusiast. He was right one time maybe, and he will never live to see if he was right or wrong.

But all of those smart people that we could put on an island and erase their institutional memory and start them with an objective analysis, very well trained physicists, meteorologists, economists, mathematicians, chemists, put them on that island and ask them, evaluate the data that we have today and look at the science that we have, if the Earth is getting warmer and if you think that's a problem, what would you do about it, I can't imagine that 25 or 50 or 100 smartest people in the world coming up with such a concoction as a proposed solution as passed off the floor of this House in the form of the bill that's called Waxman-Markey cap-and-trade, cap-and-tax—or whatever the other acronyms are for this bill. I can't imagine that really smart people could ever cook something like that up.

Because this bill that passed the House, it was never a product of, let me say, sound science, peer-reviewed analysis, sound economics. It was never a product that ever laid this thing out down through the continuum and gamed it out to the end. No, Madam Speaker. It's a political concoction that's put together in a hodgepodge. It's—what shall I call it—liberal genetic engineering of policy. And we are stuck with it coming out of this House.

I think that this House made the single most colossal mistake made in the history of the United States Congress a week ago last Friday when they passed the cap-and-tax bill. I think they're wrong on the science, and I think they're really, really wrong on the economics. And if they're right on the science, they hand over the economy of the United States and put us at a disadvantage and allow India and China and other developing countries to continue to belch crud into the atmosphere and out-compete us economically. And more and more companies will be moving to those countries while those economies prosper and pollute the atmosphere, even to the extent of producing or developing an average of one new coal-fire generating plant per week without the emissions controls that we have here in the United States of America, pouring this all forth out of the smoke stacks in Asia and shipping us more and more of our goods.

So what's happening is we're buying plenty from Asia already, and that contributes to our trade imbalance. And then, in order to meet these budget shortfalls that are driven by the President and the liberals in Congress—trillions of dollars, a $9.3 trillion deficit in the budget offered by President Obama on top of an $11.3 trillion existing deficit, over $20 trillion—and what do we do to deal with that? We buy everything we can that we don't want to make here in the United States anymore, and then we borrow the money from the Chinese to buy things from the Chinese. So it's the equivalent of going to the car dealer, I suppose, and borrowing the money from him to buy the car that he makes.

And you keep doing that over and over again, but you've got to build something that has value. You've got to make things. You've got to provide goods and services that can be competitive. And we need to be competitive globally.

The very idea that this country is a giant chain letter, a giant ATM to be cashed into and that we can create a government economy is false. It has to have value, and it has to have value in the private sector. The private sector is the productive sector of the economy; the government sector is the parasitic sector of the economy. And you cannot grow the parasitic sector of the economy at the expense of the productive sector of the economy and think that you can compete indefinitely in this world while you're borrowing money from the Chinese to pay the bills that you're creating by having the Chinese make the things that we can't be competitive anymore and buying it from them.

And I get along fine with the Chinese, but you've got to build things that have value and you've got to have a sound economy. We've got to have an ethical Congress. We've got to stand on free markets. And we've got to reverse the nationalization of our privatized industries. And I urge that we do so with all haste.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today on account of Michael Jackson memorial.

Ms. FALLIN (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, July 8, 9, 10, 13 and 14.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. FLEMING, for 5 minutes, July 8.

Mr. PENCE, for 5 minutes, today.

Mr. JONES, for 5 minutes, today, July 8, 9, 10, 13 and 14.

Mr. BURTON of Indiana, for 5 minutes, today, July 8, 9 and 10.

Mr. OLSON, for 5 minutes, July 9.

Mr. INGLIS, for 5 minutes, today and July 13.

Mr. MORAN of Kansas, for 5 minutes, today, July 8, 9 and 10.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ISSA, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 8, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO HAITI, EXPENDED BETWEEN MAY 8 AND MAY 11, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mazie Hirono	5/8	5/11	Haiti		888.00						888.00
Hon. David Dreier	5/8	5/11	Haiti		888.00						888.00
Hon. Jim McDermott	5/8	5/11	Haiti		888.00						888.00
Hon. Gwen Moore	5/8	5/11	Haiti		888.00						888.00
Delegate Gregorio Sablan	5/8	5/11	Haiti		888.00						888.00
John Lis	5/8	5/11	Haiti		888.00						888.00
Margarita Seminario	5/8	5/11	Haiti		888.00						888.00
Tommy Ross	5/8	5/11	Haiti		888.00						888.00
Rachael Leman	5/8	5/11	Haiti		888.00						888.00
Moftiah McCartin	5/8	5/11	Haiti		888.00						888.00
Clay Wellborn	5/8	5/11	Haiti		888.00						888.00
Maureen Taft Morales	5/8	5/11	Haiti		888.00						888.00
Committee totals											10,656

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MAZIE K. HIRONO, May 21, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT ECONOMIC COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 28 AND FEB. 1, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carolyn B. Maloney	1/28	2/1	Switzerland		2006.40						2006.40
Committee total											2006.40

HON. CAROLYN B. MALONEY, Chairman, June 16, 2009.

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2486. A letter from the Secretary, Department of Defense, transmitting the Department's May 2009 Semi-Annual Report providing the progress toward destruction of the U.S. stockpile of lethal chemical agents and munitions by the Chemical Weapons Convention (CWC) deadline of April 29, 2012, but not later than December 31, 2017 pursuant to section 8119 of the Department of Defense (DoD) Appropriations Act, 2008, Pub. L. 110-116, and section 922 of the National Defense Authorization Act for FY 2008, Pub. L. 110-181; to the Committee on Armed Services.

2487. A letter from the Chairman, Joint Chiefs of Staff, Department of Defense, transmitting a copy of a report to Congress entitled, ''Reachback Distributed Decision Support'' recommended by the National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

2488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Uniform Resource Locators (URLs) for documents recently issued related to regulatory programs; to the Committee on Energy and Commerce.

2489. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 10, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2490. A letter from the Secretary of Defense, Department of Defense, transmitting the Department's report on Activities and Assistance under Cooperative Threat Reduction (CTR) Programs (FY 2010 CTR Annual Report), pursuant to Public Law 106-398, section 1308 (114 Stat. 1654A-341); to the Committee on Foreign Affairs.

2491. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

2492. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Determination Related to Serbia Under Section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8); to the Committee on Foreign Affairs.

2493. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2009 through March 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended , and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

2494. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete the mission in Iraq successfully, pursuant to Public

Law 109-163, as amended by Public Law 110-181, section 1223 and Pub. L. 110-417, section 1213(c); to the Committee on Foreign Affairs.

2495. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No.: FAA-2009-0498; Directorate Identifier 2009-NM-065-AD; Amendment 39-15923; AD 2009-11-13] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2496. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes and Airbus Model A300-600 Airplanes [Docket No.: FAA-2009-0486; Directorate Identifier 2009-NM-064-AD; Amendment 39-15919; AD 2009-11-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2497. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-15904; AD 2009-10-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2498. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-0731; Directorate Identifier 2008-NM-058-AD; Amendment 39-15812; AD 2009-04-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2499. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No.: FAA-2009-0453; Directorate Identifier 2008-SW-63-AD; Amendment 39-15911; AD 2009-11-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2500. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP Models SA226-AT, SA226-T, SA226-TC, SA227-AC (C-26A), SA227-AT, SA227-BC (C-26A), SA227-CC, and SA227-DC (C-26B) Airplanes [Docket No.: FAA-2009-0119; Directorate Identifier 2008-CE-068-AD; Amendment 39-15916; AD 2009-11-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No.: FAA-2009-0478; Directorate Identifier 2008-NM-133-AD; Amendment 39-15917; AD 2009-11-07] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -223, -243, -301, -322, and -342 Airplanes [Docket No.: FAA-2009-0479; Directorate Identifier 2009-NM-006-AD; Amendment 39-15918; AD 2009-11-08] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2503. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No.: FAA-2009-0482; Directorate Identifier 2008-SW-54-AD; Amendment 39-15920; AD 2009-11-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No.: FAA-2009-0213; Directorate Identifier 2008-NM-224-AD; Amendment 39-15921; AD 2009-11-11] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2505. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47, 47B, 47B3, 47D, 47D1, 47E, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J-2, 47J-2A, and 47K Helicopters [Docket No.: FAA-2009-0484; Directorate Identifier 2008-SW-44-AD; Amendment 39-15924; AD 2009-12-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-Werke Model G120A Airplanes [Docket No.: FAA-2009-0531; Directorate Identifier 2009-CE-030-AD; Amendment 39-15938; AD 2009-12-15] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0530; Directorate Identifier 2009-NM-079-AD; Amendment 39-15936; AD 2009-12-13] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2508. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2008-0612; Directorate Identifier 2008-NM-059-AD; Amendment 39-15931; AD 2009-12-08] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A Airplanes [Docket No.: FAA-2008-1237; Directorate Identifier 2008-NM-125-AD; Amendment 39-15932; AD 2009-12-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-0163; Directorate Identifier 2007-NM-046-AD; Amendment 39-15929; AD 2009-12-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1364; Directorate Identifier 2008-NM-103-AD; Amendment 39-15928; AD 2009-12-05] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No.: FAA-2007-29067; Directorate Identifier 2007-NM-148-AD; Amendment 39-15926; AD 2009-12-03] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, and C-212-DE Airplanes [Docket No.: FAA-2009-0005; Directorate Identifier 2008-NM-164-AD; Amendment 39-15927; AD 2009-12-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 2100D2, AE 2100D2A, AE 2100D3, and AE 2100J Turboprop Engines [Docket No.: FAA-2009-0082; Directorate Identifier 2008-NE-42-AD; Amendment 39-15914; AD 2009-11-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2965. A bill to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; with an amendment (Rept. 111–190, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 609. Resolution providing for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–191). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 2965) to amend the

Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes (Rept. 111–192). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL:

H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. JOHNSON of Georgia, and Mr. SHERMAN):

H.R. 3114. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes; to the Committee on the Judiciary; considered and passed.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H.R. 3115. A bill to amend the Internal Revenue Code of 1986 to provide credits to small businesses and their employees for health insurance coverage; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 3116. A bill to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. LYNCH:

H.R. 3117. A bill to provide enhanced voucher rental assistance for residents of certain federally assisted low-income housing, and for other purposes; to the Committee on Financial Services.

By Mr. MURPHY of New York:

H.R. 3118. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the making work pay credit; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. ISSA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3119. A bill to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 3120. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of Texas (for himself, Mr. GORDON of Tennessee, Ms. GIFFORDS, and Mr. OLSON):

H. Res. 607. A resolution celebrating the Fortieth Anniversary of the Apollo 11 Moon Landing; to the Committee on Science and Technology.

By Mr. CARSON of Indiana (for himself, Mr. HILL, Mr. BURTON of Indiana, Mr. BUYER, Mr. PENCE, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, and Mr. ELLSWORTH):

H. Res. 608. A resolution recognizing the 100th anniversary of the opening of the Indianapolis Motor Speedway; to the Committee on Oversight and Government Reform.

By Mr. HARE (for himself, Mr. DELAHUNT, Mr. HARPER, and Mr. BILBRAY):

H. Res. 611. A resolution supporting the goals and ideals of ''Fragile X Awareness Day''; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. CANTOR, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. SARBANES, Mr. GOODLATTE, Mr. KRATOVIL, Mr. NYE, Mr. PERRIELLO, Mr. RUPPERSBERGER, Mr. WOLF, Mr. WITTMAN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Ms. LEE of California, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. CARSON of Indiana, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mrs. SCHMIDT, Mr. RUSH, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. CONYERS, Mrs. CAPPS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. BECERRA, Mr. BACA, Mr. CARDOZA, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. FOSTER, and Mr. QUIGLEY):

H. Res. 612. A resolution expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates; to the Committee on Oversight and Government Reform.

By Mr. PLATTS:

H. Res. 613. A resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; to the Committee on Oversight and Government Reform.

By Mr. QUIGLEY (for himself, Mr. FLAKE, and Mr. KIRK):

H. Res. 614. A resolution amending the Rules of the House of Representatives to prohibit earmarks to for-profit entities; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HOLDEN introduced a bill (H.R. 3121) to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. REYES.

H.R. 39: Mr. SPRATT, Ms. WATSON, Ms. WOOLSEY, Mr. CLAY, Mr. MOORE of Kansas, Mr. CONNOLLY of Virginia, Ms. LEE of California, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mrs. DAVIS of California, Mr. WU, Mr. HODES, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. HALL of New York, Mr. BERMAN, Mr. HOLT, and Mrs. CAPPS.

H.R. 82: Mr. MURPHY of Connecticut.

H.R. 137: Mr. POE of Texas.

H.R. 176: Ms. ZOE LOFGREN of California.

H.R. 179: Mr. BAIRD.

H.R. 265: Mr. PIERLUISI, Ms. RICHARDSON, and Mr. BLUMENAUER.

H.R. 333: Ms. KAPTUR and Mr. SIRES.

H.R. 389: Mr. BLUMENAUER.

H.R. 413: Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CAPPS, Mr. BOSWELL, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. PETERSON, Mrs. NAPOLITANO, Mr. RUSH, Mr. SARBANES, Mr. TURNER, Mr. FILNER, Mr. SHERMAN, Mr. OBERSTAR, Mr. TIERNEY, Mr. KUCINICH, Mr. RUPPERSBERGER, Mr. ACKERMAN, Mr. KIND, Mr. AL GREEN of Texas, and Mr. BLUMENAUER.

H.R. 426: Ms. JACKSON-LEE of Texas.

H.R. 430: Mr. WAMP and Mr. TURNER.

H.R. 442: Mr. SMITH of Nebraska, Mrs. MCMORRIS RODGERS, and Mr. BUCHANAN.

H.R. 468: Mr. MICHAUD.

H.R. 482: Mr. TAYLOR.

H.R. 528: Mr. LEVIN.

H.R. 614: Mr. TURNER.

H.R. 622: Mr. MCCOTTER.

H.R. 635: Mr. KUCINICH and Mr. CONNOLLY of Virginia.

H.R. 658: Mr. PERRIELLO.

H.R. 690: Mr. BLUNT and Mr. DOYLE.

H.R. 697: Mr. CONNOLLY of Virginia.

H.R. 856: Mr. DANIEL E. LUNGREN of California.

H.R. 868: Mr. HALL of New York.

H.R. 874: Ms. SPEIER.

H.R. 930: Mr. MARSHALL and Mr. BERMAN.

H.R. 936: Mr. ROE of Tennessee.

H.R. 949: Ms. LINDA T. SÁNCHEZ of California.

H.R. 950: Ms. ZOE LOFGREN of California.

H.R. 953: Mr. TURNER.

H.R. 981: Mr. BLUMENAUER.

H.R. 1030: Mr. ROTHMAN of New Jersey.

H.R. 1064: Mr. BOCCIERI and Mr. SPACE.

H.R. 1103: Mr. MEEK of Florida.

H.R. 1126: Mr. UPTON and Mr. THOMPSON of California.

H.R. 1135: Mr. PASTOR of Arizona.

H.R. 1142: Mr. OLVER.

H.R. 1150: Mr. COHEN.

H.R. 1177: Mr. WOLF.

H.R. 1197: Ms. CORRINE BROWN of Florida.

H.R. 1207: Ms. ZOE LOFGREN of California, Mr. CHANDLER, Ms. HARMAN, Mr. MURPHY of Connecticut, and Mr. GALLEGLY.

H.R. 1210: Mr. ROTHMAN of New Jersey.

H.R. 1213: Mr. ROTHMAN of New Jersey.

H.R. 1215: Mr. MCGOVERN and Ms. JACKSON-LEE of Texas.
H.R. 1255: Mr. Fleming, Mr. SESSIONS, Mr. CLAY, and Mr. CARNAHAN.
H.R. 1293: Mr. WALZ.
H.R. 1324: Mr. SHULER, Mr. MARSHALL, Ms. ZOE LOFGREN of California, and Mr. CAPUANO.
H.R. 1392: Mr. DENT.
H.R. 1428: Mr. GRIJALVA, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. MASSA, Mr. MCNERNEY, and Mr. ELLISON.
H.R. 1443: Mr. DOYLE.
H.R. 1454: Mr. SNYDER.
H.R. 1460: Ms. ROYBAL-ALLARD.
H.R. 1472: Mr. MCCOTTER.
H.R. 1485: Mr. BAIRD.
H.R. 1503: Mr. POE of Texas and Mr. BURTON of Indiana.
H.R. 1521: Mr. LINCOLN DIAZ-BALART of Florida, Mr. WAMP, Mr. BUYER, Mr. DOYLE, Mr. SULLIVAN, and Mr. INSLEE.
H.R. 1526: Mr. ROSS, Mr. EHLERS, Mr. DICKS, Mr. SIRES, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. LANCE, and Mr. ROTHMAN of New Jersey.
H.R. 1528: Ms. WATERS and Mr. TANNER.
H.R. 1530: Mr. RUSH, Ms. WATERS, and Mr. TANNER.
H.R. 1531: Mr. RUSH, Mr. TANNER, and Ms. WATERS.
H.R. 1546: Mrs. NAPOLITANO.
H.R. 1547: Mr. BARROW and Ms. ZOE LOFGREN of California.
H.R. 1548: Mr. BACA, Ms. RICHARDSON, Mr. ROSKAM, and Mr. GRIFFITH.
H.R. 1552: Mr. BRIGHT.
H.R. 1557: Mr. LANCE.
H.R. 1636: Mr. BLUMENAUER.
H.R. 1675: Ms. ZOE LOFGREN of California.
H.R. 1681: Mr. TANNER.
H.R. 1685: Ms. MATSUI.
H.R. 1691: Mr. MCMAHON.
H.R. 1707: Mr. WAMP.
H.R. 1708: Mr. MARSHALL.
H.R. 1775: Mr. COHEN.
H.R. 1816: Mr. KIRK.
H.R. 1835: Mr. KISSELL and Mr. DAVIS of Tennessee.
H.R. 1844: Ms. CLARKE and Mr. MCCOTTER.
H.R. 1866: Mr. KUCINICH.
H.R. 1881: Mr. CUELLAR and Ms. PINGREE of Maine.
H.R. 1894: Mr. MEEK of Florida.
H.R. 1928: Mr. MICHAUD.
H.R. 1933: Mr. POE of Texas.
H.R. 1956: Mr. CAPUANO.
H.R. 1969: Mr. GARRETT of New Jersey.
H.R. 1977: Mr. POE of Texas.
H.R. 1992: Mr. FILNER.
H.R. 2006: Mr. BLUMENAUER, Mr. FILNER, and Mr. CARSON of Indiana.
H.R. 2026: Mr. SCALISE.
H.R. 2035: Mr. LANGEVIN.
H.R. 2058: Mr. MCINTYRE.
H.R. 2061: Mr. HALL of Texas.
H.R. 2084: Mr. CRENSHAW, Mr. MASSA, and Mr. ROTHMAN of New Jersey.
H.R. 2113: Mr. AL GREEN of Texas.
H.R. 2139: Mrs. MYRICK, Mr. CARSON of Indiana, Mr. PETERSON, Mr. GEORGE MILLER of California, Mr. FOSTER, Mr. LEVIN, Mr. REICHERT, Mr. MASSA, Mr. CAPUANO, and Mr. CONYERS.
H.R. 2149: Mrs. CAPPS, Mr. HIMES, Ms. CLARKE, and Mr. BLUMENAUER.
H.R. 2160: Mr. HONDA, Mr. WELCH, Mr. ARCURI, Mr. AKIN, Mr. MCCOTTER, and Mr. MELANCON.
H.R. 2190: Mr. DOGGETT.
H.R. 2194: Mr. JOHNSON of Georgia, Mr. WELCH, Mr. MCCARTHY of California, Mr. CONAWAY, Mr. HENSARLING, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. SALAZAR, Mr. MARIO DIAZ-BALART of Florida, Mr. WOLF, Mr. SIMPSON, Mr. HERGER, Mr. WESTMORELAND, Mr. BILBRAY, Mrs. MALONEY, Mrs. HALVORSON, Mr. HASTINGS of Washington, Mr. COBLE, Mr. CARNAHAN, and Mr. POLIS.
H.R. 2209: Mr. BLUMENAUER.
H.R. 2222: Mr. RYAN of Ohio.
H.R. 2223: Mr. PAYNE.
H.R. 2239: Mr. JOHNSON of Georgia.
H.R. 2243: Mr. BILBRAY and Mr. WITTMAN.
H.R. 2246: Mr. KING of New York.
H.R. 2254: Mr. BONNER, Mr. MURPHY of New York, Mr. TONKO, Mr. BISHOP of New York, Mr. MITCHELL, Mr. MARIO DIAZ-BALART of Florida, Mr. TEAGUE, Mr. HARE, Mr. WOLF, Mr. BLUMENAUER, and Mr. JACKSON of Illinois.
H.R. 2266: Mr. HODES and Mr. TOWNS.
H.R. 2267: Mr. HODES and Mr. TOWNS.
H.R. 2268: Mr. BLUMENAUER.
H.R. 2269: Mr. CONNOLLY of Virginia.
H.R. 2296: Mr. BUCHANAN, Mr. PLATTS, Ms. FOXX, Mr. BLUNT, Mr. RAHALL, Mr. MURTHA, Mr. COLE, Mr. BARROW, and Mr. MARSHALL.
H.R. 2329: Mr. HONDA, Ms. JACKSON-LEE of Texas, and Mr. YOUNG of Alaska.
H.R. 2339: Ms. NORTON.
H.R. 2368: Mr. PETRI.
H.R. 2373: Mr. WAMP, Mrs. BLACKBURN, Mr. COHEN, Mr. POE of Texas, and Mr. LATOURETTE.
H.R. 2378: Mrs. DAHLKEMPER, Mr. BACA, Ms. RICHARDSON, and Mr. DOYLE.
H.R. 2381: Mrs. MCCARTHY of New York.
H.R. 2390: Mr. HOLT.
H.R. 2418: Mrs. NAPOLITANO, Mr. CUMMINGS, and Mr. GENE GREEN of Texas.
H.R. 2427: Mr. HOLT and Mr. KENNEDY.
H.R. 2452: Mr. GOODLATTE.
H.R. 2478: Mr. JACKSON of Illinois, Mrs. MYRICK, Mr. SHERMAN, Mr. CAPUANO, Mr. CONYERS, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. BLUMENAUER, Mr. HUNTER, Mrs. NAPOLITANO, and Mr. CONNOLLY of Virginia.
H.R. 2492: Mr. FILNER, Mr. PAUL, and Mr. MARSHALL.
H.R. 2499: Mr. THOMPSON of California, Mr. WAMP, Mr. KLINE of Minnesota, and Mr. SCHIFF.
H.R. 2516: Mr. LEE of New York.
H.R. 2517: Ms. GIFFORDS.
H.R. 2519: Mr. MCMAHON.
H.R. 2523: Mr. HONDA.
H.R. 2538: Mr. MASSA and Ms. CORRINE BROWN of Florida.
H.R. 2542: Mr. NUNES.
H.R. 2560: Mr. BLUMENAUER.
H.R. 2567: Mr. CARNAHAN.
H.R. 2570: Mr. KUCINICH.
H.R. 2596: Mr. BRALEY of Iowa.
H.R. 2597: Mr. SARBANES, Mrs. MCCARTHY of New York, and Mr. SESTAK.
H.R. 2625: Ms. ZOE LOFGREN of California, Mr. KUCINICH, and Mr. VAN HOLLEN.
H.R. 2632: Mr. PETERSON.
H.R. 2648: Ms. SCHAKOWSKY.
H.R. 2669: Mr. FILNER.
H.R. 2676: Ms. KOSMAS.
H.R. 2681: Mr. HONDA.
H.R. 2685: Mr. HOLT.
H.R. 2697: Mr. MICHAUD and Mr. TONKO.
H.R. 2702: Mr. POE of Texas.
H.R. 2724: Mr. AL GREEN of Texas.
H.R. 2738: Mr. RODRIGUEZ.
H.R. 2746: Mr. BARROW, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCGOVERN, and Ms. ZOE LOFGREN of California.
H.R. 2752: Mr. POE of Texas.
H.R. 2770: Mr. PETERSON.
H.R. 2777: Ms. KAPTUR.
H.R. 2799: Mr. HINCHEY.
H.R. 2801: Ms. JACKSON-LEE of Texas.
H.R. 2810: Mr. KISSELL.
H.R. 2828: Mr. WITTMAN.
H.R. 2845: Mr. OLSON, Mr. SOUDER, and Mr. CONAWAY.
H.R. 2846: Mr. YOUNG of Alaska.
H.R. 2859: Mr. BRADY of Pennsylvania.
H.R. 2861: Mr. HINCHEY.
H.R. 2866: Mr. HOLT, Mr. PALLONE, Ms. CORRINE BROWN of Florida, and Mr. BLUMENAUER.
H.R. 2876: Mr. WELCH.
H.R. 2900: Mr. CONAWAY, Mrs. BLACKBURN, Mr. AKIN, and Mr. RADANOVICH.
H.R. 2902: Ms. JACKSON-LEE of Texas.
H.R. 2909: Mr. KUCINICH and Mr. JOHNSON of Georgia.
H.R. 2914: Mr. PITTS, Mr. HOEKSTRA, Mr. BURTON of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. WEINER.
H.R. 2920: Mr. DEFAZIO, Mr. CAPUANO, Mr. HOLT, and Mr. YARMUTH.
H.R. 2941: Mr. TIERNEY and Mr. KENNEDY.
H.R. 2943: Mr. GEORGE MILLER of California and Mr. KUCINICH.
H.R. 2964: Mrs. LUMMIS, Mr. FLEMING, and Mr. MASSA.
H.R. 2980: Mr. MICHAUD.
H.R. 2995: Mr. ALEXANDER.
H.R. 2999: Ms. GIFFORDS.
H.R. 3001: Mr. SERRANO and Mr. HOLT.
H.R. 3006: Mr. BOUCHER.
H.R. 3011: Mr. GARRETT of New Jersey, Mr. COSTELLO, and Mr. DAVIS of Alabama.
H.R. 3012: Mr. FATTAH, Mr. BOUCHER, and Ms. VELÁZQUEZ.
H.R. 3017: Mr. GRAYSON, Mr. LUJÁN, Mr. OBERSTAR, Mr. CONNOLLY of Virginia, and Mr. KENNEDY.
H.R. 3020: Mr. MINNICK.
H.R. 3025: Mr. CHANDLER and Mr. MARSHALL.
H.R. 3042: Mr. HASTINGS of Florida, Mr. MICHAUD, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. SCHAUER, Mr. MASSA, Mr. FILNER, Mr. TIERNEY, Mr. KILDEE, Ms. SHEA-PORTER, and Mr. GUTIERREZ.
H.R. 3047: Ms. BALDWIN, Mr. DAVIS of Illinois, Ms. NORTON, and Mr. CONYERS.
H.R. 3050: Mr. WOLF and Mr. PERRIELLO.
H.R. 3053: Ms. LEE of California.
H.R. 3068: Mr. FATTAH.
H.R. 3074: Mr. WALZ, Mr. OBERSTAR, Mr. PETERSON, Mr. BRALEY of Iowa, and Mr. LOEBSACK.
H.R. 3086: Mr. FALEOMAVAEGA.
H.R. 3088: Mr. BISHOP of New York.
H.R. 3090: Mr. KENNEDY and Mrs. NAPOLITANO.
H.J. Res. 47: Mr. WITTMAN and Mrs. HALVORSON.
H. Con. Res. 16: Mr. POE of Texas.
H. Con. Res. 74: Mr. OLVER.
H. Con. Res. 94: Mr. JONES, Mr. FILNER, Mr. KIRK, Mr. GRIJALVA, Mr. REICHERT, Mr. HINCHEY, Mr. ROGERS of Kentucky, Mr. MORAN of Virginia, Mr. WHITFIELD, Ms. LEE of California, Mr. GUTHRIE, Mr. ELLISON, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. BOUSTANY, Mr. FATTAH, Mr. BRADY of Texas, Mr. MARKEY of Massachusetts, Mr. CAMP, Mr. KUCINICH, Mr. CONAWAY, Ms. JACKSON-LEE of Texas, Mr. CAO, Mr. MASSA, and Mr. WU.
H. Con. Res. 117: Mr. ADERHOLT, Mr. MCCAUL, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 144: Mr. ETHERIDGE, Mr. SERRANO, Mr. HODES, Mrs. MALONEY, Ms. NORTON, Mr. CHILDERS, Mr. HINCHEY, Mr. RANGEL, Mr. CASTLE, Mr. SALAZAR, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 152: Mr. AL GREEN of Texas.
H. Con. Res. 156: Mr. ROYCE, Mr. SMITH of New Jersey, Mr. COBLE, Mr. ROHRABACHER, and Mr. TOWNS.
H. Con. Res. 158: Ms. MATSUI, Mr. SESTAK, Mr. MINNICK, Mr. LEWIS of Georgia, Mr.

MASSA, Mr. GUTIERREZ, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. CAO, Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. HINOJOSA, and Mr. SHULER.

H. Con. Res. 159: Mr. CAPUANO and Mr. HERGER.

H. Res. 69: Mr. SMITH of Texas.

H. Res. 90: Mr. KUCINICH.

H. Res. 111: Mr. CAMPBELL, Mrs. HALVORSON, Mr. OLVER, and Mr. WILSON of Ohio.

H. Res. 130: Mr. MCNERNEY.

H. Res. 271: Mr. HOLT.

H. Res. 278: Ms. KAPTUR.

H. Res. 362: Mr. PAYNE.

H. Res. 394: Mr. BONNER.

H. Res. 409: Ms. CORRINE BROWN of Florida.

H. Res. 416: Mr. STARK, Mr. CLAY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. CLARKE, and Mr. ELLISON.

H. Res. 461: Mr. STARK.

H. Res. 494: Mr. TANNER and Mr. DUNCAN.

H. Res. 496: Mr. ROHRABACHER.

H. Res. 507: Mr. RADANOVICH and Mr. SCALISE.

H. Res. 554: Mr. PAULSEN and Mr. WALDEN.

H. Res. 577: Mrs. BLACKBURN, Mr. FLEMING, and Mr. MORAN of Virginia.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The Manager's Amendment to be offered by Chairman REYES, or a designee, to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9 of Rule XXI.

The amendment to be offered by Representative VELÁZQUEZ, or a designee, to H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

The amendment to be offered by Representative DELAURO, or a designee, to H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010.

Project Name: Electromagnetic Research and Engineering Facility

Amount: $3,660,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Military Construction (MCN)

Intended Recipient of Funds: Naval Activity South Potomac, Dahlgren, Virginia. Dahlgren, VA 22448

Project description and explanation of the request: This project will provide an addition to the Electromagnetic Research and Engineering Facility (EMREF). This addition is required to facilitate the Directed Energy Technology Office at Naval Surface Warfare Center, Dahlgren Division (NSWCDD) to meet its mission in Directed Energy research, development of prototypes and engineering development model systems and in fielding these prototypes to the warfighter. This project will provide laboratories and analysis spaces for wideband RF, High Powered Microwave, Pulsed Power and high energy laser systems engineering and development. This project provides necessary access to a maritime boundary layer environment and therefore is sited along the Potomac River Test Range. This project will house 25–30 engineers and scientists some of whom will be new hires. This project was developed because it represents the lost scope of another military construction project, P295, that was approved in Fiscal Year 2006. Due to high bids, only about 75% of the original facility could be built. This project provides the remaining 25% (6,500 SF). Funding will be used for electrical facilities ($120,000), mechanical facilities ($110,000), paving and site improvements ($30,000), site preparations ($110,000), demolition of previous buildings ($230,000), anti-terrorism/force protection measures ($180,000), information systems ($60,000), built-in equipment ($60,000), and technical operating manuals ($40,000). I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, H.R. 2997:

Name of Project: Avian Bioscience, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: University of Delaware, Hullihen Hall, Newark, DE 19716

Description of Request: $94,000 to be used to upgrade Delaware's existing diagnostic facility. Delmarva is the nation's leader in the research, development, and implementation of successful avian influenza (AI) surveillance and response plans to protect poultry and human health. The University of Delaware, through its College of Agriculture and Natural Resources, is central to Delmarva's preparedness for AI.

Name of Project: Agriculture Compliance Laboratory Equipment, Delaware

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of Delaware

Address of Requesting Entity: Delaware Department of Agriculture, Tatnall Building, William Penn Street, Dover, DE 19901

Description of Request: $69,000 to fully equip and modernize the Poultry and Animal Health Lab for the state of Delaware in order to protect Delaware's animal industries (including food animals and poultry, horse-racing industry, and companion animals) and therefore public health of all Delawareans.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. MCMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, FY2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: Salaries and Expenses

Legal Name of Requesting Entity: Washington Grain Alliance (on behalf of the USDA Agricultural Research Service)

Address of Requesting Entity: USDA Agriculture Research Service; Jamie L. Whitten Building; 1400 Independence Avenue, SW; Washington, DC; 20250

Description of Request: Provide an addition of $290,000 for salaries and expenses for a coordinated research effort to identify and introduce new germplasm, genes, and varieties of wheat, barley, and oats with improved and sustainable rust resistance. This research will help combat stem, leaf, and stripe rust that threaten the entire U.S. production of wheat, barley, and oats.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: RE/FA

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $268,000 for the study of PM10 Particulate Emission Prediction and Control. By researching wheat farming and air quality issues, farmers can develop practices that allow for the control of wind erosion and dust emissions without suffering economic hardship. This research project addresses national and regional agricultural needs and helps maintain a robust and healthy agriculture industry.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University–

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $235,000 for the Cool Season Food and Legume research program to improve the efficiency and sustainability of the U.S. dry pea, fresh pea, lentil, and chickpea industries. The program is a cooperative effort between federal and state university scientists to establish and maintain a robust and healthy agricultural industry and address national and regional agricultural research needs as they relate to the development of genetically-superior legume varieties.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $313,000 to address the needs of the grass seed industry by utilizing the research and technology expertise of scientists from Washington, Idaho, and Oregon, and USDA–ARS with input from industry representatives. By researching the genetic of barley, the U.S. can further the goal

of establishing and maintaining a robust and healthy agriculture industry and address national and regional agriculture research needs.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University–

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $98,000 for perennial wheat research to develop it into a viable part of the small grains cropping systems, especially in areas where soil erosion potential is high. Perennial wheat offers a viable option for sustainable farming systems and improved environmental stewardship. Soil erosion by wind and water is a direct cause of lower air and water quality; perennial wheat provides constant soil coverage by plant material, resistance to pests and diseases, and a source of straw for new fiber products.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $1,037,000 for the Northwest Tri-State potato breeding and cultivation research project. The knowledge generated by this project has led to a decrease in the use of harmful pesticides and an increase in profits for the potato industry. It has also led to an increased knowledge of potato varieties.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: Crop and Soil Science Department; Johnson Hall, Room 273; Pullman, WA 99164

Description of Request: Provide $471,000 to fund the Regional Barley Mapping Project to develop improved barley varieties using the tools of genomics. Barley is the cornerstone of American agriculture; it provides farmers with the opportunity to increase genetic diversity, use less irrigation water, and be more profitable. It can also lead to rural community sustainability and development by increasing the manufacture and sale of value-added barley products generating business activity.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $444,000 to fund the STEEP IV water quality project. This research will contribute solutions to modern societal problems faced by U.S. farmers and the public, such as energy and food security, sequestration of greenhouse gasses, and improved trade balance. Conservation information obtained through this work is transferable to other parts of the U.S. and the world. Benefits of this research include reduction if food production costs and greater energy independence for the nation's food supply.

Requesting Member: Congresswoman MCMORRIS RODGERS

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Washington State University

Address of Requesting Entity: French Administration Building, Room 324; Pullman, WA 99164

Description of Request: Provide $223,000 to fund research for Virus-free Wine Grape Cultivation. To maintain competitiveness and health, this project addresses an immediate high-priority need to meet the certification standards of the vineyard industry.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill:

TROPICAL AND SUBTROPICAL AGRICULTURE RESEARCH (T–STAR)

Account: Department of Agriculture, Cooperative State Research, Education, and Extension Service, Research and Education Activities

Legal name and address of requesting entity: The University of Florida, 226 Tigert Hall, Gainesville, FL 32611

Description of request: $6,677,000 is included in the bill for Tropical and SubTropical Agriculture Research (T–STAR) at the Universities of Florida and Hawaii to address the problem of exotic pests and other tropical and subtropical problems in America's Caribbean and Pacific Basins. The major goal of the T–STAR program is to develop strategies and tactics to stem the invasion of exotic diseases, insects, and weeds into the United States. The recent introduction of asian soybean rust into the United States, along with the increasing threat of avian influenza and foot-and-mouth disease entering the country, heightens the possibility of a terrorist-induced attack on the nation's food supply. There is an urgent need to identify exotic pests in other countries with which the United States maintains frequent and extensive trade and travel in order to: (1) determine potential avenues for the introduction of these pests into the United States, (2) develop technologies for the early detection of these pests, (3) find effective and environmentally acceptable methods for the eradication and containment of these pests if they enter the United States. Under the T–STAR program, scientists aggressively protect the nation against the growing environmental and economic threat of invasive exotic pests. The Universities of Florida and Hawaii represent important agricultural states which are prime locations for the introduction of exotic pests from other parts of the world. Previous funding has been provided by the Department of Agriculture for T–STAR in the following amounts: FY 2001—$3,800,000, FY 2002—$3,800,000, FY 2003—$9,000,000, FY 2004—$9,000,000, FY 2005—$9,400,000, FY 2006—$9,500,000, FY 2008—$7,400,000, FY 2009—$6,677,000.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487 Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 the appropriations.

I, Rep. MARY FALLIN, requested and received $2,000,000 under The Department of Commerce, NOAA—Operations, Research, and Facilities Account for The University of Oklahoma—National Radar Testbed—Phased Array Radar. The entity to receive funding for this project is the University of Oklahoma, 100 E. Boyd Street, Norman, OK 73109. It is my understanding that the funding would be used to support research and development for forecasting advanced warning detection of tornadoes and other forms of severe weather at the National Severe Storms Labs (NSSL) in Norman, OK.

I, Rep. MARY FALLIN, requested and received $350,000 under The Department of Justice, Cops Law Enforcement Account for the Oklahoma Department of Public Safety—Statewide Public Safety Communication System. The entity to receive funding for this project is the Oklahoma Department of Public Safety, 3600 Martin Luther King, Oklahoma City, OK 73136. It is my understanding that the funding would be used to enhance the Oklahoma Highway Patrol, Law Enforcement Technology Division's mobile data program.

I, Rep. MARY FALLIN, requested and received $150,000 under The Department of Commerce, COPS Law Enforcement Technology Account for University of Central Oklahoma Forensic Laboratory Program Enhanced DNA Analysis Training for Law Enforcement. The entity to receive funding for this project is University of Central Oklahoma, 100 N. University Drive, Edmond, OK 73034. It is my understanding that the funding would be used to utilize new laboratory infrastructure and equipment to significantly expand the services available to the Oklahoma State Bureau of Investigation Forensic Institution's training programs and to state and local law enforcement officers.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Agriculture Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2997

Account: Natural Resources Conservation Service—Watershed/Flood Prevention Operations

Legal Name of Requesting Entity: State University of New York College at Brockport

Address of Requesting Entity: 350 New Campus Drive, Brockport, NY 14420

Description of Request: Provide an earmark of $500,000 for the Genesee River Watershed project. No systematic studies have attempted to identify the causes of the water quality issues that also affect the near-shore of Lake Ontario. Identification will provide a basis for management practices in order to improve water quality.

Of the total amount, $283,000 (or 56.6%) is for salaries for project administrator and field agents; $113,200 (22.64%) is for fringe benefits; $86,500 (17.3%) is for supplies, travel, and equipment; and $17,300 (3.46%) is for indirect costs.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill for fiscal year 2010. For the project titled ''Assistance to Improve Water Quality for Tarrant County, Texas,'' which received $336,000 in H.R. 2997, Natural Resources Conservation Service, Conservation Operations account, the legal name and address of the receiving entity is Texas AgriLife Extension Service, 113 Jack K. Williams Building 2142 TAMU, College Station, TX 77843–2142. This funding supports specialized studies to improve water quality in North Central Texas. The project aims to create a watershed protection plan and improve the water quality in the five reservoirs that supply water for the majority of Fort Worth and fifty-nine surrounding communities. By implementing a watershed protection plan, water quality can be improved in North Central Texas, thereby protecting supply and quality for over 1.6 million residents in the area. Tarrant Regional Water District, Texas Water Resources Institute, and the Texas AgriLife Extension Service support this project through in-kind support including employee salaries and data and sample analysis.

IMMIGRATION RIGHTS—ATTORNEY ACCESS RESTORED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. RANGEL. Madam Speaker, I rise today to enter into the record an article published in the New York Carib News newspaper on June 23, 2009, titled ''Eric Holder Restores Key Immigration Right, Access to Attorney'', written by Tony Best. The article applauds Attorney General Eric Holder's swift action in reversing the past Administration's move to deprive individuals facing deportation with the right to an attorney.

As this Administration moves towards immigration reform, it is important that we articulate that we are a nation that was founded on immutable rights, and these rights should not be limited to those who have the great benefit of US citizenship. Everyone who stands before a judge in our country is afforded the right to an attorney and why should an immigrant be excluded from such due process?

It is understood that immigrants are not granted all the same protections that citizenship guarantees, but the integrity of the immigration proceedings are compromised when an individual does not have the ability to assert themselves through the benefit of counsel. Cultural and language barriers already place many immigrants at a disadvantage when standing before a judge and it is important that we offer these individuals the benefit of legal counsel to represent and assert their rights.

I am pleased to hear that the Attorney General will be drafting a new order on this policy to recognize the need to give immigrants the capacity to be fairly judged.

HONORING DR. JAMES D. LOMBARDO

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Dr. James D. Lombardo, Superintendent of Schools of the Bensalem Township School District.

Dr. Lombardo will be stepping down from his position this summer after two and a half years of dynamic leadership in the district. Prior to this position he was superintendent for the Upper St. Clair School District in Pennsylvania as well as school districts in the state of Vermont. Dr. Lombardo's experience in the public education system also includes positions as a curriculum and staff development director, principal, associate principal, and English teacher.

As an educator, Dr. Lombardo's philosophy centers on the concept of providing learning for the ''whole'' child, challenging and supporting each student to discover a passion for learning while designing and achieving a personal vision of success. He has guided members of his school district in setting goals and beliefs to achieve this vision of education.

During his time as superintendent, Dr. Lombardo has encouraged staff and parents alike to ensure that no child is ''invisible'' and that each student is safe, healthy, and engaged. Specifically students in grades 3, 7, and 8 now have an opportunity to learn a second language, students with special needs are spending more of their time in the regular classroom setting, more than 100 kindergarten students now benefit from a full time program, and smaller class sizes in grades K–2 promise improved learning for hundreds of Bensalem children.

Dr. Lombardo has contributed enormously to the education and well-being of children in his community. Madam Speaker, I am proud to recognize Dr. Lombardo for his outstanding efforts, and am extremely honored to serve as his Congressman.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act of Fiscal Year 2010 for the language pertaining to ''Sister Cities International Cultural and Economic Development Exchange Programs.'' Any funding granted by the Department of State Educational and Cultural Exchange Programs account would go to Sister Cities International, 1301 Pennsylvania Ave., NW, Suite 850, Washington, DC 2004. It is my understanding that the funding would be used to support Sister Cities International's ongoing initiatives to increase the numbers of international citizen exchange opportunities through its network with Africa and Islamic communities. Once funded, there is a one-to-one match of local private dollars to re-granted federal dollars. The City of Fort Worth, TX, is an active partner in Sister Cities International, leading in U.S. public diplomacy efforts.

BLACK MUSIC MONTH

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in strong support of H. Res. 476, celebrating the 30th anniversary of June as ''Black Music Month''. I would like to thank my colleague Representative STEVE COHEN from Tennessee for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this resolution because it is continuing to recognize the importance that black music has played in American culture. Many American made genres of music such as jazz, blues, gospel, rock and roll, and the rhythm and blues owe their existence to the contribution of black musicians in the past. Georgians such as Tenor Richard Hayes, born in 1887 to former slaves, was one of the most important African-American tenors performing in classical music during the first part of the 20th century. Hayes was one of the highest paid musicians of his time breaking down color barriers for other black classical performers such as Paul Robeson, Leontyne Price, William Dawson, William Grant Still, and even Duke Ellington. As well as other native Georgia artists like Ray Charles, one of the main creators of ''soul music'', who is well known for his unique version of ''America the Beautiful''. Charles' rendition of ''Georgia on My Mind'' was proclaimed the state song on April 24, 1979.

This resolution aims to continue to stress the importance of recognizing June as Black Music Month as it was formally declared in 1979. Celebrating the phenomenal work of black composers, musicians, producers, writers, and singers during one month of the year is the least that we can do to pay tribute to contributions that they have made in shaping the musical art forms that we enjoy today. Celebrating and observing the 30th anniversary of June as ''Black Music Month'' is something that I encourage all Americans to do. I urge my colleagues to support this resolution.

TRIBUTE TO ANTOINETTE TRIFARI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the life of an outstanding individual, Antoinette Trifari. She will mark her 100th birthday with a celebration, joined by family and friends, some of whom are traveling great distances to be part of this happy occasion.

It is only fitting that she be honored in this, the permanent record of the greatest democracy ever known, for she has brought so much joy to the lives of others throughout her lifetime.

Antoinette is a native of the great City of Paterson, NJ. She was born there on July 9, 1909 to Angelina and John Pescatore, and was the fifth of fourteen children. She attended Paterson schools, going first to School 19, then graduating from School 5. Then at age fourteen, she began working, sewing pearls and sequins onto fabric that was used for opera gowns. Antoinette soon went on to work for more than ten years in Paterson's world famous silk and textile mills.

Antoinette was married on June 9, 1935 to Edmund Trifari, also of Paterson, who had attended New Jersey Law School. The wedding was held at St. Anthony's R.C. Church and was officiated by the groom's brother, Reverend Aloysius Trifari, a Salesian priest. Two years later, the Trifaris welcomed twins, Edmund, Jr. and Nancy Angela. The young family soon moved to a new development of Cape Cod homes on the outskirts of Paterson, known as Colonial Village. Antoinette and Edmund lived there together until Edmund passed away on January 2, 2003, after sixty-seven and a half years of marriage. She remained in their home until 2005 when she moved to Connecticut to live with Edmund, Jr. and his wife Claire Elwood. Her daughter Nancy lives in England with her husband George Dowden.

Over the years, Antoinette has been blessed not only with her children, but with seven grandchildren; Conrad, MaryBeth and Michael Roncati, and TerriAnn, Edmund III, John and Brian Trifari. Now, she also has thirteen great-grandchildren; Conrad Maxwell, Dean, Mia, Dylan, Carissa Roncati and Jessica Bates, Abigaile, James, Ryan and Michael Sands, Joshua, Nicholas and Tyler Trifari. She is also the loving aunt of countless nieces, nephews, grandnieces and grandnephews.

She is well known throughout the Paterson area for a business that she began. She made poodles out of commercial yarn; they were so creative and lifelike that the yarn company featured a story about her in their corporate magazine. She also continues crocheting, a lifelong hobby she still enjoys. Antoinette also has a passion for helping people and volunteering. She was a member of St. Mary's R.C. Church in Paterson her entire life until she moved, and is a now a parishioner of Saint Peter Claver R.C. Church in West Hartford. Even into her nineties she was a volunteer at St. Joseph's Home for the Aged in Totowa, NJ. She made many lasting friendships and touched many lives through her involvement with the Little Sisters of the Poor. When she moved in 2006 to Middlewoods Assisted Living Home in Farmington, Connecticut, she immediately became an active participant in many of their programs. She is the assistant to the pianist in the Choral Group, attends Sunday outings visiting historic and cultural points of interest around Connecticut, and is a tutoring mentor for young children. She enjoys playing Scrabble with friends and playing solitaire on the computer, and most of all, sharing her joy of life and her love with all those she encounters.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to celebrating and recognizing individuals like Antoinette Trifari.

Madam Speaker, I ask that you join our colleagues, Antoinette's family and friends, everyone at St. Joseph's Home in Totowa, New Jersey, all those who have been touched by her, and me in recognizing Antoinette Trifari.

UPPER ELK RIVER WILD AND SCENIC STUDY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. RAHALL. Madam Speaker, at the request of the Pocahontas County Commission of the great State of West Virginia, today I am introducing legislation to provide for a study to determine the feasibility and suitability of including a segment of the Elk River as a component of the Wild and Scenic River System.

The Elk River is one of West Virginia's premier natural resource assets. It is the longest river in West Virginia with its boundaries entirely within the State. The study which would be authorized by this legislation, however, would focus only on that segment of the Elk where it begins at the confluence of two streams—Old Field Fork and Big Spring Fork—at the community of Slatyfork and flows North for approximately five miles to the Pocahontas/Randolph County line. The study would be conducted by the U.S. Forest Service.

The idea of preserving this river in its natural state is not something new. Indeed, I well recall conversations with one of West Virginia's visionary conservationists, former State Senator Robert K. Holliday, on this matter during the late 1980s and early 1990s. In 1989, the Senate of West Virginia passed a resolution calling for the development of the Elk River into a national recreation area by Federal and State governments. And in 1993, I did propose a Wild and Scenic study for a 57.5 mile segment of the river. For one reason or another, the enthusiasm over this endeavor dissipated.

The February 4, 2009, unanimous vote by the Pocahontas County Commission consisting of President Martin V. Saffer, David M. Fleming and Reta J. Griffith to request that a study be conducted on a much smaller segment of the Elk River resurrects this issue and makes it ripe for consideration.

The ''Slaty'' segment of the Elk River that would be the subject of the study authorized by this bill, named in reference to the community of Slatyfork where the river begins, was described in a January 2009 letter written by local resident Tom Shipley to the Pocahontas County Commission as follows: ''History abounds around, near and on the banks of the Elk River. She is, in a literal sense, very much as she was back in the early 1800's . . . one of the last rivers on the East Coast that has three naturally reproducing species of wild trout . . . Brook, Brown and Rainbow. As Big Spring Fork and Old Field merge, they form an impressive gateway to the Upper Elk . . . a gift from God to Pocahontas County.''

Indeed, the Slaty segment of the Elk River is a superb fishery, and the West Virginia Division of Natural Resources does a good job in the area. While what is being proposed is a study—not a designation—and while the Wild and Scenic Rivers Act is very clear that nothing in the statute ''shall affect the jurisdiction or responsibilities of the State with respect to fish and wildlife,'' I am including in the legislation being introduced today a reaffirmation that the mere act of studying this segment of the Elk River will not change the status quo with respect to State jurisdiction.

The legislation being introduced today states that nothing in the bill ''shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.'' It further states that nothing in the measure ''shall be construed as affecting the authority, jurisdiction, or responsibility of the State to manage, control, or regulate fish and resident wildlife under State law or regulations, including

the regulation of hunting, fishing, and trapping.''

In my view, most people associated with this segment of the Elk River want to keep it the way it is. As Mr. Shipley wrote, the river is ''a gift of God to Pocahontas County'' and I would add, to the State of West Virginia and the Nation as a whole.

In his book entitled ''Upper River, Elk's Origins and Beyond,'' Skip Johnson, a long time outdoor columnist and reporter for the Charleston Gazette, concisely summed up the essence of our relationship with rivers. ''Rivers like Elk touch us in a spiritual way,'' he wrote. ''Dave Teets, my neighbor, gave a talk on rivers at our 2004 church picnic. He said that rivers are important in the Bible, important to our soul and mind, and important to God. They also provide recreation, transportation, and natural boundaries. Then he made a less profound but equally important point: 'Who hasn't spent at least a part of a day just watching a river roll on?' ''

I could not agree more.

CELEBRATING THE LIFE OF ELIZABETH LOUISE ALLEN, AN AMERICAN MEZZO-SOPRANO AND HARLEM SCHOOL OF THE ARTS' PRESIDENT EMERITUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. RANGEL. Madam Speaker, I rise today in memoriam of my dear friend Elizabeth Louise Allen, who departed this life peacefully on Monday, June 22, 2009. Known to all of us as, Betty Lou Allen, she had been a guiding force at The Harlem School of the Arts since she became Executive Director, and eventually President after Dorothy Maynor, the school's founder, retired in 1979.

Betty Lou was born on March 17, 1927, in Campbell, Ohio, near Youngstown. Her father worked in the steel mills; her mother had a thriving business taking in laundry. Betty grew up in a neighborhood which was mostly made up of Sicilian and Greek families, and where she was introduced to the opera and its music. From the neighbors' windows, she could hear the broadcasts from the Metropolitan Opera house every Saturday from their radios.

Betty lost her mother to lung cancer when she was 12 years old. After many turbulent years, that began with her father, and later in foster homes, where she was treated badly and unfairly, Betty moved into the Youngstown Y.W.C.A. when she was 16 years old. She supported herself cleaning houses, excelled in Latin and German languages in high school, and entered Wilberforce College in Wilberforce, Ohio, on a scholarship (A historically black institution, it is now Wilberforce University).

At Wilberforce, Ms. Allen met Theodor Heimann, a former Berlin Opera tenor who taught German and voice there and encouraged her to sing. Soprano Leontyne Price was also a classmate at Wilberforce. Betty went on to earn a scholarship to what was then the Hartford School of Music in Connecticut.

In the early 1950s, Ms. Allen studied at Tanglewood, where Leonard Bernstein chose her to be the mezzo-soprano soloist in his Symphony No. 1 (''Jeremiah''); she was later a frequent soloist with Mr. Bernstein and the New York Philharmonic. Betty made her New York recital debut at Town Hall in 1958 in a program that included Brahms and Fauré.

Elizabeth ''Betty Lou'' Allen was part of the first great wave of African-American singers to appear on the world's premier stages in the postwar years. Active from the 1950s to the 1970s, she performed with the New York City Opera; the Metropolitan Opera; and the opera companies of Houston, Boston, San Francisco, and Santa Fe. In 1954 Ms. Allen made her City Opera debut as Queenie in ''Show Boat,'' by Jerome Kern and in 1964, she made her formal Opera debut at the Teatro Colon in Buenos Aires, Argentina, followed by countless appearances worldwide.

Betty Allen sang the role of Begonia in the City Opera production of Hans Werner Henze's comic opera ''The Young Lord,'' conducted by Sarah Caldwell in 1973. In reviewing the production of ''The Young Lord,'' New York Times' Harold C. Schonberg wrote of Ms. Allen's on-stage performance: ''When she was onstage everything came to life, and everything around her was dimmed.''

Ms. Allen, who also toured as a recitalist, was known for her close association with the American composers Virgil Thomson, Ned Rorem and David Diamond. At her death, she was on the faculty of the Manhattan School of Music, where she had taught since 1969. She was also the president emeritus and a former executive director of the Harlem School of the Arts.

With the Met, Ms. Allen sang the role of Commère in Mr. Thomson's ''Four Saints in Three Acts'' in 1973; she later participated in the first complete recording of the work. Elsewhere, her roles included Teresa in ''La Sonnambula,'' by Bellini; Jocasta in Stravinsky's ''Oedipus Rex''; Monisha in Scott Joplin's ''Treemonisha''; and Mistress Quickly in Verdi's ''Falstaff.''

Betty Allen has brought so much joy to many audiences of all ages and diversity with her beautiful voice. She has long been committed to nurturing young artists across all disciplines and opening doors for so many African American children who would have never had the opportunity exploit their talents.

From 1979 to 1992 she served as Executive Director and President to her beloved Harlem School of the Arts. Upon her retirement she stayed on as President Emeritus. While HSA was born of the commitment and ideals of its founder, it was Betty Allen who strengthened the foundation of the vibrant and inspiring institution that it is today. HSA honored Betty Allen with the inaugural Betty Allen Lifetime Achievement Award at the Art is Life Gala on Monday, March 9, 2008, and graced her presence at this year's benefit.

In addition to her many years as a leader and master teacher with HSA, Ms. Allen has also taught at the North Carolina School of Arts, the Manhattan School of Music, and the Curtis institute of Music in Philadelphia. She also holds Honorary Doctorates from Wittenberg University, Union College, Adelphi University, and Clark University in Massachusetts and the New School in New York City.

Madam Speaker, HSA President and Chief Executive Officer Kakuna Kerina stated: ''The impact Betty Allen has made as an artist and arts educator is measured in the tens of thousands of lives she influenced in their youth. She was unique in that the standards she applied to herself were the same as the standards she expected of others, and we are better for it. We extend our condolences to Ms. Allen's family and thank them for sharing her with a vast community of admirers throughout the world.''

Elizabeth ''Betty Lou'' Allen is a national treasure and true American heroine, whose artistic talents expanded the boundaries for so many African American children to achieve to be the best in any genre they choose to explore. May God bless all of us for the life of our American mezzo-soprano, Betty Allen.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of East Prairie, Missouri Stormwater and Sewer Infrastructure

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Requesting Entity: City of East Prairie, Missouri

Address of Requesting Entity: 219 N. Washington St., East Prairie, Missouri, 63845–1141

Description of Request: Provide an earmark in the amount of $200,000 to rebuild East Prairie, Missouri's wastewater and storm water infrastructure. The existing 84-year-old water infrastructure is crumbling under the streets due to sinkholes which have plagued the community. The sinkholes are destroying box culverts, which is posing a threat to streets and houses in East Prairie. The money procured will pay for the construction of new stormwater sewers. A minimum of 45% of the total project cost will come directly from the City of East Prairie, Missouri.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act for fiscal year 2010. For the project titled ''Replace Joint Base Communications Building,'' which received $6,170,000 in H.R. 3082, in the Navy Reserve Military Construction account, the legal name and address of the receiving entity is NAS JRB Fort Worth, in Fort

Worth, TX. Funds will be used to build a new communications building. The existing base communications building is undersized. The location of communications assets must remain in that position since communications lines that run throughout the base run underground into the building's terminal/switch room. This facility, built in 1951, does not lend itself to the demands of current technologies. This has resulted in piecemeal renovations over the years in an attempt to meet growing communications needs. The existing space will not accommodate growth requirements for the terminal/switch room, threatening a loss in communication functionality base-wide.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior, Environment, and Related Agencies Appropriations Act, 2010:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 2996

Account: Interior, Environment, and Related Agencies Appropriations, 2010

Entity Requesting: Coachella Valley Mountains Conservancy and the Friends of the Desert, 45480 Portola Ave. Palm Desert, CA 92260

Description of Earmark: $500,000 is provided for the protection lands including two properties comprising 871 acres in the Santa Rosa and San Jacinto Mountains National Monument, improving resource management. A 504 acre property is bounded by USFS land on 4 sides. A portion of an 8.1 mile segment of Palm Canyon Creek, found eligible for classification as a Wild and Scenic River in the Forest Land Management Plan, traverses the property, as does the Palm Canyon trail. A 367 acre property is bounded by USFS land on 3 sides. The property also adjoins an existing rural residential area where a paved road provides access to the property. This access and available water and electric service create development potential. Acquisition of the property prevents potential future residential development on it and the attendant wildfire issues and water supply issues in this area of extremely high fire hazard. The property provides habitat for the gray vireo.

Spending Plan: Project Expenditures—

The total cost for the 871 acres is $1,500,000. Because both properties have been pre-acquired, they are available for immediate sale to USFS upon the enactment of the federal budget.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 2996

Account: Interior, Environment, and Related Agencies Appropriations, 2010

Entity Requesting: Coachella Valley Mountains Conservancy and the Friends of the Desert, 45480 Portola Ave., Palm Desert, CA 92260

Description of Earmark: $500,000 is provided in the legislation for protecting local groundwater resources and preventing pollution in the City of Cathedral City. There are thousands of septic tanks that lie east of the Whitewater Channel in the Coachella Valley that have been identified as a significant threat to public potable groundwater resources. This project will permanently remove these known pollution sources (septic tanks) and will sustain and improve local and regional water supply reliability. Cathedral City is confident that this project will proceed with full community support and participation. Long-term attainment and maintenance of state and Federal drinking water quality standards will also be achieved as a result of this endeavor.

Spending Plan: Project Expenditures—

Task: Right-of-Way Acquisition: $0; Construction Costs: $12,700,000.

Design & Construction Management: $2,300,000—Design and Engineering, Environmental Permits, Environmental Clean-up, Construction Administration, Construction Inspection, Materials Testing, Surveying. Total Cost: $15,000,000.

Matching Funds Break-down: City of Cathedral City General Fund—$800,000, Federal Assistance—$1,000,000, Assessment District—$9,000,000, California Proposition 84 Grant—$2,000,000, Cathedral City Redevelopment Agency—$700,000, Coachella Valley Water District—$1,500,000. Total Match: $15,000,000.

EARMARK DECLARATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. NUNES. Madam Speaker, I am submitting the following information regarding H.R. 1945, Tule River Tribe Water Development Act. The entity to receive funding authorized under this act is the Bureau of Reclamation. The project will benefit the Tule River Tribe located at 340 N. Reservation Road, Porterville, CA 93257. I certify, to the best of my knowledge, that neither I nor my spouse has any financial interest in this project; the project is not directed to an entity or program that will be named after a sitting Member of Congress; the project is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the authorizing legislation; and the project meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010. This legislation passed in the House of Representatives on June 18, 2009.

In the Department of Justice, Office of Justice Programs account, an earmark for Emergency Communications Equipment for the City of Midland was included on my behalf. The entity to receive funding for this project is the City of Midland, located at 300 North Lorraine, Midland, Texas 79702.

Funding for this project will be used to upgrade backup equipment for Midland's emergency communications system, which is used by the city's police, firefighters and other first responders. In the past, not all first responder groups in Midland could communicate with each other due to differences in their systems. An advantage of Midland's new, upgraded communications system is interoperability, enabling police and other first responders to communicate directly. The backup equipment must be upgraded so that it will properly take effect should the main system fail during an emergency.

In the Office of Justice Assistance, Edward Byrne Memorial Justice Assistance Grants Program account, an earmark for the Advanced Law Enforcement Rapid Response Training (ALERRT) Program, at the Texas State University, San Marcos, Texas (San Angelo Police Department in partnership with ALERRT) was included on my behalf. The entity to receive funding for this project is the ALERRT Program at Texas State University-San Marcos, located at 601 University Drive, San Marcos, Texas 78666.

ALERRT was established by Texas State University to provide first responders with the tactics they will need to effectively respond to active shooter situations. ALERRT enables officers that have successfully completed a special ''Train-the-Trainer'' course to train fellow officers at their home agencies, providing an efficient and cost-effective manner to increase the number of officers with these life-saving skills. Continued funding for ALERRT in FY10 will enable the program to train more patrol officers, including San Angelo Police Department, help establish the program as a national training system; further build train-the-trainer capacity; enhance retention of learned skills by former students; provide valuable research and evaluation to improve first responder abilities; and provide investigative training and support for evolving threats. In addition to providing ALERRT to the more than 400 entities requesting it, FY10 funding and beyond will be integral to sustain and build capacity for a nation-wide effort to standardize a level of preparedness among the more than 650,000 peace officers employed by law enforcement agencies across the United States.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing the following:

Requesting Member: Congressman BILL SHUSTER (PA–9)

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY2010

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROJECTS

Project Name: Sustainable Agriculture and Natural Resources, PA

Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding: $133,000 for Sustainable Agriculture and Natural Resources, PA

It is my understanding that funding for this project will support a collaborative research and education program to assist diverse farm operations better adopt more sustainable farming practices. This project will increase field research and demonstration to increase the exposure of farm advisors and farmers to sustainable cropping system practices. Additionally, the project will support research on specific techniques to infuse environmentally and economically sustainable practices into a wide variety of agricultural production systems.

This project is a valuable use of taxpayer funds because increased farmer understanding and adoption of sustainable farming practices is critical to meeting future agricultural and natural resources challenges in both the United States and worldwide. Sustainability in agricultural production is a national theme that resonates broadly with national targets of sustainability and responsible use of natural resources. Increasing production without causing permanent ecological damage benefits farmers, consumers, and the environment. It is also my understanding that approximately 25 percent of funding will be used to salaries, approximately 25 percent for graduate students, approximately 48 percent for other direct costs, and approximately 2 percent for travel.

Project Name: Milk Safety, PA

Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding: $771,000 for Milk Safety, PA

It is my understanding that funding for this project will support research that protects the safety of dairy products for Pennsylvania and the nation. Research will address the continued threat of natural or intentional contamination of the fluid milk supply. The project will focus on continuing to develop more sensitive, accurate, and cost-effective diagnostic tools to identify pathogens and toxins.

Additionally, research will support developing and evaluating alternative preservation techniques that ensure the safety of dairy products while preserving food quality attributes, evaluating the benefits and risks associated with consumer and producer interest in raw milk products, and examining the integrity of the supply chain that moves diary products from the farm gate to the consumer.

This project is a valuable use of taxpayer funds because new technical approaches to solving crucial problems in dairy farming have high impact and are critical given the importance of the dairy production sector and the multiplier effect of dairy-derived income. Current challenges have placed the dairy production sector and related industries at risk. Milk safety funding provides a tool for the federal government to respond quickly to emerging issues within the dairy industry and is necessary to maintain consumer protection and confidence. Improvements can be transferred to producers, processors, distributors, and retailers.

It is also my understanding that approximately 32 percent of funding will be used for salaries, approximately 13 percent for graduate students, approximately 16 percent for wages, approximately 1 percent for travel, approximately 10 percent for equipment, and approximately 28 percent for other direct costs.

Project Name: Improved Dairy Management Practices, PA

Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding: $243,000 for Improved Dairy Management Practices, PA

It is my understanding that funding for this project will provide research to address improved dairy management practices and specifically nutrient and emissions management. The project will be focused on addressing issues associated with dairy production by utilizing technology to improve water quality, lowering the impacts of emissions, and supporting efficient energy use.

This project is a valuable use of taxpayer funds because current challenges have placed the dairy production sector and related industries at risk. Evaluating new management tools for their impact on dairy farm profitability and delivering new tools to the industry based on sound scientific study is vital to the future of U.S. dairy production. New technical approaches to solving crucial problems in dairy farming have high impact and are critical given the importance of the dairy production sector and the multiplier effect of dairy-derived income.

It is also my understanding that approximately 24 percent of funding would be used for salaries, approximately 23 percent for graduate students, approximately 22 percent for wages, approximately 2 percent for travel, and approximately 29 percent for other direct costs.

Project Name: Dairy Farm Productivity, PA

Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding: $349,000 for Dairy Farm Profitability, PA

It is my understanding that funding for this project will provide assistance to improve dairy farm profitability. This project will provide technological solutions to real-world problems that are reducing the profitability of dairy farms in Pennsylvania and across the nation. Technologies will be validated for their economic impact and delivered as part of a broader economic analysis of individual farms.

This project is a valuable use of taxpayer funds because the local dairy farm is part of a complex system which extends from local issues of decisions regarding nutrient management, animal genetics, and operation diversity to global issues of supply and demand for dairy products. New technical approaches to solving crucial problems in dairy farming have high impact and are critical given the importance of the dairy production sector and the multiplier effect of dairy-derived income.

It is also my understanding that approximately 24 percent of funding would be used for salaries, approximately 15 percent for graduate students, approximately 27 percent for wages, approximately 3 percent for travel, and approximately 31 percent for other direct costs.

Project Name: Agricultural Entrepreneurial Alternatives, PA

Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding: $233,000 for Agricultural Entrepreneurial Alternatives, PA

It is my understanding that funding for this project will provide assistance for agricultural entrepreneurship development. This project is important both regionally and nationally because it focuses on education and other support necessary to help farmers make a transition from ''traditional'' types of farming to value-added agricultural enterprises.

This project is a valuable use of taxpayer funds because developing the entrepreneurial skills of agricultural producers assists in providing higher profits on farms, a decline in farm consolidation, and increased opportunities for consumers to obtain products that meet their lifestyles. Growth of entrepreneurial skills strengthens farmers' ability to act on consumer-based opportunities. This strengthens the agricultural industry, local communities, and provides consumers with goods and services they are willing and able to buy. Because of its unique production characteristics and market access, Pennsylvania is an ideal location for this project.

It is also my understanding that approximately 75 percent of funding would be used for salaries and approximately 25 percent for travel, communications, and program development.

PRIVATE FIRST CLASS PETER CROSS, USA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and

dedicated hero of the state of Texas and of our nation.

Private First Class Peter Cross was a soldier in the United States Army and is a true American hero. Peter gave his life in the service of his country on June 26, 2009, due to injuries he sustained from his vehicle overturning on a mountainous road in Afghanistan.

Assigned to 2nd Battalion, 87th Infantry Regiment, 10th Mountain Division, Fort Drum, New York, Private First Class Cross made the ultimate sacrifice for his country in a time of war, an action that speaks volumes far greater than words about his character and patriotism.

A native of Saginaw, Texas, Peter had aspirations of missionary work following his service in the Army. These ambitions, along with his efforts to avoid children herding sheep near Combat Outpost Carwile, Afghanistan, which ultimately resulted in the overturning of his vehicle, led his father Mike Cross to point out, ''His last act in life shows what kind of man he was—selflessly thinking of others.''

Peter had been on active duty in the United States Army for less than one year. He joined the Army in August of 2008 and was deployed to Afghanistan in February of 2009. Peter quickly developed a sincere passion for the people of Afghanistan that he was there to help. His father specifically noted, ''He really had a heart for the Afghani people. He used to hand out candy, and pens and papers, and anything else he could spare for the kids when they came around the guys. He was a fun guy. A godly guy.''

Our thoughts and prayers are with Private First Class Cross' parents, siblings, grandparents, and all of his family and friends. His community and nation honor his memory, and we are grateful for his faithful and distinguished service to America.

Private First Class Cross will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

RECOGNIZING MAJOR GENERAL JEFFERY W. HAMMOND

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CARTER. Madam Speaker, I would like to recognize Major General Jeffery W. Hammond, Commanding General, 4ID along with the 4th Infantry Division, Fort Hood, Texas for their honorable commitment to Fort Hood, Texas and the United States of America.

The 4th Infantry Division will be leaving Fort Hood and relocating to Ft. Carson, CO this month.

The citizens of TX-31 have supported the 4th Infantry Division through the Adopt-A-Unit Program as they deployed and completed tours in Iraq over the last year. Through this support relationships have been built with the men and women of the 4th ID and their families. The people of TX-31 will miss the remarkable family they have made.

It has been a true honor to have MG Hammond and the men and women of the 4th Infantry Division reside in Texas District 31.

I am pleased to recognize Major General Hammond and the 4th Infantry Division for their time spent at Fort Hood, Texas.

EARMARK DECLARATION

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. DEAL of Georgia. Madam Speaker, I submit the following:

Requesting Member: Congressman NATHAN DEAL

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project account

Legal Name of Requesting Entity: The City of Gainesville, Georgia

Address of Requesting Entity: Metropolitan North Georgia Water Planning District, 40 Courtland Street, NE, Atlanta, GA 30303

Description of Request: Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of [Bill 2996, the ''Department of the Interior, Environment, and Related Agencies Appropriations Act for 2010.''] Any federal funding received would be used to help local governments meet water resource plan requirements and be used for various stages of design and construction for several water projects including watershed management, wastewater treatment and water conservation. District serves broad public purpose protecting water supplies and water quality. Rivers and streams don't follow political boundaries, (12 of 16 District counties lie within more than one watershed) regional solutions to problems are only way to achieve lasting results. District's projects are multi-jurisdictional in nature and beyond abilities of individual local governments. Consequently, federal assistance will allow members to work towards these critical regional solutions. District's plans outline variety of water related activities required by various state and federal requirements. Successful implementation of District's plans has national significance through protection of water resources of roughly half the Georgia population.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Financial Services and General Government Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY2010 Financial Services and General Government Appropriations Act

Account: GSA—Federal Buildings Fund

Legal Name of Requesting Entity: General Services Administration, Washington, DC

Address of Requesting Entity: 1800 F Street, NW, Washington, DC 20405

Description of Request: I have secured $4,000,000 for the San Antonio United States Courthouse, Texas. It is my understanding that the requested funds are additional design funding for a new federal courthouse in San Antonio, Texas. Design funds were originally appropriated in FY 2004, but GSA had difficulty identifying a site. They have now identified a site and intend to swap the land the courthouse is currently on, as well as an adjacent government-owned site, for a city-owned site on which to build the courthouse. GSA will require, however, additional design funding now to hire an architect to design the proposed facility. I certify that neither I nor my spouse has any financial interest in this project.

COMMEMORATING THE COURAGE AND SERVICE OF THE WORLD WAR II VETERANS OF IBEW LOCAL 601

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to pay tribute to the Veterans of the International Brotherhood of Electrical Workers Local 601 in Champaign, Illinois. On July 11, IBEW Local 601 will be sponsoring a World War II Heritage Day which will honor 48 of their members who fought for our freedom in World War II.

The citizens of the United States of America find great inspiration in the men and women of our armed forces. We hold our revered veterans with the highest respect and admiration, remembering those who stepped forth with tremendous courage to make the ultimate sacrifice in World War II. On July 11, 2009 we join to celebrate a particularly inspiring group of this nation's citizens, the World War II Veterans of IBEW Local 601 who served with remarkable dedication to protect our cherished ideals of freedom and democracy.

Throughout the history of our great nation, brave and patriotic individuals answered the most honorable call to serve this country. Out of the bloodshed and carnage of World War II rose shining examples of selfless courage, heroism and glorious deeds performed under the direst of circumstances and against a background of unprecedented loss of lives.

From the moment of the first attack upon Pearl Harbor to the declarations of victory in Europe and Japan, this assault waged upon the entire world took an enormous toll in terms of human casualties. They went off willingly to the battlefields, seas and skies of Europe and the South Pacific to risk their lives.

I have the utmost respect for the soldiers, sailors, airmen, and marines of our armed forces who bravely served this nation during World War II and welcome the opportunity to acknowledge and thank the members of IBEW Local 601 for their valiant efforts in defending freedom and democracy, and in building a more peaceful world.

To commemorate the noble service and sacrifices of IBEW Local 601 World War II

Veterans, I would like to read each of their names into the CONGRESSIONAL RECORD.

IBEW Local 601 World War II Veterans who served in the U.S. Navy:

Andrew Messmer
Arlo Deremial
Earl ''Pete'' Schweighart
Evan B. Renn
Fred L. Cline
Robert F. McNattin
Glen Wilsky
Howard McIntosh
Hugh Bothwell
Frederick C. Treseler
Morgan C. Craft
Richard G. Hensler
Merle R. ''Bud'' Mingee
Robert Carley
Ralph L. Allison
Ross Brown
Cecil E. Reynolds
Al Schaede
Richard McNattin
Miles P. ''Olie'' Bland
Orville L. Bell
John P. Bothwell
Lafayette C. Craft
Russell Reynolds

IBEW Local 601 World War II Veterans who served in the U.S. Army:

Brice ''Speedy'' Hartyman
Clarence Berger
Dale Terven
David R. Goodwin
Floyd H. Ellis
George Panbacker
Robert Faullin
George Bland
Howard Barham
Russell E. Wicks
Glen ''Red'' Eastman
Nyles R. '' Shorty'' Hardyman
Wally Lamb
Harold E. McHenry
Paul Rubenacker

IBEW Local 601 World War II Veterans who served in the U.S. Army Air Force:

E. L. ''Al'' Ruthstrom
Lynn Norris
Donald E. Wonders
Harold Schweighart
Wayne Billhymer
Leo J. Francis
John J. Minneci

IBEW Local 601 World War II Veterans who served in the U.S. Marines:

Harold Clements
Richard Henry Hillier, Jr.

May their noble service and sacrifices be remembered forever. I know the House of Representatives will join me in honoring the Veterans of IBEW Local 601 for their World War II Heritage Day on July 11, 2009.

WILLIAM CHURCHHILL ''DOBBER'' DOYLE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. DUNCAN. Madam Speaker, there is perhaps no greater sacrifice an American can make than serving their Country during a time of war, and one of my constituents—William Churchhill ''Dobber'' Doyle—has quite a story to tell.

At 90-years-old, Billy—as he is known to many—loves to share his tale with anyone who will listen. Like many from the ''Greatest Generation,'' his time during World War II reads like a Hollywood script, but to the humble man who lived it, the sacrifice was his duty.

Billy was assigned to a supply unit and stationed at Camp Forrest in Tullahoma, Tennessee in December 1941. On December 6, he was told to get ready to be deployed, and he boarded a troop train to the west coast on the eve of the Japanese attack on Pearl Harbor.

His first step on foreign soil was on his birthday on November 19, 1942, in North Africa. He would eventually pass through sites like Casablanca and Cairo and make his way to Europe, crossing through Italy, Germany, and France. As Billy told the Knoxville News Sentinel in Knoxville, Tennessee, ''Every time the front moved, we had to move.''

As part of a supply unit, Billy was one step behind General Patton throughout the war, tasked with keeping him supplied and always at risk of attack. He was part of one of the bloodiest campaigns of the war to establish a beachhead in Italy. 3,000 troops died in the effort, and his 30-member unit lost two in the battle.

Billy demonstrated his true character after breaking his nose in the field. He refused to seek treatment because that would mean having to leave his men.

His favorite moment of the war was when a group of French citizens called him a liberator. He learned of the end of the war in Lyon, France while listening to the radio. As he told the Knoxville News Sentinel, ''The town went crazy, especially the girls.''

Throughout his life in Tennessee after the war, Billy has selflessly given his time back to the community. He is known as the ''Bread Man'' around his hometown of Vestal, and donates his time to the Vestal United Methodist Church Food Pantry and Center of Hope Ministry. He is loved and respected by everyone who is fortunate enough to know him.

Madam Speaker, I have known many members of the Doyle family, and they are one of the most respected and prominent families in South Knoxville. I gladly bring this story of William Churchhill ''Dobber'' Doyle to the attention of my Colleagues and other readers of the RECORD, and I hope this tale of the ''Greatest Generation'' inspires the next.

TRIBUTE TO PRIVATE AMOS MCKINNY

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to recognize Private Amos McKinney. Private McKinney was a Black Soldier who served the United States Army in a White Regiment during the Civil War.

Amos McKinney started his service to our country at Rome, Georgia on December 15, 1863 as an Undercook in Company C of the 1st Alabama Calvary. Enlisting as a cook was the avenue to combat for many African American soldiers during the Civil War, and Private McKinney was no different. During his service, he was shot below the knee and also suffered several wounds to his chest before being mustered out of service on October 20, 1865 in Huntsville, Alabama.

Unfortunately, history has forgotten many Black Soldiers who served the Union White Regiments during the Civil War. Driven by a firm belief in the Union's purpose, Private McKinney and others were willing to work their way up the ranks so they could fight for the cause. Their perseverance and courage should not be lost. In recognition of Private McKinney's service, there will be a dedication ceremony on July 11, 2009 for a memorial established in his honor.

Amos McKinney married Melissa Ann McAfee Pearson after the war, and together they had 9 children. Private McKinney's courage is surely an inspiration to the family he left behind, and his bravery is a testament to the power of an unyielding American spirit and personal resolve.

Madam Speaker, I stand to recognize an American soldier and to extend my gratitude for the service of Private Amos McKinney and those who served beside him. I commend the McKinney family and the historians of my district whose efforts made this recognition possible.

HONORING THE CONGREGATION OF NOTRE DAME IN NEW HYDE PARK, NEW YORK

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of the congregation of Notre Dame in New Hyde Park, New York to commemorate its remarkable contributions to the community. Celebrating its 50th anniversary, the Church of Notre Dame has been an influential and beneficial entity in New Hyde Park and beyond. Through a wide-range of programs, Notre Dame and its congregation have served their community with persistence and openness. For this, the Church and its congregation, both past and present, are deserving of recognition.

The Church of Notre Dame and its affiliated school do much for the community. Over the past half century, thousands of students have acquired the skills and focus to live meaningful and productive lives while attending Notre Dame. These students, drawing on their education at Notre Dame School, often give back to their community as a part of Notre Dame's congregation and beyond. In addition, the Church itself runs many programs that aid the local community. Reaching out to others in New Hyde Park and providing for both its congregation and those in need, the Church has and continues to provide important services and opportunities for the community and has

remained a place of both worship and hospitality. Activities such as food drives, educational seminars, and support groups, are just a few examples of programs sponsored by the Church for the benefit of its congregation and community. As Notre Dame celebrates its 50th anniversary, it is a great time to reflect on all the positive work its congregation has done in New Hyde Park over the past half century and to look towards a future of continued public and spiritual service.

The work of this Church and its congregation is inspiring to us all, and I am immensely grateful to them for all that they have accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for their extensive contributions to society.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Energy and Water Development Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Energy and Water Development Appropriations Act

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S. Corps of Engineers (on behalf of the Lower Colorado River Authority)

Address of Requesting Entity: P.O. Box 17300, Fort Worth, TX 76102

Description of Request: I have secured $700,000 for the Lower Colorado River Basin Study. It is my understanding that the funding will be used towards the completion of the basin wide study in order to identify cost-effective ways to reduce flood damages in the lower Colorado River basin of Texas. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Energy and Water Development Appropriations Act

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers (on behalf of the San Antonio Water System)

Address of Requesting Entity: P.O. Box 17300, Fort Worth, TX 76102

Description of Request: I have secured $600,000 for the Nueces River and Tributaries Study. It is my understanding that the funding will be used for the continuation of a detailed study of the complex relationships between surface water, groundwater and the varying ecosystems and communities dependent on such water. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Energy and Water Development Appropriations Act

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers (on behalf of the San Antonio River Authority)

Address of Requesting Entity: P.O. Box 17300, Fort Worth, TX 76102

Description of Request: I have secured $1,500,000 for the San Antonio Channel Improvement Project. It is my understanding that the funding will be used for the Mission Reach project to restore an eight-mile stretch of the San Antonio River south of downtown previously channelized for flood control purposes. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Energy and Water Development Appropriations Act

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Bexar County

Address of Requesting Entity: 100 Dolorosa, San Antonio, TX 78205

Description of Request: I have secured $1,000,000 for the Bexar County Solar Collection Farm and Distribution System. It is my understanding that the funding will be used for the installation of a 200-kilowatt solar photovoltaic system. I certify that neither I nor my spouse has any financial interest in this project.

IN COMMEMORATION OF THE GREAT CHARITABLE WORKS OF CHARLIE AND SANDY MARKEL IN MEMORY OF THEIR SON, RYAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. HIGGINS. Madam Speaker, I rise today to commemorate the great charitable works of Charlie and Sandy Markel in memory of their son, Ryan. Ryan tragically died during a school swim class on December 19, 2002 at age eleven. This was a heartbreaking loss to his family, friends and community.

Since the death of their young son, the Markel family has been working hard to spread safety awareness, especially in the school setting. They started Ryan's Hope Foundation, which offers low-cost cardiopulmonary resuscitation and defibrillator certification, as well as pool safety. Since the founding of Ryan's Hope Foundation, the Markels and their team of volunteers have trained around four thousand people in CPR and defibrillator skills.

Ryan was deeply loved by his family, friends and his school community. Mourning the loss, many members of the community donated money to the Markels, which they immediately put into the Ryan's Hope Foundation. Along with the money that comes from certification fees, the Markels have put any money that would have gone toward Ryan's allowance, Christmas and birthday presents into the Foundation.

This past June, Ryan would have graduated from Depew High School. To honor Ryan's life, Ryan's Hope Foundation rewarded every college-bound member of the graduating class with the Ryan Markel Scholarship. Two students received a $500 scholarship and 167 other graduates received a $100 scholarship. The recipient also received a letter from Charlie, Sandy and their daughter, Amanda wishing the graduates luck and thanking them for being a part of Ryan's life.

Ryan's classmates also took measures to commemorate Ryan at graduation. During the ceremony, one of Ryan's classmates read a letter about Ryan and called his family on stage. In addition, the graduating seniors created a memorial displayed in the foyer at the graduation ceremony, which included Ryan's photograph, a graduation cap and a poem. An entire page of the yearbook was dedicated to Ryan and his classmates included a tribute to Ryan in their class DVD. Finally, his classmates bought the rights to name a star in his honor.

It is my honor to commemorate the life of Ryan Markel and the charitable efforts of his family. On behalf of the Western New York community, I thank the Markels for their extraordinary efforts to increase safety awareness in the memory of their son.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following information.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 2997

Account: Agricultural Research Service

Name of Requesting Entity: University of Florida/IFAS

Address of Requesting Entity: 700 Experiment Station Rd, Lake Alfred, FL, 33850

Description of Request: I have secured $1,300,000 for the Citrus Canker and Greening Research. This funding will be used for Continuation of vital citrus Canker, citrus Greening/Huanglongbing (HLB) and Asian Citrus Psyllid (ACP) research to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating citrus diseases and disease vector. Currently, citrus Canker disease, the spread of the ACP and citrus Greening/HLB are the two most serious diseases and vector facing the U.S. citrus industry. Both diseases and the vector have been declared endemic in the state of Florida and pose serious threats to California, Texas and to the viability of the U.S. citrus industry. Research supported through federal funding in addition to state and grower funds is critical to ensuring that the citrus industry remains a viable part of America's economy. In Florida alone, commercial citrus is a $9 billion dollar a year industry that supports almost 90,000 jobs. California and Texas combined have over a $3.2 billion economic impact with over 26,000 jobs in their respective states. Due to the severity of just these two diseases and

vector, the importance of continuing critical research unabated is crucial. Canker is caused by a bacterium that creates lesions on the leaves, stems, and fruit of citrus trees, including oranges and grapefruit. While not harmful to humans, Canker significantly affects the health of trees, causing leaves and fruit to drop prematurely. Wind and rain serve as the vector of Canker. Citrus greening/HLB is a bacterial disease which is spread by the Asian citrus psyllid. Although it presents no threat to humans or animals, trees diagnosed with citrus greening/HLB have greatly reduced production and often die within a few years. Recently, research for these diseases and vector has been done on a state by state basis. More than 100 research projects are currently underway in an attempt to find scientific answers to greening/HLB, the ACP and Canker. A new federal ARS research initiative could ultimately provide long-term solutions to these invasive pests and diseases. This new approach has become necessary to help protect U.S. citrus production and mitigate the impact of these exotic pest and diseases. Scientists are confident that intensive and sustained research can solve the Greening/HLB, ACP and Canker puzzles once and for all.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 2997

Account: CSREES

Name of Requesting Entity: University of Miami

Address of Requesting Entity: 142 Collegiate Loop, Tallahassee, FL, 32306

Description of Request: I have secured $2,494,000 for the Southeast Climate Consortium. This funding will be used to characterize the impacts of ENSO-related climate variability (a global coupled ocean-atmosphere phenomenon producing the most prominent known source of inter-annual variability in weather and climate around the world) on agricultural commodities and specialty crops. Explore alternative management responses to realistic climate scenarios and quantify expected outcomes. Establish communications process that can rapidly disseminate climate information and decision support tools regularly while gleaning user feedback on the usefulness and relevance of the provided analyses via agricultural stakeholders and state extension services. Study the agricultural impact of water managers' decisions in response to climate variability. Weather and climate significantly affect agriculture; year-to-year climate variability (e.g., flooding, droughts) can dramatically impact agricultural productivity. Climate forecast information for a relatively small regional group of agricultural decision-makers has proven useful. By expanding efforts into Georgia and Alabama via new collaborations with universities there, we enhance our understanding and predictive abilities as we tailor information for a wider range of Southeast agricultural decision makers.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Interior, Environment and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2996

Account: Land and Water Conservation Fund

Legal Name of Requesting Entity: Uwharrie Trail, Randolph County, North Carolina.

Address of Requesting Entity: U.S. Forest Service, 160 Zillicoa Street, Suite A, Asheville, NC 28801

Description of Request: The bill provides $500,000 for land acquisition to complete the second portion of the Uwharrie Trail in Randolph County, NC. The Uwharrie National Forest is located in the Piedmont area of central North Carolina. It is located in a rural but developing area 40 miles from Charlotte (more than 1.3 million in population), and almost as near to the Research Triangle cities of Greenville/Raleigh and Durham, NC. At 50,189 acres, the Uwharrie is the smallest National Forest with the most fragmented ownership in North Carolina, owning only 23% of lands within the forest boundary. Land acquisition offers the best opportunity to consolidate this scattered ownership pattern and will also improve plant and wildlife habitat, reduce the threat to endangered species, increase recreation opportunities, and improve water quality in the Uwharrie River watershed. The Uwharrie National Recreation Trail currently runs north from a trailhead on Highway 24/27 near Wood Run Hunt Camp in Montgomery County through lands along the north portion of the Uwharrie National Forest in Randolph County. The current trail is 20.4 miles in length and provides views of the surrounding countryside containing a mixture of oak, hickory, maple and conifer tree communities.

RECOGNIZING THE W*I*N OF ROUND ROCK

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CARTER. Madam Speaker, I would like to recognize W*I*N (Women Impacting the Nation) of Round Rock, Texas for their success in making a difference in the community in such a short time frame with Freedom Festival 2009.

The W*I*N organization helped organize and host the 2009 Freedom Fest held July 4th at Dell Diamond, a concert and firework presentation benefiting The Children of Fallen Soldiers. Children of Fallen Soldiers is a non-profit organization based out of Round Rock, Texas with a goal to provide each child who has lost a parent in the line of duty, with $25,000 to assist with college expenses, or to otherwise help them to start out in the world when they turn 18. Fifteen central Texas children have been identified through the program to have lost a parent in the line of duty. The soldiers who were killed were all from Ft. Hood, Texas.

The Freedom Fest 2009, is just one of the events the W*I*N organization has sponsored and organized in Texas District 31. It is an honor to recognize and thank the local W*I*N group for their dedication to the families in Texas District 31, our community and our country.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act, 2010"

Account: MILCON, Navy

Legal Name of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center

Address of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center, Bridgeport, CA, 93517

Description of Request: I requested and received a Member priority authorization request totaling $6,830,000 for a new commissary at the U.S. Marine Corps Mountain Warfare Training Center. This project would construct a permanent commissary at the U.S. Marine Corps Mountain Warfare Training Center. Due to the remote location of the base outside Bridgeport, California, military members and their families travel dozens of miles over steep and sometimes impassable roadways to buy groceries and supplies. This project would eliminate that drive and provide an improved quality of life on base, especially during the winter months.

EARMARK DECLARATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on Member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of H.R. 2847, FY 2010 Department of the Interior, Environment and Related Agencies Appropriations Bill.

Account: STAG Water and Wastewater Infrastructure

Amount: $500,000
Requesting entity: City of Maple Plain
Address: 1620 Maple Avenue; Maple Plain, MN 55359
Description of Project Request: Funding would allow the City of Maple Plain to comply with Federal water standard mandates by helping finance a new water treatment facility. The facility is necessary to meet Environmental Protection Agency requirements for the city's water radium levels.
I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847.
Requesting Member: JOHN M. SHIMKUS
Bill number: H.R. 2847
The Account: COPS Tech
Requesting Entity: Christian County Sheriff at 301 Franklin St. Taylorville, IL 62568.
Funding would go to be used for interoperable communication needs for emergency response in Christian County.
The Account: OJP—Byrne
Requesting Entity: Fairfield Police Department at 108 NW 7th St. Fairfield, IL 62837.
Funding will be used for an emergency generator and security and communications upgrades for Fairfield Police Department to allow them to utilize their facility and provide the equipment necessary for security compliance.
The Account: OJP—Byrne
Requesting Entity: Findlay Police Department at 221 E. S. Second St. Findlay, IL 62534.
Funding will be used for equipment to allow the FPD to properly equip their officers for the seasonal increases in traffic
The Account: OJP—Byrne
Requesting Entity: Village of Southern View located at 3412 S. Fifth St. Springfield, IL 62703.
Funding will be used for training and equipment for the Southern View Police Department.
The Account: OJP—Byrne
Requesting Entity: Wayne County Sheriff's office located at 305 E. Court St. Fairfield, IL 62837.
Funding will be used for equipment and supplies to upgrade underage drinking enforcement and other communications related equipment at Wayne County Sheriff's office.
The Account: OJP—JJ
Requesting Entity: i-SAFE, Inc. located at 5900 Pasteur Court, Suite 100 Carlsbad, CA 92008.
i-SAFE is a non-profit foundation that has been providing, since 2002, Internet Safety curriculum to over 7.2 million students nationwide. Parents, educators, law enforcement and industry rely on i-SAFE to educate citizens in all 50 states about how to remain safe from online predators, consumer fraud, bullying and many other online victimizations. The funding will go toward furthering these goals.

RECOGNIZING THE CITY OF CEDAR PARK

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CARTER. Madam Speaker, I would like to recognize the Cedar Park City Council and staff for their great work within the community and helping to identify economic drivers and the small business in Cedar Park that make our community work.
I appreciate the work and dedication of the Cedar Park City Council and look forward to continuing to work with them in the future.
It is an honor to recognize the Cedar Park City Council for their great work.

PAN AMERICAN GOLF ASSOCIATION NATIONAL TOURNAMENT AND CONVENTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the Pan American Golf Association National Tournament and Convention, which will be hosted on July 27–31 in Corpus Christi, Texas.
The tournament, which will be played on a beautiful day in the Coastal Bend area, returns to Corpus Christi after 10 years, and it has a special meaning to the Corpus Christi Chapter, which was established in 1951, with a handful of Hispanic golfers playing at Oso Golf course at the end of Alameda Street. Today, there are more than 42 Pan American Association Chapters in the country, including Corpus Christi.
I take this time on the House floor to welcome each and every one of our participants and ask that they enjoy their time with friends, family and loved ones. I know some of the best players of the sport will come together from across the nation to tee off.
I applaud the efforts made by those involved in getting the 2009 Pan American Golf Association National Tournament and Convention to Corpus Christi, and extend to all my best wishes.
Today, I ask that my colleagues join me in commemorating the 2009 Pan American Golf Association National Tournament and Convention and the Corpus Christi Chapter for their dedication, support and love for the sport of golf.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.
Requesting Member: Congressman PHIL GINGREY
Bill Number: H.R. 2997
Account: Department of Agriculture; Natural Resources Conservation Service, Watershed and Flood Prevention Operations
Legal Name of Requesting Entity: Paulding County (GA) Board of Commissioners
Address of Requesting Entity: 240 Constitution Boulevard, Dallas, GA 30132
Description of Request: The project will be a pump-fill reservoir located within the upper reaches of Richland Creek in northern Paulding County, Georgia. The funding granted in H.R. 2997 is to be used for engineering and design services for the dam structure and appurtenances, raw water withdrawal station, raw water pipeline, and for mitigation purposes.
Richland Creek Reservoir is a public water supply reservoir that is being proposed to fulfill Paulding County's water supply needs for the next 50 years. As Richland Creek has a small drainage basin, a raw water intake structure and pipeline must be constructed on the Etowah River to supply water to the 4.4 billion gallon reservoir. According to our 50-year water needs projections, Paulding County will need approximately 62 million gallons per day (MGD). Currently, Paulding County purchases 100% of its potable water from Cobb County-Marietta Water Authority (CCMWA). CCMWA has in its long-term plan to be able to supply Paulding with up to 27 MGD leaving an unmet need for Paulding County of 35 MGD. Richland Creek Reservoir is expected to fulfill the unmet water supply need of 35 million gallons per day (MGD) for Paulding County.
The $100,000 added to H.R. 2997 will be used in its entirety for Surveying, Engineering Studies & Permitting for the reservoir to help fulfill the water needs of Paulding County.

HONORING FRANK KUCINICH, JR.

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. FUDGE. Madam Speaker, I rise today to honor the memory of Frank Kucinich, Jr., brother of Representative DENNIS KUCINICH, and recognize his service to our country and his dedication to the City of Cleveland, Ohio.
Frank Kucinich, Jr. was a United States Marine Corps combat veteran of the Vietnam War, who was promoted to lance corporal on

the battlefield. After leaving Vietnam, Frank continued his service in the Mediterranean in support of the U.S. Navy's Sixth Fleet in Europe. He was honorably discharged from the United States Marine Corps in September 1968.

Frank Kucinich received many military awards for his service. He was also one of the founding members of the Vietnam Veterans of America, Chapter 15, in Cleveland, Ohio, and was nominated to the Ohio Veterans Hall of Fame.

Frank had retired and lived at the Ohio Veterans Home in Sandusky, Ohio when he passed away on June 30. Frank was the beloved brother of DENNIS, Gary, Theresa, Larry, the late Perry and the late Beth Ann.

Madam Speaker and colleagues, please join me in celebrating the life of Frank Kucinich, Jr., and in recognizing his service to our community and our country. His patriotism and contributions to society serve as an inspiration to all of us.

RECOGNIZING LANDY WARREN OF ROUND ROCK

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CARTER. Madam Speaker, I would like to recognize Landy Warren of Round Rock, Texas for his unbelievable service to our country, his leadership through Children of Fallen Soldiers and Freedom Festival 2009.

The Children of Fallen Soldiers is a nonprofit organization based out of Round Rock, Texas with a goal to provide each child who has lost a parent in the line of duty, with $25,000 to assist with college expenses, or to otherwise help them to start out in the world when they turn 18. The Children of Fallen Soldiers organization was born through the vision of the Rotary DISTRICT 5870, in Round Rock, Texas.

Fifteen central Texas children have been identified through the program who have lost a parent in the line of duty. The soldiers who were killed were all from Ft. Hood, Texas.

The Freedom Fest 2009, a 4th of July concert and fireworks presentation to benefit The Children of Fallen Soldiers, was held this year with the hard work of Landy, and other local sponsors.

It is an honor to recognize Landy, as he continues to be a true leader in Texas District 31, and in our country.

CONGRATULATING SUE LOFGREN—SCI VOLUNTEER OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MITCHELL. Madam Speaker, I rise today to honor Sue Lofgren from my home town of Tempe, Arizona. Sue is being recognized as the Sister Cities International Volunteer of the Year at the annual conference. This year's conference takes place in Belfast, Northern Ireland.

The cities of Tempe, Arizona and Timbuktu, Mali, West Africa have enjoyed an eighteen year partnership through Sister Cities International. This relationship has persevered, despite hurdles which would have daunted most people. Lack of modern communication methods in 1991, the language barrier, as well as the physical difficulties of travel to that remote part of the world, were just a few of the hurdles. Sue found a way to overcome all of them.

The number one issue facing Timbuktu was lack of water. Sue arranged for a retired water engineer to travel to Timbuktu—no easy task in itself—to assess the feasibility of drilling water wells. Once water was found 100 feet down, Sue's real work began. She organized a fundraising effort to secure the $7,000 needed to drill a well, by selling bottled water bearing the label, ''Water for You . . . and Timbuktu''. The next hurdle was getting the money to Mali as Timbuktu had no bank, no Western Union, no nothing. This was eventually accomplished through a third party. When the first well opened, people literally danced in the streets and named that first effort, The Sue Lofgren Well. She has since raised money for six more wells.

When Sue made her first visit to Timbuktu, she packed her clothes and $11,000 of donated medical supplies, reading glasses, soccer balls and school supplies. While on her visit, she was home-hosted and saw first hand the great needs of these proud people. She returned home and redoubled her efforts on their behalf.

To date, she has singlehandedly raised at least $200,000 in aid for Timbuktu. In addition to the wells, money has gone to purchasing wheelchairs, goats, sheep and camels, sewing machines, gardening supplies, medical and school supplies, as well as toilets and a millet grinder for the Women's Center. In 2008 she also facilitated a relationship with Project C.U.R.E which resulted in the donation of another $500,000 in badly needed medical equipment.

All of this effort might seem to be enough for most of us, but not Sue. In addition to her efforts on Timbuktu's behalf, she volunteers a lot of her time to other programs of Tempe Sister Cities. She and her husband, Bob, have hosted international guests from Tempe's six other sister cities. She volunteers in the organization's gift shop, works in the kitchen for events and has organized the information booth at the annual Way Out West Oktoberfest. She is tireless in her dedication to Tempe Sister Cities, and especially to Timbuktu.

I am proud to call Sue Lofren a friend, and prouder yet that her efforts are being recognized by this wonderful award. Please join me in congratulating this outstanding person.

THE 100TH BIRTHDAY OF MR. JESUS GONZALEZ VILLAGOMEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize Mr. Jesus Gonzalez Villagomez, who celebrated his 100th birthday on May 5, 2009, surrounded by family, friends and loved ones.

Mr. Villagomez was born on May 5, 1909, in Villa Morelos, Michoacan, Mexico, to a ranching and farming family—Telesforo and Antonia Gonzalez Villagomez.

When he turned 18, he migrated to the United States entering at the Port of Brownsville in Brownsville, Texas, and a few years later returned to Mexico where he met and married his lifelong companion and wife, Mariana Aguillon Villagomez. Mr. Villagomez and his wife returned to the United States and settled in Fargo, North Dakota.

He joined the United States Army at Kelly Air Force Base in San Antonio, Texas, during World War II and was honorably discharged. Mr. Villagomez would go on to make a name for himself holding positions with the Union Pacific Railroad and the Armour Meat Packing Company in Fargo, North Dakota, where he retired from.

He is fluent in English and Spanish and has a true love and passion for education. He has a son, Jesse Villagomez, Jr., of Ft. Worth, Texas, and a daughter, Maria Antonieta Villagomez, of Corpus Christi, Texas, as well as four grandchildren and three great grandsons.

Mr. Villagomez's hobbies include: gardening, cooking, reading, dancing, and traveling.

Today, I ask that my colleagues join me in celebrating the 100th birthday of Mr. Jesus Gonzalez Villagomez who has lived a happy life surrounded by family, friends and loved ones.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. KLEIN of Florida. Madam Speaker, I submit a record of how I would have voted on June 18 and 26, 2009 when I was unavoidably detained.

Had I voted, I would have voted ''yes'' on rollcall No. 383, ''yes'' on rollcall No. 390, ''yes'' on rollcall No. 400, ''yes'' on rollcall No. 406, and ''no'' on rollcall No. 472.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and that were

included in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (H.R. 2997).

Account: Agriculture Research Service—Salaries and expenses

Project Name: Northwest Center for Small Fruits, Corvallis, OR

Legal Name and Address of Requesting Entity: Northwest Center for Small Fruits Research, 4845 B SW Dresden Ave., Corvallis, OR 97333

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $254,000 for the Northwest Center for Small Fruits Research conducted by USDA's Agriculture Research Service (ARS). According to the requesting entity, the appropriated funds for this project will be used by ARS to fund cooperative research, extension, and education activities on peer-reviewed small fruits research project proposals that will enhance profitability and sustainability of the small fruits industry in the Pacific Northwest.

Account: National Institute of Food and Agriculture—SRG

Project Name: Multi-commodity Research, OR

Legal Name and Address of Requesting Entity: Oregon State University, Corvallis, OR 97331–4501

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $244,000 for the Multi-commodity Research, OR program to be conducted by Oregon State University. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to enhance competitiveness and expand the economic value-added component in Oregon agriculture products through research and outreach in food processing, product development, business strategy, marketing, and consumer testing.

Account: National Institute of Food and Agriculture—SRG

Project Name: Potato Research, ID, OR, WA

Legal Name and Address of Requesting Entity: Oregon State University, Corvallis, OR 97331–4501

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $1,037,000 for the Potato Research, ID, OR, WA program to be conducted in part by Oregon State University. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to develop and commercialize new potato varieties that will directly benefit all segments of the Northwest potato industry and indirectly benefit all U.S. potato producing regions.

Account: National Institute of Food and Agriculture—SRG

Project Name: Regional Barley Gene Mapping Project, OR

Legal Name and Address of Requesting Entity: Oregon State University Corvallis, OR 97331–4501

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $471,000 for the Regional Barley Gene Mapping Project, OR program to be conducted by Oregon State University. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to stimulate economic activity in the agriculture sector and to improve human health and welfare by using the tools of genomics to develop improved barley varieties, which will be more tolerant of stresses caused by plant diseases, insects, and climate change. Furthermore, enhanced tolerance will lead to greater productivity with fewer chemicals and fertilizer inputs. The project will also help develop varieties that will provide needed crop diversity for eastern Oregon wheat farmers.

Account: National Institute of Food and Agriculture—SRG

Project Name: Small Fruit Research, ID, OR, WA

Legal Name and Address of Requesting Entity: Oregon State University Corvallis, OR 97331–4501

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $307,000 for the Small Fruit Research, ID, OR, WA program to be conducted in part by Oregon State University. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to fund cooperative and competitive research grants, and education activities to enhance the profitability and sustainability of the small fruits industry in the Pacific Northwest.

Account: National Institute of Food and Agriculture—SRG

Project Name: STEEP IV—Water Quality in Northwest

Legal Name and Address of Requesting Entity: Oregon State University Corvallis, OR 97331–4501

Project Location: Corvallis, Oregon

Description of Project: H.R. 2997 appropriates $444,000 for the STEEP IV—Water Quality in Northwest program to be conducted in part by Oregon State University. Oregon State University has confirmed in their justification that the appropriated funds for this project will be used to establish a network of agriculture research sites from which to address long term agriculture, environmental, and agroecosystem problems. According to the requesting entity, to date, the STEEP research grant has provided funds to develop cropping techniques such as direct-seeding, residue management, weed control, and accompanying extension programs to facilitate the adoption of successful conservation farming for the Pacific Northwest.

APPLAUDING HON. EDOLPHUS TOWNS IN CELEBRATION OF FATHER'S DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. RANGEL. Madam Speaker, I rise today to praise my fellow colleague, EDOLPHUS TOWNS, for his outstanding career on Capitol Hill within the House of Representatives, as well as his continuous role as a father. This week, the New York Carib News acknowledged the Congressman in ''Edolphus Ed Towns, Father and Lawmaker'' in an article on outstanding fathers. The article noted his 30 years as a member of Congress and recognized TOWNS as the proud father of two adult children, Darryl, a New York State assembly member and his daughter Diedre, a Senior Executive with the Pfizer Pharmaceutical Company.

Mr. TOWNS, who is a former social worker and community activist, is a 14-term veteran and currently chairs the Committee on Oversight and Government Reform. Mr. TOWNS was born on July 21, 1934 in Chadbourn, North Carolina and earned his bachelor's degree from North Carolina A&T State University. He holds a master's degree in social work from Adelphi University. Prior to serving in the House, Mr. TOWNS was a teacher in the New York City Public School System, and a professor at Fordham University as well as Medgar Evers College. He is also a veteran of the United States Army and an ordained Baptist minister.

Mr. TOWNS continues to be dedicated and committed to serving his constituents within the 10th Congressional District of New York, which encompasses a variety of Brooklyn's diverse population. Mr. TOWNS also continues to be an advocate for adequate public health care, as well as equal access to quality public education and technology and financial security.

As a father, Mr. TOWNS strived to instill values in his children, as well as being fully invested in teaching them important life lessons by assuring the family spent time and had meals together. Mr. TOWNS understood the important role that fathers have in a child's life and cherishes the significance of sharing life experiences, which he attributes to his children's success in their personal and public lives. As an example, Mr. TOWNS and his son, Darryl, are the first African-American father-son team to serve simultaneously in New York public office.

Fatherhood is filled with many joys and challenges, and therefore, I applaud EDOLPHUS TOWNS for his continued commitment to his family as well as for his public service. I have thoroughly enjoyed working with my colleague and I commend him for his leadership.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide $1,139,000 for the Food and Agriculture Policy Research Institute to provide objective, quantitative economic analysis of agricultural policy alternatives. Approximately $188,000 or 17% is to continue a cooperative agreement with the University of Wisconsin relating to dairy policy; $140,000 or 12% is to conduct analysis of rangeland, cattle and hay with the University of Nevada—Reno; $811,000 or 71% is to be divided between the University of Missouri and Iowa State University to provide a ten-year baseline and policy analysis for US and world agriculture.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide $595,000 for the Food and Agriculture Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) to provide Congress with information regarding farm financial risk and farm structure and the impacts of alternative agricultural policies on these factors. Approximately $244,000 or 41% is for FAPRI at the University of Missouri to provide stochastic and deterministic baseline and policy scenarios and $351,000 or 59% is for AFPC at Texas A&M University to provide representative farm analysis.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide $174,000 for the University of Missouri—Delta Research Center to continue research on rice production in the mid-South. Approximately $140,610 will be for multiple personnel costs, $29,000 for materials and supplies, and $5,000 for other costs.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 214 Middlebush Hall, Columbia, Missouri 65211

Description of Request: Provide $835,000 for the Rural Policies Institute to provide unbiased analysis and information on the challenges, needs, and opportunities facing rural people and places; and to spur public dialogue and help policymakers understand the impacts of public policies and programs on rural people and places. Of the $835,000, $600,000 is for salaries and benefits, and the remaining $135,000 is for center investments, conferences and events, consultants, office expenses and travel.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide $556,000 for continued soybean cyst nematode research at the University of Missouri—Delta Research Center. Of the $556,000, 85% is for salaries and benefits, the remaining 15% is for travel, supplies, and costs for a winter seed nursery.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: Bootheel Resource Conservation and Development, Inc.

Address of Requesting Entity: 18450 Ridgeview Lane, Dexter, MO 63841

Description of Request: Provide $207,000 to the USDA–APHIS–Wildlife Services in Southeast Missouri. Of the $207,000, 80% would be utilized for salaries and benefits, 17% for APHIS–Wildlife Services program support and 3% for vehicle maintenance and fuel. A portion of the operating budget will also be provided by local municipalities, commodity organizations and university support.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: General Provision

Legal Name of Requesting Entity: Congressional Hunger Center

Address of Requesting Entity: Hall of States Building, 400 North Capitol Street, N.W., Suite G100, Washington, DC 20001

Description of Request: Provide $2,500,000 for the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program. Of the $2,500,000 in funding 54% would be for salaries, benefits, healthcare and other costs associated with the Emerson National Hunger Fellowship Program and 46% for similar costs associated with the Mickey Leland International Hunger Fellowship Program.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: Agriculture Research Service—Salaries and Expenses

Legal Name of Requesting Entity: University of Missouri Center for Agroforestry

Address of Requesting Entity: 203 Anheuser-Busch Natural Resources Building, Columbia, Missouri 65211

Description of Request: Provide $660,000 to support research on viable alternative production and protection options to help revitalize the economic and environmental health of rural farms and communities in Missouri and surrounding states. Approximately, $438,882 [or 66%] is for salary and fringe to support professional track faculty, research associates, field research specialists, graduate and undergraduate students; $201,982 [or 31%] for materials and supplies in support of laboratory and field-based research on campus and at five MU farms and centers; $19,137 [or 3%] for travel.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—Research and Education Activities

Legal Name of Requesting Entity: Center for Grapevine Biotechnology at Missouri State University

Address of Requesting Entity: 9740 Red Spring Road, Mountain Grove, Missouri 65711

Description of Request: Provide $422,000 to research the ability of wild grapevines to defend themselves against pathogens, and their capacity to synthesize health-promoting properties. Of the funds available 46% for salary and benefits, 21% for other direct costs including materials and supplies, and 25% for F&A.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 2997.

Requesting Member: JOHN M. SHIMKUS

Bill number: HR 2997

The Account: Agriculture Salaries and Expenses

Requesting Entity: National Corn-to-Ethanol Research Center (NCERC) at 400 University Park Dr in Edwardsville, IL.

NCERC is the only pilot plant facility in the world that has the flexibility to process any grain based feedstock to fuel ethanol and associated products. Funding will go toward the research at NRERC which is needed to reduce our reliance on foreign sources of energy.

HONORING JAMES C. KERNAN, JR.

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise to honor James C. Kernan Jr. for his contribution to both our government and local community. Through his commitment to serving others, Mr. Kerman has affected the lives of many, both nationally and locally. For these reasons and many others, I believe he is worthy of recognition.

As a dedicated member of United States Army, James received numerous accolades commemorating his outstanding bravery. Among his many distinctions, James was awarded the Kuwait Liberation Medal, the Southwest Asia Service Medal with two bronze stars, the Humanitarian Service Medal, and the National Defense Service Medal with a bronze star. After leaving the Army, Mr. Kernan continued to serve his country by enlisting in the Army Reserves. For years, James would travel from his home on Long Island to Utica, NY to train at the Elihu Root Army Reserve Center. Once again, James excelled, earning five separate Army Reserve Component Achievement Medals. I am proud to honor James for his 26 years of service in our Armed Forces.

Mr. Kernan's exemplary dedication does not end with his military record. Prior to his retirement in January, James spent thirty-five years as an employee of the Internal Revenue Service. Throughout his tenure, he was promoted

through the organization, and received thirteen distinct awards for his accomplishments.

Apart from his lifetime of public service, Mr. Kernan is an invaluable asset to his community. While raising his two sons on Long Island, James, and his wife Ruth, organized countless fundraisers and community events. They dedicated themselves to parent associations, the Our Lady of Victory Elementary School, and the Notre Dame Convent, and accepted the presidency of the Trinity Parents' Club at Holy Trinity Diocesan High School. Mr. Kernan's life's work is a testament to his commitment to developing a strong and healthy community for his children and others, James even acted as a volunteer referee for local little league games. Our children represent our future, and James has touched the lives of generations to follow.

The work of Mr. Kernan is inspiring, and I am grateful to him for all that he has accomplished. It is the through the efforts of individuals such as James Kernan that our nation remains strong and prosperous. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his contributions to society.

TRIBUTE TO DAVID MUHLENDORF

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to congratulate Mr. David Muhlendorf, President and CEO of Paper and Chemical Supply, on his recent appointment to the U.S. Chamber Board of Directors.

Throughout the years, David's dedication and commitment to the success of north Alabama have directly contributed to my district's economic success. Small business has always served to be the backbone of our nation, and Mr. Muhlendorf's presence on the national economic stage will prove to be a great benefit to our country.

Earlier this year, David was named the 2008–2009 Shoals Citizen of the Year for his development work with the Chamber of Commerce of Northwest Alabama. He has also worked tirelessly for the area's education system with the Northwest Shoals Community College Board of Directors, for our local charities with the Shoals United Way, and for my State's economic development with the Business Council of Alabama.

Madam Speaker, I wish to congratulate Mr. David Muhlendorf for his new appointment and thank him for his diligent and determined work for the Tennessee Valley, the State of Alabama and our country.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding authorizations I requested and were included as part of H.R. 2647, National Defense Authorization Act for fiscal year 2010.

A request for the Marksmanship Skills Trainer. The funding would be used for procuring a portable self contained system that allows for multiple scenarios from training to combat skills. This is a multiple user system allowing for high output during times of training constraints. The trainers will be stationed at the various Texas Army National Guard facilities allowing for maximum use for the soldiers. The system allows for ongoing marksmanship training in a simulated environment without the expenditure of ammunition or need to travel to a weapons range. The entity to receive funding for this project is the Texas National Guard, 2200 West 35th Street, Austin, TX 78763.

A request for the Mobile Firing Range. The mobile firing range is a self contained range that allows for the firing of pistol and rifle systems for the Texas National Guard. Currently there is no opportunity to fire weapons for training or qualification without traveling to a certified range on a military installation. The Texas Army National Guard currently does not have access to any indoor ranges that can be used to fire the M16/M4 which is the current armament for 90% of the soldiers within the Texas Army National Guard. The Mobile Firing Range will allow soldiers to train with their assigned weapons at home station. This system is a training and force multiplier due to the negation of travel and lodging, and staging needed when conducting this training on a military facility. The entity to receive funding for this project is the Texas National Guard, 2200 West 35th Street, Austin, TX 78763.

A request for the Visual Door Gunner Trainer (VDGT). The funding would be used for procuring a VDGT device that provides door gunnery and crew coordination training for UH–60 Blackhawk crewmembers. The VDGT also incorporates precision gunnery training to improve target engagement skills. This system is mobile and can be moved between Texas Army National Guard aviation facilities that have UH–60s. The system enables crews to train without leaving home station or flying additional hours. The entity to receive funding for this project is the Texas National Guard, 2200 West 35th Street, Austin, TX 78763.

A request for the Field Deployable Hologram Production System. The funding would be used for completing development of a compact production unit that produces 3D holographic imagery for mission planning and intelligence purposes for U.S. forces in Iraq and Afghanistan. The U.S. Army requests a self-contained, field-deployable EHI production system to accelerate imagery delivery to combat forces. The goal is a more efficient, cost effective production system that provides the deployed war fighter needed planning and intelligence capabilities on a much faster basis. The entity to receive funding for this project is Zebra Imaging, Inc, 9801 Metric Blvd, Austin, TX 78758.

A request for the Compact Pulsed Power Initiative. The funding would be used for the development of explosive- or battery-operated, compact, high-power radiation sources and associated antenna systems capable of destroying electronics used for radars, communications, computer, or remote detonation devices, and others that can disable car engines. The information gained from this research will be significant in furthering our nation's defense capabilities especially in the area of disabling and destroying IEDs. The research for this project will be conducted by Texas Tech University, 2500 Broadway (mail stop 3121), TX 79409.

A request for the Modular Shoot House. The funding would be used for procuring a self contained combat scenario system for team training in a safe 360 degree ballistic, combat simulated environment. The Modular Shoot House (MSH) will be placed on Texas Army National Guard training facilities as determined by training needs of the geographic regions in the state. New combat training tasks will be exercised using the MSH by multiple units who have building clearing as part of their mission essential tasks. There is currently no Texas Army National Guard controlled MSH. The addition of this system will greatly enhance training and readiness prior to unit deployment. The entity to receive funding for this project is the Texas National Guard, 2200 West 35th Street, Austin, TX 78763.

Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2997–Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

A request to Cooperative State Research, Education and Extension Service (CSRESS), Special Research Grants Account, to the Animal Fiber Research Program. This funding would assist in the ongoing Wool Research Program. This program is a partnership between the Texas Agriculture Experiment Station in San Angelo, TX, New Mexico State University and Montana State University. This program helps enhance the quality and quantity of wool and mohair produced in this country. In addition, significant efforts are being made to work with small ruminants as a means to control invasive brush which is a major issue in many parts of Texas degrading rangelands and taking precious water. The project is located at 7887, U.S. Highway 87N, San Angelo, Texas, 76901.

A request to Cooperative State Research, Education and Extension Service (CSRESS), Special Research Grants Account to continue partial funding of the state of the art multidisciplinary research approach at the International Cotton Center at Texas Tech University. The International Cotton Center conducts cotton research programs for cotton production systems and provides market and policy analysis for natural fibers (cotton, wool, and mohair) in an effort to increase profitability and maintain viability of all segments of the U.S. cotton industry in an increasingly competitive and volatile international market. The project research would be centrally located at Texas Tech University, located at 2500 Broadway, Lubbock, Texas 79409.

A request to Cooperative State Research, Education and Extension Service (CSRESS), Special Research Grants Account, to continue partial funding for the Center for Food Industry

Excellence at Texas Tech University. The Center for Food Industry Excellence is a federal and state supported program that conducts systematic development and evaluations of production, processing and preparation methods of food products to achieve a safer and more nutritious food supply. The project research would be centrally located at Texas Tech University, located at 2500 Broadway, Lubbock, Texas 79409.

BRONX COMMUNITY COLLEGE (BCC))

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the opportunities Bronx Community College (BCC) has afforded its students for over half a century. This week, the New York Carib News acknowedged the most recent graduation at the school with a story in its June 23, 2009 edition entitled the "Spirited Commencement on Historic Field." For the graduation, thousands gathered on Ohio Field to watch BCC's graduating class of 2009 receive their degrees. Dedicated to serving its students through academics, leadership, and a commitment to service, BCC has done a remarkable job of producing talented individuals from all backgrounds. Approximately fifty-five percent of graduates are first generation college students and twenty-five percent balance school with work and family lives. Even more significant is the forty-four percent of students who come from households with an income of less than $15,000 per year. Bronx Community College is doing extraordinary things for a culturally diverse population of students, and deserves to be recognized for its years of commitment to this initiative.

This year, BCC graduated approximately 1,000 students who were prepared to enter the work force to begin careers in areas from medical office technicians to students who will receive full scholarships to complete their studies at four-year undergraduate institutions. Not only does such success among its students provide BCC with a strong alumni base, it also sets an incredibly strong example for both youth and adults in the surrounding area who have ever had doubts about their abilities to advance their education. The beauty of this institution is that it cultivates the dreams of those who want better careers and lives for themselves and their families. The Bronx Community College welcomes untraditional paths to education, and provides its students with the resources, motivation, and encouragement to succeed.

The continued pursuit of education and personal advancement even in such challenging economic times speaks volumes to the commitment of the Bronx Community College. This school confirms the validity of such public institutions and deserves to be recognized as a force of motivation in the Bronx community and a source of inspiration for anyone who dreams of succeeding.

TRIBUTE TO MONSIGNOR EUGENE M. BOLAND

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Monsignor Eugene M. Boland, who was recognized on Sunday, June 28, 2009, on the occasion of his retirement.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he has been a true public servant and someone whose spiritual commitment has enhanced countless lives.

Eugene M. Boland was born on May 12, 1939, in the Village of Eyrecout, County Galway, Ireland, one of three sons of John and Nora (Potter) Boland. One of his brothers, Monsignor John V. Boland, is the pastor of St. Francis de Sales Church in Vernon Township, NJ. The other, Eamon, and his wife Mai and their four children reside in Castlecomer, County Kilkenny, Ireland. Young Eugene attended the local convent school until second grade, and then continued on at the local boys school until he was thirteen. He began his secondary education (high school) at St. Joseph's College, Ballinasloe, in 1952, and then went on to St. Patrick's Seminary in Carlow in the fall of 1957. He was ordained to the priesthood at the Cathedral in Carlow on June 8, 1963.

Father Boland came to this country on August 16, 1963, and was temporarily assigned to St. Vincent the Martyr Parish in Madison. On October 8th of that year, he was given a permanent assignment as associate pastor at St. George's Church in Paterson, where he would serve with Monsignor Joseph Brestle and Father Julian Varettoni. On June 29, 1971, he was assigned, with Monsignor Michael F. Hart as Pastor, to St. James of the Marches Church in Totowa, NJ, where he has remained ever since. He has served with many parochial vicars including Father Francis J. Duffy, Father Dennis O'Brien, Weekend Associate Father James Dolan, S.J., Father Paul Iovino, Father Joseph E. Murphy, Father Marc Mancini, Father James P. Bono, Father Damian Breen, O.S.B. Father Nicholas Gregoris and Father James Cerbone, S.D.B.

Monsignor Hart was called from this life on June 18, 1990, and soon after Father Boland was appointed as Pastor of St. James. On October 10, 1993, he was honored with the title of Monsignor.

During his time at St. James alone, Monsignor Boland baptized 1,364 infants, witnessed 470 marriages, administered First Eucharist to 2,864 children, attended 37 confirmations, and grieved with 1,249 families. He has made innumerable sick calls and communion visits. Over the 37 years he has served there, he has been involved in many activities of the Parish and of the greater Totowa community as well. He has attended not only graduations, Religious Education Classes and Rosary Altar Society meetings and events, but walked 37 May Crownings, attended 37 swearing in ceremonies for the Totowa Borough Council, and countless Boy and Girl Scout and Knights of Columbus events. He is the Chaplain of the Totowa Fire Department and was Dean of the Mid-Passaic Deanery for ten years beginning in February 1995.

Throughout his years of service, Monsignor Boland has helped to deepen the faith of many, and teach them more about their religion. His dedication to learning and expanding his own knowledge is exemplary.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Monsignor Boland.

Madam Speaker, I ask that you join our colleagues, Monsignor Boland's family and friends and parishoners, all those who have been guided by him, and me in recognizing the outstanding and invaluable service of Monsignor Richard A. Boland.

CONGRATULATING ALEC KOHLI FOR EARNING THE CONGRESSIONAL AWARD GOLD MEDAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Alec Kohli, a resident of Scottsdale, Arizona, and a constituent of my district. Alec has earned The Congressional Award Gold Medal, the United States Congress' award for young Americans. The Congressional Award recognizes outstanding young people from all over the nation, and Alec has gone above and beyond by committing a tremendous amount of time and effort to attain the Award's highest ranking possible—the Gold Medal.

In order to be considered for the Congressional Award, individuals must achieve goals set in four exclusive program areas: Voluntary Public Service, Personal Development, Physical Fitness, and Expedition or Exploration. Alec has excelled in all areas, first completing over 400 hours of Voluntary Public Service by participating as an Environmental Proctor at Exeter Academy, as a youth mentor to underprivileged youth, and as an Eagle Scout. For Personal Development, Alec attended a five-week summer program at Stanford University, where he worked on improving his math and analytical abilities as well as his leadership and time management skills. In the Physical Fitness category, Alec focused on sports and fitness activities, and measured his progress over a three-year training period by his ability to run one mile in six minutes and forty-five seconds. Finally, for his Expedition, Alec attended Camp Philmont in the mountains of New Mexico.

Alec is an exceptional young man, and sets a great example for Arizona's youth. I would like to express my appreciation for his contributions to the community, and I hope you will join me, Madam Speaker, in congratulating Alec on his phenomenal accomplishments.

RETIREMENT OF MR. GEORGE DALLEY

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. FUDGE. Madam Speaker, I am pleased to congratulate Mr. George Dalley on his exemplary service to the United State House of Representatives. Mr. Dalley is retiring this year after thirty years of service to Chairman RANGEL. Throughout his tenure in Congress, Mr. Dalley provided a wealth of information to CBC members and was a strong advocate for a more responsive approach to Africa, the Caribbean, and Central America.

Having an informed, passionate and committed staff makes a significant difference for a Member of Congress. Mr. Dalley has been such a staffer for Chairman RANGEL. As a journalist once wrote, ''Dalley is the guy in Rangel's office who sees every piece of paper the boss sees. He's the one Rangel seeks out when he needs an answer.'' The trust and collegiality between these two men is indeed a rare and valuable commodity.

Even in his well-deserved retirement, I am sure he will maintain a busy schedule advocating for the causes in which he so passionately believes. As Mr. Dalley continues to raise his voice in support of human rights around the world, I wish him the best in his retirement from the House of Representatives.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

I requested two projects in H.R. 2997.

$300,000 for the University of Florida's Institute of Food and Agriculture Sciences Shellfish Aquaculture Development Program and the Cedar Key Aquaculture Association located at P.O. Box 89, Cedar Key, FL 32625. These funds will be used to conduct multi-disciplinary research into struggling aquaculture programs.

$1,033,000 for the study of Subtropical Beef Germplasm by the SubTropical Agricultural Research Station located at 22271 Chinsegut Hill Road, Brooksville, FL 34601. The 3800 acre USDA research facility conducts multidisciplinary research aimed at boosting efficiency, safety and environmental responsibility for the cattle industry of Florida and the southeast.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2892, Department of Homeland Security Appropriations Act, 2010

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: Dorchester County

Address of Requesting Entity: 201 Johnston Street, St. George, SC 29477

Description of Project: Construct and equip a new emergency operations center to enhance response by first responders and survivability of critical equipment in a county that contains significant critical infrastructure, including I–26, and is in close proximity to Charleston's military bases and ports.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Account: National Park Service, Save America's Treasures

Legal Name of Requesting Entity: Dorchester County

Address of Requesting Entity: 201 Johnston Street, St. George, SC 29477

Description of Project: Repairing standing wooden tents at this historic meeting compound that were damaged as a result of arson, and facilities upgrades allowable under program rules; Cypress Historic Meeting Compound, which was founded in 1794, is on the National Register of Historic Places and has been recognized as one of the last ''Great Awakening'' religious compounds. National Register Number: 78002504.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: National Institute of Food and Agriculture, SRG

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 201 Sikes Hall, Clemson, SC 29634

Description of Project: Funds will be used to support the continued development of fruit tree genomics at Clemson University that currently underpins the future of competitive specialty crop agriculture in South Carolina and the U.S. This work identifies, characterizes and manipulates the genes and gene actions that control: the normal growth and development of fruiting trees, natural resistance genes to both abiotic and biotic stresses, genes that influence the progression of disease in the trees (e.g. peach tree short life), and genes controlling quality and yield of fruits. This research provides the pipeline for future fruit tree improvement and sustainability. Clemson is at the heart of fruit tree genomics research in the U.S. Project has been funded in past appropriations acts.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Cooperative State Research Education and Extension Services (CSREES)

Legal Name of Receiving Entity: University of Florida—Institute of Food and Agricultural Sciences (UF–IFAS)

Address of Receiving Entity: 700 Experiment Station Rd., Lake Alfred, FL 33850

Description of Request: I have secured $1,217,000 in funding in H.R. 2997 in the Cooperative State Research Education and Extension Services Account for University of Florida—Institute of Food and Agriculture Sciences.

The purpose of this funding is support the continuing citrus canker and greening research by UF–IFAS to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating citrus diseases.

Federal funding, in addition to state and grower contributions will help improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate devastating citrus diseases and disease vector.. This project is eligible to receive a federal grant under the Department of Agriculture, Cooperative State Research Education and Extension Services (CSREES) Account.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I was on an official leave of absence from the U.S. House of Representatives on the account of illness and unable to vote on rollcall vote No. 328 to H.R. 2410 taken on June 10, 2009. Had I been present for this vote, I would have voted nay.

As an ardent supporter of the unborn, I am strongly opposed to this legislation, which among many issues created an Office of Global Women's Issues that could advocate for abortions around the world. I believe that life begins at conception and could not support this legislation without safeguards that ensure that abortion is not promoted.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding a project that is listed in H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY2010

Account: National Institute for Food and Agriculture, SRG

Title: Sustainable Agriculture and Natural Resources

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request: Funding for this project will support a collaborative research and education program between the Pennsylvania State University and the Rodale Institute that will help diverse farm operations better adopt sustainable farming practices. The project will increase field research and demonstration to enhance the exposure of farm advisors and farmers to sustainable cropping system practices. Practices to be further investigated and field-demonstrated include: crop species and cultivars for inclusion in crop rotations that improve the performance of sustainable and organic cropping systems, especially for the Northeast; fine-tuning of management guidelines for mechanical control of cover crops and weeds in conservation and no-tillage systems to reduce or eliminate herbicides; factors that better promote conservation of biological control organisms and beneficial soil microorganisms for weed seed predation and management of other pests; and practices that increase soil organic matter.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2997

Provision: Title I

Account: National Institute of Food and Agriculture—Extension

Legal Name of Requesting Entity: ''Oklahoma State University''

Address of Requesting Entity: 107 Whitehurst Hall, Stillwater, OK 74078

Description of Request: Provide an earmark of $209,000 to fund the Pilot Technology transfer services and engineering assistance to small, rural manufacturers with the goal of improving their profitability and enhancing the economy in rural communities. More specifically, 25 percent of these funds be used for Oklahoma State University's Corporate Extension office to fund the salary and benefits for one Applications Engineer, 25 percent of the funds would fund the Rural Enterprises Institute, and 50 percent of the funds would fund a companion program at Mississippi State University.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2997

Provision: Title I

Account: National Institute of Food and Agriculture—Special Research Grants

Legal Name of Requesting Entity: ''Oklahoma State University''

Address of Requesting Entity: 107 Whitehurst Hall, Stillwater, OK 74078

Description of Request: Provide an earmark of $223,000 for the expanded Wheat Pasture project to develop science and technologies, uniquely adapted wheat varieties, decision-support economic models, and extension education programs to increase profitability of the many dual-purpose wheat enterprises (i.e. wheat grain and stocker cattle) in Oklahoma and the southern Great Plains and strengthen the economies of rural communities. More specifically, 60 percent will be used for staff salaries to conduct the program; 33 percent will be for the annual land lease where field trials are conducted; and 7 percent will be used for field supplies, vehicles and maintenance and other miscellaneous expenses.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 2997

Provision: Title I

Account: National Institute of Food and Agriculture—Special Research Grants

Legal Name of Requesting Entity: ''City of Norman, Oklahoma''

Legal Name of Requesting Entity: ''Oklahoma State University''

Address of Requesting Entity: 107 Whitehurst Hall, Stillwater, OK 74078

Description of Request: Provide an earmark of $177,000 for the Integrated Production Systems for Alternative Crops to develop and refine crop management techniques that enable environmentally sound and economically feasible production of alternative crops that will best utilize natural resources as they produce organically grown vegetable crops and crops for the bio-fuel industry. The research and educational program includes organic production practices, pest management strategies and weed control using organically approved practices and chemical agents. The work is conducted at the Agricultural Research and Extension Center in Lane, Oklahoma. All the funding will be used for the technician, researcher and student salaries needed to carry out the program.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2997

Account: Natural Resources Conservation Service—Conservation Operations

Legal Name of Requesting Entity: Carson City, Nevada

Address of Requesting Entity: 201 N. Carson Street, Suite 2, Carson City, NV 89701

Description of Request: $375,000. Carson City suffered a devastating wildfire in July 2004. Over 8,700 acres reaching across the entire west side of Carson City were burned. This devastation removed all vegetation, and destroyed a large stand of timber. The eastern flank of the Sierras remains burned and barren. These mountains are extremely steep, and severe erosion continues to occur. Carson City therefore faces threats from flooding and potential debris flows, as well as severe damage to surface water supplies. This federal funding will help to continue critical reforestation work, which is necessary to control erosion, prevent flooding, and restore the areas destroyed by the fire.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. GOHMERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding received in my district as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Stephen F. Austin Medicinal and Bioactive Crop Research Project. Stephen F. Austin State University, Box 6078 SFA Station, Nacogdoches, Texas 75962, $280,000, in the National Institute of Food and Agriculture RE/FA account, for the continuation of medicinal and bioactive crop research at the National Center for Pharmaceutical Crops. The initiative seeks to discover anti-cancer agents from plants and develop new crops for securing nationally strategic pharmaceuticals. Successful implementation of this research will improve human health, secure the U.S. supply of critical pharmaceuticals that currently come from foreign suppliers, and establish high value crops to revitalize the U.S. rural economy, while ultimately saving and improving America's lives.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for two project funding requests that I made and were included within the text of H.R. 2847—The Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Project 1

Project: Law Enforcement Interoperability/Regional Expansion Project

Project Amount: $200,000

Account: COPS Technology

Legal Name of Requesting Entity: Tulsa Police Department

Address of Requesting Entity: 600 Civic Center, Tulsa, OK 74103

Description of Request: Funding will be used to greatly improve the efficiency and effectiveness of public safety services in the City of Tulsa, and surrounding area. It will promote greater cooperation, collaboration, and operations among municipal, county, state, railroad, and tribal law enforcement agencies in the Tulsa area. The system will enable better cooperation among law enforcement agencies as part of the project includes developing a wireless broadband network with Internet-based applications: e.g., enabling helicopter video of pursuit suspects to all patrol cars; quickly sharing suspect photographs with all local and surrounding agencies.

Project 2

Project: Bartlesville Police Department Mobile Data Technology

Project Amount: $800,000

Account: COPS Technology

Legal Name of Requesting Entity: Bartlesville Police Department

Address of Requesting Entity: 100 East Hensley Blvd, Bartlesville, OK 74003

Description of Request: Project improves community safety, enhances law enforcement's ability to prevent crime, decreases response times to emergency calls, and dovetails with Department of Homeland Security and Department of Justice initiatives to help coordinate information sharing between agencies.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2892

Account: Domestic Nuclear Detection Office

Legal Name of Requesting Entity: New York City Police Department

Address of Requesting Entity: 1 Police Plaza, New York, NY 10038

Description of Request: $40 million will be used to pay for the implementation of a unified strategy for defending the New York City region, including the surrounding New York, New Jersey, and Connecticut jurisdictions, against radiological and nuclear threats. The program, sponsored by the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO), is designed to create a detection and interdiction architecture for radiological materials.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI–

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Department of Agriculture Appropriations for Fiscal Year 2010.

Bill Number: H.R. 2997

Account: Natural Resources Conservation Service—Conservation Operations

Legal Name of Requesting Entity: Southwest Missouri Resource Conservation and Development, Inc.

Address of Requesting Entity: 283 US Highway 60 West, Republic, MO 65738

Description of Request: $287,000 is provided for the Upper White River Basin to provide additional conservation technical assistance to support the South Missouri Water Quality Project staff for a water quality program in southern Missouri. The Upper White River Basin is located in the Ozark Highlands region with approximately 6.8 million acres of the basin located in Missouri. Technical assistance includes forestry conservation, urban nutrient management and storm water planning, watershed planning and assessment, and water quality information and education activities. The use of taxpayer funds is justified because this watershed has experienced tremendous population growth in the last decade that has resulted in an increase in nonpoint source pollution pressure.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Interior-Environment Appropriations Act, 2010.

Requesting Member: ROB BISHOP

Bill number: H.R. 2996

Account: Land Acquisition

Legal name and address of requesting entity: Western Rivers Conservancy, located at 302 N. Last Chance Gulch, Ste. 404, Helena, MT 59601

Description of project: $500,000 to purchase a 700-acre property to add to the Bear River Migratory Bird Refuge.

Requesting Member: ROB BISHOP

Bill number: H.R. 2996

Account: Save America's Treasures

Legal name and address of requesting entity: Salt Lake City Mayor's Office, 451 South State St., SLC, UT 84114

Description of project: $150,000 to restore the Albert Fisher Mansion and re-landscape the grounds surrounding the building.

Requesting Member: ROB BISHOP

Bill number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal name and address of requesting entity: Weber County, Utah, located at 2380 Washington Blvd, Ogden, Utah 84401

Description of project: $500,000 to assist in providing detention basins, improved canal development and maintenance, and culvert replacements to better handle capacity problems.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill number: H.R. 2997—Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, Fiscal Year 2010

Account: National Institute of Food and Agriculture, Research and Education Activities, Other Federal Administration

Legal name of requesting entity: Southeast Climate Consortium

Address of Requesting Entity: Florida State University, Tallahassee, FL 32306

Description of Request: I have secured $2,494,000 for the Southeast Climate Consortium Application of Climate Forecasts in the Southeastern United States. The Consortium reduces economic risks and improves social well-being by providing climate information that is integral to agricultural decision-making. The program seeks to develop flood forecasting methods to help farmers and producers plan for reducing risks of economic losses and environmental damage; develop partnerships and methods for incorporating climate forecasts and other climate information into agricultural and water policy decisions; and begin development of a prototype decision support system for the application of climate forecasts to water resource management, especially for agricultural water use.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I was on official leave of absence from the U.S. House of Representatives on account of illness and unable to vote on rollcall vote 420 to H.R. 1016 Veterans Health Care Budget Reform and Transparency Act of 2009 taken on June 23, 2009. Had I been present for the vote, I would have voted "aye."

I strongly support our nation's servicemen and women and their families and realize the debt of gratitude that our nation owes the men and women who defend our country. As Representative for the first Congressional District of Oklahoma, I remain committed to providing them with the resources necessary to ensure they receive the funding and care they deserve. My colleagues and constituents can rest assured that I will continue to support initiatives which ensure those who serve our country to guard our freedom are treated with nothing less than the highest level of dignity and respect.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Agriculture Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 2997, FY10 Agriculture Appropriations Bill

Account: Special Research Grants

Project Name: Drought Mitigation

Amount: $469,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 202 Agricultural Hall, Lincoln, Nebraska 68583

Description: This funding is for the National Drought Mitigation Center (NDMC) which conducts research and educational programs on drought mitigation and planning for drought. The project has assisted numerous states and municipalities in developing drought plans and implementing drought response action teams. The Center has received national visibility for providing information on the severity of drought throughout the United States. Both print and electronic mass media routinely use Center produced materials in their news stories on the drought.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2997, "Making appropriations for the Departments of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: National Institute of Food and Agriculture—SRG

Project Amount: $1,000,000

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, Tennessee 37996.

Description of Request: This funding will be used for producing crop plants that can be used directly as early-warning sentinels for the detection of plant diseases.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I was on official leave of absence from the U.S. House of Representatives on account of illness and unable to vote on rollcall vote 460 to H.R. 2647, National Defense Authorization Act for Fiscal Year 2010 taken on June 25, 2009. Had I been present for the vote, I would have voted "aye."

I strongly support our nation's servicemen and women and their families and realize the debt of gratitude that our nation owes the men and women who defend our country. As Representative for the first Congressional District of Oklahoma, I remain committed to providing them with the resources necessary to ensure they receive the funding and care they deserve. My colleagues and constituents can rest assured that I will continue to support initiatives which ensure those who serve our country to guard our freedom are treated with nothing less than the highest level of dignity and respect.

HONORING THE LSU AGCENTER RICE RESEARCH STATION

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. BOUSTANY. Madam Speaker, I rise today to honor the LSU AgCenter Rice Research Station in Acadia Parish, Louisiana, situated 2 miles east of Crowley, which celebrated its 100th year in operation on July 1.

Since 1909, the Rice Research Station continues to provide invaluable information, innovative techniques and new varieties of rice to help Gulf Coast rice farmers feed the world. Originally a partnership between Acadia Parish, the U.S. Department of Agriculture and the Louisiana State University Agricultural Center, it was the first experimental rice research station in the country.

Now operating under the LSU AgCenter, scientists and farmers work in tandem to contribute to improvements in rice growing. A significant part of the center's funding comes from the Louisiana Rice Research Board, which receives a voluntary payment from area rice sales to ensure the station's work continues.

Rice farmers along the Gulf Coast face difficult conditions as weather and disease can devastate even the most promising crop. However, Louisiana's agricultural communities persevere and possess a richness of culture matched by none. The state's rice industry added $550 million to Louisiana's economy in 2008 alone. Rice farming will continue to be a way of life for thousands in Louisiana thanks to the work done at the Research Station.

Again, congratulations to the LSU AgCenter Rice Research Station at Crowley, Louisiana, for helping rice farmers throughout the Gulf Coast for 100 years and counting."

HONORING MECHANICVILLE HIGH SCHOOL SOFTBALL TEAM

HON. SCOTT MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. MURPHY of New York. Madam Speaker, I am honored to rise today to congratulate the Mechanicville High School Softball team who, in addition to winning an impressive five New York State titles in Class C this decade, have recently captured the Class B State Championship.

The Red Raiders faced tough competition, in addition to quite a bit of rain, to pull out a 3–1 victory against Fredonia at Waterloo High School. I would especially like to recognize the impressive performance of sophomore Anna Arcenaux, who allowed just one run while winning two games in the final four.

Arcenaux's efforts were aided by freshman Alysa Russell and sophomore Kelsey Hines, two of the team's most outstanding hitters. Leading Mechanicville's young team to victory was head Coach Dan Arcenaux, who will have the opportunity to repeat this success next year with the same roster of outstanding athletes.

On behalf of the citizens of the 20th District of New York, we congratulate the Mechanicville Red Raiders softball team and their coaches for an outstanding display of teamwork and athleticism.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $209,000 for the Pilot Technology Transfer project. This funding will be used to provide technology transfer services and engineering assistance to small, rural manufacturers with the goal of improving their profitability and enhancing the economy in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $274,000 for the Animal Waste Management project. This funding will be used to develop sustainable, environmentally safe, and ecologically healthy animal waste management practices in semiarid ecosystems that contribute to economic development in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $839,000 for the Biomass-based Energy Research project. This funding will be used to find an alternative to traditional fuel sources, and to enhance rural economic development through the use of plant materials. A consortium of three universities (Oklahoma State University, Oklahoma University, and Mississippi State University) is working to refine and commercialize a unique gasification-fermentation process utilizing biomass to produce liquid fuel.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $223,000 for the Expanded Wheat Pasture project. This funding will be used to develop science and technologies, uniquely adapted wheat varieties, decision-support economic models, and extension education programs to increase profitability of the many dual-purpose wheat enterprises.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $382,000 for the Food Safety project. This funding will be used to conduct research and testing to develop rapid and efficient methods for detecting and controlling food borne pathogens throughout the food chain from point of origin to consumption.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $177,000 for the Integrated Production Systems project. This funding will be used to conduct research to develop and refine crop management techniques that enable environmentally sound and economically feasible production of alternative crops that will best utilize natural resources as they produce organically grown vegetable crops and crops for the biofuel industry.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $174,000 for the Preservation and Processing Research project. This funding will be used to emphasize research, development and implementation of integrated cropping, harvesting, storage and processing systems to facilitate new crop endeavors and assist new business development, to maintain and improve profitability for horticulture.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I was on an official leave of absence from the U.S. House of Representatives on the account of illness and unable to vote on rollcall vote 477 to H.R. 2454, the American Clean Energy and Security Act of 2009. Had I been present for this vote, I would have voted "nay" as the bill represents a partisan step in the wrong direction and a massive energy tax on the American people.

I was pleased to vote against H.R. 2454 when it was considered before the House Energy and Commerce Committee. Like many Americans, I believe that we have a shared responsibility to work to ensure clean air, clean water and a healthy environment for today but also for future generations. However, we also know that the national energy tax proposal which passed the House is not the way to do it. Being good stewards of our planet should not be a partisan issue; it is something that benefits us all.

As I have said from the start, H.R. 2454 is nothing more than a backdoor attempt to implement a massive national energy tax that will result in higher energy prices, less jobs, and a greater dependence on foreign sources of oil. The oil and gas industry employs 1.8 million people across the nation and represents a large portion of the economy in my district. I cannot support any bill that will eliminate these jobs or ship them overseas.

I also remain deeply concerned that the bill, if enacted into law, will force American manufacturers and other energy intensive industries to relocate to other countries such as China or India. These counties are not subject to limits on greenhouse gas emissions, and H.R. 2454 would place the United States at a competitive disadvantage.

Families and small businesses already are struggling during this recession, and increasing their direct and indirect energy costs to the tune of thousands of dollars per year will only make matters worse. Given our troubled economy, Congress should reject plans for a national energy tax through this deeply flawed bill and work across party lines on a plan to create jobs, lower energy costs, and establish a cleaner, more reliable energy future.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. EHLERS. Madam Speaker, pursuant to Republican Leadership standards, I am submitting the following information regarding projects I received funding for as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2010.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 2997

Agency: National Institute for Food and Agriculture

Account: Special Research Grants

Legal Name of Requesting Entity: Michigan State University College of Agriculture and Natural Resources

Address of Requesting Entity: 102 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: This bill provides $147,000 for Improving the Sustainable Production of Specialty Crops (Improved Fruit Practices). This grant is a valuable use of taxpayer money because the research will be used to assist growers in producing high quality fruit, dry beans, and sugar beets with environmentally sound, safe, and effective pest control methods and management approaches. Approximately, $91,140 is for salaries and expenses, and $55,860 is for lab maintenance and equipment. In addition to the federal funds provided by this grant, this research is supported by personnel, equipment, and facilities funded by the Michigan Agricultural Experiment Station and Michigan State University Extension.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 2997

Agency: National Institute for Food and Agriculture

Account: Special Research Grants

Legal Name of Requesting Entity: Michigan State University College of Agriculture and Natural Resources

Address of Requesting Entity: 102 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: This bill provides $346,000 for Controlling Fire Blight Disease of Apple Trees. This grant is a valuable use of taxpayer money because the research will be used to develop blight-resistant varieties and new, environmentally responsible control strategies to combat this disease. This grant will be split between Michigan (which receives approximately 36 percent) and New York (which receives approximately 64 percent). For Michigan, approximately $99,648 is for the salaries of laboratory and field research personal; and $24,912 is for materials and supplies. Michigan State University is working to obtain funding from the Michigan Apple Committee, the Michigan Agricultural Experiment Station, project GREEN, and from other industry sources.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 2997

Agency: National Institute for Food and Agriculture

Account: Special Research Grants

Legal Name of Requesting Entity: Michigan State University College of Agriculture and Natural Resources

Address of Requesting Entity: 102 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: This bill provides $266,000 for Sustainable Agriculture: Expanding and Refining the Ecosystem Base (Sustainable Agriculture). This grant is a valuable use of taxpayer money because the research will be used to assist farmers on sustainable agriculture practices, which will help farmers manage their crops for improved yields, while reducing fertilizer and pesticide use, and stemming nutrient losses to ground and surface water. Organic farming concepts are also addressed. Approximately, $151,000 is for salaries of researchers; $15,000 is for travel expenses; $10,000 is for farmer stipends; $25,000 is for materials and supplies; and $65,000 is for communication and outreach. Michigan State University expects to leverage at least $150,000 in state, local, and private funds to expand the impacts of the special grant.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 2997

Agency: National Institute for Food and Agriculture

Account: Special Research Grants

Legal Name of Requesting Entity: Michigan State University College of Agriculture and Natural Resources

Address of Requesting Entity: 102 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: This bill provides $346,000 for Phytophthora Capsici research. This grant is a valuable use of taxpayer money because the research will be used to study the fungal-like pathogen that lives in the soil and causes plants to rot. Vegetables such as cucumbers, pumpkins, squash, watermelon, cantaloupe, tomatoes, zucchini, peppers, eggplants and lima and snap beans are particularly susceptible to rot caused by Phytophthora. This funding will go towards salaries of researchers, laboratory and field equipment, travel expenses, and publication or results. This program receives other federal/state/local/industry funding.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 2997

Agency: Natural Resources Conservation Service

Account: Conservation Operations

Legal Name of Requesting Entity: Great Lakes Commission

Address of Requesting Entity: 2805 S. Industrial Hwy, Suite 100, Ann Arbor, MI 48104–6791

Description of Request: This bill provides $404,000 for the Great Lakes Basin Program for Soil Erosion and Sediment Control, which was authorized in the 2002 Farm Bill. This funding is a valuable use of taxpayer money because it will protect and improve Great Lakes water quality by controlling erosion and sedimentation; limiting the input of associated nutrients and toxic contaminants; and minimizing off-site sources of damage to harbors, streams, fish and wildlife habitat, recreational facilities and the Basin's system of public works.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: National Institute of Food and Agriculture Cooperative State Research, Education, and Extension Service (CSREES)

Legal Name of Requesting Entity: University of Pittsburgh Graduate School of Business Institute for Entrepreneurial Excellence

Address of Requesting Entity: Posvar Hall, Room 1800, Pittsburgh, PA 15260

Amount: $500,000

Description of Request: The funding will be used to address the needs of the agricultural sector in the region to improve business practices, marketing strategies, and profit management. The University of Pittsburgh's Graduate School of Business Institute for Entrepreneurial Excellence will develop a model agricultural entrepreneurship program for sustainable agricultural production in emerging areas such as hydroponics and soilless controlled environment agriculture.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The University of Pittsburgh Graduate School of Business Institute for Entrepreneurial Excellence appropriation is of particular interest to my district and importance to my constituents.

IN CELEBRATION OF PASTOR JOHN RICE FOR 39 YEARS OF SERVICE AS PASTOR

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to celebrate the service of Pastor John Rice of Chicago Heights, Illinois. Pastor Rice has served his boyhood church, St. Bethel, for 39 years. Since he began his tenure, St. Bethel has flourished, with its membership growing to over 300 families. The church has been able to undertake many new projects under Pastor Rice's leadership, including the construction of the Bethel Community Center. The construction of the community center and the growth of the church would not have been possible without the tireless efforts and faith of Pastor Rice.

I have had the good fortune of working with Pastor Rice and have seen his work first hand. He has touched many lives, including the underprivileged, for whom he is a tireless champion. St. Bethel Church and the community of Chicago Heights are long indebted to Pastor Rice for his great service.

On June 28, 2009, Pastor Rice will be honored at St. Bethel. He will be accepting much deserved praise on that day. It is with great pride that I recognize all of his many accomplishments and wish him a continued success.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I was on official leave of absence from the U.S. House of Representatives on account of illness and unable to vote on rollcall vote 328 to H.R. 2410, Foreign Relations Authorization Act, Fiscal Years 2010 and 2011 taken on June 10, 2009. Had I been present for the vote, I would have voted nay.

I am strongly opposed to the irresponsible spending increases contained in the bill and favored a Republican substitute which was offered at the committee level which saved nearly $2.84 billion dollars, while tightening sanctions against Iran, adding new measures to increase foreign military funding for Israel, and supporting missile defense for Israel. In a time of national financial uncertainty, I believe it is irresponsible to create unnecessary new programs and pass such large funding increases. In addition, I have significant concerns about the potential for taxpayer funded abortions that could result from the passage of this legislation.